

Andrea
Drinkard/DC/USEPA/US
03/09/2012 04:19 PM

To Betsaida Alcantara
cc John Millett
bcc
Subject Fw: PM Deadline: Motion for Preliminary and Permanent
Injunction and Proposed Order

I just found out that emails I've been sending all day have not been going through. So I apologize for the late FYI on this...

This is another step in the process to put us on the schedule. Basically we put a schedule forward (the June date) and the litigants did not agree to it. So instead of coming to an agreement amongst ourselves, the litigants are asking the court to do it instead.

(b) (5) DP [Redacted]

-Andrea-

Andrea Drinkard
U.S. Environmental Protection Agency
Office of Air and Radiation
Email: drinkard.andrea@epa.gov
Phone: 202.564.1601
Cell: 202.236.7765

----- Forwarded by Andrea Drinkard/DC/USEPA/US on 03/09/2012 10:57 AM -----

John Hannon

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

From: John Hannon
Sent: 03/09/2012 09:36 AM EST
To: John Millett
Cc: Kevin Mclean; Lydia Wegman
Subject: Fw: PM Deadline: Motion for Preliminary and Permanent Injunction and Proposed Order

John, ALA and NCPA recently filed a schedule suit in DC over the PM NAAQS. Yesterday they filed a motion for injunctive relief, asking the court to put EPA on a schedule with a final rule issued by October 15, 2012. Here are the pleadings if you need them, and a draft statement if that helps.

(b) (5) DP [Redacted]

John Hannon
Office of General Counsel
U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW (MC 2344A)
Washington, D.C. 20460
Phone (202) 564-5563
Fax (202) 564-5603

----- Forwarded by John Hannon/DC/USEPA/US on 03/09/2012 09:33 AM -----

From: "Lynk, Brian (ENRD)" <Brian.Lynk@usdoj.gov>
To: John Hannon/DC/USEPA/US@EPA, Steven Silverman/DC/USEPA/US@EPA, "Pantoja, Joseph (USANYS)" <Joseph.Pantoja@usdoj.gov>
Date: 03/08/2012 08:42 PM
Subject: Fw: PM Deadline: Motion for Preliminary and Permanent Injunction and Proposed Order

FYI.

Sent Using U.S. DOJ/ENRD BES 5 Server

From: Paul Cort [mailto:pcort@earthjustice.org]
Sent: Thursday, March 08, 2012 08:34 PM
To: Lynk, Brian (ENRD)
Subject: PM Deadline: Motion for Preliminary and Permanent Injunction and Proposed Order

Brian:

Here you go. I did not bother to attach all of the supporting declarations etc.

--Paul

Paul Cort
Staff Attorney
Earthjustice
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Oakland, CA 94612
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Fx: (415) 217-2040
www.earthjustice.org

Please note: Our phone numbers have changed.

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[attachment "FINAL Preliminary Injunction 3-8-12.pdf" deleted by John Millett/DC/USEPA/US]
[attachment "FINAL Proposed Order 3-8-12.pdf" deleted by John Millett/DC/USEPA/US]

Al Armendariz/R6/USEPA/US
12/23/2010 08:56 AM

To Gina McCarthy, Janet McCabe
cc John Millett, Joseph Goffman
bcc
Subject Re: NYT: E.P.A. Challenges Texas Over Rules on Emissions

(b) (5) DP

Al

Al Armendariz
Regional Administrator
U.S. EPA
Region 6
armendariz.al@epa.gov
office: 214-665-2100
twitter: @al_armendariz
Gina McCarthy

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

From: Gina McCarthy
Sent: 12/23/2010 08:45 AM EST
To: Janet McCabe
Cc: John Millett; Joseph Goffman; Al Armendariz
Subject: Re: NYT: E.P.A. Challenges Texas Over Rules on Emissions

(b) (5) DP

Janet McCabe [this came out well, I think... Janet McCab](#) 12/23/2010 08:41:20 AM

From: Janet McCabe/DC/USEPA/US
To: John Millett/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA
Date: 12/23/2010 08:41 AM
Subject: Re: NYT: E.P.A. Challenges Texas Over Rules on Emissions

this came out well, I think...

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

John Millett [E.P.A. Challenges Texas Over Rules o...](#) 12/23/2010 08:40:27 AM

From: John Millett/DC/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Andrea Drinkard/DC/USEPA/US@EPA, Jan Cortelyou-Lee/RTP/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA, Betsaida

Date: Alcantara/DC/USEPA/US@EPA
12/23/2010 08:40 AM
Subject: NYT: E.P.A. Challenges Texas Over Rules on Emissions

E.P.A. Challenges Texas Over Rules on Emissions

By [JAMES C. MCKINLEY Jr.](#)
Published: December 22, 2010

HOUSTON — The feud between Texas and the [Environmental Protection Agency](#) reached a new level this week, with federal officials saying that they will take over the granting of permits for new power plants and refineries in the state because Texas refuses to regulate its emissions of greenhouse gases.

[Enlarge This Image](#)



Ben Sklar/Getty Images

Gov. Rick Perry of Texas has fought federal environmental officials' efforts to crack down on industrial polluters in his state.

The showdown centers on Texas' opposition to the Obama administration's program to rein in heat-trapping emissions, which has become a symbol of a broader struggle by industry and some Republican politicians to thwart such regulatory efforts.

Texas and several other states are fighting the mandates in court, and Republican leaders who will take over the House of Representatives next year have made no secret of their opposition, arguing that mandating cuts in industrial emissions will harm the economy.

Facing more muscular threats in the incoming Congress, the Obama administration has retreated somewhat on its timetable for some long-delayed rules governing smog and toxic emissions from industrial boilers.

Nonetheless, the E.P.A. has said that it is proceeding with plans to regulate greenhouse gas emissions from large industrial plants under the [Clean Air Act](#) starting Jan. 2. The regulations will in principle curb emissions by requiring plants to use the best available technology to control them. The plants will also have to monitor those emissions and report back to the government.

On Thursday, the agency plans to announce a schedule for issuing rules on emission limits for

new power plants and refineries, according to industry executives and environmentalists involved in policy discussions.

With less than two weeks left before the regulations take effect, Texas is the only state that has flat-out refused to enforce the new emissions rules through its state permitting program. It is also the state that produces the most carbon dioxide because it has scores of coal-fired power plants, refineries and factories.

On Monday, Gina McCarthy, the E.P.A. assistant administrator for air issues, told state environmental officials in [a letter](#) that if Texas would not regulate carbon emissions from smokestacks, the federal government would seize control of the state's permitting program on Thursday.

“The unwillingness of Texas state officials to implement this portion of the federal program leaves E.P.A. no choice but to resume its role as the permitting authority,” Ms. McCarthy wrote.

Gov. [Rick Perry](#), a conservative Republican who is a firm ally of business leaders, has railed against the E.P.A.'s attempts to crack down on industrial polluters in his state. He claims the federal government is overstepping its constitutional authority.

Mr. Perry has also disputed the argument undergirding the new rules, that the heat-trapping emissions that contribute to [global warming](#) threaten public health. He has argued that the regulations will cost jobs in the energy and agricultural sectors without better protecting health.

“This paints a huge target on the backs of Texas agriculture and energy producers by implementing unnecessary, burdensome mandates,” Mr. Perry's spokeswoman, Katherine Cesinger, said.

Environmentalists here say the Perry administration has been lax in enforcing the [Clean Air Act](#) for years, allowing large refineries and other plants to regularly emit more pollution than allowed under the law.

“The Perry administration is pulling the ostrich act and sticking their heads in the sand,” said Neil Carman of the Lone Star Chapter of the [Sierra Club](#).

The E.P.A. has said the regulatory effort starting Jan. 2 is a prelude to broader regulation of carbon dioxide. In theory it could be one of the most far-reaching environmental regulatory programs in American history.

Since a bill to address global warming and climate change has no future in the next Congress, the Obama administration is betting on invoking the Clean Air Act to reduce emissions that contribute to global warming.

More than a dozen states have joined Texas in lawsuits challenging the E.P.A.'s authority to regulate greenhouse gases, but most states are following the rules while the courts wrestle with the challenges. Across the country, officials are scrambling to get a patchwork of state and

federal regulations in place so that large businesses can get the necessary permits starting Jan. 2.

The mechanism being used is a “prevention of significant deterioration” permit. The permit is required each time a refinery, power plant or other large industrial facility is built or refurbished.

In the past, the permits have given environmental officials leverage to force owners to reduce emissions of such pollutants as lead, nitrogen dioxide and sulfur dioxide, but under the new regulations, carbon dioxide methane and other gases that contribute to global warming have been added to that list.

In Texas, at least 167 projects are in the pipeline that would require the permits next year, and federal officials say the owners will have to go to the E.P.A.’s Dallas offices to get them. The takeover of the permitting process is necessary, they said, to keep new construction from grinding to a halt, federal officials said.

State officials see it differently. “This is an arrogant act by an overreaching E.P.A. that is trying to implement new, unnecessary controls on American industry,” said Andrea Morrow, a spokeswoman for the Texas Commission on Environmental Quality.

Matthew L. Wald contributed reporting from Washington.

~~~~~  
John Millett  
Office of Air and Radiation Communications  
U.S. Environmental Protection Agency  
5411 Ariel Rios Building North  
Washington, DC 20460  
Phone: 202/564-2903  
Cell: 202/510-1822

Al Armendariz/R6/USEPA/US  
06/14/2010 08:16 PM

To Lawrence Starfield, Carl Edlund, "diggs thomas", David Gray, John Blevins, Ben Harrison, Suzanne Smith, Layla Mansuri, Suzanne Murray, Bob Sussman, Janet McCabe, Bill Harnett, Richard Ossias, Adam Kushner, "Cynthia Giles-AA", "Richard Windsor", "Bob Perciasepe", "Scott Fulton", "Gina McCarthy"  
cc  
bcc  
Subject Texas Suit Against EPA -- Re: Legal challenge to QF rule

(b) (5) DP

---

Al Armendariz  
Regional Administrator  
U.S. EPA  
Region 6  
armendariz.al@epa.gov  
mobile: 972-467-5506  
Lawrence Starfield

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

**From:** Lawrence Starfield  
**Sent:** 06/14/2010 03:08 PM CDT  
**To:** Al Armendariz; Carl Edlund; diggs.thomas@epa.gov; David Gray; John Blevins; Ben Harrison; Suzanne Smith; Layla Mansuri; Suzanne Murray; Bob Sussman; Janet McCabe; Bill Harnett; Richard Ossias; Adam Kushner  
**Subject:** Legal challenge to QF rule

FYI, Mark Vickery of TCEQ just called to give me a "heads up" that the State will be filing a petition for review today in the U.S. Court of Appeals for the 5th Circuit, challenging our denial of Texas' Qualified Facilities program. This is similar to the lawsuit announced on Friday by the Texas Oil and Gas Association and the Texas Association of Manufacturers (article below).

Mark said that they are also likely to challenge our disapproval of the Flexible Permits program at the end of month.

(Mark noted that this litigation will not affect their willingness to work with us on de-flexing and other issues.)

Larry



## [Industries head to court against EPA](#)

[By Peggy Fikac](#)- Express-News

Web Posted: 06/11/2010 5:07 CDT

AUSTIN — A pair of groups representing the manufacturing and petroleum industries announced a federal court challenge Friday to the U.S. Environmental Protection Agency's decision to block part of Texas' air-quality permit program.

The Texas Oil & Gas Association and Texas Association of Manufacturers announced they had filed a petition with the 5th U.S. Circuit Court of Appeals in New Orleans challenging the EPA — the latest move in the state-federal battle over whether Texas is properly protecting air quality.

The court challenge centers on the EPA's decision to bar further use of a state rule known as the qualified facilities exemption. Under the exemption, companies have been allowed to make modifications to their plants without seeking federal approval if actual emissions are kept below permitted levels.

The EPA by June 30 also is expected to rule against Texas' so-called flexible permit, which sets an air emissions cap for an entire facility but allows leeway for various units within that facility. Federal regulators and environmental groups say that type of permit, never approved by the EPA, hinders enforcement of clean-air rules. The federal agency also has concerns about other parts of Texas' permitting program.

GOP Gov. Rick Perry and the Texas Commission on Environmental Quality have defended the permitting program, with Perry criticizing the federal government over the crackdown.

“We have taken this step because we believe the EPA's action is not supported by applicable law. In addition, the existing Texas air program is helping to improve the state's air quality. The administrative flexibility provided by the program actually provides incentives for industries to reduce emissions beyond what would otherwise be required,” the associations said in a statement.

The associations said many of their member companies are trying to work with state and EPA officials on the issue, but the petition was filed to meet a judicial deadline “to ensure all avenues are available to address what we see as an improper disapproval of an important element of the Texas air permit program.”

EPA spokesman Joe Hubbard said in response, “We believe our efforts to give Texans the same clean-air protection as other states is well-defined, and we expect the court will rule in our favor.”

Jen Powis of the Sierra Club said by e-mail, “Without having seen the suit, Sierra Club is disappointed that industry groups continue in their attempts to avoid federal law. EPA is only taking these actions after these same industry participants brought suit in 2008. EPA is complying with the settlement agreement it entered into with these same participants, and this suit is simply a last-ditch effort to avoid their environmental responsibility.”

The oil and gas association, the Texas Association of Business and a group of Houston-area refiners earlier sued EPA to require it to rule on 30 state permitting rules. A court then set the schedule that EPA is following for ruling on the programs.

“I think it's amusing that industry has filed this suit. It was an industry suit that started this process, but I doubt that an industry suit is going to be able to stop it. This lawsuit is a desperate attempt to try to forestall the EPA from using its authority to fulfill its mission and bring clarity to Texas' permitting system,” said Matthew Tejada, executive director of Air Alliance Houston.

Al Armendariz/R6/USEPA/US  
05/12/2011 11:39 PM

To "Gina McCarthy", "Nancy Stoner", "Janet McCabe"  
cc  
bcc  
Subject Re: some good news from the Texas legislature

(b) (5) DP [Redacted]

Best, Al

---

Al Armendariz  
Regional Administrator  
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armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz  
Al Armendariz

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

**From:** Al Armendariz  
**Sent:** 05/12/2011 09:53 PM EDT  
**To:** Sarah Pallone; "David McIntosh" <mcintosh.david@epa.gov>; Bob Sussman;  
Bob Perciasepe; Richard Windsor; "Scott Fulton" <fulton.scott@epa.gov>; "Lisa  
Garcia" <garcia.lisa@epa.gov>  
**Subject:** some good news from the Texas legislature  
Hi Everyone,

Thought I would forward you a link to a small good news story about the TCEQ, and their sunset bill going through the Texas legislature.

(b) (5) DP [Redacted]

[Redacted]

This evening the senate stripped out all the controversial amendments from the House's version and is instructing senate conferees to keep them out in conference.

Below is the news story, with EPA involvement described at the end.

[http://www.mysanantonio.com/news/local\\_news/article/Lawmakers-agree-to-keep-TCEQ-for-another-12-years-1377290.php](http://www.mysanantonio.com/news/local_news/article/Lawmakers-agree-to-keep-TCEQ-for-another-12-years-1377290.php)

-----  
Lawmakers agree to keep TCEQ for another 12 years

By Matthew Tresaugue  
matthew.tresaugue@chron.com

Thursday, May 12, 2011

Texas lawmakers are in general agreement that the state's environmental agency should stay in business for the next 12 years but at odds over how it should operate.

The Senate unanimously passed the massive Sunset bill for the Texas Commission on Environmental Quality on Thursday, but not before brushing aside House efforts that they said were not in the public interest.

The bill would increase the amount of fines the agency could levy from \$10,000 a day per violation to \$25,000, among other changes in its operations.

The House version of the bill, which passed three weeks ago, would shift the burden of proof in hearings on controversial permits from the companies applying for one to those contesting it. The bill also would restrict the use of a company's poor compliance history in future penalty decisions – a change that could reduce the amount of fines by 20 percent, the TCEQ has said.

Sen. Joan Huffman, a Houston Republican who sponsored the bill, known as HB 2694, said such changes were “inappropriate” and pledged to fight them during upcoming negotiations with the House.

Huffman said the bill – without the amendments – brings “transparency and predictability” to the TCEQ's enforcement activities.

Environmentalists praised the Senate's action, saying the House had gone too far in favor of business interests.

“Fortunately, the Texas Senate jettisoned those pro-polluter amendments,” Ken Kramer, director of the Sierra Club's Lone Star chapter, said in a statement. “We need a clean TCEQ Sunset bill in order to clean up Texas, and the Senate action strengthens the chances for passage of a clean bill.”

The U.S. Environmental Protection Agency also had raised objections to the House amendments, saying the proposed shift in the burden of proof in contested permit cases may conflict with federal requirements for public participation.

The EPA's regional office in Dallas expressed its concerns in an April 29 letter to Sen. Glenn Hegar, R-Katy, who chaired the state's Sunset Advisory Commission.

The panel periodically evaluates the performance of most Texas agencies and makes recommendations for changes in their operations.

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Al Armendariz  
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Alex Barron/DC/USEPA/US

To

cc

bcc

Subject Fw: Fenceline monitoring

FYI - Here's a news release we put out last month.

(b) (5)

Alex

----- Forwarded by Alex Barron/DC/USEPA/US on 06/19/2012 12:59 PM -----

From: William Nickerson/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Cc: Ann Johnson/DC/USEPA/US@EPA  
Date: 06/19/2012 12:53 PM  
Subject: Re: Fenceline monitoring

i don't know of any rules, but i know we have put it into at least one settlement agreement.

## **BP Agrees to Add More Than \$400 Million in Pollution Controls at Indiana Refinery and Pay \$8 Million Clean Air Act Penalty**

Release Date: 05/23/2012

Contact Information: Stacy Kika, kika.stacy@epa.gov, 202-564-0906, 202-564-4355

**WASHINGTON** – The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice announced that BP North America Inc. has agreed to pay an \$8 million penalty and invest more than \$400 million to install state-of-the-art pollution controls and cut emissions from BP's petroleum refinery in Whiting, Ind. When fully implemented, the agreement is expected to reduce harmful air pollution that can cause respiratory problems such as asthma and are significant contributors to acid rain, smog and haze, by more than 4,000 tons per year.

"Today's settlement will protect the residents of northwestern Indiana from harmful air pollution by requiring state-of-the-art pollution controls," said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "BP's agreement to install **fenceline** monitoring will also ensure that residents have access to critical information about pollution that may be affecting their community."

"In this case, BP North America has not lived up to all of its obligations under an earlier settlement agreement and has committed new violations of the Clean Air Act at its Whiting refinery in Indiana," said Ignacia S. Moreno, Assistant Attorney General for the

Environment and Natural Resources Division of the Department of Justice. “This settlement secures a significant penalty, requires state-of-the-art controls, and is a fair and just resolution that will address BP’s violations. We will continue to hold BP accountable and ensure that it complies with the nation’s environmental laws.”

The complaint alleges violations of Clean Air Act (CAA) requirements at the Whiting refinery in connection with construction and expansion of the Whiting Refinery, as well as violations of a 2001 consent decree with the company that covered all of BP’s refineries and was entered into as part of EPA’s Petroleum Refinery Initiative.

Today’s settlement will lead to the installation of innovative pollution controls on the largest sources of emissions at the Whiting refinery, including extensive new controls on the refinery’s flaring devices. Flaring devices are used to burn-off waste gases. The more waste gases sent to a flare, and the less efficient the flare is when burning those gases, the more pollution that will occur. Under the settlement, BP will install new equipment that will limit the amount of waste gas sent to flaring devices in the first place, as well as implement innovative, cutting-edge controls to ensure proper combustion efficiency for any gases that are burned in a flaring device. The requirements, similar to those included in a recent settlement with Marathon Petroleum Corp., are part of EPA’s national effort to reduce emissions from flares at refineries, petrochemical and chemical plants.

In addition to the controls on the refinery’s flares, the settlement will also result in reduced emissions by imposing some of the lowest emission limits in refinery settlements to date, enhancing controls on wastewater containing benzene and providing for an enhanced leak detection and repair program. Today’s settlement also requires the Whiting refinery to spend \$9.5 million on projects at the refinery to reduce the emissions of greenhouse gases.

BP will perform a supplemental environmental project in which they will install, operate and maintain a \$2 million fence line emission monitoring system at the Whiting refinery and will make the data collected available to the public by posting the information on a publicly-accessible website. **Fenceline** monitors will continuously monitor benzene, toluene, pentane, hexane, sulfur dioxide, hydrogen sulfide and all compounds containing reduced sulfur.

BP Products North America Inc., headquartered in Warrenville Ill., engages in the exploration, development, production and marketing of oil and natural gas, and additionally operates petroleum refineries in California, Indiana, Ohio, Texas and Washington. BP North America Inc. is a subsidiary of BP p.l.c., headquartered in London, England. The Whiting Refinery has a refining capacity of approximately 405,000 barrels per day, and is the 6<sup>th</sup> largest refinery in the United States.

The state of Indiana, the Sierra Club, Save the Dunes, the Natural Resources Defense Council, the Hoosier Environmental Council, the Environmental Law and Policy Center, the Environmental Integrity Project, Susan Eleuterio and Tom Tsourlis also joined in this

settlement.

The consent decree is subject to a 30-day public comment period and final court approval.

More information about the settlement:

<http://www.epa.gov/compliance/resources/cases/civil/caa/bp-whiting.html>

More about EPA's civil enforcement of the Clean Air Act:

<http://www.epa.gov/compliance/civil/caa/index.html>

Alex Barron

Just checking, have we put fenceline m...

06/19/2012 12:37:07 PM

From: Alex Barron/DC/USEPA/US  
To: William Nickerson/DC/USEPA/US@EPA, Ann Johnson/DC/USEPA/US@EPA  
Date: 06/19/2012 12:37 PM  
Subject: Fenceline monitoring

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Just checking, have we put fenceline monitoring into any packages that are now public? (I know it's in the refinery RTR...)

Alex Barron/DC/USEPA/US  
03/29/2011 03:01 PM

To Debbie Dietrich  
cc  
bcc

Subject Blue Green Coalition and Chemiscal Disaster Prevention

Michael Goo is meeting with this group next week, which I gather has met with you earlier. As preparation, I'm looking for a quick update on what various offices are doing and any thoughts on things he can or shouldn't say at the meeting. Can you direct me to the most appropriate person/people for this check-in? I have already reached out to OAR on the specific authority they mention.

Thanks in advance,

Alex Barron, Ph.D.  
Senior Advisor  
Office of Policy  
U.S. Environmental Protection Agency  
202-564-3304

----- Forwarded by Alex Barron/DC/USEPA/US on 03/29/2011 02:41 PM -----

>> From: Rick Hind <rick.hind@greenpeace.org>  
>> To: Heidi Ellis/DC/USEPA/US@EPA  
>> Date: 03/22/2011 12:54 PM  
>> Subject: MTG. REQ ON CHEMICAL DISASTER PREVENTION  
>>  
>> Dear Heidi,  
>>  
>> **On behalf of our blue-green coalition we would like to request a  
> meeting  
> with Administrator Jackson about a regulator proposal we have made to  
> Office of Air and Water leaders including Gina McCarthy, Debbie  
> Dietrich, Dana Tullis, Cynthia Dougherty as well as Deputy  
> Administrator  
> Bob Perciasepe.**  
>>  
>> To the credit of the EPA and Department of Homeland Security, the  
> Obama  
>> administration has consistently taken urged Congress to require the  
> use  
>> safer chemical processes at high risk chemical plants:  
>>  
>  
>> [http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Beers\\_1.p  
df](http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Beers_1.pdf)  
>  
>>  
>> [http://www.dhs.gov/files/programs/gc\\_1176736485793.shtm](http://www.dhs.gov/files/programs/gc_1176736485793.shtm)  
>>  
> [http://www.epa.gov/ocir/hearings/testimony/111\\_2009\\_2010/2010\\_0303\\_pss.pdf](http://www.epa.gov/ocir/hearings/testimony/111_2009_2010/2010_0303_pss.pdf)  
>  
>>  
>>  
>> After passing H.R. 2868 in the House in 2009, chemical security and  
>> disaster prevention legislation died in the Senate in 2010. The  
>> prospects for truly protective legislation look no better this year.

>> More than 100 groups support this legislation including the AFL-CIO,  
>> United Auto Workers, United Steel Workers, Communications Workers of  
>> America, Teamsters, Sierra Club, Environmental Defense Fund,  
> Physicians  
>> for Social Responsibility, U.S. Public Interest Research Group, Clean  
>> Water Action, OMB Watch, League of Conservation Voters, etc.  
>>  
>> As result our blue-green coalition would like to meet with  
> Administrator  
>> Jackson and other EPA leaders to discuss regulatory options with you  
> and  
>> any other relevant Agency staff you recommend. For example, we would  
>> like to explore the use of the Clean Air Act's general duty clause in  
>> section 112 (r) (1). As you may know, this authority was cited by the  
>> EPA in their 2002 proposal led by former Deputy Administrator Linda  
>> Fisher (now  
>> VP at DuPont).  
>>  
>> We think the current EPA could improve on the 2002 proposal but what's  
>> most promising is the priority given to hazard reduction such as:  
>> "Making chemical processes inherently safer by reducing quantities of  
>> hazardous chemicals handled or stored, substituting less hazardous  
>> chemicals for extremely ones or otherwise modifying the design of a  
>> process to reduce or eliminate chemical hazards."  
>>  
>> For more details on this proposal I've attached documents from the  
> EPA's  
>> 2002 proposal which include:  
>> -- EPA's roll out plan at the White House  
>> -- EPA proposed guidance referencing the general duty clause &  
>> inherently safer technologies  
>> -- EPA Q&A on the program  
>> -- Draft Announcement by Administrator Whitman  
>> -- A slide presentation given by Deputy Administrator Linda Fisher  
>>  
>> Below are a few sobering examples of why such preventive action is so  
>> urgently needed:  
>>  
>> On February 24thH ABC News reported on the the hazards posed by U.S.  
>> refineries:  
>>  
>  
<http://abcnews.go.com/Blotter/hydrofluoric-acid-risk-oil-refineries/story?id=12985686&page=1>  
>  
>>  
>>  
>> The November 15, 2010 Washington Post, reported that the Lashkar  
>> terrorist organization that committed the 2008 attacks in in Mumbai,  
>> India, asked a now convicted U.S. ally to "conduct surveillance of an  
>> unnamed chemical plant in MARYLAND." The request shows that Lashkar  
> was  
>> gathering intelligence on U.S. targets as early as 2001.  
>>  
> <http://tpmlivewire.talkingpointsmemo.com/2010/11/the-man-behind-mumbai.php>  
>  
>>  
>>  
>> On November 9, 2010, "A man crashed his sport-utility vehicle through

> an  
>> entrance gate at a plant in Clute and sped through the facility while  
>> shouting, 'We're' all gonna die!' before the SUV slammed into an  
>> 18-wheeler outside the gate."  
>> <http://www.chron.com/disp/story.1/bizarre/7287659.html>  
>>  
>> A November 9, 2010 explosion occurred at a NY duPont killed one  
> worker:  
>>  
>  
<http://www.jems.com/article/news/fatal-explosion-ny-chemical-plhttp://www.wben.com/One-Dead--One-Injured-In-Explosion-at-DuPont-Tonaw/8537114>  
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Alex Barron/DC/USEPA/US  
04/04/2011 01:41 PM

To Debbie Dietrich  
cc Robin Kime  
bcc

Subject Fw: Blue Green Coalition and Chemiscal Disaster Prevention

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To: Debbie Dietrich/DC/USEPA/US@EPA  
Date: 03/29/2011 03:01 PM  
Subject: Blue Green Coalition and Chemiscal Disaster Prevention

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Thanks in advance,

Alex Barron, Ph.D.  
Senior Advisor  
Office of Policy  
U.S. Environmental Protection Agency  
202-564-3304

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>> From: Rick Hind <rick.hind@greenpeace.org>  
>> To: Heidi Ellis/DC/USEPA/US@EPA  
>> Date: 03/22/2011 12:54 PM  
>> Subject: MTG. REQ ON CHEMICAL DISASTER PREVENTION

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Alex Barron/DC/USEPA/US  
04/04/2011 06:00 PM

To: Debbie Dietrich  
cc: Robin Kime, Dana Tulis, Cynthia Dougherty, Shannon Kenny  
bcc:  
Subject: Re: Fw: Blue Green Coalition and Chemical Disaster Prevention

Dana and Cynthia - Do you have any short summary materials that could help bring Michael up to speed for this meeting on Thursday AM (see the bottom of the chain)? It would be most helpful.

Debbie - Thanks for redirecting me!

Alex

Debbie Dietrich [Hi Alex, sorry I'm just getting back to yo...](#) 04/04/2011 01:58:38 PM

From: Debbie Dietrich/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Cc: Robin Kime/DC/USEPA/US@epa, Dana Tulis/DC/USEPA/US@EPA, Cynthia Dougherty/DC/USEPA/US@EPA  
Date: 04/04/2011 01:58 PM  
Subject: Re: Fw: Blue Green Coalition and Chemical Disaster Prevention

Hi Alex, sorry I'm just getting back to you. The key office in this is OSWER, specifically the Office of Emergency Management (OEM) who manages the Risk Management Program referred to in Rick Hind's email. (b) (5) DP

The Water Program is also involved, to a degree, since EPA is the sector lead for water security under the auspices of the DHS Critical Infrastructure Program. (b) (5) DP

Cynthia Dougherty is the key point of contact for that program.

I have cc'ed both Dana Tulis and Cynthia Dougherty on this message. Please let me know if you need further assistance.

Debbie Dietrich  
Associate Administrator for Homeland Security  
USEPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Ph 202-564-6978  
Fax 202-501-0026

Alex Barron [Hi there, I was just checking in to see if...](#) 04/04/2011 01:41:06 PM

From: Alex Barron/DC/USEPA/US  
To: Debbie Dietrich/DC/USEPA/US@EPA  
Cc: Robin Kime/DC/USEPA/US@EPA  
Date: 04/04/2011 01:41 PM  
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[http://www.americanprogress.org/issues/2010/03/chemical\\_security\\_factsheet.htm](http://www.americanprogress.org/issues/2010/03/chemical_security_factsheet.html)  
l  
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> <http://investors.thecloroxcompany.com/releasedetail.cfm?ReleaseID=420583>  
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>> DOW CHEMICAL IS CONVERTING ITS NORTHERN CA PLANT  
>> In December 2008, Dow Chemical announced a partnership with K2 Pure  
>> Solutions that will eliminate the chlorine gas risks at their  
>> Pittsburgh, CA plant and create 40 permanent jobs and approximately  
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>> construction jobs. [www.k2pure.com](http://www.k2pure.com)  
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>> THE RAIL ROADS SUPPORT A REQUIREMENT FOR HIGH RISK PLANTS TO CONVERT  
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>>  
>  
[http://www.aar.org/KeyIssues/~media/aar/backgroundpapers/hazmattransportation  
byrailanunfairliability.ashx](http://www.aar.org/KeyIssues/~media/aar/backgroundpapers/hazmattransportationbyrailanunfairliability.ashx)  
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>> Thank you. We look forward to meeting at your earliest convenience.  
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>> Sincerely,  
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>> Rick  
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>> Rick Hind  
>> Legislative Director, Greenpeace  
>> 702 H Street, NW #300  
>> Washington, DC 20001  
>> (202) 319-2445 (direct)  
>> (202) 413-8513 (cell)  
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>> (202) 462-4507 (fax)  
>> [rick.hind@wdc.greenpeace.org](mailto:rick.hind@wdc.greenpeace.org)  
>> [www.greenpeaceusa.org](http://www.greenpeaceusa.org)

>>  
>> (See attached file: EPACChemSecurityRolloutJune02.pdf)(See attached  
> file:  
>> EPA 2002 Chem Sec Slide Proposal.pdf)  
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rick.hind@wdc.greenpeace.org  
www.greenpeaceusa.org

Alex Barron/DC/USEPA/US  
04/07/2011 10:35 AM

To Fred Talcott  
cc  
bcc  
Subject Re: Background info: Blue Green Coalition and Chemical  
Disaster Prevention

Are you free to sit in on this meeting with Michael at 11?

A

Fred Talcott Alex Per our conversation late yesterda... 04/06/2011 02:42:47 PM

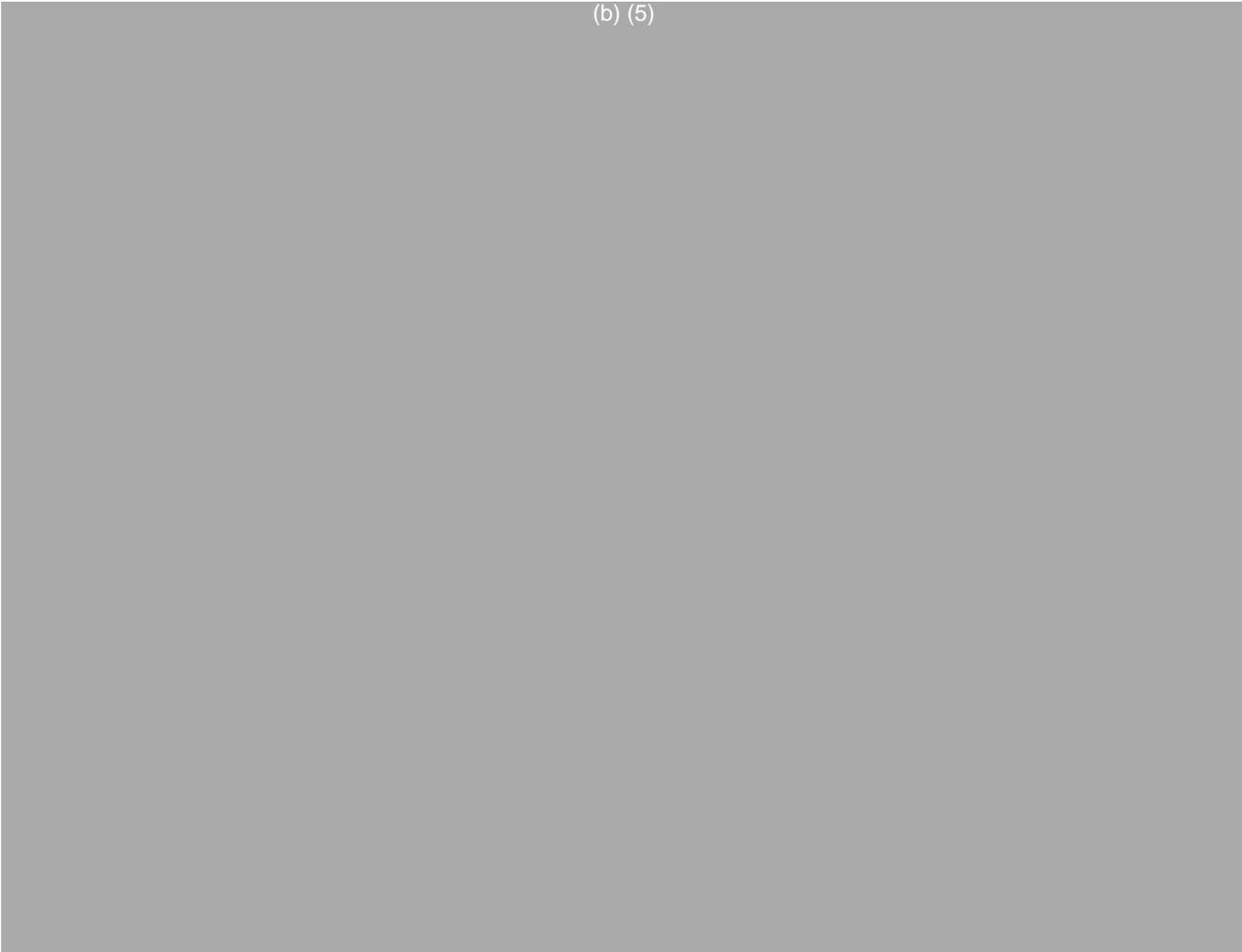
From: Fred Talcott/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Cc: Alexander Cristofaro/DC/USEPA/US@EPA, Lesley Schaaff/DC/USEPA/US@EPA  
Date: 04/06/2011 02:42 PM  
Subject: Background info: Blue Green Coalition and Chemical Disaster Prevention

---

Alex

Per our conversation late yesterday, here is some brief background that may be useful for Michael's meeting Thursday with reps from the Blue Green Coalition:

(b) (5)



(b) (5)



(b) (5) DP

Tulis.

Please let me know if you or Michael have any questions.

Fred  
202 566-0062

PS (b) (5) DP

----- Forwarded by Fred Talcott/DC/USEPA/US on 04/05/2011 10:32 AM -----

From: Alexander Cristofaro/DC/USEPA/US  
To: Fred Talcott/DC/USEPA/US@EPA  
Date: 04/04/2011 01:50 PM  
Subject: Fw: Blue Green Coalition and Chemical Disaster Prevention

---

Hi Fred,

Do you know anything about this?

Alex Cristofaro  
Director, Office of Regulatory Policy and Management  
EPA Mailcode 1804A  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
(202) 564-7253 (202) 501-1688 (fax)

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To: Alexander Cristofaro/DC/USEPA/US@EPA, Lesley Schaaff/DC/USEPA/US@EPA  
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Date: 04/04/2011 01:42 PM  
Subject: Fw: Blue Green Coalition and Chemical Disaster Prevention

---

Is there anyone in ORPM who knows a lot about chem security issues? I am trying to prep Michael for this meeting on Thursday.

Alex

----- Forwarded by Alex Barron/DC/USEPA/US on 04/04/2011 01:41 PM -----

----- Forwarded by Alex Barron/DC/USEPA/US on 03/29/2011 02:41 PM -----

>> From: Rick Hind <rick.hind@greenpeace.org>  
>> To: Heidi Ellis/DC/USEPA/US@EPA  
>> Date: 03/22/2011 12:54 PM  
>> Subject: MTG. REQ ON CHEMICAL DISASTER PREVENTION

>> Dear Heidi,  
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>> **On behalf of our blue-green coalition we would like to request a  
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>> To the credit of the EPA and Department of Homeland Security, the  
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>> safer chemical processes at high risk chemical plants:

>>  
>  
[http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Beers\\_1.p  
df](http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Beers_1.pdf)

>>  
>> [http://www.dhs.gov/files/programs/gc\\_1176736485793.shtm](http://www.dhs.gov/files/programs/gc_1176736485793.shtm)

>> [http://www.epa.gov/ocir/hearings/testimony/111\\_2009\\_2010/2010\\_0303\\_pss.pdf](http://www.epa.gov/ocir/hearings/testimony/111_2009_2010/2010_0303_pss.pdf)

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>> <http://www.chron.com/disp/story.1/bizarre/7287659.html>  
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<http://www.jems.com/article/news/fatal-explosion-ny-chemical-plhttp://www.wben.com/One-Dead--One-Injured-In-Explosion-at-DuPont-Tonaw/8537114>  
>  
>>  
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>  
<http://www.washingtonexaminer.com/nation/chemical-tank-explodes-at-western-new-york-dupont-plant-killing-1-injuring-1-106974728.html>  
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>> And the following are a few of reasons why such an initiative would also be popular:

>>

>> SAFER CHEMICAL PROCESSES MEAN MORE JOBS

>> An independent economic analysis by Management Information Services, Inc. (MISI) showed that the House-passed chemical security bill (H.R. 2868) would actually have created 8,000 jobs and leveraged nearly \$2 billion in economic stimulus. The two sectors of the economy that will benefit the most include publicly-owned water treatment plants. For a copy of the report & supporting documents go to:

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<http://www.aar.org/KeyIssues/~media/aar/backgroundpapers/hazmattransportationbyrailanunfairliability.ashx>  
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rick.hind@wdc.greenpeace.org  
www.greenpeaceusa.org

Alex Barron/DC/USEPA/US  
04/21/2011 10:00 AM

To Joel Beauvais, Shannon Kenny, "Nicole Owens", "Alexander Cristofaro"  
cc  
bcc  
Subject Re: Has EPA officially reported the Boiler air toxics rule to Congress?

Alex and nicole- can you help?

A

Joel Beauvais

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

**From:** Joel Beauvais

**Sent:** 04/21/2011 09:57 AM EDT

**To:** Shannon Kenny; Alex Barron

**Subject:** Fw: Has EPA officially reported the Boiler air toxics rule to Congress?

Is OP the office responsible for reporting final rules to Congress? Do you guys know the answer to this question?

----- Forwarded by Joel Beauvais/DC/USEPA/US on 04/21/2011 09:56 AM -----

From: David McIntosh/DC/USEPA/US  
To: Joel Beauvais/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Cc: Lorie Schmidt/DC/USEPA/US@EPA  
Date: 04/21/2011 09:43 AM  
Subject: Fw: Has EPA officially reported the Boiler air toxics rule to Congress?

---

Hi Joel and Janet. Do we have a specific date when, it is EPA's position, the Agency reported the final boiler air toxics rule to Congress for Congressional Review Act purposes?

----- Forwarded by David McIntosh/DC/USEPA/US on 04/21/2011 09:42 AM -----

From: Lyndsay Moseley <Lyndsay.Moseley@sierraclub.org>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 04/20/2011 05:28 PM  
Subject: Has EPA officially reported the Boiler air toxics rule to Congress?

---

Hi David:

I'm trying to track down whether the Industrial Boiler air toxics rule is vulnerable to a CRA threat, or if the Cement air toxics rule is the only air toxics rule that's vulnerable. We had previously heard that EPA planned to report the rule to Congress when it was published in the federal register. Can you confirm if/when the rule was reported to Congress? Thank you in advance for your assistance.

Lyndsay Moseley  
Federal Policy Representative  
Sierra Club  
408 C St. NE  
Washington, DC 20002  
tel: 202-548-4581  
fax: 202-547-6009



Alex Barron/DC/USEPA/US  
04/29/2011 10:15 AM

To Laura Vaught  
cc  
bcc

Subject Fw: Background info: Blue Green Coalition and Chemical  
Disaster Prevention

From one of our OP staffers...

----- Forwarded by Alex Barron/DC/USEPA/US on 04/29/2011 10:14 AM -----

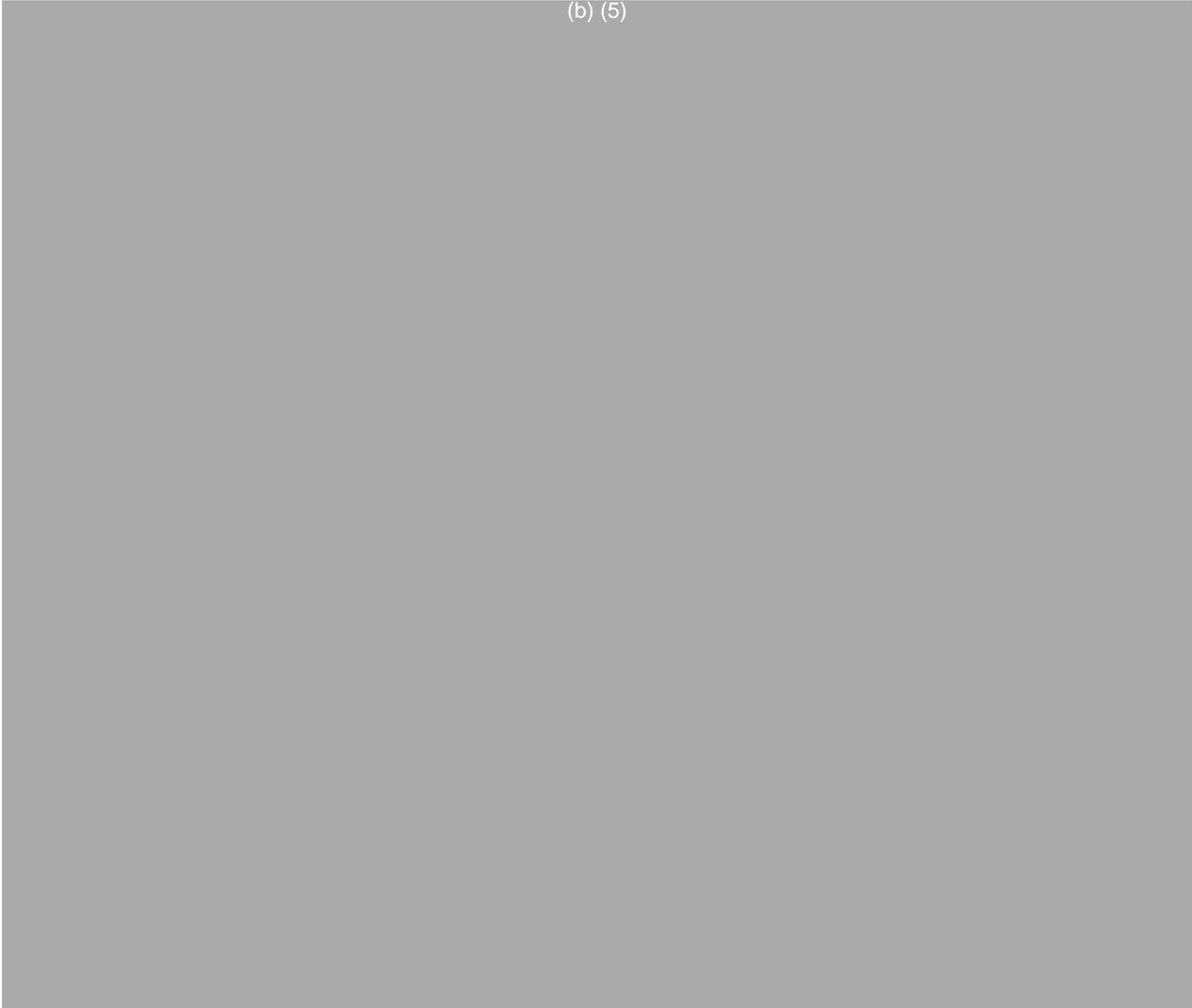
From: Fred Talcott/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Cc: Alexander Cristofaro/DC/USEPA/US@EPA, Lesley Schaaff/DC/USEPA/US@EPA  
Date: 04/06/2011 02:42 PM  
Subject: Background info: Blue Green Coalition and Chemical Disaster Prevention

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Alex

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(b) (5)



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Fred  
202 566-0062

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>>

>

[http://www.americanprogress.org/issues/2010/03/chemical\\_security\\_factsheet.html](http://www.americanprogress.org/issues/2010/03/chemical_security_factsheet.html)

l  
>  
>>  
>>

>> CLOROX IS CONVERTING ALL OF ITS U.S. PLANTS

>> In November 2009, The Clorox Company announced plans to convert all of  
>> their U.S. facilities from ultra-hazardous chlorine gas to liquid  
> bleach

>> to "strengthen our operations and add another layer of security,"  
>> according to their CEO Don Knauss. Clorox also indicated that these  
>> changes "won't affect the size of the company's workforce."

>>

> <http://investors.thecloroxcompany.com/releasedetail.cfm?ReleaseID=420583>

>>

>> DOW CHEMICAL IS CONVERTING ITS NORTHERN CA PLANT

>> In December 2008, Dow Chemical announced a partnership with K2 Pure  
>> Solutions that will eliminate the chlorine gas risks at their  
>> Pittsburgh, CA plant and create 40 permanent jobs and approximately  
> 300

>> construction jobs. [www.k2pure.com](http://www.k2pure.com)

>>

>> THE RAIL ROADS SUPPORT A REQUIREMENT FOR HIGH RISK PLANTS TO CONVERT

>> The Association of American Railroads has also called for disaster  
>> prevention saying, "It's time for the big chemical companies to do  
> their  
>> part to help protect America. They should stop manufacturing dangerous  
>> chemicals when safer substitutes are available. And if they won't do  
>> it, Congress should do it for them..."  
>>  
>  
[http://www.aar.org/KeyIssues/~media/aar/backgroundpapers/hazmattransportation  
byrailanunfairliability.ashx](http://www.aar.org/KeyIssues/~media/aar/backgroundpapers/hazmattransportationbyrailanunfairliability.ashx)  
>  
>>  
>>  
>> Thank you. We look forward to meeting at your earliest convenience.  
>>  
>> Sincerely,  
>>  
>> Rick  
>> --  
>> Rick Hind  
>> Legislative Director, Greenpeace  
>> 702 H Street, NW #300  
>> Washington, DC 20001  
>> (202) 319-2445 (direct)  
>> (202) 413-8513 (cell)  
>> (202) 462-1177 (switch board)  
>> (202) 462-4507 (fax)  
>> rick.hind@wdc.greenpeace.org  
>> www.greenpeaceusa.org  
>>  
>> (See attached file: EPACChemSecurityRolloutJune02.pdf)(See attached  
> file:  
>> EPA 2002 Chem Sec Slide Proposal.pdf)  
>  
> --  
> Rick Hind  
> Legislative Director, Greenpeace  
> 702 H Street, NW #300  
> Washington, DC 20001  
> (202) 319-2445 (direct)  
> (202) 413-8513 (cell)  
> (202) 462-1177 (switch board)  
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> rick.hind@wdc.greenpeace.org  
> www.greenpeaceusa.org  
>  
>  
  
--  
Rick Hind  
Legislative Director, Greenpeace  
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(202) 462-4507 (fax)  
rick.hind@wdc.greenpeace.org  
www.greenpeaceusa.org



Alex Barron/DC/USEPA/US  
04/20/2012 05:21 PM

To Michael Goo  
cc  
bcc

Subject Re: A tale of two plants: EPA's mercury rule

If only there had been some sign that epa would regulate hg emissions...

A

Michael Goo

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

**From:** Michael Goo  
**Sent:** 04/20/2012 04:09 PM EDT  
**To:** Alex Barron  
**Subject:** Fw: A tale of two plants: EPA's mercury rule

"If [EPA] would have treated us in the mercury rule the way they treated us in the greenhouse gas rule ... we'd be in good shape," Bird said. You "can't change your project design on a dime," he said.

----- Forwarded by Michael Goo/DC/USEPA/US on 04/20/2012 04:08 PM -----

From: POLITICO Pro <politicoemail@politico.com>  
To: Michael Goo/DC/USEPA/US@EPA  
Date: 04/20/2012 01:02 PM  
Subject: A tale of two plants: EPA's mercury rule

---

## A tale of two plants: EPA's mercury rule

By Erica Martinson  
4/20/12 1:00 PM EDT

The proprietors of two coal-fired power plant projects are publicly at odds on a key aspect of their case against the EPA's mercury and air toxics standards: whether the requirements they face are technically possible.

The parent companies behind both the White Stallion Energy Center in Texas and Plant Washington in Georgia are suing the EPA over the mercury rule. But [White Stallion's owners say](#) the mercury rule's emissions limits for new plants are impossible to meet, while a spokesman for Plant Washington says his company is confident its engineers could comply if necessary.

Randy Bird, chief operating officer of White Stallion, was surprised to hear that.

"If they have found a way to meet those emission limits ... I would love for them to send me the information," Bird said. "We will easily meet the standard for existing plants," but not for new plants, he said.

White Stallion's attorney, Eric Groten, previously told POLITICO that the mercury rule sets

limits “100 or even 1,000 times stricter than the limits in permits issued for the latest generation of coal-based power across the country.”

“No plant has ever achieved these limits, and some limits are even below the ability to reliably measure,” Groten said.

White Stallion, \$15 million into the project, runs the “risk of irreparable harm,” Bird said, adding that with such difficult emission limits it becomes impossible to finance a project.

Plant Washington’s owner, the electric power consortium Power4Georgians, is more confident about being able to meet the rule’s requirements. But it says the method EPA used to reach them is illegal — and will cost them a lot more than a more legitimate process would have.

Power4Georgians spokesman Dean Alford said the plant’s engineers are updating the plant’s design so that it can meet the emissions limits.

“We believe we can meet them,” Alford said. But he added: “It’s a matter of cost. We think a more accurate [rule] ... puts us in a situation where we don’t have to spend as much money.”

He declined to explain the cost differences.

Both companies must begin construction in the next 12 months to be exempt from another major new EPA regulation, which limits greenhouse gas emissions from new power plants. But to do that, they must quickly resolve their disputes over the mercury rule.

“If [EPA] would have treated us in the mercury rule the way they treated us in the greenhouse gas rule ... we’d be in good shape,” Bird said. You “can’t change your project design on a dime,” he said.

White Stallion and Plant Washington are on the same side of the lawsuit asking the U.S. Court of Appeals for the D.C. Circuit to review the mercury and air toxics standard. The case is named *White Stallion v. EPA* after the first of [many parties to join the suit](#).

White Stallion plans to ask the court next week to sever its petition from the rest of the pack and expedite that case, as the company has only a year from [EPA’s April 13 proposing](#) of the greenhouse gas rule to get moving on the plant, Bird said.

Plant Washington and several others are considering joining White Stallion, Bird said — a fact confirmed by a consultant with Power4Georgians.

Power4Georgians [recently settled](#) a lawsuit with the Sierra Club, agreeing to abandon another coal plant project in the state and move forward on Plant Washington.

Alford said Power4Georgians’s suit against EPA has more to do with the agency’s “process of setting these rules,” arguing that the agency tailored the rule for an ideal plant that has never existed.

It's like choosing baseball's Most Valuable Player as someone who has the highest batting average, the most runs batted in and the most stolen bases, who also led the league in home runs and was the most game-winning pitcher. That player may sound ideal but doesn't exist, Alford said.

Had the agency done it differently, the emissions limits would be higher, he said.

White Stallion, meanwhile, has no plans to let anything stand in its way, Bird said.

"We're just too stubborn to quit, I guess. We're too stupid to quit. I'm not sure which one," he laughed. "We intend to build this [plant]. The only way we can really die is if we quit."

To read and comment online:

<https://www.politicopro.com/go/?id=10896>

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---

Alex Barron/DC/USEPA/US  
03/28/2012 07:47 AM

To Michael Goo  
cc  
bcc  
Subject Re: Will EPA's greenhouse regs wipe out coal?

(b) (5)

A

---

**From:** Michael Goo  
**Sent:** 03/28/2012 06:43 AM EDT  
**To:** barron.alex@epa.gov  
**Subject:** Fw: Will EPA's greenhouse regs wipe out coal?

So there it is "small amounts of generation in 2030."

---

**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 03/28/2012 06:19 AM AST  
**To:** Michael Goo  
**Subject:** Will EPA's greenhouse regs wipe out coal?

## Will EPA's greenhouse regs wipe out coal?

By Erica Martinson  
3/28/12 6:16 AM EDT

Nothing to see here, the EPA said Tuesday as it downplayed the impact of its proposed climate change regulations for new power plants.

The agency says it's just riding the wave of the energy market, where natural gas is already pulling market share from coal. And the EPA is banking on gas's low price to mollify an otherwise rough transition for the nation's energy market into an era of reduced greenhouse gas pollution.

But opponents say the rule will strike a death blow to the coal industry.

The [rule](#) requires new coal-fired power plants to capture and sequester their carbon dioxide emissions, cutting CO2 emissions to the level of a combined-cycle natural gas-fired power plant.

Unlike natural gas, carbon capture and sequestration is quite costly.

The rule will chart a path to a cleaner and more diverse energy system, said Environmental Defense Fund attorney Megan Ceronky. It also "sends an incredibly strong message," she said.

Rep. Ed Markey (D-Mass.), once the author of an attempt at major climate legislation, lauded the move. “The EPA is striking a blow to protect the planet, and to protect the United States of America,” he told POLITICO.

But House Speaker John Boehner said the EPA has written a recipe for disaster.

“This rule is a dramatic overreach and a heavy blow to one of America’s richest natural resources — coal — that the president once heralded but now ignores,” Boehner said.

Other critics joined the denunciations.

“The rule would effectively ban the future of almost half of our current electric portfolio,” said Scott Segal, executive director of the Electric Reliability Coordinating Council, a coalition of electric companies.

“I’m upset in a number of ways,” said Rep. Ed Whitfield (R-Ky.), who chairs the House Energy and Commerce Committee’s energy and power subpanel.

“This administration is so determined to push their energy agenda, which basically is to not use fossil fuels, which I think is really damaging to our country,” Whitfield said.

But will coal really be forced out of the picture?

Truth be told, the agency’s new rule would be hard pressed to bring on the death of coal.

The United States relied on 318 gigawatts of coal-fired power in 2010, and that will drop to near 286 gigawatts in 2035, according to the Energy Information Administration — not even accounting for the impact of EPA’s proposed regulations.

“The use of coal to produce electricity already is declining — it has dropped from over 50 percent [of the U.S. market] to 42 during the past decade,” said Edison Electric Institute President Thomas Kuhn. And in recent months, a warmer than usual winter brought U.S. coal-fired generation below 40 percent for the first time ever, according to the EIA.

Some plants will retire as a result of EPA’s new mercury and air toxics standards, which require emissions cuts that are too costly for power plants in the same age range as the AARP’s voting bloc. Others have simply become an uneconomic choice for major power companies as natural gas has seen a dramatic drop in price and an equally dramatic spike in long-term availability.

But despite retirements, “coal remains the dominant energy source for electricity generation” in the future, the EIA projected. “[B]ut its share of total generation declines from 45 percent in 2010 to 39 percent in 2035.”

The only coal plant to break ground since November 2008 is a carbon capture and sequestration project mounted by Southern Co. in Kemper, Miss. The \$2.9 billion, 582-megawatt project is not

[without controversy](#), including disputes over its cost, but construction continues.

In EPA's proposed rule, the agency argues that while carbon capture is expensive now, "we expect the difference to decrease over time as CCS becomes more mature and less expensive."

But Kuhn is not convinced that carbon capture and storage is ready for prime time.

"By effectively forcing utilities to forgo any new coal generation without commensurate policies to develop commercially acceptable CCS technologies, EPA's proposal threatens the viability of coal, an important domestic energy source," he said. And it forces "an even greater reliance on gas, which undermines the critical need to maintain a diverse and balanced electric generation portfolio," he added.

But the EPA argues that "in light of a number of economic factors, including the increased availability and significantly lower price of natural gas, energy industry modeling forecasts uniformly predict that few, if any, new coal-fired power plants will be built in the foreseeable future," the rule says.

The EPA also looked at a scenario with increases in natural gas prices and future electricity demand and found only "small amounts of coal-fired generation being built in 2030."

On the other hand, EPA's [regulatory impact analysis](#) for the rule also includes a list of 15 coal-fired power plants that have air permits but have not yet been built. Of those, seven contain a carbon capture component.

Of the remaining eight, two appear on an active path forward: Environmentalists exhausted appeals trying to block the Two Elk plant in Wyoming, according to the Sierra Club. And the 78-megawatt James DeYoung plant in Michigan appears to be on track. But the final six plants are hamstrung by lost financing and repeated legal attacks from environmental groups.

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<https://www.politicopro.com/go/?id=10377>

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---

Alex Barron

<(b) (6)>

>

05/03/2011 05:09 PM

To Paul Balserak

cc Michael Goo, Shannon Kenny

bcc

Subject Re: Fw: More on uncertainty

count me in, but on my EPA e-mail address...

A

On Tue, May 3, 2011 at 5:07 PM, <Balserak.Paul@epamail.epa.gov> wrote:

> I'm setting up a mtg tomorrow with Kevin Culligan and Adam Kushner's  
> guy; both have been looking into this. Will try and get clarity on  
> this.

> Paul

>

>

>

> From: Michael Goo/DC/USEPA/US

> To: "Alexander Barron" <barron.alexander(b) (6)>, "kenny  
> shannon" <kenny.shannon@epa.gov>, "Paul Balserak"  
> <Balserak.Paul@epamail.epa.gov>

> Date: 05/03/2011 04:54 PM

> Subject: Fw: More on uncertainty

>

>

>

>

>

>

>

>

>

> From: John Coequyt [John.Coequyt@sierraclub.org]

> Sent: 05/03/2011 02:20 PM AST

> To: Alex Barron; Michael Goo

> Subject: Fw: More on uncertainty

>

>

>

> FYI, we still think this issue needs to be addressed, see the latest  
> finding from Bruce.

>

> John Coequyt

> Sierra Club

> DL: 202.675.7916

> C: 202.669.7060

> ----- Forwarded by John Coequyt/Sierraclub on 05/03/2011 02:19 PM -----

>

> From: "Bruce Buckheit" <(b) (6)>

>

>

>

>

> I've forwarded the specification for the relative accuracy of the CO2

> CEMs employed by almost all acid rain boilers to report CO2 emissions.

> It appears (I'm still checking) that the heat input to the boiler comes

> from industry determined fuel feed rates (see below) and the use of EPA  
> published fuel factors. I found an old EPA paper that claims that the  
> error (single standard deviation) of fuel factors is 5.9% (thus 12 or 18  
> per cent for approaches that use 2 or 3 standard deviations in setting a  
> standard). I'm still looking to see how plant net electrical output is  
> determined.

>  
> Industry engineers recognize the problem we've identified. An Alston  
> Power employee has filed a patent application for a new method to  
> determine CO2 emissions from large boilers. The method assumes that one  
> knows the thermal efficiency of the boiler and so it may not be of much  
> help in assessing the baseline issue, but here is why he says his  
> approach is patent-worthy. He's got a parallel paper setting out his  
> method for sharpening the calculation of baseline efficiency.

>  
> "METHOD FOR DETERMINATION OF CARBON DIOXIDE EMISSIONS FROM

>  
>  
> STEAM GENERATION SYSTEMS

>  
>  
> CROSS-REFERENCE TO RELATED APPLICATIONS

>  
> [0001] This application claims priority to provisional application

>  
> 61/184,136 filed on June 4 th , 2009, and to provisional application  
> 61/244,278 filed on September 21 st , 2009, the entire contents of which  
> are hereby incorporated by reference.

>  
>  
> BACKGROUND

>  
> [0002] This disclosure is related to a method for determination of  
> carbon dioxide emissions from steam generation systems used to heat a  
> working fluid.

>  
> [0003] As the world grows more concerned with the emissions of  
> greenhouse gases, and carbon dioxide in particular, there is a growing  
> need to quantify these emissions as accurately as possible so that  
> efforts can be targeted at reducing them. One method of reducing  
> greenhouse gases is to improve existing technologies so that they become  
> more efficient. However, even the best improvements in existing  
> technology can at best result in reductions in greenhouse gas emissions  
> that are of the order of a couple of percent. It is therefore important  
> that the methods used to measure these reductions in emissions are  
> precise enough so that the reductions can be accurately documented. If  
> the methodology employed to determine and document these improvements  
> has a high degree of uncertainty, the value of these improvements will  
> almost certainly be lost.

>  
> [0004] Existing technologies use either the measurement of carbon  
> dioxide and the flue gas flow rate in the stack or the calculation of  
> carbon dioxide using fuel flow and carbon content in the fuel. In both  
> cases, the measurement of flow yields significant uncertainty, generally  
> greater than about 7% in the calculated carbon dioxide emissions. This

> is particularly true with solid fuels such as coal. This large  
> uncertainty becomes even more problematic when differences are used to  
> determine the change in carbon dioxide emissions.  
>  
>  
> [0005] It is therefore desirable to have a method that can accurately  
> estimate the amount of carbon dioxide emitted from combustion processes.  
> Only after the quantification of greenhouse emissions is accurately  
> conducted can there be an actual determination of the efficacy of  
> various methods to reduce the emissions of these gases. "  
>  
> <http://www.sumobrain.com/patents/wipo/Method-determination-carbon-dioxide-emissions/WO2010141242.html>  
>  
>  
>  
>  
>  
> From a 2008 ASME article suggesting methods to improve measurement of  
> heat rates  
>  
>  
> "INTRODUCTION  
>  
>  
> On-line monitoring systems used in power plants have suffered for years  
> from poor reputations ... justified or not. Surely, one cause for a poor  
> reputation in coal fired units, and generally quite justified, is their  
> lack of knowledge as to as-fired fuel chemistry, fuel heating value and  
> fuel flow. Fuel chemistry (ultimate analysis) and heating value are  
> required inputs to any accurate boiler efficiency calculation [Lang,  
> 2000, 2006]. As seen in Eqs.(1) or (2) describing unit heat rate, one  
> requires at least either boiler efficiency or fuel flow and heating  
> value, in addition to power and useful working fluid energy flow, to  
> determine an absolute value of unit thermal efficiency (heat rate, HR).  
> A coal-fired plant may use a relative indication of heat rate by relying  
> on total fuel energy flow [mAF (HHVP + HBC)]; e.g., using fuel energy  
> flow based on a scalable value from DCS control logic. This would allow  
> determination of a relative boiler efficiency back-calculated from  
> Eq.(2). However, it is obvious given increased use of "spot" coal,  
> and/or coal with variable moisture content, that the operator has no  
> indication of whether higher fuel consumption is due to lower actual  
> boiler efficiency, or higher turbine cycle losses, or changes in fuel  
> quality, etc. The few coal-fired plants known to the author which rely  
> on such relative indication have either not improved their heat rates  
> or, at a minimum, have no means to demonstrate such proof."  
>  
>  
>  
> On fuel flow: "Of the four methods examined, success was not universal;  
> notably any use of plant indicated fuel flow (as would be expected) must  
> be employed with caution."  
>  
>  
>  
> He also addresses the accuracy of coal feed belt systems for fuel flow  
>  
>  
> "The second problem is that for all coal-fired units indication of fuel  
> flow can not be independently calibrated with adequate precision. Yes,  
> calibration scales are employed on coal feeder belts, etc., but

> absolutely accuracy with better than 2% error is rare; this, in spite of  
> ill-based claims to the contrary. As thermal performance engineering  
> begins at the "2% level", relying on, at best, 2% absolute accuracy from  
> a coal belt system is a fool's errand."  
> <http://www.exergeticsystems.com/Papers/PAPER-75.pdf>  
>  
>

Alex Barron/DC/USEPA/US  
04/04/2011 06:39 PM

To: Robin Kime  
cc  
bcc  
Subject: Re: Fw: Blue Green Coalition and Chemiscal Disaster Prevention

working on it.

Robin Kime Productivity is excellent/admirable but y... 04/04/2011 06:07:08 PM

From: Robin Kime/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Date: 04/04/2011 06:07 PM  
Subject: Re: Fw: Blue Green Coalition and Chemiscal Disaster Prevention

Productivity is excellent/admirable but you mentioned something about taking a break for the day?

Alex Barron

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

**From:** Alex Barron  
**Sent:** 04/04/2011 06:00 PM EDT  
**To:** Debbie Dietrich  
**Cc:** Robin Kime; Dana Tulis; Cynthia Dougherty; Shannon Kenny  
**Subject:** Re: Fw: Blue Green Coalition and Chemiscal Disaster Prevention

Dana and Cynthia - Do you have any short summary materials that could help bring Michael up to speed for this meeting on Thursday AM (see the bottom of the chain)? It would be most helpful.

Debbie - Thanks for redirecting me!

Alex

Debbie Dietrich Hi Alex, sorry I'm just getting back to yo... 04/04/2011 01:58:38 PM

From: Debbie Dietrich/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Cc: Robin Kime/DC/USEPA/US@epa, Dana Tulis/DC/USEPA/US@EPA, Cynthia Dougherty/DC/USEPA/US@EPA  
Date: 04/04/2011 01:58 PM  
Subject: Re: Fw: Blue Green Coalition and Chemiscal Disaster Prevention

Hi Alex, sorry I'm just getting back to you. The key office in this is OSWER, specifically the Office of Emergency Management (OEM) who manages the Risk Management Program referred to in Rick Hind's email. (b) (5) DP

The Water Program is also involved, to a degree, since EPA is the sector lead for water security under the auspices of the DHS Critical Infrastructure Program. (b) (5) DP

Cynthia Dougherty is the key point of contact for that program.

I have cc'ed both Dana Tulis and Cynthia Dougherty on this message. Please let me know if you need further assistance.

Debbie Dietrich  
Associate Administrator for Homeland Security  
USEPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Ph 202-564-6978  
Fax 202-501-0026

Alex Barron      Hi there, I was just checking in to see if...      04/04/2011 01:41:06 PM

From: Alex Barron/DC/USEPA/US  
To: Debbie Dietrich/DC/USEPA/US@EPA  
Cc: Robin Kime/DC/USEPA/US@EPA  
Date: 04/04/2011 01:41 PM  
Subject: Fw: Blue Green Coalition and Chemical Disaster Prevention

Hi there, I was just checking in to see if you can direct me to someone to help Michael prep for this meeting that the Administrator asked him to take. I'd like to get him prep materials well in advance of the Thursday AM meeting. Thanks!

A

----- Forwarded by Alex Barron/DC/USEPA/US on 04/04/2011 01:38 PM -----

From: Alex Barron/DC/USEPA/US  
To: Debbie Dietrich/DC/USEPA/US@EPA  
Date: 03/29/2011 03:01 PM  
Subject: Blue Green Coalition and Chemical Disaster Prevention

Michael Goo is meeting with this group next week, which I gather has met with you earlier. As preparation, I'm looking for a quick update on what various offices are doing and any thoughts on things he can or shouldn't say at the meeting. Can you direct me to the most appropriate person/people for this check-in? I have already reached out to OAR on the specific authority they mention.

Thanks in advance,

Alex Barron, Ph.D.  
Senior Advisor  
Office of Policy  
U.S. Environmental Protection Agency  
202-564-3304

----- Forwarded by Alex Barron/DC/USEPA/US on 03/29/2011 02:41 PM -----

>> From: Rick Hind <rick.hind@greenpeace.org>  
>> To: Heidi Ellis/DC/USEPA/US@EPA  
>> Date: 03/22/2011 12:54 PM  
>> Subject: MTG. REQ ON CHEMICAL DISASTER PREVENTION  
>>  
>> Dear Heidi,  
>>  
>> **On behalf of our blue-green coalition we would like to request a  
> meeting  
>> with Administrator Jackson about a regulator proposal we have made to  
>> Office of Air and Water leaders including Gina McCarthy, Debbie  
>> Dietrich, Dana Tulis, Cynthia Dougherty as well as Deputy  
> Administrator**

>> **Bob Perciasepe.**  
>>  
>> To the credit of the EPA and Department of Homeland Security, the  
> Obama  
>> administration has consistently taken urged Congress to require the  
> use  
>> safer chemical processes at high risk chemical plants:  
>>  
>  
[http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Beers\\_1.pdf](http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Beers_1.pdf)  
>  
>>  
>> [http://www.dhs.gov/files/programs/gc\\_1176736485793.shtm](http://www.dhs.gov/files/programs/gc_1176736485793.shtm)  
>>  
> [http://www.epa.gov/ocir/hearings/testimony/111\\_2009\\_2010/2010\\_0303\\_pss.pdf](http://www.epa.gov/ocir/hearings/testimony/111_2009_2010/2010_0303_pss.pdf)  
>  
>>  
>>  
>> After passing H.R. 2868 in the House in 2009, chemical security and  
>> disaster prevention legislation died in the Senate in 2010. The  
>> prospects for truly protective legislation look no better this year.  
>> More than 100 groups support this legislation including the AFL-CIO,  
>> United Auto Workers, United Steel Workers, Communications Workers of  
>> America, Teamsters, Sierra Club, Environmental Defense Fund,  
> Physicians  
>> for Social Responsibility, U.S. Public Interest Research Group, Clean  
>> Water Action, OMB Watch, League of Conservation Voters, etc.  
>>  
>> **As result our blue-green coalition would like to meet with**  
> **Administrator**  
>> **Jackson and other EPA leaders to discuss regulatory options with you**  
> **and**  
>> **any other relevant Agency staff you recommend. For example, we would**  
>> **like to explore the use of the Clean Air Act's general duty clause in**  
>> **section 112 (r) (1). As you may know, this authority was cited by the**  
>> **EPA in their 2002 proposal led by former Deputy Administrator Linda**  
>> **Fisher (now**  
>> **VP at DuPont).**  
>>  
>> We think the current EPA could improve on the 2002 proposal but what's  
>> most promising is the priority given to hazard reduction such as:  
>> "Making chemical processes inherently safer by reducing quantities of  
>> hazardous chemicals handled or stored, substituting less hazardous  
>> chemicals for extremely ones or otherwise modifying the design of a  
>> process to reduce or eliminate chemical hazards."  
>>  
>> For more details on this proposal I've attached documents from the  
> EPA's  
>> 2002 proposal which include:  
>> -- EPA's roll out plan at the White House  
>> -- EPA proposed guidance referencing the general duty clause &  
>> inherently safer technologies  
>> -- EPA Q&A on the program  
>> -- Draft Announcement by Administrator Whitman  
>> -- A slide presentation given by Deputy Administrator Linda Fisher  
>>  
>> Below are a few sobering examples of why such preventive action is so  
>> urgently needed:

>>  
>> On February 24thH ABC News reported on the the hazards posed by U.S.  
>> refineries:  
>>  
>  
<http://abcnews.go.com/Blotter/hydrofluoric-acid-risk-oil-refineries/story?id=12985686&page=1>  
>  
>>  
>>  
>> The November 15, 2010 Washington Post, reported that the Lashkar  
>> terrorist organization that committed the 2008 attacks in in Mumbai,  
>> India, asked a now convicted U.S. ally to "conduct surveillance of an  
>> unnamed chemical plant in MARYLAND." The request shows that Lashkar  
> was  
>> gathering intelligence on U.S. targets as early as 2001.  
>>  
> <http://tpmlivewire.talkingpointsmemo.com/2010/11/the-man-behind-mumbai.php>  
>  
>>  
>>  
>> On November 9, 2010, "A man crashed his sport-utility vehicle through  
> an  
>> entrance gate at a plant in Clute and sped through the facility while  
>> shouting, 'We're' all gonna die!' before the SUV slammed into an  
>> 18-wheeler outside the gate."  
>> <http://www.chron.com/disp/story.1/bizarre/7287659.html>  
>>  
>> A November 9, 2010 explosion occurred at a NY duPont killed one  
> worker:  
>>  
>  
<http://www.jems.com/article/news/fatal-explosion-ny-chemical-plhttp://www.wben.com/One-Dead--One-Injured-In-Explosion-at-DuPont-Tonaw/8537114>  
>  
>>  
>>  
>  
<http://www.washingtonexaminer.com/nation/chemical-tank-explodes-at-western-new-york-dupont-plant-killing-1-injuring-1-106974728.html>  
>  
>>  
>>  
>> On October 13, 2010, Homeland Security staff that over see chemical  
>> security said, "the U.S. intelligence community has changed its  
> estimate  
>> of that threat. . . .We are in a new threat environment  
> domestically..."  
>>  
>  
<http://secprodonline.com/articles/2010/10/13/dhs-official-cfats.aspx?admgarea=News>  
>  
>>  
>>  
>> On August 2, 2010, two men were convicted of plotting to blow up  
>> jet-fuel tanks at John F. Kennedy International Airport, a plan  
>> authorities said was meant to outdo the Sept. 11, 2001, attacks.  
>>  
>

<http://www.washingtontimes.com/news/2010/aug/2/ny-jury-convicts-2-jfk-airport-tank-blast-plot/?page=1>

>

>>

>>

>> And the following are a few of reasons why such an initiative would  
> also

>> be popular:

>>

>> SAFER CHEMICAL PROCESSES MEAN MORE JOBS

>> An independent economic analysis by Management Information Services,  
>> Inc. (MISI) showed that the House-passed chemical security bill (H.R.  
>> 2868) would actually have created 8,000 jobs and leveraged nearly \$2  
>> billion in economic stimulus. The two sectors of the economy that will  
>> benefit the most include publicly-owned water treatment plants. For a  
>> copy of the report & supporting documents go to:

>> <http://www.misi-net.com/publications.html>

>>

>> HUNDREDS OF PLANTS HAVE CONVERTED & SAVED MONEY

>> Even though the Congressional Research Service identified 484 plants  
>> that each put 100,000 or more people at risk, others have converted  
> and

>> and often yielded savings. Unfortunately at the current pace voluntary  
>> conversion will take decades and there is no priority given to the  
>> highest risk facilities. List of converted plants at:

>>

>

[http://www.americanprogress.org/issues/2010/03/chemical\\_security\\_factsheet.html](http://www.americanprogress.org/issues/2010/03/chemical_security_factsheet.html)

>

>>

>>

>> CLOROX IS CONVERTING ALL OF ITS U.S. PLANTS

>> In November 2009, The Clorox Company announced plans to convert all of  
>> their U.S. facilities from ultra-hazardous chlorine gas to liquid  
> bleach

>> to "strengthen our operations and add another layer of security,"  
>> according to their CEO Don Knauss. Clorox also indicated that these  
>> changes "won't affect the size of the company's workforce."

>>

> <http://investors.thecloroxcompany.com/releasedetail.cfm?ReleaseID=420583>

>>

>> DOW CHEMICAL IS CONVERTING ITS NORTHERN CA PLANT

>> In December 2008, Dow Chemical announced a partnership with K2 Pure  
>> Solutions that will eliminate the chlorine gas risks at their  
>> Pittsburgh, CA plant and create 40 permanent jobs and approximately  
> 300

>> construction jobs. [www.k2pure.com](http://www.k2pure.com)

>>

>> THE RAIL ROADS SUPPORT A REQUIREMENT FOR HIGH RISK PLANTS TO CONVERT

>> The Association of American Railroads has also called for disaster  
>> prevention saying, "It's time for the big chemical companies to do  
> their

>> part to help protect America. They should stop manufacturing dangerous  
>> chemicals when safer substitutes are available. And if they won't do  
>> it, Congress should do it for them..."

>>

>

[http://www.aar.org/KeyIssues/~media/aar/backgroundpapers/hazmattransportationbyrailanunfairliability.ashx](http://www.aar.org/KeyIssues/~/media/aar/backgroundpapers/hazmattransportationbyrailanunfairliability.ashx)

>  
>>  
>>  
>> Thank you. We look forward to meeting at your earliest convenience.  
>>  
>> Sincerely,  
>>  
>> Rick  
>> --  
>> Rick Hind  
>> Legislative Director, Greenpeace  
>> 702 H Street, NW #300  
>> Washington, DC 20001  
>> (202) 319-2445 (direct)  
>> (202) 413-8513 (cell)  
>> (202) 462-1177 (switch board)  
>> (202) 462-4507 (fax)  
>> rick.hind@wdc.greenpeace.org  
>> www.greenpeaceusa.org  
>>  
>> (See attached file: EPACChemSecurityRolloutJune02.pdf)(See attached  
> file:  
>> EPA 2002 Chem Sec Slide Proposal.pdf)  
>  
> --  
> Rick Hind  
> Legislative Director, Greenpeace  
> 702 H Street, NW #300  
> Washington, DC 20001  
> (202) 319-2445 (direct)  
> (202) 413-8513 (cell)  
> (202) 462-1177 (switch board)  
> (202) 462-4507 (fax)  
> rick.hind@wdc.greenpeace.org  
> www.greenpeaceusa.org  
>  
>  
  
--  
Rick Hind  
Legislative Director, Greenpeace  
702 H Street, NW #300  
Washington, DC 20001  
(202) 319-2445 (direct)  
(202) 413-8513 (cell)  
(202) 462-1177 (switch board)  
(202) 462-4507 (fax)  
rick.hind@wdc.greenpeace.org  
www.greenpeaceusa.org

Alex Barron/DC/USEPA/US

10/03/2011 09:11 AM

To "Al McGartland"

cc "Sandy Germann"

bcc

Subject Fw: USA Today Online - Congratulations to Alan Carlin on vindication

It seems like we should (b) (5) DP

A

Sandy Germann

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

**From:** Sandy Germann

**Sent:** 10/03/2011 08:16 AM EDT

**To:** Michael Goo; Bicky Corman; Shannon Kenny; Alex Barron; Al McGartland; Alexander Cristofaro; Robin Kime

**Subject:** USA Today Online - Congratulations to Alan Carlin on vindication  
Among other things, claims Alan ran NCEE....

### **Congratulations to Alan Carlin on vindication**

Outlet Full Name: USA Today - Online

News Text: While the GAO issues a report today saying that the US Historical Climatological Monitoring Network has real tangible problems (as I have been saying for years) the Inspector General just released a report this week saying that EPA rushed their CO2 endangerment finding, skipping annoying steps like doing proper review. The lone man holding up his hand at the EPA saying "wait a minute" was Alan Carlin, who was excoriated for doing so.

From Powerline Blog:

Here's a refresher: in 2009, when the EPA announced its "endangerment" finding to justify its planned regulation of greenhouse gases under the Clean Air Act, Alan Carlin, a 35-year veteran EPA employee who ran the EPA's National Center for Environmental Economics, produced a 98-page critique of the climate science the EPA used in its finding. Carlin's report concluded, "We believe our concerns and reservations are sufficiently important to warrant a serious review of the science by the EPA."

You can guess what happened next. The Obama Administration, the one supposedly dedicated to transparency and "restoring science" in public policy making, squashed Carlin's report and told him to cease and desist any further analysis on climate change issues. Carlin's supervisor (a political appointee) emailed his: "I don't want you to spend any additional EPA time on climate change. No papers, no research, etc." Shortly after this episode Carlin left EPA. (By the way, Carlin was the chairman of the Los Angeles chapter of the Sierra Club in California at one time, and helped with the Sierra Club's campaign to stop two dam projects back in the 1960s. In other words, he's no right-wing ideologue, as the smears of the climate campaigners would have you think.)

This story is relevant again this week not simply for the obvious hypocrisy and double standard (insert the old joke about liberals and double-standards here), but

because the issue of the EPA's climate science has resurfaced in the form of an EPA inspector general's report that essentially says that Carlin was right about the EPA's shoddy scientific review. Here's the New York Times account from Wednesday: In a report with wide-reaching political implications, U.S. EPA's inspector general has found that the scientific assessment backing U.S. EPA's finding that greenhouse gases are dangerous did not go through sufficient peer review for a document of its importance. . .

According to the IG report, EPA failed to follow the Office of Management and Budget's peer review procedures for a "highly influential scientific assessment," which is defined as an assessment that could have an impact of more than \$500 million in one year and is "novel, controversial, or precedent setting."

In particular, the document was reviewed by a 12-member panel that included an EPA employee, violating rules on neutrality. EPA also did not make the review results public, as required, or certify whether it complied with internal or OMB requirements.

In a statement, IG Arthur Elkins Jr. emphasized that his office "did not test the validity of the scientific or technical information used to support the endangerment 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.

Roger Pielke Jr. observes how the climate campaigners are all circling the wagons, saying "move along, nothing to see here," and noting that "I'd speculate that these observers would have had different reactions had this report been requested by Henry Waxman in 2006 about the last administration's EPA. . . during the Bush Administration concern about processes to ensure scientific integrity were all the rage. At that time it was generally understood that process matters, not simply because it helps to improve the quality of scientific assessments, but also because it helps to establish their legitimacy in the political process. One sneers at process at some risk."

More at Powerline Blog

Amy Vasu/RTP/USEPA/US  
06/01/2012 03:47 PM

To John Millett, Enesta Jones  
cc Jenny Noonan, Alison Davis  
bcc  
Subject Re: Fw: ACTION: News Release: EPA Updates Clean Air Act Standards for Flares and Process Heaters at Petroleum Refineries

And how do these amendments differ from the 2008 standards?

For process heaters, we have added alternative NOx limits and, for certain process heaters, reduced the stringency of the NOx standard. For flares, we have reduced the stringency of the standards by removing certain requirements (the flow limit and the 60ppm concentration limit).

~~~~~  
Amy B. Vasu
Office of Air Quality Planning & Standards
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711
Phone: (919) 541-0107
Email: vasu.amy@epa.gov

Jenny Noonan

Thanks, Jenny

06/01/2012 01:48:38 PM

From: Jenny Noonan/RTP/USEPA/US
To: Amy Vasu/RTP/USEPA/US@EPA
Date: 06/01/2012 01:48 PM
Subject: Fw: ACTION: News Release: EPA Updates Clean Air Act Standards for Flares and Process Heaters at Petroleum Refineries

Thanks,
Jenny

Jenny Noonan
Policy Analysis and Communications
EPA's Office of Air Quality Planning and Standards
919/541-0193 (w)
919/358-9562 (c)

----- Forwarded by Jenny Noonan/RTP/USEPA/US on 06/01/2012 01:48 PM -----

From: John Millett/DC/USEPA/US
To: enesta.jones@EPA
Cc: "Jenny Noonan" <noonan.jenny@epa.gov>
Date: 06/01/2012 01:43 PM
Subject: Re: ACTION: News Release: EPA Updates Clean Air Act Standards for Flares and Process Heaters at Petroleum Refineries

Here's the q/a on the petitioners --

The EPA received three petitions for reconsideration of the final rule. One petition was filed by the American Petroleum Institute, the American Fuel and Petrochemical Manufacturers (formerly the National Petrochemical and Refiners Association) and the Western States Petroleum Association;

another petition was filed by Hovensa, LLC.; and a third petition was filed by the Environmental Integrity Project, Sierra Club and Natural Resources Defense Council.

(b) (5)

Jenny -- can we can work up something quick fairly general?

~~~~~  
John Millett  
Office of Air and Radiation Communications  
U.S. Environmental Protection Agency  
5411 Ariel Rios Building North  
Washington, DC 20460  
Phone: 202/564-2903  
Cell: 202/510-1822

Enesta Jones

Enesta Jones

06/01/2012 01:29:42 PM

From: Enesta Jones/DC/USEPA/US  
To: "John Millett" <millett.john@epa.gov>, "Jenny Noonan" <noonan.jenny@epa.gov>  
Date: 06/01/2012 01:29 PM  
Subject: ACTION: News Release: EPA Updates Clean Air Act Standards for Flares and Process Heaters at Petroleum Refineries

Enesta Jones  
Press Office  
U.S. Environmental Protection Agency  
Desk: 202.564.7873  
Cell: 202.236.2426

---

**From:** "Tracy, Tennille" [Tennille.Tracy@dowjones.com]  
**Sent:** 06/01/2012 01:28 PM AST  
**To:** Enesta Jones  
**Subject:** FW: News Release: EPA Updates Clean Air Act Standards for Flares and Process Heaters at Petroleum Refineries

Hi Enesta – Can you tell me which organizations petitioned for reconsideration of this rule?

And how do these amendments differ from the 2008 standards?

Thanks,  
Tennille

**From:** U.S. EPA [mailto:usaepa@govdelivery.com]  
**Sent:** Friday, June 01, 2012 1:05 PM  
**To:** Tracy, Tennille

**Subject:** News Release: EPA Updates Clean Air Act Standards for Flares and Process Heaters at Petroleum Refineries

**CONTACT:**

Enesta Jones (**News Media Only**)

[jones.enesta@epa.gov](mailto:jones.enesta@epa.gov)

202-564-7873

202-564-4355

**FOR IMMEDIATE RELEASE**

June 1, 2012

## **EPA Updates Clean Air Act Standards for Flares and Process Heaters at Petroleum Refineries**

***Practical standards, informed by stakeholder and industry input, cut harmful pollution while saving the refining industry money***

**WASHINGTON** – The U.S. Environmental Protection Agency (EPA) is issuing common-sense standards informed by important input from stakeholders, including industry, for new flares and process heaters at petroleum refineries which maintain important public health benefits while dramatically reducing costs. This final rule, which responds to petitions requesting the agency to reconsider standards issued in 2008, provides industry with greater compliance flexibility than those earlier standards did and ensures that companies can make routine operational changes without triggering new requirements. These updates will reduce emissions of sulfur dioxide, nitrogen oxides, and volatile organic compounds, which can cause respiratory illnesses, heart attacks and premature deaths, while saving the refining industry approximately \$80 million per year. These reductions will also provide up to \$610 million in annual health benefits.

Today's final standards are flexible and rely on proven, widely used technologies and processes to cut pollution from flares and process heaters. Flares, which are typically used to burn off waste gases from the refining process, would need to follow work practice standards and meet monitoring requirements. Process heaters, which are used to heat process fluids, would need to meet emission limits for nitrogen oxides. The final standards also encourage refineries to recover gas that can be used as fuel to power equipment at the refinery.

These standards will reduce emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>), and volatile organic compounds, which react in the air to form fine particle pollution and ground-level ozone. While the revised standards do not address greenhouse gas emissions, they will reduce carbon dioxide emissions by as much as 2 million tons per year as a co-benefit.

EPA's final rule responds to petitions requesting the agency to reconsider the final standards issued in 2008 and provides a clear path forward for refineries to meet these important standards and protect public health.

More information: <http://www.epa.gov/ttn/oarpg/new.html>

R099

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This service is provided to you at no charge by [U.S. Environmental Protection Agency](#).



---

This email was sent to tennille.tracy@dowjones.com using GovDelivery, on behalf of: U.S. Environmental Protection Agency · 1200 Pennsylvania Avenue NW · Washington DC 20460 · 202-564-4355

Andrea  
Drinkard/DC/USEPA/US  
07/30/2012 12:06 PM

To Andrea Drinkard  
cc Alisha Johnson, Enesta Jones, "David Bloomgren", "David Cohen", "Robert Delp", Jan Cortelyou-Lee, John Millett, "Alisha Johnson"  
bcc  
Subject SIGNED: SO2 Designations Extension

FYI...the administrator signed the SO2 extension on Friday, ahead of schedule. Per the roll-out plan we're making our heads up calls to the states and will post the rule on the SO2 website this afternoon, after those calls have been made.

Will let you know when it's up.

-AD-

Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: drinkard.andrea@epa.gov  
Phone: 202.564.1601  
Cell: 202.236.7765

Andrea Drinkard Cleared by OGC and Janet. Let me kn... 07/26/2012 12:18:03 PM

From: Andrea Drinkard/DC/USEPA/US  
To: Alisha Johnson/DC/USEPA/US@EPA  
Cc: Enesta Jones/DC/USEPA/US@EPA, "David Bloomgren" <bloomgren.david@epa.gov>, "David Cohen" <cohen.david@epa.gov>, "Robert Delp" <delp.robert@epa.gov>, Jan Cortelyou-Lee/RTP/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA, "Alisha Johnson" <johnson.alisha@epa.gov>  
Date: 07/26/2012 12:18 PM  
Subject: Re: USE THIS VERSION: SO2 Designations Extension--Likely by July 31

Cleared by OGC and Janet. Let me know if you have any comments. Still on track for July 31, but will keep you posted on timing as I hear more. Again, (b) (5) DP just being prepared in case questions come in.

Thanks!

-AD-



Communication Plan\_Extension SO2 designations UPDATEv4.docx  
Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: drinkard.andrea@epa.gov  
Phone: 202.564.1601  
Cell: 202.236.7765

Alisha Johnson Thanks. Let me know when approved b... 07/25/2012 05:42:06 PM

From: Alisha Johnson/DC/USEPA/US

To: Andrea Drinkard/DC/USEPA/US@EPA  
Cc: Enesta Jones/DC/USEPA/US@EPA, "David Bloomgren" <bloomgren.david@epa.gov>, "David Cohen" <cohen.david@epa.gov>, "Robert Delp" <delp.robert@epa.gov>, Jan Cortelyou-Lee/RTP/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA, "Alisha Johnson" <johnson.alisha@epa.gov>  
Date: 07/25/2012 05:42 PM  
Subject: Re: USE THIS VERSION: SO2 Designations Extension--Likely by July 31

---

Thanks. Let me know when approved by OGC and Janet.

Andrea Drinkard Fixed a inadvertent error. Use this ver... 07/25/2012 05:06:32 PM

From: Andrea Drinkard/DC/USEPA/US  
To: Andrea Drinkard/DC/USEPA/US@EPA  
Cc: Enesta Jones/DC/USEPA/US@EPA, "David Bloomgren" <bloomgren.david@epa.gov>, "David Cohen" <cohen.david@epa.gov>, "Robert Delp" <delp.robert@epa.gov>, Jan Cortelyou-Lee/RTP/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA, "Alisha Johnson" <johnson.alisha@epa.gov>  
Date: 07/25/2012 05:06 PM  
Subject: USE THIS VERSION: SO2 Designations Extension--Likely by July 31

---

Fixed a inadvertent error. Use this version. Apologies for the follow up.



Communication Plan\_ Extension SO2 designations UPDATEv3.docx  
Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: drinkard.andrea@epa.gov  
Phone: 202.564.1601  
Cell: 202.236.7765

Andrea Drinkard (b) (5) 07/25/2012 05:02:39 PM

From: Andrea Drinkard/DC/USEPA/US  
To: Enesta Jones/DC/USEPA/US@EPA  
Cc: "David Bloomgren" <bloomgren.david@epa.gov>, "David Cohen" <cohen.david@epa.gov>, "Robert Delp" <delp.robert@epa.gov>, Jan Cortelyou-Lee/RTP/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA, "Alisha Johnson" <johnson.alisha@epa.gov>  
Date: 07/25/2012 05:02 PM  
Subject: Re: SO2 Designations Extension--Likely by July 31

---

(b) (5) DP

Will run this version through Janet and OGC as well.

Thanks.

-AD-

Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: drinkard.andrea@epa.gov  
Phone: 202.564.1601  
Cell: 202.236.7765

Enesta Jones

(b) (5)

07/25/2012 04:06:39 PM

From: Enesta Jones/DC/USEPA/US  
To: Andrea Drinkard/DC/USEPA/US@EPA  
Cc: John Millett/DC/USEPA/US@EPA, Jan Cortelyou-Lee/RTP/USEPA/US@EPA, "Robert Delp" <delp.robert@epa.gov>, "Alisha Johnson" <johnson.alisha@epa.gov>, "David Bloomgren" <bloomgren.david@epa.gov>, "David Cohen" <cohen.david@epa.gov>  
Date: 07/25/2012 04:06 PM  
Subject: Re: SO2 Designations Extension--Likely by July 31

[REDACTED]  
Can we say (b) (5) DP  
[REDACTED]

Enesta Jones  
Press Office  
U.S. Environmental Protection Agency  
Desk: 202.564.7873  
Cell: 202.236.2426

Andrea Drinkard

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

**From:** Andrea Drinkard  
**Sent:** 07/25/2012 04:01 PM EDT  
**To:** Enesta Jones; Robert Delp; Alisha Johnson; David Bloomgren  
**Cc:** John Millett; Jan Cortelyou-Lee  
**Subject:** SO2 Designations Extension--Likely by July 31

Hi all--

Just wanted to give you a heads up that we expect (b) (5) DP  
[REDACTED]

[REDACTED]  
[REDACTED] We held a number of listening sessions in May and June on the issue to try to get feedback from all stakeholders involved. We're reviewing this info now and (b) (5) DP  
[REDACTED]

(b) (5) DP  
[REDACTED] So here's a statement that we can use, if asked, some Q&As for background, and our thoughts on outreach.

Janet's reviewing this draft as well and will let you know if she has any comments or updates.

Thanks so much!

-Andrea-

[attachment "Communication Plan\_ Extension SO2 designations UPDATE.docx" deleted by Enesta Jones/DC/USEPA/US]

Andrea Drinkard

U.S. Environmental Protection Agency

Office of Air and Radiation

Email: [drinkard.andrea@epa.gov](mailto:drinkard.andrea@epa.gov)

Phone: 202.564.1601

Cell: 202.236.7765

Andrea  
Drinkard/DC/USEPA/US  
04/23/2010 04:21 PM

To Andrea Drinkard  
cc Don Zinger, Gina McCarthy, Janet McCabe  
bcc  
Subject Update Blog Post on AP: Emissions often underestimated,  
EPA standards old UPDATE

Hi Gina,

Brendan mentioned that he sent you an earlier version of the blog post. I wanted to make sure you had the final. This version includes Peter's edits. Please let me know if you have any questions. OPA was hoping to post this today.

Thanks!

### **Keeping Up with Emissions from Refineries and Chemical Plants**

Last April, EPA outlined its progress and plans for improving our understanding of emissions at petroleum and chemical refineries. "Emissions inventories" are important to EPA as we look at reducing pollution from these industries, and we're committed to developing the most comprehensive picture of annual emissions we can.

In the past year, we've issued a draft plan for improving emissions estimates from a wide variety of industries. We've drafted new protocols specifically for estimating emissions from petroleum refineries. And we've been evaluating how these estimates work in the field, comparing them with a study at a Texas refinery that used remote laser equipment to identify and measure emissions. We have more work to do, but these steps mark important progress toward our goal of having the best set of tools to determine what's being emitted from refineries across the country.

Refineries are complex facilities. If you've ever driven by one, you've probably noticed the maze of pipes winding their way around the facility, past stacks and storage tanks and other equipment. At a single refinery, there are hundreds of places where pollution can escape including from stacks, storage tanks, leaks and flares.

In EPA's earlier days, measuring some of these emissions was difficult. But technology available today is making that easier - and we're taking advantage of that technology to help us ground-truth and improve our tools for estimating year-round emissions under different operating and atmospheric conditions.

Improving our emissions estimates is just one step EPA is taking toward addressing air pollution from refineries. In October, the agency withdrew a Jan. 16, 2009 determination about risks from refinery emissions, based on concerns about the accuracy of the emissions data used to develop it. We are reviewing that determination now, with an eye toward ensuring that our refinery rules are protective of public health and the environment. And later this year, we anticipate finalizing amendments to new source performance standards for refineries that reduce emissions from flaring.

As we move forward, we will need all available tools -- including new-technology monitoring and improved estimates -- to help us as we improve our inventories of refinery emissions, and as we continue to work to make air quality in communities around refineries healthier to breathe.

Andrea Drinkard  
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Office of Air and Radiation  
Email: [drinkard.andrea@epa.gov](mailto:drinkard.andrea@epa.gov)  
Phone: 202.564.1601  
Cell: 202.236.7765

Andrea Drinkard

OPA would like us to draft a blog post...

04/22/2010 08:06:21 PM

From: Andrea Drinkard/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA  
Date: 04/22/2010 08:06 PM  
Subject: Fw: AP: Emissions often underestimated, EPA standards old UPDATE

---

OPA would like us to draft a blog post (b) (5) DP

OAQPS is working on the blog post tonight and will have something for us tomorrow.

Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: [drinkard.andrea@epa.gov](mailto:drinkard.andrea@epa.gov)  
Phone: 202.564.1601  
Cell: 202.236.7765

-----Forwarded by Andrea Drinkard/DC/USEPA/US on 04/22/2010 07:38PM -----

To: Andrea Drinkard/DC/USEPA/US@EPA  
From: John Millett/DC/USEPA/US  
Date: 04/22/2010 05:32PM  
Subject: Fw: AP: Emissions often underestimated, EPA standards old

~~~~~  
John Millett
Office of Air and Radiation Communications
U.S. Environmental Protection Agency
5411 Ariel Rios Building North
Washington, DC 20460
Phone: 202/564-2903
Cell: 202/510-1822

----- Forwarded by John Millett/DC/USEPA/US on 04/22/2010 05:29 PM -----

From: John Millett/DC/USEPA/US

To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA

Date: 04/22/2010 05:25 PM

Subject: AP: Emissions often underestimated, EPA standards old
ct:

(b) (5)

Emissions often underestimated , EPA standards old

By RAMIT PLUSHNICK-MASTI (AP) - 1 hour ago

HOUSTON – The nation's oil and chemical plants are spewing a lot more pollution than they report to the Environmental Protection Agency – and the EPA knows it.

But the federal agency has yet to adopt more accurate, higher-tech measuring methods that have been available for years.

Significant changes will not be seen for at least two more years, even though an internal EPA watchdog called for improvements in 2006 and some of the more sophisticated measuring devices have been used in Europe since the 1990s.

Records, scientific studies and interviews by The Associated Press suggest pollution from petrochemical plants is at least 10 times greater than what is reported to the government and the public.

Some European countries employ lasers, solar technology and remote sensors to measure air pollution, while the U.S. relies to a large degree on estimates derived from readings taken by plant employees using hand-held "sniffer" devices that check for leaks in pumps and valves.

The failure to get a true assessment of industrial emissions hinders attempts to monitor and regulate public health and air quality. And the problem is seen as especially urgent in oil centers such as Houston, where plants line the city's Ship Channel and nearby residents are ordered to stay inside many times each year for their own safety when the plants belch high levels of toxic substances such as benzene.

"Emissions, we do believe, have been underestimated in general," a top EPA air quality official, Peter Tsirigotis, acknowledged recently. Asked why it has taken so long to modernize the measuring methods, he said: "That, I don't know."

Although U.S. oil and chemical companies have criticized some of the high-tech measuring devices, complaining they do not yield a full and accurate picture, industry representatives say they will embrace technologies that work and are affordable.

Under the federal Clean Air Act, plants must bear the cost of pollution-monitoring equipment. And the newer, high-tech devices could easily run a plant hundreds of thousands of dollars. Also, more accurate measuring devices could lead to bigger fines against industrial polluters and force them to pay for cleaner technology.

John Bosch, a chemical engineer who retired from the EPA last year, attributed the delays to the oil and gas industry's lobbying muscle and resistance to change inside the EPA.

"They have to update the way they do this, but there are many forces against that, political and economic," he said.

The EPA has known for at least a decade that its pollution measuring methods are suspect. In 2000, government-funded studies in Houston showed true emissions from plants were higher than reported.

And in 2006, the EPA inspector general, an independent oversight office, concluded that the scientific formulas used to calculate plant emissions were outdated, resulting in "significantly underestimated" pollution in the petroleum industry, wood products and ethanol production.

The report said the problem "has hampered environmental decisions, resulting in more than one million tons of uncontrolled emissions spanning years, and an increased risk of adverse health effects."

"The air might not be as clean as the agency claims," the report concluded.

Top EPA administrators promised the agency would update the "inherently uncertain and imperfect" scientific formulas and employ better technology to measure emissions.

But four years later, the goal of overhauling the science is at least two years off, and officials cannot say when – or even if – higher-tech measuring systems will be made mandatory.

Every state has at least one chemical plant, and all but 15 states have oil refineries. States such as Texas, Louisiana and California have more than a dozen petrochemical plants each. The EPA, under the Clean Air Act, has required plants since the early 1970s to measure emissions.

But Neil Carman, a chemist with Sierra Club who spent years inspecting industrial plants for Texas' environmental agency, likens the system to "a police officer or trooper showing up on a highway every three months for 10 seconds. It's a joke."

"The numbers are erroneous," he said.

Two state- and federally funded studies obtained by the AP found vast discrepancies in 2006 between reported emissions and pollution measured with high-tech systems in the Houston area, the heart of the Gulf Coast region that refines one-third of the country's gasoline.

In the refinery town of Texas City, the high-tech equipment detected levels of smog-causing ethene – an odorless, flammable hydrocarbon – that were 12 times higher than those recorded by EPA-approved methods. In the Houston Ship Channel and in Baytown, ethene levels were 12 1/2 times greater than reported to the EPA.

One of the mobile laser devices now in use in Europe costs about \$500,000 on average; another model about half that.

EPA officials are uncertain whether the European technology will be adopted here. They share a concern expressed by industry groups that the equipment generally captures pollution over several weeks and cannot be used to fairly estimate annual pollution.

The solution, Tsirigotis said, may be to use a combination of measuring methods. "There's no silver bullet here," he said.

Karin Ritter, an air quality expert at the 400-member American Petroleum Institute, the oil industry's chief lobbying group, said more research is needed.

"Let's wait and see what technology is the one to rise to the top," Ritter said.

Other experts say the technologies have proved their effectiveness and should be used by the EPA.

The industries are arguing "you were here on a bad day. So when is a good day? Tell me when, and I'll come on a good day," said Alex Cuclis, a scientist at the Houston Advanced Research Center.

One Houston company that uses high-tech measuring systems, Texas Petrochemicals, has managed to cut emissions of butadiene, a toxic chemical used in synthetic rubber, by at least 75 percent, said Marise Textor, director of regulatory affairs.

"We see things very quickly that we would not have seen historically," she said.

Associated Press writer John McFarland contributed to this report from Dallas.

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~~~~~  
John Millett  
Office of Air and Radiation Communications  
U.S. Environmental Protection Agency  
5411 Ariel Rios Building North  
Washington, DC 20460  
Phone: 202/564-2903  
Cell: 202/510-1822

Andrea  
Drinkard/DC/USEPA/US  
07/25/2012 05:07 PM

To Andrea Drinkard  
cc Enesta Jones, "David Bloomgren", "David Cohen", "Robert  
Delp", Jan Cortelyou-Lee, John Millett, "Alisha Johnson"  
bcc  
Subject USE THIS VERSION: SO2 Designations Extension--Likely by  
July 31

Fixed a inadvertent error. Use this version. Apologies for the follow up.



Communication Plan\_ Extension SO2 designations UPDATEv3.docx  
Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: drinkard.andrea@epa.gov  
Phone: 202.564.1601  
Cell: 202.236.7765

Andrea Drinkard (b) (5) 07/25/2012 05:02:39 PM

From: Andrea Drinkard/DC/USEPA/US  
To: Enesta Jones/DC/USEPA/US@EPA  
Cc: "David Bloomgren" <bloomgren.david@epa.gov>, "David Cohen" <cohen.david@epa.gov>, "Robert Delp" <delp.robert@epa.gov>, Jan Cortelyou-Lee/RTP/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA, "Alisha Johnson" <johnson.alisha@epa.gov>  
Date: 07/25/2012 05:02 PM  
Subject: Re: SO2 Designations Extension--Likely by July 31

(b) (5) DP

Will run this version through Janet and OGC as well.

Thanks.

-AD-

Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: drinkard.andrea@epa.gov  
Phone: 202.564.1601  
Cell: 202.236.7765

Enesta Jones The trades will care. 07/25/2012 04:06:39 PM

From: Enesta Jones/DC/USEPA/US  
To: Andrea Drinkard/DC/USEPA/US@EPA  
Cc: John Millett/DC/USEPA/US@EPA, Jan Cortelyou-Lee/RTP/USEPA/US@EPA, "Robert Delp" <delp.robert@epa.gov>, "Alisha Johnson" <johnson.alisha@epa.gov>, "David Bloomgren" <bloomgren.david@epa.gov>, "David Cohen" <cohen.david@epa.gov>  
Date: 07/25/2012 04:06 PM  
Subject: Re: SO2 Designations Extension--Likely by July 31

(b) (5) DP

Can we say (b) (5) DP

Enesta Jones  
Press Office  
U.S. Environmental Protection Agency  
Desk: 202.564.7873  
Cell: 202.236.2426

Andrea Drinkard

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

**From:** Andrea Drinkard  
**Sent:** 07/25/2012 04:01 PM EDT  
**To:** Enesta Jones; Robert Delp; Alisha Johnson; David Bloomgren  
**Cc:** John Millett; Jan Cortelyou-Lee  
**Subject:** SO2 Designations Extension--Likely by July 31

Hi all--

Just wanted to give you a heads up that we expect (b) (5) DP

[Redacted]

[Redacted] So here's a statement that we can use, if asked, some Q&As for background, and our thoughts on outreach.

Janet's reviewing this draft as well and will let you know if she has any comments or updates.

Thanks so much!

-Andrea-

[attachment "Communication Plan\_ Extension SO2 designations UPDATE.docx" deleted by Enesta Jones/DC/USEPA/US]  
Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: drinkard.andrea@epa.gov  
Phone: 202.564.1601  
Cell: 202.236.7765

Andrea  
Drinkard/DC/USEPA/US  
04/03/2012 11:07 AM

To: Dave Deegan  
cc: Brendan Gilfillan, John Millett, Nancy Grantham, Paula Ballentine  
bcc:  
Subject: Re: ACTION: Please Review Draft Quote on Carbon Stds.

My only concern with the quote is (b) (5) DP

[Redacted]

[Redacted]

Andrea Drinkard  
U.S. Environmental Protection Agency  
Office of Air and Radiation  
Email: drinkard.andrea@epa.gov  
Phone: 202.564.1601  
Cell: 202.236.7765

Dave Deegan + Andrea, since John is out 04/03/2012 11:00:56 AM

From: Dave Deegan/R1/USEPA/US  
To: Andrea Drinkard/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA, Nancy Grantham/R1/USEPA/US@EPA, Paula Ballentine/R1/USEPA/US@EPA  
Date: 04/03/2012 11:00 AM  
Subject: Re: ACTION: Please Review Draft Quote on Carbon Stds.

+ Andrea, since John is out

Dave Deegan Hi Brendan & John - Senator Shaheen'... 04/03/2012 10:59:57 AM

From: Dave Deegan/R1/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA  
Cc: Nancy Grantham/R1/USEPA/US@EPA, Paula Ballentine/R1/USEPA/US@EPA  
Date: 04/03/2012 10:59 AM  
Subject: ACTION: Please Review Draft Quote on Carbon Stds.

Hi Brendan & John -

Senator Shaheen's office is putting out a PR in support of a Carbon Roundtable event - they would like (and Curt would like to provide) a quote. I've drafted the following adaptation of the LPJ quote in last week's announcement. Please let us know if this is ok or if you have an alternative or other input.

Thanks,  
Dave

(b) (5) DP



~~~~~  
David Deegan
Office of Public Affairs
U.S. EPA - New England Region
(617) 918-1017 (office)
(617) 594-7068 (cell)
deegan.dave@epa.gov
<http://www.epa.gov/region1/newsevents>
Follow EPA New England on Twitter: www.twitter.com/EPAnewengland

** Help Save Paper ** Don't Print This Email Unless Necessary **

----- Forwarded by Dave Deegan/R1/USEPA/US on 04/03/2012 10:49 AM -----

From: Nancy Grantham/R1/USEPA/US
To: Catherine Corkery <catherine.corkery@sierraclub.org>
Cc: Cynthia Greene/R1/USEPA/US@EPA, Emily Zimmerman/R1/USEPA/US@EPA, Dave Deegan/R1/USEPA/US@EPA, Paula Ballentine/R1/USEPA/US@EPA
Date: 04/03/2012 10:35 AM
Subject: Re: Press release darft for tomorrow

looping our press staff who will provide a quote (paula and dave -- please coordinate quote millett and brendan . .thanks ng)

Catherine Corkery Hi Nancy and Cynthia, I do not have... 04/03/2012 10:14:19 AM

From: Catherine Corkery <catherine.corkery@sierraclub.org>
To: Nancy Grantham/R1/USEPA/US@EPA, Cynthia Greene/R1/USEPA/US@EPA
Date: 04/03/2012 10:14 AM
Subject: Press release darft for tomorrow

Hi Nancy and Cynthia,
I do not have the quotation for the Senator yet and she will have edits they said BUT could you look this over and send a quotation for CS?

thanks,
Cathy

--

Catherine M. Corkery
Chapter Director
Field Organizer

New Hampshire Sierra Club
40 North Main Street 2 nd Floor
Concord, NH 03301
Office: 603-224-8222
Cell: 603-491-1929
catherine.corkery@sierraclub.org
www.nhsierraclub.org

DONATE TO NH CHAPTER TODAY

In accordance with the Freedom of Information Act, this document is being released under the provisions of the Act.

Andrea
Drinkard/DC/USEPA/US
07/25/2012 05:02 PM

To Enesta Jones
cc "David Bloomgren", "David Cohen", "Robert Delp", Jan
Cortelyou-Lee, John Millett, "Alisha Johnson"
bcc
Subject Re: SO2 Designations Extension--Likely by July 31

(b) (5) DP

Will run this version through Janet and OGC as well.

Thanks.

-AD-



Communication Plan_ Extension SO2 designations UPDATEv2.docx
Andrea Drinkard
U.S. Environmental Protection Agency
Office of Air and Radiation
Email: drinkard.andrea@epa.gov
Phone: 202.564.1601
Cell: 202.236.7765

Enesta Jones

(b) (5)

07/25/2012 04:06:39 PM

From: Enesta Jones/DC/USEPA/US
To: Andrea Drinkard/DC/USEPA/US@EPA
Cc: John Millett/DC/USEPA/US@EPA, Jan Cortelyou-Lee/RTP/USEPA/US@EPA, "Robert Delp" <delp.robert@epa.gov>, "Alisha Johnson" <johnson.alisha@epa.gov>, "David Bloomgren" <bloomgren.david@epa.gov>, "David Cohen" <cohen.david@epa.gov>
Date: 07/25/2012 04:06 PM
Subject: Re: SO2 Designations Extension--Likely by July 31

(b) (5) DP

Can we say (b) (5) DP

Enesta Jones
Press Office
U.S. Environmental Protection Agency
Desk: 202.564.7873
Cell: 202.236.2426

Andrea Drinkard

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

From: Andrea Drinkard
Sent: 07/25/2012 04:01 PM EDT
To: Enesta Jones; Robert Delp; Alisha Johnson; David Bloomgren
Cc: John Millett; Jan Cortelyou-Lee

Subject: SO2 Designations Extension--Likely by July 31

Hi all--

Just wanted to give you a heads up that we expect (b) (5) DP

[REDACTED]

[REDACTED]

[REDACTED]

So here's a statement that we can use, if asked, some Q&As for background, and our thoughts on outreach.

Janet's reviewing this draft as well and will let you know if she has any comments or updates.

Thanks so much!

-Andrea-

[attachment "Communication Plan_ Extension SO2 designations UPDATE.docx" deleted by Enesta Jones/DC/USEPA/US]

Andrea Drinkard

U.S. Environmental Protection Agency

Office of Air and Radiation

Email: drinkard.andrea@epa.gov

Phone: 202.564.1601

Cell: 202.236.7765

Andrea
Drinkard/DC/USEPA/US
09/24/2012 12:31 PM

To: Gina McCarthy
cc: Don Zinger, John Millett
bcc:

Subject: Re: Dow Jones: Campaigns Spar Over Coal's Future

I reached out to Alisha and (b) (5) DP

Andrea Drinkard
U.S. Environmental Protection Agency
Office of Air and Radiation
Email: drinkard.andrea@epa.gov
Phone: 202.564.1601
Cell: 202.236.7765

Gina McCarthy (b) (5) DP 09/24/2012 12:16:25 PM

From: Gina McCarthy/DC/USEPA/US
To: Andrea Drinkard/DC/USEPA/US@EPA, "Millett John" <millet.john@epa.gov>
Cc: Don Zinger/DC/USEPA/US@EPA
Date: 09/24/2012 12:16 PM
Subject: Re: Dow Jones: Campaigns Spar Over Coal's Future

Not sure why (b) (5) DP

Thx

Andrea Drinkard FYI... Campaigns Spar Over Coal's... 09/24/2012 09:33 AM EDT

From: Andrea Drinkard
To: Gina McCarthy; millet.john@epa.gov
Cc: Don Zinger
Date: 09/24/2012 09:33 AM EDT
Subject: Dow Jones: Campaigns Spar Over Coal's Future

FYI...

Campaigns Spar Over Coal's Future

A handful of utility companies are determined to buck the trend toward natural gas and break ground on what could be the last new conventional coal-fired power plants in the U.S. The moves come as the presidential campaigns spar over the future of coal power.

The companies—in Texas, Georgia and in other states—are pushing ahead with roughly a half-dozen coal-burning plants that have long been in planning, and have until April 2013 to begin construction before new curbs on greenhouse-gas emissions start to take effect.

But they say separate government rules on mercury emissions are making it tough to hit that deadline.

Republican presidential candidate Mitt Romney has accused President Barack Obama of waging a war on coal, while the president says he supports clean-coal technology and asserts GOP policies would harm the environment.

"Obama's EPA has officially changed all the rules since we began," said Randy Bird, chief operating officer of White Stallion Energy Center LLC, a company seeking to build a 1,300-megawatt coal plant in south Texas.

The Environmental Protection Agency and some outside energy specialists say the Obama administration doesn't bear primary responsibility for the struggles of coal-fired plants, which must compete against plants using America's cheap and newly abundant supplies of natural gas.



"Environmental regulations are a factor, but in most instances they are not the major factor," an EPA spokeswoman said. "The principal driver is the energy market."

In the last year, citing environmental standards and changing market conditions, power companies have announced the retirement of 31,000 megawatts of coal-fired capacity, or 10% of the total, according to an analysis released last week by the American Coalition for Clean Coal Electricity, a group that represents coal producers.

The decline of coal-fired power is hitting coal-mining companies. [Alpha Natural Resources Inc.](#), ANR -2.77% the biggest coal producer in Appalachia, said last week it was slashing nearly 10% of its work force, shutting mines in Virginia, West Virginia and Pennsylvania and cutting operations in Wyoming's Powder River Basin.

Mr. Romney last week released a television ad, to be aired in coal-producing states, featuring mournful images of coal miners facing the industry's decline. One miner in the ad says the administration's policies are "attacking my livelihood."

House Republicans approved a bill Friday that would limit the government's power to regulate greenhouse-gas emissions and coal ash, but the Democratic-led Senate is unlikely to consider the legislation.

Coal supporters believe the administration should leave the door open to new coal plants in case natural gas prices rise sharply or supplies get cut off. The reliability of the U.S. power grid is at stake, they say.

Mr. Bird said his coal plant would be competitive if natural gas prices, currently around \$2.80 per million British thermal units, rose to \$4 per million BTUs, which he believes will happen by the time his planned units are scheduled to come online in a few years. White Stallion also needs to secure access to millions of gallons of water, used to cool the plant, before it can move forward.

Environmental groups say the administration is moving in the right direction given the availability of cleaner-burning natural gas and the EPA's finding that greenhouse gases pose a threat to human health. "At some point, [power companies] have to accommodate the world that is changing around them," said Sanjay Narayan, a lawyer with the Sierra Club, which opposes the long-term use of natural gas as a power source.

The Environmental Protection Agency says new coal plants built after the April 2013 deadline would require carbon-capture technology, which the industry claims would virtually rule out new construction because of cost.

Companies seeking to build conventional coal-fired plants, including White Stallion, cite a particularly knotty issue in the EPA's regulations. The agency has set a March 2013 deadline to make final its standards for mercury emissions, also a byproduct of burning coal.

Companies say they won't know until then whether their plants are feasible. Even if the mercury rule turns out to be manageable, under the greenhouse-gas rule they would have just a month to line up billions of dollars in financing and equipment before the April 2013 deadline. It's a "regulatory vise," said Peter Glaser, a Washington, D.C., attorney with Troutman Sanders working on behalf of several of the companies.

EPA air chief Gina McCarthy said the agency is "trying to be as flexible as we can."

With some parts of battleground states like Ohio reliant on coal jobs, the White House has started to defend itself more vigorously against the "war on coal" allegation.

"The president has made clear that coal has an important role to play in our energy economy today and it will in the future," said spokesman Clark Stevens.

Mr. Obama describes his energy plan as an "all of the above" approach that makes use of oil, natural gas, nuclear, renewable energy and clean coal. The White House says it has committed nearly \$6 billion for advanced coal research.

Write to Tennille Tracy at tennille.tracy@dowjones.com

Andrea
Drinkard/DC/USEPA/US
08/15/2011 03:04 PM

To: Gina McCarthy
cc: gilfillan.brendan, Janet McCabe
bcc:
Subject: Re: Fw: ALA statement on CO NAAQS

We put together the following Q&A on it:

CASAC advised that the evidence supported either retaining or revising the NAAQS though expressed a preference for a lower standard. EPA fully considered the evidence and CASAC's advice before concluding that a revision to the standards is not warranted. CO levels at monitors across the country are quite low and are well within the standards, showing that federal, state and local efforts to reduce CO pollution have been successful and are providing important public health protections to all Americans.

We can also note in their letter where reference keeping the standard:

[p. 12 of attachment to letter] In response to the following charge question *What are the views of the Panel regarding the staff's discussion of considerations related to the adequacy of the current and potential alternative standards?*

"... The Staff analysis indicates that some of the uncertainties identified in previous reviews of the standard have been reduced. Based on their overall analysis, they conclude that the body of evidence and the quantitative exposure and dose estimates provide support for a standard at least as protective as the current standards. [I.e. the data provide support for retaining or revising the current 8-hr standard.](#)

[Overall the Panel agrees with this conclusion. ... "](#)

For additional reference, this is where ALA is pulling their interpretation from:

[p. 2 of letter says]

"It is important to acknowledge the decreases in ambient CO levels over time; however, this success should not preclude an objective assessment of the potential health consequences of exposures at the current CO NAAQS. While measured concentrations infrequently reach the current NAAQS, evidence indicates that adverse health effects could occur at these levels. For that reason, CASAC expresses its preference for a lower standard."

Andrea Drinkard
U.S. Environmental Protection Agency
Office of Air and Radiation
Email: drinkard.andrea@epa.gov
Phone: 202.564.1601
Cell: 202.236.7765

Gina McCarthy [We may want to be prepared to respon...](#) 08/15/2011 03:00:23 PM

From: Gina McCarthy/DC/USEPA/US
To: Andrea Drinkard/DC/USEPA/US@EPA, gilfillan.brendan@epa.gov
Cc: Janet McCabe/DC/USEPA/US@EPA
Date: 08/15/2011 03:00 PM
Subject: Fw: ALA statement on CO NAAQS

We may want to be prepared to respond if questions come our way.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 08/15/2011 02:59 PM -----

From: Janice Nolen <JNolen@lungusa.org>
To: Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Steve Page/RTP/USEPA/US@EPA, Lydia Wegman/RTP/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA
Cc: Paul Billings <PBillings@lungusa.org>, Peter Iwanowicz <PIwanowicz@lungusa.org>
Date: 08/15/2011 02:23 PM
Subject: ALA statement on CO NAAQS

Friends,

We just released this statement on the carbon monoxide NAAQS announcement today.

Hoping for a better ozone one soon,

Janice

Janice E. Nolen

Assistant Vice President, National Policy and Advocacy

American Lung Association

1301 Pennsylvania Ave NW Suite 800

Washington, DC 20004-1725

P 202.785.3355 C 202.486.0285 F 202.452.1805

jnolen@lungusa.org @lungassociation



Charles Connor ALA Statement on EPA Carbon Monoxide Standards 8 15 2011 FINAL.pdf

Al Armendariz/R6/USEPA/US
09/29/2010 11:35 AM

To Bob Sussman, "Larry Starfield"
cc "Janet McCabe"
bcc
Subject Re: Nucor Update

Hi Bob,

We're looking forward to the update tomorrow.

I myself am going to be testifying at a Texas House committee hearing in Austin.

Larry is my point person on Nucor and will be providing the R6 update.

(b) (5)

Best,

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: 09/29/2010 10:49 AM EDT
To: Al Armendariz; Avi Garbow; Cynthia Giles-AA; Diane Thompson; Gina McCarthy; Janet McCabe; Janet Woodka; Lisa Garcia; Scott Fulton
Cc: Ann Campbell; Beth Zelenski; Carla Veney; Cindy Huang; Colleen Flaherty; Georgia Bednar; Jordan Dorfman; Joyce Runyan; Linda Huffman; Monique Patrick; Nena Shaw; Stephanie Washington; Venu Ghanta
Subject: Nucor Update
To All:

As a reminder, for tomorrow's Nucor Update call, we will discuss progress on the following items which were sent out last week:

(b) (5)

(b) (5)

Thanks.

Alex Barron/DC/USEPA/US
04/05/2011 12:24 PM

To Dan Schmelling, Jim Belke
cc Craig Matthiessen, Kim Jennings
bcc
Subject Re: Fw: Blue Green Coalition and Chemical Disaster
Prevention

Works for me.

A
Dan Schmelling

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

From: Dan Schmelling
Sent: 04/05/2011 12:19 PM EDT
To: Jim Belke
Cc: Alex Barron; Craig Matthiessen; Kim Jennings
Subject: Re: Fw: Blue Green Coalition and Chemical Disaster Prevention

Alex,

If you're available, I'll set up a conf call for 3:00 - 3:30 eastern. Dan

Jim Belke Hi Alex, I am currently on travel to San... 04/05/2011 11:59:41 AM

From: Jim Belke/DC/USEPA/US
To: Alex Barron/DC/USEPA/US@EPA
Cc: Dan Schmelling/DC/USEPA/US@EPA, Kim Jennings/DC/USEPA/US@EPA, Craig Matthiessen/DC/USEPA/US@EPA
Date: 04/05/2011 11:59 AM
Subject: Re: Fw: Blue Green Coalition and Chemical Disaster Prevention

Hi Alex,

I am currently on travel to San Francisco, where I am participating in a training course to teach our RMP inspectors about petroleum refinery inspections.

I think I can break away at some point for a call - definitely at lunchtime out here - noon Pacific / 3 pm Eastern - or I can try to break away earlier if you need to. (b) (5) DP

Just let me know what time you want to talk, and what phone number to call.

Jim Belke

Fw: Blue Green Coalition and Chemiscal Disaster Prevention

Fw: Blue Green Coalition and Chemiscal Disaster Prevention

Dan Schmelling to: Jim Belke

04/05/2011 11:35 AM

Cc: Alex Barron

Jim,

Rick Hind of Greenpeace is meeting with the AA for OP, Michael Goo, to discuss his proposal for EPA to use general authority under 112(r) for more stringent regulation of chemical security. Essentially, Rick believes that the chemical security legislation proposed in congress last year won't move forward, so he wants EPA to accomplish the same ends (e.g., IST) using regulation.

Alex Barron in OP is asking for background info for AA Goo. I gave him your name as a POC on the RMP program under 112(r). If you're available, it might be worthwhile to have a short call with Alex. (b) (5) DP

thanks,
Dan

----- Forwarded by Dan Schmelling/DC/USEPA/US on 04/05/2011 09:47 AM -----

From: David Travers/DC/USEPA/US
To: "Dan Schmelling" <Schmelling.Dan@epamail.epa.gov>
Cc: "Debbie Newberry" <Newberry.Debbie@epamail.epa.gov>
Date: 04/05/2011 08:20 AM
Subject: Fw: Blue Green Coalition and Chemiscal Disaster Prevention

D, would you please prepare (or recycle) a one pager on this for the AA?

Sent by EPA Wireless E-Mail Services
Cynthia Dougherty

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

From: Cynthia Dougherty
Sent: 04/05/2011 07:25 AM EDT
To: David Travers
Cc: Debbie Newberry

Subject: Fw: Blue Green Coalition and Chemiscal Disaster Prevention

could you provide materials or contact this person to see what Michael Goo (AA for OP) needs for his Thursday meeting (related to chem security). Thanks

Cynthia C. Dougherty
Director
Office of Ground Water and Drinking Water (4601M)
(202) 564-3750 - Phone
(202) 564-3753 - Fax

----- Forwarded by Cynthia Dougherty/DC/USEPA/US on 04/05/2011 07:23 AM -----

From: Alex Barron/DC/USEPA/US
To: Debbie Dietrich/DC/USEPA/US@EPA
Cc: Robin Kime/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Cynthia

Date: Dougherty/DC/USEPA/US@EPA, Shannon Kenny/DC/USEPA/US@EPA
04/04/2011 06:00 PM
Subject: Re: Fw: Blue Green Coalition and Chemiscal Disaster Prevention

Dana and Cynthia - Do you have any short summary materials that could help bring Michael up to speed for this meeting on Thursday AM (see the bottom of the chain)? It would be most helpful.

Debbie - Thanks for redirecting me!

Alex

Debbie Dietrich Hi Alex, sorry I'm just getting back to yo... 04/04/2011 01:58:38 PM

From: Debbie Dietrich/DC/USEPA/US
To: Alex Barron/DC/USEPA/US@EPA
Cc: Robin Kime/DC/USEPA/US@epa, Dana Tulis/DC/USEPA/US@EPA, Cynthia Dougherty/DC/USEPA/US@EPA
Date: 04/04/2011 01:58 PM
Subject: Re: Fw: Blue Green Coalition and Chemiscal Disaster Prevention

Hi Alex, sorry I'm just getting back to you. The key office in this is OSWER, specifically the Office of Emergency Management (OEM) who manages the Risk Management Program referred to in Rick Hind's email. (b) (5) DP

The Water Program is also involved, to a degree, (b) (5) DP

Cynthia Dougherty is the key point of contact for that program.

I have cc'ed both Dana Tulis and Cynthia Dougherty on this message. Please let me know if you need further assistance.

Debbie Dietrich
Associate Administrator for Homeland Security
USEPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Ph 202-564-6978
Fax 202-501-0026

Alex Barron Hi there, I was just checking in to see if... 04/04/2011 01:41:06 PM

From: Alex Barron/DC/USEPA/US
To: Debbie Dietrich/DC/USEPA/US@EPA
Cc: Robin Kime/DC/USEPA/US@EPA
Date: 04/04/2011 01:41 PM
Subject: Fw: Blue Green Coalition and Chemiscal Disaster Prevention

Hi there, I was just checking in to see if you can direct me to someone to help Michael prep for this meeting that the Administrator asked him to take. I'd like to get him prep materials well in advance of the Thursday AM meeting. Thanks!

A

----- Forwarded by Alex Barron/DC/USEPA/US on 04/04/2011 01:38 PM -----

From: Alex Barron/DC/USEPA/US
To: Debbie Dietrich/DC/USEPA/US@EPA
Date: 03/29/2011 03:01 PM
Subject: Blue Green Coalition and Chemical Disaster Prevention

Michael Goo is meeting with this group next week, which I gather has met with you earlier. As preparation, I'm looking for a quick update on what various offices are doing and any thoughts on things he can or shouldn't say at the meeting. Can you direct me to the most appropriate person/people for this check-in? I have already reached out to OAR on the specific authority they mention.

Thanks in advance,

Alex Barron, Ph.D.
Senior Advisor
Office of Policy
U.S. Environmental Protection Agency
202-564-3304

----- Forwarded by Alex Barron/DC/USEPA/US on 03/29/2011 02:41 PM -----

>> From: Rick Hind <rick.hind@greenpeace.org>
>> To: Heidi Ellis/DC/USEPA/US@EPA
>> Date: 03/22/2011 12:54 PM
>> Subject: MTG. REQ ON CHEMICAL DISASTER PREVENTION
>>
>> Dear Heidi,
>>
>> **On behalf of our blue-green coalition we would like to request a
> meeting
>> with Administrator Jackson about a regulator proposal we have made to
>> Office of Air and Water leaders including Gina McCarthy, Debbie
>> Dietrich, Dana Tulis, Cynthia Dougherty as well as Deputy
> Administrator
>> Bob Perciasepe.**
>>
>> To the credit of the EPA and Department of Homeland Security, the
> Obama
>> administration has consistently taken urged Congress to require the
> use
>> safer chemical processes at high risk chemical plants:
>>
>
>> [http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Beers_1.p
df](http://homeland.house.gov/sites/homeland.house.gov/files/Testimony%20Beers_1.pdf)
>
>>
>> http://www.dhs.gov/files/programs/gc_1176736485793.shtm
>>
> http://www.epa.gov/ocir/hearings/testimony/111_2009_2010/2010_0303_pss.pdf
>
>>
>>
>> After passing H.R. 2868 in the House in 2009, chemical security and
>> disaster prevention legislation died in the Senate in 2010. The
>> prospects for truly protective legislation look no better this year.
>> More than 100 groups support this legislation including the AFL-CIO,
>> United Auto Workers, United Steel Workers, Communications Workers of

>> America, Teamsters, Sierra Club, Environmental Defense Fund,
> Physicians
>> for Social Responsibility, U.S. Public Interest Research Group, Clean
>> Water Action, OMB Watch, League of Conservation Voters, etc.
>>
>> **As result our blue-green coalition would like to meet with**
> **Administrator**
>> **Jackson and other EPA leaders to discuss regulatory options with you**
> **and**
>> **any other relevant Agency staff you recommend. For example, we would**
>> **like to explore the use of the Clean Air Act's general duty clause in**
>> **section 112 (r) (1). As you may know, this authority was cited by the**
>> **EPA in their 2002 proposal led by former Deputy Administrator Linda**
>> **Fisher (now**
>> **VP at DuPont).**
>>
>> We think the current EPA could improve on the 2002 proposal but what's
>> most promising is the priority given to hazard reduction such as:
>> "Making chemical processes inherently safer by reducing quantities of
>> hazardous chemicals handled or stored, substituting less hazardous
>> chemicals for extremely ones or otherwise modifying the design of a
>> process to reduce or eliminate chemical hazards."
>>
>> For more details on this proposal I've attached documents from the
> EPA's
>> 2002 proposal which include:
>> -- EPA's roll out plan at the White House
>> -- EPA proposed guidance referencing the general duty clause &
>> inherently safer technologies
>> -- EPA Q&A on the program
>> -- Draft Announcement by Administrator Whitman
>> -- A slide presentation given by Deputy Administrator Linda Fisher
>>
>> Below are a few sobering examples of why such preventive action is so
>> urgently needed:
>>
>> On February 24thH ABC News reported on the the hazards posed by U.S.
>> refineries:
>>
>
<http://abcnews.go.com/Blotter/hydrofluoric-acid-risk-oil-refineries/story?id=12985686&page=1>
>
>>
>>
>> The November 15, 2010 Washington Post, reported that the Lashkar
>> terrorist organization that committed the 2008 attacks in in Mumbai,
>> India, asked a now convicted U.S. ally to "conduct surveillance of an
>> unnamed chemical plant in MARYLAND." The request shows that Lashkar
> was
>> gathering intelligence on U.S. targets as early as 2001.
>>
> <http://tpmlivewire.talkingpointsmemo.com/2010/11/the-man-behind-mumbai.php>
>
>>
>>
>> On November 9, 2010, "A man crashed his sport-utility vehicle through
> an
>> entrance gate at a plant in Clute and sped through the facility while

>> shouting, 'We're' all gonna die!' before the SUV slammed into an
>> 18-wheeler outside the gate."
>> <http://www.chron.com/disp/story.1/bizarre/7287659.html>
>>
>> A November 9, 2010 explosion occurred at a NY duPont killed one
> worker:
>>
>
<http://www.jems.com/article/news/fatal-explosion-ny-chemical-plhttp://www.wben.com/One-Dead--One-Injured-In-Explosion-at-DuPont-Tonaw/8537114>
>
>>
>>
>
<http://www.washingtonexaminer.com/nation/chemical-tank-explodes-at-western-new-york-dupont-plant-killing-1-injuring-1-106974728.html>
>
>>
>>
>> On October 13, 2010, Homeland Security staff that over see chemical
>> security said, "the U.S. intelligence community has changed its
> estimate
>> of that threat. . . .We are in a new threat environment
> domestically..."
>>
>
<http://secprodonline.com/articles/2010/10/13/dhs-official-cfats.aspx?admgarea=News>
>
>>
>>
>> On August 2, 2010, two men were convicted of plotting to blow up
>> jet-fuel tanks at John F. Kennedy International Airport, a plan
>> authorities said was meant to outdo the Sept. 11, 2001, attacks.
>>
>
<http://www.washingtontimes.com/news/2010/aug/2/ny-jury-convicts-2-jfk-airport-tank-blast-plot/?page=1>
>
>>
>>
>> And the following are a few of reasons why such an initiative would
> also
>> be popular:
>>
>> SAFER CHEMICAL PROCESSES MEAN MORE JOBS
>> An independent economic analysis by Management Information Services,
>> Inc. (MISI) showed that the House-passed chemical security bill (H.R.
>> 2868) would actually have created 8,000 jobs and leveraged nearly \$2
>> billion in economic stimulus. The two sectors of the economy that will
>> benefit the most include publicly-owned water treatment plants. For a
>> copy of the report & supporting documents go to:
>> <http://www.misi-net.com/publications.html>
>>
>> HUNDREDS OF PLANTS HAVE CONVERTED & SAVED MONEY
>> Even though the Congressional Research Service identified 484 plants
>> that each put 100,000 or more people at risk, others have converted
> and
>> and often yielded savings. Unfortunately at the current pace voluntary
>> conversion will take decades and there is no priority given to the

>> highest risk facilities. List of converted plants at:
>>
>
[http://www.americanprogress.org/issues/2010/03/chemical_security_factsheet.htm](http://www.americanprogress.org/issues/2010/03/chemical_security_factsheet.html)
l
>
>>
>>
>> CLOROX IS CONVERTING ALL OF ITS U.S. PLANTS
>> In November 2009, The Clorox Company announced plans to convert all of
>> their U.S. facilities from ultra-hazardous chlorine gas to liquid
> bleach
>> to "strengthen our operations and add another layer of security,"
>> according to their CEO Don Knauss. Clorox also indicated that these
>> changes "won't affect the size of the company's workforce."
>>
> <http://investors.thecloroxcompany.com/releasedetail.cfm?ReleaseID=420583>
>>
>> DOW CHEMICAL IS CONVERTING ITS NORTHERN CA PLANT
>> In December 2008, Dow Chemical announced a partnership with K2 Pure
>> Solutions that will eliminate the chlorine gas risks at their
>> Pittsburgh, CA plant and create 40 permanent jobs and approximately
> 300
>> construction jobs. www.k2pure.com
>>
>> THE RAIL ROADS SUPPORT A REQUIREMENT FOR HIGH RISK PLANTS TO CONVERT
>> The Association of American Railroads has also called for disaster
>> prevention saying, "It's time for the big chemical companies to do
> their
>> part to help protect America. They should stop manufacturing dangerous
>> chemicals when safer substitutes are available. And if they won't do
>> it, Congress should do it for them..."
>>
>
[http://www.aar.org/KeyIssues/~~/media/aar/backgroundpapers/hazmattransportation
byrailanunfairliability.ashx](http://www.aar.org/KeyIssues/~~/media/aar/backgroundpapers/hazmattransportationbyrailanunfairliability.ashx)
>
>>
>>
>> Thank you. We look forward to meeting at your earliest convenience.
>>
>> Sincerely,
>>
>> Rick
>> --
>> Rick Hind
>> Legislative Director, Greenpeace
>> 702 H Street, NW #300
>> Washington, DC 20001
>> (202) 319-2445 (direct)
>> (202) 413-8513 (cell)
>> (202) 462-1177 (switch board)
>> (202) 462-4507 (fax)
>> rick.hind@wdc.greenpeace.org
>> www.greenpeaceusa.org
>>
>> (See attached file: EPACChemSecurityRolloutJune02.pdf)(See attached
> file:
>> EPA 2002 Chem Sec Slide Proposal.pdf)
>

> --
> Rick Hind
> Legislative Director, Greenpeace
> 702 H Street, NW #300
> Washington, DC 20001
> (202) 319-2445 (direct)
> (202) 413-8513 (cell)
> (202) 462-1177 (switch board)
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>
>

--
Rick Hind
Legislative Director, Greenpeace
702 H Street, NW #300
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(202) 319-2445 (direct)
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rick.hind@wdc.greenpeace.org
www.greenpeaceusa.org

Andrea
Drinkard/DC/USEPA/US
08/05/2009 04:54 PM

To: Beth Craig
cc: "Alison Davis", Drew McConville, "Andrea Drinkard",
Jonathan Edwards, "Tom Kelly", Julia Ortiz
bcc:
Subject: Re: Fw: ltr from environmental grps

Thanks, Beth!

I'll go ahead and give OPA a heads up on this and let them know that talking points/desk statement are coming. For an immediate response, (b) (5) DP

Thanks.

-Andrea-

Andrea Drinkard
U.S. Environmental Protection Agency
Office of Air and Radiation
Email: drinkard.andrea@epa.gov
Phone: 202.564.1601

Beth Craig Dear Jon, As you can, we need some t... 08/05/2009 04:39:43 PM

From: Beth Craig/DC/USEPA/US
To: Jonathan Edwards/DC/USEPA/US@EPA
Cc: "Tom Kelly" <kelly.tom@epa.gov>, Drew McConville/DC/USEPA/US@EPA, "Andrea Drinkard" <drinkard.andrea@epa.gov>, "Alison Davis" <davis.alison@epa.gov>
Date: 08/05/2009 04:39 PM
Subject: Fw: ltr from environmental grps

Dear Jon, As you can, we need some talking points for the Communications folks in OAR and in the Administrator's Office.

Would you also let your counterparts in the offices know about this? Their AAs may not know as much as we do about this.

Thanks, Beth

Sent by EPA Wireless E-Mail Services

----- Original Message -----
From: Gina McCarthy
Sent: 08/05/2009 02:12 PM EDT
To: "Beth Craig" <Craig.Beth@EPA.GOV>
Subject: Fw: ltr from environmental grps

This may end up being in the press. I can't read it. If someone could scan it in so I can read it, that would be great. Thx

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

From: Daniel O Hirsch [REDACTED] (b) (6)

Sent: 08/05/2009 10:06 AM MST

To: Gina McCarthy

Subject: ltr from environmental grps

Dear Assistant Administrator McCarthy,

Please find attached a letter to you from the Center for Health, Environment & Justice; Clean Water Action; Committee to Bridge the Gap; Environment America; Food and Water Watch; Friends of the Earth; Greenpeace; Massachusetts Citizens for Safe Energy; Natural Resources Defense Council; Nuclear Information and Resource Service; Professor Richard Clapp; Public Citizen; and the Sierra Club.

The letter calls to your attention a number of troubling proposals by the prior Administration to weaken environmental protections, initiatives that remain under consideration within EPA, and requests a meeting with you to discuss them.

The letter contains supporting attachments about these matters.

If you have trouble opening the file, or have any questions, please feel free to contact me at (831) 336-8003.

Sincerely,

Daniel Hirsch
Committee to Bridge the Gap

[attachment "080509LetterToEPA.pdf" deleted by Andrea Drinkard/DC/USEPA/US]

Andrea
Drinkard/DC/USEPA/US
06/13/2012 03:20 PM

To: Brendan Gilfillan
cc: John Millett, Janet McCabe, Jackie Ashley
bcc:

Subject: Re: cash creek- Ky syngas TV.docx

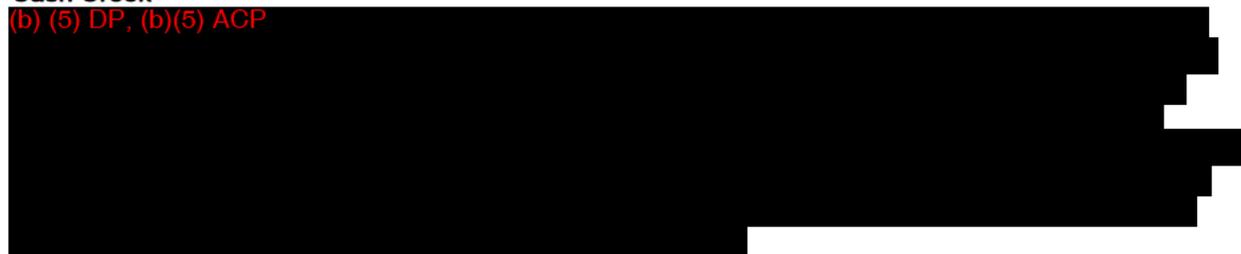
Key messages can easily be turned into statements. See below. Note they are both very, very similar.

Janet/John, please chime in on these if you see anything crazy...

Differences are in **bold**.

Cash Creek

(b) (5) DP, (b)(5) ACP



Kentucky Syngas

(b) (5) DP, (b)(5) ACP



Andrea Drinkard
U.S. Environmental Protection Agency
Office of Air and Radiation
Email: drinkard.andrea@epa.gov
Phone: 202.564.1601
Cell: 202.236.7765

Brendan Gilfillan [sorry - what's the statement? From: Jo...](#) 06/13/2012 02:36:59 PM

From: Brendan Gilfillan/DC/USEPA/US
To: John Millett/DC/USEPA/US@EPA
Cc: Andrea Drinkard/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 06/13/2012 02:36 PM
Subject: Re: cash creek- Ky syngas TV.docx

sorry - what's the statement?

John Millett [Here you go, Brendan -- Andrea and O...](#) 06/12/2012 04:52:35 PM

From: John Millett/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA
Cc: Janet McCabe/DC/USEPA/US@EPA, Andrea Drinkard/DC/USEPA/US@EPA
Date: 06/12/2012 04:52 PM

Subject: cash creek- Ky syngas TV.docx

Here you go, Brendan -- Andrea and OAQPS cranked this out --

~~~~~

John Millett  
Office of Air and Radiation Communications  
U.S. Environmental Protection Agency  
5411 Ariel Rios Building North  
Washington, DC 20460  
Phone: 202/564-2903  
Cell: 202/510-1822



- cash creek- Ky syngas TV.docx

Ann Johnson/DC/USEPA/US  
01/08/2013 11:17 AM

To Alexander Cristofaro, Alex Barron, Lesley Schaaff  
cc Robin Kime  
bcc

Subject Mountaintop Mining/Conductivity Items

I wanted to bring to your attention a few recent items related to MTM and the conductivity criterion.

1. Meetings with Bob S (in preparation for future meeting with Bob P?).

My understanding is that (b) (5) DP

[Redacted]

[Redacted]

2. Appeal of the District Court's decisions setting aside the MTM guidance and the ECP (b) (5) DP

[Redacted]

3. EPA is the target of a letter-writing campaign (b) (5) DP

[Redacted]  
(Details below.)

---

### Pre-brief on Mountain Top Mining 404 and 402 Permit Rview (1/15)

Tue 01/15/2013 11:00 AM - 11:30 AM

Chair: Nancy Stoner/DC/USEPA/US  
Sent By: Sandra Carey/DC/USEPA/US  
Location: EPA EAST 3233

|           |                                                                                                                                                                                                                                                |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Required: | Bob Sussman/DC/USEPA/US@EPA, Brian Frazer/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Randy Hill/DC/USEPA/US@EPA |
| Optional: | Ellen Gilinsky/DC/USEPA/US@EPA, Ken Kopocis/DC/USEPA/US@EPA                                                                                                                                                                                    |

#### Description

POC: Gregory Peck 564-5778

Per Nancy's Request/Mahri Monson email 12/18/2012 @4:54pm

---

**Mountain Top Mining 404 and 402 Permit Review; call-in**

(b) (6)

**code**

(b) (6)

**Tue 01/15/2013 3:30 PM - 4:30 PM**

Chair: **Nancy Stoner/DC/USEPA/US**  
Sent By: **Sandra Carey/DC/USEPA/US**  
Location: **Conf. Rm. 3233 East**

Required:

Bob Sussman/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Jim Giattina/R4/USEPA/US@EPA, John Pomponio/R3/USEPA/US@EPA, Jon Capacasa/R3/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Randy Hill/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA

Optional:

Ellen Gilinsky/DC/USEPA/US@EPA, Ken Kopocis/DC/USEPA/US@EPA

**Description**

POC: Gregory Peck 564-5778

Per Nancy's request/see Mahri Monson email 12/18/201 @ 4:54p

---

Ann Johnson  
U.S. Environmental Protection Agency  
Office of the Administrator/Office of Policy/Office of Regulatory Policy & Management  
1200 Pennsylvania Ave., NW (Mailcode 1803)  
Washington, DC 20460  
202-564-5966

----- Forwarded by Ann Johnson/DC/USEPA/US on 01/08/2013 09:06 AM -----

From: Rachael Novak/DC/USEPA/US  
To: Ann Johnson/DC/USEPA/US@EPA, Charles Delos/DC/USEPA/US@EPA, Christopher Hunter/DC/USEPA/US@EPA, Colleen Flaherty/DC/USEPA/US@EPA, Dale Hoff/DUL/USEPA/US@EPA, Eric Monschein/DC/USEPA/US@EPA, Francisco Cruz/R3/USEPA/US@EPA, Greg Pond/R3/USEPA/US@EPA, Kathryn Gallagher/DC/USEPA/US@EPA, Kerryann Weaver/R5/USEPA/US@EPA, Kip Tyler/R4/USEPA/US@EPA, Lareina Guenzel/R8/USEPA/US@EPA, Larinda Tervelt/R4/USEPA/US@EPA, Margaret Passmore/R3/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Melissa Raack/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA, Peter Jackson/R5/USEPA/US@EPA, Robert Cantilli/DC/USEPA/US@EPA, Robert Pepin/R5/USEPA/US@EPA, Susan Cormier/CI/USEPA/US@EPA, Tonya Fish/R8/USEPA/US@EPA  
Cc: Brian Topping/DC/USEPA/US@EPA, Cheryl Atkinson/R3/USEPA/US@EPA, David Hair/DC/USEPA/US@EPA, Elaine Suriano/DC/USEPA/US@EPA, Glenn Suter/CI/USEPA/US@EPA, Jim Pendergast/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Thomas Gardner/DC/USEPA/US@EPA  
Date: 01/07/2013 04:19 PM  
Subject: Earthjustice campaign re: 303(c)(4) determination for conductivity WQS in Appalachia

---

Hi all,

Here is a copy of the campaign language we mentioned on the call and a link to the letter campaign, FYI.

<https://secure.earthjustice.org/site/Advocacy?cmd=display&page=UserAction&id=1399>

**SUBJ: We need a water quality standard to protect Appalachia from mountaintop removal mining**

Dear President Obama, CEQ Chair Nancy Sutley, and EPA Deputy Administrator Bob Perciasepe,

I urge you to take immediate action to promulgate a new numeric water quality standard under Clean Water Act section 303(c)(4) to protect streams below mountaintop removal and other coal mines in Kentucky, Tennessee, Virginia, and West Virginia from mining pollution and harmful levels of conductivity, and to ensure that the standard is fully implemented in those states.

As Administrator Jackson recognized, "Coal communities should not have to sacrifice their environment, or their health, or their economic future to mountaintop mining. They deserve the full protection of our Clean Water laws."

I recognize the important steps EPA has taken over the past four years to address the harm caused by mountaintop removal mining, but permanent action is still required to fulfill the Clean Water Act and bring environmental justice to Appalachia.

A federal water quality standard for conductivity (or an appropriate, related parameter) to address ionic

stress would build on the work EPA did over the past four years and would provide the greatest immediate protection for waters and communities. EPA has already developed a strong body of science that demonstrates that mountaintop removal mining is having an "extreme ecological effect" on Appalachian waters and streams.

Unfortunately, EPA's approach thus far has not solved the problem, and EPA needs to issue a binding rule. The problem demands a federal water quality standard in the four Appalachian states with surface coal mining pollution.

Only the publication of a federal numeric water quality standard under section 303(c)(4) of the Clean Water Act for Kentucky, Tennessee, Virginia, and West Virginia will ensure that EPA's commitment to follow the science and provide meaningful protections will have the necessary, lasting impact. Solving the ionic pollution problem by setting protective federal water quality standards on conductivity (or an appropriate, related parameter) in Appalachia would be a legacy accomplishment for this administration, backed by robust science and widespread public support. I intend to measure President Obama's commitment to the environment based on what EPA does in Appalachia, and whether EPA issues a federal water quality standard that finally protects communities from the grave devastation caused by mountaintop removal mining.

I urge you to begin work immediately this year, so that EPA can issue a strong, science-based federal water quality standard without delay.

Sincerely,  
*[Your Name]*  
*[City, State ZIP]*

**Next Steps on Mountaintop Removal; call-in** (b) (6) **code:**  
(b) (6) **1201 Constitution Avenue, NW, EPA East**

**Tue 01/08/2013 2:00 PM - 2:30 PM**

Chair: **Nancy Stoner/DC/USEPA/US**  
Sent By: **Crystal Penman/DC/USEPA/US**  
Location: Conf. rm. 3233 East Bldg.

Required:

Brian Frazer/DC/USEPA/US@EPA, Christopher Hunter/DC/USEPA/US@EPA, David Evans/DC/USEPA/US@EPA, Deborah Nagle/DC/USEPA/US@EPA, ed.hopkins@sierraclub.org, Ellen Gilinsky/DC/USEPA/US@EPA, Jim Pendergast/DC/USEPA/US@EPA, Ken Kopocis/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Randy Hill/DC/USEPA/US@EPA, Russell Kaiser/DC/USEPA/US@EPA, Sheila Frace/DC/USEPA/US@EPA

#### Description

Per Nancy's request.

POC: Dave Evans 566-0535

Ed Hopkins, Sierra Club (202) 675-7908

Sierra Club  
50 F Street, NW, 8th Floor  
Washington, DC 20011  
202/675-7908  
ed.hopkins@sierraclub.org

-----  
Participants:

Joe Lovett, Appalachian Mountain Advocates  
Jim Hecker, Public Justice  
Emma Cheuse, Earthjustice  
Jennifer Chavez, Earthjustice  
Ann League, Alliance for Appalachia  
Kate Rooth, Alliance for Appalachia  
Donna Branham, Alliance for Appalachia

---

Ann Johnson/DC/USEPA/US  
01/09/2013 11:45 AM

To Robin Kime  
cc Alex Barron, Alexander Cristofaro, Lesley Schaaff, Paul Balsarak  
bcc  
Subject Re: Mountaintop Mining/Conductivity Items

Robin,

That sounds good. I just wanted to make sure that Michael was aware that discussions on the Agency approach to MTM over the next 4 years are underway.

I will attempt to get the materials that OW is pulling together and will forward them along. I expect it will be Friday before that happens.

(FYI - (b) (6) [REDACTED].)

---

Ann Johnson  
U.S. Environmental Protection Agency  
Office of the Administrator/Office of Policy/Office of Regulatory Policy & Management  
1200 Pennsylvania Ave., NW (Mailcode 1803)  
Washington, DC 20460  
202-564-5966

Robin Kime      Thanks Ann [REDACTED] (b) (5)      01/08/2013 02:13:46 PM

---

From: Robin Kime/DC/USEPA/US  
To: Ann Johnson/DC/USEPA/US@EPA  
Cc: Alex Barron/DC/USEPA/US@EPA, Alexander Cristofaro/DC/USEPA/US@EPA, Lesley Schaaff/DC/USEPA/US@EPA  
Date: 01/08/2013 02:13 PM  
Subject: Re: Mountaintop Mining/Conductivity Items

Thanks Ann [REDACTED] (b) (5)

---

Ann Johnson      I wanted to bring to your attention a few...      01/08/2013 11:17:53 AM

---

From: Ann Johnson/DC/USEPA/US  
To: Alexander Cristofaro/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA, Lesley Schaaff/DC/USEPA/US@EPA  
Cc: Robin Kime/DC/USEPA/US@EPA  
Date: 01/08/2013 11:17 AM  
Subject: Mountaintop Mining/Conductivity Items

I wanted to bring to your attention a few recent items related to MTM and the conductivity criterion.

1. Meetings with Bob S (in preparation for future meeting with Bob P?).

My understanding is that (b) (5) DP [REDACTED]

[REDACTED]

[REDACTED]

(b) (5) DP

2. Appeal of the District Court's decisions setting aside the MTM guidance and the ECP (b) (5) DP

3. EPA is the target of a letter-writing campaign (b) (5) DP

(Details below.)

---

### Pre-brief on Mountain Top Mining 404 and 402 Permit Review (1/15)

Tue 01/15/2013 11:00 AM - 11:30 AM

Chair: Nancy Stoner/DC/USEPA/US  
Sent By: Sandra Carey/DC/USEPA/US  
Location: EPA EAST 3233

Required:

Bob Sussman/DC/USEPA/US@EPA, Brian Frazer/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Randy Hill/DC/USEPA/US@EPA

Optional:

Ellen Gilinsky/DC/USEPA/US@EPA, Ken Kopocis/DC/USEPA/US@EPA

#### Description

POC: Gregory Peck 564-5778

Per Nancy's Request/Mahri Monson email 12/18/2012 @4:54pm

## Mountain Top Mining 404 and 402 Permit Review; call-in

(b) (6)

code

(b) (6)

Tue 01/15/2013 3:30 PM - 4:30 PM

Chair: **Nancy Stoner/DC/USEPA/US**  
Sent By: **Sandra Carey/DC/USEPA/US**  
Location: Conf. Rm. 3233 East

Required:

Bob Sussman/DC/USEPA/US@EPA, Denise Keehner/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Jim Giattina/R4/USEPA/US@EPA, John Pomponio/R3/USEPA/US@EPA, Jon Capacasa/R3/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Randy Hill/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA, Tinka Hyde/R5/USEPA/US@EPA

Optional:

Ellen Gilinsky/DC/USEPA/US@EPA, Ken Kopocis/DC/USEPA/US@EPA

### Description

POC: Gregory Peck 564-5778

Per Nancy's request/see Mahri Monson email 12/18/201 @ 4:54p

---

Ann Johnson  
U.S. Environmental Protection Agency  
Office of the Administrator/Office of Policy/Office of Regulatory Policy & Management  
1200 Pennsylvania Ave., NW (Mailcode 1803)  
Washington, DC 20460  
202-564-5966

----- Forwarded by Ann Johnson/DC/USEPA/US on 01/08/2013 09:06 AM -----

From: Rachael Novak/DC/USEPA/US  
To: Ann Johnson/DC/USEPA/US@EPA, Charles Delos/DC/USEPA/US@EPA, Christopher Hunter/DC/USEPA/US@EPA, Colleen Flaherty/DC/USEPA/US@EPA, Dale Hoff/DUL/USEPA/US@EPA, Eric Monschein/DC/USEPA/US@EPA, Francisco

Cruz/R3/USEPA/US@EPA, Greg Pond/R3/USEPA/US@EPA, Kathryn Gallagher/DC/USEPA/US@EPA, Kerryann Weaver/R5/USEPA/US@EPA, Kip Tyler/R4/USEPA/US@EPA, Lareina Guenzel/R8/USEPA/US@EPA, Larinda Tervelt/R4/USEPA/US@EPA, Margaret Passmore/R3/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Melissa Raack/DC/USEPA/US@EPA, MichaelG Lee/DC/USEPA/US@EPA, Peter Jackson/R5/USEPA/US@EPA, Robert Cantilli/DC/USEPA/US@EPA, Robert Pepin/R5/USEPA/US@EPA, Susan Cormier/CI/USEPA/US@EPA, Tonya Fish/R8/USEPA/US@EPA  
Cc: Brian Topping/DC/USEPA/US@EPA, Cheryl Atkinson/R3/USEPA/US@EPA, David Hair/DC/USEPA/US@EPA, Elaine Suriano/DC/USEPA/US@EPA, Glenn Suter/CI/USEPA/US@EPA, Jim Pendergast/DC/USEPA/US@EPA, Js Wilson/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Thomas Gardner/DC/USEPA/US@EPA  
Date: 01/07/2013 04:19 PM  
Subject: Earthjustice campaign re: 303(c)(4) determination for conductivity WQS in Appalachia

---

Hi all,

Here is a copy of the campaign language we mentioned on the call and a link to the letter campaign, FYI.

<https://secure.earthjustice.org/site/Advocacy?cmd=display&page=UserAction&id=1399>

**SUBJ: We need a water quality standard to protect Appalachia from mountaintop removal mining**

Dear President Obama, CEQ Chair Nancy Sutley, and EPA Deputy Administrator Bob Perciasepe,

I urge you to take immediate action to promulgate a new numeric water quality standard under Clean Water Act section 303(c)(4) to protect streams below mountaintop removal and other coal mines in Kentucky, Tennessee, Virginia, and West Virginia from mining pollution and harmful levels of conductivity, and to ensure that the standard is fully implemented in those states.

As Administrator Jackson recognized, "Coal communities should not have to sacrifice their environment, or their health, or their economic future to mountaintop mining. They deserve the full protection of our Clean Water laws."

I recognize the important steps EPA has taken over the past four years to address the harm caused by mountaintop removal mining, but permanent action is still required to fulfill the Clean Water Act and bring environmental justice to Appalachia.

A federal water quality standard for conductivity (or an appropriate, related parameter) to address ionic stress would build on the work EPA did over the past four years and would provide the greatest immediate protection for waters and communities. EPA has already developed a strong body of science that demonstrates that mountaintop removal mining is having an "extreme ecological effect" on Appalachian waters and streams.

Unfortunately, EPA's approach thus far has not solved the problem, and EPA needs to issue a binding rule. The problem demands a federal water quality standard in the four Appalachian states with surface coal mining pollution.

Only the publication of a federal numeric water quality standard under section 303(c)(4) of the Clean Water Act for Kentucky, Tennessee, Virginia, and West Virginia will ensure that EPA's commitment to follow the science and provide meaningful protections will have the necessary, lasting impact. Solving the ionic pollution problem by setting protective federal water quality standards on conductivity (or an appropriate, related parameter) in Appalachia would be a legacy accomplishment for this administration, backed by robust science and widespread public support. I intend to measure President Obama's commitment to the environment based on what EPA does in Appalachia, and whether EPA issues a federal water quality standard that finally protects communities from the grave devastation caused by mountaintop removal mining.

I urge you to begin work immediately this year, so that EPA can issue a strong, science-based federal water quality standard without delay.

Sincerely,  
[Your Name]  
[City, State ZIP]

**Next Steps on Mountaintop Removal; call-in (b) (6) code:**  
(b) (6) **1201 Constitution Avenue, NW, EPA East**

**Tue 01/08/2013 2:00 PM - 2:30 PM**

Chair: **Nancy Stoner/DC/USEPA/US**  
Sent By: **Crystal Penman/DC/USEPA/US**  
Location: Conf. rm. 3233 East Bldg.

Required:

Brian Frazer/DC/USEPA/US@EPA, Christopher Hunter/DC/USEPA/US@EPA, David Evans/DC/USEPA/US@EPA, Deborah Nagle/DC/USEPA/US@EPA, ed.hopkins@sierraclub.org, Ellen Gilinsky/DC/USEPA/US@EPA, Jim Pendergast/DC/USEPA/US@EPA, Ken Kopocis/DC/USEPA/US@EPA, Marcus Zobrist/DC/USEPA/US@EPA, Randy Hill/DC/USEPA/US@EPA, Russell Kaiser/DC/USEPA/US@EPA, Sheila Frace/DC/USEPA/US@EPA

#### Description

Per Nancy's request.

POC: Dave Evans 566-0535

Ed Hopkins, Sierra Club (202) 675-7908  
Sierra Club  
50 F Street, NW, 8th Floor  
Washington, DC 20011  
202/675-7908  
ed.hopkins@sierraclub.org

-----  
Participants:

Joe Lovett, Appalachian Mountain Advocates  
Jim Hecker, Public Justice  
Emma Cheuse, Earthjustice  
Jennifer Chavez, Earthjustice  
Ann League, Alliance for Appalachia  
Kate Rooth, Alliance for Appalachia  
Donna Branham, Alliance for Appalachia



Anna Wood/DC/USEPA/US  
04/08/2011 08:57 AM

To Rob Brenner  
cc Janet McCabe, Brian Doster, Cheryl Newton, Joseph Goffman, Michael Ling, "Steve Page", Richard Wayland  
bcc  
Subject Re: Meeting with rosenberg and Raher

By way of context, (b) (5) DP

In case it would be useful, below is information about the project and its history and status from the web. I also attached a PDF presentation from the web that has similar information about the project.

I am sorry I can't make the call but I will be traveling/driving to Baltimore at that time, otherwise I would call in. Thx! Anna

---

Through its subsidiary, [Indiana Gasification](#), [Leucadia National Corporation](#) is developing plans for a facility that would convert 3 million tons per year of Indiana coal into [substitute natural gas](#) (SNG). Leucadia is a New York city-based holding company with subsidiaries in energy, telecommunications, healthcare services, manufacturing, banking and lending, real estate activities, winery operations, mining, and property and casualty reinsurance.<sup>[1]</sup>

The project has two "development partners," [E3 Gasification](#) and [Johnston & Associates](#).<sup>[2]</sup>

The principals of E3 Gasification Principals authored Harvard's "3Party Covenant" study and testified to Congress on the benefits of federal loan guarantees for gasification project development. E3's President, [William G. Rosenberg](#), also serves as a Senior Fellow at Harvard University's [John F. Kennedy School of Government](#). Formerly, Rosenberg served as Assistant Administrator of EPA; Assistant Administrator of the Federal Energy Administration; and Chairman of the Michigan Public Service Commission.<sup>[3]</sup>

Johnston & Associates is a lobbying firm headed by former Louisiana Senator [Bennett Johnston](#). Johnston chaired the U.S. Senate Committee on Energy and Natural Resources from its creation. According to Leucadia presentation, he was "either directly or indirectly responsible for all energy legislation considered by the Congress between 1973 and 1996."<sup>[4]</sup>

According to the letter of intent for 30-year supply contracts signed by the participating utilities in October 2006, about two-thirds of the SNG produced by the new plant would be purchased by Indiana's three largest gas utilities, [Vectren Corporation](#), [NIPSCO](#) (Northern Indiana Public Service Company), and Citizens Gas to help meet residential and commercial gas demand. NIPSCO would purchase the remainder of the gas to fuel electric generation for its service territory to meet seasonal demands.<sup>[5]</sup>

According to the [Sierra Club](#), in August 2008 Indiana regulators agreed to a request by the project developers to postpone financing hearings for the plant from November 24, 2008 to March 9, 2009. The delay will give developers time to complete negotiations with companies that would buy their gas.<sup>[6]</sup>

In November 2008, having failed to find customers for the output of the plant, the project developers requested the Utility Regulatory Commission to put its proceedings on the project on hold.<sup>[7]</sup>

In November 2009, the U.S. [Department of Energy](#) announced that it was considering the project for a federal loan guarantee.<sup>[8]</sup> The project eventually got loan coverage of \$1.6 billion from the U.S. [Department of Energy's Energy Policy Act of 2005](#).<sup>[9]</sup>

In February 2010, legislation to grant eminent domain for a carbon dioxide pipeline starting at the proposed Rockport [syngas](#) plant and leading to oil fields in Texas cleared the state Senate, and was sent to the House Commerce, Energy, Technology and Utilities Committee. E3 Gasification LLC is working to develop the project, including a pipeline that would run underground from the Rockport plant down to Louisiana and Texas. Coal would be burned in Indiana to produce energy, while the carbon dioxide produced would be [captured](#) and then pumped through the pipeline, to be injected into oil fields and used to apply pressure to increase oil production in Texas and Louisiana.<sup>[10]</sup>

On December 16, 2010, Indiana Governor [Mitch Daniels](#) made the announcement that the Indiana Finance Authority (IFA) Board had voted unanimously to approve the \$2.65 billion project in Spencer County. According to the agreement, IFA will enter into a 30-year contract with [Indiana Gasification](#), LLC, a subsidiary of [Leucadia National Corporation](#), to purchase 38 million MMBtus (approximately 17 percent of the total used by non-industrial customers in the state) of [substitute natural gas](#) when SNG production begins in late 2015. Indiana coal will be used to produce the SNG, as well as other byproducts - sulfuric acid, argon, other rare gases, and vitreous slag for building roads. The IFA has completed its negotiations and will file a petition to the Indiana Utility Regulatory Commission (IURC) for approval of the agreements related to this project. Indiana Gasification is in the final stages of negotiating its loan guarantee with the U.S. [Department of Energy](#). Depending on the completion of the IURC process and the environmental impact study, construction is set to commence in early 2012.<sup>[11]</sup>

On February 8, 2011, Senators rejected a measure that would have cleared the way for a pipeline to move carbon dioxide away from the proposed **Indiana SNG** plant to buyers on the Gulf Coast. The vote was 28-21, with 16 of the chamber's 37 Republicans opposed. Without the legislation allowing eminent domain for pipelines, lead investor [Leucadia](#) doubts it could secure the federal guarantees on construction loans for the plant. A top Leucadia official in Indiana, Mark Lubbers, once a chief adviser to Gov. Daniels, is expected to confer with company and legislative leaders about bringing the eminent domain measure back to the General Assembly.<sup>[12]</sup>



Syngas\_Rosenberg.pdf

Re: Meeting with rosenberg and Raher

**Re: Meeting with rosenberg and Raher**

**Rob Brenner** to: Janet McCabe

04/08/2011 08:23 AM

Cc: Brian Doster, Cheryl Newton, Joseph Goffman, Michael Ling, "Steve Page",  
Richard Wayland, Anna Wood

---

Hi Janet,

I have not talked to Bill about the project lately, but my guess is that (b) (5) DP  
[REDACTED]

Unfortunately, neither Anna nor I will be able to attend the meeting. But she told me that she has been in  
several discussions (b) (5) DP  
[REDACTED].

Rob

Janet McCabe

We seem to be a bit vague on what the...

04/08/2011 07:18:30 AM

From: Janet McCabe/DC/USEPA/US  
To: Cheryl Newton/R5/USEPA/US, Michael Ling/RTP/USEPA/US, "Rob Brenner"  
<Brenner.Rob@epamail.epa.gov>, Joseph Goffman/DC/USEPA/US, "Steve Page"  
<page.steve@epa.gov>, Brian Doster/DC/USEPA/US, Richard Wayland/RTP/USEPA/US  
Date: 04/08/2011 07:18 AM  
Subject: Meeting with rosenberg and Raher

---

We seem to be a bit vague on what (b) (5) DP  
[REDACTED]

Rob--do you know? Anyone else know?

Joe, if there's no reason for you to be there, I'm sure you have other things you would want to be doing...

Arvin Ganesan/DC/USEPA/US

To Al Armendariz

03/16/2012 03:35 PM

cc Avi Garbow, Betsaida Alcantara, Bob Sussman, Brendan Gilfillan, Janet McCabe, "McCabe, Janet"  
bcc

Subject Re: Re: Cheniere

Do we have this yet?

Thanks.

Al Armendariz

My staff has reviewed it in detail, althou...

03/15/2012 10:43:25 AM

From: Al Armendariz/R6/USEPA/US  
To: Janet McCabe/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, "McCabe, Janet" <mccabe.janet@epa.gov>, Avi Garbow/DC/USEPA/US@EPA  
Date: 03/15/2012 10:43 AM  
Subject: Re: Re: Cheniere

---

My staff has reviewed it in detail, although I have not.

I'll ask my folks to works with yours to identify the core claims and send those around.

Al

---

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

---

**From:** Janet McCabe  
**Sent:** 03/15/2012 10:29 AM EDT  
**To:** Arvin Ganesan  
**Cc:** Al Armendariz; Betsaida Alcantara; Bob Sussman; Brendan Gilfillan; "Janet Mccabe" <mccabe.janet@epa.gov>; Avi Garbow  
**Subject:** Re: Re: Cheniere

Adding Avi.

I have not seen the petition--have you Al?

(b) (5) DP, (b)(5) ACP



(b) (5)

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

-----Arvin Ganesan/DC/USEPA/US wrote: -----

To: Al Armendariz/R6/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, "Janet McCabe" <mccabe.janet@epa.gov>  
From: Arvin Ganesan/DC/USEPA/US  
Date: 03/15/2012 09:14AM  
Subject: Re: Cheniere

Janet? Do you have the petition? (b) (5) DP

Sent from my Blackberry Wireless Device  
Al Armendariz

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

**From:** Al Armendariz  
**Sent:** 03/14/2012 09:39 AM EDT  
**To:** Arvin Ganesan; Bob Sussman; Brendan Gilfillan; Betsaida Alcantara; "McCabe, Janet" <mccabe.janet@epa.gov>  
**Subject:** Re: Cheniere  
--adding janet mccabe.

---

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

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

**From:** Arvin Ganesan  
**Sent:** 03/14/2012 09:35 AM EDT  
**To:** Al Armendariz; Bob Sussman; Brendan Gilfillan; Betsaida Alcantara  
**Subject:** Cheniere

(b) (5)

(b) (5)

Thanks much,

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 03/14/2012 09:31 AM -----

From: "Desai, Ankit (WAS-MWW)" <ADesai@mww.com>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 02/21/2012 06:42 PM  
Subject: Re: BACT

---

We believe, EPA should reject the petition for review from Gulf Coast Environmental Labor Coalition on the grounds their comments were reviewed and addressed in the final air permit by DEQ and EPA agreed with the DEQ air permit. Their accusations are largely false.

Pat Outtrim, from Cheniere, will be in DC March 14-16th. Can you meet with her? The future of the company lies in this decision.

Best, Ankit

Sent from my iPad

On Feb 21, 2012, at 12:45 PM, "Arvin Ganesan" <Ganesan.Arvin@epamail.epa.gov> wrote:

> I read that, but there's no specific question in the writeup.

>

>

> Sent from my Blackberry Wireless Device

>

>

> ----- Original Message -----

> From: "Desai, Ankit (WAS-MWW)" [ADesai@mww.com]

> Sent: 02/21/2012 03:42 PM EST

> To: Arvin Ganesan

> Subject: Fwd: BACT

>

>

>

>

>

> Sent from my iPhone

>

> Begin forwarded message:

>

> From: "Desai, Ankit (WAS-MWW)" <ADesai@mww.com<<mailto:ADesai@mww.com>>>

> Date: February 21, 2012 12:26:57 PM PST

> To: "Desai, Ankit (WAS-MWW)" <ADesai@mww.com<<mailto:ADesai@mww.com>>>

> Subject: Fwd: BACT

>

>  
>  
> Sent from my iPhone  
>  
> Begin forwarded message:  
>  
> From: "Desai, Ankit (WAS-MWW)" <ADesai@mww.com<<mailto:ADesai@mww.com>>>  
> Date: February 13, 2012 1:46:34 PM PST  
> To: Arvin Ganesan <Ganesan.Arvin@epamail.epa.gov<<mailto:Ganesan.Arvin@epamail.epa.gov>>>  
> Subject: RE: BACT  
>  
> Arvin,  
>  
> Per our conversation last week, here is a little more information on the Sabine Pass LNG Terminal. Cheniere is the only company to receive an LNG Export permit from DOE. Needless to say, this is an important project for our country and one that must move forward.  
> Let me know what other information you may need. Best, Ankit  
>  
> The write-up below discusses the review process. Although technically, the review request only covers the operation permit, the EPA has been reaching over to the construction permit as well.  
>  
> The last piece is what we have been able to find out about regarding GCELC-the labor 501 (c) (3) I mentioned earlier.  
>  
> Air Permit Review Overview  
>  
> The air permit requirements stem from the Clean Air Act (CAA). EPA is the federal agency that is tasked with oversight of the requirements of the CAA. In several instances the EPA has delegated the implementation of the PSD (construction permit) and the Title V (operation permit) to the states. This is the case in LA and LA Department of Environmental Quality (LADEQ) oversees application and compliance on all air permits.  
>  
> LADEQ issued our PSD and Title V air permit on December 6, 2011. The permit process included an application on 12/21/10 with an addendum on 3/25/11. The comment period began on 6/30/11 and ended on 8/15/11 with a public hearing on 8/11/11. Gulf Coast Environmental Labor Coalition (GCELC) submitted comments on 8/15/11 and commented at the public hearing. EPA also submitted comments on 8/15/11. The comments from both GCELC and EPA were addressed in the DEQ record of decision which is included in this email.  
>  
> DEQ provided EPA a second 45 day comment period whereby EPA could lodge any concerns prior to their issuing the permit in December. The Title V regulations state that if the EPA does not comment, then the issuance from the state provides for a valid title V permit. The PSD permit is also valid. Sabine Pass Liquefaction has a valid construction AND operation air permit.  
>  
> The EPA is only allowed to grant a review of the Title V permit. The PSD permit is only appealable through state district court. The EPA has no authority to review or revoke the PSD permit.  
>  
> The EPA has the right to review the Title V permit. The EPA can grant the petition in whole, in part or deny the petition to review. They rarely deny petitions. Only those issues that were submitted during the comment period are allowed to be reviewed. It is likely they will dismiss some of the concerns and only grant the petition in part. The EPA does have the authority to modify or revoke the permit. They have very rarely revoked a permit but

they have pressured applicants to modify their permit. The permit is valid until EPA revokes or changes it.

>

> Once the petition is filed, the EPA has to announce that they have accepted the petition. They have 60 days from the time they get the petition to grant or deny. The EPA will contact Sabine Pass liquefaction and will ask that we come in and address the petition. The EPA will let us know which issues they think are significant among those that they allowed. The EPA is supposed to identify any deficiency in the permit and the LADEQ is supposed to fix it. LADEQ will also justify the items that are questioned. There is no statutory timeframe for this review process and recent reviews have taken 18 months to two years. If there are not any significant issues and EPA grants petition they could resolve it within several months - then other side could appeal. After EPA makes a final decision the next step for the petitioner is appeal in federal district court.

>

>

> Attachment B

> Gulf Coast Environmental Labor Coalition Summary

>

> The GCELC is comprised of and appears to be funded entirely by labor organizations. The group is incorporated as a 501(c)(3) organization and is based just outside of New Orleans in Metairie, LA. Formed in November 2010, the Sabine Pass Liquefaction Project appears to have been the main target of their advocacy efforts. However, in March 2011, they also gave notice of intent to intervene in a matter involving Oklahoma Gas and Electric

>

> -----Original Message-----

> From: Arvin Ganesan [<mailto:Ganesan.Arvin@epamail.epa.gov>]

> Sent: Friday, February 10, 2012 3:01 PM

> To: Desai, Ankit (WAS-MWW)

> Subject: Re: BACT

>

> i'm actually around right now.

>

> 564.4741

>

>

>

> From: "Desai, Ankit (WAS-MWW)" <ADesai@mww.com<<mailto:ADesai@mww.com>>>

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

> Date: 02/10/2012 02:56 PM

> Subject: BACT

>

>

>

> Arvin,

>

> I hope all is well. I haven't seen you in a while. We should get beers soon.

>

> It's usually Tim Yehl who reaches out to you but I thought I would ping you directly. I have a question on BACT and wondered if you had five minutes to catch up.

>

> Let me know when you are free.

>

> Best,

>

> Ankit

>  
>  
>  
>  
> Ankit N Desai  
> Senior Vice President  
> 901 New York Avenue, NW  
> Suite 310 West  
> Washington, DC 20001  
> P: 202-600-4570 F: 202-683-3009  
> adesai@mww.com<<mailto:adesai@mww.com>>  
> www.mww.com<<http://www.mww.com>>  
>  
>  
>  
>  
> \*\*\*\*\* 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 \*\*\*\*\*  
> \*\*\*\*\*  
>  
>  
>  
>

**Barnes  
Johnson/DC/USEPA/US**  
08/06/2009 03:11 PM

To Matt Straus  
cc Jonathan Edwards, Tom Kelly, Beth Craig  
bcc  
Subject Re: Fw: ltr from environmental grps

Dear Matt

I would use Jon Edwards, Director of RPD as your direct OAR point of contact (he may choose to delegate further). It may also be helpful if you could include ccs to Beth Craig and Tom Kelly so they can stay in the loop.

Barnes Johnson  
Environmental Protection Agency  
Office of Air and Radiation  
1200 Pennsylvania Avenue, NW  
Mail Code: 6101A  
Washington, DC 20460  
202-564-7400

Matt Straus      [The letter below was sent to the Assist...](#)      08/06/2009 12:18:50 PM

From: Matt Straus/DC/USEPA/US  
To: Barnes Johnson/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA  
Cc: Antoinette Powell-Dickson/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA  
Date: 08/06/2009 12:18 PM  
Subject: Fw: ltr from environmental grps

The letter below was sent to the Assistant Administrator's of Air, Water, and Waste, the Office of General Counsel, as well as Scott Fulton, the Acting Deputy Administrator and General Counsel-Nominee in which they raise concerns with a number of proposals that were developed under the previous Administration and the Agency's plans to proceed with them and request a meeting to discuss their concerns. Mathy Stanislaus has asked (b) (5) DP

Therefore, can you please send me a contact person that I can work with regarding this matter. Thanx.

----- Forwarded by Matt Straus/DC/USEPA/US on 08/06/2009 12:09 PM -----

From: Mathy Stanislaus/DC/USEPA/US  
To: Dana Tulis/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA  
Cc: Barry Breen/DC/USEPA/US@EPA, Ellen Manges/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US, James Woolford/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, "Antoinette Powell-Dickson" <powell-dickson.antoINETTE@epa.gov>, Randy Deitz/DC/USEPA/US@EPA, Debbie Dietrich/DC/USEPA/US@EPA, Elizabeth Southerland/DC/USEPA/US@EPA  
Date: 08/06/2009 11:56 AM  
Subject: Re: Fw: ltr from environmental grps

Matt - can you (b) (5) DP

Dana Tulis

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

**From:** Dana Tulis  
**Sent:** 08/06/2009 11:23 AM EDT  
**To:** Matt Straus

**Cc:** Mathy Stanislaus; Barry Breen; Ellen Manges; Ellyn Fine; James Woolford; Matt Hale; Antoinette Powell-Dickson <powell-dickson.antoINETte@epa.gov>; Randy Deitz; Debbie Dietrich; Elizabeth Southerland

**Subject:** Re: Fw: ltr from environmental grps

Actually Matt, (b) (5) DP



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Dana S. Tulis  
Deputy Director  
Office of Emergency Management  
Environmental Protection Agency  
202-564-8600

Debbie Dietrich Patrick here. FYI. ----- Forwarded by... 08/06/2009 10:23:49 AM

----- Forwarded by Patrick Easter/DC/USEPA/US on 08/06/2009 10:23 AM -----

From: Matt Straus/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Cc: Barry Breen/DC/USEPA/US@EPA, Ellen Manges/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA, Antoinette Powell-Dickson <powell-dickson.antoINETte@epa.gov>, Randy Deitz/DC/USEPA/US@EPA, Debbie Dietrich/DC/USEPA/US@EPA  
Date: 08/06/2009 10:20 AM  
Subject: Re: Fw: ltr from environmental grps

---

Mathy, I have read the incoming letter from the environmental groups (b) (5)



Mathy Stanislaus Jim, Matt, & Matt: Please see the iss... 08/05/2009 06:05:26 PM

From: Mathy Stanislaus/DC/USEPA/US  
To: James Woolford/DC/USEPA/US@EPA, Matt Straus/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA  
Cc: Ellen Manges/DC/USEPA/US@EPA, Antoinette Powell-Dickson <powell-dickson.antoINETte@epa.gov>, Ellyn Fine/DC/USEPA/US@EPA, Barry Breen/DC/USEPA/US@EPA

Date: 08/05/2009 06:05 PM  
Subject: Fw: ltr from environmental grps

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Jim, Matt, & Matt: Please see the issues raised in this letter. Assuming that I meet with the group - please provide background on the OSWER issues raised in this letter - sometime in the next week or so would be find.

----- Forwarded by Mathy Stanislaus/DC/USEPA/US on 08/05/2009 06:01 PM -----

From: Daniel O Hirsch <(b) (6)>  
To: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 08/05/2009 01:31 PM  
Subject: ltr from environmental grps

---

Dear Assistant Administrator Stanislaus,

Please find attached a letter to you from the Center for Health, Environment & Justice; Clean Water Action; Committee to Bridge the Gap; Environment America; Food and Water Watch; Friends of the Earth; Greenpeace; Massachusetts Citizens for Safe Energy; Natural Resources Defense Council; Nuclear Information and Resource Service; Professor Richard Clapp; Public Citizen; and the Sierra Club.

The letter calls to your attention a number of troubling proposals by the prior Administration to weaken environmental protections, initiatives that remain under consideration within EPA, and requests a meeting with you to discuss them.

The letter contains supporting attachments about these matters.

If you have trouble opening the file, or have any questions, please feel free to contact me at (831) 336-8003.

Sincerely,

Daniel Hirsch  
Committee to Bridge the Gap

[attachment "080509LetterToEPA.pdf" deleted by Matt Straus/DC/USEPA/US]

**Barnes  
Johnson/DC/USEPA/US**  
03/09/2009 03:07 PM

To Steve Page, Bill Harnett  
cc Beth Craig, Don Zinger  
bcc  
Subject Power Plant Issues from Agency Senior Staff Meeting

Dear Steve and Bill,

(b) (5)

A large rectangular area of the document is redacted with a solid grey fill. The text "(b) (5)" is centered at the top of this redacted area.A single line of text is redacted with a solid grey fill.A large rectangular area of the document is redacted with a solid grey fill.A single line of text is redacted with a solid grey fill.

Barnes Johnson  
Environmental Protection Agency  
Office of Air and Radiation  
1200 Pennsylvania Avenue, NW  
Mail Code: 6101A  
Washington, DC 20460  
202-564-7400

Betsy Shaw/DC/USEPA/US  
01/10/2013 04:47 PM

To Louise Kitamura  
cc Omayra Salgado  
bcc  
Subject Re: Question

Hi Louise,

(b) (6) Please do not give this another thought. I'm sorry to have pestered you with my question. Feel better soon!

Thanks,

Betsy

Louise Kitamura Hi Betsy. Sorry for the delay. I caught t... 01/10/2013 04:38:09 PM

From: Louise Kitamura/DC/USEPA/US  
To: Betsy Shaw/DC/USEPA/US@EPA  
Cc: Omayra Salgado/DC/USEPA/US@EPA  
Date: 01/10/2013 04:38 PM  
Subject: Re: Question

Hi Betsy. Sorry for the delay. (b) (6) didn't have the tools at home to give you a quick answer.

(b) (5)

Betsy Shaw Hi Louise, I came across this article... 01/10/2013 09:52 AM EST

From: Betsy Shaw  
To: Louise Kitamura  
Cc: Omayra Salgado  
Date: 01/10/2013 09:52 AM EST  
Subject: Question

Hi Louise,

I came across this article and was curious about the budget numbers it cites. They look to me to be someone's speculation about potential effects of across the board cuts under sequestration (b) (5)

Thanks,

Betsy

# Keep Pollution Cops On The Beat: Congress Proposes Stripping \$100 Million From Clean Air Enforcement

By Climate Guest Blogger on Jan 9, 2013 at 10:30 am

by Peter Iwanowicz

The Clean Air Act is one of the most successful public health laws we have. The U.S. Environmental Protection Agency's (EPA) [assessment](#) of the Act finds that in 2010 alone, the reductions in fine particle and ozone pollution from the 1990 Clean Air Act amendments prevented more than: 160,000 cases of premature mortality; 130,000 heart attacks; 13 million lost work days; and, 1.7 million asthma attacks.

Under normal implementation and enforcement of the Act, the EPA projects that in 2020, benefits will be even greater, preventing more than 230,000 cases of premature mortality, 200,000 heart attacks, 17 million lost work days, and, 2.4 million asthma attacks. The health benefits are expected to exceed \$2 trillion while the costs will be \$85 billion.

We are, however, working in anything but “normal” circumstances and EPA's ability to realize these benefits is under significant risk.

For the past two years, Big Polluters and their allies in Congress have been working to roll back, weaken and block critically important updates to clean air standards that the EPA is required to make under the Act. These efforts included attempts to permanently block EPA rules that would limit [standards](#) to limit toxic air pollution from coal-fired power plants and [protect us](#) from air pollution that blows into other states. At the urging of Big Oil, members of Congress have also tried to [strip away](#) EPA's authority to limit greenhouse gas emissions, which not only endangers our health today but also future generations by increasing temperatures that significantly contribute to the formation of lethal ozone (smog) pollution. Other attacks on the Clean Air Act have focused on undermining the very core of this public health focused law by attempting to [block consideration](#) of health benefits in setting clean air protections

Thus far, these attempts to impede our nation's healthy air progress have been thwarted by the leadership in the Senate and the effective implementation of this healthy air law by the Obama Administration. Except for the [outrageous](#) decision made by the President in September 2011 to reject EPA's proposed health standard for ozone, the Administration has largely acted to implement the Clean Air Act as required and as a result millions of people will lead healthier lives and tens of thousands will not die prematurely.

While Congress has reached a short-term agreement to avoid the so called “fiscal cliff,” the

across the board budget cuts are still looming and could truly weaken the effectiveness of current air quality safeguards as Congress considers ways to reduce spending. Here's why: According to the National Association of Clean Air Agencies (NACAA) more than [\\$100 million in budget cuts](#) to EPA's Air program are proposed. Twenty-percent of the cut would be to the funds provided to states and local governments who monitor air pollution levels and administer permits for industrial facilities among other key aspect of the Act. In addition, EPA's budget for enforcement would also be cut by \$64.5 million.

The inevitable result if these cuts are made will be delayed enforcement, fewer inspections of polluting facilities and a serious hit to the public's right to know about levels of pollution in the air. Big Polluters might enjoy having fewer cops on the beat, but those who get sick and those that might die prematurely because air quality is not improving or being sufficiently monitored deserve better. The Clean Air Act promises healthy air for all to breathe. Fights over tax rates and deficit reduction should not have us [reaching for a gas mask](#) as a means of getting cleaner air.

Over the past two years, public support for the Clean Air Act has prevailed over the wishes of Big Polluters. Now more than ever [Congress needs to hear from you](#). There is a way [to balance](#) the need for deficit reduction and at the same time, improve lung health.

Peter Iwanowicz is Assistant Vice President of the American Lung Association. Cartoon by John de Rosier.

Brian Doster/DC/USEPA/US

09/15/2010 09:21 AM

To Joseph Goffman

cc

bcc

Subject Re: Fw: GHG Litigation - Update on possible severance of environmental groups challenge to PSD trigger date for GHGs

If you are OK with where things are headed after reviewing the two messages below, we don't necessary need to talk. But I still think it would be helpful for us (b) (5) DP

[REDACTED]

(b) (6)

Joseph Goffman

sorry we did not connect today. do we...

09/14/2010 08:36:10 PM

From: Joseph Goffman/DC/USEPA/US  
To: Brian Doster/DC/USEPA/US@EPA  
Date: 09/14/2010 08:36 PM  
Subject: Re: Fw: GHG Litigation - Update on possible severance of environmental groups challenge to PSD trigger date for GHGs

sorry we did not connect today. do we still need to talk?

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

Brian Doster

CBD sent us the following message thi...

09/14/2010 07:13:56 PM

From: Brian Doster/DC/USEPA/US  
To: Richard Ossias/DC/USEPA/US@EPA, Kevin McLean/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Carol Holmes/DC/USEPA/US@EPA, Elliott Zenick/DC/USEPA/US@EPA, Howard Hoffman/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
Date: 09/14/2010 07:13 PM  
Subject: Fw: GHG Litigation - Update on possible severance of environmental groups challenge to PSD trigger date for GHGs

CBD sent us the following message this evening.

\* \* \*

Thanks for the thoughtful conversation today. We have decided not to proceed with a motion to sever our petitions tomorrow.

Best regards,

Vera P. Pardee  
Center for Biological Diversity  
351 California Street, Suite 600  
San Francisco, Ca 94104  
Tel: (415) 436-9682 ext. 317  
[www.biologicaldiversity.org](http://www.biologicaldiversity.org)

----- Forwarded by Brian Doster/DC/USEPA/US on 09/14/2010 07:13 PM -----

From: Brian Doster/DC/USEPA/US  
To: Richard Ossias/DC/USEPA/US@EPA, Kevin McLean/DC/USEPA/US@EPA, Patricia Embrey/DC/USEPA/US@EPA, Carol Holmes/DC/USEPA/US@EPA, Elliott Zenick/DC/USEPA/US@EPA, Howard Hoffman/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
Date: 09/14/2010 05:23 PM  
Subject: GHG Litigation - Update on possible severance of environmental groups challenge to PSD trigger date for GHGs

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(b) (5) DP, (b)(5) ACP  
[Redacted]

[Redacted]

[Redacted]

(b) (5) DP, (b)(5) ACP



I will update as I hear anything further.

Joe, sorry we haven't connected yet, please let me know if you have (b) (5) DP


Steve Page/RTP/USEPA/US

10/21/2009 06:00 AM

To Gina McCarthy

cc zinger.don

bcc

Subject Fw: Sierra Club letter re: Two Elk power plant, Wyoming

Gina,

Per your request. Let me know if you want to discuss this.

-----Forwarded by Steve Page/RTP/USEPA/US on 10/21/2009 05:58AM -----

To: Steve Page/RTP/USEPA/US@EPA

From: Bill Harnett/RTP/USEPA/US

Date: 10/21/2009 02:09AM

cc: Michael Ling/RTP/USEPA/US@EPA, Juan Santiago/RTP/USEPA/US@EPA

Subject: Fw: Sierra Club letter re: Two Elk power plant, Wyoming

Dear Steve

Here is some information on the permit in Wyoming based on discussions with Region 8

Bill

----- Forwarded by Bill Harnett/RTP/USEPA/US on 10/21/2009 02:08 AM -----

Fro Janet McDonald/RTP/USEPA/US

m:

To: Bill Harnett/RTP/USEPA/US@EPA

Cc: "Michael Ling" <ling.michael@epa.gov>, "Janet Mcdonald" <McDonald.janet@epa.gov>, "Juan Santiago" <santiago.juan@epa.gov>

Dat 10/20/2009 04:49 PM

e:

Sub Re: Fw: Sierra Club letter re: Two Elk power plant, Wyoming

ject

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(b) (5) DP



The Sierra letter claims are accurate, with additional detail I obtained from Wyoming docket items as follows

1. 2003 permit is currently in place.
2. Since June 30, 2005, the Wyoming Environmental Quality Council has required status reports on construction activity at Two Elk.
3. On August 22, 2007, the Wyoming DEQ Air Director concluded that construction had stopped and that the 2003 permit was not valid. On November 13, 2007, Two Elk submitted an application for a permit modification.
4. There was a November 21, 2007 settlement agreement between Wyoming DEQ and Two Elk in which WDEQ concluded that construction had not been interrupted based on confidential information submitted by Two Elk. It requires construction status reports and states that an application for a permit modification had been submitted. The settlement also requires a subsequent permit modification if the construction schedule is extended beyond December 2012. The settlement agreement is attached. The Wyoming Environmental Quality Council subsequently upheld this decision that construction had not stopped and closed the case on March 7, 2008. Sierra Club appealed to the Wyoming District Court, which dismissed the case on August 31, 2009.

According to Sierra, the permit modification was submitted in January 2008. None of the permits or permit applications appear to be available online.

Janet McDonald  
Office of Air and Radiation  
Office of Air Quality Planning and Standards  
Air Quality Policy Division  
Operating Permits Group  
109 TW Alexander Dr., MD C504-03, Research Triangle Park, NC 27711  
Phone: 919 541-1450 Fax: 919 541-5509  
mcdonald.janet@epa.gov

Bill Harnett---10/20/2009 08:52:06 AM---Please gather info asap ----- Original Message

-----  
Fro Bill Harnett/RTP/USEPA/US  
m:  
To: "Janet Mcdonald" <McDonald.janet@epa.gov>  
Cc: "Michael Ling" <ling.michael@epa.gov>, "Juan Santiago" <santiago.juan@epa.gov>  
Dat 10/20/2009 08:52 AM  
e:  
Sub Fw: Sierra Club letter re: Two Elk power plant, Wyoming  
ject  
:

---

Please gather info asap

Steve Page

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

**From:** Steve Page

**Sent:** 10/20/2009 08:15 AM EDT

**To:** Michael Ling

**Cc:** Bill Harnett; Juan Santiago

**Subject:** Fw: Sierra Club letter re: Two Elk power plant, Wyoming

I would like to give gina some more info on this if we can check quickly with the region. Do you know anything about this or can you talk with the region about it?

----- Forwarded by Steve Page/RTP/USEPA/US on 10/20/2009 08:14 AM -----

Fro Steve Page/RTP/USEPA/US

m:

To: Peter South/RTP/USEPA/US@EPA

Dat 10/20/2009 07:43 AM

e:

Sub Fw: Sierra Club letter re: Two Elk power plant, Wyoming

ject

:

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----- Forwarded by Jean Walker/RTP/USEPA/US on 10/20/2009 07:43 AM -----

Fro Gina McCarthy/DC/USEPA/US

m:

To: "Steve Page" <Page.Steve@Epa.GOV>

Cc: "Don Zinger" <Zinger.Don@EPA.GOV>

Dat 10/19/2009 08:43 PM

e:

Sub Fw: Sierra Club letter re: Two Elk power plant, Wyoming

ject

:

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Fyi. Not sure what this is about but would like to see what the region has to say.

---

**From:** Elena.Saxonhouse

**Sent:** 10/19/2009 11:50 AM MST

**To:** Gina McCarthy; Cynthia Giles-AA

**Cc:** Bruce.Nilles@sierraclub.org; sanderson@powderriverbasin.org;

Sanjay.Narayan@sierraclub.org; rzars@lariat.org; Carol Rushin; Adam Kushner

**Subject:** Sierra Club letter re: Two Elk power plant, Wyoming

Dear Administrators McCarthy and Giles,

Please see the attached letter from Sierra Club and Powder River Basin Resource Council regarding the proposed construction of a coal-fired power plant in Wyoming on an expired PSD permit. We look forward to discussing this matter with you at your earliest convenience and would be happy to provide more information upon request.

Elena Saxonhouse

Attorney

Sierra Club Environmental Law Program

85 Second St., 2nd Floor

San Francisco, CA 94105

(415) 977-5765

(415) 977-5793 (fax)

[attachment "2009-10-19 Two Elk EPA letter.pdf" deleted by Janet McDonald/RTP/USEPA/US]



- Two Elk.pdf