

Adam Kushner/DC/USEPA/US  
03/06/2011 12:21 PM

To "Gina McCarthy", Cynthia Giles-AA, "Dennis McLerran",  
"Michelle Pirzadeh", "Rick Albright", Allyn Stern  
cc  
bcc  
Subject Fw: Coal Free NW takes a giant step f/w

More from Sierra Club

-----  
Adam Kushner  
Director  
Office of Civil Enforcement USEPA  
202-564-7979

Sent by EPA Wireless E-Mail Services

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**From:** Bruce Nilles [Bruce.Nilles@sierraclub.org]  
**Sent:** 03/06/2011 11:20 AM EST  
**To:** Adam Kushner; Ilana Saltzbart; Phillip Brooks  
**Subject:** Fw: Coal Free NW takes a giant step f/w

Two years of negotiations bear fruit.

----- Forwarded by Bruce Nilles/Sierraclub on 03/05/2011 05:28 PM -----

From: "Shagren, Karina (GOV)" <Karina.Shagren@GOV.WA.GOV>  
To: "Shagren, Karina (GOV)" <Karina.Shagren@GOV.WA.GOV>  
Cc: "Curtis, Cory (GOV)" <Cory.Curtis@GOV.WA.GOV>, "Whiteaker, Scott (GOV)" <Scott.Whiteaker@gov.wa.gov>, "Phillips, Keith (GOV)" <Keith.Phillips@gov.wa.gov>, "Justin, Jim (GOV)" <Jim.Justin@gov.wa.gov>, "Glen Whelan" <Glen\_Whelan@transalta.com>, "Robert Klager" <Robert\_Klager@transalta.com>, "Craig Benjamin" <craig@environmentalpriorities.org>, "Manning, Jay (GOV)" <Jay.Manning@GOV.WA.GOV>  
Date: 03/05/2011 05:24 PM  
Subject: Gov. Gregoire announces agreement with TransAlta

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CHRISTINE O. GREGOIRE

Governor



STATE OF WASHINGTON

## OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111

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**For Release:** Immediate  
**Office**

**Media Contact:** Governor's Communications

**Date:** March 5, 2011

**Phone:** 360-902-4136

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### **Gov. Gregoire announces agreement with TransAlta**

*Company agrees to transition off of coal, invest in energy efficiency projects and innovative energy technologies*

**OLYMPIA**— Gov. Chris Gregoire today announced a proposed agreement has been reached with TransAlta to significantly reduce emissions from the company's coal-fired power plant in the Centralia area. The agreement was negotiated by TransAlta, the state of Washington and members of the environmental community to ensure a transition to cleaner power while allowing the necessary time to provide economic stability to Southwest Washington.

"What a proud day for the Centralia community, and all of Washington state," Gregoire said. "I congratulate all of the parties involved who worked in good faith, and spent countless hours to achieve this agreement. This compromise promises cleaner air for our future, while providing the necessary time to ensure economic stability, job protection and enough power on the grid to keep our homes and businesses running. I encourage the Legislature to take timely action to ensure this agreement moves forward."

In 2009, Gregoire signed an executive order directing the Department of Ecology to work with TransAlta to establish an agreed order that would apply the greenhouse gas emissions performance standards by no later than December 31, 2025.

Today's agreement moves up the performance standards for one of two boilers to Dec. 31, 2020 and the other boiler on Dec. 31, 2025.

"We're pleased to see all parties agree on legislation that balances the interests of jobs, the economy, energy and the environment," said Stephen Snyder, President and CEO of TransAlta. "This legislation meets our commitment to a low-carbon future through transition from coal to gas in Washington, significantly reduces our environmental risk and allows us to provide fair shareholder value through favorable long-term contracts while protecting jobs and the economy of the local community."

Senator Phil Rockefeller introduced an amendment which would incorporate the new agreement into SB 5769, which would establish the first coal-free date in law. This amendment includes:

- TransAlta will be allowed in the interim to sell coal power under long-term contracts within Washington – which will give the company the financial stability needed to transition to a cleaner source of energy;
- The plant's two coal boilers will meet the state's emissions performance standard for new and modified power plants, which will require the boilers to shut down. The standard will apply to one boiler on Dec. 31, 2020, and to the other boiler on Dec. 31, 2025 – essentially ending coal-fired power in Washington state in the next 14 years;
- In 2013, TransAlta will install additional air pollution control technology to further reduce emissions of nitrogen oxides at the plant. This technology is called selective non-catalytic reduction (SNCR). The TransAlta plant is the state's largest single industrial source of nitrogen oxide emissions. Nitrogen oxides are one of the causes of visibility-limiting regional haze in national parks and on federal lands; and
- TransAlta agrees to contribute \$30 million in a community investment fund to help with energy efficiency projects, as well as \$25 million in an energy technology transition fund, which must be spent on supporting innovative energy technologies and companies in Washington state.

"It's great news that TransAlta and the people interested in the future of the Centralia community and clean air have come together on a proposed agreement," said Rockefeller. "I congratulate them, but at the same time recognize we have a lot of work ahead of us. The amendment I have prepared will capture the recent agreement in legislative language. Sen. Dan Swecker from Lewis County has signed onto this amendment and I hope others follow. I look forward to working with my colleagues on both sides of the aisle, the company and the governor to arrive at a final agreement."

"Clean air and water have always been my top priority," Rep. Marko Liias said, "and this compromise goes a long way towards protecting our environment and preserving good jobs. I'm glad to see TransAlta has agreed to this solution, which will provide \$55 million towards the local community and economy."

“This is a giant step forward toward a healthier and safer Washington, free from coal,” said Bruce Nilles, Deputy Conservation Director with the Sierra Club. “We are leaving coal pollution in the past as we continue building the clean energy economy of today. We thank the Governor, TransAlta, Sen. Rockefeller, Rep. Lias, the people of Lewis County and the Environmental Priorities Coalition for their efforts in achieving this historic agreement.”

“We are excited to be a part of this solution, which will help Washington transition to a clean energy economy, safeguard public health, and provide a secure economic future for Lewis County. We look forward to working closely with the Legislature to ensure passage of this groundbreaking agreement,” said Rod Brown, President, Washington Environmental Council.

“Our priority was maintaining family-wage jobs in the Centralia area,” said Bob Guenther from the Thurston-Lewis-Mason Central Labor Council, IBEW 77. “That’s what every community needs to thrive, and Centralia is no exception. TransAlta provides critical employment opportunities to ensure a strong economy in Southwest Washington, and I’m pleased that our goal of sustaining good jobs was met with this agreement while providing certainty for all involved including the community, labor, the company, the environment and the grid.”

# # #

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

03/21/2012 01:45 PM

To Brendan Gilfillan, "McCarthy, Gina"

cc

bcc

Subject American Lung Association Clean Air Survey March 2012 -  
American Lung Association

Some good stuff in here.

Al

<http://www.lung.org/healthy-air/outdoor/resources/clean-air-survey-mar2012.html>

---

Al Armendariz  
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Al Armendariz/R6/USEPA/US  
02/14/2012 05:49 PM

To "McCarthy, Gina"  
cc  
bcc

Subject Fw: LEAN news release re: New Air Toxic Standards Cut Harmful Emissions From PVC Facilities

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Al Armendariz  
Regional Administrator  
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Darrin Larson

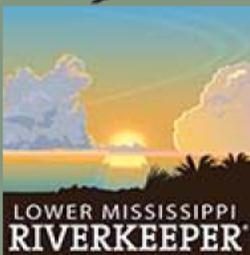
----- Original Message -----

**From:** Darrin Larson  
**Sent:** 02/14/2012 04:06 PM CST  
**To:** Al Armendariz; Carl Edlund  
**Cc:** Layla Mansuri; Chrissy Mann  
**Subject:** LEAN news release re: New Air Toxic Standards Cut Harmful Emissions From PVC Facilities  
David forwarded this to me - very positive.

Darrin Larson  
Acting Director, Office of External and Government Affairs  
U.S. EPA Region 6  
Office: 214-665-7115  
Mobile: 972-467-5509



LEAN



Louisiana Environmental Action Network  
&  
Lower Mississippi RIVERKEEPER©

*Helping to Make Louisiana Safe for Future Generations*

FOR IMMEDIATE RELEASE - February 14, 2012

[Read this at LEANWEB](#)

### **New Air Toxic Standards Cut Harmful Emissions From PVC Facilities**

BATON ROUGE, LA - As a result of a petition filed by Louisiana Environmental Action Network (LEAN), Environmental Action Now (MEAN), and Sierra Club, with representation by Earth Justice the U.S. Environmental Protection Agency (EPA) has issued a final rule to update emission limits for air toxic releases by polyvinyl chloride (PVC) production facilities.

The rule requires facilities that produce PVC to reduce emissions of harmful toxic air emissions, improving air quality and protecting public health in communities where these facilities are located. This includes the Louisiana communities of Baton Rouge, Plaquemine, Addis, Geismar, and Westlake/Mossville.

The rule issued today sets emission limits for vinyl chloride, dioxins and furans, and hydrogen chloride, as well as other organic air toxics. Vinyl chloride is a known human cancer causing agent.

The emission limits are more stringent than those currently regulating the industry. "Truly, this is a victory for environmental justice," said Marylee Orr, Executive Director of LEAN, "We want to thank EPA for this new rule, you couldn't have done this on Valentines Day than reducing worker and community exposure to these cancer causing chemicals."

EPA held two public hearings on the proposed rule. LEAN participated and testified at the hearing in Baton Rouge, Louisiana.

"The Environmental Justice communities living in close proximity to the vinyl chloride facilities will have their air quality improved and reduced as a result of the decrease in emissions," said Wilma Subra, technical advisor for LEAN.

There are currently 15 major and two area source PVC facilities in the United States. They are located in Louisiana with six, Texas with four, New Jersey with two, and Delaware, Illinois, Kentucky, Michigan, and Ohio with one each. There are no small businesses affected.

###

**Read the EPA Fact Sheet and Get More Information at LEANWEB:**

<http://leanweb.org/our-work/air/new-air-toxic-standards-cut-harmful-emissions-from-pvc-facilities>

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Louisiana Environmental Action Network | P.O. Box 66323 | Baton Rouge | LA | 70809



Try it FREE today.

**Al Armendariz/R6/USEPA/US**  
04/10/2012 07:55 PM

To "McCarthy, Gina", "McCabe, Janet", Brendan Gilfillan  
cc  
bcc

Subject Fw: Here's the agenda - Texas Senate Natural Resources  
Interim Committee Hearing

Hi: state senate hearing tomorrow on impact of epa air rules. Expect some epa bashing. Maybe some rational dialogue. We'll see.

Al

---

Al Armendariz  
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Darrin Larson

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

**From:** Darrin Larson  
**Sent:** 04/10/2012 05:42 PM CDT  
**To:** Al Armendariz  
**Cc:** Chrissy Mann; David Gray; John Blevins; Layla Mansuri; William Luthans  
**Subject:** Here's the agenda - Texas Senate Natural Resources Interim  
Committee Hearing

## Senate Committee on Natural Resources Agenda

April 11, 2012, 9:00 a.m.

E1.028

### 1. Call to Order

### 2. Invited Testimony

- Trip Doggett, President & CEO, Electric Reliability Council of Texas
- Donna Nelson, Chairman, Public Utility Commission of Texas
- Susana Hildebrand, P.E., Chief Engineer, Texas Commission on Environmental Quality
- Doyle Beneby, President & CEO, CPS Energy
- Kip Averitt, Energy Counsel, America's Natural Gas Alliance
- Gary Gibbs, Manager of Government and Environmental Affairs, Texas, AEP
- Tom "Smitty" Smith, Texas Director, Public Citizen
- Phillip Oldham, Energy Counsel, Texas Association of Manufacturers
- Jen Powis, Sierra Club
- Mike Nasi, General Counsel, Balanced Energy for Texas

### 3. Public Testimony

### 4. Recess

Darrin Larson  
Acting Director, Office of External and Government Affairs  
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Darrin Larson

The Texas Senate Natural Resources...

04/10/2012 05:10:51 PM

From: Darrin Larson/R6/USEPA/US  
To: Al Armendariz/R6/USEPA/US  
Cc: Layla Mansuri/R6/USEPA/US, Chrissy Mann/R6/USEPA/US, David Gray/R6/USEPA/US@EPA, John Blevins/R6/USEPA/US@EPA, William Luthans/R6/USEPA/US@EPA  
Date: 04/10/2012 05:10 PM  
Subject: FYI - Texas Senate Natural Resources Interim Committee Hearing

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The Texas Senate Natural Resources Committee will be meeting tomorrow, April 11, at 9 am to discuss Interim Charges and invite public testimony on the two issues listed below.

The Committee has not released an agenda or who has been invited to testify, but we will share that with you as soon as it is made available.

### **Interim Charge #1**

Monitor the effects of recent and anticipated Environmental Protection Agency rules on (1) electric reliability in Texas, (2) affordability of electricity in Texas, and (3) competitiveness of energy intensive sectors of the Texas economy, and make recommendations to reduce the regulatory burden and maintain a business-friendly climate. Specifically, study the following:

- Greenhouse gas regulations under the Federal Clean Air Act.
- New National Ambient Air Quality Standards (NAAQS) for ozone;
- New NAAQS for particulate matter;
- New change to Maximum Available Control Technology (MACT) for industrial boilers;
- Cross State Air Pollution Rule "CSAPR;"
- Power Plant Cooling Water Intake Structure Rule;
- Coal Combustion Residual Rule;
- MACT for hazardous pollutants.
- Monitor federal permitting and/or federal legislation

### **Interim Charge #5**

Study the impact of current, pending, and reasonably foreseeable federal environmental regulations that may affect electric generation capacity. Identify the 10% of electrical generation capacity that will be most impacted by compliance with these regulations. Estimate the amount of electric generation capacity that is likely to voluntarily be retired rather than incur the additional expense of complying with federal environmental regulations. Identify additional barriers to the retirements of the identified generation capacity and provide recommendations on how to cost-effectively encourage the affected generation capacity to be voluntarily retired.

#### **Chair**

Troy Fraser

#### **Vice-Chair**

Craig Estes

#### **Members:**

- Bob Deuell
- Robert Duncan
- Kevin Eltife
- Glenn Hegar
- Juan "Chuy" Hinojosa
- Mike Jackson

- Robert Nichols
- Kel Seliger
- Carlos Uresti

Darrin Larson  
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Al McGartland/DC/USEPA/US

10/11/2012 04:51 PM

To Alex Barron

cc

bcc

Subject pm study in california

---

Opinion in San Diego Union Tribune by James Enstrom, Ph.D., M.P.H., epidemiological researcher at UCLA School of Public Health's who's described as an "expert in the health effects of air pollution in California." He takes issue with American Lung Association's findings in new "State of the Air 2012" report.

#### AIR POLLUTION HEALTH RISKS NOT AS DIRE AS CLAIMED

Outlet Full Name: U-T San Diego - Online

News Text: Contrary to what some may think, AB 32, the "Global Warming Solutions Act of 2006," has nothing to do with air pollution as it has been classically defined. AB 32 is the California Legislature's attempt to deal with the worldwide problem of global warming by using regulations and market mechanisms ("cap-and-trade") to reduce greenhouse gas emissions in California to 1990 levels by 2020.

A recent U-T San Diego commentary, "Clean air and AB 32 help to keep us healthy," presents a highly inaccurate view of air pollution health effects in San Diego County and California. In particular, the author, Mike Welch, M.D., incorrectly claims that "AB 32 is an essential part of cleaning up California's air, and is critical to protecting public health from air pollutants that make people sick and shorten lives."

Greenhouse gases, primarily CO<sub>2</sub>, have only recently been considered by some to be a form of air pollution. However, CO<sub>2</sub> certainly does not have the public health risks of classical air pollutants. Indeed, a normal level of CO<sub>2</sub> in the lungs and arterial blood (about 40 mm Hg or about 5 percent of total air at sea level) is imperative for human health.

Because of the adverse economic impact of new greenhouse gas regulations, Proposition 23, a voter initiative to suspend AB 32 until the California economy recovers, was placed on the November 2010 ballot. Proposition 23 was defeated in large part because advocacy organizations like the American Lung Association misrepresented it as an effort to suspend air pollution regulations in California. The official ballot arguments signed by the ALA contained inflammatory and false statements like "Prop. 23 is a DIRTY ENERGY PROPOSITION that MEANS MORE AIR POLLUTION and INCREASED HEALTH RISKS - Vote NO."

The ALA has also misrepresented air pollution health effects in California in its report, "State of the Air 2012." San Diego County is listed as one of the most polluted counties in America based on its measured levels of ozone and fine particulate matter (PM<sub>2.5</sub>) relative to the National Ambient Air Quality Standards (NAAQS). The NAAQS were set by the U.S. Environmental Protection Agency (EPA) years ago based on the EPA assessment of the national health effects associated with these pollutants. However, there is now overwhelming evidence that the health effects of these pollutants in California are minimal and that the NAAQS are not applicable to California and San Diego County.

Since 2000, 10 separate analyses of five major cohorts of Californians have shown that there is NO relationship between PM2.5 and total mortality (also known as "premature deaths") in California. One of these analyses was led by UC Berkeley Professor Michael Jerrett and was based on about 75,000 California adults in the American Cancer Society Cancer Prevention Study cohort. The results of this 2011 analysis found that criteria pollutants (PM2.5, PM10, ozone, NO2 and sulfate) were not related to total mortality during 1982-2000.

These findings have been independently assessed by several qualified scientists and are summarized in a 2011 "Dust and Death" commentary by statistician Matt Briggs, Ph.D. There is some confusion regarding these findings because PM2.5 shows positive associations with cardiovascular diseases and negative associations with cancer and other diseases. But the association with all deaths is null, meaning there are no "premature deaths" due to PM2.5. Unfortunately, these California-specific analyses are not mentioned in "State of the Air 2012," as they should have been.

California is a very healthy state that has already reduced air pollution down to safe levels. Based on the most recent (2009) mortality statistics from the CDC WONDER database, San Diego County had an age-adjusted total death rate that was 15 percent below the U.S. death rate. This death rate was lower than the death rate in every state except Hawaii. In addition, San Diego County had an asthma death rate that was 30 percent below the U.S. asthma death rate. Indeed, only 22 of the 19,177 deaths in San Diego County during 2009 were due to asthma.

While Dr. Welch's efforts to help children with asthma are highly laudable, they do not justify the misstatements he has made regarding AB 32 and air pollution health effects in California and San Diego County.

Enstrom, Ph.D., M.P.H., has been conducting epidemiologic research at the UCLA School of Public Health since 1973. He is an expert in the health effects of air pollution in California.

Al McGartland, PhD.  
Director, National Center for Environmental Economics  
US EPA  
1201 Pennsylvania Ave., N.W.  
Washington, D.C. 20460

202.566.2244

Alex Barron/DC/USEPA/US  
03/28/2012 10:48 AM

To Arvin Ganesan, Laura Vaught  
cc Joseph Goffman  
bcc  
Subject Path forward for coal

These quotes might be useful with certain audiences on the hill (see highlights).

A

----- Forwarded by Alex Barron/DC/USEPA/US on 03/28/2012 10:47 AM -----

## **EPA to reduce new power plants' carbon pollution**

Move draws praise, criticism

Updated: Tuesday, 27 Mar 2012, 1:18 PM CDT  
Published : Tuesday, 27 Mar 2012, 1:17 PM CDT

DINA CAPPIELLO, Associated Press

WASHINGTON (AP) — The Obama administration forged ahead on Tuesday with the first-ever limits on heat-trapping pollution from new power plants, ignoring protests from industry and Republicans who have said the regulation will raise electricity prices and kill off coal, the dominant U.S. energy source.

But the proposal also fell short of environmentalists' hopes because it goes easier than it could have on coal-fired power, one of the largest sources of the gases blamed for global warming.

"The standard will check the previously uncontrolled amount (of carbon pollution) that power plants ... release into our atmosphere," Lisa Jackson, head of the Environmental Protection Agency, said in a conference call with reporters Tuesday. But "it also creates a path forward for future facilities to use technology that burns coal, while releasing less carbon pollution."

Older coal-fired power plants have already been shutting down across the country, thanks to low natural gas prices, demand from China driving up coal's price and weaker demand for electricity.

Regulations from the EPA to control pollution blowing downwind and toxic emissions from power plants have also helped push some into retirement, causing Republicans in Congress and on the campaign trail to claim the agency will cause blackouts. Numerous studies and an AP survey of power plant operators have shown that is not the case.

But on Tuesday, GOP leaders once again accused the administration of clamping down on cheap, home-grown sources of energy and said the regulation raised questions about the sincerity of President Barack Obama's pledge for an "all-of-the-above" energy policy.

"This rule is part of the Obama administration's aggressive plan to change America's energy portfolio and eliminate coal as a source of affordable, reliable electricity generation," said Rep. Fred Upton, R-Mich., who as chairman of the House Energy and Commerce Committee has led the charge against environmental regulations. "EPA continues to overstep its authority and ram through a series of

overreaching regulations in its attacks on America's power sector."

The rule announced Tuesday could either derail or jump-start plans for 15 new coal-fired power plants in 10 states, depending on when they start construction. Those that break ground in the next year would be exempt from the new limit. Those that start construction later will have to eventually comply with the rule.

Existing power plants, even if they make changes that increase emissions, would not be covered at all. And new ones would have years to meet the standard and could average their emissions over three decades in order to meet the threshold.

But eventually, all coal-fired power plants would need to install equipment to capture half of their carbon pollution. While not commercially available now, the EPA projects that by 2030, no new coal-fired power plant will be built without carbon capture and storage.

By contrast, a new natural gas-fired power plant would meet the new standard without installing additional controls.

"There are areas where they could have made it a lot worse," said Scott Segal, director of the Electric Reliability Coordinating Council, a coalition of power companies. Still, "the numerical limit allows progress for natural gas and places compliance out of reach for coal-fired plants" not planning to capture and sequester carbon dioxide, the chief greenhouse gas.

Steve Miller, CEO and President of the American Coalition for Clean Coal Electricity, a group of coal-burning electricity producers, took a more dismal view of the proposal.

"The latest rule will make it impossible to build any new coal-fueled power plants and could cause the premature closure of many more coal-fueled power plants operating today," Miller said.

The regulation, which was due to be released last July but has been stuck at the White House since November, stemmed from a settlement with environmental groups and states. The government already controls global warming pollution at the largest industrial sources, has adopted the first-ever standards for new cars and trucks and is working on regulations to reduce greenhouse gases at existing power plants and refineries.

Some states, including Washington, Oregon and California, already limit greenhouse gas pollution. And two other states, Montana and Illinois, require carbon capture and storage for all new coal-fired power plants.

Michael Brune, executive director of the Sierra Club, an advocacy group fighting coal-fired power, said in an interview that the regulation shows that President Barack Obama is moving to a cleaner energy future.

"It's a strong move," Brune said. "It means there will never be another coal plant built without new technology, and it probably means even those won't be built because they can't compete." Other advocacy groups, however, said the regulation was imperfect, since it "grandfathers" in existing plants.

"EPA also must focus on the main source of power plant

carbon emissions — existing coal-fired plants, many of them more than 50 years old, which are responsible for nearly 40 percent of U.S. carbon emissions," said Kevin Knobloch, the president of the Union of Concerned Scientists, who said the regulation was a historic step to "trim" carbon emissions.

Even if the proposal did result in no new coal-fired power plants being built in the U.S., the coal would be exported and burned for electricity elsewhere, contributing to global warming. Export would also increase emissions because of the pollution from the transportation.

But Republicans said the new rule could not come at a worse time, with concern about high gasoline prices and energy taking center stage in the presidential election.

"At a time when the Obama administration should be working to lower the price of gas at the pump, it is alarming that they have put forward more global warming regulations," said Matt Dempsey, a spokesman for Oklahoma Sen. James Inhofe, the top Republican on the Senate environment panel, who pledged on Tuesday to introduce a resolution to overturn the rule.

"Republicans are committed to ensuring that the Obama EPA is finally reined in."

The 10 states with proposed new coal-fired generation that could be covered by the regulation are Texas, Illinois, Pennsylvania, Idaho, Kentucky, Michigan, Georgia, Utah, Wyoming and Kansas.

[http://www.nytimes.com/2012/03/27/us/new-rules-will-limit-greenhouse-gas-emissions.html?\\_r=1&ref=us](http://www.nytimes.com/2012/03/27/us/new-rules-will-limit-greenhouse-gas-emissions.html?_r=1&ref=us)  
March 27, 2012

## New Limit Pending on Emissions

By [FELICITY BARRINGER](#) and [JUSTIN GILLIS](#)

After months of delay, the Obama administration is about to unveil the first federal standards to explicitly limit greenhouse-gas emissions from new electric power plants — one of the chief sources of carbon dioxide emissions linked to [climate change](#).

According to people briefed by the [Environmental Protection Agency](#), all existing plants — including the 300 or so [coal](#)-fired power plants that now release the highest level of these emissions and yet-to-be-built plants that have already received E.P.A. permits — will be grandfathered in at current levels, meaning they are exempt from the new proposed rule.

Under the new rule, expected to be announced this week, new power plants will have to emit no more than 1,000 tons of carbon dioxide per megawatt-hour of energy produced. That standard permits the level of emissions achieved by [natural gas](#)-fired plants of the type generally built in the last few years, but would be too strict for almost all coal-fired power plants if they were not exempted. A new natural gas plant produces a little less than 1,000 pounds of carbon dioxide per megawatt-hour of electricity generated. A coal plant produces about 1,800 pounds.

A senior White House official who spoke on condition of anonymity because he was not authorized to disclose details ahead of the announcement said, "This standard provides a clear and certain path forward for industry and the important domestic energy sources they rely on, including natural gas, as well as clean coal technologies that lower carbon emissions. These sources will continue to be a part of our energy future, and what we have proposed is in line with the steps industry is already taking."

The White House official explained that the goal of the rule is to hasten the introduction of carbon controls on new coal-fired power plants, while not causing immediate economic harm from the shutdown of existing plants. The rule is certain to face stiff challenges in Congress and the courts.

Washington insiders, environmentalists and state regulators who have followed the course of the Obama administration's stutter-step approach to greenhouse gas regulations were both pleased that a rule was about to be proposed and disappointed by its apparent lack of teeth regarding existing polluters.

Ian Bowles, the former secretary of energy and environmental affairs in Massachusetts, had a mixed reaction to the news of the rule.

"I'm glad to see President Obama moving forward in the face of critics who seem to have forgotten that the Supreme Court has ruled E.P.A. must regulate greenhouse gas emissions," he said, but added, "I'm a bit surprised existing power plants are left harmless, but the reality is cheap natural gas is doing more to curtail coal use than any regulation would have in the near term."

Some, like Paul Bledsoe, a senior adviser at the Bipartisan Policy Center, said that the regulation gave new impetus to the shift to natural gas as the electric power industry's fuel of choice. Coal plants are facing other new environmental mandates that could make them even less competitive economically, he said.

"The impact in the next decade is expected to be relatively minor," he said.

The coal industry, whose conservative Congressional allies have painted the E.P.A. as an overzealous regulator holding back the economy, was unhappy with the news of the proposal. They have repeatedly criticized the idea of setting limits by regulation when Congress refused to set similar limits by legislation.

But the agency had little choice after it followed the Supreme Court's directive to make a decision on whether carbon dioxide was a pollutant. In 2009, the agency declared that it should be classified as a pollutant under the [Clean Air Act](#).

On Monday night, Luke Popovich, a spokesman for the National Mining Association, said, "The rule from our standpoint is a big mistake." He added, "It is virtually calculated to drive coal, a very, very affordable generator of electricity, out of the U.S. electricity market."

The most promising technology for controlling greenhouse gas emissions from coal plants involves isolating the carbon dioxide before it leaves the smokestack and then storing it underground — a process known as "carbon capture and storage." Carbon capture and storage is not being done on a commercial scale anywhere in the world.

*Matthew L. Wald contributed reporting.*

Alex Barron/DC/USEPA/US  
03/28/2012 10:48 AM

To Arvin Ganesan, Laura Vaught  
cc Joseph Goffman  
bcc  
Subject Path forward for coal

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DINA CAPPIELLO, Associated Press

WASHINGTON (AP) — The Obama administration forged ahead on Tuesday with the first-ever limits on heat-trapping pollution from new power plants, ignoring protests from industry and Republicans who have said the regulation will raise electricity prices and kill off coal, the dominant U.S. energy source.

But the proposal also fell short of environmentalists' hopes because it goes easier than it could have on coal-fired power, one of the largest sources of the gases blamed for global warming.

"The standard will check the previously uncontrolled amount (of carbon pollution) that power plants ... release into our atmosphere," Lisa Jackson, head of the Environmental Protection Agency, said in a conference call with reporters Tuesday. But "it also creates a path forward for future facilities to use technology that burns coal, while releasing less carbon pollution."

Older coal-fired power plants have already been shutting down across the country, thanks to low natural gas prices, demand from China driving up coal's price and weaker demand for electricity.

Regulations from the EPA to control pollution blowing downwind and toxic emissions from power plants have also helped push some into retirement, causing Republicans in Congress and on the campaign trail to claim the agency will cause blackouts. Numerous studies and an AP survey of power plant operators have shown that is not the case.

But on Tuesday, GOP leaders once again accused the administration of clamping down on cheap, home-grown sources of energy and said the regulation raised questions about the sincerity of President Barack Obama's pledge for an "all-of-the-above" energy policy.

"This rule is part of the Obama administration's aggressive plan to change America's energy portfolio and eliminate coal as a source of affordable, reliable electricity generation," said Rep. Fred Upton, R-Mich., who as chairman of the House Energy and Commerce Committee has led the charge against environmental regulations. "EPA continues to overstep its authority and ram through a series of

overreaching regulations in its attacks on America's power sector."

The rule announced Tuesday could either derail or jump-start plans for 15 new coal-fired power plants in 10 states, depending on when they start construction. Those that break ground in the next year would be exempt from the new limit. Those that start construction later will have to eventually comply with the rule.

Existing power plants, even if they make changes that increase emissions, would not be covered at all. And new ones would have years to meet the standard and could average their emissions over three decades in order to meet the threshold.

But eventually, all coal-fired power plants would need to install equipment to capture half of their carbon pollution. While not commercially available now, the EPA projects that by 2030, no new coal-fired power plant will be built without carbon capture and storage.

By contrast, a new natural gas-fired power plant would meet the new standard without installing additional controls.

"There are areas where they could have made it a lot worse," said Scott Segal, director of the Electric Reliability Coordinating Council, a coalition of power companies. Still, "the numerical limit allows progress for natural gas and places compliance out of reach for coal-fired plants" not planning to capture and sequester carbon dioxide, the chief greenhouse gas.

Steve Miller, CEO and President of the American Coalition for Clean Coal Electricity, a group of coal-burning electricity producers, took a more dismal view of the proposal.

"The latest rule will make it impossible to build any new coal-fueled power plants and could cause the premature closure of many more coal-fueled power plants operating today," Miller said.

The regulation, which was due to be released last July but has been stuck at the White House since November, stemmed from a settlement with environmental groups and states. The government already controls global warming pollution at the largest industrial sources, has adopted the first-ever standards for new cars and trucks and is working on regulations to reduce greenhouse gases at existing power plants and refineries.

Some states, including Washington, Oregon and California, already limit greenhouse gas pollution. And two other states, Montana and Illinois, require carbon capture and storage for all new coal-fired power plants.

Michael Brune, executive director of the Sierra Club, an advocacy group fighting coal-fired power, said in an interview that the regulation shows that President Barack Obama is moving to a cleaner energy future.

"It's a strong move," Brune said. "It means there will never be another coal plant built without new technology, and it probably means even those won't be built because they can't compete." Other advocacy groups, however, said the regulation was imperfect, since it "grandfathers" in existing plants.

"EPA also must focus on the main source of power plant

carbon emissions — existing coal-fired plants, many of them more than 50 years old, which are responsible for nearly 40 percent of U.S. carbon emissions," said Kevin Knobloch, the president of the Union of Concerned Scientists, who said the regulation was a historic step to "trim" carbon emissions.

Even if the proposal did result in no new coal-fired power plants being built in the U.S., the coal would be exported and burned for electricity elsewhere, contributing to global warming. Export would also increase emissions because of the pollution from the transportation.

But Republicans said the new rule could not come at a worse time, with concern about high gasoline prices and energy taking center stage in the presidential election.

"At a time when the Obama administration should be working to lower the price of gas at the pump, it is alarming that they have put forward more global warming regulations," said Matt Dempsey, a spokesman for Oklahoma Sen. James Inhofe, the top Republican on the Senate environment panel, who pledged on Tuesday to introduce a resolution to overturn the rule.

"Republicans are committed to ensuring that the Obama EPA is finally reined in."

The 10 states with proposed new coal-fired generation that could be covered by the regulation are Texas, Illinois, Pennsylvania, Idaho, Kentucky, Michigan, Georgia, Utah, Wyoming and Kansas.

[http://www.nytimes.com/2012/03/27/us/new-rules-will-limit-greenhouse-gas-emissions.html?\\_r=1&ref=us](http://www.nytimes.com/2012/03/27/us/new-rules-will-limit-greenhouse-gas-emissions.html?_r=1&ref=us)  
March 27, 2012

## New Limit Pending on Emissions

By [FELICITY BARRINGER](#) and [JUSTIN GILLIS](#)

After months of delay, the Obama administration is about to unveil the first federal standards to explicitly limit greenhouse-gas emissions from new electric power plants — one of the chief sources of carbon dioxide emissions linked to [climate change](#).

According to people briefed by the [Environmental Protection Agency](#), all existing plants — including the 300 or so [coal](#)-fired power plants that now release the highest level of these emissions and yet-to-be-built plants that have already received E.P.A. permits — will be grandfathered in at current levels, meaning they are exempt from the new proposed rule.

Under the new rule, expected to be announced this week, new power plants will have to emit no more than 1,000 tons of carbon dioxide per megawatt-hour of energy produced. That standard permits the level of emissions achieved by [natural gas](#)-fired plants of the type generally built in the last few years, but would be too strict for almost all coal-fired power plants if they were not exempted. A new natural gas plant produces a little less than 1,000 pounds of carbon dioxide per megawatt-hour of electricity generated. A coal plant produces about 1,800 pounds.

A senior White House official who spoke on condition of anonymity because he was not authorized to disclose details ahead of the announcement said, "This standard provides a clear and certain path forward for industry and the important domestic energy sources they rely on, including natural gas, as well as clean coal technologies that lower carbon emissions. These sources will continue to be a part of our energy future, and what we have proposed is in line with the steps industry is already taking."

The White House official explained that the goal of the rule is to hasten the introduction of carbon controls on new coal-fired power plants, while not causing immediate economic harm from the shutdown of existing plants. The rule is certain to face stiff challenges in Congress and the courts.

Washington insiders, environmentalists and state regulators who have followed the course of the Obama administration's stutter-step approach to greenhouse gas regulations were both pleased that a rule was about to be proposed and disappointed by its apparent lack of teeth regarding existing polluters.

Ian Bowles, the former secretary of energy and environmental affairs in Massachusetts, had a mixed reaction to the news of the rule.

"I'm glad to see President Obama moving forward in the face of critics who seem to have forgotten that the Supreme Court has ruled E.P.A. must regulate greenhouse gas emissions," he said, but added, "I'm a bit surprised existing power plants are left harmless, but the reality is cheap natural gas is doing more to curtail coal use than any regulation would have in the near term."

Some, like Paul Bledsoe, a senior adviser at the Bipartisan Policy Center, said that the regulation gave new impetus to the shift to natural gas as the electric power industry's fuel of choice. Coal plants are facing other new environmental mandates that could make them even less competitive economically, he said.

"The impact in the next decade is expected to be relatively minor," he said.

The coal industry, whose conservative Congressional allies have painted the E.P.A. as an overzealous regulator holding back the economy, was unhappy with the news of the proposal. They have repeatedly criticized the idea of setting limits by regulation when Congress refused to set similar limits by legislation.

But the agency had little choice after it followed the Supreme Court's directive to make a decision on whether carbon dioxide was a pollutant. In 2009, the agency declared that it should be classified as a pollutant under the [Clean Air Act](#).

On Monday night, Luke Popovich, a spokesman for the National Mining Association, said, "The rule from our standpoint is a big mistake." He added, "It is virtually calculated to drive coal, a very, very affordable generator of electricity, out of the U.S. electricity market."

The most promising technology for controlling greenhouse gas emissions from coal plants involves isolating the carbon dioxide before it leaves the smokestack and then storing it underground — a process known as "carbon capture and storage." Carbon capture and storage is not being done on a commercial scale anywhere in the world.

*Matthew L. Wald contributed reporting.*

Alex Barron/DC/USEPA/US

06/25/2012 10:10 AM

To greg.dotson

cc "Teitz, Alexandra", "Cassady, Alison", Laura Vaught

bcc

Subject TA on PM

In response to your request:

- 1) Some recent work published by OAR and a related exchange with Tony Cox.
- 2) A TSD from the EPA website that summarizes expert opinions on whether there is a threshold in the concentration response function for PM<sub>2.5</sub> and premature mortality.
- 3) Statements by various groups about PM pollution

- 
- 1) Some recent work by OAR and a related exchange with Tony Cox. (apologies for the attachments)

A peer- reviewed research paper "**Estimating the National Public Health Burden Associated with Exposure to Ambient PM<sub>2.5</sub> and Ozone**" by EPA researchers, published in the journal Risk Analysis:



Current conditions Final.pdf

A letter to the editor submitted to the same journal, published in the latest (May 2012) issue:



Cox Letter Current Conditions.pdf

As is customary, a response by the authors of the original paper:



Response to Cox Letter Current Conditions.pdf

Our understanding is that letters to the editor in Risk Analysis do not go through the same peer review process as research articles.



A related article by Cox critiquing EPA's Section 812 analysis in that same issue: Cox Letter Section 812.pdf

The editorial board for the journal:

<http://onlinelibrary.wiley.com/journal/10.1111/%28ISSN%291539-6924/homepage/EditorialBoard.html>

- 2) A TSD from the EPA website (dated June 2010) that summarizes expert opinions on whether there is a threshold in the concentration response function for PM<sub>2.5</sub> related premature mortality. It includes lists of scientists associated with the various peer- review efforts.

<http://www.epa.gov/ttn/ecas/regdata/Benefits/thresholdtsd.pdf>

- 3) **Statements by various groups about PM pollution (there may be more recent ones in response to the NAAQS)**

**World Health Organization**

2005 Air quality guidelines ([http://www.who.int/phe/health\\_topics/outdoorair\\_agq/en/](http://www.who.int/phe/health_topics/outdoorair_agq/en/) )

The evidence on airborne particulate matter (PM) and its public health impact is consistent in showing adverse health effects at exposures that are currently experienced by urban populations in both developed and developing countries.

*Fact Sheet* ([http://www.who.int/phe/air\\_quality\\_q&a.pdf](http://www.who.int/phe/air_quality_q&a.pdf) )

The effects of PM on health occur at levels of exposure currently being experienced by most urban and rural populations in both developed and developing countries. Chronic exposure to particles contributes to the risk of developing cardiovascular and respiratory diseases, as well as of lung cancer.

### ***American Medical Association***

*Policy and Regulatory Action Can Reduce Harms from Particulate Pollution* (<http://archinte.jamanetwork.com/article.aspx?volume=172&issue=3&page=227> )

An issue deserving close public health attention is the adequacy of the current federal PM<sub>2.5</sub> annual standard.

Evidence demonstrates that negative health effects occur at current levels of exposure including at levels below ambient air quality standards<sup>4</sup> (Wellenius et al<sup>2</sup>).

The EPA's implementation of the Clean Air Act has resulted in progress in reducing PM<sub>2.5</sub> at an aggregate, nationwide level

### ***American Thoracic Society***

*Statement on Clean Air Act Cross State Air Pollution Vote* (<http://www.thoracic.org/media/press-releases/journal/articles/november-2011.php>)

"The American Thoracic Society is encouraged by the U.S. Senate's defeat of S.J. Res. 27, which would have vacated the Clean Air Act Cross-State Air Pollution Rule (CSAPR).

"The Environmental Protection Agency recently finalized the CSAPR, which will require coal-fired power plants in 28 states to reduce the amount of emissions containing particulate matter and ozone that is exported to neighboring states. Both ozone and particulate matter can lead to asthma attacks, emergency room visits, heart attacks, hospitalizations and premature death. People with lung disease, including children with asthma, are especially vulnerable to the air pollution emitted from coal-fired power plants.

"When fully implemented in 2014, the EPA estimates that CSAPR will prevent up to 34,000 premature deaths, 400,000 asthma attacks, 15,000 heart attacks and 19,000 hospital visits each year. More than 240 million people will benefit from CSAPR, including those at particular risk for the harmful health effects of smog and soot. Children, senior citizens and people who work or exercise outdoors, as well as those who have chronic diseases, are at the greatest health risk from these pollutants.

"In defeating S.J Res 27, the Senate has taken an important stand on public health, safeguarding particularly our most vulnerable citizens."

### ***American Lung Association***

*Particle Pollution* (<http://www.stateoftheair.org/2012/health-risks/health-risks-particle.html> )

Particle pollution can be very dangerous to breathe. Breathing particle pollution may trigger illness, hospitalization and premature death, risks showing up in new studies that validate earlier research.<sup>46</sup>

Other researchers estimated that reductions in air pollution can be expected to produce rapid improvements in public health, with fewer deaths occurring within the first two years after reductions.<sup>48</sup>

Researchers are exploring possible differences in health effects of the three sizes of particles and particles from different sources, such as diesel particles from trucks and buses or sulfates from coal-fired power plants. So far, the evidence remains clear that all particles from all sources are dangerous.<sup>49</sup>

### ***American Academy of Pediatrics***

*2005 testimony before CASAC (*  
<http://www.cleanairstandards.org/wp-content/uploads/2005/04/aap-testimony-4705-3.pdf> )

Research has firmly established that exposure to high levels of particulate matter impacts the ability of children's lungs to grow. The adverse effects of air pollution on development of lung function is seen in boys and girls, regardless of history of asthma, suggesting that most children are susceptible to the chronic effects of breathing particulate air pollution

A child's rapidly growing and developing lungs are especially susceptible to the adverse effects of ambient air pollutants. In fact, 80 percent of the alveoli, the smallest portion of the lungs where gas exchange occurs, are formed after a child is born, and the lung continues to develop through adolescence. During the early postneonatal period, the developing lung is highly susceptible to damage from exposure to environmental toxicants.

Children also have increased exposure to many air pollutants compared with adults because of their higher minute ventilation (the amount of air breathed into or out of the lungs per minute) and higher levels of physical activity. Because children spend more time outdoors than do adults, they have increased exposure to outdoor air pollution.

### **CDC**

1. **2012 MMWR Announcement: Air Quality Awareness Week – April 30 – May 4, 2012**  
**April 27, 2012 / 61(16);292**

[http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6116a6.htm?s\\_cid=mm6116a6\\_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6116a6.htm?s_cid=mm6116a6_w)

2. **2011 MMWR Publication: "Unhealthy Air Quality — United States, 2006–2009"**  
**Yip FY, Percy JN, Garbe PL, Truman BI. "Unhealthy Air Quality — United States, 2006–2009" In:**  
CDC. "CDC Health Disparities and Inequalities Report — United States, 2011." *MMWR*  
2011;60(Suppl):[28-32].

[http://www.cdc.gov/mmwr/preview/mmwrhtml/su6001a5.htm?s\\_cid=su6001a5\\_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/su6001a5.htm?s_cid=su6001a5_w)

Certain segments of the population, such as very young children and older adults, are particularly susceptible to the effects of air pollution. Because industrial facilities and motor vehicles are key contributors to the levels of PM<sub>2.5</sub> and ozone production (7,11 ), public health efforts should continue to focus on measures to reduce sources of pollution (e.g., promotion of mass transit and development of technology to reduce mobile and stationary source emissions), which in turn should reduce population exposures to unhealthy air quality (32--35 ).

Alex Barron/DC/USEPA/US

11/13/2012 07:22 PM

To James O'Hara

cc

bcc

Subject Re: Fw: Southern able to cut its environmental compliance cost estimate

Sure. I sent a scheduler and will swing by your office at noon.

A

James O'Hara how about noon From: Alex Barron/D... 11/13/2012 05:39 PM EST

From: James O'Hara  
To: Alex Barron  
Cc:  
Date: 11/13/2012 05:39 PM EST  
Subject: Re: Fw: Southern able to cut its environmental compliance cost estimate

how about noon

Alex Barron Happy to talk tomorrow. What's a good... 11/13/2012 04:35:19 PM

From: Alex Barron/DC/USEPA/US  
To: James O'Hara/DC/USEPA/US@EPA  
Date: 11/13/2012 04:35 PM  
Subject: Fw: Southern able to cut its environmental compliance cost estimate

Happy to talk tomorrow. What's a good time?

FYI - See below:

A

----- Forwarded by Alex Barron/DC/USEPA/US on 11/13/2012 04:34 PM -----

From: Mikhail Adamantiades/DC/USEPA/US  
To: Kevin Culligan/DC/USEPA/US@EPA, Ellen Kurlansky/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA  
Date: 11/09/2012 11:08 AM  
Subject: Fw: Southern able to cut its environmental compliance cost estimate

## Southern able to cut its environmental compliance cost estimate

*The coal-fired giant has been able to cut its compliance cost estimates*  
11/08/2012 By BARRY CASSELL

The **Southern Co.** (NYSE: SO) system is continuing to develop its compliance strategy and to assess the potential costs of complying with the Mercury and Air Toxics Standards (MATS) and the EPA's proposed water and coal combustion byproducts rules.

“As part of the development of its compliance strategy for the MATS rule, the Southern Company system has entered into agreements for the construction of baghouses to control the emissions of mercury and particulates from certain generating units,” said the company’s Nov. 7 quarterly Form 10-Q report. “While the final MATS compliance plan is still being developed and the ultimate costs remain uncertain, the compliance decisions made in 2012 have allowed the Southern Company system to further develop its cost estimates for compliance with the MATS rule. As a result, estimated compliance costs for the MATS rule in the 2012 through 2014 period have been revised from up to \$2.7 billion to approximately \$1.8 billion.”

In addition, the Southern system has further developed its estimated capital expenditures and associated timing of these expenditures to comply with the proposed water and coal combustion byproducts rules, resulting in a reduction, due primarily to timing, in estimated compliance costs for the 2012-2014 period. Potential incremental environmental compliance investments to comply with the proposed water and coal combustion byproducts rules have been revised from up to \$1.5bn to about \$500m over the 2012-2014 period based on the assumption that coal combustion byproducts will continue to be regulated as non-hazardous solid waste under a 2010 proposed rule from the U.S. Environmental Protection Agency.

While the Southern system's ultimate costs of compliance with MATS and the proposed water and coal combustion byproducts rules remain uncertain, Southern estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste under the proposed rule) will be at the low end of the \$13bn to \$18bn range provided in a recent annual Form 10-K report. Included in this amount is about \$750m that is also included in the 2012-2014 base level capital investment of the traditional operating companies described in the Form 10-K in anticipation of these rules.

As part of **Southern Electric Generating Co.’s** (SEGCO) compliance strategy, the Board of Directors of SEGCO earlier this year approved adding natural gas as the primary fuel source in 2015 for its 1,000 MW of generating capacity at the coal-fired Plant Gaston and the construction of the necessary natural gas pipeline. SEGCO is jointly owned by **Alabama Power** and **Georgia Power**. The capacity of SEGCO's Gaston units is sold to Alabama Power and Georgia Power through a Power Purchase Agreement (PPA).

The **Southern Co. Services** website shows Gaston having a typical yearly need of 4.5 million tons of coal. U.S. Energy Information Administration data shows Gaston in January getting coal from entirely Alabama mines, with suppliers being **Taft Coal Sales**, **Alabama Coal**, **Twin Pines Coal** and **Walter Energy**(NYSE: WLT).

Numerous petitions for administrative reconsideration of the MATS rule, including a petition by Southern and its subsidiaries, have been filed with the EPA. Challenges to the final rule have also been filed in the U.S. District Court for the D.C. Circuit by numerous states, environmental organizations, industry groups, and others. The impact of the MATS rule will depend on the outcome of these and any other legal challenges and, therefore, cannot be determined at this time, Southern noted.

On Aug. 21, a three-judge panel in the D.C. Circuit vacated the Cross-State Air Pollution Rule (CSAPR) in its entirety and directed the EPA to continue to administer the Clean Air Interstate Rule (CAIR) pending the EPA's development of a valid replacement. The vacatur of CSAPR creates additional uncertainty with respect to whether new controls may be required for the Clean Air Visibility Rule (CAVR) and best available retrofit technology compliance, Southern pointed out. On Oct. 5, the EPA filed for review of the decision by the full D.C. Circuit court. Looking at clean-air and other impacts at Southern’s utility subsidiaries:

**Georgia Power:**

On March 20, the Georgia Public Service Commission approved Georgia Power's request to decertify and retire two coal-fired units at Plant Branch as of Oct. 31, 2013, and Dec. 31, 2013, and an oil-fired unit at Plant Mitchell as of March 26, 2012, which was included in Georgia Power's 2011 Integrated Resource Plan (IRP) Update. The Georgia PSC also approved three PPAs totaling 998 MW with Southern Power for capacity and energy that will commence in 2015 and end in 2030. The PPAs remain subject to FERC approval.

Georgia Power is developing its compliance strategy and assessing the potential costs of complying with MATS and the EPA's proposed water and coal combustion byproducts rules. As part of the development of its MATS strategy, Georgia Power has entered into agreements for the construction of baghouses to control the emissions of mercury and particulates from certain units.

While the ultimate costs remain uncertain, compliance decisions made in 2012 have allowed Georgia Power to further develop its cost estimates for MATS compliance. As a result, estimated compliance costs in the 2012-2014 period (in addition to \$237m included in base environmental capital disclosed in the Form 10-K) have been revised from up to \$320m to about \$440m.

Georgia Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) will be at the low end of the \$5bn to \$7bn range provided in

the Form 10-K. Compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

Georgia Power's coal-fired Plant McDonough Unit 1 was retired on Feb. 29. Georgia Power placed the gas-fired Plant McDonough-Atkinson Unit 5 into service on April 26, and the gas-fired Plant McDonough-Atkinson Unit 6 into service on Oct. 28.

***Alabama Power:***

Alabama Power is continuing to develop its compliance strategy and to assess the potential costs of complying with the MATS rule and the proposed water and coal combustion byproducts rules. As part of its MATS strategy, Alabama Power has entered into agreements for the construction of baghouses on generating units with an aggregate capacity of 1,901 MW and plans to utilize additional compliance strategies at other units with an aggregate capacity of 4,678 MW including utilizing existing or additional natural gas capability and/or using additives or other injection technologies.

The compliance decisions made in 2012 have allowed Alabama Power to further develop its cost estimates for compliance with MATS. As a result, estimated compliance costs for the MATS rule in the 2012-2014 period have been revised from up to \$1.2bn to about \$585m.

Alabama Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) will be at the low end of the \$5bn to \$7bn range provided in the Form 10-K. Compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

***Gulf Power:***

Gulf Power is developing its compliance strategy and assessing the potential costs of the MATS rule and the EPA's proposed water and coal combustion byproducts rules. Compliance decisions made in 2012 have allowed Gulf Power to further develop its cost estimates for compliance with MATS. As a result, estimated compliance costs for the MATS rule in the 2012-2014 period have been revised from up to \$375m to up to \$205m.

Gulf Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) could be about \$1.3bn. Included in this amount is around \$400m that is also included in the 2012-2014 base level capital investment of Gulf Power described in the Form 10-K.

Compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

***Mississippi Power:***

On April 3, the Mississippi PSC approved Mississippi Power's request for a Certificate of Public Convenience and Necessity (CPCN) to construct a flue gas desulfurization system (scrubber) on the coal-fired Plant Daniel Units 1 and 2. On May 3, the Sierra Club filed a notice of appeal of the order with the Chancery Court of Harrison County, Miss. These units are jointly owned by Mississippi Power and Gulf Power, with 50% ownership each. The estimated total cost of the project is approximately \$660m, excluding allowance for funds used during construction (AFUDC), and it is scheduled for completion in December 2015. Gulf Power's portion of the cost is expected to be recovered through the environmental cost recovery clause.

Mississippi Power is developing its compliance strategy and assessing the potential costs of complying with MATS and the EPA's proposed water and coal combustion byproducts rules. Due to compliance decisions made in 2012, estimated compliance costs for MATS in the 2012-2014 period have been revised from up to \$430m to about \$55m. Mississippi Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) will be at the low end of the \$1bn to \$2bn range provided in the Form 10-K. Included in this amount is about \$354m that is also included in the 2012-2014 base level capital investment of Mississippi Power described in anticipation of these rules. Again, compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

On Feb. 14, Mississippi Power submitted its 2012 ECO Plan filing with the state PSC, which proposed a 0.3% increase in annual revenues for Mississippi Power. In compliance with the CPCN to construct an FGD on Plant Daniel Units 1 and 2, Mississippi Power revised the 2012 ECO Plan filing to exclude scrubber expenditures from rate base, which resulted in a 0.16% decrease in annual revenues. On June 22, the 2012 ECO Plan filing, including the proposed rate decrease, was approved by the Mississippi PSC, effective on June 29.

Mississippi Power is also involved in a complex series of regulatory actions related to its in-construction Plant Ratcliffe (also known as Kemper County) integrated gasification combined cycle power plant. In one of its more

recent actions related to this matter, on Sept. 13 the Mississippi PSC filed the record in the appeal of the PSC's June 22 decision with the Mississippi Supreme Court. That is in a case brought by the Sierra Club. If the Mississippi Supreme Court does not render a decision within 180 days of the filing of the record, the rates proposed by the utility on June 14 will go into effect, subject to refund by Mississippi Power.

Mississippi Power's current cost estimate for the Kemper IGCC equals the \$2.88bn cost cap, including a \$40m to \$50m contingency. The Mississippi PSC and the Mississippi Public Utilities Staff have engaged their independent monitors to assess the current cost estimates and schedule projections for the Kemper IGCC. These consultants are issuing reports with their own opinions as to the likelihood that costs for the Kemper IGCC will remain under the \$2.88bn cost cap and as to the expected in-service date, the Form 10-Q noted.

“While Mississippi Power continues to believe its cost estimate and schedule projection remain appropriate based on the current status of the project, it is possible that Mississippi Power will experience further cost increases and/or schedule delays with respect to the Kemper IGCC,” the Form 10-Q added. “Certain factors have caused and may continue to cause the costs for the Kemper IGCC to increase and/or schedule delays to occur including, but not limited to, costs and productivity of labor, adverse weather conditions, shortages and inconsistent quality of equipment, materials and labor, contractor or supplier delay or non-performance under construction or other agreements, and unforeseen engineering problems. To the extent that costs beyond any permitted exceptions to the cost cap exceed \$2.88 billion or the Mississippi PSC disallows a portion of the costs relating to the Kemper IGCC, including financing costs, charges to expense may occur and these charges could be material.”

The Kemper County IGCC, expected to be in service in May 2014, will use lignite from an adjacent mine. The mine is scheduled to be placed into service in June 2013. In conjunction with the Kemper County IGCC, Mississippi Power will own the lignite mine and equipment and has acquired and will continue to acquire mineral reserves located around the Kemper IGCC site in Kemper County. The estimated capital cost of the mine is about \$245m, of which \$127m has been incurred through Sept. 30. In May 2010, Mississippi Power executed a 40-year management fee contract with **Liberty Fuels Co. LLC**, a subsidiary of **The North American Coal Corp.**, which will develop, construct, and manage the mine. The contract with Liberty Fuels is effective through the end of the mine reclamation.

In December 2011, the Mississippi Department of Environmental Quality (MDEQ) approved the surface coal mining and the water pollution control permits for the mining operations operated by Liberty Fuels. On Jan. 12, two individuals each filed a notice of appeal and a request for evidentiary hearing with the MDEQ regarding the surface coal mining and water pollution control permits. On March 8, the MDEQ permit board affirmed its issuance of these permits.

As of Sept. 30, Mississippi Power had spent a total of \$2.1bn on the Kemper IGCC including the cost of the lignite mine and equipment, the CO2 pipeline facilities, and regulatory filing costs.

----- Forwarded by Mikhail Adamantiades/DC/USEPA/US on 11/09/2012 11:07 AM -----

From: GenerationHub <service@generationhub.com>  
To: Mikhail Adamantiades/DC/USEPA/US@EPA  
Date: 11/09/2012 06:21 AM  
Subject: Southern able to cut its environmental compliance cost estimate

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# Today's Intelligence

## Free News

### Southern able to cut its environmental compliance cost estimate

*November 8, 2012 By Barry Cassell* The Southern Co. system is continuing to develop its compliance strategy and to assess the potential costs of complying with the Mercury and Air Toxics Standards and the EPA's proposed water and coal combustion byproducts rules.

### Utilization of PPL coal plants tumbles in 2012; new nuke still possible

*November 8, 2012 By Barry Cassell* Current depressed wholesale market prices for electricity and natural gas mean that PPL Energy Supply has experienced a shift in the dispatching of its competitive generation from coal-fired to combined-cycle gas-fired generation.

### Renewables survive the election cycle

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Odessa Ector Generating Station	TX	Gas
Comanche	CO	Coal
Labadie	MO	Coal
Byron	WI	Wind

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Another  
 quality  
 product

Alex Barron/DC/USEPA/US  
11/13/2012 04:35 PM

To James O'Hara  
cc  
bcc  
Subject Fw: Southern able to cut its environmental compliance cost estimate

Happy to talk tomorrow. What's a good time?

FYI - See below:

A

----- Forwarded by Alex Barron/DC/USEPA/US on 11/13/2012 04:34 PM -----

From: Mikhail Adamantiades/DC/USEPA/US  
To: Kevin Culligan/DC/USEPA/US@EPA, Ellen Kurlansky/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA  
Date: 11/09/2012 11:08 AM  
Subject: Fw: Southern able to cut its environmental compliance cost estimate

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## Southern able to cut its environmental compliance cost estimate

*The coal-fired giant has been able to cut its compliance cost estimates*  
11/08/2012 By **BARRY CASSELL**

The **Southern Co.** (NYSE: SO) system is continuing to develop its compliance strategy and to assess the potential costs of complying with the Mercury and Air Toxics Standards (MATS) and the EPA's proposed water and coal combustion byproducts rules.

“As part of the development of its compliance strategy for the MATS rule, the Southern Company system has entered into agreements for the construction of baghouses to control the emissions of mercury and particulates from certain generating units,” said the company’s Nov. 7 quarterly Form 10-Q report. “While the final MATS compliance plan is still being developed and the ultimate costs remain uncertain, the compliance decisions made in 2012 have allowed the Southern Company system to further develop its cost estimates for compliance with the MATS rule. As a result, estimated compliance costs for the MATS rule in the 2012 through 2014 period have been revised from up to \$2.7 billion to approximately \$1.8 billion.”

In addition, the Southern system has further developed its estimated capital expenditures and associated timing of these expenditures to comply with the proposed water and coal combustion byproducts rules, resulting in a reduction, due primarily to timing, in estimated compliance costs for the 2012-2014 period. Potential incremental environmental compliance investments to comply with the proposed water and coal combustion byproducts rules have been revised from up to \$1.5bn to about \$500m over the 2012-2014 period based on the assumption that coal combustion byproducts will continue to be regulated as non-hazardous solid waste under a 2010 proposed rule from the U.S. Environmental Protection Agency.

While the Southern system's ultimate costs of compliance with MATS and the proposed water and coal combustion byproducts rules remain uncertain, Southern estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste under the proposed rule) will be at the low end of the \$13bn to \$18bn range provided in a recent annual Form 10-K report. Included in this amount is about \$750m that is also included in the 2012-2014 base level capital investment of the traditional operating companies described in the Form 10-K in anticipation of these rules.

As part of **Southern Electric Generating Co.**'s (SEGCO) compliance strategy, the Board of Directors of SEGCO

earlier this year approved adding natural gas as the primary fuel source in 2015 for its 1,000 MW of generating capacity at the coal-fired Plant Gaston and the construction of the necessary natural gas pipeline. SEGCO is jointly owned by **Alabama Power** and **Georgia Power**. The capacity of SEGCO's Gaston units is sold to Alabama Power and Georgia Power through a Power Purchase Agreement (PPA).

The **Southern Co. Services** website shows Gaston having a typical yearly need of 4.5 million tons of coal. U.S. Energy Information Administration data shows Gaston in January getting coal from entirely Alabama mines, with suppliers being **Taft Coal Sales**, **Alabama Coal**, **Twin Pines Coal** and **Walter Energy**(NYSE: WLT).

Numerous petitions for administrative reconsideration of the MATS rule, including a petition by Southern and its subsidiaries, have been filed with the EPA. Challenges to the final rule have also been filed in the U.S. District Court for the D.C. Circuit by numerous states, environmental organizations, industry groups, and others. The impact of the MATS rule will depend on the outcome of these and any other legal challenges and, therefore, cannot be determined at this time, Southern noted.

On Aug. 21, a three-judge panel in the D.C. Circuit vacated the Cross-State Air Pollution Rule (CSAPR) in its entirety and directed the EPA to continue to administer the Clean Air Interstate Rule (CAIR) pending the EPA's development of a valid replacement. The vacatur of CSAPR creates additional uncertainty with respect to whether new controls may be required for the Clean Air Visibility Rule (CAVR) and best available retrofit technology compliance, Southern pointed out. On Oct. 5, the EPA filed for review of the decision by the full D.C. Circuit court. Looking at clean-air and other impacts at Southern's utility subsidiaries:

***Georgia Power:***

On March 20, the Georgia Public Service Commission approved Georgia Power's request to decertify and retire two coal-fired units at Plant Branch as of Oct. 31, 2013, and Dec. 31, 2013, and an oil-fired unit at Plant Mitchell as of March 26, 2012, which was included in Georgia Power's 2011 Integrated Resource Plan (IRP) Update. The Georgia PSC also approved three PPAs totaling 998 MW with Southern Power for capacity and energy that will commence in 2015 and end in 2030. The PPAs remain subject to FERC approval.

Georgia Power is developing its compliance strategy and assessing the potential costs of complying with MATS and the EPA's proposed water and coal combustion byproducts rules. As part of the development of its MATS strategy, Georgia Power has entered into agreements for the construction of baghouses to control the emissions of mercury and particulates from certain units.

While the ultimate costs remain uncertain, compliance decisions made in 2012 have allowed Georgia Power to further develop its cost estimates for MATS compliance. As a result, estimated compliance costs in the 2012-2014 period (in addition to \$237m included in base environmental capital disclosed in the Form 10-K) have been revised from up to \$320m to about \$440m.

Georgia Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) will be at the low end of the \$5bn to \$7bn range provided in the Form 10-K. Compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

Georgia Power's coal-fired Plant McDonough Unit 1 was retired on Feb. 29. Georgia Power placed the gas-fired Plant McDonough-Atkinson Unit 5 into service on April 26, and the gas-fired Plant McDonough-Atkinson Unit 6 into service on Oct. 28.

***Alabama Power:***

Alabama Power is continuing to develop its compliance strategy and to assess the potential costs of complying with the MATS rule and the proposed water and coal combustion byproducts rules. As part of its MATS strategy, Alabama Power has entered into agreements for the construction of baghouses on generating units with an aggregate capacity of 1,901 MW and plans to utilize additional compliance strategies at other units with an aggregate capacity of 4,678 MW including utilizing existing or additional natural gas capability and/or using additives or other injection technologies.

The compliance decisions made in 2012 have allowed Alabama Power to further develop its cost estimates for compliance with MATS. As a result, estimated compliance costs for the MATS rule in the 2012-2014 period have been revised from up to \$1.2bn to about \$585m.

Alabama Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) will be at the low end of the \$5bn to \$7bn range provided in the Form 10-K. Compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

***Gulf Power:***

Gulf Power is developing its compliance strategy and assessing the potential costs of the MATS rule and the EPA's proposed water and coal combustion byproducts rules. Compliance decisions made in 2012 have allowed Gulf Power to further develop its cost estimates for compliance with MATS. As a result, estimated compliance costs for the MATS rule in the 2012-2014 period have been revised from up to \$375m to up to \$205m.

Gulf Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) could be about \$1.3bn. Included in this amount is around \$400m that is also included in the 2012-2014 base level capital investment of Gulf Power described in the Form 10-K.

Compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

***Mississippi Power:***

On April 3, the Mississippi PSC approved Mississippi Power's request for a Certificate of Public Convenience and Necessity (CPCN) to construct a flue gas desulfurization system (scrubber) on the coal-fired Plant Daniel Units 1 and 2. On May 3, the Sierra Club filed a notice of appeal of the order with the Chancery Court of Harrison County, Miss. These units are jointly owned by Mississippi Power and Gulf Power, with 50% ownership each. The estimated total cost of the project is approximately \$660m, excluding allowance for funds used during construction (AFUDC), and it is scheduled for completion in December 2015. Gulf Power's portion of the cost is expected to be recovered through the environmental cost recovery clause.

Mississippi Power is developing its compliance strategy and assessing the potential costs of complying with MATS and the EPA's proposed water and coal combustion byproducts rules. Due to compliance decisions made in 2012, estimated compliance costs for MATS in the 2012-2014 period have been revised from up to \$430m to about \$55m. Mississippi Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) will be at the low end of the \$1bn to \$2bn range provided in the Form 10-K. Included in this amount is about \$354m that is also included in the 2012-2014 base level capital investment of Mississippi Power described in anticipation of these rules. Again, compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

On Feb. 14, Mississippi Power submitted its 2012 ECO Plan filing with the state PSC, which proposed a 0.3% increase in annual revenues for Mississippi Power. In compliance with the CPCN to construct an FGD on Plant Daniel Units 1 and 2, Mississippi Power revised the 2012 ECO Plan filing to exclude scrubber expenditures from rate base, which resulted in a 0.16% decrease in annual revenues. On June 22, the 2012 ECO Plan filing, including the proposed rate decrease, was approved by the Mississippi PSC, effective on June 29.

Mississippi Power is also involved in a complex series of regulatory actions related to its in-construction Plant Ratcliffe (also known as Kemper County) integrated gasification combined cycle power plant. In one of its more recent actions related to this matter, on Sept. 13 the Mississippi PSC filed the record in the appeal of the PSC's June 22 decision with the Mississippi Supreme Court. That is in a case brought by the Sierra Club. If the Mississippi Supreme Court does not render a decision within 180 days of the filing of the record, the rates proposed by the utility on June 14 will go into effect, subject to refund by Mississippi Power.

Mississippi Power's current cost estimate for the Kemper IGCC equals the \$2.88bn cost cap, including a \$40m to \$50m contingency. The Mississippi PSC and the Mississippi Public Utilities Staff have engaged their independent monitors to assess the current cost estimates and schedule projections for the Kemper IGCC. These consultants are issuing reports with their own opinions as to the likelihood that costs for the Kemper IGCC will remain under the \$2.88bn cost cap and as to the expected in-service date, the Form 10-Q noted.

“While Mississippi Power continues to believe its cost estimate and schedule projection remain appropriate based on the current status of the project, it is possible that Mississippi Power will experience further cost increases and/or schedule delays with respect to the Kemper IGCC,” the Form 10-Q added. “Certain factors have caused and may continue to cause the costs for the Kemper IGCC to increase and/or schedule delays to occur including, but not limited to, costs and productivity of labor, adverse weather conditions, shortages and inconsistent quality of equipment, materials and labor, contractor or supplier delay or non-performance under construction or other agreements, and unforeseen engineering problems. To the extent that costs beyond any permitted exceptions to the cost cap exceed \$2.88 billion or the Mississippi PSC disallows a portion of the costs relating to the Kemper IGCC, including financing costs, charges to expense may occur and these charges could be material.”

The Kemper County IGCC, expected to be in service in May 2014, will use lignite from an adjacent mine. The mine is scheduled to be placed into service in June 2013. In conjunction with the Kemper County IGCC, Mississippi Power will own the lignite mine and equipment and has acquired and will continue to acquire mineral reserves

located around the Kemper IGCC site in Kemper County. The estimated capital cost of the mine is about \$245m, of which \$127m has been incurred through Sept. 30. In May 2010, Mississippi Power executed a 40-year management fee contract with **Liberty Fuels Co. LLC**, a subsidiary of **The North American Coal Corp.**, which will develop, construct, and manage the mine. The contract with Liberty Fuels is effective through the end of the mine reclamation.

In December 2011, the Mississippi Department of Environmental Quality (MDEQ) approved the surface coal mining and the water pollution control permits for the mining operations operated by Liberty Fuels. On Jan. 12, two individuals each filed a notice of appeal and a request for evidentiary hearing with the MDEQ regarding the surface coal mining and water pollution control permits. On March 8, the MDEQ permit board affirmed its issuance of these permits.

As of Sept. 30, Mississippi Power had spent a total of \$2.1bn on the Kemper IGCC including the cost of the lignite mine and equipment, the CO2 pipeline facilities, and regulatory filing costs.

----- Forwarded by Mikhail Adamantiades/DC/USEPA/US on 11/09/2012 11:07 AM -----

From: GenerationHub <service@generationhub.com>  
To: Mikhail Adamantiades/DC/USEPA/US@EPA  
Date: 11/09/2012 06:21 AM  
Subject: Southern able to cut its environmental compliance cost estimate

*Daily intelligence on the North American Generation Market*

November 09, 2012

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## Today's Intelligence

### Free News

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Odessa Ector Generating Station	TX	Gas
Comanche	CO	Coal
Labadie	MO	Coal
Byron	WI	Wind

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Another q  
product f

Alex Barron/DC/USEPA/US  
03/29/2011 02:53 PM

To Joseph Goffman  
cc  
bcc

Subject Clean Air Act's general duty clause in section 112 (r) (1) w.r.t.  
chem security

The administrator asked Michael to meet with these folks. Who should I talk to in OAR about this?

Thanks,  
Alex

----- Forwarded by Alex Barron/DC/USEPA/US on 03/29/2011 02:51 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  
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Alex Barron/DC/USEPA/US  
03/29/2011 02:53 PM

To Joseph Goffman  
cc  
bcc

Subject Clean Air Act's general duty clause in section 112 (r) (1) w.r.t.  
chem security

The administrator asked Michael to meet with these folks. Who should I talk to in OAR about this?

Thanks,  
Alex

----- Forwarded by Alex Barron/DC/USEPA/US on 03/29/2011 02:51 PM -----

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>> To: Heidi Ellis/DC/USEPA/US@EPA  
>> Date: 03/22/2011 12:54 PM  
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Alex Barron/DC/USEPA/US  
04/04/2011 01:39 PM

To Joseph Goffman, Rob Brenner, Lorie Schmidt  
cc  
bcc

Subject Fw: Clean Air Act's general duty clause in section 112 (r) (1)  
w.r.t. chem security

Air folks - The administrator asked Michael to take this meeting with greenpeace and others on chem disaster prevention. Can you please direct me to someone in air that could help with this? The meeting is Thursday AM.

A

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

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To: Joseph Goffman/DC/USEPA/US@EPA  
Date: 03/29/2011 02:53 PM  
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>>  
>> 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.htm)  
1  
>  
>>  
>>  
>> 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>  
>  
>>  
>>  
>> 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  
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rick.hind@wdc.greenpeace.org  
www.greenpeaceusa.org

Alex Barron/DC/USEPA/US

06/20/2012 01:45 PM

To Kevin Culligan

cc

bcc

Subject Fw: Carbon Rule Comments for EPA from Change.org

fyi

----- Forwarded by Alex Barron/DC/USEPA/US on 06/20/2012 01:44 PM -----

From: John Coequyt <[john.coequyt@sierraclub.org](mailto:john.coequyt@sierraclub.org)>  
To: Jonathan Lubetsky/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA  
Date: 06/20/2012 01:41 PM  
Subject: Fwd: Carbon Rule Comments for EPA from Change.org

---

Jonathan and Alex:

Can you help out here. Attached are the petition's from Change.Org, many of which were signed before the comment period officially opened. They want to make sure you all include them in your tally of supporters. Who do I need to give these to.

----- Forwarded message -----

From: **Marie Bergen** <[marie.bergen@sierraclub.org](mailto:marie.bergen@sierraclub.org)>  
Date: Wed, Jun 13, 2012 at 4:45 PM  
Subject: Carbon Rule Comments for EPA from Change.org  
To: John Coequyt <[john.coequyt@sierraclub.org](mailto:john.coequyt@sierraclub.org)>

Hey John,

Here are the comments to send to the EPA on Carbon. Please let me know if you receive them.

Thanks!

--

Marie Bergen  
Regional Online Manager, Coal Campaign  
Sierra Club  
[415-9775673](tel:415-9775673)

--

John Coequyt  
Sierra Club  
[202-669-7060](tel:202-669-7060)



2012-06-05\_changeorg\_signatures96028\_Tell the EPA- Set limits for Big Coal and corporate polluters.csv



2012-06-05\_changeorg\_signatures124289\_Tell the EPA- Put limits on life-threatening carbon pollution.csv



Alex Barron/DC/USEPA/US  
06/20/2012 01:51 PM

To Kevin Culligan  
cc  
bcc  
Subject Re: Fw: Carbon Rule Comments for EPA from Change.org

Would be handy. Thx.

Kevin Culligan | [I assume you are telling them they nee...](#) 06/20/2012 01:51:00 PM

From: Kevin Culligan/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Date: 06/20/2012 01:51 PM  
Subject: Re: Fw: Carbon Rule Comments for EPA from Change.org

I assume you are telling them they need to submit them to the docket? Can get you the info if you need it.

Alex Barron | [fyi ----- Forwarded by Alex Barron/DC/...](#) 06/20/2012 01:45:27 PM

From: Alex Barron/DC/USEPA/US  
To: Kevin Culligan/DC/USEPA/US@EPA  
Date: 06/20/2012 01:45 PM  
Subject: Fw: Carbon Rule Comments for EPA from Change.org

fyi

----- Forwarded by Alex Barron/DC/USEPA/US on 06/20/2012 01:44 PM -----

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Thanks!

--

Marie Bergen



Alex Barron/DC/USEPA/US

06/20/2012 02:19 PM

To Kevin Culligan

cc

bcc

Subject Re: How to submit comments -

These are apparently large csv files with lots of names so they are hoping for a human to talk to about the best format, etc.

A

Kevin Culligan <http://epa.gov/carbonpollutionstandard/...> 06/20/2012 01:54:18 PM

From: Kevin Culligan/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Date: 06/20/2012 01:54 PM  
Subject: How to submit comments -

<http://epa.gov/carbonpollutionstandard/pdfs/howtocomment.pdf>

Alex Barron [Would be handy. Thx. From: Kevin Cul...](#) 06/20/2012 01:51:42 PM

From: Alex Barron/DC/USEPA/US  
To: Kevin Culligan/DC/USEPA/US@EPA  
Date: 06/20/2012 01:51 PM  
Subject: Re: Fw: Carbon Rule Comments for EPA from Change.org

Would be handy. Thx.

Kevin Culligan [I assume you are telling them they nee...](#) 06/20/2012 01:51:00 PM

From: Kevin Culligan/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Date: 06/20/2012 01:51 PM  
Subject: Re: Fw: Carbon Rule Comments for EPA from Change.org

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Thanks!

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Marie Bergen  
Regional Online Manager, Coal Campaign  
Sierra Club  
[415-9775673](tel:415-9775673)

--

John Coequyt  
Sierra Club  
[202-669-7060](tel:202-669-7060)

In November 2012 the EPA issued a notice for the EPA's "See and Sign" campaign. The EPA's "See and Sign" campaign is a public comment period on the proposed rule for the EPA's "See and Sign" campaign. The EPA's "See and Sign" campaign is a public comment period on the proposed rule for the EPA's "See and Sign" campaign. The EPA's "See and Sign" campaign is a public comment period on the proposed rule for the EPA's "See and Sign" campaign.

Alex Barron/DC/USEPA/US  
11/01/2011 04:45 PM

To Michael Goo  
cc Shannon Kenny, Cliff Rader  
bcc  
Subject InsideClimate: Public Comments on Keystone Pipeline Have  
Disappeared into a Procedural Black Hole

# Public Comments on Keystone Pipeline Have Disappeared into a Procedural Black Hole

The State Department has lost tens of thousands of submissions and cannot say how the remainder will be handled or will influence the pending decision.

[By Lisa Song, InsideClimate News](#)

Nov 1, 2011



State Dept. hearing on Sept. 29 in Atkinson, Neb., on TransCanada's proposed Keystone XL project. Credit: Lisa Song

Five weeks ago, Cindy Myers stood in a high school gymnasium before a crowd of 1,000 and said, "These words could be some of the most important of my life."

Myers was speaking at the Keystone XL oil pipeline hearing in Atkinson, Neb., but her statement could have applied to any of the thousands of people who attended hearings in five other states. Many took a day off work to get in line early; others drove for hours to reach the meetings or spent weeks polishing their testimony. They spoke with passion about jobs and energy security, their fears of water contamination and the risk of an oil spill.

But do their opinions really matter? Will any of their comments reach the State Department officials who will decide whether to approve the 1,700-mile pipeline through the nation's heartland?

To try to answer those questions, InsideClimate News asked the State Department how the

public comments are being processed and who is responsible for reading them.

After two weeks of e-mail exchanges and phone calls, however, the two agency spokeswomen we dealt with couldn't explain how or when the comments will be processed, or whether any of the actual decision-makers are obligated to review them. The spokeswomen said only that all agency staff working on the pipeline review will "have access to the comments." When we asked for the names and job titles of those who might be expected to read the comments, we were told that information was not available.

Susan Luebbe, a Nebraska rancher who traveled at her own expense to speak at the final public hearing in Washington, D.C., said it was "depressing" to think that her comments may never reach decision-makers.

"So many people put a lot of effort into [the hearings] and followed along with the rules," she said. "It would look really bad on [the agency's] part not to follow through on their word."

The problem, it turns out, is that this last round of public testimony on the Keystone XL isn't protected by the [National Environmental Policy Act](#) (NEPA), a decades-old law that requires the State Department to solicit and respond to public comments about federal projects that could have a significant impact on the environment.

NEPA rules kicked in when a similar round of Keystone XL hearings was held in 2010. Those public comments were published, each with an agency response, in a 1,000-page appendix included in the final [Environmental Impact Statement](#) (EIS) that was released in August.

But the recent hearings were conducted during the ongoing "national interest" phase of the decision-making process, when the State Department determines whether the project's benefits outweigh its risks to the nation. This phase is governed not by NEPA, but by a three-page [executive order](#) signed in 2004 by President George W. Bush, which legal experts say gives the agency almost total discretion in handling public comments. Only two sentences mention public comments.

"There's no real formal public comment process that's explained or laid out," said Jim Murphy, a senior attorney with the National Wildlife Federation. Unlike NEPA, which has extensive regulations and a long history of case law, "here [the agency] can kind of go into a black hole if that's what they want to do."

Damon Moglen, director of climate and energy programs for the environmental group Friends of the Earth, said that in April a group of environmental organizations asked the State Department to hold a second round of hearings so the public could weigh in on a revised version of the agency's first draft EIS.

The State Department agreed to accept written comments. But the request for NEPA-regulated public hearings "was flatly denied," Moglen said.

### **Cardno Entrix Is Involved in the Process**

Despite the lack of NEPA regulation for the recent hearings, an agency spokeswoman said the agency would "make sure all the comments are taken into consideration in the decision."

Three teams of State Department employees presided over the recent hearings, she said. Each was led by a senior official, usually a Foreign Service officer. The leader of the team that handled the Texas and Oklahoma hearings was a specialist on eastern European policy who has been with the agency for more than 20 years, the spokeswoman said.

Transcripts from the hearings, along with any written comments that were submitted, are being organized into a reader-friendly format, although the spokeswoman could not say when that process will be completed. Agency staff members are supervising the work with help from Cardno Entrix, the consulting firm that prepared the Environmental Impact Statement and helped organize the hearings.

The State Department has been criticized for hiring Cardno Entrix, because the firm [counts TransCanada](#)—the Alberta-based company that wants to build the pipeline—as a "major client," and TransCanada paid for the environmental assessment that Cardno Entrix did under the auspices of the government. Last week, 14 members of Congress [called for an investigation](#) into possible conflicts of interest in the pipeline review, including Cardno Entrix's role in the process.

Cardno Entrix's involvement in tabulating the public comments is of particular concern to Kate Colarulli, associate campaign director for the Sierra Club's Beyond Oil campaign.

From April through June, her organization worked with seven other anti-pipeline groups to collect 269,000 written comments from their members. They submitted them electronically to a Cardno Entrix email address set up for that purpose.

But in July, when the Sierra Club checked the website that Cardno Entrix maintains for the State Department, Colarulli said her office found that the company's count came up short by 94,000 comments. About 25,000 of the missing comments were written by Sierra Club members, she said.

"So we reached out to [State Department official] Alex Yuan, just saying there's a discrepancy, this is pretty weird," Colarulli said. "Mr. Yuan was pretty concerned."

Yuan told the Sierra Club to load the missing comments onto CDs and mail them to the State Department, Colarulli said. Two days later, Yuan "wrote us back and said never mind ... we're not willing to take these comments."

Colarulli said the agency still hasn't explained its actions. "At this point we've given up on thinking the State Department is going to fix this problem," she said. State Department officials had a chance to solve the problem and they "chose not to. So I think that raises concerns about what role the [agency] is playing."

The State Department did not respond to questions about the missing comments or a request to

interview Mr. Yuan. Cardno Entrix referred questions to the State Department.

The agency's final decision on whether the Keystone XL should be built had been expected before the end of the year, but a government official [recently indicated](#) it might be delayed until early 2012. If approved, the pipeline would pump up to 830,000 barrels of tar sands crude oil per day from Alberta to the Gulf Coast.

Alex Barron/DC/USEPA/US

12/19/2012 04:54 PM

To Michael Goo

cc Shannon Kenny, Paul Balsarak, Barry Elman, William Nickerson, Alex Marten, DavidA Evans

bcc

Subject CCS news

6 months from startup at Plant Ratcliffe / Kemper - a 582 MW CCS power plant. Southern Company claims 75% complete  
A 30 MW CCS plant opens in Australia

## CARBON CAPTURE: 'Clean coal' project gets legal boost in Miss.

Christa Marshall, E&E reporter

Published: Wednesday, December 19, 2012

A major carbon capture project got a boost from a Mississippi appellate court yesterday, setting a clearer path for what could become the world's first commercial demonstration of "cleaning" carbon emissions from a coal plant.

The Harrison County Chancery Court [upheld](#) the certificate for Mississippi Power's advanced coal plant under construction in Kemper County, Miss., which aims to capture and store 65 percent of its carbon dioxide. If fully constructed, the plant would be the world's first coal-fired power plant capturing and storing the greenhouse gas at large scale.

The certificate, granted by the state public service commission, was under challenge from the Sierra Club, which has said the plant is not the cheapest or cleanest option for new power in the state, considering the availability of natural gas.

"The court's role is limited. It is not to choose between natural gas or coal. ... The court does not sit as a fourth commissioner," wrote Chancery Court Judge Jim Persons in upholding the commission's certificate for the plant.

The news is the second boost for the Kemper plant this month, after Mississippi Power agreed to hire 1,000 unionized workers to help build the plant, causing several labor unions to shift their stance and support the project, according to the Associated Press. Mississippi Power -- a subsidiary of Southern Co. -- said yesterday in a statement that the project was on schedule to begin operations in May 2014.

**"In six months, the facility will begin initial startup activities for the combined cycle portion of the plant, which will generate electricity," the company said.**

The Sierra Club said it would appeal yesterday's decision to the state Supreme Court. If that court upholds yesterday's ruling, it will make it much harder to block the project.

The Sierra Club has long said the cost of Kemper is far higher than the company is admitting. Last month, the group released a report stating that the true cost of the plant is \$3.62 billion -- far higher than a rate cap of \$2.88 billion established by the commission ([ClimateWire](#) , Nov. 20).

## **Technology with few competitors**

The Sierra Club also said the plant was about 45 percent complete, not 75 percent complete.

"They need to stop putting lipstick on this pig and come clean about the true state of the plant's finances," said Louie Miller, state director of the Sierra Club.

Jenna Garland, a spokeswoman for the group, said the Supreme Court ruled in the Sierra Club's favor and overturned the certificate the first time it was challenged.

"This is following the same trajectory," she said. "That makes us optimistic." After the Supreme Court revoked that original permit in March, the public service commission issued another one, setting the stage for the group's appeal and yesterday's ruling.

The back-and-forth over Kemper comes on the heels of an International Energy Agency report yesterday finding that global consumption of coal is expected to rise 2.6 percent annually by 2017 ([ClimateWire](#) , Dec. 18).

On Sunday, *Nature Climate Change* published a perspective [piece](#) examining the current global state of carbon capture and storage. It said delays in proposed CCS projects to the 2016-2017 time frame put the world far off the path to stabilize atmospheric concentrations of CO2 by 2020.

"Governments have to either increase commitment to carbon capture and storage through much more active market support and emissions regulation, or accept its failure," the piece states.

## **'Clean coal' facility opens in Queensland, Australia**

Published: Wednesday, December 19, 2012

The first carbon capture facility in Australia opened this weekend, the Callide Oxyfuel Project in Biloela, Queensland, operated by CS Energy.

The \$211 million project received backing from the Japanese government.

The plant burns coal using pure oxygen, which causes less waste, said project director Chris Spero. The facility then traps greenhouse gas emissions rather than releasing them into the atmosphere. The technology is designed to capture 85 percent of the plant's carbon dioxide emissions.

The plant generates only 30 megawatts, enough to power about 30,000 homes, but aims to test the viability of retrofitting existing power plants.

It will also determine the viability of the technology in capturing emissions from the burning of Australian coal, which is unique compared with coal extracted elsewhere.

More than half of Japan's coal comes from Australia.

"Japan relies on coal for about 20 percent of its power generation, so Japan is very enthusiastic about using coal but also reducing CO2 emissions at the same time," said Akira Yasui, director of the Japanese Department of Natural Resources and Fuel.

Julie Macken of Greenpeace said the project is too little, too late. "They've had plenty of time," she said. "If they really thought this was viable, they had plenty of time to start investing in it" (William Rollo, [ABCNews](#), Dec. 17). -- **RE**

Alex Barron/DC/USEPA/US  
04/21/2011 10:25 AM

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

Nicole - I assume it was the same dates for the final rule for major sources as well?

A

Nicole Owens Hi. National Emission Standards for Ha... 04/21/2011 10:22:18 AM

From: Nicole Owens/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Cc: "Alexander Cristofaro" <Cristofaro.Alexander@epamail.epa.gov>, Joel  
Beauvais/DC/USEPA/US@EPA, Shannon Kenny/DC/USEPA/US@EPA  
Date: 04/21/2011 10:22 AM  
Subject: Re: Has EPA officially reported the Boiler air toxics rule to Congress?

Hi.

National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers, SAN 4884, RIN 2060-AM44 was signed on February 21, submitted under CRA on February 25 and published on March 21.

If you need more info, or this is the wrong rule, let me know.

Nicole

Alex Barron Alex and nicole- can you help? A 04/21/2011 10:01:01 AM

From: Alex Barron/DC/USEPA/US  
To: Joel Beauvais/DC/USEPA/US@EPA, Shannon Kenny/DC/USEPA/US@EPA, "Nicole Owens"  
<Owens.Nicole@epamail.epa.gov>, "Alexander Cristofaro"  
<Cristofaro.Alexander@epamail.epa.gov>  
Date: 04/21/2011 10:01 AM  
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  
08/14/2012 03:25 PM

To Paul Balsearak, Barry Elman, Shannon Kenny, DavidA Evans,  
Alex Marten  
cc Al McGartland  
bcc  
Subject Fw: RECORD 3 MILLION COMMENTS IN SUPPORT OF  
EPA'S CARBON POLLUTION STANDARD !!!!!

----- Forwarded by Alex Barron/DC/USEPA/US on 08/14/2012 03:25 PM -----

From: "Herzog, Antonia" <aherzog@nrdc.org>  
To: Michael Goo/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA,  
"goffman.joe@epamail.gov" <goffman.joe@epamail.gov>, Shira Sternberg/R1/USEPA/US@EPA  
Cc: "Altman, Pete" <paltman@nrdc.org>, "Doniger, David" <ddoniger@nrdc.org>  
Date: 08/14/2012 01:26 PM  
Subject: RECORD 3 MILLION COMMENTS IN SUPPORT OF EPA'S CARBON POLLUTION STANDARD  
!!!!!!

---

FYI, in case you missed this. Truly remarkable. Please pass it on. Antonia

**FOR IMMEDIATE RELEASE:  
August 14, 2012**

**RECORD 3 MILLION COMMENTS IN SUPPORT OF EPA'S CARBON POLLUTION STANDARD  
DEMONSTRATES AMERICANS' SUPPORT FOR CURBING CLIMATE CHANGE**

WASHINGTON, DC -- August 14, 2012: Today, a broad coalition of groups supporting clean air announced the collection of 3 million public comments in support of national standards to limit dangerous industrial carbon pollution from new power plants. Adding that this unprecedented tally reflects the strong desire of Americans for national leadership to address climate change and its impact on public health, the groups issued the following statement:

***"Three million public comments in favor of cleaning up dangerous carbon pollution is a remarkable and record-setting show of support for protecting our health from rising temperatures. This outpouring of support from across the nation is a wakeup call for policy makers to heed the public's desire to curb air pollution and climate change.***

***We applaud the EPA for taking action against dangerous industrial carbon pollution which poses a wide range of health threats to our families, our communities as well as to wildlife and our outdoor heritage because of the impacts of climate change. This summer's devastating extreme weather events and deadly record-setting heat waves preview just how damaging and costly rising temperatures will be.***

***The polluters continue to block any attempt to address climate change and reduce industrial carbon pollution in order to protect their profits at the expense of public health. They may not be ready to clean up, but the American public is. When it comes to addressing climate change and its impact on our health, the American public is clamoring for leadership, now ."***

Doctors, scientists and other experts agree that carbon pollution threatens our health by fueling climate change. Climate change increases the formation of lung damaging and asthma-attack inducing smog, which is particularly dangerous for kids and seniors. Climate change also fuels more frequent and more deadly heat waves, droughts, crop damage, floods, infectious diseases and other extreme weather events like those we're seeing across the country this year.

The following groups, which signed the statement and helped collect the record 3 million comments urging the EPA to curb industrial carbon pollution, include:

American Sustainable Business Council  
Care2  
Center for American Progress Action Fund  
Clean Water Action  
Climate Reality Project  
Earthjustice  
Energy Action Coalition  
Environment America  
Environmental Action  
Environmental Defense Fund  
Greenpeace  
Healthcare Without Harm  
Interfaith Power & Light  
League of Conservation Voters  
League of Women Voters of the U.S.  
MomsRising  
NAACP  
National Audubon Society  
National Hispanic Medical Association  
National Wildlife Federation  
Natural Resources Defense Council  
Physicians for Social Responsibility  
Presente  
Sierra Club  
Union of Concerned Scientists  
US Climate Action Network  
Voces Verdes

Contact: Keven Kennedy, 202.276.3159, [keven@kevenkennedy.com](mailto:keven@kevenkennedy.com)

-----  
***Antonia Herzog, Ph.D.***  
***Assistant Director***  
***Climate and Clean Air Program***  
***Natural Resources Defense Council (NRDC)***  
***1152 15th Street, NW, Ste. 300***  
***Washington, DC 20005***  
***202-289-2428***

**Alex Barron/DC/USEPA/US**

07/24/2012 11:28 AM

To Robin Kime

cc Paul Balsarak

bcc

Subject Slow burn task on EGU NSPS

Robin - Is there someone in the IO who might be free to pull together a binder with the EGU NSPS comments in the docket from the following groups (if they made comments)

EEI (edison electric)  
Clean Energy Group  
UARG (utility air resources group)  
Las Brisas Power  
NRECA (rural electric co-ops)  
EDF  
NRDC  
Sierra Club  
CATF  
Tenaska  
Trailblazer  
Texas Clean Energy Project  
Southern company  
United Mine Workers

Paul may have suggestions of any other key commenters. Basically, it would be awesome to return on the 13th to an e-mail with pdf's of all of these comments and a binder with a tab for each of these. Some of the NGO's may have put in combined comments, I don't know for sure.

A

Alex Barron/DC/USEPA/US  
03/03/2011 04:33 PM

To Shannon Kenny, Bicky Corman  
cc  
bcc  
Subject Fw: the public polling

----- Forwarded by Alex Barron/DC/USEPA/US on 03/03/2011 04:33 PM -----

From: "Herzog, Antonia" <aherzog@nrdc.org>  
To: Michael Goo/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA  
Cc: "Consuegra, Jamie" <jconsuegra@nrdc.org>  
Date: 03/03/2011 03:14 PM  
Subject: the public polling

---

Hi Michael and Alex,

Great seeing you guys today. Here is the info on the public polling (National and 27 congressional districts) that has been done on public attitudes toward EPA in the last month. Please share with your colleagues whose emails I don't have.

- **Strong Opposition Nationally and in 19 Key Districts to House Votes to Block Public Health Protections (Feb 18-28)**

Public Policy Polling, conducted for NRDC, released 20 new polls to probe how Americans nationally and in 19 key districts feel about votes to block the EPA's work to protect public health.

[http://switchboard.nrdc.org/blogs/paltman/strong\\_opposition\\_nationally\\_a.html](http://switchboard.nrdc.org/blogs/paltman/strong_opposition_nationally_a.html)

- **Congress: Can You Hear America Now On Clean Air and EPA (Feb 7-14)**

A [new American Lung Association poll conducted by Democratic polling firm Greenberg Quinlan Rosner and GOP pollster Ayres McHenry](#) examining the American public's views on protecting public health from pollution offers the most robust findings on where Americans are at on the issue: a bipartisan cross section want the EPA to be able to do its job protecting public health from pollution and oppose efforts to derail the EPA.

[http://switchboard.nrdc.org/blogs/paltman/congress\\_can\\_you\\_hear\\_america.html](http://switchboard.nrdc.org/blogs/paltman/congress_can_you_hear_america.html)

- **Constituents in Upton's and 8 Other House Districts: Let EPA Do its Job! (Feb 4-5)**

Public Policy Polling, conducted for NRDC, survey showing that voters in Chairman Upton's district are not at all behind him, and the voters in eight other districts we looked at aren't either.

[http://switchboard.nrdc.org/blogs/paltman/voters\\_in\\_uptons\\_and\\_other\\_hou.html](http://switchboard.nrdc.org/blogs/paltman/voters_in_uptons_and_other_hou.html)

- **Americans Oppose Upton and Gingrich-style Attacks on Pollution Safeguards (Jan 27-30)**

Public opinion polling released by the Opinion Research Corporation finds that

Americans don't want to eliminate the EPA as Gingrich suggests, nor do they want Congress to stop it from doing its job of protecting public health, as Chairman Upton and others want to do.

[http://switchboard.nrdc.org/blogs/paltman/americans\\_oppose\\_upton\\_and\\_gin.html](http://switchboard.nrdc.org/blogs/paltman/americans_oppose_upton_and_gin.html)

***Antonia Herzog, Ph.D.***  
***Assistant Director***  
***Climate Center***  
***Natural Resources Defense Council***  
***1200 New York Ave. NW, Suite 400***  
***Washington, DC 20005***  
***202-289-2428***

**Alex Barron/DC/USEPA/US**  
04/29/2011 07:51 PM

To Shannon Kenny, Paul Balserak, Al McGartland, DavidA  
Evans  
cc  
bcc  
Subject Fw: Zombie's

----- Forwarded by Alex Barron/DC/USEPA/US on 04/29/2011 03:44 PM -----

From: John Coequyt <John.Coequyt@sierraclub.org>  
To: Michael Goo/DC/USEPA/US@EPA, Alex Barron/DC/USEPA/US@EPA  
Date: 04/29/2011 02:35 PM  
Subject: Zombie's

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Michael and Alex:

Attached is a list of plants that the companies said were shelved because of uncertainty around GHG regulations. If a standard is set that these plants could meet, there is a not small chance that they company could decide to revive the proposal.

John Coequyt  
Sierra Club  
DL: 202.675.7916



C: 202.669.7060 Defeated Plants - GHG - 2011.xls

Alex Barron/DC/USEPA/US  
04/15/2011 02:41 PM

To Shannon Kenny  
cc  
bcc

Subject Re: Can one of you make 3 copies of the paper we got on  
mrv of EE and variations in heat rate

The sierra club thing. about 5 pages?

Shannon Kenny any idea what it looks like? Shannon... 04/15/2011 02:30:11 PM

From: Shannon Kenny/DC/USEPA/US  
To: Alex Barron/DC/USEPA/US@EPA  
Date: 04/15/2011 02:30 PM  
Subject: Re: Can one of you make 3 copies of the paper we got on mrv of EE and variations in heat rate

---

any idea what it looks like?

Shannon Kenny  
U.S. Environmental Protection Agency  
202-566-2964

Alex Barron Goo wants to give one to kevin and I thi... 04/15/2011 01:41:50 PM

From: Alex Barron/DC/USEPA/US  
To: "Paul Balsarak" <Balsarak.Paul@epamail.epa.gov>, "Shannon Kenny" <Kenny.shannon@epa.gov>  
Date: 04/15/2011 01:41 PM  
Subject: Can one of you make 3 copies of the paper we got on mrv of EE and variations in heat rate

---

Goo wants to give one to kevin and I think he stole mine.

A

Alex Barron/DC/USEPA/US

10/03/2011 07:57 PM

To Snyder.Brett

cc

bcc

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

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

Alex Barron/DC/USEPA/US  
11/09/2012 11:18 AM

To "Al Mcgartland", "DavidA Evans"  
cc "Michael Goo", "Paul Balsarak"  
bcc  
Subject Fw: Southern able to cut its environmental compliance cost estimate

Very interesting in the retrospective sense...

A

Mikhail Adamantiades

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

**From:** Mikhail Adamantiades  
**Sent:** 11/09/2012 11:09 AM EST  
**To:** Kevin Culligan; Ellen Kurlansky; Alex Barron  
**Subject:** Fw: Southern able to cut its environmental compliance cost estimate

## Southern able to cut its environmental compliance cost estimate

*The coal-fired giant has been able to cut its compliance cost estimates*  
11/08/2012 By **BARRY CASSELL**

The **Southern Co.** (NYSE: SO) system is continuing to develop its compliance strategy and to assess the potential costs of complying with the Mercury and Air Toxics Standards (MATS) and the EPA's proposed water and coal combustion byproducts rules.

“As part of the development of its compliance strategy for the MATS rule, the Southern Company system has entered into agreements for the construction of baghouses to control the emissions of mercury and particulates from certain generating units,” said the company’s Nov. 7 quarterly Form 10-Q report. “While the final MATS compliance plan is still being developed and the ultimate costs remain uncertain, the compliance decisions made in 2012 have allowed the Southern Company system to further develop its cost estimates for compliance with the MATS rule. As a result, estimated compliance costs for the MATS rule in the 2012 through 2014 period have been revised from up to \$2.7 billion to approximately \$1.8 billion.”

In addition, the Southern system has further developed its estimated capital expenditures and associated timing of these expenditures to comply with the proposed water and coal combustion byproducts rules, resulting in a reduction, due primarily to timing, in estimated compliance costs for the 2012-2014 period. Potential incremental environmental compliance investments to comply with the proposed water and coal combustion byproducts rules have been revised from up to \$1.5bn to about \$500m over the 2012-2014 period based on the assumption that coal combustion byproducts will continue to be regulated as non-hazardous solid waste under a 2010 proposed rule from the U.S. Environmental Protection Agency.

While the Southern system's ultimate costs of compliance with MATS and the proposed water and coal combustion byproducts rules remain uncertain, Southern estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste under the proposed rule) will be at the low end of the \$13bn to \$18bn range provided in a recent annual Form 10-K report. Included in this amount is about \$750m that is also included in the 2012-2014 base level capital investment of the traditional operating companies described in the Form 10-K in anticipation of these rules.

As part of **Southern Electric Generating Co.**'s (SEGCO) compliance strategy, the Board of Directors of SEGCO earlier this year approved adding natural gas as the primary fuel source in 2015 for its 1,000 MW of generating capacity at the coal-fired Plant Gaston and the construction of the necessary natural gas pipeline. SEGCO is jointly owned by **Alabama Power** and **Georgia Power**. The capacity of SEGCO's Gaston units is sold to Alabama Power

and Georgia Power through a Power Purchase Agreement (PPA).

The **Southern Co. Services** website shows Gaston having a typical yearly need of 4.5 million tons of coal. U.S. Energy Information Administration data shows Gaston in January getting coal from entirely Alabama mines, with suppliers being **Taft Coal Sales**, **Alabama Coal**, **Twin Pines Coal** and **Walter Energy**(NYSE: WLT).

Numerous petitions for administrative reconsideration of the MATS rule, including a petition by Southern and its subsidiaries, have been filed with the EPA. Challenges to the final rule have also been filed in the U.S. District Court for the D.C. Circuit by numerous states, environmental organizations, industry groups, and others. The impact of the MATS rule will depend on the outcome of these and any other legal challenges and, therefore, cannot be determined at this time, Southern noted.

On Aug. 21, a three-judge panel in the D.C. Circuit vacated the Cross-State Air Pollution Rule (CSAPR) in its entirety and directed the EPA to continue to administer the Clean Air Interstate Rule (CAIR) pending the EPA's development of a valid replacement. The vacatur of CSAPR creates additional uncertainty with respect to whether new controls may be required for the Clean Air Visibility Rule (CAVR) and best available retrofit technology compliance, Southern pointed out. On Oct. 5, the EPA filed for review of the decision by the full D.C. Circuit court. Looking at clean-air and other impacts at Southern's utility subsidiaries:

***Georgia Power:***

On March 20, the Georgia Public Service Commission approved Georgia Power's request to decertify and retire two coal-fired units at Plant Branch as of Oct. 31, 2013, and Dec. 31, 2013, and an oil-fired unit at Plant Mitchell as of March 26, 2012, which was included in Georgia Power's 2011 Integrated Resource Plan (IRP) Update. The Georgia PSC also approved three PPAs totaling 998 MW with Southern Power for capacity and energy that will commence in 2015 and end in 2030. The PPAs remain subject to FERC approval.

Georgia Power is developing its compliance strategy and assessing the potential costs of complying with MATS and the EPA's proposed water and coal combustion byproducts rules. As part of the development of its MATS strategy, Georgia Power has entered into agreements for the construction of baghouses to control the emissions of mercury and particulates from certain units.

While the ultimate costs remain uncertain, compliance decisions made in 2012 have allowed Georgia Power to further develop its cost estimates for MATS compliance. As a result, estimated compliance costs in the 2012-2014 period (in addition to \$237m included in base environmental capital disclosed in the Form 10-K) have been revised from up to \$320m to about \$440m.

Georgia Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) will be at the low end of the \$5bn to \$7bn range provided in the Form 10-K. Compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

Georgia Power's coal-fired Plant McDonough Unit 1 was retired on Feb. 29. Georgia Power placed the gas-fired Plant McDonough-Atkinson Unit 5 into service on April 26, and the gas-fired Plant McDonough-Atkinson Unit 6 into service on Oct. 28.

***Alabama Power:***

Alabama Power is continuing to develop its compliance strategy and to assess the potential costs of complying with the MATS rule and the proposed water and coal combustion byproducts rules. As part of its MATS strategy, Alabama Power has entered into agreements for the construction of baghouses on generating units with an aggregate capacity of 1,901 MW and plans to utilize additional compliance strategies at other units with an aggregate capacity of 4,678 MW including utilizing existing or additional natural gas capability and/or using additives or other injection technologies.

The compliance decisions made in 2012 have allowed Alabama Power to further develop its cost estimates for compliance with MATS. As a result, estimated compliance costs for the MATS rule in the 2012-2014 period have been revised from up to \$1.2bn to about \$585m.

Alabama Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) will be at the low end of the \$5bn to \$7bn range provided in the Form 10-K. Compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

***Gulf Power:***

Gulf Power is developing its compliance strategy and assessing the potential costs of the MATS rule and the EPA's proposed water and coal combustion byproducts rules. Compliance decisions made in 2012 have allowed Gulf

Power to further develop its cost estimates for compliance with MATS. As a result, estimated compliance costs for the MATS rule in the 2012-2014 period have been revised from up to \$375m to up to \$205m.

Gulf Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) could be about \$1.3bn. Included in this amount is around \$400m that is also included in the 2012-2014 base level capital investment of Gulf Power described in the Form 10-K.

Compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

***Mississippi Power:***

On April 3, the Mississippi PSC approved Mississippi Power's request for a Certificate of Public Convenience and Necessity (CPCN) to construct a flue gas desulfurization system (scrubber) on the coal-fired Plant Daniel Units 1 and 2. On May 3, the Sierra Club filed a notice of appeal of the order with the Chancery Court of Harrison County, Miss. These units are jointly owned by Mississippi Power and Gulf Power, with 50% ownership each. The estimated total cost of the project is approximately \$660m, excluding allowance for funds used during construction (AFUDC), and it is scheduled for completion in December 2015. Gulf Power's portion of the cost is expected to be recovered through the environmental cost recovery clause.

Mississippi Power is developing its compliance strategy and assessing the potential costs of complying with MATS and the EPA's proposed water and coal combustion byproducts rules. Due to compliance decisions made in 2012, estimated compliance costs for MATS in the 2012-2014 period have been revised from up to \$430m to about \$55m. Mississippi Power estimates that compliance costs through 2021 (assuming that coal combustion byproducts will continue to be regulated as non-hazardous solid waste) will be at the low end of the \$1bn to \$2bn range provided in the Form 10-K. Included in this amount is about \$354m that is also included in the 2012-2014 base level capital investment of Mississippi Power described in anticipation of these rules. Again, compliance costs may arise from retirement and replacement of existing units, installation of additional environmental controls, upgrades to the transmission system, and changing fuel sources for certain existing units.

On Feb. 14, Mississippi Power submitted its 2012 ECO Plan filing with the state PSC, which proposed a 0.3% increase in annual revenues for Mississippi Power. In compliance with the CPCN to construct an FGD on Plant Daniel Units 1 and 2, Mississippi Power revised the 2012 ECO Plan filing to exclude scrubber expenditures from rate base, which resulted in a 0.16% decrease in annual revenues. On June 22, the 2012 ECO Plan filing, including the proposed rate decrease, was approved by the Mississippi PSC, effective on June 29.

Mississippi Power is also involved in a complex series of regulatory actions related to its in-construction Plant Ratcliffe (also known as Kemper County) integrated gasification combined cycle power plant. In one of its more recent actions related to this matter, on Sept. 13 the Mississippi PSC filed the record in the appeal of the PSC's June 22 decision with the Mississippi Supreme Court. That is in a case brought by the Sierra Club. If the Mississippi Supreme Court does not render a decision within 180 days of the filing of the record, the rates proposed by the utility on June 14 will go into effect, subject to refund by Mississippi Power.

Mississippi Power's current cost estimate for the Kemper IGCC equals the \$2.88bn cost cap, including a \$40m to \$50m contingency. The Mississippi PSC and the Mississippi Public Utilities Staff have engaged their independent monitors to assess the current cost estimates and schedule projections for the Kemper IGCC. These consultants are issuing reports with their own opinions as to the likelihood that costs for the Kemper IGCC will remain under the \$2.88bn cost cap and as to the expected in-service date, the Form 10-Q noted.

“While Mississippi Power continues to believe its cost estimate and schedule projection remain appropriate based on the current status of the project, it is possible that Mississippi Power will experience further cost increases and/or schedule delays with respect to the Kemper IGCC,” the Form 10-Q added. “Certain factors have caused and may continue to cause the costs for the Kemper IGCC to increase and/or schedule delays to occur including, but not limited to, costs and productivity of labor, adverse weather conditions, shortages and inconsistent quality of equipment, materials and labor, contractor or supplier delay or non-performance under construction or other agreements, and unforeseen engineering problems. To the extent that costs beyond any permitted exceptions to the cost cap exceed \$2.88 billion or the Mississippi PSC disallows a portion of the costs relating to the Kemper IGCC, including financing costs, charges to expense may occur and these charges could be material.”

The Kemper County IGCC, expected to be in service in May 2014, will use lignite from an adjacent mine. The mine is scheduled to be placed into service in June 2013. In conjunction with the Kemper County IGCC, Mississippi Power will own the lignite mine and equipment and has acquired and will continue to acquire mineral reserves located around the Kemper IGCC site in Kemper County. The estimated capital cost of the mine is about \$245m, of which \$127m has been incurred through Sept. 30. In May 2010, Mississippi Power executed a 40-year management fee contract with **Liberty Fuels Co. LLC**, a subsidiary of **The North American Coal Corp.**, which will develop,

construct, and manage the mine. The contract with Liberty Fuels is effective through the end of the mine reclamation.

In December 2011, the Mississippi Department of Environmental Quality (MDEQ) approved the surface coal mining and the water pollution control permits for the mining operations operated by Liberty Fuels. On Jan. 12, two individuals each filed a notice of appeal and a request for evidentiary hearing with the MDEQ regarding the surface coal mining and water pollution control permits. On March 8, the MDEQ permit board affirmed its issuance of these permits.

As of Sept. 30, Mississippi Power had spent a total of \$2.1bn on the Kemper IGCC including the cost of the lignite mine and equipment, the CO2 pipeline facilities, and regulatory filing costs.

----- Forwarded by Mikhail Adamantiades/DC/USEPA/US on 11/09/2012 11:07 AM -----

From: GenerationHub <service@generationhub.com>  
To: Mikhail Adamantiades/DC/USEPA/US@EPA  
Date: 11/09/2012 06:21 AM  
Subject: Southern able to cut its environmental compliance cost estimate

*Daily intelligence on the North American  
Generation Market*

November 09, 2012

[See Web Version](#)

## Today's Intelligence

### Free News

#### **Southern able to cut its environmental compliance cost estimate**

*November 8, 2012 By Barry Cassell* The Southern Co. system is continuing to develop its compliance strategy and to assess the potential costs of complying with the Mercury and Air Toxics Standards and the EPA's proposed water and coal combustion byproducts rules.

Southern California Edison supports Nuclear Regulatory Commission decision to deny Friends of Earth petition

OPG Niagara tunnel takes a big step towards completion

Northern Power Systems wind turbines weather the superstorm  
turbines continue operation

## Utilization of PPL coal plants tumbles in 2012; new nuke still possible

*November 8, 2012 By Barry Cassell* Current depressed wholesale market prices for electricity and natural gas mean that PPL Energy Supply has experienced a shift in the dispatching of its competitive generation from coal-fired to combined-cycle gas-fired generation.

## Renewables survive the election cycle

*November 8, 2012 By Bill Opalka* While Tuesday's election didn't change the makeup of Congress or the occupant of the White House, there may be some movement on renewable energy issues over the next few weeks, or even the second Obama term.

## FirstEnergy, AMP plan to build 873-MW Eastlake peaker

*November 8, 2012 By Wayne Barber* Two Ohio-based power generators have announced plans to build, site and operate a new 873-MW natural gas peaking plant in Eastlake, Ohio.

## Duke wrestles with merger, Edwardsport, Crystal River issues

*November 8, 2012 By Wayne Barber* Duke Energy has a lot of

undamaged by Sandy

Current power reactor status report for November 8, 2012

Basin Electric 2012 annual meeting discusses challenges ahead

ABB solves 100-year-old electrical puzzle – new technology to enable future DC grid

## Recent Documents

[Patriot Sept 20 Reject Motion.pdf](#)

[MPSC Aug 17 Answer.pdf](#)

[CPV Aug 24 Answer.pdf](#)

[PPL NJ Sept 28 Ruling.pdf](#)

[FE\\_Eastlake\\_MOU\\_release.pdf](#)

[Black Hills 3Q presentation.pdf](#)

[BHK 11-7-12 Earrn.pdf](#)

[Otter Tail Oct 15 PR.pdf](#)

[DUKE 3Q 2012 Earn PR.pdf](#)

[Duke Slides\\_3Q12.pdf](#)

major infrastructure issues to tackle in addition to resolving a North Carolina investigation into the Duke merger with Progress Energy.

### **FirstEnergy loses decision in ICG dispute, shuts coal capacity**

*November 8, 2012 By Barry Cassell* Allegheny Energy Supply Co. LLC lost an Oct. 19 procedural decision in a long-running court dispute with units of Arch Coal over a contract to supply the Harrison power plant in northern West Virginia.

### **PPL disputes power supply programs in New Jersey, Maryland**

*November 8, 2012 By Barry Cassell* PPL Corp. is among the parties that have tried to stop or at least alter power supply programs in both New Jersey and Maryland that are encouraging the development of new gas-fired generation capacity.

### **Panda launches construction of latest Texas gas plant**

*November 8, 2012 By Barry Cassell* Bechtel said Nov. 8 that construction is underway on a 758-MW natural gas-fueled, combined-cycle power plant in Sherman, Texas.

### **FirstEnergy CEO: Costs associated with Hurricane Sandy expected to be in excess of \$500m**

**November 8, 2012 By Corina Rivera-Linares** Company officials addressed transmission spending, Hurricane Sandy and regulatory activities during the 3Q12 earnings call on Nov. 8.

### **Bankrupt Patriot Coal cuts production by 6 million tons per year**

**November 8, 2012 By Barry Cassell** In response to lower coal demand, Patriot Coal, which sought Chapter 11 bankruptcy protection on July 9, has cuts production volume by approximately 6 million tons annually.

### **Black Hills approval for Cheyenne Prairie highlights quarter**

**November 8, 2012 By Wayne Barber** Black Hills (NYSE: BKH) is making progress on key power generation projects and posted a 20% increase in third quarter earnings.

### **Arch Coal says its Patriot Coal exposure looks manageable**

**November 8, 2012 By Barry Cassell** Patriot Coal's effort in its bankruptcy court to get out of a contract to sell coal to Arch Coal for resale to another party is subject to options, none of them particularly harmful, Arch said.

### **Black Hills readies new coal shutdown**

## plan in Colorado

*November 8, 2012 By Barry Cassell* On Aug. 6, Black Hills Power and Colorado Electric announced plans to suspend plant operations at some of their older coal-fired and natural gas-fired facilities, parent Black Hills Corp. noted in its Nov. 8 Form 10-Q statement.

## Rogers not eager to leave Duke Energy for DOE

*November 8, 2012 By Wayne Barber* Duke Energy CEO Jim Rogers is “flattered” to hear of published speculation that he is among candidates to succeed Energy Secretary Steven Chu in a second Obama administration, but is not expecting to take that “lower paying job.”

## Westmoreland mulls options for Beulah mine after losing Coyote

*November 8, 2012 By Barry Cassell* Westmoreland Coal’s coal supply contract with the Coyote Station, located adjacent to its Beulah lignite strip mine in North Dakota, expires in May 2016 and the company is still figuring out what to with the mine when it at that point loses Coyote as a customer.

## Xcel Energy estimates power replacement costs for Sherco 3

*November 8, 2012 By Barry Cassell* Northern States Power provided the Minnesota Public

Utilities Commission some numbers, which were partially redacted from the public version of that filing, on the costs to buy replacement power for the coal-fired Sherburne County Unit 3.

### **FERC approves sale of Wisconsin wind farm to Wisconsin Electric**

*November 8, 2012 By Barry Cassell* The Federal Energy Regulatory Commission on Nov. 8 approved Wisconsin Electric Power to buy the company that controls the 30-MW Montfort wind project in Wisconsin.

### **Dominion's Brunswick gas project a key to replacing coal capacity**

*November 8, 2012 By Barry Cassell* The need for the gas-fired Brunswick County project in 2016 is supported by the pending 918 MW of coal retirements at Virginia Electric and Power's Yorktown and Chesapeake plants, which will occur by 2015.

### **Carbonado pursues Corps permit for new Kentucky coal mining**

*November 8, 2012 By Barry Cassell* The Carbonado Coal Mining LLC affiliate of coal operator John Baugues Jr. is seeking a U.S. Army Corps of Engineers approval on a Section 404 Clean Water Act permit on a coal mining project in Webster County in western Kentucky.

## **Cardero ups resource estimate, production target for coal mine**

*November 8, 2012 By Barry Cassell* Cardero Resource has received the final Prefeasibility Study, compliant with Canadian National Instrument 43-101 standards, for its Carbon Creek coal deposit in northeast British Columbia.

## **North Carolina report sees tighter reserve margins for the future**

*November 8, 2012 By Barry Cassell* In the past, a 20% electricity generation reserve margin was the standard for long-term planning, with North Carolina's reserve margin forecast to be less than that over the next few years, but with mitigating developments.

## **Dynegy wrapping up air emissions work at Baldwin coal plant**

*November 8, 2012 By Barry Cassell* As of Sept. 30, only Baldwin Unit 2 has material Consent Decree work yet to be performed under a 2005 deal with the U.S. Environmental Protection Agency, with that last work scheduled to be completed by the end of 2012.

## **Midwest Gen settles water complaints with Illinois EPA**

*November 8, 2012 By Barry Cassell* A complaint about Clean Water Act matters at its coal-fired

power plants should be dismissed as "frivolous" because it fails to state a cause of action upon which the Illinois Pollution Control Board can grant relief, said a response from Midwest Generation.

## Southern Power lines up solar projects, finishing gas plant

*November 8, 2012 By Barry Cassell* The Southern Power independent power arm of Southern Co. has been busy in recent months acquiring new generating assets and working out new power purchase agreements under which it sells power to various customers.

## Recent Plant Updates

Plant Name	State	Primary Fuel
Hines Energy Complex	FL	Gas
Elk River	MN	Bio/Gas
Ohio Falls	KY	Hydro
Sugar Creek Power	IN	Gas
PSEG Linden Generating Station	NJ	Gas
Odessa Ector Generating Station	TX	Gas
Comanche	CO	Coal
Labadie	MO	Coal



Byron

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Another  
quality  
product

**Alex Barron/DC/USEPA/US**  
10/27/2011 12:49 PM

To "Cliff Rader"  
cc  
bcc  
Subject Fw: Lisa Jackson: Keystone conversation is 'awesome'

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**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 10/27/2011 12:43 PM AST  
**To:** Alex Barron  
**Subject:** Lisa Jackson: Keystone conversation is 'awesome'

## **Lisa Jackson: Keystone conversation is 'awesome'**

By Erica Martinson  
10/27/11 12:41 PM EDT

EPA Administrator Lisa Jackson on Thursday took an artful dodge when asked by a student activist about the Keystone XL pipeline, praising civic engagement and promising that the EPA will “do its job.”

"People ask me all the time, ‘What about this whole issue?’ To me, it’s awesome; it’s awesome that we’re having this conversation in this country. This should be a moment where we’re having a big conversation,” she said.

But, Jackson added a cautionary note: “This is a pipeline that cuts our country literally in half.”

Jackson addressed a Sierra Club meeting of national campus activists, most of whom are focused on shutting down coal-fired power plants on their campuses and on other similar issues.

One student, Jarymar Arana from Texas — who plans to bring up the pipeline again this afternoon when the students visit the White House — thanked the administrator for its previous “robust review” of the pipeline and asked “if you will continue to stand up for the communities affected by Keystone XL.”

“Yes, that’s our job,” Jackson said, speaking of EPA’s obligation under the National Environmental Policy Act to review environmental impact statements.

But, she noted, “Everyone, I think, knows here that the actual decision-makers are the State Department.”

Jackson said the EPA is almost finished with its final comments on the pipeline, but declined to tell reporters when they would be completed.

She noted President Barack Obama's brief mention Wednesday of the controversy, telling the

activists that “he’s certainly heard your voices and is very much aware of the concerns you have raised.”

Arana told POLITICO that Sierra Club and its student activists feel that EPA’s last comments filed on the Keystone XL pipeline essentially rejected the project, and they want to “build on that momentum and ask that they do it again.”

Arana is particularly concerned about family in Brownsville, Texas, near the Gulf Coast, where there may be increased demand for refineries once the pipeline is built, and said she and other activists are concerned about the disproportionate impact on the Hispanic community that could come from the pipeline.

Most of the students at the Sierra Club event at Howard University this morning were focused on coal.

Students at the event said that 17 student groups thus far have won campaigns to retire coal-fired power plants on campus and that last month students held more than 100 events nationwide asking for a transition off of coal at their schools.

Jackson used the event to warn students about congressional assaults on a slew of rules and defend the agency’s recent decisions. “We’re not going to use the current economic crisis to roll back the health and safety people have come to rely on for a decade. ... It would be tragic if we took one step forward, and we end up taking four or five steps back,” she said.

About environmental laws, she added: “None of them are safe right now.”

“We will ... continue to face vote after vote to knock these rules down,” Jackson said. “They’re threatening more votes ... against the Clean Air Act. Against the Clean Water Act ... of course now we hear that the EPA is the enemy.”

She called out an unnamed lawmaker in her speech, noting, “I read a really interesting headline today ... an elected official, I won't say which one, said he needs to protect coal ash from regulation. I thought — 'I thought the job was to protect us from coal ash!' One of the reason that we have regulations and standards was to protect we the people.”

It appears Jackson was referring to Sen. John Hoeven (R-N.D.), and [a story in The Hill](#).

Jackson specifically defended the agency’s agreement with automakers to up standards to 55 miles per gallon by 2025, though she warned students, “There will be an effort to reverse it. ... And it will probably be led by someone from California.” (Rep. Darrell Issa has been a leading critic of the deal.)

Jackson also spoke voraciously of the agency’s upcoming mercury and air toxics standards, due out Dec. 16 after environmental litigants recently granted a one-month extension.

One of the reasons it’s so important to meet the standards, Jackson told the students, is that there

are many coal plants that are 40, 50, 60 years old. “We actually have one, I think, approaching 70 years old. And in their entire history ... they've never found the time, or the reason, to clean up their act.”

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Alex Barron/DC/USEPA/US  
05/29/2012 07:17 PM

To "John Coequyt"  
cc  
bcc

Subject Re: Do you have 5mn to chat after 2pm?

Sorry. Crazy day.

A

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

From: John Coequyt [john.coequyt@sierraclub.org]  
Sent: 05/29/2012 11:25 AM AST  
To: Alex Barron  
Subject: Do you have 5mn to chat after 2pm?

--

John Coequyt  
Sierra Club  
202-669-7060

Alex Barron/DC/USEPA/US

01/19/2012 12:42 PM

To "Josh Lewis"

cc

bcc

Subject Fw: Morning Energy, powered by America's Natural Gas Alliance: Keystone battle only beginning - Allegations of racism in solar dispute - Team Obama backing off on boilers - Greens to sue EPA over stalled coal ash plan

Can we track down the updated crs report on mats and reliability?

A

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**From:** POLITICO Pro Energy [morningenergy@politicopro.com]

**Sent:** 01/19/2012 05:53 AM EST

**To:** Alex Barron

**Subject:** Morning Energy, powered by America's Natural Gas Alliance: Keystone battle only beginning - Allegations of racism in solar dispute - Team Obama backing off on boilers - Greens to sue EPA over stalled coal ash plan

By Patrick Reis | 1/19/12 5:53 AM EST

*With help from Erica Martinson, Darren Samuelsohn, Darren Goode, Darius Dixon, Alex Guillén and Talia Buford*

**ENDING A CHAPTER, STARTING A NOVEL** -- Republicans attached the Keystone XL deadline clause to December's tax deal in the hopes of forcing President Obama to face the consequences of making a final decision. But in the hours since Obama announced Wednesday that he was rejecting the pipeline, it has become abundantly clear that the Keystone controversy is only beginning.

"He's going to get beat up the whole year on this," said House Energy and Commerce Republican John Shimkus, summarizing the GOP plan of pipeline attack between now and November.

And Republicans are wasting no time, starting with a House Energy and Commerce Committee subpanel hearing next Wednesday on legislation that would transfer authority to approve the pipeline from the president to FERC. Committee Chairman Fred Upton — hoping to score a Cabinet cameo at the hearing to intensify Keystone's already white-hot spotlight — formally sent a request to Secretary of State Hillary Clinton to testify at the hearing ( <http://politico.pro/Aae9TO>).

**ON THE OTHER END OF THE HILL**, North Dakota Republican John Hoeven is pushing a draft bill to pass authority over the pipeline from Obama to Congress, and that measure will likely be the centerpiece of Senate Republicans' Keystone campaign next week when the upper chamber reconvenes Monday.

**ON THE OTHER END OF PENNSYLVANIA AVE.**, there was puzzlement, bordering on disgust, in the West Wing on Wednesday at all the professions of shock and outrage at Obama's decision to reject the Keystone XL pipeline. "Um, ... this came as a surprise to anybody?" said a person close to Obama. "There was never the slightest bit of doubt we were going to say no." Samuelsohn and Glenn Thrush have the story for Pros: <http://politico.pro/z6TrJA>.

**BUT THAT'S JUST 'NO' FOR NOW.** The Obama administration is promising to take another look at the pipeline if TransCanada wants to try again, with Obama saying he did not reject the project, but rather that he rejected Congress's attempt to expedite the project's review.

"This announcement is not a judgment on the merits of the pipeline, but the arbitrary nature of a deadline that prevented the State Department from gathering the information necessary to approve the project and protect the American people," Obama said in a statement Wednesday. "I'm disappointed that Republicans in Congress forced this decision, but it does not change my administration's commitment to American-made energy that creates jobs and reduces our dependence on oil."

**HAPPY THURSDAY** and welcome to Morning Energy, where your host wanted to share some of his usual musings on cereal, Milwaukee and a beer that rhymes with "iller fite" — but he figures you're too busy devouring the Keystone mega-news to fully appreciate it. Alex Guillén gets his turn at the wheel tomorrow, so keep him in the loop at [aguillen@politico.com](mailto:aguillen@politico.com).

**BACK TO THE BEGINNING** — TransCanada will indeed reapply for a Keystone XL permit, and said Wednesday it still hopes to have the pipeline operating within three years ( <http://politico.pro/A2IEEy>). But when the company does reapply, it won't get special, "fast-track" treatment from the State Department, which said Wednesday that the application would be met with a full review process: <http://politico.pro/yECErW>.

**LOOKING ELSEWHERE NEXT TIME AROUND** — TransCanada is determined to keep charging south, but Canada is ready to set its sights on Asia, top officials said Wednesday.

"Today's decision by the Obama administration underlines the importance of diversifying and expanding our markets, including the growing Asia market, to help ensure the financial security of Canadian families for decades to come," Natural Resources Minister Joe Oliver said following Obama's announcement. "We want to diversify our market. China wants to diversify its sources of supply." (<http://politico.pro/zXff80>).

**CONGRESSIONAL DEMOCRATS**, meanwhile, were generally supportive of the president, but a few moderates — including Sens. Joe Manchin and Mark Begich and Rep. Jason Altmire — questioned Obama's call. Goode and Scott Wong deliver: <http://politico.pro/A8K26t>.

**#WINNING** — Environmentalists were thrilled with the decision, calling it the work of the man they went to the mat for in 2008 and predicted the president's decision will pay dividends in 2012. "I think it shores up his base definitely," says Michael Brune, executive director of the Sierra Club.

Even Robert Redford weighed in, thanking Obama for “standing up to [the oil industry] in spite of the political risk.” Caitlin McDevitt has the news from the Sundance Kid:

<http://politi.co/zvI6HO>.

**AND THAT’S WHY THEY CALLED IT A TOUGH DECISION** — Obama’s decision was framed as a choice between letting down labor and keeping the faith with the green movement, and the Laborers’ International Union of North America is letting the president know it feels thoroughly let down:

“We are completely and totally disappointed. ... Once again the president has sided with environmentalists instead of blue collar construction workers — even though environmental concerns were more than adequately addressed. Blue collar construction workers across the U.S. will not forget this.”

**BUT AS IT TURNS OUT**, the labor movement is not a monolith, and some unions backed Obama’s decision. The SEIU, CWA, United Auto Workers, Transport Workers Union and United Steelworkers Union joined NRDC and the Sierra Club in a statement attacking Republicans for blocking other White House jobs initiatives and backing Obama for his Keystone decision. The statement: <http://bit.ly/AafsTn>.

**ALL NEWS IS FRACKING NEWS** — At least one group is using the White House’s Keystone rejection to pivot to its own issue. “Across the country, dirty energy projects in the form of fracking are already threatening water supplies, polluting the air, and causing a host of public health problems,” Food and Water Watch Executive Director Wenonah Hauter told POLITICO in an email. “In order to demonstrate his true dedication to protecting Americans and their essential resources from dirty energy, President Obama should implement a national ban on fracking.”

**READ ALL ABOUT IT** — Obama’s Keystone rejection set off editorial boards and opinion writers nationwide. Top White House adviser Heather Zichal wrote to USA Today accusing Republicans of killing the pipeline by forcing a decision (<http://usat.ly/wZPKNO>).

But USA Today’s editorial board retorts that Obama’s decision “exemplifies the continuing fecklessness of U.S. energy policy”: <http://usat.ly/zXkFnh>.

The Washington Post’s board says Obama made the wrong decision: “We almost hope this was a political call because, on the substance, there should be no question.” WaPo:

<http://wapo.st/yhPf64>.

The Post’s Michael Levi also delivers with “Five Myths about the Keystone XL pipeline”:

<http://wapo.st/z9W2eV>.

The Wall Street Journal’s board was similarly unimpressed, writing that the explanation that Congress set too tight a deadline “is, to put it politely, a crock.” WSJ: <http://on.wsj.com/xZ2ugi>.

Not so, says The New York Times's board: "The foolish requirement that Mr. Obama issue a decision on the pipeline by Feb. 21 — cynically inserted into the payroll tax bill passed in December — could never be met given the need for a thorough environmental study before any judgment is made." NYT: <http://nyti.ms/zb23Qv>.

The Chicago Tribune says the pipeline should be approved and that the decision signals the start of what is to be an ugly year in politics: <http://trib.in/wsPkzw>.

\*\* A message from America's Natural Gas Alliance: Want to learn more about hydraulic fracturing? Dig deeper into the process with our animation explaining how America's vast supplies of clean natural gas are accessed. <http://bit.ly/raW1Bd> \*\*

**MEANWHILE, IN THE NONKEYSTONE UNIVERSE** — President Obama's campaign will go on air with its first ad buy of the 2012 cycle today — a largely positive spot with a strong energy focus that attacks "secretive oil billionaires," touts the president's plans for achievements "to ensure a clean-energy future" and emphasizes the administration's ethics." Byron Tau has the story: <http://politi.co/zo1NQy>.

**SOLYNDRA SETBACK** — The failed solar-panel producer has once again canceled an auction scheduled for today after it received no offers to keep the company operating. Bloomberg: <http://buswk.co/x3pVGQ>.

**BIG NEWS ON COAL ASH** — Environmentalists are planning to sue the EPA to get a court-ordered decision on regulating coal ash ponds before the end of this year. The EPA proposed several options for regulating coal ash in June 2010 but has not acted to finalize them, and EPA Administrator Lisa Jackson said recently that the agency plans to regulate coal ash by the end of the year. Martinson has the story for Pros: <http://politico.pro/ySemXt>.

**AND ON BOILERS, TOO:** EPA will formally tell boiler owners not to fear enforcement of its March 2011 boiler MACT rule, despite a recent court ruling vacating the agency's stay of the rule. Administrator Lisa Jackson sent a letter to Sen. Ron Wyden (D-Ore.) on Wednesday saying the EPA is on track to finalize a revised version of the rule this spring, seeking to alleviate concerns about the impact of the court decision.

In the meantime, "using our enforcement discretion, the EPA will issue a no action assurance letter shortly, informing sources that EPA will not enforce any of the administrative notification requirements for new or existing boilers and incinerators in the 2011 Rules," Jackson wrote. Martinson will have the story for Pros later this morning.

**ALLEGATIONS OF RACISM** — A company seeking tariffs on imports of Chinese solar panels is under fire for a holiday card (<http://politico.pro/xHFnPO>) depicting a caricatured Asian Santa. The German-based solar project developer SolarWorld AG sent the card to its European affiliates, and while the company issued a statement saying it "respects the full diversity of the world's population," at least one distributor of Chinese-made solar panels is calling the caricature part of an ongoing attempt by SolarWorld to smear Chinese manufacturers. Guillén is

on the ball: <http://politico.pro/wju6ZF>.

**STAYING ON THE SOLAR THEME** — The Commerce Department will announce today whether it will investigate a trade complaint filed in December by four U.S. wind tower manufacturers against China and Vietnam. Wind tower imports from those two countries totaled over \$150 million in 2010. The department is already investigating a similar trade complaint made by several domestic solar manufacturers against China.

**TOO GOOD TO GET LOST IN THE SHUFFLE** — Rep. Ed Whitfield blames an odd one-two punch from House Democrats and the Heritage Foundation for killing his plan to rescue a soon-to-be-shuttered uranium enrichment plant in Kentucky. And Whitfield also didn't mince words about his frustration with the Heritage Foundation, which has opposed earlier versions of his bill for its lack of adherence to free market principles: "If the Heritage Foundation and the Obama administration are not interested in saving 1,200 jobs, there's nothing else I can do about it," he said. Dixon has the details — including Heritage's response — for Pros: <http://politico.pro/AkKOK1>.

**SEND YOUR CONDOLENCES TO DAN BERMAN:** <http://es.pn/yIvL1F>.

**VOLT FIRES** — GM CEO Dan Akerson will testify before the House oversight committee next week when the panel meets to scrutinize the Obama administration's investigation into fire risks from the Chevrolet Volt. Chairman Darrell Issa is questioning whether the Highway Traffic Safety Administration suppressed news of the hybrid car's fire risks. The Detroit News: <http://bit.ly/yzg6Tk>.

**THAT ONE'S ON ME** — A line in yesterday's ME incorrectly characterized a disagreement between parties in the lawsuit over EPA's Cross-State Air Pollution Rule. The court requested that EPA and petitioners agree on a briefing schedule that would allow oral arguments to take place by April. While both the EPA and petitioners submitted briefs to that end, they failed to agree on terms. Industry and state petitioners wanted the court to consider only part of the case upfront, addressing the details of CSAPR later in the year only if the court does not toss the rule.

**ALL SETTLED NOW** — That said — the court ruled Wednesday on the briefing schedule, and the petitioners won't be getting what they wanted. The court will not bifurcate the case, and requests from several petitioners that asked to file separately were denied. If petitioners want to "expand the briefing format and schedule, they may move to lift the stay currently in effect," the court said in the order. The first round of briefs, by industry and state petitioners, are due Feb. 9, and final briefs are due March 16. Check out all the steps in between: <http://politico.pro/wwqYOE>.

**THIS WON'T HURT A BIT** — EPA's mercury and air toxics rule for power plants is unlikely to harm electric reliability, according to a Jan. 9 Congressional Research Service report on the rule. Although some plants will close, "almost all of the capacity reductions will occur in areas that have substantial reserve margins," the report says. And in areas with tight capacity margins, namely Texas and New England, there will be few retirements and de-ratings, says the report: <http://politico.pro/yJq0pv>.

**IN THE OTHER WASHINGTON**, state legislators are working on a bill to amend a voter-approved ballot Initiative aimed at boosting the state's use of renewable energy. Supporters of the bill in Spokane are working to tweak it to address industry concerns that it will raise electricity prices. Olympia Business Watch: <http://bit.ly/y4WZHe>.

### **LIGHTNING ROUND**

-- The German solar industry is suggesting changes to the country's subsidy system for its industry, Bloomberg reports: <http://bloom.bg/Afzoad>.

-- Taxpayers for Common Sense takes a look at the budget woes of the nation's four transportation trust funds: <http://bit.ly/x0JXP8>.

-- Steven J. Shimberg, whose career as an attorney includes stops at the EPA, DOJ, National Wildlife Federation and the Senate Environment and Public Works panel, is opening a consulting and advocacy shop SJSolutions.

-- The Obama administration has achieved broad consensus on vehicle fuel economy standards, The New York Times reports: <http://nyti.ms/w8NoX5>.

-- If "small is beautiful" for environmentalists, then nuclear power should be their choice over wind and biofuels, Robert Bryce writes in a WSJ op-ed: <http://on.wsj.com/AmQizt>.

### **TODAY'S ACTION**

8 a.m. — ICF hosts EPA air chief Gina McCarthy in a breakfast discussion on energy issues. 1331 G St. NW.

10 a.m. — EPA and NHTSA officials are in Philadelphia for a public meeting on new fuel-efficiency standards.

1 p.m. — NOAA holds its monthly climate webinar, featuring Kathryn Sullivan, assistant secretary of commerce for environmental observation and prediction. The webinar can be viewed here: <http://bit.ly/xSsVnN>.

1 p.m. — The Wilderness Society will host a teleconference on its report analyzing legislation that targets wilderness and public lands places.

5 p.m. — The Office of Surface Mining and the Bureau of Land Management hold a public meeting on the Interior Department's plan to incorporate OSM into BLM. <http://on.doi.gov/vS66Ce>. Charleston, W.Va.

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\*\* A message from America's Natural Gas Alliance: One solution for more abundant domestic energy is staring us in the face. Natural gas is the natural choice — now and in the future. We know we need to use cleaner, American energy. And, we have it. Today, the U.S. has more

natural gas than Saudi Arabia has oil, giving us generations of this clean, domestic energy source. Natural gas supports 2.8 million American jobs, most states are now home to more than 10,000 natural gas jobs. As Congress and the Administration look for ways toward a cleaner tomorrow, the answer is right here: natural gas. Learn more at [www.anga.us](http://www.anga.us). And, follow us on Twitter @angaus. \*\*

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[State: No fast track for new Keystone application](#)

[Canada on Keystone: We'll move on to Asia](#)

[Moderate Dems question Keystone call](#)

[Greens going to court to force coal ash decision](#)

[Solar company under fire over 'racist' holiday card](#)

[Whitfield: Think tank, Dems thwarting USEC](#)

**GOP wants Hillary Clinton to testify on Keystone [back](#)**

By Darren Goode | 1/18/12 4:29 PM EST

House Republicans have called Secretary of State Hillary Clinton to testify as early as next week on the Obama administration's decision to reject the Keystone XL pipeline.

Energy and Commerce Committee Chairman Fred Upton formally sent a request to Clinton to come and testify at a hearing as early as next Wednesday, the day after President Barack Obama gives his State of the Union address before a joint session of Congress.

Upton is required to give members of his panel a week's notice before a hearing occurs. "So as much as I'd like to do it tomorrow, or Friday or Monday, we can't ask her before Wednesday," he told reporters Wednesday.

Upton added he had not heard back from the State Department but "we expect to hear back very shortly." He said Clinton is the only witnesses he has asked for so far.

In the meantime, Republicans continue to weigh their legislative options.

"All options are on the table," House Speaker John Boehner told reporters. "This fight is not

going to go away, you can count on it.”

That includes Republicans trying to include language in the next extension of the payroll tax holiday that will need to occur by the end of February.

"There are legislative vehicles that will be moving in the weeks and months ahead," Boehner said. "And Republicans on Capitol Hill will be doing everything we can to make this decision a positive decision for this country."

A bill from Rep. Lee Terry (R-Neb.) to give FERC control over the pipeline's fate instead of the White House and State Department is "first in line," Upton said. "Terry has a very good bill," he said. "But again all options are on the table."

Sen. John Hoeven (R-N.D.) has a draft bill to allow Congress to approve the pipeline, giving Nebraska officials time to find an alternative route.[back](#)

### **Keystone call no surprise in Washington [back](#)**

By Glenn Thrush and Darren Samuelsohn | 1/18/12 8:07 PM EST

There was puzzlement, bordering on disgust, in the West Wing on Wednesday at all the professions of shock and outrage at President Barack Obama's decision to reject the Keystone XL pipeline.

"Um, ... this came as a surprise to anybody?" said a person close to Obama. "There was never the slightest bit of doubt we were going to say no."

The decision was predictable simply because it was politically beneficial to all parties involved as they gear up for a 2012 campaign likely to be decided by voter enthusiasm and untold corporate millions, operatives on both sides of the issue say.

The GOP has an issue that resonates with independents paying \$3.50 a gallon for gas and the petroleum industry likely to pump millions into Republican campaigns and super PACs.

And for all the pounding he's taking from Republicans, industry and labor unions, Obama's decision Wednesday is no-brainer election-year politics.

Democrats outside the West Wing and Chicago-based campaign say the politics were clear: With the exceptions of the grouching unions (who will have no choice but to support him in 2012), the party's donor base, environmental advocates down to their hybrid SUVs oppose the pipeline.

In fact, a top Democratic fundraiser told POLITICO that the two most frequent questions he heard from wealthy would-be contributors were "about Keystone and gay marriage."

Obama's decision gave the greens reason to cheer. "This is a win for the climate movement," said Betsy Taylor, a philanthropic adviser to several climate donors and foundations.

Taylor noted that hundreds of people got arrested during protests outside the White House last year on Keystone, and Obama campaign contributors also “organized in large numbers to urge denial of the Keystone” pipeline.

“This is a win for democracy, for the president and for our future,” Taylor added.

“I think it shores up his base definitely,” said Michael Brune, executive director of the Sierra Club.

The main question hovering around the 1,700-mile oil pipeline was when the White House would get around to issuing the veto — before or after next week’s State of the Union address.

Yet the decision isn’t without risks. If the White House has a concern, it’s this: Republicans will use the Keystone issue as a bargaining chip in upcoming negotiations over the extension of the payroll tax cut and unemployment benefits, further complicating what are already expected to be complicated negotiations.

Since mid-December, Obama aides have been sending the same signals over and over with a series of public statements suggesting the State Department didn’t have enough time to conduct sufficient environmental and health reviews by their Feb. 21 deadline — thereby warranting the veto.

Officially, the State Department’s formal recommendation went to the Oval Office on Wednesday. Obama rubber-stamped the denial, though he also left the door open for TransCanada to make another run at a permit once it finishes spelling out a new route that passes through Nebraska’s sensitive Sand Hills region.

In a prepared statement, Obama blamed Republicans for forcing his hand now when it was long clear he’d have to say no. “This announcement is not a judgment on the merits of the pipeline but the arbitrary nature of a deadline that prevented the State Department from gathering the information necessary to approve the project and protect the American people,” the president said.

Obama delivered the news via phone Wednesday to Canadian Prime Minister Stephen Harper. Harper, who on Tuesday invoked Iran’s threats to shut down oil shipments through the Strait of Hormuz in a last-ditch plea to get the Keystone pipeline approved, “expressed his profound disappointment with the news,” his office said.

State Department officials also spent Wednesday briefing a cross section of interest groups, from the labor unions that wanted the Keystone permit approved to the environmental community that a few months back threatened to withhold support for Obama’s reelection campaign if it didn’t get a win on the issue.

Pushing the decision up well ahead of the Feb. 21 deadline suggested to many that Obama was ready to move on. “They put him on an artificial timeline. Why would he play by that timeline?” said Rep. George Miller (D-Calif.), the ranking member of the Education and the Workforce

Committee.

Not everyone sees the issue as a win for the president.

“I think he wanted to get it out of the way, sooner the better,” added Rep. Gene Green (D-Texas). “He was going to lose either way. Environmental folks are going to be mad at him if he approved it. Labor folks and business and the jobs issue that we’ve all been trumpeting is on the other side of it. It’s a no-win for him.”

Indeed, some union officials weren’t happy. Terry O’Sullivan, general president of the Laborers’ International Union of North America, called Obama’s decision “politics at its worst.”

“Once again, the president has sided with environmentalists instead of blue-collar construction workers — even though environmental concerns were more than adequately addressed,” he said. “Blue-collar construction workers across the U.S. will not forget this.”

The State Department on Wednesday said that the Keystone project would only create between approximately 5,000 and 6,000 jobs in the United States during the two years of construction—nowhere near the 20,000 that pipeline builder TransCanada claims. Reports of 20,000 jobs created — or more — are “inflated” based on a “misinterpretation of one of the economic analyses prepared on the pipeline,” a State Department report said.

With Obama’s decision made public before the State of the Union, Brune added that it allows the president to start playing offense on an energy issue central to the advertising airwaves.

“You’ve got Big Oil spending millions of dollars hammering the administration on this,” Brune said. “There’s no way for the administration to defend itself until it’s actually made a decision. My guess is it’s one factor they wanted to declare where they stand so they can show it links up with larger priorities of the administration.”

Rep. Peter Welch (D-Vt.) earlier Wednesday led a group of 25 Democrats in writing to Obama, urging him to reject the Keystone permit. As news of the decision broke, Welch said he thinks the president is using Keystone to signal plans to take multiple fights to Republicans.

“Basically, the Republicans are acting as though Keystone is going to bring down the unemployment rate by 5 percent,” he said. “So it’s going to be a political battle that will get played out on the campaign trail and legislatively here in Congress. Obviously, the White House took that into account and is prepared to engage in that battle.”

Republicans and the industry said Obama putting a decision out before the State of the Union would satisfy environmentalists but leave him exposed to GOP attacks.

“He’s going to get beat up the whole year on this,” said Rep. John Shimkus (R-Ill.).[back](#)

**TransCanada to reapply for Keystone permit [back](#)**

By Bob King | 1/18/12 4:43 PM EST

Expressing disappointment but not surprise, TransCanada says it still hopes to have the Keystone XL pipeline operating within three years.

"Plans are already under way on a number of fronts to largely maintain the construction schedule of the project," company President and CEO Russ Girling said [in a statement](#) Wednesday, after the Obama administration announced it was rejecting the project.

"We will reapply for a presidential permit and expect a new application would be processed in an expedited manner to allow for an in-service date of late 2014," he added.

"Until this pipeline is constructed, the U.S. will continue to import millions of barrels of conflict oil from the Middle East and Venezuela and other foreign countries who do not share democratic values Canadians and Americans are privileged to have," Girling's statement said. "Thousands of jobs continue to hang in the balance if this project does not go forward. This project is too important to the U.S. economy, the Canadian economy and the national interest of the United States for it not to proceed."

In the near term, the company says it will work with Nebraska environmental regulators to find a new route by September or October for the pipeline's in-state portion, avoiding the ecologically fragile Sandhills region.

The company statement also included comments that could be considered electoral shots across President Barack Obama's bow: It listed a series of labor unions it plans to work with on the project, along with states such as Pennsylvania, Michigan and Ohio that would house "manufacturing locations for Keystone XL equipment."[back](#)

**State: No fast track for new Keystone application** [back](#)

By Talia Buford | 1/18/12 6:36 PM EST

TransCanada is welcome to resubmit an application for the Keystone XL pipeline, but it won't get any special treatment, the State Department said Wednesday.

"If TransCanada comes in with a new application, it will trigger a new review process," Assistant Secretary of State Kerri-Ann Jones told reporters after the Obama administration [announced](#) it was rejecting the company's existing permit request.

The new review process could take into account existing information gathered during the prior environmental review, which began when TransCanada submitted its application in September 2008, but it doesn't have to, Jones said. She said it's not yet clear exactly what information could be reused.

That declaration throws a kink into TransCanada's plans. The Canadian company [said](#)

[Wednesday](#) that it plans to resubmit its application, and that it hopes for an “expedited” review that would allow the pipeline to be operational by late 2014.

Jones said commenting on such a date — even two years out, after the project has undergone three years of review — would be “too speculative.”

“I can’t speak to a timeline or anything else because there is no application,” she said.

Jones also shot down [a suggestion](#) from Nebraska Gov. Dave Heineman that the department should approve the majority of the Alberta-to-Texas pipeline while allowing the state to review an alternative route that would avoid harm to the Sandhills region and the Ogallala Aquifer.

“It’s the responsibility of the State Department to grant this permit, which really looks at the crossing of the international boundary,” Jones said. “It’s important for us to look at the full pipeline and not move forward on such a major infrastructure project that will be a part of the country and the landscape for many years in pieces like that.”

She said that since Nov. 10, when the State Department [announced](#) that it was postponing a decision on the pipeline until at least early 2013, the department has been working with Nebraska to get the information needed to analyze alternative routes.

“It’s my understanding that the applicant is just now looking at corridors where alternate routes are possible,” Jones said. “That doesn’t include the analysis of the topography or any endangered species. Much of that information could take quite a while to get.”

Separately, in [a report](#) submitted to Congress on Wednesday under a provision of December’s payroll tax cut extension, the State Department said the pipeline’s denial is “unlikely to have a substantial impact on U.S. employment, economic activity, trade, energy security or foreign policy over the longer term.”

“There is currently excess cross-border pipeline capacity, but limited connections to the U.S. Gulf Coast refineries,” the report says, adding that other pipeline expansion proposals would have a greater impact on increasing the amount of oil imported from Canada.

The report says that if no new cross-border pipelines were built by 2020, it would have little impact on the amount of crude oil refined in the U.S, the amount of refined products — like gasoline — that are imported to the U.S., or the amount of oil imported from Canada.

The report also says the direct construction jobs created by the Keystone project would be about 5,000 and 6,000 in the United States during the two years of construction. Reports of 20,000 jobs created — or more — are “inflated” based on a “misinterpretation of one of the economic analyses prepared on the pipeline,” the report adds.[back](#)

**Canada on Keystone: We'll move on to Asia [back](#)**

By Alex Guillen | 1/18/12 5:21 PM EST

Canadian officials say the Obama administration's rejection of the Keystone XL pipeline proves that Canada must expand its energy market beyond the United States to Asia.

"Today's decision by the Obama administration underlines the importance of diversifying and expanding our markets, including the growing Asia market, to help ensure the financial security of Canadian families for decades to come," Natural Resources Minister Joe Oliver told reporters Wednesday afternoon.

"We want to diversify our market. China wants to diversify its sources of supply," Oliver added. "They are hungry for our energy, they're growing at an extremely rapid rate, they are the biggest consumers of energy in the entire world and so they're waiting for us to get these projects built."

Canada sends almost all of its oil exports south to the U.S. — 99 percent, according to the Energy Information Administration.

Twenty percent of U.S. oil imports and 18 percent of its natural gas imports come from Canada, the State Department says.

"We basically have, currently, one customer for our energy exports," Oliver said. "That customer has said that it doesn't want to expand at the moment, so it certainly intensifies the broad strategic objective of the government to diversify our markets to Asia."

On a call earlier Wednesday with President Barack Obama, Canadian Prime Minister Stephen Harper "expressed his profound disappointment," according to a readout from the prime minister's office.

He also "reiterated to the president that Canada will continue to work to diversify its energy exports."

Harper plans to visit China next month to discuss trade issues. Oil and other energy resources are likely to be on the top of the list.

Foreign Affairs Minister John Baird agreed that his nation must shift its energy trade.

"We're going to continue to be an active supporter of the project and obviously this whole episode underlines the importance of diversifying our market," Baird told reporters shortly after the news broke Wednesday. "We can't have only one customer."

"It's a challenging political hot potato south of the border," he added.

The Keystone XL project itself, meanwhile, continues to have the support of the Conservative Party-controlled Canadian government.

Oliver said he was not surprised that TransCanada plans to reapply for a permit.

“Obviously this isn’t over. Because we are supportive of the Keystone XL, you know, we’ll continue to be supportive. They [TransCanada] apparently see the economic benefit of proceeding with it,” Oliver said. “I think that ultimately this will be approved.”[back](#)

### **Moderate Dems question Keystone call [back](#)**

By Scott Wong and Darren Goode | 1/18/12 5:58 PM EST

It wasn't just Republicans that hit back Wednesday against President Barack Obama's rejection of the Keystone XL pipeline.

Moderate Democrats and labor unions — both of which may be called upon by Obama to help in his reelection effort — criticized the move.

Rep. Jason Altmire of Pennsylvania called Obama's decision "a missed opportunity to drastically turn this economy around" and create jobs, while Sen. Mark Begich of Alaska said it was “disappointing and frustrating.”

“President Obama’s decision on the Keystone XL pipeline is a major setback for the American economy, American workers and America's energy independence,” freshman Sen. Joe Manchin of West Virginia said in a statement. “As our country has a continued need for oil, it only makes sense to me that we would buy it from our friends in Canada, rather than continuing to buy it from countries around the world that seek to do us harm.”

Manchin and other Democrats vowed to press the Obama administration to move forward with the project, which they view as a boon for American jobs and a step toward energy independence.

An aide to powerful Senate Finance Committee Chairman Max Baucus of Montana said the senator would continue fighting “to get this project off the ground.”

Laborers' International warned that "blue-collar construction workers across the U.S. will not forget this."

Obama has "once again ... sided with environmentalists instead of blue-collar construction workers — even though environmental concerns were more than adequately addressed," the union said in a statement.

"Jobs remain at the top of the list of voters' concerns heading into the 2012 elections," added Mark Ayers, president of the Building and Construction Trades Department of the AFL-CIO. "Our members had anxiously embraced the hopeful rhetoric of 'We Can't Wait' in response to an unproductive Congress that seems incapable of acting on meaningful job creation initiatives, only to be disappointed by an administration unwilling to take its own words to heart and approve this vital project."

In a statement Wednesday afternoon, Obama said his decision wasn't based "on the merits of the pipeline" but because he was forced to take action before a 60-day deadline imposed by Republicans. That wasn't enough time for his administration to gather the information needed to approve the project, he said.

While the 60-day deadline was not ideal, said Rep. Gene Green of Texas, Obama could have issued a conditional permit for the project while energy infrastructure firm TransCanada, the Obama administration and state officials worked on an alternative route. He urged TransCanada to resubmit its application and asked the administration to work on an expedited schedule.

"Any further delays by the administration only prolong our dependence on oil from nations that are hostile to us and could encourage the Canadians to sell their product elsewhere," Green said.

Begich, a member of Senate Majority Leader Harry Reid's leadership team, said Obama's announcement underscored the need to develop and expand oil production in Alaska, particularly in the Arctic National Wildlife Refuge.

"This area was set aside by Congress specifically for oil and gas production, and it needs to be part of a comprehensive energy plan for the country," Begich said.

Montana Gov. Brian Schweitzer, a Democrat who is backing the pipeline, argued that Republicans were asking the State Department to do the impossible.

"They're asking the State Department to do something the State Department can't do: offer a permit on a pipeline that has an incomplete application," Schweitzer told POLITICO. "That's like asking a referee to end the game at the end of the third quarter."

Schweitzer noted that while his state and others along the pipeline route have granted permits, "You want to fix this? Get on a plane and fly to Nebraska. The problem's in Nebraska."

"It's just more Washington, D.C., debating how many angels can dance on the head of a pin," Schweitzer said. "Congress seems to be an advocate for a pipeline to nowhere. How can the State Department make a decision about a pipeline which is route uncertain and permit deficit?"

Schweitzer said he is backing the pipeline because it would create a couple of thousand jobs in his state just tied to its construction and would also allow oil drilled in Montana to get to the market. "There's not a bigger advocate in America for this pipeline than me," he said.

He also predicted it would win approval eventually.

"Mitt Romney had \$10,000 to bet. I've got \$100 to bet that this pipeline will be built once Nebraska has a route and a permit," he said.[back](#)

**Greens going to court to force coal ash decision [back](#)**

By Erica Martinson | 1/19/12 5:32 AM EST

Environmentalists on Wednesday announced plans to sue EPA to get a court-ordered decision on regulating coal ash ponds before the end of this year.

“The EPA has failed to review and revise as necessary ... regulations that should but do not provide adequate safeguards for the management and disposal of coal ash and other industrial wastes that have too long escaped effective regulation,” Earthjustice and other groups said in a [60-day notice](#) to EPA.

EPA proposed several options for regulating coal ash in June 2010 but has not acted to finalize them.

EPA Administrator Lisa Jackson said recently that the agency plans to regulate coal ash by the end of the year. But environmentalists seem to have little trust that that will happen, and instead are eager for a court-mandated deadline.

“The agency has said recently that it would issue a final rule by the end of 2012 ... but it is under no enforceable obligation to do that,” said Earthjustice attorney Lisa Evans.

At issue in particular are the massive ponds of wet coal ash used by power plants to store the byproduct of burning coal, which EPA proposed to regulate under the Resource Conservation and Recovery Act.

Fly ash, bottom ash, scrubber sludge and boiler slag increase as power plants capture toxins to keep from polluting the air — and that means that EPA’s planned tightening of air regulations for coal-fired power plants will actually increase the amount of coal ash produced.

Environmentalists argue that as a result, power plants would be substituting one method of pollution for another, allowing arsenic, cadmium, hexavalent chromium, lead, mercury, selenium and thallium into landfills and ponds that pollute ground water, drinking water and the air nearby. Those chemicals can act as carcinogens and neurotoxins and have other poisonous effects.

Many coal ash ponds are near homes, where residents fear that without federal regulation they could face a spill like one that [struck Tennessee](#) in 2008. Homes there were flooded with 5 million cubic yards of coal fly ash when a dam broke.

The environmentalists’ plans to sue are based on several requirements under the waste law, in particular a requirement that EPA review a regulation exempting coal ash from hazardous waste rules or a timely revision of regulations relating to coal ash disposal.

The environmentalists say in their notice of intent to sue that “the EPA has formally determined since at least 2000 that existing regulations are inadequate for the protection of human health and the environment from the dumping of coal ash.” EPA should have completed revisions by 2003,

they argue.

The environmentalists also argue that quick action by EPA would prevent [legislation](#) from moving forward in Congress that would block EPA's ability to regulate coal ash. "In the absence of EPA action, it gives Congress a space to act," Evans said.

At the heart of the controversy is whether coal ash is a hazardous waste. EPA is fairly likely to regulate coal ash impoundments — such as by requiring them to be lined to prevent leaks — as a hazardous waste under RCRA.

Many industry observers are concerned, though, that such a step could have negative consequences for coal ash that is sold for use in building supply products such as wallboard and cement.

Opponents say labeling coal ash as hazardous would lessen interest in its reuse. Environmentalists argue that regulation would encourage reuse, because power plants would need to dispose of it.

Critics also argue that requirements to line coal ash ponds will in effect require many of them to close, incurring costs that would often be passed on to electricity rate-payers.

The suit doesn't seek a specific outcome so much as a mandated deadline for a decision, Evans said. But the clear goal seems to be to have the regulations completed while the Obama administration is still calling the shots.

"Our goal is to have the regulations issued in 2012," Evans said. "If there's not a time certain, these things can slip. ... And we're coming to the end of the first Obama administration." [back](#)

## **Solar company under fire over 'racist' holiday card [back](#)**

By Alex Guillen | 1/19/12 5:32 AM EST

A company seeking tariffs on imports of Chinese solar panels is under fire for a [holiday card](#) depicting a caricatured Asian Santa.

The German-based solar project developer SolarWorld AG sent the card to its European affiliates. Besides the Asian Santa cartoon, the card provides a 2012 "wish list" written in German, including items like "best price," "highest quality" and "German jobs."

"SolarWorld AG honors and respects the full diversity of the world's population, including the people of China," spokesman Milan Nitzschke said.

Sustainable Business Oregon [first reported](#) the news of the card Tuesday.

One distributor of Chinese-made solar panels said the caricature is part of an ongoing attempt by SolarWorld to smear Chinese manufacturers.

“I feel SolarWorld is more interested in putting this whole solar panel competition on the global stage as a racial issue rather than a business issue,” said Grape Solar founder Ocean Yuan, whose company distributes panels through outlets such as Costco and Home Depot. He made the card public after being forwarded a copy.

Yuan pointed to a 2010 statement from SolarWorld CEO Frank Asbeck: “How can you produce anything in the U.S. as long as Chinese are paid like donkeys?” the Oregonian [reported](#).

“SolarWorld is trying to say, ‘Hey, all the Chinese solar panels are made in a dirty factory and using slave labor,’” Yuan said. “It’s pure ignorance of what’s going on in the solar manufacturing space in China, which is state of the art.”

SolarWorld’s U.S. arm is lobbying the Commerce Department and the U.S. International Trade Commission for tariffs on Chinese solar goods, complaining that illegal subsidies have hurt U.S. manufacturers by forcing down prices. It is planning to bring similar charges in the European Union.

Yuan also demanded in a [letter](#) Tuesday that Oregon Sens. Ron Wyden and Jeff Merkley, who have supported the trade petition, “immediately disassociate yourselves from SolarWorld’s efforts in view of SolarWorld’s outrageous and racist tactics.”

The lawmakers “should be embarrassed and outraged by this blatantly racist card and disgraceful caricature attack on the Chinese,” Yuan wrote.

Wyden and Merkley condemned the card in a joint statement but said it should have no impact on SolarWorld’s trade complaint.

“The trade complaint filed by SolarWorld USA — which had no part in creating and distributing this card — should be judged on its merits,” they said. “To do otherwise would be unfair to the American workers losing their jobs because of unfair trade practices.”

Wyden and Merkley hosted the trade complaint’s announcement when it was filed in October. SolarWorld’s U.S. branch is headquartered in Oregon, as is Grape Solar.

The government is expected to release preliminary findings from its investigation in February. [back](#)

**Whitfield: Think tank, Dems thwarting USEC [back](#)**

By Darius Dixon | 1/18/12 12:06 PM EST

Rep. Ed Whitfield blames an odd one-two punch from House Democrats and the Heritage Foundation for killing his USEC rescue plan.

For months, the Kentucky Republican has led efforts in the House to save the company's

uranium enrichment plant in Paducah, Ky., which could close in May — wiping out 1,200 jobs — if it doesn't get new contracts from the Energy Department.

The plant also has strong support from the state's two Republican senators, Rand Paul and Minority Leader Mitch McConnell. But in recent weeks, Whitfield's commitment to taking swift action on USEC folded even before Congress began its 2012 session.

Whitfield revised and re-revised his USEC bill but says it ran into stiff opposition from Heritage Foundation conservatives, whom House Democrats insisted would have to testify at any hearing on the legislation.

“We have removed all objections. Honeywell didn't object, uranium miners did not object,” he said. “The only people who are objecting are the Obama administration, [House Energy and Commerce ranking member] Henry Waxman and the Heritage Foundation.”

Last month, Whitfield announced that the Energy and Commerce Committee and his Energy and Power subpanel would hold hearings and votes on his USEC bill. But that effort collapsed last week while supporters were trying to meld it with [assistance](#) for a separate USEC project in Ohio.

“I pulled it because if the Heritage Foundation is going to come out opposed to it, then there are going to be some conservative people around here — who do not have a clue of what this is about, it is pretty complicated — [who will not support it],” he said.

The Obama administration and the Energy Department don't need new legislation to keep the Paducah plant from closing, Whitfield added.

“The administration can do this this afternoon if they want to,” he said. “I'm going to give them the opportunity to accept the credit or the blame.”

A letter from House members, including Whitfield and Speaker John Boehner, pressed Energy Secretary Steven Chu to help USEC projects in both Kentucky and Ohio. But Chu's response Friday addressed only the Ohio project.

“I was shocked that, evidently, they can't read letters over there because they only responded to half of it,” Whitfield said. He said he's prepping a new letter to Chu needling him for a plan to help the Kentucky site.

But Whitfield also didn't mince words about his frustration with the Heritage Foundation, which has opposed earlier versions of his bill for its lack of adherence to free market principles.

“If the Heritage Foundation and the Obama administration are not interested in saving 1,200 jobs, there's nothing else I can do about it,” he said.

Jack Spencer, the foundation's nuclear expert, said the organization doesn't scorn the entire bill. But he said every version of Whitfield's USEC legislation that he's seen has remained

anti-competitive.

“We want the United States to have as robust and competitive an economy as possible and we simply believe, broadly speaking, that the way to do that is not to pass legislation that gives special benefits to specific companies,” Spencer said.

That being said, he added, his organization likes the idea of making DOE utilize stocks of uranium currently sitting at USEC sites — potentially being transported and processed by other companies, if necessary — and agrees that selling the material would add money to government coffers.

“I understand the desire for politicians to support their constituents but that’s not my job,” Spencer said. “My job is to look at nuclear energy issues. And from a nuclear energy issues standpoint, I feel the nation’s best served through open competition.”

While the uranium sales would help the nuclear industry, “I think whoever can put together the best offer should be the one who get to do that work,” he added. “And it could very well be USEC.”[back](#)

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Alex Barron/DC/USEPA/US  
04/13/2012 08:43 AM

To "Lorie Schmidt", "Jim Democker"  
cc  
bcc  
Subject Fw: EPA CALLS FOR 'CUMULATIVE' STUDY OF COAL EXPORTS' ENVIRONMENTAL IMPACTS

Sandy Germann

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

**From:** Sandy Germann

**Sent:** 04/13/2012 07:53 AM EDT

**To:** Al McGartland

**Cc:** Michael Goo; Bicky Corman; Shannon Kenny; Alex Barron

**Subject:** EPA CALLS FOR 'CUMULATIVE' STUDY OF COAL EXPORTS' ENVIRONMENTAL IMPACTS

Al, This was a Region 10 action....Would NCEE likely be involved in such a study?

## **EPA CALLS FOR 'CUMULATIVE' STUDY OF COAL EXPORTS' ENVIRONMENTAL IMPACTS**

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

**News Text:** EPA is calling for a cumulative impacts analysis of coal exports, indicating at least some support for activists' and clean energy proponents' request to analyze the total impact of several proposed coal export projects under the National Environmental Policy Act (NEPA) rather than looking at the piecemeal effects of each one in isolation.

EPA's move -- included in April 5 comments submitted to the Army Corps of Engineers on the proposed Port of Morrow coal terminal project in Oregon -- is the latest milestone in a growing battle over proposed projects to boost exports of domestic coal to Asia, amid concerns that such exports could exacerbate both local and global environmental problems. It also comes as agencies wrestle with how to manage the burden of analyzing multiple projects. Relevant documents are available on InsideEPA.com. (Doc ID: 2395634)

However, EPA in the comments letter stops short of calling for the "programmatic" environmental impact statement (PEIS) for pending coal projects that some groups have sought, and instead calls for a "cumulative impacts analysis" of exporting large quantities of Wyoming and Montana coal to Asia.

An EPA Region X source adds in an interview that the "intent" of the letter was to focus on recommendations for reviewing the cumulative effects of the Oregon project and not to dictate reviews of the other coal proposals, a characterization that appears to walk back from the agency comments.

The source says it is ultimately up to the Corps of Engineers "how broad or narrow any analysis will be." The source notes that the review of the Oregon project is in its earliest stages.

EPA Region X in the letter to the Corps says it is commenting on the Oregon project, pursuant to the agency's responsibilities under NEPA and the Clean Air Act to weigh in on major federal activities. In procedural terms EPA is responding to an open public comment

period by the Corps on a permit for the Port of Morrow coal "transloading facility," under Section 10 of the Rivers and Harbors Act. EPA also cites likely coal dust and diesel emissions from the loading and transport of coal as its "primary preliminary concerns" related to the impact of the project.

But in a section of the letter discussing "contribution to cumulatively significant impacts," the agency notes that the Port of Morrow project is "one of at least six proposals to export coal from Oregon and Washington, and one of at least three which will require permits from the Corps."

Further, "all of the projects -- and others like them would have several similar impacts . . . [including] cumulative impacts to health and the environment from increases in greenhouse gas emissions, rail traffic, mining activity on public lands, and the transport of ozone, particulate matter and mercury from Asia to the United States."

Accordingly, Region X urges a "broadly-scoped cumulative impacts analysis of exporting large quantities of Wyoming and Montana-mined coal through the west coast of the United States to Asia. This cumulative impacts analysis could be used in the environmental analyses of other proposed coal export projects of similar scope."

In language that appears to be focused on the Oregon project, EPA also includes a call for integration of environmental review and consultation requirements for the project into a "single NEPA process" that would combine NEPA reviews with those under the Clean Water Act and the National Historic Preservation Act. "For example, integrating the NEPA process with those for permitting under a section 404 of the Clean Water Act and consultations under Section 106 of the National Historic Preservation Act would result in streamlined and consistent agency decision making, enhanced public disclosure and better predictability for the applicant."

The EPA letter comes as the Corps of Engineers has extended comment on the Port of Morrow project until May 5, with environmentalists embroiled in a related fight seeking a full EIS rather than a less extensive environmental assessment (EA) for the project.

It also comes several weeks after the coal exports issue came up during a recent March 15 listening session in Seattle with numerous participants, including Region X Administrator Dennis McLerran and EPA air office chief Gina McCarthy. At that session, clean energy backers and environmentalists urged EPA to take a close look at the coal projects and back a programmatic environmental impact statement (EIS) that would look at the projects cumulatively. Groups attending the session included the Power Past Coal Coalition, that includes the energy nonprofit Climate Solutions, as well as the environmental groups Columbia River Keeper, Earthjustice, Sierra Club, Washington Environmental Council and the Western Organization of Resource Councils.

Although the EPA comments do not endorse a PEIS, sources say a formal letter from environmental groups calling for a PEIS of multiple coal projects is imminent.

One environmentalist downplays the lack of an EPA reference to a PEIS in its comments, touting EPA's letter as an indication that EPA and environmentalists agree on the need for a discussion of cumulative effects of the coal projects. "Let's worry about the label on the [analysis] at some other point," the source says.

EPA in its comment letter says it is "reasonable to expect" that decisions related to plans to ship Montana and Wyoming coal to Asia will be "controversial", and also cites other concerns related to impacts on the Columbia River and endangered species. Environmental groups have also been ramping up claims that the carbon footprint of the projects -- taking into account coal combustion abroad -- is greater than that of the controversial Keystone XL tarsands oil pipeline.

The Corps of Engineers did not respond by press time to an inquiry on the EPA letter. --  
Doug Obey

Alex Barron/DC/USEPA/US  
10/05/2012 08:31 AM

To "Lydia Wegman", "Bryan Hubbel"  
cc  
bcc  
Subject Fw: san diego union op-ed

Sandy Germann

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

**From:** Sandy Germann  
**Sent:** 10/05/2012 08:22 AM EDT  
**To:** Michael Goo; Shannon Kenny; Robin Kime; Alex Barron; Al McGartland; Alexander Cristofaro; Nancy Ketcham-Colwill; John Frece; Joel Scheraga; Bicky Corman

**subject:** AIR POLLUTION HEALTH RISKS NOT AS DIRE AS CLAIMED

Opinion in San Diego Union Tribune by James Enstrom, Ph.D., M.P.H., epidemiological researcher at UCLA School of Public Health's who's described as an "expert in the health effects of air pollution in California." He takes issue with American Lung Association's findings in new "State of the Air 2012" report.

#### **AIR POLLUTION HEALTH RISKS NOT AS DIRE AS CLAIMED**

**Outlet Full Name:** U-T San Diego - Online

**News Text:** Contrary to what some may think, AB 32, the "Global Warming Solutions Act of 2006," has nothing to do with air pollution as it has been classically defined. AB 32 is the California Legislature's attempt to deal with the worldwide problem of global warming by using regulations and market mechanisms ("cap-and-trade") to reduce greenhouse gas emissions in California to 1990 levels by 2020.

A recent U-T San Diego commentary, "Clean air and AB 32 help to keep us healthy," presents a highly inaccurate view of air pollution health effects in San Diego County and California. In particular, the author, Mike Welch, M.D., incorrectly claims that "AB 32 is an essential part of cleaning up California's air, and is critical to protecting public health from air pollutants that make people sick and shorten lives."

Greenhouse gases, primarily CO<sub>2</sub>, have only recently been considered by some to be a form of air pollution. However, CO<sub>2</sub> certainly does not have the public health risks of classical air pollutants. Indeed, a normal level of CO<sub>2</sub> in the lungs and arterial blood (about 40 mm Hg or about 5 percent of total air at sea level) is imperative for human health.

Because of the adverse economic impact of new greenhouse gas regulations, Proposition 23, a voter initiative to suspend AB 32 until the California economy recovers, was placed on the November 2010 ballot. Proposition 23 was defeated in large part because advocacy organizations like the American Lung Association misrepresented it as an effort to suspend air pollution regulations in California. The official ballot arguments signed by the ALA contained inflammatory and false statements like "Prop. 23 is a DIRTY ENERGY PROPOSITION that MEANS MORE AIR POLLUTION and INCREASED HEALTH RISKS - Vote NO."

The ALA has also misrepresented air pollution health effects in California in its report, "State of the Air 2012." San Diego County is listed as one of the most polluted counties in America

based on its measured levels of ozone and fine particulate matter (PM2.5) relative to the National Ambient Air Quality Standards (NAAQS). The NAAQS were set by the U.S. Environmental Protection Agency (EPA) years ago based on the EPA assessment of the national health effects associated with these pollutants. However, there is now overwhelming evidence that the health effects of these pollutants in California are minimal and that the NAAQS are not applicable to California and San Diego County.

Since 2000, 10 separate analyses of five major cohorts of Californians have shown that there is NO relationship between PM2.5 and total mortality (also known as "premature deaths") in California. One of these analyses was led by UC Berkeley Professor Michael Jerrett and was based on about 75,000 California adults in the American Cancer Society Cancer Prevention Study cohort. The results of this 2011 analysis found that criteria pollutants (PM2.5, PM10, ozone, NO2 and sulfate) were not related to total mortality during 1982-2000.

These findings have been independently assessed by several qualified scientists and are summarized in a 2011 "Dust and Death" commentary by statistician Matt Briggs, Ph.D. There is some confusion regarding these findings because PM2.5 shows positive associations with cardiovascular diseases and negative associations with cancer and other diseases. But the association with all deaths is null, meaning there are no "premature deaths" due to PM2.5. Unfortunately, these California-specific analyses are not mentioned in "State of the Air 2012," as they should have been.

California is a very healthy state that has already reduced air pollution down to safe levels. Based on the most recent (2009) mortality statistics from the CDC WONDER database, San Diego County had an age-adjusted total death rate that was 15 percent below the U.S. death rate. This death rate was lower than the death rate in every state except Hawaii. In addition, San Diego County had an asthma death rate that was 30 percent below the U.S. asthma death rate. Indeed, only 22 of the 19,177 deaths in San Diego County during 2009 were due to asthma.

While Dr. Welch's efforts to help children with asthma are highly laudable, they do not justify the misstatements he has made regarding AB 32 and air pollution health effects in California and San Diego County.

*Enstrom, Ph.D., M.P.H., has been conducting epidemiologic research at the UCLA School of Public Health since 1973. He is an expert in the health effects of air pollution in California.*

Alex Barron/DC/USEPA/US  
10/05/2012 08:31 AM

To "Lydia Wegman", "Bryan Hubbel"  
cc  
bcc  
Subject Fw: san diego union op-ed

Sandy Germann

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

**From:** Sandy Germann  
**Sent:** 10/05/2012 08:22 AM EDT  
**To:** Michael Goo; Shannon Kenny; Robin Kime; Alex Barron; Al McGartland;  
Alexander Cristofaro; Nancy Ketcham-Colwill; John Frece; Joel Scheraga; Bicky  
Corman

**subject:** AIR POLLUTION HEALTH RISKS NOT AS DIRE AS CLAIMED

Opinion in San Diego Union Tribune by James Enstrom, Ph.D., M.P.H., epidemiological researcher at UCLA School of Public Health's who's described as an "expert in the health effects of air pollution in California." He takes issue with American Lung Association's findings in new "State of the Air 2012" report.

#### **AIR POLLUTION HEALTH RISKS NOT AS DIRE AS CLAIMED**

**Outlet Full Name:** U-T San Diego - Online

**News Text:** Contrary to what some may think, AB 32, the "Global Warming Solutions Act of 2006," has nothing to do with air pollution as it has been classically defined. AB 32 is the California Legislature's attempt to deal with the worldwide problem of global warming by using regulations and market mechanisms ("cap-and-trade") to reduce greenhouse gas emissions in California to 1990 levels by 2020.

A recent U-T San Diego commentary, "Clean air and AB 32 help to keep us healthy," presents a highly inaccurate view of air pollution health effects in San Diego County and California. In particular, the author, Mike Welch, M.D., incorrectly claims that "AB 32 is an essential part of cleaning up California's air, and is critical to protecting public health from air pollutants that make people sick and shorten lives."

Greenhouse gases, primarily CO<sub>2</sub>, have only recently been considered by some to be a form of air pollution. However, CO<sub>2</sub> certainly does not have the public health risks of classical air pollutants. Indeed, a normal level of CO<sub>2</sub> in the lungs and arterial blood (about 40 mm Hg or about 5 percent of total air at sea level) is imperative for human health.

Because of the adverse economic impact of new greenhouse gas regulations, Proposition 23, a voter initiative to suspend AB 32 until the California economy recovers, was placed on the November 2010 ballot. Proposition 23 was defeated in large part because advocacy organizations like the American Lung Association misrepresented it as an effort to suspend air pollution regulations in California. The official ballot arguments signed by the ALA contained inflammatory and false statements like "Prop. 23 is a DIRTY ENERGY PROPOSITION that MEANS MORE AIR POLLUTION and INCREASED HEALTH RISKS - Vote NO."

The ALA has also misrepresented air pollution health effects in California in its report, "State of the Air 2012." San Diego County is listed as one of the most polluted counties in America

based on its measured levels of ozone and fine particulate matter (PM2.5) relative to the National Ambient Air Quality Standards (NAAQS). The NAAQS were set by the U.S. Environmental Protection Agency (EPA) years ago based on the EPA assessment of the national health effects associated with these pollutants. However, there is now overwhelming evidence that the health effects of these pollutants in California are minimal and that the NAAQS are not applicable to California and San Diego County.

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*Enstrom, Ph.D., M.P.H., has been conducting epidemiologic research at the UCLA School of Public Health since 1973. He is an expert in the health effects of air pollution in California.*

**Alex Barron/DC/USEPA/US**  
03/19/2012 09:07 AM

To "Michael Goo"  
cc  
bcc  
Subject Fw: Chu-backed coal plant faces tough questions

Note middle of story where politico is strangely confident about our standard.

A

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**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 03/19/2012 09:01 AM AST  
**To:** Alex Barron  
**Subject:** Chu-backed coal plant faces tough questions

## **Chu-backed coal plant faces tough questions**

By Erica Martinson  
3/19/12 8:59 AM EDT

The Mississippi Supreme Court is questioning the high costs local citizens face for building an innovative carbon-capture coal plant that has been the subject of financial support and personal intervention from former Gov. Haley Barbour and Energy Secretary Steven Chu.

On Thursday the Mississippi Supreme Court [ruled](#) that the local public utility commission needs to back up its unusual decision allowing Mississippi Power Co. (owned by Southern Co.) to charge customers for the construction of a \$2.88 billion coal-fired power plant while it is being built.

The local public service commission made that decision only after Southern Co. said it would have to halt the project for lack of funding. At that point, Chu jumped into the fray, finding himself the unlikely bedfellow of Barbour, the former chairman of the Republican National Committee.

The project is of national importance "because it provides a viable option for using our abundant coal resources in a cost-effective and clean manner and for reducing power plant emissions," Chu said in a May 19, 2010, [letter](#) to Northern District Commissioner Brandon Presley. He said reliance on coal is important to national security and in that sense the plant could help protect the country from volatile and unstable international energy markets.

When complete, the 582 megawatt coal-fired power plant would capture around 65 percent of its carbon dioxide emissions and use that CO2 in oil drilling projects elsewhere in the state.

And in the letter Chu also tugged on a couple of purse strings: He noted that more than \$400 million has already been invested by DOE and Southern Co. for technology used at the plant. And if the project was delayed, Chu said he may have to reallocate \$270 million of DOE direct

funding for the project. And he warned any delay would also put \$412 million of investment tax credits authorized by congress "in jeopardy." It could also affect Mississippi Power Co.'s credit rating, he said.

The viability of commercial scale carbon capture and sequestration is key to the Obama administration's plans to limit greenhouse gas emissions at new power plants. (Currently holed up at the White House is a rule to require that new power plants hold a line on carbon dioxide emissions similar to those from a natural gas-fired plant.)

"Without the Kemper County Project, DOE may not have the opportunity to demonstrate this technology and make it available for the cost-effective use of low rank coals for power generation," Chu wrote.

So whether the Kemper County project is even remotely cost-effective speaks at the very least to the perception of whether carbon capture is actually an "available" technology.

"There's a certain chicken-egg problem," said John Thompson, director of the fossil transition project for the Clean Air Task Force. "There's limited deployment of the technology until the rules come out. And it's always hard to get the rule to come out until there's more technology out there."

The reality of the coal-fired power business is that carbon capture and sequestration is not yet operating at commercial scale, and given the current low price of natural gas, it is in comparison exorbitantly expensive.

And that high price tag falls, generally, only to local power customers who often have no choice in where they draw their power.

"I'm not going to try to prejudge what the public service commission is going to decide ... what is fair for Mississippi," Thompson said, while noting that the project is of global significance.

The Sierra Club, however, is hopeful things will swing in the other direction. The environmental group has been fighting the project and called Thursday's ruling "a major blow to the dirty, expensive and unnecessary proposed Kemper coal plant project," saying the technology is "expensive and untested."

Louie Miller, the director of the Mississippi chapter of the Sierra Club, said that the change-of-heart by two of three commissioners was due to outside pressure from Southern Co. and Chu.

"They came back and gave them another \$488 million on top of the \$2.4 billion" and also allowed the company to draw reimbursement before the plant is online, Miller said. Traditionally, "all the risk is borne by the Fortune 500 Corporation and the stockholders."

But the commission was under extreme pressure from "the Secretary of Energy [who was] sending very forcefully worded letters ... to our Podunk public service commission to reconsider

their vote” and from then-governor Barbour, who has strong [lobbying ties](#) to Southern Co., Miller said.

Barbour has charged that the project is important for Mississippi and the nation’s energy future and [spoke](#) at the project’s groundbreaking. And Miller charges that DOE went barreling forward with the project without carefully considering the federal investment or whether the permit would even be finalized at the plant.

Commissioner Brandon Presley, the lone-dissenter on the three-man panel , was thrilled with the 9-0 decision by the Mississippi Supreme Court, saying in a statement Thursday that it “deals a serious blow to the company’s corporate socialism.”

“In this case, Mississippi Power Co. gave new meaning to the phrase ‘We got the gold mine, they got the shaft,’” he said, arguing that the company is hiding rate impacts and mistreating customers who risk a 45 percent rate hike.

“I believe in ‘pay as you go,’ I just don’t believe you should pay BEFORE you go,” Presley’s statement said.

The Mississippi Supreme Court only asked the commission to provide more evidence to the record for its decision, and to that end, Mississippi Power is confident nothing will change, said company spokesman Jeff Shepard.

Southern Co. spokeswoman Stephanie Kirijan said the company “will work closely with the commission to resolve the issues raised by the Supreme Court.”

So far, she said, the project has received \$245 million from DOE and is awaiting \$25 million more “following commercial operation.”

To read and comment online:

<https://www.politicopro.com/go/?id=10073>

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**Alex Barron/DC/USEPA/US**  
03/05/2012 11:25 AM

To "Michael Goo"  
cc  
bcc

Subject Fw: What to expect when EPA releases greenhouse gas regs

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**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 03/05/2012 06:26 AM EST  
**To:** Alex Barron  
**Subject:** What to expect when EPA releases greenhouse gas regs

## **What to expect when EPA releases greenhouse gas regs**

By Erica Martinson  
3/5/12 6:24 AM EST

The White House and the EPA are just about ready to release proposed greenhouse gas regulations for new power plants.

Technically, they are still considered “under review” at the White House Office of Management and Budget, but a general vision has become clear: From this point forward, any new coal plant would have to employ technologies to capture at least half of their carbon dioxide emissions.

As many have long expected, the greenhouse gas New Source Performance Standards for power plants will limit emissions at new power plants to the equivalent of those emitted from a combined-cycle natural gas plant, several sources say.

With a similar purpose, the states of California and Washington have required that new power sources emit no more than 1,100 pounds of carbon dioxide per megawatt-hour — a rate generally easily met by gas-fired facilities. Coal plants have an emission rate twice as high. Illinois, Montana and Oregon also limit carbon dioxide emissions at new power plants, but through different regulatory mechanisms.

While the NSPS rule would generally apply to both new plants and those undergoing major modifications, the proposed rule includes language to ensure that coal plants undergoing modifications to comply with the agency’s new mercury and air toxics rule over the next several years will not be roped into the requirements, sources say. That stipulation backs assurances made in January by EPA air administrator Gina McCarthy.

So what does this mean?

Not much for anyone who wants to build a natural gas plant, or wind, nuclear, solar or hamster-wheel power.

But for coal, there's going to be a push to capture emissions.

Power companies could store the carbon dioxide deep underground in geologic formations or pipe them to oil and gas drilling operations for a process known as “enhanced oil recovery.” Oil drillers have long employed the practice of injecting CO<sub>2</sub> underground to force out oil deposits.

The technology required to capture CO<sub>2</sub> at coal plants comes with a high cost, making it, for most, not worth it while other power generation options are much less expensive.

Practically, it will mean little in coming years on a national scale, some say. Because of a number of [economic forces](#) at hand, less than a dozen coal plants are in the process of attempting to open.

Only one coal plant has broken ground during the Obama administration, in Kemper County, Miss. That 582 megawatt coal plant is expected to capture around 65 percent of its CO<sub>2</sub> emissions, putting it in line with a natural gas-fired plant.

Even that project has not been without controversy: Some activists fear the \$2 billion-plus price tag will be handed back to rate-payers. And the Sierra Club opposed the Department of Energy’s \$270 million investment in the plant — part of an [ongoing effort](#) by DOE to prop up carbon capture and sequestration innovation.

Though the new rule is ready to go, the timing of the public release remains in flux, sources say. Indications are that the EPA will release the rule by next week.

To read and comment online:

<https://www.politicopro.com/go/?id=9695>

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**Alex Barron/DC/USEPA/US**  
04/15/2011 10:35 AM

To "Paul Balsarak", "DavidA Evans"  
cc  
bcc  
Subject Fw: coal plant efficiency

---

**From:** John Coequyt [John.Coequyt@sierraclub.org]  
**Sent:** 04/07/2011 05:43 PM AST  
**To:** Alex Barron  
**Subject:** Re: Follow up

Bruce cites these three studies:

See, e.g., [http://www.npc.org/Study\\_Topic\\_Papers/4-DTG-ElectricEfficiency.pdf](http://www.npc.org/Study_Topic_Papers/4-DTG-ElectricEfficiency.pdf)  
<http://www.epa.gov/nsr/ghgdocs/electricgeneration.pdf>  
[http://www.netl.doe.gov/energy-analyses/pubs/ImpCFPPGHGRdctns\\_0410.pdf](http://www.netl.doe.gov/energy-analyses/pubs/ImpCFPPGHGRdctns_0410.pdf).

Many of these studies document efficiency improvement options that exceed 7 per cent.

John Coequyt  
Sierra Club  
DL: 202.675.7916  
C: 202.669.7060

From: Barron.Alex@epamail.epa.gov  
To: "John Coequyt" <john.coequyt@sierraclub.org>  
Date: 04/05/2011 01:01 PM  
Subject: Follow up

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Can you pass along that info you were going to send?

Alex Barron/DC/USEPA/US  
09/14/2012 01:32 PM

To "Rennert, Kevin (Energy)"  
cc  
bcc  
Subject News pieces of possible interest

<http://www.freep.com/article/20120914/NEWS15/309140139/Renewable-energy-measure-has-solid-support-poll-finds>

----- Forwarded by Alex Barron/DC/USEPA/US on 09/14/2012 01:29 PM -----

## China's financing may give Texas carbon-capture project a boost

Christa Marshall, E&E reporter

Published: Thursday, September 13, 2012

China became a major player yesterday in a Texas carbon capture and sequestration project that is vying to become one of the world's first commercial demonstrations of the technology.

At an oil and gas forum in San Antonio, Texas, Summit Power Group announced that the Export-Import Bank of China will be the sole financial lender of the \$2.5 billion Texas Clean Energy Project, which envisions capture of 90 percent of the carbon dioxide from an advanced coal plant.

Summit Power said that the loan amount would be sufficient to meet all of the project's debt needs and would be contingent on the Chinese bank's "due diligence" and completion of an engineering contract. The energy developer also announced it intends to award an engineering contract to a subsidiary of Sinopec, the Chinese petrochemical giant.

The announcement provides more financial certainty for an initiative that has faced money hurdles. It is also likely to raise eyebrows about China's influence in the U.S. energy sector. But the United States and China face similar energy problems. They both have an abundance of coal and traditionally have relied on it to make electricity, but re-engineering their power systems to take the CO<sub>2</sub> out of coal emissions has been a major technological and economic challenge.

To date, financing has been the biggest obstacle in the United States for proposed carbon capture and sequestration projects generally, with many companies canceling planned demonstrations before they could break ground. The influx of China's money would put the Texas Clean Energy Project, along with Southern Co.'s Kemper project in Mississippi and FutureGen 2.0 in Illinois, in the running to be the first global project that would capture CO<sub>2</sub> from a coal plant at commercial scale.

**'Raising the bar' for clean energy**

"We are pleased to have created a global, collaborative initiative that will not only create U.S. jobs and so many valuable products to meet U.S. needs, but raises the bar in clean energy and supply innovation," said Donald Paul Hodel, chairman of the Summit Power Group.

The Texas Clean Energy Project would capture about 3 million annual tons of carbon dioxide from a 400-megawatt coal gasification plant near Odessa, Texas. The CO<sub>2</sub> would then be injected underground as part of enhanced oil recovery operations in the west Texas Permian Basin, boosting U.S. oil production by about 7 million barrels annually, according to Summit.

Gasified coal would be used to generate 200 MW of electrical power from the plant and produce commercial byproducts from the coal gasification process, including 700,000 annual tons of urea for fertilizer.

The company also signed a memorandum of understanding yesterday with the Sinopec Engineering Group, a subsidiary of the Sinopec Group. Under the memorandum, Summit said, it intends to award a new engineering and construction contract to Sinopec, with the intention that the Chinese company would use U.S. construction workers to build the project.

In addition to a loan from the Export-Import Bank, Summit said it was in "discussions" with U.S., European and Asian investors for sources of equity. The Department of Energy awarded the project \$450 million in 2010.

Summit said that Minnesota-based CHS Inc. will purchase the plant's entire urea output for fertilizer use and make a small equity investment in the initiative.

The Texas project has obtained all necessary permits for construction, which Summit said was slated to begin at the end of this year. Construction should take three or four years, the company said.

## **DOE and Texas help push the project**

In January, DOE announced that San Antonio-based utility CPS Energy would purchase the plant's power, the first such purchase by a utility from a commercial coal-fired power plant equipped with carbon capture ([ClimateWire](#), Jan. 18).

Previously, the company had said that Whiting Petroleum Corp. would purchase a major portion of the captured CO<sub>2</sub> for use in enhanced oil recovery in Texas.

The announcement comes amid a tough environment for CCS. Without a carbon price in the United States, many analysts believe it will be tough for developers to make investments in the technology.

Those projects that are viable increasingly are tied to enhanced oil recovery, which supplies a funding stream from oil companies eager for CO<sub>2</sub> to help push more crude out of aging reservoirs, which Texas has in abundance.

Even so, there is a question mark hovering over enhanced oil projects tied to proposed carbon capture. Southern Co. subsidiary Mississippi Power, for example, confirmed this summer that its planned commercial-scale CCS project in Kemper County, Miss., is running \$366 million over budget.

The Texas Clean Energy Project has faced its own share of hurdles, including a provision of the tax code allowing taxation of grant money to limited liability companies.

The project moved forward because of a unique combination of federal support from DOE and federal investment tax credits available to advanced coal plants that are not available to retrofit projects on older coal plants. Texas state legislation enacted in 2009 also made the project eligible for as much as \$100 million in state tax credits.

"All of those things together made a difference," said Kurt Waltzer, an analyst at the Clean Energy Task Force, in a recent interview.

## **CANADA'S NEW POWER PLANT GHG RULE MAY HINDER HOUSE PUSH TO STALL EPA'S**

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

**News Text:** Canadian officials' just-unveiled rule setting greenhouse gas (GHG) performance standards for new and existing power plants, which provides a pathway for existing units to install carbon capture and sequestration (CCS), could undermine a House effort to block similar efforts at EPA "unless and until" CCS is found to be feasible.

Environmentalists opposed to the bill, H.R. 6172, are planning to cite the Canadian measure at a hearing next week in the House Energy & Commerce Committee's energy and power panel to show the legislation is unnecessary.

A source with the Clean Air Task Force (CATF) says the final Canadian rule "demonstrates that CCS is available as a [carbon dioxide (CO<sub>2</sub>)] control option for coal plants. We at CATF in our comments to EPA said it was the best system of emissions reductions, and I think the Canadian regulations support that point of view."

A power industry source acknowledges that the Canadian rule could undermine the nascent political effort to block EPA's rules, though the source notes that coal is not a significant part of Canadian electricity generation. "Perhaps the fact that Canada did this may be more politically important as a driver of future U.S. policy than actually affecting North American energy here and now," the source says.

But an industry supporter of the House bill says EPA's rules are not comparable to the Canadian measure, calling attempts to use Canada's plan to drive EPA's "spurious" because Canadian plants are not subject to other control requirements, including EPA's stringent maximum achievable control technology standard. "So our utilities are caught in a box. Coal can't go forward, thanks to EPA."

Canada's rule, issued Sept. 5 and first proposed last August, sets a stringent performance standard for new units equivalent to an advanced natural gas plant and requires existing coal plants to phase out after 50 years or install CCS to meet the limit in 25 years. The rule is available on InsideEPA.com. (Doc ID: 2409799)

By contrast, EPA's proposed new source performance standards (NSPS), issued last April, applies only to new coal plants, requiring them to install CCS to meet emissions achieved without CCS from an advanced gas plant. The agency's proposal allows new plant developers 10 years to install CCS.

The agency is required under the Clean Air Act to also issue an NSPS for existing facilities but agency officials say they have "no plans" to do so.

EPA is not expected to finalize the rule governing new plants until after the November elections.

While Canadian officials provide longer lead times than EPA proposed, their rule is generally stricter than EPA's -- setting a limit of 926 pounds per megawatt hour, compared to EPA's proposal of 1,000 pounds per megawatt hour.

EPA's proposal has met strong opposition from the coal sector and its supporters in Congress, who charge that the administration is seeking to eliminate coal, and the jobs the industry provides, as a fuel source.

They are pushing the House bill, sponsored by Rep. David McKinley (R-WV), that would prohibit EPA from finalizing its NSPS proposal or issuing a rule governing existing plants until four officials -- the administrator of the Energy Information Administration, the comptroller general of the United States, the director of the National Energy Technology Laboratory, and the Under Secretary of Commerce for Standards and Technology -- submit a formal finding to Congress "that carbon capture and storage is technologically and economically feasible for fossil fuel-fired electric utility generating units."

The energy and power panel was slated to hold a hearing on the bill Sept. 14 but it is being rescheduled for next week, according to a committee source.

The CATF source says that the decision by Environment Canada to set its performance standard at roughly the level of a new natural gas combined-cycle unit also backs EPA's decision to do the same in its proposal. And most importantly, the source says, "What these regulations show is that these emissions limits, roughly a 50 percent reduction from uncontrolled units, can be applied to existing coal plants if it is, as Canada has done, implemented flexibly."

However, Canadian environmentalists complain that the rule is so flexible -- and implemented over such a long time period -- that it is virtually unenforceable.

Still, U.S. power industry sources are concerned that the Canadian rule will help drive assumptions that CCS is a viable technology despite the fact that it is only now being demonstrated at a few plants at scale. However, they also note that the Canadian and U.S. power mix vary greatly, and that the rules are not easily comparable. Canada gets 75 percent of its power from hydro and other non-GHG-generating sources while coal utilities

comprise close to 50 percent of the U.S. energy mix.

A utility industry lawyer says that the Canadian rule should not have much influence on EPA's NSPS because of differing approaches. For example, the Canadian rule allows companies to combine facilities to meet the standard -- over-controlling at some while under-controlling at others. This is not something EPA's proposal contemplates, with the agency instead requiring unit-by-unit compliance, the source explains.

The Canadian rule also allows utilities to achieve the standard by incorporating hydropower, biomass and other renewable fuels, meaning compliance can be achieved under a portfolio basis, the source notes.

The utility source adds that EPA generally does not look at foreign rules except to justify strengthening its own regulations.

But a second environmentalist says the Canadian rule does help justify a stricter rule given its stricter performance standard. "That is consistent with a number of [environmentalists'] comments which said that the record supports a tighter standard than what EPA proposed," the source says. "If Canada has determined it is feasible to build new power plants that emit less than 926 pounds per megawatt hour, it's not going to be the case that south of the border plants have to emit 1,000 pounds to be feasible. This gives a strong indication that EPA can tighten its standard."

The source also calls it "significant" that Canada has "jumped ahead of the U.S. They usually tend to follow." And the source expects the Canadian rule to play a role in pressuring EPA to move on a plan for existing sources. The phased-in plan "may not be the approach that EPA will use" but it shows that limits can be set.

The source does downplay the significance of the rule on CCS viability in general, noting that installing CCS is only one pathway to meeting the limit. Plants can also re-power with other fuels or take other steps to meet the performance standard, just as EPA took a "neutral approach" allowing use of any technology that can meet the performance level.

But the CATF source notes that many large-scale CCS projects are being built in Canada, especially for use in enhanced oil recovery (EOR) in Alberta, and stresses the need for "carbon capture utilization and storage" (CCUS).

"I don't know how America can achieve energy purity without EOR and that requires CCS from industrial sources and power plants. So CCUS needs to be the focus of energy policy and environmental policy in North America. . . . I think it's imperative, whoever is president and in Congress, that they adopt national policies that drive EOR through CCUS."

However, Canadian environmentalists are calling the rule one that has no teeth because the deadlines are so far into the future. A Sierra Club Canada source says, "We don't have 40 years to slowly shut down our power plants. . . . We don't need to have a system to prolong their life for 40 years. . . . I don't think the government has the ability to enforce that."

This source calls the CCS piece of the rule "nonsense. It is not technically feasible so it is not going to happen. . . . The only reason it's there is" to help depleted fields in Alberta to recover additional oil "and pretend it's a climate change effort." The source adds that the

Natural Resources Canada agency Sept. 4 announced \$1 billion to support development of CCS in Alberta. "Subsidizing depleted oil well recovery, in Canada at least, is not about sequestering CO2. The [emissions from the] oil they get out doesn't count."

The source adds that Environment Canada received more than 5,000 comments on the rule -- an unheard of number -- and that most urged the government to strengthen the proposal. "Clearly the minority opinion carried the day," the source says.

Canada does not routinely make public comments available and citizens are not allowed to challenge rules in court, the source notes. Canadian officials could not be reached for comment.

The Canadian rule requires new units that come online as of July 1, 2015, to meet the performance standard. In documents released with the regulation, Environment Canada did not say when it expects CCS to be installed but is targeting 2020 as the date for the first coal units to close. The agency said the rule "complements the normal replacement of aging units" and has flexibilities to ensure reliability is not compromised. The rule will reduce GHG emissions by 214 megatons in the first 21 years, and it will have a net benefit of \$7.3 billion due to avoided costs associated with climate change and electricity generation, avoided health problems and through use of CCS for EOR.

Environment Canada Minister Peter Kent touted the new rule in a Sept. 5 statement while noting, "We have consulted extensively with both the provinces and industry and they have contributed to strengthening our approach. . . . These new regulations can only strengthen our position as a global leader in electricity production." He also referenced EPA's NSPS development, saying, "The United States is also moving towards lower or non-emitting types of generation -- from high-efficiency natural gas and renewable energy to coal with carbon capture and storage." -- Dawn Reeves

Allison Dennis/DC/USEPA/US  
01/17/2013 10:02 AM

To Robert Delp, Andra Belknap, John Millett, Janet McCabe  
cc  
bcc  
Subject Fw: Duluth News Tribune story -- haze rule

Allison Dennis  
U.S. Environmental Protection Agency  
Office of Air and Radiation Communications

-----  
Phone: 202-564-1985

Send mail to:

U.S. Environmental Protection Agency  
MC: 6101A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

----- Forwarded by Allison Dennis/DC/USEPA/US on 01/17/2013 10:00 AM -----

From: Phillippa Cannon/R5/USEPA/US  
To: Allison Dennis/DC/USEPA/US@EPA, Douglas Aburano/R5/USEPA/US@EPA, Steven Rosenthal/R5/USEPA/US@EPA  
Date: 01/17/2013 09:58 AM  
Subject: Duluth News Tribune story -- haze rule

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## **EPA sets haze regulations for taconite plants - The U.S. Environmental Protection Agency unveiled its final regulations Wednesday aimed at reducing pollution from taconite plants that causes haze over northern Minnesota wild areas.**

Duluth News Tribune (MN) - Thursday, January 17, 2013

Readability: >12 grade level (Lexile: 1380L)

Author: John Myers, Duluth News Tribune

The U.S. **Environmental Protection Agency** unveiled its final regulations Wednesday aimed at reducing pollution from taconite plants that causes haze over northern Minnesota wild areas.

The regulations come after months of delay and will force some taconite operations to add expensive new pollution control equipment to curb nitrogen oxides, or NOx, and sulfur dioxides, SO2.

**Environmental** and public-health groups, and now the EPA, say that pollution not only causes haze over pristine areas like the Boundary Waters Canoe Area Wilderness and Isle Royale and Voyageurs national parks, but also can cause lung ailments in people.

The plan “will reduce pollutants that are harmful to people’s health and impair visibility in national parks and wilderness areas,” the EPA said in announcing the final rule. The **agency** said the pollution controls are expected to reduce NOx emissions by about 22,000 tons per year and SO2 emissions by about 2,000 tons per year.

The rules affect all six taconite operations in Minnesota as well as the lone taconite operation on Michigan’s Upper Peninsula. New plants also would be expected to meet the standards. Many

coal-fired power plants already have been required to make similar upgrades.

The federal government stepped in after regulators concluded that the Minnesota Pollution Control **Agency** didn't go far enough to limit haze from taconite plants. The state in April essentially said the industry was doing all it could within reason to control haze pollution.

The feds issued their own rule last summer that said taconite plants must go further and do it faster including installing low-NOx burners to bake their taconite pellets — a so-called best available retrofit technology. The regulations go as far as setting specific limits on how much haze-causing air pollution each plant can emit.

The new rules as first announced in August would have required all the plants to install the pollution control technology within three years, and taconite companies balked at both the timeline and the potential cost.

Under the final rule, federal regulators apparently are allowing more time after the companies and state officials said that deadline would be impossible to meet.

“The timeline is the key, and we're still trying to read through this and see what they are allowing,” said David Thornton, assistant commissioner of the Minnesota Pollution Control **Agency** .

The technology to reduce haze already has been tested at U.S. Steel Minntac operations in Mountain Iron and apparently worked well, state officials have said.

Supporters of stronger emissions rules for taconite plants say that, in addition to impairing visibility, haze pollutants contribute to heart attacks, asthma attacks, chronic bronchitis and respiratory illness.

The affected mining and processing operations include the Tilden Mining Company in the U.P.; U.S. Steel's Keetac plant in Keewatin and Minntac in Mountain Iron; Arcelor Mittal's Minorca Mine in Virginia; and Cliffs Natural Resources-run operations Hibbing Taconite, United Taconite in Eveleth and Northshore Mining Co. in Silver Bay.

A spokeswoman for Cliffs said the company needs time to review the 200-page decision before making a comment.

The EPA said that any difference in visibility of about 1 “deciview” is noticeable by most people. By reducing the taconite emissions, visibility should increase by anywhere from 7 to 12 deciviews across Northland wild areas, the EPA said Wednesday, meaning the air will be noticeably more clear on many days.

**Allyn  
Brooks-LaSure/DC/USEPA/US**

02/22/2010 05:46 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Gina  
McCarthy, David McIntosh, Arvin Ganesan, Lisa Heinzerling  
cc Seth Oster, Stephanie Owens, Adora Andy, Brendan Gilfillan

bcc

Subject Fw: EPA Clarifies Plans for New Carbon Regulations;  
Responds to Senators' Concerns

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

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

Phone: 202-564-8368 | Email: [brooks-lasure.allyn@epa.gov](mailto:brooks-lasure.allyn@epa.gov)

---- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 02/22/2010 05:45 PM ----

From: "Josh Dorner, Sierra Club" <[josh.dorner@sierraclub.org](mailto:josh.dorner@sierraclub.org)>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 02/22/2010 05:40 PM  
Subject: EPA Clarifies Plans for New Carbon Regulations; Responds to Senators' Concerns

---

Check out our Press Room archive:

[http://action.sierraclub.org/site/R?i=sYL93TX\\_sn6qAlud2Qpc3A..](http://action.sierraclub.org/site/R?i=sYL93TX_sn6qAlud2Qpc3A..)

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FOR IMMEDIATE RELEASE: February 22, 2010

CONTACT: Josh Dorner, 202.675.2384

EPA Letter Responds to Senators' Concerns, Clarifies Plans for New  
Carbon Regulations Under the Clean Air Act

Washington, D.C.--Environmental Protection Agency Administrator Lisa  
Jackson today sent a letter to Senator Jay Rockefeller in response to  
a letter he and seven other senators sent to EPA on Friday, February  
19. Jackson's letter outlines EPA's plan for moving forward with  
new regulations for the largest carbon polluters and responds to  
several concerns raised by senators. It also raises  
numerous red flags about the ongoing campaign to gut the Clean  
Air Act. You can read the letter here:

<http://action.sierraclub.org/site/R?i=ohkJLgt-bFOnBwLLzOwtVA..>

Statement of Carl Pope, Sierra Club Executive Director

"This letter from EPA Administrator Jackson silences the Big  
Oil-backed disinformation campaign being waged against the Clean Air  
Act. Members of Congress should rely on these straightforward answers  
from the Environmental Protection Agency instead of the disingenuous  
smear campaign being waged by polluters.

"Administrator Jackson has laid out a reasonable timeline for new  
regulations for big carbon polluters under the Clean Air Act.  
Just as it has with other pollutants for 40 years, EPA has now made  
crystal clear that it will address global warming pollution in a way

that benefits both our economy and our environment.

"EPA also successfully demonstrates just how sweeping an assault on the Clean Air Act is being proposed by Senator Murkowski and others. EPA states that undermining the Clean Air Act would imperil important new rules to raise fuel economy standards and reduce emissions from our vehicles. The historic new auto rules--supported by environmentalists, unions, and the auto industry alike--would also save consumers \$50 a month and cut oil use by 1.8 billion barrels. To do away with these rules would be nothing but a shameful bailout for Big Oil. The Senate has been unable to do anything on energy independence and now some senators want to do even less.

"The legislation being proposed by Senator Murkowski could even cut off badly needed funds for her own home state of Alaska to adapt to the impacts of climate change that are already occurring.

"It's time for Senators to dispense with these distractions and instead move forward with comprehensive clean energy and climate legislation that will cut pollution, fix our economy, and make America energy independent."

# # #

+++++  
85 Second St., San Francisco, CA 94105  
+++++  
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Update My Interests:  
<http://action.sierraclub.org/site/R?i=ea9SGytMVR0IyXQzi-0-bQ..>

Allyn  
Brooks-LaSure/DC/USEPA/US

04/21/2010 01:08 PM

To Richard Windsor, Bob Perciasepe, Scott Fulton, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Steve Owens, Gina McCarthy, Lisa Heinzerling  
cc Seth Oster, Adora Andy

bcc

Subject Guardian: Obama's green agenda under attack from group linked to chemical industry

# Obama's green agenda under attack from group linked to chemical industry

Connection to Solvay chemicals suggests opposition to action on global warming is spreading from 'big oil' to 'big chemical'

- **Suzanne Goldenberg**, US environment correspondent
- guardian.co.uk, Wednesday 21 April 2010 16.57 BST

A secretive group linked to the leading European chemical company Solvay has joined the campaign to defeat Barack Obama's green agenda, taking the fight beyond the traditional players of Big Oil and Big Coal, the Guardian has learned.

The Coalition for Responsible Regulation Inc (CRR) - though previously unknown to environmentalists - is at the forefront of a new strategy to strip the Obama administration of its powers to regulate greenhouse gas emissions should Congress fail to act on climate change.

The group, which refuses to disclose its complete membership list and which does not have a website, has joined more than a dozen states and a host of industry groups in 17 legal challenges to the authority of the Environmental Protection Agency.

The connection to the chemical firm suggests opposition to action on global warming – once spearheaded by Big Oil – is spreading to other industries that also stand to be affected by proposals to reduce emissions of carbon dioxide and five other greenhouse gases.

Several of the petitioners against the EPA are household names – like Peabody Energy Corp, America's biggest coal mining company, and the Chamber of Commerce, which has led opposition to Obama's climate agenda. They also include prominent rightwing thinktanks.

But some of those launching legal challenges against the EPA have appeared as if from nowhere – such as the CRR.

Court documents filed with the Texas secretary of state's office identify the chief executive of Solvay's wholly owned US subsidiary, Richard Hogan, as among three directors of the CRR, the lead petitioner on the legal challenge to the EPA's authority to act on greenhouse gas emissions. The filings give Solvay's Houston office as Hogan's address.

The coalition, which does not have a website and refuses to make public the complete list of donors, was apparently created for the express purpose of blocking the Obama administration's efforts to deal with climate change.

The filings with the Texas authorities reveal the coalition was founded on 10 November last year – a day after the EPA announced its scientists had determined that greenhouse gases were a public danger. The group filed its challenge to the EPA on 23 December.

Eric Groten, an attorney for the coalition, told The Guardian the organisation plans to file at least three further legal challenges against the EPA's authority to regulate emissions, actions which could tie up the agency in legal paperwork. "You can reasonably assume that within short order ... we will make our objections known," Groten said.

Such challenges to the EPA have intensified since last November when the agency signalled it was preparing to step in and regulate greenhouse gas emissions, a measure widely seen as a backstop in case Congress failed to pass climate change legislation.

At least 15 state legislatures are now considering motions casting doubt on climate science or seeking to overturn the EPA's authority to regulate emissions. Republicans in Congress have filed separate resolutions to set aside the EPA's endangerment finding, and there are reports the Senate may seek to strip the EPA of powers in a climate bill expected to be rolled out next week.

Court documents identify the CCR as a non-profit membership corporation "for the purpose of promoting social welfare, particularly to ensure that the Clean Air Act is properly applied to greenhouse gases".

"Its members include business and trade associations engaged in activities that would likely be subject to regulation under the clean air act," it added.

The documents list six companies and trade associations representing mining and beef interests among its members – but not Solvay.

Groten said there were more members – individual as well as corporate. He refused to identify members beyond those listed on the court petition, but compared the group to the Sierra Club, the popular grassroots conservation network. "It's a membership organisation like the Sierra Club. Those who want to support its objectives contribute financially to it," he said.

Carrying the analogy further, Groten said membership was determined by donation. "One becomes a member of the organisation just as one becomes a member of the Sierra Club by donating money to it."

Solvay Chemical's connection to the legal challenges seems at odds with the company's stated commitment to sustainable development on its website. "We commit ourselves to take into account, in a way that is comprehensive and integrated in all our activities, the triple demand of economic, societal and environmental sustainability," the statement says.

Mark Wheeler, communications director for Solvay in America, denied the company belonged to the CCR. "We are not a member of that group."

Kert Davies, research director for Greenpeace, points out that Solvay, whose headquarters are in Brussels, produces sulphur hexafluoride (SF6), used for industrial cleaning, but also an extremely potent greenhouse gas. Each kilo of SF6 produces an atmospheric warming effect equivalent to nearly 24,000 kilos of carbon dioxide. The EPA proposed last year to begin regulating SF6.

The secrecy enveloping the CRR is typical of the efforts to block regulation of greenhouse gas emissions, according to Greenpeace which has spent years tracking the behind the scenes efforts by oil companies such as Exxon and Koch Industries to deny the science of climate change.

Also among the EPA's opponents this time around is the Alliance for Natural Climate Change Science. That organisation appears to exist only as a Fort Worth post office box on the original court filings, which list Alexis Hathaway and William Orr as contacts.

Orr, a Colorado businessman, was convicted in 2008 on several counts of defrauding public funds and private investors for a project purporting to produce an alternative fuel that received a \$3.6 million grant from Congress.

However, subsequent filings link the legal challenge to Bonner Cohen, a fellow of the Committee for Constructive Tomorrow, a well-known climate sceptic group. "[Orr] is no longer affiliated with the organisation," Cohen said.

Davies said the links between the CRR and Solvay could be an indicator that the opposition to climate change regulation had spread from longtime opponents such as oil and coal companies to other sectors of the economy that could be affected by a cap and trade regime.

"The industrial bloc is powerfully organised and rich. They have all the tools and all the lawyers and they are going to do all they can to stop carbon regulation," Davies said. "It is going to take a generation to really regulate greenhouse gas emissions in this country, just as it has taken a generation to get action on other pollutants."

**Analysis: Why target the EPA?**

The EPA has become a prime target for politicians and industries seeking to slow down or block moves to curb greenhouse gas emissions in America. The fiercest opponents of the EPA accuse the agency of trying to put in place a top-down regulatory regime that would stifle economic growth and monitor every puff of human breath for carbon dioxide. But the Obama administration says the EPA has no choice but to put in place a regulatory regime, should Congress fail to pass a climate change law. The supreme court ruled two years ago that the agency had a duty and authority to regulate greenhouse gas emissions. So the EPA could open itself up to a whole slew of new court challenges if it does not act on climate change.

ov

**American Lung  
Association**  
<YourFriends@lung.org>

02/04/2013 03:45 PM

Please respond to  
American Lung Association  
<YourFriends@lung.org>

To Gina McCarthy

cc

bcc

Subject 2013 President's Research Report

## PRESIDENT'S RESEARCH REPORT

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### Discovering a Future Free of Lung Disease

As a member of the Lung Association family, you know how important research is to lung health.

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The **President's Research Report** features some of the innovative and groundbreaking research projects your donations help support. One award recipient, **Jessica Sieren, PhD**, aims to identify and help the subset of COPD patients who are most at risk for developing lung cancer.

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Together, with **your support**, we'll continue striving towards a future free of lung disease.

Sincerely,

Ross P. Lanzafame, Esq.  
Chair, National Board of Directors  
American Lung Association

### Lung Disease Research is Vital to America

- 443,000 people in America die tobacco-related deaths each year
- Over 160,000 people reportedly died from lung cancer in 2012
- Over 7.1 million children are affected by asthma
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**Amit**  
**Srivastava/DC/USEPA/US**  
10/02/2012 02:14 PM

To Gina McCarthy  
cc  
bcc  
Subject Accepted: Meeting with Sierra Club, EDF, and NRDC

**Amit**  
**Srivastava/DC/USEPA/US**  
10/02/2012 02:14 PM

To Gina McCarthy  
cc  
bcc  
Subject Accepted: Meeting with Sierra Club, EDF, and NRDC

**Amit**  
**Srivastava/DC/USEPA/US**  
08/21/2012 11:53 AM

To Gloria Hammond, John Millett, Jonathan Lubetsky, Martha  
Faulkner, Sabrina Hamilton, Andrea Drinkard, Jean Walker,  
Josh Lewis, Nate McMichael, Abigail Downs, Sherry Russell

cc

bcc

Subject Janet signed the following letter

OAR-12-001-1628 re: National Park Conservation Assoc and Sierra Club letter on BART determinations under RH.

Thank you!  
-Amit

Amit Srivastava  
Special Assistant to the Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
ARN Room 5406 E  
(202) 564-2618  
Srivastava.Amit@epa.gov

**Gina McCarthy/DC/USEPA/US** To Sherry Russell  
Sent by: Amit Srivastava cc  
05/11/2011 04:54 PM bcc  
Subject Fw: AAP, ALA and Dr. Truwitt

Another Correspondence with an attachment. For Milloy FOIA  
----- Forwarded by Amit Srivastava/DC/USEPA/US on 05/11/2011 04:53 PM -----

From: Brendan Gilfillan/DC/USEPA/US  
To: Mary Havell <MHavell@lungusa.org>  
Cc: Andra Belknap/DC/USEPA/US@EPA, "Cindy Pellegrini (cpellegrini@aap.org)" <cpellegrini@aap.org>, Dru Ealons/DC/USEPA/US@EPA, Gary Ewart <gewart@thoracic.org>, Gina McCarthy/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Paul Billings <PBillings@lungusa.org>  
Date: 03/15/2011 04:18 PM  
Subject: RE: AAP, ALA and Dr. Truwitt

Attached as a word doc. Will let you know as soon as it's posted. Thanks!



FINAL advisory.doc

Mary Havell      Brendan, Do you have this in a Word d...      03/15/2011 04:09:54 PM

From: Mary Havell <MHavell@lungusa.org>  
To: Brendan Gilfillan/DC/USEPA/US@EPA, Paul Billings <PBillings@lungusa.org>  
Cc: "Cindy Pellegrini (cpellegrini@aap.org)" <cpellegrini@aap.org>, Dru Ealons/DC/USEPA/US@EPA, Gary Ewart <gewart@thoracic.org>, Gina McCarthy/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA  
Date: 03/15/2011 04:09 PM  
Subject: RE: AAP, ALA and Dr. Truwitt

Brendan,  
Do you have this in a Word doc.? Also, can you please send us the link once it's posted online so we can add it to our web site?  
Thank you.  
Mary

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

From: Gilfillan.Brendan@epamail.epa.gov [mailto:Gilfillan.Brendan@epamail.epa.gov]  
Sent: Tuesday, March 15, 2011 4:00 PM  
To: Paul Billings  
Cc: Cindy Pellegrini (cpellegrini@aap.org); Ealons.Dru@epamail.epa.gov; Gary Ewart; McCarthy.Gina@epamail.epa.gov; Ellis.Heidi@epamail.epa.gov; Mary Havell; Belknap.Andra@epamail.epa.gov  
Subject: RE: AAP, ALA and Dr. Truwitt

All -

Here's the final advisory. We're going to send around 6 today, then pitch hard first thing in the morning.

Thanks!

CONTACT:  
EPA Press Office  
press@epa.gov

FOR IMMEDIATE RELEASE:  
March 15, 2011

TOMORROW: EPA, America Lung Association to Hold Press Conference to Discuss Mercury and Air Toxics Standards

WASHINGTON - On Wednesday, March 16, U.S. Environmental Protection Agency Administrator Lisa P. Jackson will join American Lung Association President and CEO Charles D. Connor and American Academy of Pediatrics President O. Marion Burton, M.D., F.A.A.P. to discuss the Agency's Mercury and Air Toxics Standards - the first ever national standards for mercury and other air toxics from coal-fired power plants.

They will be joined by Dr. Jonathan Truwit, a pulmonary and critical specialist at the University of Virginia Health System and member of the American Thoracic Society who will discuss the impacts these harmful emissions have on his patients.

The event begins at 11:00 a.m. - press interested in attending should arrive no later than 10:40 and should RSVP to press@epa.gov.

Reporters interested only in listening to the event should dial (888) 539-8821 and give the conference ID number, which is 52376239. Please dial in 15 minutes prior to the call's start time.

WHO: U.S. EPA Administrator Lisa P. Jackson  
American Lung Association President and CEO Charles D. Connor  
American Academy of Pediatrics President O. Marion Burton, M.D., F.A.A.P.  
Dr. Jonathan Truwit, M.D.

WHAT: Press conference on Mercury and Air Toxics Standards

WHEN: March 16, 2011 at 11:00 a.m. EST -- press interested in attending should arrive no later than 10:40 a.m. EST.

WHERE: U.S. Environmental Protection Agency  
Headquarters  
1200 Pennsylvania Avenue NW, Washington D.C.

Reporters interested only in listening to the event should dial (888) 539-8821 and give the conference ID number, which is 52376239. Please dial in 15 minutes prior to the call's start time.

From: Paul Billings <PBillings@lungusa.org>  
To: Dru Ealons/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, "Cindy Pellegrini (cpellegrini@aap.org)" <cpellegrini@aap.org>, Gary Ewart <gewart@thoracic.org>, Heidi Ellis/DC/USEPA/US@EPA, Mary Havell <MHavell@lungusa.org>, Gina McCarthy/DC/USEPA/US@EPA  
Date: 03/15/2011 03:17 PM

Subject: RE: AAP, ALA and Dr. Truwitt

North or South entrance? Should we ask for you or someone else?

Paul Billings  
202-785-3355

From: Ealons.Dru@epamail.epa.gov [mailto:Ealons.Dru@epamail.epa.gov]  
Sent: Tuesday, March 15, 2011 3:07 PM  
To: Paul Billings  
Cc: Gilfillan.Brendan@epamail.epa.gov; Cindy Pellegrini (cpellegrini@aap.org); Gary Ewart; Ellis.Heidi@epamail.epa.gov; Mary Havell; McCarthy.Gina@epamail.epa.gov  
Subject: RE: AAP, ALA and Dr. Truwitt

Arrival by 10:30 would be perfect. The meet and greet will happen at 10:50AM. We want to have a run of show at 10:30 before meeting with the Administrator.

Adding Gina as I'm sure she would like to be apart of this meet and greet.

Dru

-----  
Dru Ealons  
Senior Advisor  
Office of Public Engagement  
Office of the Administrator  
US Environmental Protection Agency  
202.564.7818 (direct)  
202.573.3063 (cell)  
ealons.dru@epa.gov

Healthier Families, Cleaner Communities, A Stronger America  
<http://www.epa.gov/40th>

From: Paul Billings <PBillings@lungusa.org>  
To: Dru Ealons/DC/USEPA/US@EPA, "Cindy Pellegrini (cpellegrini@aap.org)" <cpellegrini@aap.org>, Gary Ewart <gewart@thoracic.org>  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Mary Havell <MHavell@lungusa.org>  
Date: 03/15/2011 03:01 PM  
Subject: RE: AAP, ALA and Dr. Truwitt

Dru

We will send you Chuck's bio and I am looping Gary from ATS and Cindy from AAP to get bios from their folks.

What time would you like us to be at EPA and where do we need to have our principals for the pre meeting?

Paul Billings  
202-785-3355

From: Ealons.Dru@epamail.epa.gov [mailto:Ealons.Dru@epamail.epa.gov]  
Sent: Tuesday, March 15, 2011 2:53 PM  
To: Paul Billings  
Cc: Gilfillan.Brendan@epamail.epa.gov; Ellis.Heidi@epamail.epa.gov  
Subject: AAP, ALA and Dr. Truwitt

Hi Paul:

We would like for the Administrator to have a quick meet and greet (5 minutes) with the Dr. Burton, Conner, and Dr. Truwitt prior to the event. Can you make sure we have a bio for each? Can you help me make sure we get them together for this quick meeting?

Thanks so much,

Dru

-----  
Dru Ealons  
Senior Advisor  
Office of Public Engagement  
Office of the Administrator  
US Environmental Protection Agency  
202.564.7818 (direct)  
202.573.3063 (cell)  
ealons.dru@epa.gov

Healthier Families, Cleaner Communities, A Stronger America  
<http://www.epa.gov/40th>

From: Paul Billings <PBillings@lungusa.org>  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: "Cindy Pellegrini (cpellegrini@aap.org)"  
<cpellegrini@aap.org>, Peter Iwanowicz <PIwanowicz@lungusa.org>, Dru  
Ealons/DC/USEPA/US@EPA, Mary Havell <MHavell@lungusa.org>  
Date: 03/15/2011 02:03 PM  
Subject: Pediatrician Speaker

Brendan

The American Academy of Pediatrics President Marion Burton MD is likely to be available if he could have a brief (1- 2 min) speaking role at the event. We know that Pediatricians are the most credible doctors so we think they would be an excellent addition to the event. Also please know that our President and CEO's remarks will be in the 4-5 min range, not the 8 min range on the scheduled.

I am ccing Cindy Pellegrini of AAP you can reach out to her directly or I can facilitate

her cell is 202-352-5980

Paul G. Billings  
Vice President National Policy & Advocacy  
American Lung Association  
1301 Pennsylvania Ave NW Suite 800  
Washington, DC 20004-1725  
Phone: 202-785-3355 x 3988  
Fax: 202 -452-1805  
[pbillings@lungusa.org](mailto:pbillings@lungusa.org)

**Amy Branning/DC/USEPA/US**  
02/17/2010 01:03 PM

To Gina McCarthy  
cc  
bcc

Subject Accepted: Pre-Brief - Sierra Club re. RTR deadline suit

**Amy Branning/DC/USEPA/US**  
01/20/2010 06:49 PM

To Janet McCabe

cc

bcc

Subject Accepted: Schedule for Residual Risk Rulemaking in the  
Sierra Club/Earth justice Litigation

Amy Dewey/DC/USEPA/US  
07/07/2010 09:30 AM

To John Millett, Andrea Drinkard, Sherry Russell, Jenny Noonan,  
Janet McCabe

cc

bcc

Subject Fw: Press Release- EPA Transport Rule Would Save as  
Many as 36,000 Lives Each Year

Sharing information. Amy

---

Amy H. Dewey

[View a web version of this email.](#)



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the Press

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**FOR IMMEDIATE RELEASE**

July 6, 2010

**CONTACT**

David Graham-Caso  
213.387.6528 x214

**EPA Transport Rule Would Save as Many as 36,000 Lives Each Year**  
*Sierra Club Applauds EPA Action to Protect People from Dangerous Pollution*

**(Washington, D.C.)** – The Environmental Protection Agency (EPA) today proposed a rule that would set stronger limits on air pollution from coal-fired power plants in the eastern United States. The rule, known as the Transport Rule, would have health benefits that could prevent as many as 36,000 premature deaths annually, according to an EPA analysis. The Transport Rule proposed today would replace a rule that was overturned by the U.S. Circuit Court of Appeals for the D.C. Circuit in 2008. The Sierra Club issued the following statement in response to the announcement.

**Statement of Bruce Nilles, Deputy Conservation Director**

"Today's announcement is a positive step forward for people who want clean air. The proposed new Clean Air Transport Rule would significantly reduce the amount of air pollution emitted by coal-fired power plants. While a thorough review and comment period remains to be completed, the rule is a major step in protecting public health and the environment."

"The harmful pollution coal-fired power plants emit into the air does not just endanger people in the immediate vicinity of the plants, it endangers people throughout the entire eastern United States. This rule addresses the reality that dangerous pollution from coal-fired power plants hit every Gulf state, the pollution from coal-fired power plants drifts downwind into people's lungs throughout a region that includes some of the most densely populated areas in the country."

"The pollutants covered by this rule are precursors to ozone, which is incredibly dangerous to human health. Pollution from coal-fired power plants (including soot) from coal-fired power plants have been found to cause respiratory illness (including asthma and bronchitis), as well as other health problems. It is essential that the EPA do everything in its power to limit the damage these pollutants do to millions of people throughout the eastern United States."

"The statistics published with the rule make a very compelling case. According to the EPA, the Transport Rule would prevent an estimated 14,000 to 36,000 premature deaths, 23,000 nonfatal heart attacks, 21,000 cases of acute bronchitis, and 10,000 cases of asthma. People miss school or work due to ozone- and particle pollution-related symptoms."

"The Sierra Club applauds the EPA for taking this step to clean up the air. We will stay engaged throughout this process to ensure that the rule is implemented as quickly as possible and that it is as strong as possible."

- # # # -

**About the Sierra Club's Beyond Coal Campaign**

The Sierra Club's Beyond Coal Campaign is a national effort that aims to move our economy toward a clean energy future, closing coal plants, upgrading existing plants, and keeping U.S. coal reserves in the ground and out of international markets. Thanks in part to the campaign, coal plants that have been shelved since the beginning of the coal rush, keeping more than 530 million tons of carbon dioxide out of the atmosphere, are now part of a clean energy economy.



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Andra Belknap/DC/USEPA/US  
06/14/2012 08:36 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",  
"Gina McCarthy", "Arvin Ganesan"  
cc "Brendan Gilfillan"  
bcc  
Subject PM Clips (Washington Post & AP)

Washington Post

EPA to tighten national soot standards

By Juliet Eilperin, Updated: Thursday, June 14, 7:09 PM

The Associated Press

EPA sets tighter standards for soot pollution

Thursday, June 14, 2012 | 4:59 p.m.

Washington Post

EPA to tighten national soot standards

By Juliet Eilperin, Updated: Thursday, June 14, 7:09 PM

The Environmental Protection Agency will announce a proposal Friday to tighten the nation's soot standards, a move that could help deliver major health benefits by the end of the decade but force some oil refiners, manufacturers and other operations to invest in pollution abatement upgrades.

Particle pollution measuring less than 2.5 micrometers in diameter, also known as fine particles or soot, is possibly the most deadly widespread air pollutant. Measuring one-thirtieth the width of a human hair, these particles come from activities ranging from wood burning to vehicle emissions and can cause respiratory and heart ailments by entering the lungs and bloodstream.

Facing a court-ordered deadline, the EPA will propose tightening the annual exposure to fine-particle soot from 15 micrograms per cubic meter of air to between 12 and 13 micrograms per cubic meter of air, according to individuals who had been briefed on the rule making. Industry officials and environmentalists said the proposal, which will be finalized by mid-December, would have far-reaching implications for both the U.S. economy and public health.

“It’s going to be a big step forward,” said Frank O’Donnell, who heads the advocacy group Clean Air Watch. “This could help frame the national effort to clean this up for at least a decade.”

Jeffrey R. Holstead, former head of the EPA’s air and radiation office under President George W. Bush, said he’s been “a little surprised” that industry hasn’t launched as hard a fight against these rules as it did against an EPA smog proposal last year, which President Obama pulled back in September.

Administration officials declined to comment on the proposal Thursday, noting that it had not been announced. But they have said repeatedly that several of the rules the EPA has either implemented or is in the process of finishing – including ones curbing mercury and air toxics, sulfur dioxide and nitrogen oxide from sources such as power plants, industrial boilers and cement plants – will help communities meet stricter soot requirements without additional costs.

The question of how to set an acceptable level of soot exposure has been the subject of political and legal wrangling for years. In 2006 the Bush administration rejected the advice of its Clean Air Scientific Advisory Committee to make the annual standard more stringent and kept it at 15 micrograms per cubic meter, although it strengthened the 24-hour standard from 65 to 35 micrograms. Thirteen states and several environmental groups challenged the 2006 standards in court, and in 2009 a federal appeals court ordered the EPA to rewrite the rule.

The EPA’s staff and the Clean Air Scientific Advisory Committee, an independent group of experts, concluded that there is enough scientific evidence to lower annual average soot exposure to between 11 and 13 micrograms per cubic meter.

On June 6 Judge Robert Wilkins of the U.S. District Court for the District of Columbia ordered the EPA to issue its proposed rule by June 14.

Holmstead said the agency would be rushing to finalize such an important rule within six months, by Dec. 14. “This is probably the most important single issue under the Clean Air Act, and yet this is yet another sweetheart deal between the EPA and their allies in the environmental community,” he said.

Once a rule is finalized, the EPA must determine how many counties across the country will be out of attainment with the new soot standards, and those communities must eventually cut down on pollution or risk losing federal funds. Howard Feldman, director of regulatory and scientific affairs for the American Petroleum Institute, said a more-stringent rule will discourage economic investment in counties that fail to meet federal air quality standards.

“It’s in our interest to have a vibrant domestic economy,” Feldman said, adding that many companies eyeing a place to build a plant or refinery “perceive non-attainment to be non-investment.”

S. William Becker, executive director for the National Association of Clean Air Agencies, said “there is going to be a significant workload” for some counties to meet the new standard.

“That’s no reason not to support and follow the science, but it’s one reason EPA and Congress will need to step up and provide additional resources and set strong federal control measures,” Becker said.

In the past week, GOP lawmakers and industry officials have lobbied the White House to keep the existing annual soot exposure standard in place, or at least allow the EPA to take comments on that option as part of its proposed rule. “Our position is look, everyone will take comments and let the chips fall where they may,” said Joseph Stanko, who heads government relations at the law firm Hunton and Williams and represents several utilities.

House Energy and Commerce Committee Chairman Fred Upton (R-Mich.), and Republican Reps. Ed Whitfield (Ky.) and Joe Barton (Tex.), sent a letter to EPA Administrator Lisa P. Jackson on June 6 arguing that scientific uncertainty still exists when it comes to reducing fine particle pollution further. They said the schedule “does not allow for full consideration of alternatives and review by expert scientists at other federal agencies.”

Critics such as Feldman questioned the benefit of setting stricter standards for fine-particle pollution, which is already on the decline, because it contributes to mortality rather than causes it. “Neither you nor I know anyone who has died from PM 2.5 pollution,” he said, referring to the fine particle unit of measurement.

But Jonathan M. Samet, a pulmonary physician who directs the University of Southern California Institute for Global Health and chairs the EPA’s independent scientific advisory panel, said the scientific literature suggests there are adverse health effects from soot pollution “at the higher end of levels” that some Americans are exposed to right now, and the EPA administrator must adopt rules that ensure “an adequate margin of safety.”

When looking at the causes of premature death in the United States, Samet added, “particulate matter would be at the top of the list.”

The Associated Press

EPA sets tighter standards for soot pollution

Thursday, June 14, 2012 | 4:59 p.m.

The Environmental Protection Agency is proposing new air quality standards that would lower the amount of soot allowed from diesel trucks, buses, power plants and other sources.

The long-delayed rule, to be made public on Friday, responds to a court order requiring the Obama administration to update air quality standards under the Clean Air Act. Administration officials described the rule to The Associated Press on condition of anonymity because it has yet to be announced.

Eleven states, including New York and California, filed suit earlier this year to force a decision. The states and the American Lung Association say current standards jeopardize public health. Soot has been linked to thousands of premature deaths each year, as well as aggravation of respiratory illnesses, heart attacks and strokes.

An Obama administration official said the new rule was based on a rigorous scientific review. Virtually all counties in the United States would meet the proposed standard with no additional actions needed beyond compliance with current and proposed rules set by the EPA, the official said.

A final rule is due in December after a public comment period.

The administration, facing strong resistance from congressional Republicans and industry officials, had initially sought to delay the rule-making until next year, but was forced to act by a court order. Critics, including officials representing the oil and gas industry, refineries and manufacturers, complained that overly strict rules could hurt economic growth and lead to job losses.

More than a dozen states, along with environmental groups, sued the EPA several years ago, contending that the Bush administration had ignored science and its own experts when it decided in 2006 not to lower the nearly decade-old annual standard for soot. The agency's own analysis found a lower standard recommended by scientific advisers would have prevented almost 2,000 premature deaths each year.

The EPA initially promised it would review recent science and issue a decision in 2011. After months of inaction, states led by New York filed suit to force a decision. The lung association and the National Parks Conservation Association filed a similar suit. A federal court eventually ordered the EPA to propose a new rule by Thursday and issue a final standard by mid-December.

Soot is comprised of microscopic particles released from smokestacks, wood-burning stoves and motor vehicles that contribute to haze and can burrow into lungs. Breathing in soot can cause lung and heart problems.

The new rule would set the maximum allowable standard for soot, also called fine particle pollution, at range of 12 to 13 micrograms per cubic meter. The current annual standard is 15 micrograms per cubic

meter.

Administration officials said the proposed change are consistent with advice from independent scientist and are based on extensive research showing negative health impacts from soot at lower levels than previously understood. The agency will solicit comments from the public, as well as industry, public health groups and other interested groups to help determine the final standard.

**Andrea  
Drinkard/DC/USEPA/US**  
11/02/2011 07:11 PM

To Betsaida Alcantara, Janet McCabe  
cc  
bcc  
Subject Re: The Washington Post: House panel to vote on phantom  
EPA dust rule

Thanks!  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 11/02/2011 06:30 PM EDT  
**To:** Janet McCabe; Andrea Drinkard  
**Subject:** The Washington Post: House panel to vote on phantom EPA dust rule  
thank you for your help with this!

Washington Post: House panel to vote on phantom EPA dust rule  
By: David Fahrenthold and Juliet Eilperin  
November 2, 2011

Impenetrable gridlock has forced Washington into an era of government-by-talking-point, and earlier this year Republicans found what they saw as the ideal talking point to illustrate a federal bureaucracy gone batty.

The Environmental Protection Agency, they warned, was trying to regulate something only God could control: the dust in the wind.

“Now, here comes my favorite of the crazy regulatory acts. The EPA is now proposing rules to regulate dust,” Rep. John Carter (R-Tex.) said on the House floor. He said Texas was full of dusty roads: “The EPA is now saying you can be fined for driving home every night on your gravel road.”

There was just one flaw in this argument. It was not true.

The EPA’s new dust rule did not exist. It never did.

Still, the specter of this rule has spurred three bills to prevent it, one of which will be voted on Thursday in a House subcommittee. It sparked a late-night battle on the Senate floor. GOP presidential candidate Herman Cain cited it in a debate as a reason to eliminate the EPA.

The hubbub over this phantom rule – surely one of the most controversial regulations that never was – involved a slow-moving federal agency, and a Republican Party with EPA in its crosshairs.

“I do believe that the EPA does have the ability to change its mind,” said Rep. Kristi Noem (R-S.D.), the sponsor of the bill to be voted on Thursday. The EPA has now confirmed that it does not intend to strengthen standards on farm dust. But Noem is still pushing a bill to go further and weaken the EPA’s power to set these rules in the future.

“This EPA has been very hard on business in this country, and this EPA has been very hard on agriculture,” Noem said. “I think it’s time we pushed back.”

Farm dust – the stuff at the center of this story – contains things like windblown dirt, bits of last year’s cornstalks, and manure dried down to powder. It is an ancient fact of farm life.

By the EPA’s rules, it is also pollution.

The EPA lumps it in with soot from power plants, as “coarse particle pollution.” The agency limits how much of this can be in the air, since these particles can cause heart and lung damage.

Just two states, Arizona and California, require some farmers to take dust-control measures: Together, their rules affect more than 7,800 farms. But last fall, an EPA advisory panel raised worries that more farmers could be affected. It recommended that the EPA make the current standards more strict, potentially bringing crackdowns elsewhere.

And so the dust fight began.

To actually change the rules for dust on farms, the EPA would have to formally propose a new rule. And, in March, EPA Administrator Lisa P. Jackson said she was not likely to do that.

“We have no plans to do so,” Jackson said. But she couldn’t guarantee it. Jackson said she was still required to spend several more months in a formal review, before offering ironclad assurances that farmers would not face new rules.

That wasn’t enough. In April, Noem introduced her bill, and gathered 112 co-sponsors, including a handful of farm-state Democrats. A Senate bill gathered 26 co-sponsors, including two Democrats facing tough reelection fights in 2012.

For Republicans, the issue emerged at a good time. The GOP-led House has passed a spate of bills intended to delay or alter new rules set by the EPA under President Obama. The subjects range from emissions from cement plants to water running off of farms and mine sites.

This agenda was supported by many business and farm groups, who said surveys showed many small businesses felt overly burdened by new rules and costs from the EPA.

“You’ve got an agency that has a far greater economic impact – by region, by size, by sector – on the overall economy than any other agency,” said Bruce Josten of the U.S. Chamber of Commerce.

For Republicans the EPA’s new dust rule was an ideal talking point for this agenda. Even though EPA had – still – not proposed any new EPA dust rule.

“We’ll stop excessive federal regulations that inhibit jobs in areas as varied as cement and farm dust,” House Speaker John A. Boehner (R-Ohio) told the Economic Club of Washington in September. Boehner’s deputy, House Majority Leader Eric Cantor (R-Va.) wrote an op-ed in *The Washington Post* decrying “EPA’s proposed regulations” on subjects including farm dust.

On the House floor, other legislators sketched out an even more detailed picture.

“Say Bessie the cow kicks up too much dust running over to your pickup truck at feeding time,” warned Rep. Ted Poe (R-Tex.). “The EPA is going to fine you for Bessie’s misconduct.”

Spokespersons for Boehner, Poe and Carter – the congressman who had sketched out worries about gravel roads – say all their bosses knew there was no actual proposed rule. They were speaking hypothetically, the spokespersons said, about the threat of a possible rule. Spokespersons for Cantor did not offer an explanation of his words.

As the year went on, the nonexistent rule also turned up in the Republican presidential race.

“The EPA has gone wild,” Cain said in a GOP debate in September. “The fact that they have a regulation that goes into effect Jan. 1, 2012, to regulate dust says that they’ve gone too far.”

In a written statement, Jackson, the EPA administrator, defended her agency’s work as necessary to protect public health.

“Some in Washington are pushing misinformation about the cost and benefits of environmental protection,” she said in a statement. “But the truth is EPA works closely with a variety of stakeholders, including industry, to develop commonsense standards.”

But on Capitol Hill this year, Jackson would not give Republicans the answer they were looking for: no dust rule, never, guaranteed. She said she couldn’t give a definitive answer until a months-long administrative process was finished.

“We’re concerned about your health, but we also are pragmatic and practical people,” Jackson said in one hearing, addressing herself to the people of rural America. “And our standards and proposal will reflect that.”

It still wasn’t enough. In early October, Republicans demanded a vote on farm dust rules in the Senate. That helped set off a fight that Senate Majority Leader Harry M. Reid (D-Nev.) only settled with a dramatic procedural move late at night.

Finally, on Oct. 14, Jackson made it official. In a letter to senators, Jackson said the standards on coarse particle pollution would not change.

But the fight goes on. Last week, a House subcommittee considered Noem’s bill – which the EPA says could actually exempt a range of rural polluters from regulations, including power plants and factories.

At one point, Rep. Edward J. Markey (D-Mass.), tried to ridicule the bill by asking EPA official Gina McCarthy if she could guarantee the agency would not regulate fairy dust or pixie dust. Even then, the EPA would not give an immediate answer.

“After we look at the complete scientific review, yes,” McCarthy said.

Andrea  
Drinkard/DC/USEPA/US  
09/02/2011 09:48 AM

To: Gina McCarthy  
cc  
bcc  
Subject: Fw: Norfolk Virginian-Pilot (9-2) Dominion plans to shutter  
Chesapeake plant by 2016

Note, we have not gotten any calls in the region or here yet.

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 09/02/2011 09:48 AM -----

From: Michael Kulik/R3/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: John Millett/DC/USEPA/US@EPA, Andrea Drinkard/DC/USEPA/US@EPA, David  
Bloomgren/DC/USEPA/US@EPA  
Date: 09/02/2011 09:35 AM  
Subject: Fw: Norfolk Virginian-Pilot (9-2) Dominion plans to shutter Chesapeake plant by 2016

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More of the same. We will let you know if we get any calls.

--Mick

----- Forwarded by Michael Kulik/R3/USEPA/US on 09/02/2011 09:34 AM -----

From: Roy Seneca/R3/USEPA/US  
To: Shawn Garvin/R3/USEPA/US@EPA, William Early/R3/USEPA/US, Daniel  
Ryan/R3/USEPA/US@EPA, Bonnie Smith/R3/USEPA/US, Michael Kulik/R3/USEPA/US@EPA,  
Terri-A White/R3/USEPA/US@EPA, Patrick Egan/R3/USEPA/US@EPA, David  
Arnold/R3/USEPA/US@EPA, Diana Esher/R3/USEPA/US@EPA, Stacie  
Driscoll/R3/USEPA/US@EPA, Linda Miller/R3/USEPA/US@EPA, Donna  
Heron/R3/USEPA/US@EPA, David Sternberg/R3/USEPA/US@EPA, Lawrence  
Teller/R3/USEPA/US@EPA, Richard Killian/R3/USEPA/US@EPA  
Date: 09/02/2011 09:19 AM  
Subject: Norfolk Virginian-Pilot (9-2) Dominion plans to shutter Chesapeake plant by 2016

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Dominion plans to shutter Chesapeake plant by 2016

## CHESAPEAKE

Dominion Virginia Power expects to close its coal plant on the Elizabeth River's Southern Branch by 2016 because the costs to upgrade it to meet proposed new environmental standards is too high, according to a company filing Thursday with state regulators.

The planned closing of the Chesapeake Energy Center was included in the "integrated resource plan" Dominion must update every two years with the State Corporation Commission. The plan projects growth in customer demand over 15 years and outlines how the utility intends to meet it.

The plant closing was listed among "likely actions" related to changes in federal environmental

regulations.

Chesapeake Energy Center, at 2701 Vepco St. just off South Military Highway, began operation in 1953 and employs 145 workers. It includes four coal-fired units that produce 638 megawatts of electricity - enough to power 159,500 homes.

In 2010, Dominion paid \$7.4 million in taxes to Chesapeake for all of its property, including offices and light poles, though the coal plant accounted for most of that, said Jim Norvelle, a company spokesman.

Dominion officials have met with the center's employees and alerted them of the planned closure, but it won't be definite until the drafts of new federal air- and water-quality rules become final, said J. David Rives, Dominion's senior vice president of fossil and hydro generation.

"Our plan might very well change," he said.

The proposed air-quality standards would require the power company to reduce the production of ozone-harming nitrogen oxide and pollutants such as mercury and sulfur dioxide at the Chesapeake plant. Dominion would need to install equipment such as scrubbers and fabric filters, which are all large and expensive structures.

A new water-quality rule would restrict power companies from tapping nearby rivers and lakes to cool generators and returning that slightly warmer water to those natural sources. Under the federal proposal, Dominion would have to construct cooling towers at the Chesapeake station.

Altogether, these changes would cost about \$1 billion to extend the life of the 58-year-old plant, Rives said.

By comparison, the company is seeking permits for a new natural gas-fired plant in Warren County that would generate twice as much electricity at a projected cost of \$1.1 billion and have a longer lifespan.

"It just doesn't make economic sense for us to add other controls" in Chesapeake, Norvelle said.

Final approval is expected this year on the federal air-quality proposals and next year on the water standards, Rives said.

Dominion's resource plan also includes the potential shutdown of one of its two coal-fired generators at Yorktown Power Station in Yorktown by 2015. The company would convert the second coal generator there to natural gas and leave the third unit, fired by oil and used at peak demand times, as it is.

Glen Besa, director of the Virginia chapter of the Sierra Club, cheered the potential shutdown of what he called two longtime sources of pollution in Hampton Roads. Although it's a business decision for Dominion, "from our perspective, it's a very positive environmental development,"

he said.

The Sierra Club would have preferred seeing more "serious investment" in wind and solar energy in Dominion's resource plan, Besa said. The company relies too heavily on natural gas, which has shown wide price swings that make it a risky choice for new power generation, he said.

"They need to shake off their commitment to fossil and nuclear and begin to move in a big way toward renewable energy," he said.

In its state filing, Dominion projected that electricity usage across its system would grow by almost 30 percent by 2026.

To meet demand, its plan includes construction of at least two new large gas-fired power plants, about a dozen smaller gas turbines and a third nuclear generator at North Anna Power Station in Mineral. Although the company hasn't made a determination to expand at North Anna, it is continuing preliminary work to get the proper approvals so it is able to move forward.

Dominion also described a program to lease rooftop space on large commercial buildings where it would install solar panels to add to its renewable-energy sources.

If the Chesapeake plant closes, new transmission projects and upgrades would bring electricity from elsewhere to help meet demand in Hampton Roads, Dominion wrote in its filing.

"We have the obligation to keep the lights on," Norvelle said. "That doesn't change."

Dominion customers began paying more Thursday for investments the company already has made in its transmission system. Those projects translated to an increase of \$3.54 in the bills of customers who use 1,000 kilowatt hours of electricity per month.

Dominion's resource plan gives the commission an idea of the direction the company intends to take based on information it has now about energy demand and costs. The company would have to apply to the commission for permission to pursue any specific project, including closing the Chesapeake Energy Center.

Roy Seneca  
EPA Region 3 Press Officer  
Office of Public Affairs  
seneca.roy@epa.gov  
(215) 814-5567

**Andrea  
Drinkard/DC/USEPA/US**  
07/19/2012 06:58 PM

To Gina McCarthy, Janet McCabe, Joseph Goffman, Peter  
Tsirigotis, Ellen Kurlansky, Don Zinger, Cindy Huang  
cc Nate McMichael, Allison Dennis  
bcc

Subject Calls for tomorrow

Pending word on timing, here's the call breakdown. Ellen, will let you know when you can make calls tomorrow and will forward the final brief and materials to talk from.

**Enviro groups:**

**Peter/Joe:** EIP, Earth Justice, Sierra Club  
**Joe:** EDF, NRDC, Clean Air Task Force  
**Gina:** ALA, Evangelical Environmental Network

**States:**

**Janet:** ECOS, NACAA

**Industry:**

**Peter/Bob:** B&W, Coal Utilization Research Council, First Energy, ICAC, others

**Unions:**

**Ellen:** Will call her contacts (including boilermakers)  
**Gina:** Mike Langford

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  
06/03/2010 02:26 PM

To Janet McCabe  
cc Lydia Wegman  
bcc  
Subject Re: SO2

So far so good. On the state and local call it was mostly clarifying questions, though one person did thank us for taking their comments on modeling :-).

On the press end, looking good as well. We were picked up on NYTimes (front page of the online site), WSJ, Reuters, and number of other smaller outlets so far. The stories are following our messages...tighter standard, first revision in 40 years, health benefits.

Frank O'Donnell had some mixed quotes: "Although the final standard is a bit less strict than we and the American Lung Association had urged," he said in a statement, "it is well within the range recommended by E.P.A.'s independent science advisers." AND "They didn't go as far as we would have liked," he said. "However, it is still a step in the right direction."

Hope you're having fun in Chicago.

-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

Janet McCabe    How's it going? What's the reaction yo...    06/03/2010 01:43:38 PM

From: Janet McCabe/DC/USEPA/US  
To: Lydia Wegman/RTP/USEPA/US, Andrea Drinkard/DC/USEPA/US  
Date: 06/03/2010 01:43 PM  
Subject: SO2

---

How's it going? What's the reaction you are hearing so far?

Andrea  
Drinkard/DC/USEPA/US  
10/04/2012 06:22 PM

To John Millett  
cc  
bcc

Subject Fw: can you send me a list of the interveners? Thanks! EOM

Sorry to bug, but do you have any recommendations on who to send the statement to at EDF, NRDC, Clean Air Council, and Sierra Club. I can do the usual suspects on the policy side, but I thought you had a list of comm folks. ALA is easy. I've got ATS and the state contact already.

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 10/04/2012 06:20 PM -----

From: Sonja Rodman/DC/USEPA/US  
To: Andrea Drinkard/DC/USEPA/US@EPA  
Date: 10/04/2012 06:04 PM  
Subject: Re: can you send me a list of the interveners? Thanks! EOM

As you know, there are many. The three additional petitions for rehearing en banc that we expect to be filed will be filed by (1) the state/city intervenors (the NC AG's office has taken the lead for this group); (2) the NGO petitioners; and (3) the industry Intervenors Exelon and Calpine. A complete list of the intervenors follows (I pulled this from the Qs and As)

### List of Intervenors and Amici Supporting EPA and the Rule

#### Intervenors (for Respondent)

Public Service Enterprise Group, Inc.  
Exelon Corporation  
Calpine Corporation  
American Lung Association  
Clean Air Council  
Environmental Defense Fund  
National Resources Defense Council  
Sierra Club  
City of Philadelphia  
State of New York  
State of Connecticut  
State of Rhode Island  
State of Vermont  
State of Massachusetts  
State of Delaware  
State of Maryland  
District of Columbia  
City of Bridgeport, CT

City of Chicago  
City of New York  
Mayor and City Council of Baltimore  
State of Illinois  
State of North Carolina

**Amicus Curiae (for Respondent)**

American Thoracic Society Sonja Rodman  
US EPA Office of General Counsel

Andrea Drinkard

Andrea Drinkard U.S. Environmental...

10/04/2012 05:50:22 PM

From: Andrea Drinkard/DC/USEPA/US  
To: Sonja Rodman/DC/USEPA/US@EPA  
Date: 10/04/2012 05:50 PM  
Subject: can you send me a list of the interveners? Thanks! EOM

---

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  
05/16/2011 08:29 PM

To "Gina McCarthy", "Joseph Goffman", "Janet McCabe", "John  
Millett"  
cc "Kelly Rimer"  
bcc

Subject Summary of Boiler Clips from Today's Announcement

Here are some of the clips from today's announcement as well as a release from Sierra Club (at the very end of the list). Industry was pretty much supportive of the stay and enviros (mostly sierra club) did not respond positively. Jim Pew was quoted in quite a few of the stories.

-Andrea-

Reuters: US delays air pollution rules on industry boilers  
Bloomberg: EPA to Postpone Boiler Rules Amid Industry Group Complaints  
WSJ: EPA to Delay Pollution Rule  
AP: EPA Delays Boiler, Incinerator Toxic Pollution Regulations Indefinitely  
Politico Pro: EPA to stall air toxics rule

Reuters  
US delays air pollution rules on industry boilers  
Mon May 16, 2011

- \* Rules had been intended to ax toxic pollution
- \* EPA opens up new comment period on rules, delaying them
- \* Rules less costly to industry were issued in February

WASHINGTON, May 16 (Reuters) - U.S. environmental regulators delayed air pollution rules for boilers at plants and factories on Monday, a move green groups said was a bow to industry pressure.

The Environmental Protection Agency said it postponed the effective date of standards issued early this year on incinerators and boilers at factories to allow for more public comments. It said it wanted more feedback from the public and industry.

After a comment period the agency issued the rules under court order in February. But now the agency will hold another comment period on the rules through July 15, delaying the ultimate implementation of the anti-pollution measure.

The EPA has been issuing a raft of rules on toxic air pollutants and emissions of gases blamed for global warming, but it faces pressure from industry and Republicans, who say they will add costs and kill jobs, to weaken them.

The boiler rules were supposed to be implemented in coming years. But an EPA source said the agency does not know when the rules, designed to reduce air pollutants such as mercury and soot, will be finalized.

The EPA did not immediately answer questions about whether it was pressured to delay the rules.

"We've come an awful long way from an agency that was determined to provide health protections that were long overdue to one that is willing to put them off indefinitely in response to political pressure from industry," said James Pew, an attorney for the environmental group Earthjustice.

When the agency issued the rules in February it said they would cost industry about \$2.1 billion a year, rather than an estimate of \$3.9 billion per year, because they were more flexible for industry. They

allowed polluters to fine-tune their existing pollution controls, for example, rather than add costly new controls.

Pew said the EPA was in effect delaying implementation of the rules until some unknown date in the future leaving people at risk of asthma, premature death and heart attacks from the boiler emissions without protection for the foreseeable future.

The EPA is slated to propose rules on greenhouse emissions from power plants in July and on oil refiners in December. (Reporting by Timothy Gardner; Editing by Cynthia Osterman)

Bloomberg

EPA to Postpone Boiler Rules Amid Industry Group Complaints

By Kim Chipman - May 16, 2011 2:19 PM ET inShare1More

Business Exchange Buzz up! Digg Print Email The Environmental Protection Agency said it will delay new standards for industrial boilers, giving the Obama administration time to change the rule opposed by industry groups such as the U.S. Chamber of Commerce.

The chamber, the nation's biggest business lobby, and the National Association of Manufacturers asked the EPA last month to postpone the air regulations. The agency said in February, when it issued the standards under court order, that it would reconsider the rules, aimed at cutting toxic emissions such as mercury and soot.

The Council of Industrial Boiler Owners last year said the proposal would cost the industry \$20 billion and as many as 300,000 jobs. The EPA, which estimated costs at \$9.5 billion, responded by issuing rules it said were 50 percent less expensive and pledging to make more changes as needed.

The EPA's delay of the May 21 effective date will "allow the agency to continue to seek additional public comment before an updated rule is proposed," the EPA said today in an e-mailed statement.

Reconsideration of the rule, which prompted more than 4,800 comments from businesses and communities after being proposed in April 2010, is in line with President Barack Obama's January order that agencies ensure that regulations don't unnecessarily hurt U.S. economic growth.

The Washington-based National Association of Manufacturers praised EPA's decision to rework the boiler rules.

"This will alleviate job creators from burdensome and costly regulations while the EPA goes through the reconsideration process," the group said today in an e-mail. It "removes a level of uncertainty found among manufactures that has discouraged future investment and job growth."

Wall Street Journal

EPA to Delay Pollution Rule

By STEPHEN POWER And TENNILLE TRACY

The Obama administration suspended a new regulation aimed at cutting pollution from boilers at oil refineries, chemical plants and other factories, amid complaints by a range of industries over the potential cost.

Monday's announcement by the Environmental Protection Agency marks at least a temporary victory for industry and congressional critics of the administration's regulatory policies. The boiler rule is the latest in a series of EPA regulations the administration has scaled back or delayed amid criticism that jobs would be threatened.

In a written statement, the EPA said it was postponing the effective date of the rule after deciding that the general public "did not have sufficient opportunity to comment" on it. The agency said allowing more time for analysis of the rule's costs and benefits "is consistent with" a January executive order by President Barack Obama that directed federal agencies to review their regulations and "avoid excessive, inconsistent and redundant regulation."

It is unclear when the agency will put the proposal into effect. The rule would have required companies with so-called major boilers to comply by 2014. The EPA says now it will freeze the rule until related lawsuits are resolved or until the agency finishes its review, "whichever is earlier," said EPA spokeswoman Enesta Jones.

The EPA published its clean-air standards for boilers in February. The rule affects nearly 14,000 major boilers in the U.S. and is aimed at reducing emissions of mercury and other harmful emissions. EPA said at the time that its standards for major boilers were expected to avoid 2,500 to 6,500 premature deaths.

Boilers use coal, natural gas and other fuel to produce steam, which is then used to generate electricity or heat.

At the time EPA released its rule, the agency said it wanted to reconsider certain aspects of it, in part because it was operating under a court-ordered deadline that forced it to release the standards sooner than it wanted.

Manufacturers, paper mills and other industries affected by the rule have long complained about the cost of compliance. They say EPA's cost estimates, which reach \$1.4 billion per year for major boilers, underestimate the true cost of meeting the standards.

Trade groups including those representing paper companies, sugar companies and rubber manufacturers had asked the EPA to suspend the rule. By freezing the rule, the EPA relieves U.S. companies from complying with standards that may eventually change, said Alicia Meads, director of energy and resources policy at the National Association of Manufacturers.

"I think [the EPA] realized that there were still considerable issues with the achievability of the rules," Ms. Meads said. "A lot of companies might've shut their doors once this became final."

House Republicans have cited the rule as part of a broader attack on what they portray as overreaching by the EPA. Earlier this year, some of them offered to draft legislation to give the EPA more time to develop the standards.

Environmental groups criticized the agency for suspending the boiler rule, particularly because the EPA has said it would avoid thousands of premature deaths every year.

"The industry let loose its dogs on The Hill and suddenly EPA discovers all these flaws in a rule that it hadn't noticed before," said Jim Pew, an attorney with Earthjustice.

The Clean Air Act requires the EPA to develop emissions standards for boilers. The Bush administration developed a set of standards in 2004, but those standards were vacated by a court in 2007.

Associated Press

EPA Delays Boiler, Incinerator Toxic Pollution Regulations Indefinitely

(AP) By DINA CAPPIELLO 05/16/11 03:34 PM ET

WASHINGTON -- The Environmental Protection Agency is delaying indefinitely regulations to reduce toxic pollution from boilers and incinerators.

The move comes in response to a request from industry groups.

The announcement Monday was another setback for a rule that the agency claims will avert thousands of heart attacks and asthma cases each year. In February, the EPA announced changes to make it much cheaper to comply with the new standards without diminishing the public health benefits.

Industry groups, and congressional Republicans and Democrats, had been critical of the rule because of its expense and scope.

More than 13,000 large boilers would have to install pollution controls within three years of the regulation taking effect.

The EPA could not say when that would be. It said it would work as expeditiously as possible.

SIERRA CLUB RELEASE

FOR IMMEDIATE RELEASE

May 16, 2011

Contact:

Jim Pew/Raviya Ismail, Earthjustice, (202) 667-4500

Maggie Kao, Sierra Club, (202) 675-2384

EPA Delaying Air Standards for Boilers  
6,500 lives would be lost from breathing in dangerous air

Washington, D.C. - Today, the U.S. Environmental Protection Agency has indefinitely delayed crucial health protections designed to reduce public exposure to airborne toxics such as mercury, arsenic, lead, and acid gases by thousands of tons per year. The delay or "stay" puts off the effectiveness of pollution controls for more than 13,000 boilers and process heaters operating at major sources of industrial pollution. According to EPA's analysis, the health benefits of the standards - now indefinitely delayed - would have outweighed their costs by \$22 to \$54 billion.

"Two years ago the Obama administration took office vowing to protect public health and respect the law," said Earthjustice attorney James Pew. "Today's action disservices both of these principles. By the EPA's own calculations, the health protections it has elected to delay would save up to 6,500 lives each year."

Each year that EPA delays this rule also will result in 4,000 non-fatal heart attacks, 4,300 hospital and emergency room visits, more than 41,000 asthma attacks, and more than 300,000 missed days of school and work. The Clean Air Act required EPA to end this suffering more than ten years ago.

"We are deeply disappointed in the EPA's decision to delay this critical protection against toxic air pollution," said Sanjay Narayan, senior staff attorney for the Sierra Club. "The EPA has all of the tools it needs to move these protections forward and save thousands of lives, and it is difficult to understand why they are delaying action."

###

<Julien.Dumoulin-Smith@ubs.com>  
Sent by:  
<Andrew.Gay@ubs.com>

To undisclosed-recipients:  
cc  
bcc

01/04/2013 06:51 PM

Subject UBS Utilities: D (First Read): Steaming Forward on Gas Exports

<<D\_010413-Cove.pdf>>

- **Court denies Sierra Club motion, allows LNG liquefaction and export**

Today the MD Circuit Court ruled against the Sierra Club and in favor of Dominion, allowing D to construct a natural gas export facility at its existing Cove Point site; Sierra Club had argued that the 2005 agreement allowing for Cove Point's construction prohibited LNG export. Sierra Club has until 2/4/13 to appeal; the case would advance to the Court of Special Appeals (intermediate appellate court) before heading to the Court of Appeals (supreme court in MD).

- **DOE approval and final TSAs next steps before FERC approval process**

Next steps for the company will be to finalize its TSAs (terminal service agreements) as well as hopefully receive DOE non-FTA export approval after which the company will continue to proceed with its more lengthy (18-24 month) FERC approval process.

- **Analyst Day coming in next few weeks?**

The company has indicated it will likely unveil Cove Point export project details (financing, economics, timing, etc.) in a call or Analyst Day in coming weeks; the company will also speak on outstanding issues such as the upcoming Biennial Review rate case in VA, new Utica JV, and pending asset sales, amongst others.

- **Valuation: \$53 PT unchanged; expect positive stock reaction**

Our Neutral rating is unchanged and our PT remains derived via SOP. Despite our concerns over the Biennial Review later this year, we believe shares could continue to climb ahead of TSA finalization and financing details.

Please see attachment for disclosures and disclaimers.

**JULIEN DUMOULIN-SMITH, CFA**

Director - Equity Research  
Electric Utilities & IPPs Group  
UBS Securities, LLC  
1285 Avenue of the Americas  
New York, NY 10019  
212.713.9848  
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**ANDREW GAY**

Associate Analyst- Equity Research  
Electric Utilities & IPPs Group  
UBS Securities, LLC  
1285 Avenue of the Americas  
New York, NY 10019  
212.713.3182  
andrew.gay@ubs.com

**Please Save the Date: Annual Power, Utilities, and Gas Conference March 4-6th, Dallas, TX**



<<Julien Dumoulin-Smith (julien.dumoulin-smith@ubs.com).vcf>> D\_010413-Cove.pdf



**Julien Dumoulin-Smith (julien.dumoulin-smith@ubs.com).vcf**

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Arvin Ganesan/DC/USEPA/US

09/23/2010 03:12 PM

To David McIntosh, Joseph Goffman  
cc Patricia Embrey, "Joseph Goffman", "David McIntosh"  
bcc  
Subject Re: Boiler mact

This took place in this administration right?

Sent from my Blackberry Wireless Device  
David McIntosh

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

**From:** David McIntosh  
**Sent:** 09/23/2010 03:11 PM EDT  
**To:** Joseph Goffman  
**Cc:** Arvin Ganesan; Patricia Embrey; "Joseph Goffman"  
<goffman.joseph@epa.gov>; "David McIntosh" <mcintosh.david@epa.gov>  
**Subject:** Re: Boiler mact

Yes, it was the result of litigation. Sierra Club was one of the litigants. EPA issued the rulemaking proposal when it did in order to comply with an order that the court had issued in that litigation

Joseph Goffman

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

From:...

09/23/2010 03:08:33 PM

From: Joseph Goffman/DC/USEPA/US  
To: Arvin Ganesan/DC/USEPA/US@EPA, "David McIntosh" <mcintosh.david@epa.gov>, "Joseph Goffman" <goffman.joseph@epa.gov>, "Patricia Embrey" <Embrey.Patricia@epamail.epa.gov>  
Date: 09/23/2010 03:08 PM  
Subject: Re: Boiler mact

---

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 09/23/2010 03:01 PM EDT  
**To:** "David McIntosh" <mcintosh.david@epa.gov>; "Joseph Goffman"  
<goffman.joseph@epa.gov>  
**Subject:** Boiler mact

Was it the result of litigation? Who was the litigant?

For hearing.

Sent from my Blackberry Wireless Device

Arvin Ganesan/DC/USEPA/US

To Nancy Grantham

03/14/2012 06:11 PM

cc Brendan Gilfillan, John Millett, Laura Vaught

bcc

Subject Re: Please let us know your thoughts .. Fw: Touching Base

Sounds good. Thanks.

Nancy Grantham

we are inclined to do this .. this is the...

03/14/2012 02:31:04 PM

From: Nancy Grantham/R1/USEPA/US  
To: John Millett/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 03/14/2012 02:31 PM  
Subject: Please let us know your thoughts .. Fw: Touching Base

we are inclined to do this .. this is the same group that we did a round table with and did a mats event with ... thanks ng

----- Forwarded by Nancy Grantham/R1/USEPA/US on 03/14/2012 02:28 PM -----

From: Catherine Corkery <catherine.corkery@sierraclub.org>  
To: Nancy Grantham/R1/USEPA/US@EPA  
Date: 03/12/2012 10:24 AM  
Subject: Re: Touching Base

We are working with Sen Shaheen's office to have a round table discussion about carbon solutions such as energy savings programs and projects that will help NH move ahead and would like for Mr Spalding to talk about the carbon ruling that requires the EPA to regulate carbon.

We want the context to be the good work of the EPA and the benefits: jobs and pollution reductions. The Senator is working on her schedule to be the key note speaker. She will talk about the concerns of continuing without a carbon rule and the opportunities NH would be able to explore with one, highlighting local businesses addressing the issues.

It would be a great venue for Mr. Spalding to highlight the meaningful environmental and health improvements to American lives with the introduction of the Clean Air Act as well as the mission of the EPA to continue doing so.

April 4 and 5th are prospective dates at this time but at this point there is some flexibility.

Please let me know immediately what more you need.

Cathy

On Mon, Mar 12, 2012 at 7:00 AM, Nancy Grantham <[Grantham.Nancy@epamail.epa.gov](mailto:Grantham.Nancy@epamail.epa.gov)> wrote:

Hi Cathy,

Sorry for the delay in getting back to you.

If you could, it would great if you can send me an email describing what you would like to do in early April in NH -- that way I can coordinate messaging with our air offices here and at HQ.

thanks

nancy grantham

--

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](tel:603-224-8222)  
Cell: [603-491-1929](tel:603-491-1929)  
[catherine.corkery@sierraclub.org](mailto:catherine.corkery@sierraclub.org)  
[www.nhsierraclub.org](http://www.nhsierraclub.org)

**[Go Green with the Manchester Monarchs](#) on Sunday, March 25<sup>th</sup> at 3PM and a portion of your ticket will go to NH Sierra Club!!**

**Beth Craig/DC/USEPA/US**  
08/10/2009 10:23 PM

To: Gina McCarthy  
cc  
bcc  
Subject: Re: ltr from environmental grps

Gina, I think we have our first meeting on this scheduled for Thursday -- we will focus on drinking water for the first mtg.

Thanks, Beth

-----  
Sent by EPA Wireless E-Mail Services  
Gina McCarthy

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

**From:** Gina McCarthy  
**Sent:** 08/10/2009 07:12 PM EDT  
**To:** Craig.Beth@EPA.GOV  
**Subject:** Fw: ltr from environmental grps

Beth - Is someone working on an outline of our issues or a briefing of some kind? Many of the signatories are people I know all too well and they are emailing me separately looking to meet, I will need to respond soon.

----- Forwarded by Gina McCarthy/DC/USEPA/US on 08/10/2009 07:11 PM -----

From: Bob Sussman/DC/USEPA/US  
To: Gina McCarthy/DC/USEPA/US@EPA  
Date: 08/10/2009 12:48 PM  
Subject: Fw: ltr from environmental grps

---

Assume you saw this. Any thoughts/reactions? These issues have been simmering ever since we came to EPA.

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 08/10/2009 12:47 PM -----

From: Charles Imohiosen/DC/USEPA/US  
To: Bob Sussman <sussman.bob@epa.gov>  
Date: 08/10/2009 12:18 PM  
Subject: Fw: ltr from environmental grps

---

Letter from the enviros to Mathy, Gina, Pete S. and OGC (dated 8/5) relating to OIRA issues.

Charles Imohiosen  
Special Assistant to the Senior Counsel  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
(202) 564-9025

----- Forwarded by Charles Imohiosen/DC/USEPA/US on 08/10/2009 12:10 PM -----

From: Antoinette Powell-Dickson/DC/USEPA/US  
To: Charles Imohiosen/DC/USEPA/US@EPA

Cc: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 08/10/2009 10:46 AM  
Subject: Fw: ltr from environmental grps

---

Per your request see below.

Thanks  
APD

---

Antoinette Powell Dickson  
Special Assistant  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0738; Fax: (202) 566-0207  
powell-dickson.antoINETTE@epa.gov

----- Forwarded by Antoinette Powell-Dickson/DC/USEPA/US on 08/10/2009 10:44 AM -----

From: Matt Straus/DC/USEPA/US  
To: Antoinette Powell-Dickson/DC/USEPA/US@EPA  
Date: 08/10/2009 10:04 AM  
Subject: Fw: ltr from environmental grps

---

Antoinette, attached is a copy of the environmental letter.

----- Forwarded by Matt Straus/DC/USEPA/US on 08/10/2009 10:03 AM -----

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

---

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 fine.

----- Forwarded by Mathy Stanislaus/DC/USEPA/US on 08/05/2009 06:01 PM -----

From: Daniel O Hirsch <cbghirsch@aol.com>  
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 Beth Craig/DC/USEPA/US]

**Beth Craig/DC/USEPA/US**  
08/05/2009 03:38 PM

To: Gina McCarthy  
cc: Drew McConville  
bcc:  
Subject: Re: Fw: ltr from environmental grps

Gina,

I will share with the communications folks. This is all about the PAGs. Will be difficult to send to you since there are lots of graphs and bar charts. Drew will send you a summary, Beth

Gina McCarthy This may end up being in the press. I... 08/05/2009 02:13:54 PM

From: Gina McCarthy/DC/USEPA/US  
To: "Beth Craig" <Craig.Beth@EPA.GOV>  
Date: 08/05/2009 02:13 PM  
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 [dhirsch1@cruzio.com]  
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



080509LetterToEPA.pdf

**Beth Craig/DC/USEPA/US**  
03/03/2009 06:59 PM

To page.steve, Barnes Johnson, "Don Zinger"  
cc  
bcc  
Subject Fw: Co2 BACT comments we filed on gas plant in CA

-----  
Sent by EPA Wireless E-Mail Services

---

**From:** Bruce.Nilles  
**Sent:** 03/03/2009 06:22 PM EST  
**To:** Bruce.Nilles@sierraclub.org  
**Cc:** Beth Craig; David.Bookbinder@sierraclub.org; Richard Ossias; Bob Sussman  
**Subject:** Co2 BACT comments we filed on gas plant in CA

And here are the Co2 BACT comments we filed re: a natural gas plant proposed in California.

Bruce Nilles, Director  
Beyond Coal Campaign  
Sierra Club  
408 C Street NE  
Washington, DC 20002  
T: 202.675.7905  
C: 608.712.9725  
E: bruce.nilles@sierraclub.org



W: [www.sierraclub.org/coal](http://www.sierraclub.org/coal)

Sierra Club RCEC CO2 BACT Comments.pdf

**Beth Craig/DC/USEPA/US**  
05/11/2009 01:32 PM

To "Don Zinger", Barnes Johnson  
cc  
bcc  
Subject Fw: Startup, shutdown, and malfunction letter

-----  
Sent by EPA Wireless E-Mail Services

---

**From:** James Pew [jpew@earthjustice.org]  
**Sent:** 05/11/2009 10:11 AM MST  
**To:** LisaP Jackson  
**Cc:** "Sussman.robert@epa.gov" <Sussman.robert@epa.gov>; Beth Craig; Steve Page; Peter Tsirigotis; Richard Ossias; Patricia Embrey; Wendy Blake; Sheila Igoe; Adam Kushner; "Daniel.dertke@usdoj.gov" <Daniel.dertke@usdoj.gov>; Keri Powell <kpowell@earthjustice.org>  
**Subject:** Startup, shutdown, and malfunction letter

Dear Administrator Jackson:

Enclosed is a pdf copy of a letter from 176 citizen organizations requesting your help. We are sending a hard copy by mail today. If you have any questions about this letter, please contact me at the address and telephone number below.

Sincerely,  
James S. Pew  
James S. Pew  
Staff Attorney  
Earthjustice  
1625 Massachusetts Avenue, NW  
Washington, D.C. 20036  
(202) 667-4500 (phone)  
(202) 667-2356 (fax)



SSM letter.pdf

**Beth Craig/DC/USEPA/US**

09/23/2011 11:26 PM

To "Gina Mccarthy"

cc Kristinn Vazquez, "Drusilla Hufford", John Millett

bcc

Subject More info

Dear Gina,

On Sept 9, we hosted a workshop with FDA and others to discuss patient transition. We can share the list of stakeholders who were attended. We held conference calls in advance of the meeting with some of the more influential players, including ALA, and we asked everyone to walk away from the meeting thinking about the one action they would take to assist in the patient transition.

Here's the list of stakeholders who attended:

American Academy of Allergy, Asthma and Immunology

American College of Allergy, Asthma and Immunology

American College of Chest Physicians

American Lung Association

American Pharmacists Association

Armstrong/Amphastar Pharmaceuticals

Asthma and Allergy Foundation of America

Boehringer Ingelheim Pharmaceuticals, Inc.

Consumer Healthcare Products Association

Food Marketing Institute

International Pharmaceutical Aerosol Consortium

Mothers of Asthmatics

National Alliance of State Pharmacy Associations

National Association of Chain Drug Stores

National Community Pharmacists Association

National Council for Prescription Drug Programs

Natural Resources Defense Council

Teva Pharmaceuticals

Just thinking this might be useful.

If you need more info, please let us know. Beth

-----

Sent by EPA Wireless E-Mail Services

**Betsaida**  
**Alcantara/DC/USEPA/US**

09/02/2011 02:06 PM

To Richard Windsor, Arvin Ganesan, Avi Garbow, Barbara Bennett, Bob Perciasepe, Bob Sussman, Dru Ealons, Elizabeth Ashwell, Gina McCarthy, Joseph Goffman, Laura Vaught, Michael Goo, Sarah Pallone, Scott Fulton, Stephanie Owens, David Bloomgren, Heidi Ellis, Brendan Gilfillan, Alisha Johnson

cc

bcc

Subject Politico Whiteboard: Ozone ruling means more litigation, lung association says

9/2/11 2:03 PM EDT

Calling the White House's decision not to finish reconsidering the ozone standard "inexcusable," American Lung Association President Charles Connor says his group "now intends to revive its participation in litigation with the administration, which was suspended following numerous assurances that the administration was going to complete this reconsideration and obey the law."

**Betsy Shaw/DC/USEPA/US**

01/09/2013 03:29 PM

To Gina McCarthy

cc Janet McCabe, Joseph Goffman, "Betsy Shaw"

bcc

Subject Re: Fw: Keep Pollution Cops On The Beat: Congress Proposes Stripping \$100 Million From Clean Air Enforcement

I'll investigate.

Gina McCarthy

Betsy - Is this something new and if so,...

01/09/2013 03:23:08 PM

From: Gina McCarthy/DC/USEPA/US  
To: "Betsy Shaw" <shaw.betsy@epa.gov>  
Cc: Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA  
Date: 01/09/2013 03:23 PM  
Subject: Fw: Keep Pollution Cops On The Beat: Congress Proposes Stripping \$100 Million From Clean Air Enforcement

---

Betsy - Is this something new and if so, can you get the scoop?

----- Forwarded by Gina McCarthy/DC/USEPA/US on 01/09/2013 03:21 PM -----

From: Paul Billings <Paul.Billings@lung.org>  
To: Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA  
Date: 01/09/2013 12:42 PM  
Subject: FW: Keep Pollution Cops On The Beat: Congress Proposes Stripping \$100 Million From Clean Air Enforcement

---

FYI check out our new editorial cartoon and Peter's blog about the importance of keeping the pollution cop on the beat.

[Paul.Billings@Lung.org](mailto:Paul.Billings@Lung.org)

Paul G. Billings

Senior Vice President, Advocacy & Education

American Lung Association

202-785-3355 x 3988

**[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 .*

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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  
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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  
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After  
receiving the revised Email, containing the renamed attachment,  
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For further information, please contact the EPA Call Center at  
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01/09/2013 03:29 PM

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cc Janet McCabe, Joseph Goffman, "Betsy Shaw"

bcc

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\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*  
\*\*\*\*\*

Bob  
Perciasepe/DC/USEPA/US  
05/21/2012 09:52 AM

To: Brendan Gilfillan  
cc  
bcc  
Subject: Fw: Article

Worth noting.

Bob Perciasepe  
Deputy Administrator

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

----- Forwarded by Bob Perciasepe/DC/USEPA/US on 05/21/2012 09:51 AM -----

From: "Robert 'Mike' McGhee" <rmcghee2@bellsouth.net>  
To: Nancy Stoner/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 05/21/2012 08:24 AM  
Subject: Article

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### **EPA Probes for Conflicts of Interest Should Start In Their Own Building**

(Tallahassee, FL – May 17, 2012) Prompted by a petition from two environmental interest groups, the EPA is searching for conflicts of interest among Florida's environmental officials.

"If EPA is on the hunt for conflicts of interest they can start in their own building," said Ryan Houck, executive director of Free Market Florida. "Many of EPA's top brass have extensive ties to environmental litigation groups with a clear financial interest in the outcome of major permitting battles. Somehow, I doubt the Florida Clean Water Network or PEER will be calling for their firing."

Many of EPA's top regulators are former staffers for major environmental litigants, which frequently bring suit against the agency over permitting issues. These environmental interest groups have a direct financial stake in the outcome of litigation with the EPA, which includes their ability to request attorney's fees through the Equal Access to Justice Act. Recently, EPA has drawn fire for its "sue-and-settle" formula—a process by which environmental groups bring suit against the EPA in order to trigger a rulemaking process that results in new regulations.

"The EPA has ceased to be an impartial referee on permitting matters," said Houck. "They've strapped on pads and are on the field playing for environmental extremists. It's exactly what you'd expect from a system wherein environmental interest groups serve as de facto farm teams for EPA. It's just laughable that environmental litigants are now pointing the finger at others."

A brief list of senior EPA officials who have formerly worked at environmental interest groups that often sue the EPA:

Nancy Stoner, Interim Assistant Administrator of Water

Formerly Worked for: Natural Resources Defense Council

Glenn Paulson, Chief Scientist  
Formerly Worked for: Natural Resources Defense Council

Michael L. Goo, Associate Administrator for the Office of Policy  
Formerly Worked for: Natural Resources Defense Council

Bob Perciasepe, Deputy Administrator  
Formerly Worked for: National Audubon Society

Cynthia Giles, Assistant Administrator for Enforcement & Compliance  
Formerly Worked for: The Conservation Law Foundation's Advocacy Center

Michelle J. DePass, Asst. Administrator for the Office of International and Tribal Affairs  
Formerly Worked for: The New York City Environmental Justice Alliance

Mathy Stanislaus, Assistant Administrator for Solid Waste  
Formerly Served on the Board of: NYC Environmental Justice Alliance

Curt Spalding – Region 1 Director  
Formerly Worked for: “Save the Bay” and “Narragansett Bay Keeper”

Judith A. Enck – Region 2 Director  
Formerly Worked for: New York PIRG and Environmental Advocates of New York

Susan Hedman – Region 5 Director  
Formerly Worked for: Environmental Law and Policy Center and Center for Global Change

Karl Brooks – Region 7 Director  
Formerly Worked for: Idaho Conservation League

James B. Martin – Region 8 Director  
Formerly Worked for: Environmental Defense Fund

Jared Blumenfeld – Region 9 Director  
Formerly Worked for: Sierra Club Legal Defense Fund, the NRDC and International Fund for Animal Welfare

[Free Market Florida](#) is a free market watchdog group affiliated with the newly launched [Free Market America](#). The organization emerged from a coalition of business and civic leaders which, in 2010, led the successful “Vote No on 4” campaign, garnering 67 percent of the vote.



**Bob  
Perciasepe/DC/USEPA/US**  
02/06/2013 05:48 PM

To Diane Thompson, Jose Lozano, Elizabeth Ashwell  
cc Teri Porterfield, Lisa Garcia  
bcc  
Subject Fw: Meeting request on behalf of environmental justice  
delegation from petroleum refinery communities - February  
19th

Here you go.

Thoughts

Bob Perciasepe  
Deputy Administrator

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

----- Forwarded by Bob Perciasepe/DC/USEPA/US on 02/06/2013 05:35 PM -----

From: Leslie Fields <leslie.fields@sierraclub.org>  
To: Lisa Garcia/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 02/06/2013 03:51 PM  
Subject: Meeting request on behalf of environmental justice delegation from petroleum refinery communities  
- February 19th

---

Dear Mr. Perciasepe and Ms. Garcia

I hope you're well. I'm writing on behalf of a delegation of refinery community members, some of whom you may know, who will be in town on Tuesday, February 19th to speak with various officials about the impacts of petroleum refineries to their communities. We very much appreciate the ongoing work of EPA to help reduce the public health impacts of this sector and we would love to discuss additional areas opportunities to utilize NEPA to ensure agencies are most effectively protecting the over-burdened populations. Please let us know if you have any availability on February 19th. Your assistance is much appreciated, as always.

The delegation will include the following participants, representing some of the most impacted areas of our country:

**Mr. Hilton Kelley, Port Arthur, Texas**

Mr. Kelley is the recent recipient of the prestigious Goldman Environmental Prize (2011). As one of the most renowned environmental justice leaders in our country, Mr. Hilton is at the

forefront of the fight to protect communities from harmful industrial pollution in the Texas, Gulf Coast. Mr. Kelley is also the Founder and CEO of Community In-power & Development Association Inc., the Coordinator of the Southeast Texas Bucket Brigade, and Mobile Community Outreach Director for the Coming Clean Collaborative.

**Denny Larson,**

Mr. Denny Larson is the Executive Director of Global Community Monitor and has twenty three years of experience as a community organizer and campaigner working with industrial communities fighting for justice. He developed the first national network in the U.S. focused on oil refineries and the giant corporations that own them. Mr. Larson has published a series of community organizing handbooks and co-authored a variety of environmental legislation and regulation pertaining to air pollution, accident prevention and environmental monitoring policies. Mr. Larson has negotiated two dozen binding agreements with major polluters in conjunction with impacted communities to reduce tons of dangerous pollution and create direct community oversight.

**Vincent Martin, Michigan**

Mr. Martin is the epitome of a community activist. Born in Cuba, Vincent brings multiple community perspectives to the various coalitions in which he plays a crucial role. Specifically, Vincent is a member of Zero West Coalition, Michigan Environmental Justice Executive Directive Working Group, and is active in the Title VI (of the Civil Rights Act enforcement) Alliance.

**Steven Kozel, Sr, Hammond, Indiana**

Mr. Kozel is the President of the Calumet Project. The Calumet Project actively works with community members, workers, and other local organizations from Lake and Porter Counties, Indiana, to improve the quality of life in their communities, revitalize the local economy, and address other issues related to improving the welfare of the Calumet region.

**Carlotta Blake-King, Hammond, Indiana**

Ms. Blake-King is the Vice President of the Calumet Project (described above). As a member of the executive board, Carlotta acts to ensure clean water, clean, air, and good jobs to the people of the Calumet Region.

The participants will be joined by myself and my Sierra Club colleague Lena Moffitt.

Thank you so much, for all you do!

Cheers, Leslie Fields

--

Leslie G. Fields

Director, Environmental Justice & Community Partnerships Program

Sierra Club

50 F Street NW, Eighth Floor

Washington, DC 20001

202-548-4586

[Leslie.Fields@sierraclub.org](mailto:Leslie.Fields@sierraclub.org)

[www.sierraclub.org/ejcp](http://www.sierraclub.org/ejcp)

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

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

well done - team "haze"

Bob Perciasepe  
Deputy Administrator

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

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

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



## FOR IMMEDIATE RELEASE

Office of Gov. John Hickenlooper

Mark Salley, 303-692-2013 w

[Mark.Salley@state.co.us](mailto:Mark.Salley@state.co.us)

Tisha Conoly Schuller, 303-861-0362 w

[tisha.schuller@coga.org](mailto:tisha.schuller@coga.org)

Sharyn Stein, 202-572-3396 w

[sstein@edf.org](mailto:sstein@edf.org)

Michelle Aguayo, 303-294-2300 w

[michelle.aguayo@xcelenergy.com](mailto:michelle.aguayo@xcelenergy.com)

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

**DENVER — Friday, March 9, 2012 —** Gov. John Hickenlooper announced today that Colorado's State Implementation Plan for Regional Haze, a comprehensive package of pollutant emissions reduction strategies designed to provide sweeping public health and environmental protections, has received preliminary approval from the U.S. Environmental

Protection Agency.

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

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

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

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

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

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

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

“In the eyes of the American Lung Association, policies such as this that clean up our air will help prevent disease, save lives, reduce hospitalizations and improve our overall health,

which also has measurable benefits in terms of health-care costs,” said **Curt Huber, Executive Director for the American Lung Association in Colorado**. “Each year, the total benefits of EPA’s air pollution regulations outweigh the costs by as much as 40 to 1,”

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

###

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## UNITED STATES CONGRESS

**FOR IMMEDIATE  
RELEASE**

Friday, March 9, 2012

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

Tara Trujillo (Udall) – 202-224-4334

Juliet Johnson (DeGette) – 202-225-4431

Catherine Mortensen (Lamborn) – 202-841-2653

Leslie Oliver (Perlmutter) – 303-810-6326

Joe Megyesy (Coffman) – 202-744-0288

Chris Fitzgerald (Polis) – 202-225-2161

Rachel Boxer (Gardner) – 970-221-7153

Josh Green (Tipton) – 202-225-4761

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

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

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

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

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

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

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

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

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

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

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

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

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

# # #

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

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

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

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

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

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

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

# # #

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

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

Bob Sussman/DC/USEPA/US

12/31/2010 11:05 AM

To Al Armendariz

cc Janet McCabe, Lawrence Starfield, "Gina McCarthy"

bcc

Subject Re: West Texas CCS Coal Plant Gets PSD Permit -- Nucor Update

Very good news -- thankfully the Sierra club backed off on challenging the plant.

Al -- as we head into the New Year, is there anything new to report on Nucor?

Al Armendariz

Gina and Bob, The CCS-Coal EGU in...

12/31/2010 02:16:25 AM

From: Al Armendariz/R6/USEPA/US  
To: "Gina McCarthy" <mccarthy.gina@epa.gov>, Janet McCabe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: "Carl Edlund" <edlund.carl@epa.gov>, Thomas Diggs/R6/USEPA/US@EPA, Lawrence Starfield/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA, Diane Taheri/R6/USEPA/US@EPA, Jeffrey Robinson/R6/USEPA/US@EPA, "Suzanne Murray" <murray.suzanne@epa.gov>  
Date: 12/31/2010 02:16 AM  
Subject: West Texas CCS Coal Plant Gets PSD Permit

---

Gina and Bob,

The CCS-Coal EGU in west Texas, aka "Summit", has just received its PSD permit from the state. This is the one with DOE backing and with support from former Dallas mayor Laura Miller. Here are some news reports from around the state:

<http://www.star-telegram.com/2010/12/29/2733417/west-texas-clean-coal-plant-leaps.html#>

[http://www.mywesttexas.com/top\\_stories/article\\_2fd43c09-c4c0-5ba0-b0aa-bb1e2ebc09c1.html](http://www.mywesttexas.com/top_stories/article_2fd43c09-c4c0-5ba0-b0aa-bb1e2ebc09c1.html)

If it gets built as planned, it should be the cleanest in the country for all pollutants.

Al

---

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

**Bob Sussman/DC/USEPA/US**  
12/31/2010 11:05 AM

To Al Armendariz  
cc Janet McCabe, Lawrence Starfield, "Gina McCarthy"  
bcc  
Subject Re: West Texas CCS Coal Plant Gets PSD Permit -- Nucor Update

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From: Al Armendariz/R6/USEPA/US  
m:

To: "Gina McCarthy" <mccarthy.gina@epa.gov>, Janet McCabe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: "Carl Edlund" <edlund.carl@epa.gov>, Thomas Diggs/R6/USEPA/US@EPA, Lawrence Starfield/R6/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA, Diane Taheri/R6/USEPA/US@EPA, Jeffrey Robinson/R6/USEPA/US@EPA, "Suzanne Murray" <murray.suzanne@epa.gov>

Date: 12/31/2010 02:16 AM

Subject: West Texas CCS Coal Plant Gets PSD Permit  
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Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6

Dallas, Texas  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: al\_armendariz

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

08/10/2009 12:48 PM

To: Gina McCarthy

cc

bcc

Subject: Fw: ltr from environmental grps

Assume you saw this. Any thoughts/reactions? These issues have been simmering ever since we came to EPA.

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 08/10/2009 12:47 PM -----

From: Charles Imohiosen/DC/USEPA/US  
To: Bob Sussman <sussman.bob@epa.gov>  
Date: 08/10/2009 12:18 PM  
Subject: Fw: ltr from environmental grps

---

Letter from the enviros to Mathy, Gina, Pete S. and OGC (dated 8/5) relating to OIRA issues.

Charles Imohiosen  
Special Assistant to the Senior Counsel  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
(202) 564-9025

----- Forwarded by Charles Imohiosen/DC/USEPA/US on 08/10/2009 12:10 PM -----

From: Antoinette Powell-Dickson/DC/USEPA/US  
To: Charles Imohiosen/DC/USEPA/US@EPA  
Cc: Mathy Stanislaus/DC/USEPA/US@EPA  
Date: 08/10/2009 10:46 AM  
Subject: Fw: ltr from environmental grps

---

Per your request see below.

Thanks  
APD

---

Antoinette Powell Dickson  
Special Assistant  
Office of Solid Waste & Emergency Response  
U.S. Environmental Protection Agency  
Phone: (202) 566-0738; Fax: (202) 566-0207  
powell-dickson.antoINETTE@epa.gov

----- Forwarded by Antoinette Powell-Dickson/DC/USEPA/US on 08/10/2009 10:44 AM -----

From: Matt Straus/DC/USEPA/US  
To: Antoinette Powell-Dickson/DC/USEPA/US@EPA  
Date: 08/10/2009 10:04 AM  
Subject: Fw: ltr from environmental grps

---

Antoinette, attached is a copy of the environmental letter.

----- Forwarded by Matt Straus/DC/USEPA/US on 08/10/2009 10:03 AM -----

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 <cbghirsch@aol.com>  
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



080509LetterToEPA.pdf

**Brendan  
Gilfillan/DC/USEPA/US**  
03/11/2011 05:44 PM

To Dru Ealons, Joseph Goffman, Gina McCarthy  
cc  
bcc  
Subject Re: ALA

Is there a contact there I can reach out to so we can start walking through comms/press aspects of this?  
Dru Ealons

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

**From:** Dru Ealons  
**Sent:** 03/11/2011 05:41 PM EST  
**To:** Joseph Goffman; Gina McCarthy  
**Cc:** Brendan Gilfillan  
**Subject:** Re: ALA

Great news!  
Joseph Goffman

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

**From:** Joseph Goffman  
**Sent:** 03/11/2011 05:40 PM EST  
**To:** Gina McCarthy  
**Cc:** Brendan Gilfillan; Dru Ealons  
**Subject:** Re: ALA

Charles D. Connor, President and CEO of the American Lung Association. Just confirmed with Paul Billings.

Joseph Goffman  
Senior Counsel to the Assistant Administrator  
Office of Air and Radiation  
US Environmental Protection Agency  
202 564 3201

Gina McCarthy | I asked and they have agreed. I will ask... 03/11/2011 05:20:03 PM

From: Gina McCarthy/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US  
Date: 03/11/2011 05:20 PM  
Subject: Re: ALA

I asked and they have agreed. I will ask joe to confirm the name of their CEO.

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 03/11/2011 05:07 PM EST  
**To:** Gina McCarthy; Dru Ealons  
**Subject:** ALA

Have we figured out who/when we're making the specific ask to ALA to participate in the event? Is that on Monday?

Brendan Gilfillan  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2081  
[gilfillan.brendan@epa.gov](mailto:gilfillan.brendan@epa.gov)

James O'Hara/DC/USEPA/US

10/03/2012 10:18 AM

To Bob Perciasepe

cc

bcc

Subject Fw: Alb Journal - Proposal Shuts Part Of Power Plant

fyi....company put out press release saying they are working with EPA, state and environmental groups....everybody in same pew for the moment

----- Forwarded by James O'Hara/DC/USEPA/US on 10/03/2012 10:17 AM -----

From: David Gray/R6/USEPA/US  
To: James O'Hara/DC/USEPA/US@EPA, Ron Curry/R6/USEPA/US@EPA  
Cc: Alisha Johnson/DC/USEPA/US@EPA, "Sam Coleman" <coleman.sam@epa.gov>, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, John Millett/DC/USEPA/US@EPA, Robert Delp/DC/USEPA/US@EPA, Sam Coleman/R6/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Bloomgren.David@epamail.epa.gov  
Date: 10/03/2012 08:57 AM  
Subject: Alb Journal - Proposal Shuts Part Of Power Plant

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## Proposal Shuts Part Of Power Plant

By [Journal Staff](#) on Wed, Oct 3, 2012

The New Mexico Environment Department's plan to settle a regional haze dispute at the San Juan coal-fired power plant would shutter two of the plant's units in five years and equip the other two with state-proposed pollution controls.

The two remaining units would be allowed to continue to operate indefinitely, with PNM building a 150- to 200-megawatt, natural gas-fired power plant to help handle peak loads. Remaining power needed to meet demand would be purchased from existing gas-fired plants in the state.

Public Service Company of New Mexico, at least one environmental group and the federal Environmental Protection Agency were encouraged by the announced compromise.

The compromise would not be as expensive as a controversial federal rule issued last year, and would lower the projected rate increase to consumers, according to the state.

The plant in northwest New Mexico serves about 500,000 PNM customers as well as 1.5 million others in the Southwest.

The proposal, offered as an alternative to the federal rule, also calls for PNM to agree to a number of conditions to lessen the impact of closing the two units. That includes a pledge that there would be no layoffs as a result of the closure and commitment to target at least 25 percent Navajo employment for construction projects.

There are a number of contingencies to be met, NMED General Counsel Ryan Flynn told the Journal, including reaching agreement with PNM, which owns almost half of the 40-year-old plant, the state Environmental Improvement Board and, ultimately, with the EPA.

The state also intends to seek EPA support for a joint motion for a stay of the controversial federal rule in federal court to have time to be able to “work through” the revised plan.

“This is a settlement compromise,” Flynn told the Journal on Tuesday. “This is an effort to try to work with EPA and work with stakeholders to try to bridge the gap that exists here ...

“Many stakeholders recognize the potential outcomes from having the court decide this are really not good,” he said.

PNM appears to be on board, with chairman, president and CEO Pat Collawn saying the announcement “appears to be an important step toward meeting our objectives of addressing the environmental needs of the regional haze program while lessening the cost impact to consumers and minimizing economic impact to the Four Corners region.

“We are hopeful today’s announcement will be the basis for a settlement agreement that will include a new state plan that will be approved by the EPA,” she said.

The Region 6 office of the EPA in a statement said, “EPA is encouraged by the progress that New Mexico Environment Department has made in developing a proposal for broader public review. EPA looks forward to examining the state’s proposal and future discussions regarding the state’s plans to address regional haze.”

The EPA, in an August 2011 ruling, gave the San Juan owners five years to retrofit the plant with “selective catalytic reduction” technology to meet federal haze regulations. Cost estimates differed wildly: The EPA said \$345 million; PNM maintained it would be at least \$750 million, which it says was confirmed when it bid the project earlier this year.

The state EIB in June 2011 adopted a haze plan that called for an alternative technology known as “selective non-catalytic reduction,” which the state contends the equipment could be installed for about \$77 million, and achieve similar visibility improvements. The EPA did not approve using the cheaper technology.

Both PNM and the state appealed to the 10th Circuit Court of Appeals. In July, the EPA granted Gov. Susana Martinez’s request for a 90-day stay to see if it could develop a workable alternative.

The Environment Department headed the effort, holding four public meetings and working behind closed doors with a group consisting of San Juan stakeholders, including PNM, environmental and consumer groups, Public Regulation Commission staff, the U.S. Forest Service, city of Farmington and others.

From the public hearings, Flynn said many people were clear they didn't want the state investing in coal for 40 years and others were very concerned about cost increases and job losses.

The working group, however, was unable to reach a consensus, he said.

"You have environmental groups on one side demanding a full shut down, you have the Navajo Nation saying there are major economic consequences that will result from retiring units ... But we did vet a number of different scenarios," he said.

Flynn said modeling by PNM contractor Black and Veatch showed differences in visibility improvements with the state's alternative plan and federal plan would hardly be perceptible to the human eye.

He said the compromise proposal would have a smaller impact on ratepayers. The state estimates the annual average increase to a residential bill by 2018 would be 21 percent under the federal rule, 16 percent under the compromise.

PNM spokeswoman Valerie Smith said the two units proposed to be retired went into operation in 1973 and 1976. Each generate 340 megawatts, with PNM owning 50 percent of each with Tucson Electric.

"Obviously, reliability is kind of our core business so we wouldn't want to do anything that would affect reliability," she said. "That said, we don't anticipate a two-unit retirement over the time frame described would create reliability issues."

Steve Michel of environmental group Western Resource Advocates called the state alternative "a very positive step. There's no denying closing two units of San Juan is going to have very significant environmental benefits."

A coalition of about six other local environmental groups says it intends to present petitions to the governor today calling for a plan that would phase out all four units and replace it with readily available clean energy, according to coalition member Shrayas Jatkar with the Sierra Club.

Flynn said market forces will likely dictate how long the remaining two units operate.

The state's alternative proposal was endorsed by the Navajo Nation. It was also applauded by state Rep. Tom Taylor, R-Farmington, and other lawmakers in the San Juan County area.

Sen. Tom Udall, D-N.M. also weighed in. "This proposed settlement represents a promising compromise," he said.

— This article appeared on page A1 of the Albuquerque Journal



James O'Hara/DC/USEPA/US

12/13/2012 10:31 AM

To Bob Perciasepe, Bob Sussman, Cynthia Giles-AA

cc Janet Woodka

bcc

Subject Fw: Energywire: NATURAL GAS: EPA backs Sierra Club on LNG export review

see the interpretation being given to EPA comments: we are opposing LNG exports

----- Forwarded by James O'Hara/DC/USEPA/US on 12/13/2012 10:30 AM -----

From: Kayla Marsh/DC/USEPA/US  
To: James O'Hara/DC/USEPA/US@EPA, Victoria Rivas-Vazquez/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, Robert Delp/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Stephanie Epner/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA  
Cc: Lindy Farrar/DC/USEPA/US@EPA  
Date: 12/13/2012 09:45 AM  
Subject: Energywire: NATURAL GAS: EPA backs Sierra Club on LNG export review

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## **Energywire: NATURAL GAS: EPA backs Sierra Club on LNG export review**

By Hannah Northey and Jenny Mandel

Published: Thursday, December 13

The Sierra Club has won support from an important ally in its push for a federal assessment of the environmental impacts that could stem from liquefied natural gas exports: U.S. EPA.

The agency has urged the Federal Energy Regulatory Commission in recent weeks to weigh the upstream implications of increased natural gas production when approving export terminals in Maryland and Oregon.

Dominion Resources Inc.'s proposal to re-engineer its LNG import terminal in Cove Point, Md., to accommodate exports "represents an opportunity for FERC and DOE to jointly and thoroughly consider the indirect and cumulative environmental impacts of exporting LNG," EPA said in a filing on the scope of the project's environmental review.

That comment, from the EPA regional office with jurisdiction over the project, is mirrored by a similar statement from the EPA regional office that oversees the proposed Jordan Cove Energy Project in Oregon.

"We believe it is appropriate to consider available information about the extent to which drilling activity might be stimulated by the construction of an LNG export facility on the West Coast, and any potential environmental effects associated with that drilling expansion," the regional office wrote.

They noted that the Energy Department's Energy Information Administration said in a January 2012 report that LNG exports would be supplied largely through new natural gas production, and that about three-quarters of that production could be expected to come from unconventional shale gas plays.

EPA's support is important because the Sierra Club has been on the front lines -- and largely alone -- in its across-the-board opposition to proposals for facilities that would ship millions of tons of natural gas abroad each year. The group has intervened with DOE on projects around the country, arguing that exports should not move forward until a federal review of shale gas production has been conducted under

the National Environmental Policy Act.

That would be a significant change from how natural gas project implications are often weighed -- on an ad hoc basis at the state, county and even city level ([EnergyWire](#) , Nov. 8).

The Sierra Club has faced an uphill battle. LNG exports have picked up steam in recent weeks with a slew of FERC "pre-filings" like those submitted for the Maryland and Oregon projects, and a generally favorable DOE economic assessment that could pave the way for new export permits.

But the Sierra Club has continued the drumbeat of its warning in concert with a campaign called "Beyond Natural Gas," which highlights environmental and health risks associated with natural gas production and argues against a reliance on fossil fuel energy sources of any sort.

DOE and FERC's main argument against evaluating upstream impacts is that any increases in natural gas drilling that would stem from export shipments could not be attributed to individual terminals.

In an April decision authorizing Cheniere Energy Inc. to go forward with construction that would equip its Sabine Pass, La., LNG terminal for exports, FERC declined to go into the question of drilling impacts, saying, "An overall increase in nationwide production of shale gas may occur for a variety of reasons, but the location and subsequent production activity is unknown, and too speculative to assume" ([EnergyWire](#) , Nov. 29).

But a November report by Sierra Club attorney Craig Segall contradicted that position. Segall pointed to the National Energy Modeling System, a tool used by EIA analysts to forecast the interplay of domestic natural gas supply and demand, as equally well-suited to predicting how domestic production activity would respond to new demand centers, in the form of export terminals, along the U.S. coastline.

Segall said last week that the modeling system argument seems to be gaining traction. "We think we're winning that 'foreseeable' issue," he said.

Ultimately, he said, "One of two things needs to happen. The most sensible would be for FERC to acknowledge [that the review] is a two-step process" that includes a big-picture analysis that looks at how exports drive production, how much hydraulic fracturing that would entail and what alternatives exist to the projects. Both DOE and FERC could then refer to that assessment as needed in the course of their project-specific reviews. The "inefficient" alternative, he said, would be if FERC did not conduct that review, and DOE had to do a supplemental environmental analysis to meet its legal obligation to answer those questions.

Both of those scenarios reflect some optimism from Segall, however. To date, FERC has said via the Sabine Pass ruling, and DOE has agreed via an August authorization for the same project, that natural gas production is outside the scope of the export projects' environmental studies.

### **An unprecedented step?**

For the Sierra Club, the EPA regions' comments to FERC represent the most promising support for its stance from a federal agency. But observers questioned how much it will ultimately matter.

Former FERC Commissioner Marc Spitzer said in an interview that there would be widespread energy policy changes if regulators were to accept the Sierra Club's argument and FERC were to consider the entire gas supply chain when permitting LNG export terminals.

FERC would be forced to conduct the same sweeping reviews for gas pipelines, storage facilities and

other infrastructure, he said. "I don't see how you could ever build a pipeline or storage facility in the United States based on that reasoning," Spitzer said.

Spitzer noted that FERC has maintained a firm position in denying such a far-reaching review of gas production when approving LNG terminals, and it's unclear whether the agency will be swayed by the EPA letters.

The former commissioner said he saw many letters from EPA that were fairly neutral on environmental impacts while he oversaw FERC's approval of LNG import terminals. Few had taken as strong a tone as the recent EPA comment on Dominion's Cove Point project, he said.

That letter not only calls for consideration of the upstream project impacts but also asks FERC to spell them out in the form of calculating how many production wells might be required to support new gas demand, and how project implementation would drive demand for new or expanded natural gas pipeline infrastructure.

"The environmental study of the Cove Point Project should be a comprehensive and robust evaluation of potential impacts, which may require a higher level analysis, particularly in consideration of the potential for significant cumulative impacts and the level of community interest," it said.

FERC isn't obligated to follow those suggestions; according to spokeswoman Tamara Young-Allen, the agency is free to adopt the recommendations or discard them, though the ultimate plan for the environmental review must address the suggestion and why FERC did not follow it, if that is the path regulators choose.

Observers say that if FERC declines to consider upstream export impacts, officials at DOE can opt to consider the question as part of its "public interest" review of the export terminal proposals.

Segall said that in light of FERC's consistent refusal to look at upstream export impacts, he does not expect the commission to reconsider the issue, but he hopes that DOE will.

Brian O'Neill, an attorney with Van Ness Feldman who focuses on LNG issues, said FERC has an important role as the lead agency and could determine the scope of the government's environmental review of exports. DOE probably won't extend its review to gas production and hydraulic fracturing when approving LNG exports if FERC doesn't set that tone, he said.

"That's not to say the administration may say otherwise, but I don't think DOE is going to depart from the precedent that the FERC has set," O'Neill said.

James O'Hara/DC/USEPA/US  
10/22/2012 10:27 AM

To Bob Sussman, Janet Woodka, Bob Perciasepe, Diane  
Thompson  
cc  
bcc  
Subject Fw: Armendariz sticks by Range water pollution charge

fyi

----- Forwarded by James O'Hara/DC/USEPA/US on 10/22/2012 10:27 AM -----

From: David Bloomgren/DC/USEPA/US  
To: David Gray/R6/USEPA/US@EPA, Robert Delp/DC/USEPA/US@EPA, Christine  
Guitar/DC/USEPA/US@EPA  
Cc: James O'Hara/DC/USEPA/US@EPA  
Date: 10/22/2012 10:20 AM  
Subject: Armendariz sticks by Range water pollution charge

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<http://www.eenews.net/energywire/2012/10/22/1>

## 1. NATURAL GAS: **Armendariz sticks by Range water pollution charge**

Mike Soraghan, E&E reporter

Published: Monday, October 22, 2012

LUBBOCK, Texas -- The former U.S. EPA official who accused Range Resources Corp. of contaminating drinking water near Fort Worth said Saturday he still believes the company's gas drilling operation fouled the well, even though the federal government dropped the case.

But Al Armendariz, the regional administrator who resigned a month after the case was dropped, said he made the decision to withdraw the case because it was bogged down in the courts.

"The best available data that I was presented by my staff indicated that that driller's natural gas was ending up in a private drinking water well," Armendariz said. "I've not seen, and when I withdrew our enforcement action I didn't see, anything to the contrary."

Answering questions in an appearance at the annual conference of the Society of Environmental Journalists, he continued, "But we do live in a very litigious society. It had been in court for more than a year going on two.

"I felt a better course of action would be to talk to Range about a potential settlement where we would withdraw our enforcement action and they would commit to doing additional monitoring in Parker County," he said.

Range spokesman Matt Pitzarella said Armendariz was wrong and that Range's drilling did not

contaminate the well. He said the case was dropped when officials in Washington, D.C., looked at the case and found it unsupportable.

"Much like everything else Dr. Armendariz has said regarding this case, his remarks fly in the face of facts, science and internal documents from Region 6," Pitzarella said. "We're glad that when EPA Headquarters eventually examined this matter, they allowed facts and science to lead to their withdrawal of the order. Dr. Armendariz has proved one thing, however, and that is he's a far better activist than he was regulator."

Armendariz brought the high-profile case in December 2010, as the Dallas-based director for Region 6, which includes Texas and surrounding states. He now works for the Sierra Club on its anti-coal campaign.

He charged that Range had allowed gas from its wells to leak natural gas into two homes in Parker County in the Fort Worth suburbs. He ordered the Houston-based company to fix the problem and supply water to the families.

His emergency order also accused the state oil and gas officials at the Texas Railroad Commission of failing to protect their residents ([Greenwire](#) , Dec. 8, 2010).

Range denied the accusations, and the Texas Railroad Commission backed the company.

The case went to federal court, where the agency was represented by Justice Department lawyers. An element of the case went to the 5th U.S. Circuit Court of Appeals, based in New Orleans.

EPA and the Justice Department dropped the case in March, saying they wanted to shift away from litigation to a "joint effort" involving more testing ([E&ENews PM](#) , March 30). As part of the settlement, Range agreed to do much of the testing it would have been required to do under the emergency order.

Nevertheless, the industry and its supporters claimed full victory over Armendariz and EPA. They also cast it as a victory for state regulation over federal intrusion ([EnergyWire](#) , April 2).

Weeks later, Sen. James Inhofe (R-Okla.) circulated a two-year-old video of remarks Armendariz had made at a town hall meeting. In it, Armendariz compared his strategy of making examples of violators to Roman conquerors' strategy to "crucify" random villagers ([E&ENews PM](#) , April 25).

The reversal on Range gave additional significance to the video. Critics of Armendariz cited it as confirmation that he had gone after Range with flawed evidence.

Armendariz apologized for the comments and resigned within a week ([Greenwire](#) , April 30).

Armendariz has not spoken widely about the case. The agency's comments about the dismissal came from EPA spokespersons. He remained silent about the dismissal of the case. He skipped a

congressional hearing where House Republicans deemed the Range charges "false."

He did tell *The Texas Tribune* in an interview published in August, "It really did happen the way it was described by the agency.

"The agency felt that it would be better to move forward on that matter rather than continuing to litigate it in federal court. And so we withdrew the order and Range agreed to do some more sampling and to send that data to the agency," he said in the question-and-answer-style interview.

His comments Saturday indicated more strongly than previously that he had made the decision, rather than attorneys at the Justice Department or officials in the Obama White House, where natural gas drilling is popular.

"It was mine," he said of the decision.

He noted that he has not seen any of the results of the testing that Range agreed to do under the settlement. EPA has not released any of the data Range has collected and provided under the settlement.

James O'Hara/DC/USEPA/US

07/21/2012 08:01 AM

To: Brendan Gilfillan

cc: Bob Perciasepe, Bob Sussman, Diane Thompson, Richard Windsor

bcc:

Subject: Re: Fw: Final MATS Release & Timing

Tnx. Good work.  
Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 07/20/2012 11:06 PM EDT

**To:** Brendan Gilfillan; James O'Hara

**Cc:** Bob Perciasepe; Bob Sussman; Diane Thompson; Richard Windsor

**Subject:** Re: Fw: Final MATS Release & Timing

Final AP:

EPA reviews part of power plant rule

The Environmental Protection Agency is reviewing part of a controversial rule that sets the first federal standards to reduce toxic air pollution from power plants.

By MATTHEW DALY<

<http://search.nwsourc.com/search?searchtype=cq&sort=date&from=ST&byline=MATTHEW%20DALY>>

Associated Press

WASHINGTON –

The Environmental Protection Agency is reviewing part of a controversial rule that sets the first federal standards to reduce toxic air pollution from power plants.

The rule, issued in December, is aimed at curbing mercury and other toxic pollutants from coal- and oil-fired power plants. The Obama administration calls the rule a sensible step to reduce pollution, but Republicans have denounced it as a part of a "war on coal." The rule could force hundreds of the nation's oldest and dirtiest power plants to clean up or shut down.

The review, announced Friday, focuses on an aspect of the rule that applies to future power plants. The technical review is intended to clarify how the new standards would apply to five plants proposed in Texas, Georgia, Kansas and Utah.

EPA officials called the review a routine step that will have no impact on standards already set for existing power plants. Those rules will protect millions of families from air pollution, the agency said.

The review was prompted by criticism from power plant operators who said the rule as drafted was confusing for new plants.

A spokesman for the American Lung Association, which pushed for the power plant rule, called the review "narrowly crafted." While the group is not happy with the change, "it is not a significant deal," said spokesman Paul Billings.

An official for one of the power companies that sought the review said the EPA's decision to reconsider standards for new plants was an acknowledgment by the agency that its standards are unachievable.

Ken Anderson, executive vice president of Colorado-based Tri-State Generation and Transmission Association, said the EPA should review the overall rule "and come back with a regulatory standard that has a proper timeframe and is rooted in the realities of science and engineering." Tri-State has proposed a coal-fired power plant in Kansas.

The EPA rule is intended to slash mercury and other toxic emissions from the oldest and most polluting oil- and coal-fired power plants. The EPA has had authority to set such rules since 1990, but did not impose them until late last year, after a court threw out an attempt by the Bush administration to exempt power plants from such controls.

Power plants are the largest remaining source of manmade mercury in the environment. Mercury is a toxic metal that's known to impair brain development in children, including those exposed in the womb.

When fully implemented in 2016, the standards will slash mercury pollution from burning coal by 90 percent, lung-damaging acid gases by 88 percent and soot-producing sulfur dioxide by 41 percent. Environmental groups and public health advocates say the rule will prevent thousands of premature deaths and avoid millions of dollars in health care costs for asthma and other illnesses.

Republicans and some industry groups say the benefits of the regulation do not outweigh rising electricity bills, jobs lost from shuttered power plants and the nearly \$10 billion per year cost. They have portrayed the regulation as an effort by the EPA to kill coal, which is responsible for more than 40 percent of U.S. electricity production.

Changing economics, such as low natural gas prices and reduced electricity demand, are major factors in older coal-fired power plants shutting down.

The review of standards for new plants is due to be completed next March.

Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 07/20/2012 03:39 PM EDT

**To:** James O'Hara

**Cc:** Bob Perciasepe; Bob Sussman; Diane Thompson; Richard Windsor

**Subject:** Re: Fw: Final MATS Release & Timing

Initial story - this will get fleshed out:

## APNewsBreak: EPA to review power plant rule

By By MATTHEW DALY – 5 minutes ago

WASHINGTON (AP) — The Environmental Protection Agency is reviewing part of a controversial rule that sets the first federal standards to reduce toxic air pollution from power plants.

The rule was issued in December. It's aimed at curbing mercury and other toxic pollutants from coal- and oil-fired power plants. The Obama administration calls the rule a sensible step to reduce pollution, but Republicans have denounced it as a part of a "war on coal." The rule could force hundreds of the nation's oldest and dirtiest power plants to clean up or shut down.

The EPA said Friday it's reviewing an aspect of the rule that applies to future power plants. The technical review is intended to clarify how the new standards would apply to five plants proposed in Texas, Georgia, Kansas and Utah.

James O'Hara

[Here is final release based in large me...](#)

07/20/2012 03:08:02 PM

From: James O'Hara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA

Cc: Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 07/20/2012 03:08 PM  
Subject: Fw: Final MATS Release & Timing

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Here is final release based in large measure on the language of letter being sent and per Monday's meeting with some detail at 20,000 foot level, i.e., third paragraph

----- Forwarded by James O'Hara/DC/USEPA/US on 07/20/2012 03:05 PM -----

From: David Bloomgren/DC/USEPA/US  
To: James O'Hara/DC/USEPA/US@EPA  
Date: 07/20/2012 02:57 PM  
Subject: Fw: Final MATS Release & Timing

---

David E. Bloomgren  
U.S. Environmental Protection Agency  
Direct: 202.564.0639  
Mobile: 202.604.5926

----- Forwarded by David Bloomgren/DC/USEPA/US on 07/20/2012 02:58 PM -----

From: David Bloomgren/DC/USEPA/US  
To: Avi Garbow/DC/USEPA/US@EPA, Scott Fraser/DC/USEPA/US@EPA, Andrea Drinkard/DC/USEPA/US@EPA, Nate McMichael/DC/USEPA/US@EPA, Cathy Milbourn/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 07/20/2012 02:22 PM  
Subject: Final MATS Release & Timing

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Final MATS release below. Embargoed until 3:30 and we are releasing at 3:45.

## EPA to Review Technical Information on Mercury and Air Toxics Standards for New Power Plants

### Routine review has no impact on cost or vital health benefits of first national standards for mercury pollution

WASHINGTON – EPA is reviewing technical information that is focused on pollution limits for new power plants under the Mercury and Air Toxics Standards, based on new information provided by industry stakeholders after the rule was finalized. This review, which is not an uncommon step for major standards, will have no impact on the sensible, achievable, and cost-effective standards already set for existing power plants, which will protect millions of families and, especially, children from air pollution. By moving quickly to review the new information, this action will provide greater certainty for five planned future facilities, in Georgia, Kansas, Texas, and Utah, that would be covered by the standards. This review will not change the expected costs or public health benefits of the rule.

EPA's Mercury and Air Toxics Standards, which take advantage of existing flexibilities, are the first national standards to protect American families from power plant emissions of mercury and toxic air pollution like arsenic, acid gas, nickel, selenium, and cyanide. By

ensuring that existing power plants install widely available pollution control equipment, the standards will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year. The standards will also help America's children grow up healthier – preventing 130,000 cases of childhood asthma symptoms and about 6,300 fewer cases of acute bronchitis among children each year.

EPA will review monitoring issues related to the mercury standards for new power plants and will address other technical issues on the acid gas and particle pollution standards for these plants. The agency's review will not change the types of state-of-the-art pollution controls new power plants are expected to use to reduce this harmful pollution.

This type of review, known as a "reconsideration," is a routine tool that EPA often uses to ensure that its standards incorporate all relevant information, in cases where information only becomes available after a rule is promulgated. The agency's decision to reconsider the standards for new sources reflects its ongoing commitment to work with industry and other stakeholders to ensure that all of EPA's standards protect public health while being achievable and cost-effective. The agency will follow an expedited, open and transparent process that includes public comment on any proposed changes. The agency will complete the rulemaking by March 2013 and will also use its Clean Air Act authority to stay the final standards for new power plants for three months during this review.

More information: <http://epa.gov/mats/actions.html>

David E. Bloomgren  
U.S. Environmental Protection Agency  
Direct: 202.564.0639  
Mobile: 202.604.5926

James O'Hara/DC/USEPA/US  
01/24/2013 11:37 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman  
cc Alisha Johnson  
bcc  
Subject wsj fracking story...sorry link didn't work first time

# Chesapeake to Host EPA In Study of Fracking Risk

## Natural-Gas Producer to Host Federal Study of Drilling's Risk to Water Quality

By [TENNILLE TRACY](#)

WASHINGTON—Natural gas producer [Chesapeake Energy Corp.](#) [CHK +1.89%](#) has agreed to let the Environmental Protection Agency conduct extensive tests at one of its drilling sites as part of an investigation into the safety of hydraulic fracturing, an administration official said.

The testing, which will involve water sampling before and after drilling takes place, will serve as a cornerstone of a yearslong EPA study to determine whether the process known as fracking poses a risk to water supplies.

Another natural gas company, [Range Resources Corp.](#), [RRC +1.90%](#) also may allow the EPA to work at one of its drilling sites, although an agreement has been held up by researcher liability concerns at a drilling site, a Range Resources spokesman said.

The moves suggest companies believe they can pass close inspection by government scientists and hope cooperation will lead to a favorable view of fracking in the closely watched EPA study, which is due next year and is seen by both sides as having a major impact on the future of natural-gas drilling in the U.S.

The EPA says its study also will include sites where contamination has already been reported, including drilling projects by [Pioneer Natural Resources Co.](#), [PXD +1.56%](#) [Denbury Resources Inc.](#), [DNR +1.10%](#) [Cabot Oil and Gas Corp.](#) [COG +3.02%](#) and others.

But some of the most important work involves before-and-after testing of water quality and Chesapeake's participation will give the agency access to an active drilling project.

The EPA, which earlier expressed concern that such studies couldn't be completed in time for next year's report, now is expressing more confidence. An agency official said the results will be included so long as work starts before the spring.

Chesapeake, the second largest U.S. gas producer after [Exxon Mobil Corp.](#), [XOM +1.00%](#) and the EPA are "very close" to settling on a location and a start date, the official said.

"The value of these tests is that they are really the first independent review of what's happening from start to finish. It is a data set that doesn't really exist right now," said Briana Mordick, a scientist at the Natural Resources Defense Council.

However, Glenn Miller, a University of Nevada, Reno, professor of environmental science who studies water issues, said the EPA's test results should be taken with a grain of salt.

"If a company knows they're being followed closely, they're going to be very, very careful," Mr. Miller said.

U.S. production of natural gas has surged following advances in technology that allow energy companies to extract the fuel from hard-to-reach spots. In fracking, drillers pump a mix of water, sand and chemicals deep underground at high pressure to break apart energy-rich rocks and allow gas and oil to flow to the surface. The technique, used in many onshore drilling projects, is essential to harvesting huge oil and gas deposits trapped in shale.

The boom in production has stoked fears of water contamination. Some environmental groups, such as the Sierra Club, have called for stringent new controls.

Several natural gas companies already test water supplies before they start to drill to establish existing conditions in case they're later accused of contaminating the water.

Duke University researchers also are testing water samples in areas where drilling is likely to occur to perform before-and-after analysis.

The EPA declined to identify the location of the Chesapeake drilling site. The agency had said in December it had planned to do testing at a Chesapeake project in Louisiana's DeSoto Parish, but scheduling conflicts forced it to abandon those plans.

"We're confident in the science and the facts, and that [the EPA] will reach the same conclusions as everyone else," said Matt Pitzarella, a spokesman for Fort Worth, Texas-based Range Resources.

Range Resources "would very much like to work" with the EPA, Mr. Pitzarella said. While there is a holdup related to liability waivers for EPA employees at the site, "we're confident that we can reach an agreement," he said. Range Resources has been looking at letting the EPA conduct tests at a site in Washington County, Pa.

In 2010, the EPA accused Range Resources of causing natural gas to seep into water wells near some of its gas wells in North Texas, but it dropped the claim last year.

The EPA is still working on a study of natural gas drilling in Pavillion, Wyo., after the site producer, [Encana Corp.](#), [ECA.T +2.43%](#) and other government agencies challenged a 2011 draft EPA report that suggested a link to water contamination at Pavillion.

James O'Hara/DC/USEPA/US  
01/10/2013 05:20 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman  
cc Alisha Johnson, Victoria Rivas-Vazquez  
bcc  
Subject Fw: Re: URGENT (OW ACTION, OPS HEADS UP): NBC News/Today: methane in drinking water (related to fracking) on DDL in the next few hours

will keep you informed

-----Forwarded by James O'Hara/DC/USEPA/US on 01/10/2013 05:19PM

-----  
To: Julia Valentine/DC/USEPA/US@EPA  
From: Alisha Johnson/DC/USEPA/US  
Date: 01/10/2013 05:13PM  
Cc: Andra Belknap/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, John Senn/DC/USEPA/US@EPA, Robert Delp/DC/USEPA/US@EPA, Travis Loop/DC/USEPA/US@EPA, Victoria Rivas-Vazquez/DC/USEPA/US@EPA, James O'Hara/DC/USEPA/US@EPA  
Subject: Re: URGENT (OW ACTION, OPS HEADS UP): NBC News/Today: methane in drinking water (related to fracking) on DDL in the next few hours

Adding Jim for awareness

Inactive hide details for Julia Valentine---01/10/2013 05:10:40 PM---Deadline: 2-3 hours (around 7 or 8 PM) Outlet: NBC News TJulia Valentine---01/10/2013 05:10:40 PM---Deadline: 2-3 hours (around 7 or 8 PM) Outlet: NBC News Today Show

From: Julia Valentine/DC/USEPA/US  
To: John Senn/DC/USEPA/US, Travis Loop/DC/USEPA/US  
Cc: Alisha Johnson/DC/USEPA/US, Robert Delp/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Victoria Rivas-Vazquez/DC/USEPA/US, David Cohen/DC/USEPA/US  
Date: 01/10/2013 05:10 PM  
Subject: URGENT (OW ACTION, OPS HEADS UP): NBC News/Today: methane in drinking water (related to fracking) on DDL in the next few hours

---

**Deadline:** 2-3 hours (around 7 or 8 PM)  
**Outlet:** NBC News Today Show  
**Contact:** Josh Davis, Investigative Producer, TODAY SHOW  
(w) 212-664-3527; (c) 917-587-8493  
[josh.davis@nbcuni.com](mailto:josh.davis@nbcuni.com)

Topic: Local NBC affiliate in Ohio running a story (linked and in text below) today about a couple living near hydraulic fracturing site and they now have methane in their top water, and it ignites. Today id doing a national look at this and wants info from us about methane in drinking water. He did not have any specific questions about fracking for us, and I told him to look up our release from 12/21 about the progress report on the ORD study.

- Q: What are safe levels of methane to have in drinking water
- Q: What are all of the ways that methane could get into drinking water
- Q: What are the regs and standards around drinking water -- and are they federal or state by state?
- Q: [How many \(what percentage\) of Americans get their drinking water from wells?](#)

## 1. Flammable water terrifies family

Posted: Jan 10, 2013 3:02 PM EST

<http://www.nbc-2.com/story/20556006/flammable-water-terrifies-family>

(scroll down for full text)

## 2. Portage County: Family concerned over methane in water

3:30 PM, Jan 10, 2013

<http://www.wkyc.com/news/article/277495/45/Portage-County-Family-concerned-over-methane-in-water>

(scroll down for full text)

## 1. Flammable water terrifies family

<http://www.nbc-2.com/story/20556006/flammable-water-terrifies-family>

Water is the enemy of fire, except in Jason Kline's house. When a flame gets near his faucet, a fireball erupts.

Around Christmas, the family noticed their water started fizzing. When Jason's wife, Debby, lit a candle near the sink, they learned something was very wrong.

"Oh, I was so scared. It just was a huge explosion, the entire sink went up to the ceiling," Debby says.

The Kline's water is full of methane gas and they're not sure why.

About six months ago, Mountaineer Keystone Oil and Gas company put in a drilling rig in a field catty-corner from the Kline house.

The company paid for an EPA-certified test of the family's well water, which showed methane levels around nine, which is acceptable.

But in December, something changed after the drilling began.

"Methane levels have more than doubled and we're wondering if this is all just coincidental," Jason says.

Mountaineer Keystone LLC Director of Security Operations, Anthony Aulicino, wrote in an email:

"Ohio Department of Natural Resources regulations require pre-drill testing of well water within 1500 feet of a proposed drill site. Superseding regulations, we tested Mrs. Kline's residence, which lies over the required distance. At Mrs. Kline's request, we funded an independent lab of her choosing. Those results showed elevated methane levels in her well water existed prior to the start of any drilling activity."

After the December incident, the Ohio Department of Natural Resources tested the well water and registered a level of 22. 28 is considered hazardous.

Read more: <http://on.wkyc.com/VM4SFn>

## 2. Portage County: Family concerned over methane in water

3:30 PM, Jan 10, 2013

<http://www.wkyc.com/news/article/277495/45/Portage-County-Family-concerned-over-methane-in-water>

GARRETTSVILLE -- Water is the enemy of fire, except in Jason Kline's house. When a flame gets near his faucet, a fireball erupts.

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After the December incident, the [Ohio Department of Natural Resources](#) tested the well water and registered a level of 22. 28 is considered hazardous.

They had no answer to a cause but recommended the family install explosive gas meters, carbon monoxide meters and a vented well cap with a riser.

But that would just detect methane, not remove it. All of that and a methane separator would cost thousands of dollars the family says it can't afford.

ODNR responded in an email:

"Methane is naturally occurring in this portion of the state, and the water well in question was found to be drilled into shale, which may have led to these increased levels. At this time, the investigation is ongoing. These types of occurrences highlight the need for the stringent regulations and water testing requirements ODNR insisted be included in Senate Bill 315 last year. As a regulatory authority, ODNR will continue to investigate all claims of water contamination."

But it's not only methane that's concerning the family.

The ODNR report also showed the well water's chloride levels were nearly twice the safe limit.

George Sosebee is with [Concerned Citizens of Ohio](#). Since April, on the first Sunday of the month, they meet at King Of Glory Church off of state Route 303 to test the well water of Portage County residents who are concerned about the influx of drilling and fracking rigs popping up around them.

The group tests salinity and chloride levels with a \$48 kit they bought out of a laboratory catalog and meters they received from the [Sierra Club](#).

Sosebee says they're no experts but they're trying to get a baseline measurement to show a difference if levels elevate. The Kline's water tested off their charts too.

"We want to be sure that it's done safe, it's done right and it protects the people, because right now they're exempted and non-transparent. They can do a lot of things and there's nobody seems to be doing much about it," Sosebee says.

As of now, there is no definitive way to know if the gas and chloride elevations are caused by nature or by the recent drilling, but that brings little peace to the Klines.

They can't use their fireplace, they drink and cook with bottled water, and they won't give tap water to their pets. But they still bathe in it.

"We're putting our kids in the bathtub every night in this explodable water. We don't know the consequences of sitting in gas water, but we just don't have a choice." Debby says.

Channel 3 talked to one of the Kline's neighbors, who says he's not having any issues with his well water and the Klines are unaware of any other neighbors having similar problems.

The Ohio Department of Natural Resources has reported no case in which

groundwater has been contaminated.

Julia P. Valentine  
Press Office, U.S. EPA HQ  
Office of the Administrator  
202.564.0496 direct  
202.779.0084 mobile

**James O'Hara/DC/USEPA/US**  
01/23/2013 08:00 PM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman"  
cc  
bcc  
Subject Fw: FYI: Obama's covert plans for climate

---

**From:** David Cohen  
**Sent:** 01/23/2013 07:12 PM EST  
**To:** James O'Hara; "Vicki Rivas-Vazquez" (b) (6)  
**Subject:** FYI: Obama's covert plans for climate

---

**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 01/23/2013 07:09 PM EST  
**To:** David Cohen  
**Subject:** Obama's covert plans for climate

## Obama's covert plans for climate

By Darren Samuelsohn  
1/23/13 7:04 PM EST

President Barack Obama got green hearts fluttering when he devoted more time to climate change than any other single issue during his inaugural address.

But don't expect a climate crusade. It's more like covert action.

There are no plans to enlist Al Gore or other rock stars of the environmental movement for a public campaign on the dangers of global warming. Don't expect to see a new cap-and-trade bill.

He'll have rookies in key Cabinet posts — the EPA, Interior and possibly Energy. And Republicans — and even some Democrats — have made clear there's no political will for sweeping national policy shifts.

Energy insiders say the White House will dribble out executive actions and federal rules over the next four years — the same low-key, bureaucratic approach the administration has taken since 2009.

While it's not a moon shot, the piecemeal strategy can achieve real results in reducing America's carbon footprint, even if it doesn't hold a candle to the type of climate bill that failed in 2010 and would have almost no chance of passage in the Republican-controlled House now.

"I think he is serious about making an effort," said Billy Pizer, a former top Obama energy aide at the Treasury Department. "Real estate in major speeches is valuable."

Another senior Obama administration official agreed.

"He led off with climate change. I don't think you can ask for more than that," said the official, who also urged caution about not expecting too much too soon. "A little bit of patience is warranted, but there has been a lot of strategy work going on."

The perils of tackling climate change for Obama have been present since his first inauguration, when more than a million people packed the National Mall to hear him declare that "this was the moment when the rise of the oceans began to slow and our planet began to heal."

But as Obama has learned since then, he can't exactly craft climate change policies that will produce results so easily seen. Politically, it makes what he's doing an easy target for his opponents.

On top of that, anything Obama does to change the nation's energy mix likely will mean political benefits years from now — when someone else is in the Oval Office to reap the rewards. Consider, for example, how two major fuel economy agreements that Obama's team negotiated with the auto companies will ultimately lead to auto fleets reaching nearly 55 miles per gallon — in 2025.

"This is going to be on every president's agenda for all time," said Tom Strickland, the former chief of staff to Interior Secretary Ken Salazar.

Most important, EPA will be rolling out standards for new power plants beneficial to natural gas and that would essentially ban construction of new coal units. A second set of rules is also coming for aging electric utilities. There's no schedule yet for finishing either set of regulations, though a senior Obama administration official said there's reason to stretch it out to force opponents to the table.

"In some ways, the longer this discussion goes on, the louder it is, the higher likelihood it is you get an agreement," the senior administration official said.

Obama also has options for expanding the use of federal lands for renewables, appliance efficiency standards and working to craft an adaptation strategy that can help vulnerable communities prepare for rising sea levels and more intense storm surges. There are policies for dealing with pollutants other than carbon dioxide, like methane and soot, which can be sped up. On the international stage, U.S. diplomats are working with other countries including China to reach a broad agreement by the end of 2015.

Some of these approaches may sound like small ball compared with cap-and-trade legislation, which puts Obama in something of a bind with the left as he weighs whether to permit the Keystone pipeline. The 120-year-old Sierra Club has already announcing plans for civil disobedience ahead of a ruling.

"The president has got to do everything he can," said Sen. Bernie Sanders (I-Vt.), who plans to

introduce a carbon tax proposal next month that's unlikely to win backing from the White House.

"If we don't get our act together, we can expect to be voting on bills like this every single year," Sanders added Tuesday as the Senate considered the House-passed \$50 billion aid bill for victims of Hurricane Sandy.

House Republicans present Obama with another big obstacle after spending the last 18 months trying to embarrass his White House over its handling of hundreds of millions of dollars in federal loan guarantees lost on solar panel maker Solyndra. Investigations over the next four years plan to continue to focus on EPA regulations for climate change, said Rep. Ed Whitfield (R-Ky.), chairman of the House Energy and Power Subcommittee.

"So it will be essential to appoint someone at EPA who can take the heat," said Jody Freeman, a former White House attorney on energy and environmental issues, referring to Obama's upcoming nomination replacing outgoing Administrator Lisa Jackson.

Across Capitol Hill, even some of the more moderate GOP voices on environmental issues are staying away from Obama when it comes to climate change.

"It's not at the top of my list," said Sen. Lamar Alexander (R-Tenn.), an electric car advocate who co-chaired Monday's inaugural celebration.

Alexander said he'd be open to working on climate change if the solutions included expanded nuclear power and gas plants, plus incentives to make carbon pollution from power plants commercially viable. But he wasn't buying Obama's calls to get moving on the issue.

"I'm sure he was sincere about it, but he offered a litany of proposals that have very little chance of making much progress and that's one of them," Alexander said.

Sen. John McCain, a former cap-and-trade proponent who often tried to score political points by slamming George W. Bush for weak climate policies, said he's got other priorities this year, starting with immigration.

"He said he's going to lead on" climate, McCain told POLITICO. "So if he's going to lead, he's president. In the case of President Bush, he didn't choose to lead."

But McCain left himself a little room for compromise, saying he'll wait for his 2008 White House rival to get more specific about his climate plans before staking out solid ground.

"I'm concerned about the issue and have been concerned about the issue," the Arizona Republican said. "He's the president. He just won reelection. We're going to have to obviously listen carefully to what he has to say."

Current and former Obama aides insist that the agenda going forward will include big things on climate.

Former White House energy adviser Carol Browner said Obama has “consistently identified addressing climate change as a priority” and noted a number of his first-term accomplishments, including the new fuel economy standards for cars and trucks and doubling renewable energy production.

“There’s no reason to think he’s not preparing to take similar bold steps to build on his record and his comments in the inaugural address,” she said.

Browner also said she’s holding out hope that Obama could make progress on Capitol Hill on a “common-sense bipartisan energy and climate plan if the Congress were to consider one.”

Absent progress on the Hill and in conjunction with EPA's regulations, several sources said they could envision Obama trying to broker a deal with power companies to clamp down on their greenhouse gas emissions. But a big hurdle will be overcoming big differences among power companies that use a variety of fuels, from coal to natural gas to nuclear to renewables.

“I think that’s totally reasonable,” said a senior Obama administration official. “There’s going to be lots of conversations. The million dollar question is whether the industry is actually going to want to participate or are they going to start to want to play hard ball.”

Nikki Roy, of the Center for Climate and Energy Solutions and a facilitator of past private talks with power companies, noted the industry “needs certainty” on the regulatory landscape ahead. “They need to build facilities that’ll last 30, 40, 50 years,” he said. “I don’t think it’s ridiculous. I hope it’s one thing the administration tries.”

Roy also said he doesn’t expect Obama to roll out his entire climate agenda at once. “It seems to me they’re trying to stay in control of the pacing and the narrative. It’s a complicated question on the timing of these various decisions,” he said. “But I do have more confidence after Monday that they are going to be looking for those options to weave climate into that broader narrative.”

In his inaugural, Obama pledged to respond to climate change “knowing that the failure to do so would betray our children and future generations.”

But he may have given the best hint of what he sees as possible on climate change through another line in his inaugural that addressed his entire agenda.

“We must act, we must act knowing that our work will be imperfect,” he said. “We must act, knowing that today’s victories will be only partial, and that it will be up to those who stand here in four years, and 40 years, and 400 years hence to advance the timeless spirit once conferred to us in a spare Philadelphia hall.”

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Richard  
Windsor/DC/USEPA/US  
08/16/2012 11:09 AM

To Susan Hedman  
cc Bob Perciasepe  
bcc  
Subject Cincy FYI from my media clips

Hey - are you aware of this? Tx, Lisa

**News Headline:** Sewer-fix costs have more than doubled | 

**Outlet Full Name:** Cincinnati Enquirer - Online

**News Text:** Where: Metropolitan Sewer District Administration Building 1081  
Woodrow St., Cincinnati, OH 45204

Where: Metropolitan Sewer District Wastewater Collection Division 225 W.  
Galbraith, Cincinnati, OH 45215

Solution: Bringing back Lick Run

A massive public works project slated for South Fairmount has doubled in cost and won't even fully solve the problem it's supposed to fix.

As Hamilton County Commissioners near the deadline for choosing an option to fix the sewer system for the lower Mill Creek, cost estimates have suddenly spiked up to \$537 million for a giant tunnel or \$317 million for the alternative plan of restoring a creek through the struggling Cincinnati neighborhood. Both estimates are more than double original projections.

The higher costs will be passed on to sewer users, though no one has calculated exactly how much that might affect rates. This year was the sixth straight year of sewer-rate increases, and rates are expected to climb until the county is in compliance with the Clean Water Act, an achievement at least 20 years away.

How could estimates be so far off?

Metropolitan Sewer District Director Tony Parrott did not return calls and emails to him over the last two weeks.

Hamilton County owns MSD, though it doesn't run it; that job is contracted out to the city. Assistant County Administrator Jeff Aluotto explained that the initial dollar amounts were planning estimates.

They have gone deeper into design, determined exactly what they need to do to capture the amount of volume demanded by a consent decree settling a federal and state lawsuit about pollution in the creek, he said. We will certainly comply with the law, but we want to do it as cost effectively as possible.

Marilyn Wall, Southwestern Ohio Sierra Club conservation chairwoman, said the new costs cast doubt on everything about the project.

When they got it wrong before, how can we trust them to have gotten it right this

time?" she asked. "This is a major concern for ratepayers to have a project that increases in cost so much."

Even at higher cost, not up to standards

The project isn't even going to meet water quality standards. A chart detailing the average amount of sewage in the Mill Creek shown on June 26 to Cincinnati City Council's Livable Communities Committee said, "Any approach the co-defendants pursue will NOT achieve the fecal coliform standard."

Coliform and fecal streptococci indicate possible sewage contamination because they are commonly found in human and animal feces, according to the EPA's website. They are typically not harmful on their own, but they indicate the possible presence of disease-causing bacteria and viruses.

"They should have gone back to the drawing board to achieve the water quality goals," Wall said.

Two public hearings on the plans are scheduled for Thursday night and Aug. 23.

Hamilton County Commissioners are so upset about cost overruns for this project and others, they passed a resolution in July demanding that projects stay within estimated costs.

Commissioners were briefed on the costs in April during a meeting that was closed to the press and public. The higher costs were only recently made public, published deep in reports posted on the sewer district's website.

'Has to be some cost sensitivity'

Commissioners have asked for a "complete accounting" of the project, Hamilton County Commissioner Todd Portune said.

"That resolution was adopted because there is concern that there are costs being billed to MSD that should more properly be billed to other departments, like community development or economic development," Portune said. "This potentially is a massive community redevelopment project, and all of those charges are not necessarily " nor should be " the responsibility of the sewer district."

He doesn't have proof that anything is being improperly paid for by the sewer district, but he said the scope of the project and sudden increase in costs demands an itemization. "A lot of the alternative is using sewer project improvements as the catalyst of an entire neighborhood," Portune said.

Portune said the resolution is meant to send a signal that commissioners expect the project to come in on " or under " the budget that has been established for it. "There has to be some cost sensitivity to what's being billed to the project."

Richard Windsor/DC/USEPA/US  
09/11/2012 04:06 PM

To "Bob Perciasepe", "Bob Sussman", "Janet Woodka", "Sarah Pallone", "Jim O'Hara"  
cc  
bcc  
Subject Fw: Colorado's air quality plan receives final approval from U.S. Environment Protection Agency

Assume you've seen.  
Jim Martin

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

**From:** Jim Martin  
**Sent:** 09/11/2012 01:55 PM MDT  
**To:** Richard Windsor  
**Subject:** Fw: Colorado's air quality plan receives final approval from U.S. Environment Protection Agency  
FYI

James Martin  
Regional Administrator  
Region 8  
U.S. Environmental Protection Agency  
----- Forwarded by Jim Martin/R8/USEPA/US on 09/11/2012 01:55 PM -----

Thanks.

**From:** Castle, Megan [mailto:megan.castle@state.co.us]  
**Sent:** Tuesday, September 11, 2012 11:25 AM  
**To:** Brown, Eric  
**Subject:** Colorado's air quality plan receives final approval from U.S. Environment Protection Agency



**FOR IM**

Cl  
Tisha

**Colorado's air quality plan receives final approval**

## from U.S. Environment Protection Agency

**DENVER — Tuesday, Sept. 11, 2012** — Gov. John Hickenlooper announced today that Colorado's State Implementation Plan for Regional Haze, a comprehensive package of pollutant emissions reduction strategies designed to provide sweeping public health and visibility protections, has received full approval from the U.S. Environmental Protection Agency.

"The EPA's approval of the Regional Haze Plan is a ringing endorsement of a comprehensive and collaborative effort involving all stakeholders and groups," Hickenlooper said. "Colorado's utilities, environmental community, oil and gas industry, health advocates and others have come together to address air quality. We embrace this success as a model for continuing to balance economic growth with environmental protection that protects community health and our environmental values."

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

By 2018, the plan will result in more than 70,000 tons of pollutant reductions annually, including 35,000 tons of fine particulate matter and to ground-level ozone formation. In total, the plan covers 30 units at 16 facilities throughout Colorado, including cement kilns.

"This plan will significantly reduce emissions and improve visibility, and Colorado will realize significant public health benefits," said Christopher E. Urbina, Executive Director and Chief Medical Officer of the Colorado Department of Public Health and Environment. "This is a great example of the leadership role Colorado has taken for so long in public health and environmental protection."

"EPA's approval of Colorado's plan works for both the environment and our customers," said David Eves, president of Xcel Energy Co. of Colorado, an Xcel Energy company. "EPA has now joined the Public Utilities Commission, the Department of Public Health and Environment, the Colorado legislature and other stakeholders in endorsing our plan under the Clean Air-Clean Jobs Act. We ensure we can significantly reduce emissions while keeping electricity affordable."

"This approval is an important endorsement of Colorado's state-led collaboration," said Tisha Schuller, President of the Colorado Gas Association. "The Clean Air-Clean Jobs Act will support job creation in Colorado's natural gas sector while meeting the goal of reducing pollutant emissions."

"Colorado's bipartisan clean air plan is already providing healthier air for our children and helping clear the air for our economy," said Pamela Campos, an attorney in the Environmental Defense Fund's Colorado office. "This leadership with this approval, clearing the way for historic pollution reductions from the single largest emitters in the state, will help us breathe easier."

"In the eyes of the American Lung Association, policies such as this that clean up our air will help prevent disease, reduce hospitalizations and improve our overall health, which also has measurable benefits in terms of health-care costs," said Dr. Robert M. Anderson, Director for the American Lung Association in Colorado. "Each year, the total benefits of EPA's air pollution regulations are valued at as much as 40 to 1."

The federal Regional Haze rule is a congressionally-established air quality goal that seeks to improve visibility in rural areas across the country, while also providing public health benefits.

The plan, as approved by the Colorado Air Quality Control Commission, can be viewed at <http://www.colorado.gov/cs/Satellite/CDPHE-AP/CBON/1251595092457>.

###

\*\*\*\*\* 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  
\*\*\*\*\*

Stephanie Kodish  
<[skodish@npca.org](mailto:skodish@npca.org)>

06/04/2012 01:46 PM

To Janet McCabe

cc

bcc

Subject Meeting time?

Hi Janet,

NPCA, Sierra Club and Earthjustice hope to find a time to meet with you to discuss issues related to the regional haze program. Might you have some time on June 22<sup>nd</sup> or the 28<sup>th</sup>?

Thanks,

Stephanie

Stephanie Kodish  
Clean Air Counsel

National Parks Conservation Association

W: 865-329-2424

C: 865-964-1774

F: 865-329-2422

[skodish@npca.org](mailto:skodish@npca.org)

Stephanie  
Owens/DC/USEPA/US  
01/06/2010 11:36 AM

To Gina McCarthy, John Millett, Lisa Heinzerling  
cc Seth Oster  
bcc  
Subject RE: Important -- sharing information - American Lung  
Association Press Call

All,

The American Lung Association is holding a press call today in advance of our NAAQs announcement. I tried to work with them to hold the call after our announcement tomorrow, but they believe that a pre-call today will spark more interest in the issue and raise the visibility of the issue from an ngo perspective. I don't expect the call to be negative. They will discuss why the issue is so important to stakeholders.

Thanks,

Stephanie

----- Forwarded by Stephanie Owens/DC/USEPA/US on 01/06/2010 11:26 AM -----



**FOR IMMEDIATE RELEASE**  
December 15, 2009

**CONTACT:**

Frank O'Donnell  
202-558-3527 (office)  
202-302-2065 (cell)

[cleanairfrank@cleanairwatch.org](mailto:cleanairfrank@cleanairwatch.org)

Gregg Tubbs  
202-715-3469 (office)  
202-365-2694 (cell)

[gtubbs@lungusa.org](mailto:gtubbs@lungusa.org)

**American Lung Association and Clean Air Watch Host December 21<sup>st</sup> Conference Call to Discuss  
Environmental Protection Agency's Imminent Decision on National Smog Standards**

**WHAT:** American Lung Association and Clean Air Watch representatives will be holding a conference call to discuss the U.S. Environmental Protection Agency's (EPA) imminent decision on whether to strengthen the national air quality standards for smog (technically, ozone).

Under the last Administration, the EPA rejected the unanimous advice of the Agency's science advisers and set standards too weak to protect public health. Now, the Obama Administration's EPA has a chance to get it right. EPA scientists and independent outside scientific experts agree that the old standards are too weak to protect against asthma attacks, emergency room visits, and premature death, while oil

industry lobbyists have already been to the White House to complain. (  
[http://www.whitehouse.gov/omb/2060\\_meeting\\_110909/](http://www.whitehouse.gov/omb/2060_meeting_110909/))

With the quality of the air we breathe at stake, what should the Agency do? And who could be affected?

**WHO:** Spokespeople from the American Lung Association and Clean Air Watch

**WHEN:** Wednesday, January 6, 2010, 1-2 PM EST

**CALL-IN INFORMATION:** Conference Access Number: (212) 401-6760 or (866) 551-3680  
Participant PIN Code: 9049136# (Participants will be placed on musical hold until the call begins)

If the **PIN code** is not dialed or is dialed incorrectly, you will be automatically transferred to our Customer Service department who will be able to place you into the conference. The **Customer Service** team can be reached at any time during your conference call simply by pressing **\*0** on your telephone keypad.

**About the American Lung Association:** Now in its second century, the American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease. With your generous support, the American Lung Association is “Fighting for Air” through research, education and advocacy. For more information about the American Lung Association, a holder of the Better Business Bureau Wise Giving Guide Seal, or to support the work it does, call 1-800-LUNG-USA (1-800-586-4872) or visit [www.lungusa.org](http://www.lungusa.org).

---

Steve Page/RTP/USEPA/US

09/27/2011 03:04 PM

To Gina McCarthy, Janet McCabe, Don Zinger

cc Peter South

bcc

Subject Nitric Acid

Per request at senior staff this a.m.

### **Why are we proposing an NSPS for Nitric Acid Production ?**

The proposed standards apply to new facilities that produce nitric acid, the primary component in fertilizer production. In February 2009, the Sierra Club and the Environmental Integrity Project notified the EPA of their intent to sue the agency for failure to review the Nitric Acid Production NSPS within 8 years, as required by the Clean Air Act. This NSPS was initially promulgated in 1971 and most recently reviewed in 1984. The litigants' primary goal in this NSPS review was the addition of an emissions standard for greenhouse gases, specifically nitrous oxide (N<sub>2</sub>O). The EPA entered into a consent decree with the Environmental Integrity Project to review the existing NSPS but did not commit to setting standards for greenhouse gases. The EPA and the litigants agreed to a signature deadline of September 30, 2011, for the proposed rule.

### **What are the Impacts ?**

Only six units are expected to be affected by this rule. We are proposing to lower the emissions limit for NO<sub>x</sub> and change the averaging time to reflect developments in technologies. The proposed limits reflect reductions already being achieved by sources with existing control technologies. These limits also are consistent with states' requirements for these sources under the New Source Review program. We estimate the total additional annual cost due to this proposed rule is only \$90,000 (\$15,000/new nitric acid production unit) and will only impact new sources. The costs reflect additional monitoring requirements. We estimate NO<sub>x</sub> emissions will be reduced by 2000 tons per year. This results in an estimated cost-effectiveness of \$45 per ton of reductions. The proposed rule has no requirements for greenhouse gases.

Susan Hedman/R5/USEPA/US

To Richard Windsor

08/16/2012 11:14 AM

cc Bob Perciasepe

bcc

Subject Re: Cincy FYI from my media clips

No -- but I am looking into it.  
Richard Windsor

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

**From:** Richard Windsor

**Sent:** 08/16/2012 11:09 AM EDT

**To:** Susan Hedman

**Cc:** Bob Perciasepe

**Subject:** Cincy FYI from my media clips

Hey - are you aware of this? Tx, Lisa

**News Headline:** Sewer-fix costs have more than doubled | 

**Outlet Full Name:** Cincinnati Enquirer - Online

**News Text:** Where: Metropolitan Sewer District Administration Building 1081 Woodrow St., Cincinnati, OH 45204

Where: Metropolitan Sewer District Wastewater Collection Division 225 W. Galbraith, Cincinnati, OH 45215

Solution: Bringing back Lick Run

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□They have gone deeper into design, determined exactly what they need to do to capture the amount of volume demanded□ by a consent decree settling a federal and state lawsuit about pollution in the creek, he said. □We will certainly comply with the law, but we want to do it as cost effectively as possible.□

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□When they got it wrong before, how can we trust them to have gotten it right this time?□ she asked. □This is a major concern for ratepayers to have a project that increases in cost so much.□

Even at higher cost, not up to standards

The project isn□t even going to meet water quality standards. A chart detailing the average amount of sewage in the Mill Creek shown on June 26 to Cincinnati City Council□s Livable Communities Committee said, □Any approach the co-defendants pursue will NOT achieve the fecal coliform standard.□

Coliform and fecal streptococci indicate possible sewage contamination because they are commonly found in human and animal feces, according to the EPA□s website. They are typically not harmful on their own, but they indicate the possible presence of disease-causing bacteria and viruses.

□They should have gone back to the drawing board to achieve the water quality goals,□ Wall said.

Two public hearings on the plans are scheduled for Thursday night and Aug. 23.

Hamilton County Commissioners are so upset about cost overruns for this project and others, they passed a resolution in July demanding that projects stay within estimated costs.

Commissioners were briefed on the costs in April during a meeting that was closed to the press and public. The higher costs were only recently made public, published deep in reports posted on the sewer district□s website.

'Has to be some cost sensitivity'

Commissioners have asked for a □complete accounting□ of the project, Hamilton County Commissioner Todd Portune said.

□That resolution was adopted because there is concern that there are costs being billed to MSD that should more properly be billed to other departments, like community development or economic development,□ Portune said. □This potentially is a massive community redevelopment project, and all of those charges are not necessarily □ nor should be □ the responsibility of the sewer district.□

He doesn□t have proof that anything is being improperly paid for by the sewer district, but he said the scope of the project and sudden increase in costs demands an itemization. □A lot of the alternative is using sewer project improvements as the catalyst of an entire neighborhood,□ Portune said.

Portune said the resolution is meant to send a signal that commissioners expect the project to come in on □ or under □ the budget that has been established for it.  
□There has to be some cost sensitivity to what□s being billed to the project.□

Trina Porter/DC/USEPA/US  
07/08/2009 12:09 PM

To Lisa Heinzerling  
cc Scott Fulton, Diane Thompson, Ray Spears, Bob Sussman,  
Eric Wachter, Brian Hope, Jonathan Newton, Rory Boyd,  
Georgia Bednar, Donald Maddox, Larry Gottesman, Rory  
Boyd  
bcc

Subject Fw: HQ-RIN-01495-09 (M. Levin) (Narrowed Scope)

As suggested by Jonathan Newton, Esq, the scope of request has successfully been narrowed. The narrowing of the scope was negotiated by Larry Gottesman, National FOIA Officer. Please see the changes below. The due date has also been adjusted. Please note that I will need to know the amount of time expended and hourly wage or grade for the annual report as the fee waiver has been granted.

Trina Porter  
AO Sr. FOIA Coordinator

----- Forwarded by Trina Porter/DC/USEPA/US on 07/08/2009 11:48 AM -----

## Revised Scope of Request

The Office of the Administrator is in receipt of a Freedom of Information Act request. The request is as follows:

**Requestor:** Mark Levin

**Firm:** Landmark Legal Foundation

**Due Date:** 7/16/09

**Request:** Please provide the following records:

1. Any and all schedules, calendars and logs produced by or for EPA "Climate Advisor" Lisa Heinzerling from November 20, 2008 to the date of this request.
2. Any and all notes produced by EPA "Climate Advisor" Lisa Heinzerling from November 20, 2008 to the date of this request **concerning or mentioning Climate Change ."**
3. Any and all electronic mail communications sent by or received by EPA "Climate Advisor" Lisa Heinzerling from November 20, 2008 to the date of the request including attachments to said emails **concerning or mentioning Climate Change ."** .
4. Any and all letters sent by or received by EPA "Climate Advisor" Lisa Heinzerling from November 20, 2008 to the date of this request including attachments to said letters **concerning or mentioning Climate Change."** .
5. Any and all records evincing communications between EPA "Climate Advisor" Lisa Heinzerling and White House Official Carol Browner from November 20, 2008 to the date of this request **concerning or mentioning Climate Change."** .
6. Any and all records evincing communications between EPA "Climate Advisor" Lisa Heinzerling and the following entities from November 20, 2008 to the date of this request **concerning or mentioning Climate Change."** :

- Center for Biological Diversity

- Environmental Advocates
- Greenpeace
- Conservation Law Foundation
- Environmental Defense
- Friends of the Earth
- National Environmental Trust
- Natural Resources Defense Council
- Sierra Club
- Union of Concerned Scientists

7. Any and all travel records pertaining to EPA "Climate Advisor" Lisa Heinzerling from November 20, 2008 to the date of this request **concerning or mentioning Climate Change ."** .

**Note:** Please contact Rory Boyd or Trina Porter for pick-up.

Please keep track of the time expended and your hourly wage for the cost worksheet.

Trina M. Porter  
AO Sr. FOIA Coordinator  
(202) 564-4322  
Rory Boyd  
AO FOIA Assistant  
(202) 564-3966  
MC1105A  
Rm 2411, ARN

**Wendy Blake/DC/USEPA/US**  
12/23/2010 04:37 PM

To Avi Garbow, Scott Fulton, Patricia Embrey  
cc Peter Tsirigotis, Gina McCarthy, Janet McCabe  
bcc  
Subject No brief yet from Sierra Club in the Boilers/CISWI/SSI  
deadline litigation

I will send it when I get it.

Happy holidays!

**Wendy Blake/DC/USEPA/US**  
02/17/2010 03:28 PM

To Gina McCarthy  
cc  
bcc

Subject Accepted: Pre-Brief - Sierra Club re. RTR deadline suit