To: Mancini, Dominic J.[EOP email/phone]
Cc: Atkinson, Emily[Atkinson.Emily@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]; Jones, Lisa M.[EOP email/phone] Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]; Horowitz, Michael[horowitz.michael@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]
From: McCabe, Janet
Sent: Tue 6/17/2014 3:19:11 AM
Subject: RE: update on RFS

Thanks, Dom.

From: Mancini, Dominic J. [EOP email/phone]
Sent: Monday, June 16, 2014 11:13 PM
To: McCabe, Janet
Cc: Atkinson, Emily; Beauvais, Joel; Jones, Lisa M.
Subject: Re: update on RFS

Sure, and Wed afternoon not bad. Your folks can work with Lisa to set it up.

Sent using BlackBerry

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Monday, June 16, 2014 07:12 PM Eastern Standard Time
To: Mancini, Dominic J.
Cc: Atkinson, Emily <Atkinson.Emily@epa.gov>; Beauvais, Joel
Subject: update on RFS

Dom—Joel and I and our folks would like to set up a time, this week if we possibly can, to come in and bring you guys up to date on the RFS 2014 package, in particular a couple of issues. Is there sometime on Wednesday that would work for you and your folks?

Thanks.

Janet

To: Mancini, Dominic J. EOP email/phone
Cc: Atkinson, Emily[Atkinson.Emily@epa.gov]; Beauvais, Joel[Beauvais.Joel@epa.gov]
From: McCabe, Janet
Sent: Mon 6/16/2014 11:12:14 PM
Subject: update on RFS

Dom—Joel and I and our folks would like to set up a time, this week if we possibly can, to come in and bring you guys up to date on the RFS 2014 package, in particular a couple of issues. Is there sometime on Wednesday that would work for you and your folks?

Thanks.

Janet

To: Johnson, Katie B. EOP email/phone
From: Beauvais, Joel
Sent: Thur 5/28/2015 7:53:11 PM
Subject: RE: draft desk statement & Q&A

Thx. This is the same as I just got, except mine says 9:00 am for the media call invite.

From: Johnson, Katie B. EOP email/phone
Sent: Thursday, May 28, 2015 3:30 PM
To: Beauvais, Joel
Subject: RE: draft desk statement & Q&A

Thanks – and fyi

Tick Tock

•□□□□□□□□ Heads-up calls -- see separate call list **(8:30-9:30)**

•□□□□□□□□ 8:30-9:Media call invite to RFS media list plus major outlets **(9:30am)**

•□□□□□□□□ Press release; website with proposal goes live **(10am)**

•□□□□□□□□ Press call with Janet McCabe, Chris Grundler **(10:30am)**

•□□□□□□□□ Blog post by Janet McCabe **(11am)**

•□□□□□□□□ Follow-up calls with CG as needed **(2-3pm)**

From: Beauvais, Joel [mailto:Beauvais.Joel@epa.gov]
Sent: Thursday, May 28, 2015 3:28 PM
To: Johnson, Katie B.
Subject: draft desk statement & Q&A

Ex. 5 - Deliberative

Ex. 5 - Deliberative

To: Larry Schafer[lschafer@biodiesel.org]
Cc: Anne Steckel[asteckel@biodiesel.org]; Poole, Jacqueline[Poole.Jacqueline@epa.gov]; Kime, Robin[Kime.Robin@epa.gov]
From: Beauvais, Joel
Sent: Tue 4/7/2015 9:47:40 PM
Subject: RE: Catching up

Hi, Larry – Good to see you too. Happy to get together. Jackie or Robin can help find a time.

Joel

From: Larry Schafer [mailto:lschafer@biodiesel.org]
Sent: Wednesday, April 01, 2015 11:24 AM
To: Beauvais, Joel
Cc: Anne Steckel
Subject: Catching up

Joel,

It was good to see you the other day at Boss Shepherds … it really is a nice addition to the neighborhood …

Hope you are having a good week as the weather has finally warmed up a bit …

Anne Steckel and I would like to catch up with you over coffee in the next week or two - to generally talk about the path forward on the RFS process – not a high pressure meeting just to talk about a few issues we think we can be helpful to you and your team on.

Any chance you might have 20 minutes this week or next?

Thank you.

Larry Schafer

National Biodiesel Board

Ex. 6 - Personal Privacy

LSchafer@Biodiesel.org

Biodiesel – America's Advanced Biofuel!

www.americasadvancedbiofuel.com

1331 Pennsylvania Ave. NW

Suite 505

Washington DC 20004

To: Johnson, Katie B.[EOP email/phone]
Cc: Mancini, Dominic J.[EOP email/phone] Barron, Alex[Barron.Alex@epa.gov]; McCabe, Janet[McCabe.Janet@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Beauvais, Joel
Sent: Fri 11/21/2014 11:12:07 PM
Subject: Re: RFS

Just wanted to close the loop on this. I connected with Janet and left you a voicemail Katie. We will follow up early next week with next steps on this front. Feel free to call me on my cell if you have any questions or concerns. Thanks and have a great weekend.

Joel

On Nov 21, 2014, at 12:01 PM, Beauvais, Joel <Beauvais.Joel@epa.gov> wrote:

No my understanding is that we do not plan to actually withdraw - just announce that we are not moving forward until next year. Adding Janet and others in case my information is incorrect.

Joel

On Nov 21, 2014, at 10:29 AM, Johnson, Katie B. [EOP email/phone] wrote:

I just wanted to confirm that this is being withdrawn today.

Thanks Joel,

Katie

Katie B. Johnson

Office of Information and Regulatory Affairs

EOP email/phone

E-Mail: **EOP email/phone**

To: Johnson, Katie B.[EOP email/phone]
Cc: Mancini, Dominic J.[EOP email/phone]Barron, Alex[Barron.Alex@epa.gov]; McCabe, Janet[McCabe.Janet@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: Beauvais, Joel
Sent: Fri 11/21/2014 5:01:56 PM
Subject: Re: RFS

No my understanding is that we do not plan to actually withdraw - just announce that we are not moving forward until next year. Adding Janet and others in case my information is incorrect.

Joel

On Nov 21, 2014, at 10:29 AM, Johnson, Katie B.[EOP email/phone] wrote:

I just wanted to confirm that this is being withdrawn today.

Thanks Joel,

Katie

Katie B. Johnson

Office of Information and Regulatory Affairs

EOP email/phone

To: Lawrence, Natasha EOP email/phone Stock, Jim EOP email/phone
From: Beauvais, Joel
Sent: Wed 6/18/2014 1:17:06 PM
Subject: RE: RFS

I'm working from out of the office this am. I can call Jim at his desk, or he can call me at Ex. 6 - Personal Privacy

From: Lawrence, Natasha EOP email/phone
Sent: Wednesday, June 18, 2014 9:15 AM
To: Stock, Jim; Beauvais, Joel
Subject: RE: RFS

Great -- shall Jim call you at EOP email/phone

-----Original Message-----
From: Stock, Jim
Sent: Wednesday, June 18, 2014 9:11 AM
To: Beauvais, Joel
Cc: Lawrence, Natasha
Subject: Re: RFS

Yes - 10am?

----- Original Message -----
From: Beauvais, Joel [mailto:Beauvais.Joel@epa.gov]
Sent: Wednesday, June 18, 2014 09:03 AM
To: Stock, Jim
Subject: RFS

Can we touch base on this today for a few minutes? I'm free until 10:30, then available again this afternoon from 2-3 if either of those work for you.

Joel

To: Jim Stock EOP email/phone
From: Beauvais, Joel
Sent: Wed 6/18/2014 1:13:23 PM
Subject: Re: RFS

Great - I'll call your direct then

From: Stock, Jim EOP email/phone
Sent: Wednesday, June 18, 2014 9:11:05 AM
To: Beauvais, Joel
Cc: Lawrence, Natasha
Subject: Re: RFS

Yes - 10am?

----- Original Message -----
From: Beauvais, Joel [mailto:Beauvais.Joel@epa.gov]
Sent: Wednesday, June 18, 2014 09:03 AM
To: Stock, Jim
Subject: RFS

Can we touch base on this today for a few minutes? I'm free until 10:30, then available again this afternoon from 2-3 if either of those work for you.

Joel

To: Jim Stock EOP email/phone
From: Beauvais, Joel
Sent: Wed 6/18/2014 1:03:38 PM
Subject: RFS

Can we touch base on this today for a few minutes? I'm free until 10:30, then available again this afternoon from 2-3 if either of those work for you.

Joel

To: Mancini, Dominic J. EOP email/phone
From: Beauvais, Joel
Sent: Wed 6/18/2014 1:00:53 PM
Subject: RFS

Hi, Dom - Can you give me an idea who will be at this mtg this afternoon? Utech? Jim Stock? Ron Minsk?

To: Utech, Dan G EOP email/phone
From: Beauvais, Joel
Sent: Fri 6/6/2014 1:51:38 AM
Subject: RFS

So, my understanding is we're going ahead with signature of the 2013 extension tomorrow, but do not yet have the go-ahead for upload of 2014. Congressional will be doing notifications on this tomorrow am. I have asked Tom to make sure he's in contact with your comms shop as appropriate. Let me know if there's anything I need to know about timing - or whether we're free to post the 2013 extension whenever.

Joel

To: Anne Steckel[asteckel@biodiesel.org]
From: Beauvais, Joel
Sent: Tue 5/27/2014 1:04:50 PM
Subject: RE: Biodiesel volumes- RFS

Thanks, Anne – just getting back to the office and receiving this now. I will review and share with staff and will circle with you as appropriate.

Joel

From: Anne Steckel [mailto:asteckel@biodiesel.org]
Sent: Thursday, May 22, 2014 4:01 PM
To: Beauvais, Joel
Subject: Biodiesel volumes- RFS

Hi Joel,

I hope you are well.

We have been hearing some rumblings regarding the RFS numbers. Namely, the advanced number is in play to go up, but the biomassed-based diesel number is not.

A decision like that would be devastating to the biodiesel industry. It would create a situation that some 50 biodiesel plants would close, while the RFS is importing sugar cane ethanol, further pressing on the ethanol blend wall. Last year the US imported 458 million gallons of sugar cane ethanol and will likely do the same this year to comply with the LCFS in California.

I attached a one pager on this issue, as well as a letter we sent the President.

If you have a few minutes to further discuss this, I would be happy to elaborate.

In addition, we are meeting with your team on Tuesday to discuss the cost of carbon issue,

thanks for facilitating that meeting.

Thanks much,

Anne

Anne Steckel

Vice President, Federal Affairs

National Biodiesel Board

1331 Pennsylvania Ave. NW #505

Washington, DC 20004

Ex. 6 - Personal Privacy

From: McCabe, Janet
Location: WJC-N 5400 + Ex. 6 - Personal Privacy Participant Code Ex. 6 - Personal Privacy
Importance: Normal
Subject: Conf. Call with Senator Lankford on RFS (Confirmed)
Start Date/Time: Thur 3/12/2015 10:00:00 PM
End Date/Time: Thur 3/12/2015 10:30:00 PM
RE: Phone Call with Senator Lankford

To: Atkinson, Emily[Atkinson.Emily@epa.gov]
From: King, Rachel (Lankford)
Sent: Wed 3/11/2015 6:32:26 PM
Subject: RE: Phone Call with Senator Lankford

Great! Thanks!

Rachel King

Executive Assistant

U.S. Senator James Lankford (R-OK)

B40C Dirksen Senate Office Building, Washington, D.C.

Office: 202-224-5754

From: Atkinson, Emily [mailto:Atkinson.Emily@epa.gov]
Sent: Wednesday, March 11, 2015 2:30 PM
To: King, Rachel (Lankford)
Subject: RE: Phone Call with Senator Lankford

Sounds good Rachel – I believe only Laura Vaught and William Niebling will join Janet for the call.

Emily Atkinson
Staff Assistant

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: King, Rachel (Ex. 6 - Personal Privacy
Sent: Wednesday, March 11, 2015 2:29 PM
To: Atkinson, Emily
Subject: RE: Phone Call with Senator Lankford

Just got your calendar invite with the call-in information. I will add this to our calendar here. Valerie Manak will also be on the call with the Senator. Who will be on the call with Janet McCabe? Also, the call will most likely not be longer than 30 minutes.

Thank you for everything! I have this set for 6 PM ET tomorrow. Thanks again!

Rachel King

Executive Assistant

U.S. Senator James Lankford (R-OK)

B40C Dirksen Senate Office Building, Washington, D.C.

Office: 202-224-5754

From: Atkinson, Emily [mailto:Atkinson.Emily@epa.gov]
Sent: Wednesday, March 11, 2015 1:14 PM
To: King, Rachel (Lankford)
Subject: RE: Phone Call with Senator Lankford

Hi Rachel,

I am happy to add you to a scheduler (and anyone else from your office, if you provide their email addresses) and include a call in number.

Would this work for you all?

Emily Atkinson
Staff Assistant

Immediate Office of the Acting Assistant Administrator
Office of Air and Radiation, USEPA
Room 5406B, 1200 Pennsylvania Avenue NW
Washington, DC 20460
Voice: 202-564-1850
Email: atkinson.emily@epa.gov

From: Mackay, Cheryl
Sent: Wednesday, March 11, 2015 1:12 PM
To: King, Rachel (Lankford)
Cc: Haman, Patricia; Atkinson, Emily
Subject: RE: Phone Call with Senator Lankford

Hi Rachel,

6:00pm tomorrow works for Janet McCabe to discuss the RFS QFRs. Emily, copied above, handles her calendar. Can you please coordinate logistics with her?

Thanks!

Cheryl

From: King, Rachel Ex. 6 - Personal Privacy
Sent: Tuesday, March 10, 2015 2:49 PM
To: Mackay, Cheryl; Lewis, Josh
Subject: RE: Phone Call with Senator Lankford

Sorry I missed your call. I will actually have the Legislative Assistant who knows more about this give you a call. Her name is Valerie Manak. Thanks!

Rachel King

Executive Assistant

U.S. Senator James Lankford (R-OK)

B40C Dirksen Senate Office Building, Washington, D.C.

Office: 202-224-5754

From: Mackay, Cheryl [mailto:Mackay.Cheryl@epa.gov]
Sent: Tuesday, March 10, 2015 2:43 PM
To: King, Rachel (Lankford); Lewis, Josh
Subject: RE: Phone Call with Senator Lankford

Hi Rachel, I just tried calling to get a little more background on the request. Do you mind calling me when you have the chance? 202-564-2023. Thanks!

From: King, Rachel Ex. 6 - Personal Privacy
Sent: Tuesday, March 10, 2015 2:24 PM
To: Lewis, Josh
Cc: Mackay, Cheryl
Subject: RE: Phone Call with Senator Lankford

Yes, of course. The Senator would like to follow up on her responses to our QFRs from the RFS hearing we held in December at House Oversight.

Rachel King

Executive Assistant

U.S. Senator James Lankford (R-OK)

B40C Dirksen Senate Office Building, Washington, D.C.

Office: 202-224-5754

From: Lewis, Josh [mailto:Lewis.Josh@epa.gov]
Sent: Tuesday, March 10, 2015 1:32 PM
To: King, Rachel (Lankford)
Cc: Mackay, Cheryl
Subject: FW: Phone Call with Senator Lankford

Hi Rachel,

Cheryl forwarded your email to me. Do you have any specifics on what the Senator would like to discuss with Janet?

Josh Lewis

EPA/Office of Congressional Affairs

Office: 202 564 2095

Cell: Ex. 6 - Personal Privacy

Begin forwarded message:

From: "King, Rachel Ex. 6 - Personal Privacy
Date: March 10, 2015 at 12:46:50 PM EDT
To: "'mackay.cheryl@epa.gov'" <mackay.cheryl@epa.gov>
Subject: Phone Call with Senator Lankford

Hi Cheryl,

Senator Lankford would like to speak with Janet McCabe this week. Would she be available for a phone call on Thursday the 12th at 6 PM ET? If so, what is the best number for him to reach her at?

Thank you and please let me know if you have any questions.

Rachel King

Executive Assistant

U.S. Senator James Lankford (R-OK)

B40C Dirksen Senate Office Building, Washington, D.C.

Office: 202-224-5754

To: Reuschel, Trevor - OSEC[Trevor.Reuschel@osec.usda.gov]
Cc: Vaught, Laura[Vaught.Laura@epa.gov]
From: Distefano, Nichole
Sent: Tue 5/26/2015 1:50:46 PM
Subject: Re: RFS

Hi Trevor -

I am out on Ex. 6 - Personal Privacy but am looping Laura Vaught who has the unfortunate position of triaging while I am out. Laura is out on vacation this week but can get back to you next week.

Sent from my iPhone

On May 26, 2015, at 9:33 AM, Reuschel, Trevor - OSEC <Trevor.Reuschel@osec.usda.gov> wrote:

Nichole – Who is your point on RFS? We are working on a couple of items that we should discuss. Further, I want to make sure we do not end up duplicating any particular calls.

Thanks,

Trevor

Trevor Reuschel

Legislative Director

Office of Congressional Relations

U.S. Department of Agriculture

Front Desk: 202.720.7095

Direct Ex. 6 - Personal Privacy

To: Green, Eric Ex. 6 - Personal Privacy
Cc: Lehman, Patrick (Ex. 6 - Personal Privacy Grassmeyer, Tyler
Ex. 6 - Personal Privacy Wellum, Joel Ex. 6 - Personal Privacy
From: Distefano, Nichole
Sent: Fri 3/27/2015 6:19:40 PM
Subject: RE: Letter from Senator Sasse to Administrator McCarthy

Thanks Eric.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Green, Eric Ex. 6 - Personal Privacy
Sent: Friday, March 27, 2015 2:14 PM
To: Distefano, Nichole
Cc: Lehman, Patrick (Sasse); Grassmeyer, Tyler (Sasse); Wellum, Joel (Sasse)
Subject: Letter from Senator Sasse to Administrator McCarthy

Ms. Distefano,

For your reference, I am sending you a letter from Senator Sasse to Administrator McCarthy regarding the renewable fuel standard. I also emailed a copy to Laura Vaught.

We will be sending a hard copy to your office shortly.

Eric A. Green

Legislative Assistant

Senator Ben Sasse (R-NE)

To: Vaught, Laura[Vaught.Laura@epa.gov]; Maher, Jess[Ex. 6 - Personal Privacy
From: Distefano, Nichole
Sent: Tue 1/27/2015 6:33:25 PM
Subject: RE: Carbio

That's the gist of it.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Vaught, Laura
Sent: Tuesday, January 27, 2015 1:33 PM
To: Maher, Jess
Cc: Distefano, Nichole
Subject: RE: Carbio

Nichole talked to him – bottom line – they aren't happy with Administration in general on RFS/biofuels/this decision. Nichole can correct me if I have this wrong, but sounds like was mainly a heads up that they aren't happy and may say so…

From: Maher, Jess[Ex. 6 - Personal Privacy
Sent: Tuesday, January 27, 2015 12:51 PM
To: Vaught, Laura

Subject: RE: Carbio

TY

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, January 27, 2015 12:44 PM
To: Maher, Jess
Subject: Re: Carbio

Yep.

Sent from my iPhone

On Jan 27, 2015, at 12:33 PM, "Maher, Jess" <Ex. 6 - Personal Privacy> wrote:

Can you follow up with them?

Thanks.

From: Reuschel, Trevor Ex. 6 - Personal Privacy
Sent: Tuesday, January 27, 2015 12:31 PM
To: Maher, Jess
Subject: Carbio

Jess – Any chance you have a quick minute to discuss EPA's approval of Carbio (Argentina Biodiesel)? The sooner the better. And I promise this is the last time I will bother you in my current capacity in the Durbin office.

Thanks,

Trevor

Trevor Reuschel

Legislative Assistant

Senator Richard J. Durbin

202-224-7759

To: Anderson, Amanda D.[Ex. 6 - Personal Privacy]
Cc: Vaught, Laura[Vaught.Laura@epa.gov]; Maher, Jess[Ex. 6 - Personal Privacy]
From: Distefano, Nichole
Sent: Thur 11/20/2014 9:39:05 PM
Subject: Re: RFS

Will do.

Sent from my iPhone

> On Nov 20, 2014, at 4:33 PM, "Anderson, Amanda D." <Ex. 6 - Personal Privacy> wrote:
>
> Can you make sure the following house offices are covered - they have all called us, met with John/Dan, or written letters on the issue. Most of the first category are already on your lists.
>
> Via phone -
> Pelosi
> Hoyer
> Braley
> Loebsack
> Peterson
> Bustos
> Walz
> Peters
> Foster
> Duckworth
> Nolan
> Quigley
> Kelly
> Enyart
> Ryan
> Kaptur
>
> Via email -
>
> Kinzinger
> Graves
> King
> Delauro
> Smith
> Terry
> Latham
> McCollum
> Davis
> Leutkmeyer
> Owens
> Peters
> Patrick murphy
> Cleaver
> Noem
> Gabbard
> Kuster
> Larson
> Smith
> Hartzler
> McIntyre

> Kilmer
> Davis
> Scott
> Langevin
> Cicilline
> Schwartz
> Shock
> Pocan
> DeGette
> Butterfield
> Fortenberry
> McNerney
> Michaud
> Carol Shea Porter
> Crawford
> McDermoot
> Courtnee
> Pingree
> Smith
> Vargas
> Kaptur
> Larsen
> Hartzler
> Hanabusa
> Miller
> Bonamici

To: Stanski, Anne (Stabenow)[Ex. 6 - Personal Privacy
From: Distefano, Nichole
Sent: Mon 10/6/2014 3:24:54 PM
Subject: RE: Call w/ Sen. Stabenow

Ok. Let me run this through scheduling and see what we can work out.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Stanski, Anne (Stabenow) [Ex. 6 - Personal Privacy
Sent: Monday, October 06, 2014 11:17 AM
To: Distefano, Nichole
Subject: RE: Call w/ Sen. Stabenow

Thanks! She is traveling as well – out in Iowa which may be why this is coming now. She is available until about 12 pm (ET) today and then again from 1 pm until about 2 pm. She'll be in flight from about 2:30 pm – 5 pm (ET) and then available tonight. She has a pretty full day tomorrow but we could work a call in before 10 am or after 3 pm tomorrow if we can't get this set for today.

Thanks again for your help!

Anne

From: Distefano, Nichole [mailto:DiStefano.Nichole@epa.gov]
Sent: Monday, October 06, 2014 11:12 AM
To: Stanski, Anne (Stabenow)
Subject: RE: Call w/ Sen. Stabenow

Hey Anne –

Ex. 6 - Personal Privacy

In terms of the call, let me see what I can do. The Administrator is traveling today and I think tomorrow. So let me see when would work. Is there a particular day that would work best for the Senator?

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Stanski, Anne (Stabenow) Ex. 6 - Personal Privacy
Sent: Monday, October 06, 2014 11:08 AM
To: Distefano, Nichole
Subject: Call w/ Sen. Stabenow

Hi Nichole,

I hope all is well! Ex. 6 - Personal Privacy We haven't made it over yet but will soon I'm sure.

Sen. Stabenow asked that I contact you to set a call with Administrator McCarthy regarding the RFS. She indicated that the call is very important and should happen as soon as possible. Can you help to arrange this call?

Thank you in advance!

Anne

To: Stanski, Anne Ex. 6 - Personal Privacy
From: Distefano, Nichole
Sent: Mon 10/6/2014 3:12:20 PM
Subject: RE: Call w/ Sen. Stabenow

Hey Anne –

Ex. 6 - Personal Privacy

In terms of the call, let me see what I can do. The Administrator is traveling today and I think tomorrow. So let me see when would work. Is there a particular day that would work best for the Senator?

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Stanski, Anne Ex. 6 - Personal Privacy
Sent: Monday, October 06, 2014 11:08 AM
To: Distefano, Nichole
Subject: Call w/ Sen. Stabenow

Hi Nichole,

I hope all is well! Ex. 6 - Personal Privacy We haven't made it over yet but will soon I'm sure.

Sen. Stabenow asked that I contact you to set a call with Administrator McCarthy regarding the RFS. She indicated that the call is very important and should happen as soon as possible. Can you help to arrange this call?

Thank you in advance!

Anne

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Distefano, Nichole
Sent: Wed 7/2/2014 4:15:42 PM
Subject: RE: Peterson (+51)_Renewable Fuel Standard

Thanks.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Anderson, Amanda D. [mailto: Ex. 6 - Personal Privacy
Sent: Wednesday, July 02, 2014 11:40 AM
To: Distefano, Nichole; Vaught, Laura
Subject: Fw: Peterson (+51)_Renewable Fuel Standard

In case you all didn't see

From: Harris, Jacqueline
Sent: Tuesday, July 01, 2014 07:33 PM
To: Singletary, Barvetta; Anderson, Amanda D.
Subject: Peterson (+51)_Renewable Fuel Standard

Team,

Please note the attached correspondence from Peterson and 51 colleagues. Please let me know where you would like the letter tasked.

Thanks,

Jacqueline

To: Jess Maher[Ex. 6 - Personal Privacy]
[Ex. 6 - Personal Privacy][Ex. 6 - Personal Privacy]
Cc: Vaught, Laura[Vaught.Laura@epa.gov]
From: Distefano, Nichole
Sent: Wed 7/2/2014 3:32:51 PM
Subject: Two potential rules for today

Two rules that may get signed today but they are still at OMB.

Plan is to notify usual committee staff in both House and Senate.

1) Pending completion of OMB review, EPA expects to issue a final rule establishing a voluntary quality assurance program to support the implementation of the Renewable Fuel Standard (RFS) program. Under the RFS program, producers and importers of renewable fuel generate Renewable Identification Numbers (RINs) that are used by petroleum refiners and importers to demonstrate compliance with their renewable fuel volume obligations. This final rule will establish a voluntary quality assurance program to ensure RINs are appropriately generated. EPA expects the program to promote greater liquidity in the transfer and use of RINs, especially for smaller producers, helping to make the RFS program more efficient and effective.

2) Pending completion of OMB review, EPA expects to finalize a rule, called "Pathways II," to amend certain elements of the renewable fuels standard (RFS) program regulations, which will facilitate the introduction of new renewable fuels and improve implementation of the program. Through this rule, EPA will finalize requirements for determining the number of cellulosic biofuel RINs that should be generated for fuel made from a range of cellulosic feedstocks; modify regulatory provisions related to renewable fuel made from biogas, including new compressed natural gas (CNG)/liquefied natural gas (LNG) cellulosic and advanced biofuel pathways, and new cellulosic and advanced biofuel pathways for renewable electricity (used in electric vehicles) produced from biogas; clarify or amend a number of RFS compliance-related provisions, including changes to definitions and registration, recordkeeping, and reporting requirements; and make various changes to the E15 misfueling mitigation regulations and amends the ultra-low sulfur diesel (ULSD) survey provisions.

To: Trent Bauserman[Ex. 6 - Personal Privacy
Cc: Vaught, Laura[Vaught.Laura@epa.gov]
From: Distefano, Nichole
Sent: Wed 6/25/2014 7:17:38 PM
Subject: Fw: Draft TPs for Franken 6-25 310 pm.docx
Draft TPs for Franken 6-25 310 pm.docx

From: Haman, Patricia
Sent: Wednesday, June 25, 2014 3:16:08 PM
To: Distefano, Nichole
Subject: Draft TPs for Franken 6-25 310 pm.docx

Nichole: Attached are the talking points we pulled together for the meeting with Senator Franken. Please let me know if you would like anything else.
Pat

Meeting with Senator Al Franken
June 25, 2014

Overview
Senator Al Franken has requested a meeting with you to discuss the 2014 RFS volume standards.

Background
- Sen. Franken is a major supporter of the RFS program and has been critical of EPA's November proposal to reduce the RFS targets below their statutory levels.
- The Senator has asserted that reducing the RFS targets will lead to greater dependence on foreign oil, which will negatively impact America's energy security and environmental goals. He has also stated that the proposal will halt investment in advanced biofuels, including cellulosic and biomass-based diesel, and as a result will harm the U.S. economy and rural economies in particular.
- Administrator Gina McCarthy has met with Sen. Franken on multiple occasions to discuss his concerns.
- Sen. Franken has also been a signatory on three letters to the Agency on the 2014 proposal, in which he maintains that the EPA should:
    - Set the 2014 biomass-based diesel standard commensurate with the 2013 biodiesel production volume of 1.7 billion gallons (EPA proposed 1.28 billion gallons for 2014).
    - Establish the other 2014 standards at a level that "promotes investments in the next generation of biofuels and the infrastructure necessary to deploy those fuels into the market."

Talking Points

Ex. 5 - Deliberative

To: Trent Bauserman[Ex. 6 - Personal Privacy]; Vaught, Laura[Vaught.Laura@epa.gov]
From: Distefano, Nichole
Sent: Wed 6/25/2014 5:30:53 PM
Subject: Re: know its been a busy day - but have an RFS question

Will try. Do you just need status update?

From: Bauserman, Trent < Ex. 6 - Personal Privacy
Sent: Wednesday, June 25, 2014 1:28:21 PM
To: Vaught, Laura; Distefano, Nichole
Subject: RE: know its been a busy day - but have an RFS question

Follow-up – need something by 3PM to get into Staff Sec today.

Is this something you can help with?

From: Bauserman, Trent
Sent: Wednesday, June 25, 2014 1:11 PM
To: 'Vaught, Laura'; Nichole Distefano (DiStefano.Nichole@epa.gov)
Subject: know its been a busy day - but have an RFS question

But I need on short blurb for POTUS b/c Franken will be traveling with him on AF1 and we know will this come up.

Thanks

To: Maher, Jess Ex. 6 - Personal Privacy
From: Distefano, Nichole
Sent: Fri 6/6/2014 5:35:26 PM
Subject: Statement

Statement:

EPA is taking final action to extend the compliance deadlines for the 2013 renewable fuel standards (RFS). The new deadlines are September 30, 2014 for obligated parties to submit compliance reports to EPA, and January 30, 2015 for submission of third party verification reports. EPA is extending these deadlines to assist industry with managing their compliance with both the 2013 and 2014 renewable fuel standards. EPA intends to issue the 2014 volume standards in the near future.

Why does extending the deadline help obligated parties comply with 2013 standards?

Before submitting compliance reports to EPA, obligated parties must make decisions regarding how many RINs to retire for 2013 compliance, how many RINs to carry forward, and in some cases how many RINs to buy or sell. It is best if obligated parties know what their 2014 volume requirements are when they develop compliance plans for 2013 and 2014. This revised schedule should allow sufficient time for obligated parties to review the 2014 volume requirements and make informed decisions.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

To: Hazzard, William Ex. 6 - Personal Privacy
Cc: Haman, Patricia[Haman.Patricia@epa.gov]
From: Distefano, Nichole
Sent: Thur 5/1/2014 3:07:48 PM
Subject: RE: RFS Proposed Rule

Hi William –

I am looping in my colleague Pat Haman who can help answer your questions.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

From: Hazzard, William Ex. 6 - Personal Privacy
Sent: Thursday, May 01, 2014 11:06 AM
To: Distefano, Nichole
Subject: RFS Proposed Rule

Hi Nichole,

This Is Will Hazzard in Senator Cantwell's office. I just had a quick about a proposed rule change 2014 standards for the Renewable Fuel Standard Program. I have some constituents asking about a proposed rule, but it seems as if it may be a final rule as of February, but I am having a hard time confirming that. Would you happen to know what the status is of the rule?

I've linked to it in the federal register here. Thanks for all the help.

William Hazzard

Legislative Correspondent

U.S. Senator Maria Cantwell

311 Hart Senate Office Building, Washington, DC 20510

Phone: (202) 224-3441

Fax: (202) 228-0514

Ex. 6 - Personal Privacy

To: McCabe, Janet[McCabe.Janet@epa.gov]
From: kurt@blasegroup.com
Sent: Wed 4/1/2015 11:13:55 PM
Subject: Neste Oil Meeting Request

Janet,

I write to ask if you are available to meet with Mr. Simo Honkanen, Senior Vice President for Sustainability and Public Affairs for our client Neste Oil Corporation, at a mutually convenient time during the period April 13-15. Mr. Honkanen will be traveling from Finland to DC to speak at a conference on deforestation, among other reasons.

The purpose of the meeting is to discuss the RFS status of fuels produced from certain palm oil food wastes. In 2012, Neste submitted for EPA approval a Separated Food Waste Plan that would allow the use of these wastes as a D4 eligible feedstock pursuant to the RFS. Neste believes that the plan is fully consistent with EPA regulations and precedent, and to date has not been notified otherwise by EPA staff. However, the Neste plan has been pending approval for over two years, with no clear outcome. During this time, the fuels produced from feedstocks containing this waste have been eligible only for D6 RINs. The company estimates losses of $8M in 2013-14 as a result of the failure to resolve this issue, and projects a loss of $10M in 2015 should the plan remain unapproved.

In the latest attempt to solve this problem, Neste representatives have been trying to arrange meetings with OTAQ staff Paul Argyropolus and Byron Bunker while Mr. Honkanen is in town. His presence in DC offers a rare opportunity for discussion and resolution of these issues at the highest levels within the company. I believe your personal presence at a meeting with Mr. Honkanen would greatly increase the potential for a speedy resolution acceptable to both Neste and EPA.

Neste is the world's largest producer of renewable diesel. They have been and will continue to be of great service to U.S. policy goals in meeting the RFS mandates. But they must look to EPA on issues such as this that will make a significant difference in the continuing financial viability of advanced biofuels in U.S. markets.
If your schedule permits, we hope you can meet with our clients from Neste to discuss these issues. Mr. Honkanen is available at any time on Monday April 13, or on the mornings of Tuesday April 14 or Wednesday April 15. If you are available at any of these times, we will make the necessary arrangements with our clients at Neste, and we thank you for considering our request.

Sincerely,

Kurt Blase

Kurt E. Blase
BlaseGroup LLC
879 N Kentucky St

Arlington, VA 22205
(703) 525-3161
(202) 744-2002 (cell)

To: McCabe, Janet[McCabe.Janet@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
Cc: Chad_S_Whiteman[**Ex. 6 - Personal Privacy**]
From: EthanolRFA@aol.com
Sent: Thur 10/30/2014 6:37:54 PM
Subject: 2014 Cellulose RVO

MEMORANDUM

To: Janet McCabe, Assistant Administrator for Air & Radiation, EPA

Chris Grundler, Director, Office of Transportation & Air Quality, EPA

From: Bob Dinneen, President, Renewable Fuels Association

Brooke Coleman, Executive Director, Advanced Ethanol Council

Date: October 30, 2014

Re: 2014 Cellulosic Ethanol RVO

In November 2013, EPA proposed to set the 2014 Renewable Volume Obligation for cellulosic biofuels at 17 million ethanol-equivalent gallons (eeg), based on a potential range of 8-30 million eeg. The proposal was the result of EPA's assessment of likely volumes of cellulosic biofuels from facilities that already had approved pathways for RIN generation.

In the proposed rule, EPA did consider the potential for cellulosic biofuel RIN generation from biogas-based compressed natural gas (CNG) and liquefied natural gas (LNG), concluding that biogas could potentially account for the generation of 35-54 million cellulosic biofuel (D-code 3) RINs in 2014. However, the Agency ultimately excluded potential biogas RINs from the proposed cellulosic biofuel RVO due to "…uncertainty surrounding the timing and approval of the proposed RIN-generating pathways that would be used by CNG/LNG producers…"

In July 2014, EPA published its "Pathways II" final rule, which established a number of new RIN generation pathways under the RFS program. Among the newly approved pathways were CNG and LNG produced from biogas from landfills, municipal wastewater treatment facility digesters, agricultural digesters, and separated MSW digesters. Data from the EPA's Moderated Transaction System (EMTS) indicate that RIN generation for biogas-based CNG and LNG has ramped up quickly following the release of the Pathways II rule in July. According to EMTS,

11.05 million D3 RINs were generated in August and September alone. When combined with RINs generated earlier in the year, a net total of 11.16 cellulosic biofuel and cellulosic diesel RINs had been generated through September. Biogas-derived CNG and LNG has accounted for nearly 99 percent of the net total.

If D3 RIN generation in October-December continues at September's pace, nearly 34 million cellulosic biofuel RINs will be generated for the 2014 compliance year. Thus, actual cellulosic biofuel RIN generation could be *double* the amount of the proposed RVO. However, total cellulosic biofuel RIN generation may be even higher than 34 million if 1) monthly biogas RIN generation in the fourth quarter expands beyond September levels, and 2) recently commissioned cellulosic ethanol facilities begin generating D3 RINs as expected. For example, we are aware that an Iowa facility using corn kernel fiber to produce cellulosic ethanol generated its first D3 RINs in October.

If the final cellulosic biofuel RVO is significantly below the levels of actual 2014 RIN generation, the supply of D3 RINs will outweigh demand and values will collapse. Such a scenario would discourage additional generation of D3 RINs because of the risk of stranded D3 RINs, slow the commercial development of cellulosic biofuels, and hinder efforts to expand cellulosic biofuel distribution infrastructure. This D3 RIN market dynamic would be highly problematic for the cellulosic biofuels industry at a time when it is just breaking through at commercial scale.

Given these recent developments, we are strongly urging you to align the final cellulosic biofuel RVO with *current* expectations of D3 RIN generation during the 2014 compliance year. Based on the recent pace of D3 RIN generation, the final RVO should be no less than 34 million and likely should be significantly higher based on expected RIN generation during the fourth quarter.

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 5/29/2015 10:33:52 PM
Subject: Re: RFS

Thanks Dan.

Sent from my iPhone

On May 29, 2015, at 6:28 PM, Utech, Dan G. Ex. 6 - Personal Privacy wrote:

The note I got from Jim Stock (that really belongs to you). What a super guy.

Ex. 5 - Deliberative

I'm attaching an op ed that, with Jason B's center's help, we are trying to place.

Jim

<RFS_rule_stock_op-ed_v3.docx>

To: Dan G. Utech Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 5/29/2015 8:17:59 PM
Subject: Fwd: Money Quote from Forbes Columnist

Nice....

Sent from my iPhone

Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>
Date: May 29, 2015 at 4:12:13 PM EDT
To: "McCabe, Janet" <McCabe.Janet@epa.gov>
Cc: "Reynolds, Thomas" <Reynolds.Thomas@epa.gov>, "StClair, Christie" <StClair.Christie@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Subject: Money Quote from Forbes Columnist

"The words "common sense" and "epa" have never appeared together in a sentence from me. Today they do. Mark your calendars, it may be a very long time again before I credit the agency (or any government agency for that matter) with showing some "common sense".

The Enviromental Protection Agency today finally issued its volume requirements for the amount of ethanol refiners are required to mix into fuel. For background on this issue, you can read an earlier posting by me on the RFS and the issues surrounding it; Kissing The Ring of King Corn. "

To: Bodnar, Paul **Ex. 6 - Personal Privacy**
Cc: Nishida, Jane[Nishida.Jane@epa.gov]
From: McCabe, Janet
Sent: Fri 5/29/2015 1:33:15 AM
Subject: FW: Brazil materials
RFS 3-year rule, key messages Brazil.docx
RFS Brazil Q&As.docx

Paul—here are TPs and a Q/A for Brian and others on RFS and sugarcane ethanol/Brazil.

Please let us know if you have questions.

Janet

To: Utech, Dan G. Ex. 6 - Personal Privacy Purchia, Liz[Purchia.Liz@epa.gov]
Cc: Wong, Jacqueline Ex. 6 - Personal Privacy ; Benenati, Frank Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 5/29/2015 12:19:23 AM
Subject: RE: Biofuel Infrastructure Comm Materials

We had heard about it from USDA, and also heard that it had leaked. Thanks for the materials, and your suggested TPs sound just right.

Janet

From: Utech, Dan G. Ex. 6 - Personal Privacy
Sent: Thursday, May 28, 2015 8:17 PM
To: McCabe, Janet; Purchia, Liz
Cc: Wong, Jacqueline; Benenati, Frank
Subject: FW: Biofuel Infrastructure Comm Materials

Janet and Liz –

USDA will be making their announcement on infrastructure investment coincident with your RFS announcement (the top-line has already leaked to Bloomberg). So I wanted you to have the USDA materials for reference. Ex. 5 - Deliberative

Ex. 5 - Deliberative

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Thur 5/28/2015 3:00:02 PM
Subject: Re: briefing

We should talk. Are you free?

Sent from my iPhone

On May 28, 2015, at 10:12 AM, Utech, Dan G. Ex. 6 - Personal Privacy wrote:

> I understand the rule won't come until Monday. Possible to do briefing tomorrow post-RFS?

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 5/27/2015 1:42:15 AM
Subject: FW: RFS Outreach for Rollout v3.docx
RFS Outreach for Rollout v3.docx

Here's one. Hill notice coming next.

From: McCabe, Janet
Sent: Tuesday, May 26, 2015 9:26 PM
To: McCabe, Janet
Subject: RFS Outreach for Rollout v3.docx

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Tue 5/26/2015 7:02:49 PM
Subject: FW: word is out

From: Grundler, Christopher
Sent: Tuesday, May 26, 2015 2:59 PM
To: McCabe, Janet
Subject: word is out

We heard from NBB that the RFS proposal is coming out this friday

To: Patron, Michelle Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Sat 5/23/2015 2:58:16 PM
Subject: Re: Thank you....

So, first of all--Jane Nishida said you were leaving the WH....True? If so, best of luck, and we will miss you.

Second, are you/NSC aware of the RFS proposal we have coming out by June 1? I want to make sure folks have the info they need in anticipation of the Pres of Brazil's visit.

--Janet

From: Patron, Michelle Ex. 6 - Personal Privacy
Sent: Wednesday, May 13, 2015 9:14 PM
To: Utech, Dan G.; McCabe, Janet
Subject: RE: Thank you....

I second that! So great to see you both and eat a proper lunch!

From: Utech, Dan G.
Sent: Wednesday, May 13, 2015 6:53 PM
To: 'McCabe, Janet'; Patron, Michelle
Subject: RE: Thank you....

Yes, it's too bad we can't stop more often along the way – but it was a real pleasure to have that opportunity with you and Joe today!

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Wednesday, May 13, 2015 6:49 PM
To: Utech, Dan G.; Patron, Michelle
Subject: Thank you....

Once again, thank you both for the most enjoyable lunch today—a real treat!

One of the things I am quite sure I will regret when I leave EPA is to not have spent more time with the amazing colleagues I've gotten to know (a little) and work with, both inside and outside the agency. Not sure there's much I can do about that—at least not until 111d is done-- but it's nice to have the occasional social event to bring the point home.

--Janet

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Sun 5/17/2015 7:57:27 PM
Subject: Re: two quick things

Re RFS, lori Stewart my chief of staff is coordinating epa attendance. Chris would like to attend, probably in addition to Ben.

Please just contact Lori (Stewart.lori@epa.gov) and she'll make sure the right people are there.

Ex. 5 - Deliberative

Sent from my iPhone

On May 17, 2015, at 3:52 PM, Utech, Dan G. Ex. 6 - Personal Privacy wrote:

Ex. 5 - Deliberative

2) For RFS rollout discussion, which I'm going to try to pull together as a call for tomorrow afternoon, should I invite Ben? You? Both? Thanks.

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Sat 5/16/2015 2:50:35 PM
Subject: Re: RFS rollout planning

I'll get you names, dan. Someone from our Comms shop for sure and probably Ben, but I'll check with Chris.

Are you around for a call later this afternoon on 111d? I have a call with my folks at 1:30, so 3 or after would be good.

Sent from my iPhone

On May 16, 2015, at 10:36 AM, Utech, Dan G. Ex. 6 - Personal Privacy wrote:

> I'd like to pull together a meeting on this next week to plan for rollout. Apart from Laura Vaught for leg, who should I invite from EPA? Don't think it's worthy your time but not sure who else to invite. I would also invite Karla from USDA, as well as WH leg staff.

To: Shelanski, Howard Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 5/8/2015 12:30:39 AM
Subject: RE: RFS

Thanks for your help on this, Howard. You are a great colleague.

From: Shelanski, Howard Ex. 6 - Personal Privacy
Sent: Thursday, May 07, 2015 11:21 AM
To: Laity, Jim; Whiteman, Chad
Cc: Johnson, Katie B.; Mancini, Dominic J.; Orris, Allison; McCabe, Janet
Subject: Fw: RFS

Good news. Let's take it in.

From: Utech, Dan G.
Sent: Thursday, May 07, 2015 11:18 AM Eastern Standard Time
To: Shelanski, Howard; Mancini, Dominic J.; Johnson, Katie B.
Subject: RFS

Ok to upload

To: Mancini, Dominic J. Ex. 6 - Personal Privacy
Cc: Shelanski, Howard Ex. 6 - Personal Privacy Cain, Emily Ex. 6 - Personal Privacy Purchia, Liz[Purchia.Liz@epa.gov]; Utech, Dan G. Ex. 6 - Personal Privacy Johnson, Katie B. Ex. 6 - Personal Privacy Benenati, Frank Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Thur 5/7/2015 1:52:29 AM
Subject: Re: Draft Statement

Works for me also.

Sent from my iPhone

On May 6, 2015, at 7:04 PM, Mancini, Dominic J. <Dominic_J._Mancini@omb.eop.gov> wrote:

Works for me, thanks:

Sent using BlackBerry

From: Shelanski, Howard
Sent: Wednesday, May 06, 2015 07:01 PM Eastern Standard Time
To: Cain, Emily; 'Purchia.Liz@epa.gov' <Purchia.Liz@epa.gov>; Utech, Dan G.; 'McCabe.Janet@epa.gov' <McCabe.Janet@epa.gov>; Johnson, Katie B.; Benenati, Frank
Cc: Mancini, Dominic J.
Subject: RE: Draft Statement

+ Dom

Ex. 5 - Deliberative

From: Cain, Emily
Sent: Wednesday, May 06, 2015 6:46 PM
To: 'Purchia.Liz@epa.gov'; Utech, Dan G.; Shelanski, Howard; 'McCabe.Janet@epa.gov'; Johnson, Katie B.; Benenati, Frank
Subject: Re: Draft Statement

++

Ex. 5 - Deliberative

From: Purchia, Liz [mailto:Purchia.Liz@epa.gov]
Sent: Wednesday, May 06, 2015 06:43 PM Eastern Standard Time
To: Utech, Dan G.; Shelanski, Howard; Cain, Emily; McCabe, Janet <McCabe.Janet@epa.gov>
Subject: Draft Statement

EPA send at 11AM – if haven't heard

Draft

Ex. 5 - Deliberative

Liz Purchia

Deputy Associate Administrator, Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-6691

Cell: 202-841-2230

To: Utech, Dan G Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 5/6/2015 10:30:05 PM
Subject: FW: Senators press conference on RFS

Fyi for the call in a few minutes—this is happening tomorrow.

From: Purchia, Liz
Sent: Wednesday, May 06, 2015 2:16 PM
To: McCabe, Janet
Subject: FW: Senators press conference on RFS

From: StClair, Christie
Sent: Wednesday, May 06, 2015 2:07 PM
To: Birgfeld, Erin; Purchia, Liz; Valentine, Julia; Millett, John
Subject: Senators press conference on RFS

FOR PLANNING PURPOSES

Wednesday, May 6, 2015

CONTACT

Abbie McDonough/Julia Krieger, 202-224-8898

ADVISORY: HEITKAMP & SIX other democratic senators TO HIGHLIGHT HARMFUL IMPACT OF epa SETBACKS ON bIODIESEL JOBS & PRODUCTION

Senators Will Press EPA to Set Strong Renewable Fuel Standard & Put People Back to Work

WASHINGTON, D.C. – U.S. Senators Heidi Heitkamp (D-ND), Dick Durbin (D-IL), Maria Cantwell (D-WA), Amy Klobuchar (D-MN), Jeanne Shaheen (D-NH), Al Franken (D-MN), and Mazie Hirono (D-HI), as well as biodiesel producers, will hold a press conference to call on the Environmental Protection Agency (EPA) to stop the continued delays of the Renewable Fuel Standard (RFS) rule and set strong renewable volume obligations through 2017. The Senators will also reinforce the harsh impact of uncertainty caused by EPA's misguided 2013 rule and delays on farmers and biodiesel workers.

Kent Engelbrecht, the manager of the biodiesel division at ADM, which has a biodiesel plant in Velva, North Dakota and is headquartered in Illinois, as well as Todd Ellis, vice president at Imperium Renewables near Seattle, Washington, will also join the press conference. The delayed RFS rules from EPA have adversely impacted plants nationwide, including the ADM plant in Velva.

Earlier this month, the EPA announced a new deadline of November 30, 2015 for finalizing renewable volume obligations for biodiesel and ethanol. The rule, which was supposed to be finalized in 2013, is now almost three years late for biodiesel. As a result, the EPA has placed extensive and undue burdens on biodiesel producers and farmers who supply them. According to the National Biodiesel Board, this uncertainty has forced 54 biodiesel plants in 30 states to close or idle since November 2012.

What: Press conference to call on the EPA to provide certainty for farmers, biodiesel producers, and their farmer-suppliers across the country and create timely, acceptable RFS rules.

When: Thursday, May 7, 2015

1:30pm ET

Where: U.S. Capitol

SVC-215

Washington, DC

Who: U.S. Senator Heidi Heitkamp (D-ND)

U.S. Senator Dick Durbin (D-IL)

U.S. Senator Maria Cantwell (D-WA)

U.S. Senator Amy Klobuchar (D-MN)

U.S. Senator Jeanne Shaheen (D-NH)

U.S. Senator Al Franken (D-MN)

U.S. Senator Mazie Hirono (D-HI)

Kent Engelbrecht, the manager of the biodiesel division at ADM

Todd Ellis, Vice President of Imperium Renewables near Seattle, WA

Biodiesel is the first and only EPA-designated Advanced Biofuel to reach commercial scale production nationwide. Last year, the biodiesel industry produced nearly 1.75 billion gallons of biodiesel, with plants in almost every state in the U.S. supporting about 60,000 jobs.

To: Dan G. Utech Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 5/6/2015 9:07:29 PM
Subject: Fwd: Rfs call

At the end of this call can you and I hang on to discuss some other stuff dan?

Sent from my iPhone

Begin forwarded message:

From: "Purchia, Liz" <Purchia.Liz@epa.gov>
Date: May 6, 2015 at 3:48:19 PM EDT
To: "Millett, John" <Millett.John@epa.gov>, "Reynolds, Thomas" <Reynolds.Thomas@epa.gov>, "McCabe, Janet" <McCabe.Janet@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Subject: Fwd: Rfs call

Liz Purchia
U.S. EPA
202-564-6691
202-841-2230

Begin forwarded message:

From: "Cain, Emily" Ex. 6 - Personal Privacy
Date: May 6, 2015 at 3:43:49 PM EDT
To: "'Purchia.Liz@epa.gov'" <Purchia.Liz@epa.gov>
Subject: Fw: Rfs call

Looks like we are shooting for 5pm. I will fwd the invite when I get it.

----- Original Message -----
From: Young, Carl
Sent: Wednesday, May 06, 2015 03:42 PM Eastern Standard Time
To: Atkinson.Emily@epa.gov <Atkinson.Emily@epa.gov>; Kawahata, Molly
Cc: Benenati, Frank; Cain, Emily
Subject: FW: Rfs call

Emily and Molly,

Can your principals do a 5PM call on RFS?

-----Original Message-----
From: Johnson, Katie B.
Sent: Wednesday, May 6, 2015 3:34 PM
To: Cain, Emily; Utech, Dan G.; Benenati, Frank; Shelanski, Howard; Kawahata, Molly; Young, Carl
Subject: RE: Rfs call

Carl is working to pull something together for later today - we will include Janet as well.

Emily - if you want to include anyone (liz?) from EPA other than Janet than make sure to let Carl know.

-----Original Message-----
From: Cain, Emily
Sent: Wednesday, May 6, 2015 2:46 PM
To: Utech, Dan G.; Johnson, Katie B.; Benenati, Frank; Shelanski, Howard; Kawahata, Molly; Young, Carl
Subject: Rfs call

Can folks jump on the phone with epa to discuss how to handle incoming on this?

I can't do 330 or 430 but otherwise I'm free.

Are folks free at 3?

Cc: Shelanski, Howard [redacted] Cain, Emily [redacted] Utech, Dan G. [redacted]; Benenati, Frank [redacted] Kawahata, Molly [redacted] Johnson, Katie B [redacted] Atkinson, Emily[Atkinson.Emily@epa.gov]; Purchia, Liz[Purchia.Liz@epa.gov]
To: Young, Carl [redacted]
From: McCabe, Janet
Sent: Wed 5/6/2015 8:34:27 PM
Subject: Re: RFS Call

I'm not sure exactly the agenda of this call but seeing Emily on the invite, I'd like to include Liz we are going to talk about media interest.

Please confirm
Thanks

Sent from my iPhone

> On May 6, 2015, at 4:04 PM, Young, Carl [redacted] wrote:
>
>
>
> <meeting.ics>

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 5/6/2015 6:06:17 PM
Subject: Re: Call?

I'll try you around 2:30

Sent from my iPhone

> On May 6, 2015, at 12:24 PM, Utech, Dan G. Ex. 6 - Personal Privacy wrote:
>
> Will try you around 1240
>
> ----- Original Message -----
> From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
> Sent: Wednesday, May 06, 2015 12:13 PM
> To: Utech, Dan G.
> Subject: Call?
>
> I just talked to Gina post her conversation with Brian re RFS. Can you please call me? I'm on my way to the SAMMIES lunch, but will pick up if you call.
>
> Sent from my iPhone

To: Dan G. Utech Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 5/6/2015 4:13:13 PM
Subject: Call?

I just talked to Gina post her conversation with Brian re RFS. Can you please call me? I'm on my way to the SAMMIES lunch, but will pick up if you call.

Sent from my iPhone

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Fri 3/20/2015 5:59:56 PM
Subject: RE: RFS Call

I just left VM on your office phone. Can you access it?

From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
Sent: Friday, March 20, 2015 1:52 PM
To: McCabe, Janet
Cc: Hengst, Benjamin; Grundler, Christopher
Subject: Re: RFS Call

Sounds good. I'm on my cell.

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Friday, March 20, 2015 01:15 PM
To: Thieman, Karla - OSEC
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Grundler, Christopher <grundler.christopher@epa.gov>
Subject: Re: RFS Call

Karla--I'll give you a call later today, ok?

Sent from my iPhone

On Mar 20, 2015, at 12:05 PM, Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov> wrote:

Hi Janet/Ben --

Ex. 5 - Deliberative

Happy to hop on the phone too.

From: Panther, Allie - OSEC
Sent: Friday, March 20, 2015 11:58 AM
To: Thieman, Karla - OSEC
Cc: Baccam, Lanon - OSEC
Subject: RFS Call

Hi Karla - I just set the RFS call with Administrator McCarthy for 2:10pm on Monday. They mentioned they were also hoping to schedule a briefing for the Secretary on RFS in the next few weeks and wanted to make sure this call wasn't in place of the in-person briefing. They're hoping for the week of April 6th for an in-person briefing with McCarthy, TJV, and staff at USDA. Let me know if it's okay to set that up.

Thanks,

Allie Panther

Scheduler

Office of the Secretary

US Department of Agriculture

d. 202-720-5949 **Ex. 6 - Personal Privacy**

allie.panther@osec.usda.gov

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
From: McCabe, Janet
Sent: Fri 3/20/2015 5:15:15 PM
Subject: Re: RFS Call

Karla--I'll give you a call later today, ok?

Sent from my iPhone

On Mar 20, 2015, at 12:05 PM, Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov> wrote:

Hi Janet/Ben --

Ex. 5 - Deliberative

Happy to hop on the phone too.

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Sent: Friday, March 20, 2015 11:58 AM
To: Thieman, Karla - OSEC
Cc: Baccam, Lanon - OSEC
Subject: RFS Call

Hi Karla – I just set the RFS call with Administrator McCarthy for 2:10pm on Monday. They mentioned they were also hoping to schedule a briefing for the Secretary on RFS in the next few weeks and wanted to make sure this call wasn't in place of the in-person briefing. They're hoping for the week of April 6th for an in-person briefing with McCarthy, TJV, and staff at USDA. Let me know if it's okay to set that up.

Thanks,

Allie Panther

Scheduler

Office of the Secretary

US Department of Agriculture

d. 202-720-5949 Ex. 6 - Personal Privacy

allie.panther@osec.usda.gov

To: Dan G. Utech Ex. 6 - Personal Privacy Howard Shelansk Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 3/18/2015 7:40:07 PM
Subject: Fwd: AFPM and API to file complaint later today

Fyi

Sent from my iPhone

Begin forwarded message:

From: "Orlin, David" <Orlin.David@epa.gov>
Date: March 18, 2015 at 2:37:34 PM EDT
To: "McCabe, Janet" <McCabe.Janet@epa.gov>, "Garbow, Avi" <Garbow.Avi@epa.gov>
Cc: "Schmidt, Lorie" <Schmidt.Lorie@epa.gov>, "Dubois, Roland" <Dubois.Roland@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Millett, John" <Millett.John@epa.gov>, "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>
Subject: AFPM and API to file complaint later today

I heard from Chet that AFPM and API have decided to file a joint complaint today—it will cover the 2014 and 2015 RFS rule and API's pending waiver petition for 2014. Ex 5 - Attorney Work Product Attorney Client

Ex 5 - Attorney Work Product Attorney Client

David Orlin

U.S. EPA, Office of General Counsel

(202) 564-1222

To: Mancini, Dominic J. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Sat 3/14/2015 3:10:41 AM
Subject: heads up

Hey Dom--

Nice to see you this week, even if it was across the room and you had to leave early...

I writing to give you a heads up about a related matter--the schedule for the RFS rulemaking.

Ex 5 - Deliberative Attorney Work Product Attorney Client

I hope this is helpful...enjoy your weekend.

Janet

To: Utech, Dan G **Ex. 6 - Personal Privacy**
From: McCabe, Janet
Sent: Thur 2/5/2015 4:14:10 PM
Subject: Re: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Do you have time for a call? Sometime between now and 11:45 would be great, or 12:15 to 12:30.

Sent from my iPhone

On Feb 5, 2015, at 10:57 AM, "Utech, Dan G." <Dan_G._Utech@who.eop.gov> wrote:

Ex. 5 - Deliberative

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Thursday, February 05, 2015 08:28 AM
To: Utech, Dan G.
Subject: FW: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Ex. 5 - Deliberative

From: Grundler, Christopher
Sent: Thursday, February 05, 2015 8:27 AM
To: McCabe, Janet
Subject: Fwd: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Sent from my iPhone

Begin forwarded message:

From: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Date: February 5, 2015 at 8:16:13 AM EST
To: "Grundler, Christopher" <grundler.christopher@epa.gov>
Subject: Fwd: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Begin forwarded message:

From: "Machiele, Paul" <machiele.paul@epa.gov>
Date: February 5, 2015 at 8:13:53 AM EST
To: "Argyropoulos, Paul" <Argyropoulos.Paul@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Korotney, David" <korotney.david@epa.gov>, "Simon, Karl" <Simon.Karl@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Burkholder, Dallas" <burkholder.dallas@epa.gov>, "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>
Subject: FW: FW: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Ex. 5 - Deliberative

From: Larry Schafer **Ex. 6 - Personal Privacy**
Sent: Thursday, February 05, 2015 4:03 AM
To: Machiele, Paul
Subject: Fwd: FW: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Fyi

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Larry Schafer

t: 202.997.8072

==========

---------- Forwarded message ----------
From: "Ben Evans" <bevans@biodiesel.org>
Date: Feb 4, 2015 5:44 PM
Subject: FW: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets
To: "Anne Steckel" <asteckel@biodiesel.org>, "Larry Schafer" <lschafer@biodiesel.org>, "Kirsten Skala" <kskala@biodiesel.org>, "Lindsay Fitzgerald" <lfitzgerald@biodiesel.org>
Cc:

From: opisethanol@opisnet.com

Sent: Wednesday, February 04, 2015 5:43:53 PM (UTC-05:00) Eastern Time (US & Canada)
To: OPIS Ethanol Updates
Subject: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

2015-02-04 05:43:43 EST
***Sources: EPA May Re-Propose 2014 RFS Targets

EPA may re-propose its 2014 Renewable Fuel Standard (RFS2) targets in the near future to take into account market changes since the agency first proposed the 2014 target in November 2013, multiple sources have confirmed to OPIS.

"The rumor we're heard from a couple different sources is that EPA is going to re-propose the 2014 rule soon," a source familiar with the issue explained to OPIS today.

In its proposal for the 2014 targets, EPA called for across-the-board cuts.

"The numbers will be higher than the range included in the [2014 RFS] proposal, but we don't know how much higher or what they'll look like," the source continued. However, the numbers could be based on actual 2014 production, according to publicly available and tracked data from EPA and posted on its EMTS
database.

There could also be a new comment period on the 2014 proposal, the source noted.

A second source familiar with the issue also heard the same rumor, but noted EPA may shorten the comment period on the re-proposed 2014 RFS targets from the standard 90 days to an expedited 30-day schedule.

A shortened comment time frame would make sense if EPA wished to maintain its
"spring" goal for taking action on the 2014, 2015 and 2016 RFS targets, the first source noted.

EPA has not provided any further guidance on when it will issue the 2014 rule, only noting that it plans to take action on the 2014, 2015 and 2016 RFS targets this spring.

When reached for comment today, an EPA spokesperson said the agency had nothing
further to update to its RFS time frame.

However, as Paul Argyropoulos, senior policy advisor for EPA's Office of Transportation and Air Quality, told OPIS last month after he spoke at the National Biodiesel Board's annual conference, "everything is on the table" in terms of options, such as whether the agency plans to issue just a final 2014 RFS proposal by spring or whether the agency issues a multi-year proposal for 2015 and 2016 as well. "Even though the proposal was for 2014, we are past 2014.
How do we manage that? Is the proposal close enough to finalize?" he told OPIS. "That's something that has to be evaluated. I'm not saying we would re-issue a proposal, but all of those things have to be considered," he said.

"But again, no decisions have been made on this," Argyropoulos said to OPIS last month.

--Rachel Gantz, rgantz@opisnet.com

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To find out more about OPIS visit us @ >http://www.opisnet.com<

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Thur 2/5/2015 1:28:21 PM
Subject: FW: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Ex. 5 - Deliberative

From: Grundler, Christopher
Sent: Thursday, February 05, 2015 8:27 AM
To: McCabe, Janet
Subject: Fwd: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Sent from my iPhone

Begin forwarded message:

From: "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>
Date: February 5, 2015 at 8:16:13 AM EST
To: "Grundler, Christopher" <grundler.christopher@epa.gov>
Subject: Fwd: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Begin forwarded message:

From: "Machiele, Paul" <machiele.paul@epa.gov>
Date: February 5, 2015 at 8:13:53 AM EST
To: "Argyropoulos, Paul" <Argyropoulos.Paul@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Korotney, David" <korotney.david@epa.gov>, "Simon, Karl" <Simon.Karl@epa.gov>, "Charmley, William" <charmley.william@epa.gov>, "Burkholder, Dallas" <burkholder.dallas@epa.gov>, "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>
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Ex. 5 - Deliberative

From: Larry Schafer Ex. 6 - Personal Privacy
Sent: Thursday, February 05, 2015 4:03 AM

To: Machiele, Paul
Subject: Fwd: FW: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets

Fyi

==========

Larry Schafer

Ex. 6 - Personal Privacy

==========

---------- Forwarded message ----------
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Subject: FW: BIOFUELS UPDATE: ***Sources: EPA May Re-Propose 2014 RFS Targets
To: "Anne Steckel" <asteckel@biodiesel.org>, "Larry Schafer" <lschafer@biodiesel.org>, "Kirsten Skala" <kskala@biodiesel.org>, "Lindsay Fitzgerald" <lfitzgerald@biodiesel.org>
Cc:

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To: OPIS Ethanol Updates
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2015-02-04 05:43:43 EST
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"But again, no decisions have been made on this," Argyropoulos said to OPIS last month.

--Rachel Gantz, rgantz@opisnet.com

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To find out more about OPIS visit us @ http://www.opisnet.com

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 2/4/2015 11:01:39 PM
Subject: RE: Word is Out

Yes.

-----Original Message-----
From: Utech, Dan G. Ex. 6 - Personal Privacy
Sent: Wednesday, February 04, 2015 12:26 PM
To: McCabe, Janet
Subject: RE: Word is Out

Ex. 5 - Deliberative

-----Original Message-----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Wednesday, February 04, 2015 12:23 PM
To: Utech, Dan G.; fyip@cdc.gov
Subject: FW: Word is Out

fyi

-----Original Message-----
From: Grundler, Christopher
Sent: Wednesday, February 04, 2015 12:10 PM
To: McCabe, Janet
Subject: Word is Out

Ex. 5 - Deliberative

Sent from my iPhone

To: Utech, Dan G [Ex. 6 - Personal Privacy]
Cc: Grundler, Christopher[grundler.christopher@epa.gov]
From: McCabe, Janet
Sent: Wed 1/28/2015 1:50:38 PM
Subject: Re: NBB Statement on CARBIO

Of course, looping in Chris.

Sent from my iPhone

On Jan 28, 2015, at 7:42 AM, "Utech, Dan G." <[Ex. 6 - Personal Privacy]> wrote:

Ex. 5 - Deliberative

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Wednesday, January 28, 2015 8:29 AM
To: Karla Thieman; Utech, Dan G.; Reynolds, Thomas; Purchia, Liz; Drinkard, Andrea; Millett, John
Subject: Fwd: NBB Statement on CARBIO

Ex. 5 - Deliberative

Sent from my iPhone

Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>
Date: January 27, 2015 at 11:00:15 PM CST
To: "McCabe, Janet" <McCabe.Janet@epa.gov>
Subject: NBB Statement on CARBIO

Ex. 5 - Deliberative

Sent from my iPhone

Begin forwarded message:

From: "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>
Date: January 27, 2015 at 4:16:52 PM EST
To: "Argyropoulos, Paul" <Argyropoulos.Paul@epa.gov>, "Bunker, Byron"

<bunker.byron@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>
Cc: "Manners, Mary" <manners.mary@epa.gov>, "Machiele, Paul" <machiele.paul@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Sutton, Tia" <sutton.tia@epa.gov>
Subject: FW: U.S. Industry Blasts EPA Decision on Biodiesel Imports

FYI –

From: StClair, Christie
Sent: Tuesday, January 27, 2015 4:15 PM
To: Birgfeld, Erin
Subject: FW: U.S. Industry Blasts EPA Decision on Biodiesel Imports

WASHINGTON – The National Biodiesel Board on Tuesday sharply criticized a decision by the EPA to allow streamlined Argentinian biodiesel imports to the U.S. under the Renewable Fuel Standard (RFS).

"This decision poses a tremendous threat to U.S. industry and jobs, not to mention the overriding goal of the RFS of developing clean, homegrown renewable fuels," said Anne Steckel, NBB's vice president of federal affairs. "This is incredibly damaging, particularly in light of the continued delays in establishing RFS volumes. The Obama administration has effectively run the U.S. biodiesel industry into a ditch over the past year by failing to establish a functioning renewable fuels policy, and instead of pulling the domestic industry out, it is fast-tracking foreign competition."

"Not only does this threaten U.S. businesses and jobs, it could also undermine our sustainability goals aimed at preventing deforestation from the production of renewable fuels," Steckel said. "It opens the floodgates for Argentinian biodiesel with very little oversight or verification that the resources used to make the fuel was grown in accordance with strict RFS sustainability requirements."

To prevent deforestation and other harmful land-use changes, feedstocks used under the RFS generally must be grown on land that was cleared or cultivated prior to Dec. 18, 2007 – when the RFS was implemented. Typically, foreign producers must closely map and track each batch of feedstock used to produce imported renewable fuels.

EPA's decision Tuesday allows Argentinian biodiesel producers to use a survey plan for certifying that feedstocks used – in this case soybean oil. The change – effectively leaving it to the foreign producer to pay an independent third party to survey their feedstock suppliers – is far less stringent than the current map and track requirement and more difficult to verify.

Many of the soybeans processed into soybean oil in Argentina come from Uruguay, Peru, Brazil, and other countries. Given the complex international trade involved, the EPA will have little ability to verify the survey plans proposed by Argentinian producers.

NBB estimates that up to 600 million gallons of Argentinian biodiesel could enter the U.S. as a result of the change. Argentina would be the first country to use a survey approach under the RFS. Canada and the U.S. operate under an aggregate approach in which feedstock is approved so long as the aggregate amount of agricultural land in each country does not grow.

Additionally, Argentina supports its domestic biodiesel program with a cost-distorting "Differential Export Tax" program that allows Argentinian biodiesel to undercut domestic prices. The EPA's notice can be found here on the agency's website.

"At a time when our U.S. industry needs a lifeline, it feels instead like we're being pushed back under water," Steckel said. "This decision simply makes no sense from an economic perspective, an energy security perspective or an environmental perspective. It is baffling."

Biodiesel – made from a variety of resources including recycled cooking oil, plant oils such as soybean oil, and animal fats – is the first EPA-designated Advanced Biofuel to reach commercial-scale production nationwide. According to the EPA, biodiesel reduces greenhouse gas emissions by 57 percent to 86 percent compared with petroleum diesel. With plants in nearly every state in the country, the industry supports some 60,000 jobs.

The EPA is more than two years late in establishing volumes under the RFS after failing to establish a requirement for 2014 and 2015. The continued uncertainty under the policy has destabilized the industry, causing many U.S. production plants to stop production and lay off employees.

# # #

To: Karla Thieman[karla.thieman@osec.usda.gov]; Dan G. Utech[Ex. 6 - Personal Privacy] Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Purchia, Liz[Purchia.Liz@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Millett, John[Millett.John@epa.gov]
From: McCabe, Janet
Sent: Wed 1/28/2015 1:28:45 PM
Subject: Fwd: NBB Statement on CARBIO

Ex. 5 - Deliberative

Sent from my iPhone

Begin forwarded message:

From: "Grundler, Christopher" <grundler.christopher@epa.gov>
Date: January 27, 2015 at 11:00:15 PM CST
To: "McCabe, Janet" <McCabe.Janet@epa.gov>
Subject: NBB Statement on CARBIO

Ex. 5 - Deliberative

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Begin forwarded message:

From: "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>
Date: January 27, 2015 at 4:16:52 PM EST
To: "Argyropoulos, Paul" <Argyropoulos.Paul@epa.gov>, "Bunker, Byron" <bunker.byron@epa.gov>, "Grundler, Christopher" <grundler.christopher@epa.gov>
Cc: "Manners, Mary" <manners.mary@epa.gov>, "Machiele, Paul" <machiele.paul@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Sutton, Tia" <sutton.tia@epa.gov>
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# # #

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Tue 1/27/2015 3:27:46 PM
Subject: Recent study

Karla—fyi. I expect you guys are aware of this but just in case.

I asked folks to make sure you get background materials on the announcement for later today (and when I know our launch time, I'll let you know that as well).

From: Grundler, Christopher
Sent: Tuesday, January 27, 2015 10:25 AM
To: McCabe, Janet
Subject: On the Question of Lit Review....

Recent blog post that is worth a quick read. Our team has a lot of respect for this guy's work

The Latest on Biofuels and Land Use: Progress to Report, but Challenges Remain

Source: By Jeremy Martin, Union of Concerned Scientists • Posted: Tuesday, January 27, 2015

Share this post on:

Carbon pollution caused indirectly by the increasing use of crops to produce biofuels has been a contentious topic for the last 7 years. In this post I look back at what we have learned since then about indirect land use change (ILUC) emissions, as this phenomena is generally called. The headline 7 years ago – that crop-based biofuels are far worse than fossil fuels – no longer holds.

Both the studies and the world have changed. Agricultural markets are more flexible, deforestation has fallen in some key areas (Brazil in particular) and biofuels production is getting more efficient. The overall result is that biofuels are getting cleaner over time, and most biofuels are cleaner than gasoline. But the central importance of reducing biofuels

impact on food and forests has been reaffirmed. Expanding the production of food-based fuels will not deliver the low carbon fuels we need to cut projected oil use in half and address climate change, and will cause many other problems. Fortunately we have better options.

What are indirect land use change emissions and why do they matter?

Prior to 2008, biofuels were considered a guilt-free energy source: cleaner than gasoline, good for farmers that produced the feedstocks, and available domestically at seemingly limitless scale. In February 2008 that changed when important papers in Science Magazine, particularly one by Searchinger and coauthors, raised the specter that as US corn ethanol consumed an ever greater share of U.S. crop production, cropland overseas was expanding to fill the void in food markets. Most concerning was the conversion of tropical forests to farmland. Since deforestation is itself a major source of carbon emissions, this shift undermines the potential climate benefits of crop-based biofuels. Searchinger and coauthors estimated that emissions from ILUC for corn ethanol were higher than the total emissions of using gasoline, leaving no potential for corn ethanol or other crop based biofuels in a low carbon transportation future. This concept resonated powerfully, reinforced by the related concern that using food for fuel could make food more expensive and aggravate food insecurity. Since then ILUC emissions have become an important and contentious part of the lifecycle analysis of biofuels and in the administration of fuel regulations that are based on such analyses.

Experts across the country have been hard at work on this topic for the last 7 years, and have learned a great deal about ILUC. The headline conclusion of the 2008 paper, that corn ethanol's emissions are much higher than gasoline, has not survived careful scrutiny. Subsequent analyses found more flexibility in the agricultural system to expand production without large increases in deforestation, and deforestation in Brazil has slowed. California's most recent analysis finds ILUC emissions of about 20 grams of CO_2equivalent carbon pollution per megajoule of energy for the fuel produced (g /MJ), about 80% lower than the Searchinger's result. Nailing these numbers down remains challenging, and an uncertainty analysis finds plausible estimates range from 11 g/MJ to 37 g/MJ. However, these revised values mean that – when ILUC emissions are combined with all other emissions – corn ethanol produced at an average Midwestern facility using natural gas as a source of process heat is 20% cleaner than gasoline, and the cleanest facilities are better still.

Expanding agriculture to make more biofuels has real costs

However, the underlying notion that biofuels expansion is profoundly impacting agriculture has only gotten clearer. Numerous studies have looked at how biofuels expansion impacts land use, crop prices, food consumption, livestock, and the use of irrigation. The global food and agricultural system is complex, to say the least, and incorporating these modelling approaches into a regulatory framework is and will remain a major challenge. But every credible study finds that biofuels are a major player in global agricultural markets. It is clear that, going forward, sustainable biofuels must not only cut oil use and reduce emissions, but also protect food security and complement the agricultural system. For reasons ranging from climate change to water pollution to food price stability, expanding biofuels by moving more and more grain and vegetable oil into fuel markets is not smart transportation policy or smart food and agricultural policy.

Biofuels don't need to drive deforestation

Much of the analysis of ILUC has focused on corn ethanol and soybean biodiesel produced in the US and its link to deforestation in Brazil. This makes sense since the US and Brazil are the largest producers of ethanol and soy biodiesel and the largest producers of corn and soybeans, and Brazil is historically among the largest sources of carbon emissions from deforestation. But what was just starting to come into focus in 2008 was how much of an improvement Brazil was making in reducing deforestation. As my colleagues have described in their recent report, Deforestation Success Stories, Brazil has cut the rate of deforestation by three quarters and they have done this even as soybean and cattle production continue to grow.

California's latest ILUC analysis suggests that most Brazilian cropland expansion is likely to come from pasture land , as cattle producers raise more cattle on fewer acres. Another important shift is *where*expansion is occurring, with cropland and pasture expansion occurring on previously cleared land in response to more robust forest protection. And recent analysis from Iowa State has shown that much of the increased production in Brazil from 2004 to 2012 came from farmers growing two or more crops per season, or harvesting more of what they plant. The progress in protecting forests together with these opportunities for intensification mean that the magnitude of deforestation associated with corn, soybeans and beef expansion is going down, which is great news.

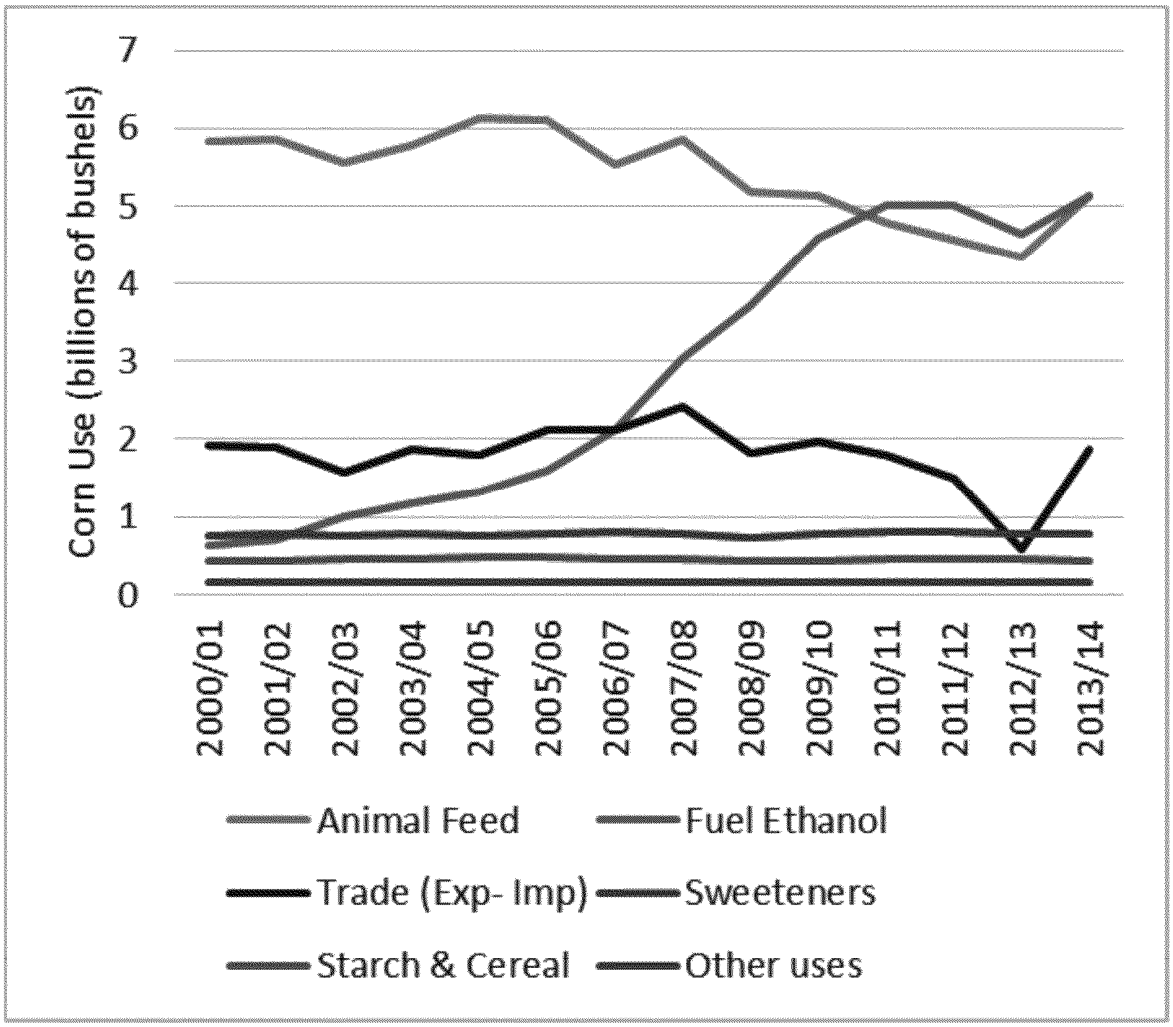
The bad news is that deforestation in Southeast Asia is still a major concern, particularly driven by the expansion of palm oil production.Because of this, California's recent analysis found that palm oil biodiesel has ILUC emissions of 71 g/MJ, more than twice as high as soybean biodiesel and more than three times as high as corn ethanol. This means that palm oil-based biodiesel is more polluting than petroleum diesel. In the U.S. we don't use a lot of palm oil for biodiesel, but my colleagues are putting pressure on the major companies that use palm oil in household products and foods to stop the expansion of palm oil onto forests. And they are succeeding in getting important commitments from major U.S. companies (for example Hershey, General Mills and Proctor & Gamble) and global agricultural traders (for example Wilmar and Bunge).

Increasing biofuels production and supply chain efficiency

When assessing the performance and potential of a biofuel, it's important to look at ILUC alongside other factors. In 2008 when the ILUC debate got going, the general understanding (based on a model called GREET from Argonne National Lab) was that corn ethanol from a typical Midwestern facility would reduce emissions by about 20% compared to gasoline. Adding 103 g/MJ as Searchinger and coauthors suggested made corn ethanol far worse than gasoline, and even the 30 g/MJ (~30%) California's 2010 analysis found, was enough to make corn ethanol from a typical facility equal to or a little worse than gasoline. But corn ethanol production has been getting more efficient, and an updated version of GREET that reflects these efficiency gains finds that the direct emissions for Midwestern corn ethanol produced using natural gas are about 60 g/MJ or 40% cleaner than gasoline. Adding 20 g/MJ to account for ILUC emissions still leaves typical corn ethanol about 20% cleaner than gasoline. And for corn ethanol producers that adopt the most efficient technology in their production process, for example installing efficient combined heat and power systems, the emissions can come down even further.

Just because corn ethanol can be cleaner than gasoline doesn't mean we need more

While ILUC is just one factor of the lifecycle, the lifecycle itself is still just part of the story for biofuel impacts. And where corn ethanol is concerned, we have to talk about scale. U.S. corn ethanol production expanded rapidly over the last decade, as ethanol changed its role from a minor blending component (an oxygenate required to address air quality problems in some key regions) to its present role as a source of octane in E10 (a 10% ethanol gasoline blend) that is the main type of gasoline sold in the U.S. today. As consumption of corn for ethanol increased by 400 percent in just a decade, ethanol went from being a relatively minor use of corn to being the single largest use worldwide.



Continuing this expansion will make things worse, starting with the harm corn ethanol expansion has caused to water quality, but also the damage to the long term productivity of our agricultural system. My colleagues have outlined need a more balanced approach to farming, and for both dietary and environmental reasons, doubling down on corn won't help us get there.

The future of clean transportation is fueled by better biofuels (and electricity)

While more corn won't get us where we need to go, the good news is that we have a lot of biomass resources that can be used to expand biofuels while moving our agricultural system in a healthy and sustainable direction. These are waste materials from our cities and agricultural residues like corn stalks, as well as environmentally friendly perennial grasses. With these materials we can make enough cellulosic biofuel to easily double or triple biofuels production in the next twenty years, and these non-food based cellulosic biofuels can cut emissions up to 90% compared to gasoline. Just as important, these cellulosic biofuels can scale up while moving our agricultural system in a healthy and sustainable direction. Cellulosic biofuel production is coming on line now, and with policies to support for the best biofuels, as well as more electric vehicles and continued efficiency improvements across the transportation sector, we can keep moving towards our goal of cutting oil use in half in the next twenty years.

My conclusion after working in this area for 7 years is that we need to focus on three distinct areas

•□□□□□□□□ **Make biofuels cleaner:** Move to more efficient and lower carbon production processes to reduce direct emissions along the whole supply chain.

•□□□□□□□□ **Make biofuels out of better biomass:** Make a transition from food crops to sustainable sources of biomass.

•□□□□□□□□ **Scale matters for food and forests:** Sources of waste fats and oils are available to produce a billion gallons of biodiesel a year but cause problems at 2 billion. Corn ethanol is already problematic at its current scale of more than 10 billion gallons a year, but would be catastrophic at 20 billion. And as biomass based fuels scale to more than 10 billion gallons a year, which will take a decade of steady growth, we'll need to calibrate their scale to not just meet our fuel needs, but to protect land for food, forests, and other needs as well.

About the author: Jeremy Martin is a scientist with expertise in the technology, lifecycle accounting, and water use of biofuels. He is working on policies to help commercialize the next generation of clean biofuels (made from waste and biomass rather than food) that can cut U.S. oil dependence and curb global warming. He holds a Ph.D. in chemistry with a minor in chemical engineering. See Jeremy's full bio.

Previous | Next

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•□□□□□□□□ 2012

•□□□□□□□□ 2011

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Cc: Atkinson, Emily[Atkinson.Emily@epa.gov]
To: Sepp, Eryn Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 1/9/2015 1:57:09 AM
Subject: Re: Time with Podesta tomorrow

much as a phone call would be easier (for me), i think coming over in person would be better.

From: Sepp, Eryn Ex. 6 - Personal Privacy
Sent: Thursday, January 8, 2015 7:38 PM
To: McCabe, Janet
Cc: Atkinson, Emily
Subject: RE: Time with Podesta tomorrow

10:30 – 11:30 am just opened up as well!

From: Sepp, Eryn
Sent: Thursday, January 08, 2015 6:47 PM
To: 'McCabe, Janet'
Cc: Atkinson, Emily
Subject: RE: Time with Podesta tomorrow

Sure thing! And I was there for Christmas, so my condolences. Will wait to hear from Emily. If it helps, I can offer the 5 pm hour as well (knowing that sometime in that hour, we will likely wrap the day with Denis early, but that takes only 30 mins), or if you think we can make it a phone call, we can do that.

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Thursday, January 08, 2015 6:38 PM
To: Sepp, Eryn
Cc: Atkinson, Emily
Subject: RE: Time with Podesta tomorrow

I'm in Detroit on Monday, unfortunately, so I'd like to do it tomorrow if at all possible. We may need to do some shifting, but Emily is pretty good at that.

From: Sepp, Eryn Ex. 6 - Personal Privacy
Sent: Thursday, January 08, 2015 6:21 PM
To: McCabe, Janet
Cc: Atkinson, Emily
Subject: Time with Podesta tomorrow

Hi Janet—I understand from Dan Utech that you might come here tomorrow for 15 minutes with John P. on RFS. Is that still a live option? If so, tomorrow is a little nutso but I have 2-2:30, 3-3:30 and around 4 pm free. If it can wait until Monday, I have times then as well.

Thanks!

Eryn

Eryn M. Sepp

Special Assistant to the Counselor to the President

Ex. 6 - Personal Privacy

To: Sepp, Eryn Ex. 6 - Personal Privacy
Cc: Atkinson, Emily[Atkinson.Emily@epa.gov]
From: McCabe, Janet
Sent: Thur 1/8/2015 11:37:34 PM
Subject: RE: Time with Podesta tomorrow

I'm in Detroit on Monday, unfortunately, so I'd like to do it tomorrow if at all possible. We may need to do some shifting, but Emily is pretty good at that.

From: Sepp, Eryn Ex. 6 - Personal Privacy
Sent: Thursday, January 08, 2015 6:21 PM
To: McCabe, Janet
Cc: Atkinson, Emily
Subject: Time with Podesta tomorrow

Hi Janet—I understand from Dan Utech that you might come here tomorrow for 15 minutes with John P. on RFS. Is that still a live option? If so, tomorrow is a little nutso but I have 2-2:30, 3-3:30 and around 4 pm free. If it can wait until Monday, I have times then as well.

Thanks!

Eryn

Eryn M. Sepp

Special Assistant to the Counselor to the President

Ex. 6 - Personal Privacy

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Sat 12/20/2014 1:33:26 AM
Subject: Re: Call?

Sorry we didn't connect today Karla. I didn't have a moment all day.

I'm happy to talk this weekend, or Monday if that's better for you. I'm working from home--I have a few meetings throughout the day but am pretty free.

Sent from my iPhone

On Dec 19, 2014, at 9:22 AM, "Thieman, Karla - OSEC" <Karla.Thieman@osec.usda.gov> wrote:

Hi Janet –

I'd be happy to connect at any of those times. I have a 1pm today but am otherwise free. I'm doing the procrastinators Christmas shopping this weekend so that might be a little more dicey.

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Thursday, December 18, 2014 8:00 PM
To: Thieman, Karla - OSEC
Subject: Call?

Hey Karla—it's been a while—I hope you're well.

Could we connect either tomorrow late afternoon or evening, or over the weekend, or early next week for a quick update on RFS?

Thanks!

From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
Sent: Friday, October 03, 2014 1:29 PM

To: McCabe, Janet
Subject: RE: nice to see you today

That works for me. I have a 3pm but otherwise relatively open.

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Thursday, October 02, 2014 11:38 PM
To: Thieman, Karla - OSEC
Subject: nice to see you today

Hi Karla--nice to see you down the table today, Karla. If you're around tomorrow--maybe late afternoon--could we catch up?

--Janet

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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Fri 12/19/2014 12:59:49 AM
Subject: Call?

Hey Karla—it's been a while—I hope you're well.

Could we connect either tomorrow late afternoon or evening, or over the weekend, or early next week for a quick update on RFS?

Thanks!

From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
Sent: Friday, October 03, 2014 1:29 PM
To: McCabe, Janet
Subject: RE: nice to see you today

That works for me. I have a 3pm but otherwise relatively open.

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Thursday, October 02, 2014 11:38 PM
To: Thieman, Karla - OSEC
Subject: nice to see you today

Hi Karla--nice to see you down the table today, Karla. If you're around tomorrow--maybe late afternoon--could we catch up?

--Janet

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information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

To: Dan G. Utech Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Mon 12/15/2014 3:50:30 AM
Subject: Meeting

Gina said you guys talked about a small meeting this week on rfs. I'm for that. Thursday would be best for us, given Chris and ben's availability.

Can we talk about what you have in mind?

Thanks

Sent from my iPhone

To: Shelanski, Howard Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 11/21/2014 8:14:59 PM
Subject: Re: RFS Question

On the subway--will call when I emerge. Ex. 5 - Deliberative

Sent from my iPhone

On Nov 21, 2014, at 2:35 PM, "Shelanski, Howard" Ex. 6 - Personal Privacy wrote:

Can you give me a quick call asap? Thanks.

To: Wong, Jacqueline Ex. 6 - Personal Privacy
Cc: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 11/21/2014 3:31:44 AM
Subject: Re: Edits to RFS Notice

This is fine--we will finalize for release tomorrow morning. Tom Reynolds say about 11....

Thanks for working with us.

Just FYI--Ron emailed to see if we could talk tonight, but I had a family thing tonight so we haven't connected.

From: Wong, Jacqueline Ex. 6 - Personal Privacy
Sent: Thursday, November 20, 2014 7:51:23 PM
To: McCabe, Janet
Cc: Utech, Dan G.
Subject: Edits to RFS Notice

Hi Janet,

Upon further reflection, we're inclined to just drop those two sentences that we have been discussing. We also had a few minor edits to the notice (see attached – I've included both a Word and a PDF version in case the tracked changes are not visible in Word).

Thanks, and have a nice evening,

Jackie

To: Costa, Kristina Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 11/21/2014 3:15:49 AM
Subject: Re: Rfs volumes

Ok--thank you for the message.

Sent from my iPhone

> On Nov 20, 2014, at 10:13 PM, "Costa, Kristina" <Kristina_L_Costa@who.eop.gov> wrote:
>

Ex. 5 - Deliberative

>
> Thanks
>
> Kristina

To: Utech, Dan G Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Thur 11/20/2014 6:00:25 PM
Subject: RE: RFS Q&A

I'll check on the revised statement Q/a

Word is out, by the way.

From: Utech, Dan G. Ex. 6 - Personal Privacy
Sent: Thursday, November 20, 2014 12:43 PM
To: McCabe, Janet
Subject: RE: RFS Q&A

Ex. 5 - Deliberative

-----Original Message-----
From: McCabe, Janet [McCabe.Janet@epa.gov]
Sent: Thursday, November 20, 2014 09:04 AM Eastern Standard Time
To: Utech, Dan G.
Subject: FW: RFS Q&A

Current status of these dox

From: Hengst, Benjamin
Sent: Thursday, November 20, 2014 8:31 AM
To: McCabe, Janet
Cc: Grundler, Christopher

Subject: RFS Q&A

Hi Janet, Chris asked us to send you the current Q&A for the RFS FR notice for tomorrow.

I've attached the roll-out plan (Q&As are part of it), and copied the Q&A below.

Ben

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 11/19/2014 11:34:31 PM
Subject: Re: RFS Notice

I'm heading back from North Carolina right now--will gather up what we have and send it ASAP.

Sent from my iPhone

On Nov 19, 2014, at 6:30 PM, "Utech, Dan G." Ex. 6 - Personal Privacy wrote:

> Will have a few comments/qs in the morning. Can you share q and a and notification plan? Thx.
>
> **From**: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
> **Sent**: Tuesday, November 18, 2014 11:02 AM
> **To**: Utech, Dan G.
> **Subject**: RFS Notice
>
> Dan—my apologies for not getting this to you sooner. I'll call you to discuss.

To: Utech, Dan G Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Tue 11/18/2014 7:02:15 PM
Subject: RFS Notice
FR notice for 2014 standards ver 11.doc

Dan—my apologies for not getting this to you sooner. I'll call you to discuss.

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Tue 9/9/2014 6:08:45 PM
Subject: Re: Call with Sec Vilsack

Ok hanks

Sent from my iPhone

On Sep 9, 2014, at 9:43 AM, "Thieman, Karla - OSEC" <Karla.Thieman@osec.usda.gov> wrote:

I lost you, as I was driving. I'm going to be in with the Secretary in a bit and I'll fill him in so he's ready.

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Tuesday, September 09, 2014 09:38 AM
To: Thieman, Karla - OSEC
Cc: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: Re: Call with Sec Vilsack

I'll call you in a minute

Sent from my iPhone

On Sep 9, 2014, at 9:37 AM, "Thieman, Karla - OSEC" <Karla.Thieman@osec.usda.gov> wrote:

Hi Janet and Ben -

I just got a message from our scheduling team that the Administrator would like to speak with the Secretary today on RFS. Can one of you give me a quick call? Just want to make sure he's prepared for the call.

Thanks!

Karla

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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
Cc: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
From: McCabe, Janet
Sent: Tue 9/9/2014 1:38:09 PM
Subject: Re: Call with Sec Vilsack

I'll call you in a minute

Sent from my iPhone

On Sep 9, 2014, at 9:37 AM, "Thieman, Karla - OSEC" <Karla.Thieman@osec.usda.gov> wrote:

Hi Janet and Ben –

I just got a message from our scheduling team that the Administrator would like to speak with the Secretary today on RFS. Can one of you give me a quick call? Just want to make sure he's prepared for the call.

Thanks!

Karla

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To: Utech, Dan G Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Tue 9/9/2014 3:04:46 AM
Subject: FW: Growth Energy at the White House for Briefing

Dan--Gina and I will both be in New Mexico at ECOS on 9/15. I hate to not have EPA represented at this event, even though there's not much we can say about the rule since it's in review. Would you be ok with Chris or Ben joining you on the panel?

From: Bond, Brian
Sent: Monday, September 8, 2014 4:03 PM
To: McCabe, Janet; Goffman, Joseph
Cc: Ragland, Micah
Subject: RE: Growth Energy at the White House for Briefing

Janet welcome back☺

Janet and Joe – wanted to circle back on this to get your take. CEQ just called me with additional information.

Ex. 5 - Deliberative

Thanks for any guidance.

From: McCabe, Janet
Sent: Tuesday, August 19, 2014 7:47 PM
To: Bond, Brian; Goffman, Joseph
Cc: Drinkard, Andrea; Ragland, Micah

Subject: RE: Growth Energy at the White House for Briefing

I will be in Santa Fe as well. If they want an appointee, I don't think we can oblige. We could supply a senior career person I expect.

From: Bond, Brian
Sent: Tuesday, August 19, 2014 4:24 PM
To: McCabe, Janet; Goffman, Joseph
Cc: Drinkard, Andrea; Ragland, Micah
Subject: FW: Growth Energy at the White House for Briefing

See request below from CEQ – The Administrator will be in Santa Fe – (you may be too?) how would you like to handle? Thank you.

From: Hochstrasser, Franz **Ex. 6 - Personal Privacy**
Sent: Tuesday, August 19, 2014 4:21 PM
To: Bond, Brian
Cc: Elson, Tom; Wong, Jacqueline; Barranco, Angela
Subject: Growth Energy at the White House for Briefing

Brian,

Ex. 5 - Deliberative

Hope we can get someone from EPA to join for the briefing, attached is the invite letter they sent to you all, as well as the briefing from last year's event.

Thanks!

Franz Hochstrasser

Deputy Associate Director

White House Council on Environmental Quality

Ex. 6 - Personal Privacy

And here is who they've had in the past:

Growth Energy Advocacy Conference – Administration Briefing History

2013 Administration Panel

Location: South Court Auditorium – Eisenhower Executive OB

Speaker: Franz Hochstrasser, CEQ

Speaker: Gina McCarthy, EPA Administrator

Speaker: Tim Reif, USTR General Counsel

Speaker: Valerie Sarisky-Reed, Acting Director – Bioenergy Technologies Office

Speaker: Rick Duke, Associate Director for Energy & Climate Change at CEQ & DPC

Speaker: Doug McKalip, DPC

2012 Administration Panel

Location: South Court Auditorium – Eisenhower Executive OB

Speaker: Gina McCarthy, EPA (confirmed)

Speaker: Ray Mabus, Secretary of the Navy (confirmed)

Speaker: Heather Zichal, White House (confirmed)

Speaker: Doug McKalip, White House Domestic Policy Council (confirmed)

2011 Administration Panel

Location: Hyatt Regency

Speaker: Dan Utech, White House

Speaker: Steve Chalk, Department of Energy

Speaker: Larry Elworth, Environmental Protection Agency

2010 Administration Panel

Location: South Court Auditorium – Eisenhower Executive OB

Speaker: Greg Nelson, Deputy Director, White House Office of Public Engagement

Speaker: Heather Zichal, Deputy Director, White House Office of Energy and Climate Change

Speaker: Dallas Tonsager, Under Secretary for Rural Development, USDA

Speaker: Cathy Zoi, Assistant Secretary for Energy Efficiency and Renewable Energy, DOE

To: Shelanski, Howard Ex. 6 - Personal Privacy
Cc: Mancini, Dominic J. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 8/22/2014 5:22:36 PM
Subject: Re: status?

Thanks

Sent from my iPhone

On Aug 22, 2014, at 1:01 PM, "Shelanski, Howard" < Ex. 6 - Personal Privacy > wrote:

Back to you 3pm

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Friday, August 22, 2014 12:37 PM Eastern Standard Time
To: Shelanski, Howard; Mancini, Dominic J.
Subject: status?

Hi guys, just looking for a status on RFS.

Ex. 6 - Personal Privacy

Thanks,

Janet

To: Howard_A_Shelanski Ex. 6 - Personal Privacy Mancini, Dominic J Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 8/22/2014 4:37:19 PM
Subject: status?

Hi guys, just looking for a status on RFS.

Ex. 6 - Personal Privacy

Thanks,

Janet

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Fri 8/22/2014 2:37:18 PM
Subject: Re: RFS

I'm not sure when they're going to circulate it. Happy reading!

Sent from my iPhone

> On Aug 22, 2014, at 10:23 AM, "Thieman, Karla - OSEC" <Karla.Thieman@osec.usda.gov> wrote:
>
> Just what you wanted to do on your vacation! I'll try not to bug you too much. Will OMB be sharing the rule today?
>
> -----Original Message-----
> From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
> Sent: Friday, August 22, 2014 8:25 AM
> To: Thieman, Karla - OSEC
> Subject: RE: RFS
>
> Just left you VM. Yes, it's true! I'm on leave the next two weeks but very much following this and participating from afar as necessary.

Ex. 5 - Deliberative

>
> -----Original Message-----
> From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
> Sent: Friday, August 22, 2014 8:06 AM
> To: McCabe, Janet
> Subject: RFS
>
> Hi Janet our press shop heard last night that RFS would be uploaded at OMB this am. Just wanted to confirm that's still the case. Thanks!
>
>
>
>
> This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Fri 8/22/2014 12:25:00 PM
Subject: RE: RFS

Just left you VM. Yes, it's true! I'm on leave the next two weeks but very much following this and participating from afar as necessary.

Ex. 5 - Deliberative

-----Original Message-----
From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
Sent: Friday, August 22, 2014 8:06 AM
To: McCabe, Janet
Subject: RFS

Hi Janet our press shop heard last night that RFS would be uploaded at OMB this am. Just wanted to confirm that's still the case. Thanks!

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To: Utech, Dan G. Ex. 6 - Personal Privacy
Cc: Minsk, Ron Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 8/20/2014 7:20:43 PM
Subject: Re: long term approach

The substance is all there Dan. I'm sorry I missed the chance to call you. But I can talk you through the changes. Any chance for later? I'm free after 6:30 eastern.

Sent from my iPhone

On Aug 20, 2014, at 9:06 AM, "Utech, Dan G." <Dan_G._Utech@who.eop.gov> wrote:

Hi Janet – I'm getting down time which is great.

Ex. 5 - Deliberative

I'm around this morning if you want to chat (596-4139) but probably best to connect with Howard.

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Wednesday, August 20, 2014 7:58 AM
To: Utech, Dan G.; Minsk, Ron
Subject: long term approach

Hey Dan and Ron—

I hope Dan's getting a bit of down while on vacation—seems only fair.

I've attached the last page and a half or so of the discussion on EPA's plans to engage stakeholders to develop a long term approach to RFS. The Administrator asked for some changes and we made a few other edits, mostly putting the bulleted list into text. I'll get in touch with Howard today to talk about getting the rule uploaded. Call if you have questions. I'm traveling today, so cell is best Ex. 6 - Personal Privacy

Thanks,

Janet

<RFS Memo on Strategic Plan 8-13-14 v3.docx>

To: Minsk, Ron Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 8/20/2014 12:42:39 PM
Subject: RE: long term approach

thanks

From: Minsk, Ron Ex. 6 - Personal Privacy
Sent: Wednesday, August 20, 2014 8:28 AM
To: McCabe, Janet; Utech, Dan G.
Subject: RE: long term approach

Thanks Janet. I will reach out to Dan to check on things here.

Ronald E. Minsk

Ex. 6 - Personal Privacy

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Wednesday, August 20, 2014 7:58 AM
To: Utech, Dan G.; Minsk, Ron
Subject: long term approach

Hey Dan and Ron—

I hope Dan's getting a bit of down while on vacation—seems only fair.

I've attached the last page and a half or so of the discussion on EPA's plans to engage

stakeholders to develop a long term approach to RFS. The Administrator asked for some changes and we made a few other edits, mostly putting the bulleted list into text. I'll get in touch with Howard today to talk about getting the rule uploaded. Call if you have questions. I'm traveling today, so cell is best Ex. 6 - Personal Privacy

Thanks,

Janet

To: Shelanski, Howard Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Fri 8/15/2014 4:07:31 PM
Subject: RE: CN we talk today

we did, Howard, thanks.

fingers crossed for upload today!

From: Shelanski, Howard Ex. 6 - Personal Privacy
Sent: Thursday, August 14, 2014 12:10 PM
To: McCabe, Janet
Cc: Mancini, Dominic J.
Subject: Re: CN we talk today

Janet, I will soon be out of cell range for most of the day. Please connect with Dom and he will loop me in. Thx.

----- Original Message -----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Thursday, August 14, 2014 07:38 AM Eastern Standard Time
To: Shelanski, Howard
Subject: CN we talk today

About rfs? Thanks

Sent from my iPhone

To: Howard Shelanski Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Thur 8/14/2014 11:38:56 AM
Subject: CN we talk today

About rfs? Thanks

Sent from my iPhone

To: Sepp, Eryn[**Ex. 6 - Personal Privacy**] Atkinson, Emily[Atkinson.Emily@epa.gov]
From: McCabe, Janet
Sent: Mon 8/4/2014 1:14:49 PM
Subject: Re: Heard we're doing a call on RFS Monday?

I should be at WJC by then and will come to the adm's office.

Janet McCabe

[redacted]

Hi all—John isn't yet back from the doc, but he should be by 9:30 am. Will keep you posted.

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Monday, August 04, 2014 5:30 AM
To: Sepp, Eryn; Herckis, Arian
Cc: McCabe.Janet@epa.gov; Porterfield, Teri; Utech, Dan G.; Kawahata, Molly; Atkinson, Emily
Subject: Re: Heard we're doing a call on RFS Monday?

Assuming that my plane isn't late, 9:30 will work for me. Emily, we'Ll need to shift the TR meeting.

Thanks

Janet McCabe

From: Sepp, Eryn

Sent: Monday, August 4, 2014 12:31 AM

To: Herckis, Arian; McCabe, Janet

Cc: McCabe.Janet@epa.gov; Porterfield, Teri; Utech, Dan G.; Kawahata, Molly; Atkinson, Emily

Subject: RE: Heard we're doing a call on RFS Monday?

Haven't heard if a connection was made. We still looking at Monday AM? If so, 9:30 am ish is looking best. Thoughts? Let's connect in the AM on this. I'm just jet lagging hardcore, hence midnight emails.

From: Herckis, Arian [mailto:Herckis.Arian@epa.gov]
Sent: Saturday, August 02, 2014 12:57 PM
To: McCabe, Janet
Cc: Sepp, Eryn; McCabe.Janet@epa.gov; Porterfield, Teri; Utech, Dan G.; Kawahata, Molly; Atkinson, Emily
Subject: Re: Heard we're doing a call on RFS Monday?

Hi Eryn - It's my understanding that if folks are not able to catch up on this over the weekend then we should schedule a call for about 20 mins or so on Mon. morning. We can carve out some time on the Administrator's calendar between 9:30 am - 10:30 am if we need to.

Sent from my iPhone

On Aug 2, 2014, at 11:01 AM, "McCabe, Janet" <McCabe.Janet@epa.gov> wrote:

I can make something work on monday AM (or tomorrow pretty much anytime). After 9:30 would be best on monday, as I'm flying back to DC.

Janet McCabe

From: Sepp, Eryn

Sent: Saturday, August 2, 2014 9:29 AM

To: 'McCabe.Janet@epa.gov'; Porterfield, Teri; Herckis, Arian

Cc: Utech, Dan G.; Kawahata, Molly

Subject: Heard we're doing a call on RFS Monday?

Hi everyone—

I heard from John that he proposed a call on RFS in response to Administrator McCarthy's ask for a call on Weds (but we were obviously in an island paradise… locked in conference rooms). Is that accurate / a possibility for Monday? We're best between 9:15 – 11 am. Thoughts?

Thanks!

Eryn

Eryn M. Sepp

Special Assistant to the Counselor to the President

Ex. 6 - Personal Privacy

To: Sepp, Eryn[Ex. 6 - Personal Privacy]; Herckis, Arian[Herckis.Arian@epa.gov]
Cc: McCabe.Janet@epa.gov['McCabe.Janet@epa.gov']; Porterfield, Teri[Porterfield.Teri@epa.gov]; Utech, Dan G[Ex. 6 - Personal Privacy]; Kawahata, Molly[Ex. 6 - Personal Privacy]; Atkinson, Emily[Atkinson.Emily@epa.gov]
From: McCabe, Janet
Sent: Mon 8/4/2014 9:29:33 AM
Subject: Re: Heard we're doing a call on RFS Monday?

Assuming that my plane isn't late, 9:30 will work for me. Emily, we'LI need to shift the TR meeting.
Thanks

Janet McCabe

[redacted]

Haven't heard if a connection was made. We still looking at Monday AM? If so, 9:30 am ish is looking best. Thoughts? Let's connect in the AM on this. I'm just jet lagging hardcore, hence midnight emails.

From: Herckis, Arian [mailto:Herckis.Arian@epa.gov]
Sent: Saturday, August 02, 2014 12:57 PM
To: McCabe, Janet
Cc: Sepp, Eryn; McCabe.Janet@epa.gov; Porterfield, Teri; Utech, Dan G.; Kawahata, Molly; Atkinson, Emily
Subject: Re: Heard we're doing a call on RFS Monday?

Hi Eryn - It's my understanding that if folks are not able to catch up on this over the weekend then we should schedule a call for about 20 mins or so on Mon. morning. We can carve out some time on the Administrator's calendar between 9:30 am - 10:30 am if we need to.

Sent from my iPhone

On Aug 2, 2014, at 11:01 AM, "McCabe, Janet" <McCabe.Janet@epa.gov> wrote:

> I can make something work on monday AM (or tomorrow pretty much anytime). After 9:30 would be best on monday, as I'm flying back to DC.

Janet McCabe

From: Sepp, Eryn

Sent: Saturday, August 2, 2014 9:29 AM

To: 'McCabe.Janet@epa.gov'; Porterfield, Teri; Herckis, Arian

Cc: Utech, Dan G.; Kawahata, Molly

Subject: Heard we're doing a call on RFS Monday?

Hi everyone—

I heard from John that he proposed a call on RFS in response to Administrator McCarthy's ask for a call on Weds (but we were obviously in an island paradise… locked in conference rooms). Is that accurate / a possibility for Monday? We're best between 9:15 – 11 am. Thoughts?

Thanks!

Eryn

Eryn M. Sepp

Special Assistant to the Counselor to the President

Ex. 6 - Personal Privacy

To: Sepp, Eryn[Ex. 6 - Personal Privacy] 'McCabe.Janet@epa.gov'['McCabe.Janet@epa.gov']; Porterfield, Teri[Porterfield.Teri@epa.gov]; Herckis, Arian[Herckis.Arian@epa.gov]
Cc: Utech, Dan G[Ex. 6 - Personal Privacy] Kawahata, Molly[Ex. 6 - Personal Privacy] Atkinson, Emily[Atkinson.Emily@epa.gov]
From: McCabe, Janet
Sent: Sat 8/2/2014 3:00:57 PM
Subject: Re: Heard we're doing a call on RFS Monday?

I can make something work on monday AM (or tomorrow pretty much anytime). After 9:30 would be best on monday, as I'm flying back to DC.

Janet McCabe

[redacted]

Hi everyone—

I heard from John that he proposed a call on RFS in response to Administrator McCarthy's ask for a call on Weds (but we were obviously in an island paradise… locked in conference rooms). Is that accurate / a possibility for Monday? We're best between 9:15 – 11 am. Thoughts?

Thanks!

Eryn

Eryn M. Sepp

Special Assistant to the Counselor to the President

Ex. 6 - Personal Privacy

To: Utech, Dan G. **Ex. 6 - Personal Privacy**
From: McCabe, Janet
Sent: Wed 7/30/2014 12:34:21 PM
Subject: RE: Talk this AM?

Ok—I'll try in the latter half of the 10-11 slot. Good news, I think. Something pretty intriguing to offer….

From: Utech, Dan G. **Ex. 6 - Personal Privacy**
Sent: Wednesday, July 30, 2014 8:31 AM
To: McCabe, Janet
Subject: RE: Talk this AM?

Free now to 930, 10-11

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Wednesday, July 30, 2014 7:33 AM
To: Utech, Dan G.
Subject: Talk this AM?

I'd love to hear about the commissioners dinner, plus I have stuff on RFS

Janet McCabe

To: Utech, Dan G Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 7/30/2014 11:32:35 AM
Subject: Talk this AM?

I'd love to hear about the commissioners dinner, plus I have stuff on RFS

Janet McCabe

To: Stock, Jim Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Tue 7/8/2014 12:23:14 PM
Subject: RE: RFS

Yes, of course Rob (and Karla Thieman), and I'll include Kate.

From: Stock, Jim Ex. 6 - Personal Privacy
Sent: Tuesday, July 08, 2014 8:21 AM
To: McCabe, Janet
Cc: Heinzelman, Kate
Subject: RE: RFS

Great. Also on the list: Heinzelman, Kate Ex. 6 - Personal Privacy WH counsel's office. Rob Johansen might be a good USDA point person, he has a very good understanding of the RFS as I suspect you know.

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Tuesday, July 08, 2014 8:15 AM
To: Stock, Jim
Subject: Re: RFS

Hey Jim--i should have by the end of today or first thing tomorrow, a draft document to circulate to you, Ron, howard and Dan (anyone else? Someone at WH counsel?).

Ex. 5 - Deliberative

I'm pretty heavily scheduled today, but I'll try to catch you before 9:30.

Janet McCabe

From: Stock, Jim

Sent: Tuesday, July 8, 2014 7:53 AM

To: McCabe, Janet

Cc: Lawrence, Natasha

Subject: RFS

Janet,

Would you have time to talk today to coordinate on Denis's assignment? I'm free at 9, and 11-3

Thanks

To: Stock, Jim Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Tue 7/8/2014 12:15:17 PM
Subject: Re: RFS

Hey Jim--i should have by the end of today or first thing tomorrow, a draft document to circulate to you, Ron, howard and Dan (anyone else? Someone at WH counsel?).

Ex. 5 - Deliberative

I'm pretty heavily scheduled today, but I'll try to catch you before 9:30.
Janet McCabe

[redacted]

Janet,

Would you have time to talk today to coordinate on Denis's assignment? I'm free at 9, and 11-3

Thanks

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Tue 7/8/2014 11:08:15 AM
Subject: Re: Dan's on vacation

Right--sorry--ok

Janet McCabe

[redacted]

Hi janet - I'm in china. Bberry wasn't working but now is. Can look at emails on bberry but given that I'm not in until thurs I suggest coordinating thru stock in the meantime if ok w u

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Tuesday, July 08, 2014 07:32 AM
To: Utech, Dan G.
Subject: Dan's on vacation

At least I hope so. I got your voice mail today saying you were out until the 10th. If you're not checking email, then I'll talk to you when you get back. But if you are, I was trying to reach you to let you know where we are with preparing the white paper on the RFS strategic plan process.

--Janet

To: Utech, Dan G Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Mon 7/7/2014 11:32:17 PM
Subject: Dan's on vacation

At least I hope so. I got your voice mail today saying you were out until the 10th. If you're not checking email, then I'll talk to you when you get back. But if you are, I was trying to reach you to let you know where we are with preparing the white paper on the RFS strategic plan process.

--Janet

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Mon 7/7/2014 8:17:58 PM
Subject: RE: RFS

Given our admittedly brief conversation today, do you still want an EPA-USDA call? I expect we'll be having a call with you guys as well as some of the other administration folks tomorrow or Wednesday anyway.

From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
Sent: Monday, July 07, 2014 10:42 AM
To: McCabe, Janet
Subject: RFS

Hi Janet –

Would it be possible to get a call together this week to discuss RFS? Sometimes things get a little lost in translation and want to be sure I'm clear on where things are and also share some additional thoughts the Secretary had after the meeting. I'd like to have Rob on the line if possible since he's been working on some numbers.

My week is actually pretty light right now so I will work to accommodate your all's schedules.

Thanks!

Karla

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To: Minsk, Ron Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Thur 7/3/2014 9:49:42 PM
Subject: Re: Meeting on Vehicle and Fuel Programs

Ex. 5 - Deliberative

Janet McCabe

[redacted]

To help prepare for a July 14th meeting with the President on a range of energy issues, we are convening a group to discuss our vehicles and fuels programs. Ex. 5 - Deliberative

Ex. 5 - Deliberative

Please join and feel free to bring additional expertise as appropriate.

We will meet in the EEOB, Room 234 at 2:00 on Monday July 7th. Please send WAVES information to me as soon as possible, but by 11:00 am Monday.

Also, please feel free to call me with any questions, including over the weekend. I can be reached by cell at Ex. 6 - Personal Privacy

Happy July 4th!

Ron Minsk

Ex. 6 - Personal Privacy

Ronald E. Minsk

Special Assistant to the President for Energy and Environment

National Economic Council | The White House

Ex. 6 - Personal Privacy

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Tue 7/1/2014 11:52:06 PM
Subject: RE: RFS

Sorry—I just saw this. You can call me now (Ex. 6 - Personal Privacy or I'll call you tomorrow.

From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
Sent: Tuesday, July 01, 2014 12:58 PM
To: McCabe, Janet
Subject: RFS

I understand there's a meeting happening on Thursday to hopefully get a path forward. If you have some time to chat today/tomorrow, I'd like to fill you in on some of the recent conversations I've had with the Secretary just so you know where he's at. My desk number is Ex. 6 - Personal Privacy

Thanks!

Karla

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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Wed 6/25/2014 3:01:03 PM
Subject: Re: RFS

Ok. I'll plan to call you around 12 your time. Thanks

Janet McCabe

I have time on Thursday between 12:00 and 1:00

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Tuesday, June 24, 2014 11:21 PM
To: Thieman, Karla - OSEC
Subject: RE: RFS

so sorry. I meant to call you between gigs today and didn't get it done. I'm free between 12 and 2 on thursday. Does anytime in there work for you?

From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Tuesday, June 24, 2014 5:57 PM
To: McCabe, Janet
Subject: RE: RFS

Any chance you'd have a chance to chat today? If not maybe we can find a time Thur or Friday?

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Monday, June 23, 2014 4:22 PM
To: Thieman, Karla - OSEC
Cc: McCabe, Janet
Subject: Re: RFS

Yes--I'm about to get on a plane for California, but I'll try to give you a call tomorrow.

Janet McCabe

From: Thieman, Karla - OSEC

Sent: Monday, June 23, 2014 2:00 PM

To: McCabe, Janet

Subject: RFS

Do you have time to connect at some point this week on RFS?

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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Wed 6/25/2014 3:21:13 AM
Subject: RE: RFS

so sorry. I meant to call you between gigs today and didn't get it done. I'm free between 12 and 2 on thursday. Does anytime in there work for you?

From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Tuesday, June 24, 2014 5:57 PM
To: McCabe, Janet
Subject: RE: RFS

Any chance you'd have a chance to chat today? If not maybe we can find a time Thur or Friday?

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Monday, June 23, 2014 4:22 PM
To: Thieman, Karla - OSEC
Cc: McCabe, Janet
Subject: Re: RFS

Yes--I'm about to get on a plane for California, but I'll try to give you a call tomorrow.

Janet McCabe

From: Thieman, Karla - OSEC

Sent: Monday, June 23, 2014 2:00 PM

To: McCabe, Janet

Subject: RFS

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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
Cc: McCabe, Janet[McCabe.Janet@epa.gov]
From: McCabe, Janet
Sent: Mon 6/23/2014 8:21:42 PM
Subject: Re: RFS

Yes--I'm about to get on a plane for California, but I'll try to give you a call tomorrow.

Janet McCabe

[redacted]

Do you have time to connect at some point this week on RFS?

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To: Karla Thieman[karla.thieman@osec.usda.gov]
Cc: Moss, Jacob[Moss.Jacob@epa.gov]
From: McCabe, Janet
Sent: Sat 6/14/2014 1:46:13 PM
Subject: Cookstoves

Karla--it was great to see you at the cookstoves meeting this week. Isn't it amazing?

Jacob tells me that USDA is interested in some followup discussion, which would be great. He'll be reaching out soon.

Also, let's connect next week on RFS.

Take care.
Janet McCabe

To: Shelanski, Howard Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Wed 6/11/2014 3:07:48 AM
Subject: RE: what are you hearing on RFS?

i;ll call you wednesday, Howard.

From: Shelanski, Howard Ex. 6 - Personal Privacy
Sent: Tuesday, June 10, 2014 11:56 AM
To: McCabe, Janet
Subject: what are you hearing on RFS?

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Tue 6/10/2014 7:27:49 PM
Subject: call

I know you're on the BRT call now—if you have time to call me between 3:30 and 4, that'd be great. I have a meeting with the Argentina ambassador at 4—RFS related.

To: Stock, Jim Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Thur 6/5/2014 6:17:44 PM
Subject: Re: talk?

Ok will call soon

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

[redacted]

Janet,

I'm sure you are busy with 111(d) but if we could get a chance to talk about the RFS, that would be great, I can give you an update on an EOP meeting we had Tues eve.

Jim

To: Mancini, Dominic J. Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Mon 5/19/2014 10:43:15 PM
Subject: RE: time for a call?

Yes.

From: Mancini, Dominic J. Ex. 6 - Personal Privacy
Sent: Monday, May 19, 2014 6:30 PM
To: McCabe, Janet
Subject: Re: time for a call?

Hi Janet, quite a day. Does around 7 work?

Sent using BlackBerry

From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Monday, May 19, 2014 03:56 PM Eastern Standard Time
To: Mancini, Dominic J.
Subject: time for a call?

Dom—do you have time for a call later today? I should be free between 4:45 and 5:30 and then later in the evening. Thanks. It's re RFS.

To: Mancini, Dominic J Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Mon 5/19/2014 7:56:36 PM
Subject: time for a call?

Dom—do you have time for a call later today? I should be free between 4:45 and 5:30 and then later in the evening. Thanks. It's re RFS.

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Tue 5/13/2014 5:03:47 AM
Subject: RE: Call

ok, thanks.

From: Thieman, Karla - OSEC [Karla.Thieman@osec.usda.gov]
Sent: Monday, May 12, 2014 1:08 PM
To: McCabe, Janet
Subject: RE: Call

Thanks for the heads up. Also want to flag that ag approps is looking to mark up next week.

-----Original Message-----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Monday, May 12, 2014 12:03 PM
To: Thieman, Karla - OSEC
Subject: Re: Call

The meeting has been postponed--no new time.

The State Department staffer who is trying to organize the discussion is Natasha Vidangos, who works in the Latin American/Caribbean Energy Office.

From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Sunday, May 11, 2014 9:30:25 PM
To: McCabe, Janet
Subject: Re: Call

Sorry its been so difficult. I was trying to get out of Dulles and just got home. I'll give you a buzz in the am. What time do you usually go in?

----- Original Message -----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Sunday, May 11, 2014 09:38 PM
To: Thieman, Karla - OSEC
Subject: RE: Call

is it too late now?

From: Thieman, Karla - OSEC [Karla.Thieman@osec.usda.gov]
Sent: Sunday, May 11, 2014 9:03 PM
To: McCabe, Janet
Subject: Re: Call

I just landed in DCA. I can chat anytime now or we can connect first thing in the am

----- Original Message -----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Sunday, May 11, 2014 02:24 PM
To: Thieman, Karla - OSEC
Subject: Re: Call

If today works for you, that'd better. Ex. 6 - Personal Privacy

From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Sunday, May 11, 2014 12:26:05 PM
To: McCabe, Janet
Subject: Re: Call

Just getting this. I can call today or wait until tomorrow.

----- Original Message -----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Saturday, May 10, 2014 01:48 PM
To: Thieman, Karla - OSEC
Subject: Call

Karla--sorry to bother you over the weekend. If you get this message and have a moment talk this weekend or monday, I'd appreciate it. My cell number is Ex. 6 - Personal Privacy Iff you get my voice mail, please leave a number and when it would be convenient for me to reach you.
Thanks

From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Wednesday, April 23, 2014 5:54:30 PM
To: McCabe, Janet; MacMillan, Anne - OSEC; Ganesan, Arvin
Subject: RE: Call?

Lets work on a time tomorrow, I have time between 11 and 1 or between 3 and 4:30

-----Original Message-----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Wednesday, April 23, 2014 4:30 PM
To: MacMillan, Anne - OSEC; Ganesan, Arvin
Cc: Thieman, Karla - OSEC
Subject: Re: Call?

I can--are you around later? I've got a meeting until sometime between 6:30-7 tonight, but couls talk after that. Or we could find a time tomorrow.

From: MacMillan, Anne - OSEC <Anne.MacMillan@osec.usda.gov>
Sent: Wednesday, April 23, 2014 2:55:55 PM
To: McCabe, Janet; Ganesan, Arvin
Cc: Thieman, Karla - OSEC
Subject: Call?

McCarthy is looking to talk to Vilsack re: RFS thurs or fri. Can we talk?

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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Mon 5/12/2014 4:03:04 PM
Subject: Re: Call

The meeting has been postponed--no new time.

The State Department staffer who is trying to organize the discussion is Natasha Vidangos, who works in the Latin American/Caribbean Energy Office.

From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Sunday, May 11, 2014 9:30:25 PM
To: McCabe, Janet
Subject: Re: Call

Sorry its been so difficult. I was trying to get out of Dulles and just got home. I'll give you a buzz in the am. What time do you usually go in?

----- Original Message -----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Sunday, May 11, 2014 09:38 PM
To: Thieman, Karla - OSEC
Subject: RE: Call

is it too late now?

From: Thieman, Karla - OSEC [Karla.Thieman@osec.usda.gov]
Sent: Sunday, May 11, 2014 9:03 PM
To: McCabe, Janet
Subject: Re: Call

I just landed in DCA. I can chat anytime now or we can connect first thing in the am

----- Original Message -----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
Sent: Sunday, May 11, 2014 02:24 PM
To: Thieman, Karla - OSEC
Subject: Re: Call

If today works for you, that'd better. Ex. 6 - Personal Privacy

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From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Sunday, May 11, 2014 12:26:05 PM
To: McCabe, Janet
Subject: Re: Call

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Sent: Saturday, May 10, 2014 01:48 PM
To: Thieman, Karla - OSEC
Subject: Call

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From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Wednesday, April 23, 2014 5:54:30 PM
To: McCabe, Janet; MacMillan, Anne - OSEC; Ganesan, Arvin
Subject: RE: Call?

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Cc: Thieman, Karla - OSEC
Subject: Re: Call?

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Sent: Wednesday, April 23, 2014 2:55:55 PM
To: McCabe, Janet; Ganesan, Arvin
Cc: Thieman, Karla - OSEC
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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Mon 5/12/2014 1:30:13 PM
Subject: Re: Call

Just talked to chris--the mtg is apparently staff level, so it would be strange for me to go, so I may not try to push it off. Let me know if you get any more details about it.

From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Sunday, May 11, 2014 10:30:25 PM
To: McCabe, Janet
Subject: Re: Call

Sorry its been so difficult. I was trying to get out of Dulles and just got home. I'll give you a buzz in the am. What time do you usually go in?

----- Original Message -----
From: McCabe, Janet [mailto:McCabe.Janet@epa.gov]
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is it too late now?

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From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
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To: McCabe, Janet; MacMillan, Anne - OSEC; Ganesan, Arvin
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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Mon 5/12/2014 2:47:47 AM
Subject: Re: Call

I'm getting on a plane in the morning that's leaving atabout 10 AM to head to the west coast. Calling between 8 and 10 should work.

From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Sunday, May 11, 2014 10:30:25 PM
To: McCabe, Janet
Subject: Re: Call

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From: MacMillan, Anne - OSEC <Anne.MacMillan@osec.usda.gov>
Sent: Wednesday, April 23, 2014 2:55:55 PM
To: McCabe, Janet; Ganesan, Arvin
Cc: Thieman, Karla - OSEC
Subject: Call?

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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Mon 5/12/2014 1:38:24 AM
Subject: RE: Call

is it too late now?

From: Thieman, Karla - OSEC [Karla.Thieman@osec.usda.gov]
Sent: Sunday, May 11, 2014 9:03 PM
To: McCabe, Janet
Subject: Re: Call

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To: McCabe, Janet; Ganesan, Arvin
Cc: Thieman, Karla - OSEC
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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Sun 5/11/2014 6:24:55 PM
Subject: Re: Call

If today works for you, that'd better. Ex. 6 - Personal Privacy

---

From: Thieman, Karla - OSEC <Karla.Thieman@osec.usda.gov>
Sent: Sunday, May 11, 2014 12:26:05 PM
To: McCabe, Janet
Subject: Re: Call

Just getting this. I can call today or wait until tomorrow.

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Subject: Re: Call?

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From: MacMillan, Anne - OSEC <Anne.MacMillan@osec.usda.gov>
Sent: Wednesday, April 23, 2014 2:55:55 PM
To: McCabe, Janet; Ganesan, Arvin
Cc: Thieman, Karla - OSEC
Subject: Call?

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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: McCabe, Janet
Sent: Sat 5/10/2014 6:48:09 PM
Subject: Call

Karla--sorry to bother you over the weekend. If you get this message and have a moment talk this weekend or monday, I'd appreciate it. My cell number is Ex. 6 - Personal Privacy Iff you get my voice mail, please leave a number and when it would be convenient for me to reach you.
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To: Minsk, Ron Ex. 6 - Personal Privacy
From: McCabe, Janet
Sent: Sat 5/3/2014 12:34:17 AM
Subject: RE: 2013 RFS Compliance Deadline

sorry, Ron--I was running to and from meetings all day, so am just reading this email. I can call you monday.

From: Minsk, Ron Ex. 6 - Personal Privacy
Sent: Friday, May 02, 2014 12:45 PM
To: McCabe, Janet
Subject: RE: 2013 RFS Compliance Deadline

I am available a bit this afternoon. I have meetings from 2:00 until 3:00 and then 3:30 until 4:15ish. Ron

Ronald E. Minsk
Ex. 6 - Personal Privacy

From: Minsk, Ron
Sent: Friday, May 02, 2014 9:59 AM
To: McCabe, Janet (McCabe.Janet@epa.gov) (McCabe.Janet@epa.gov)
Subject: 2013 RFS Compliance Deadline

Ex. 5 - Deliberative

I am available most of the morning to talk.

Ron

Ronald E. Minsk
National Economic Council | The White House
Ex. 6 - Personal Privacy

To: Mccarthy, Gina[McCarthy.Gina@epa.gov]
Cc: james.holbein@usitc.gov[james.holbein@usitc.gov]; mfroman@ustr.eop.gov[mfroman@ustr.eop.gov]; hochsteinaj@state.gov[hochsteinaj@state.gov]; sterntd@state.gov[sterntd@state.gov]
From: Wandra.McManus@hklaw.com
Sent: Mon 4/20/2015 6:53:06 PM
Subject: ABFA letter regarding U.S. Classification of Renewable Diesel under the HTSUS
Honorable Gina McCarthy letter.pdf

Ms. McCarthy,

Please see the attached letter from Michael McAdams, President of the Advanced Biofuels Association regarding the above subject.

Thank you.

Wandra McManus | **Holland & Knight**
Sr Legal Secretary to Michael McAdams
800 17th Street, NW Suite 1100 | Washington DC 20006
Phone 202.663.7266 | Fax 202.955.5564
wandra.mcmanus@hklaw.com | www.hklaw.com

Add to address book

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Advanced Biofuels Association

April 20, 2015

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: U.S. Classification of Renewable Diesel under the HTSUS

Dear Ms. McCarthy:

Since 2012 the United States has classified imports of renewable diesel in the same manner, and subject to the same duty, as petroleum diesel under Heading 2710 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The U.S. Customs and Border Protection ("CBP") is considering whether to affirm a ruling issued by the New York office ("Ruling"), presently in effect nationwide, that instead classifies renewable diesel, marketed under the trade name, NEXBTL, as an otherwise unspecified chemical under Heading 3824 of the HTSUS. Such a classification results in a duty rate increase from 10.5 cents per barrel to 5 percent of the value of the product – a 100-fold increase (based on an average price of $5 per gallon for renewable diesel).

The Advanced Biofuels Association ("ABFA") writes to urge CBP to reverse the Ruling, because it is in conflict with the specific terms of the HTSUS, inconsistent with the classification of renewable diesel under the International Harmonized System ("HS"), and runs afoul of U.S. climate change objectives.

The ABFA is a national organization representing the new generation of advanced and renewable technologies that will help drive America's economy by creating jobs and, reducing our dependence on foreign oil and fossil fuels while fueling a sustainable future for the world. Since it was established in 2009, the ABFA has been a leading voice for promoting advanced fuels, including renewable diesel. For more information on our members, please visit www.advancedbiofuelsassociation.com.

Renewable diesel is an automotive fuel refined from vegetable oils and animal fats. The correct classification for renewable diesel like NEXBTL is within Heading 2710 of the HTSUS, covering petroleum oils obtained from bituminous minerals, as well as "similar oils." NEXBTL is an environmentally-friendly, advanced fuel comprised of hydrocarbons, and it has the same chemical and physical properties as petroleum diesel and satisfies the prevailing U.S. standard specification for diesel fuel oils (ASTM D975).

800 17th Street, NW • Suite 1100 • Washington, DC 20006
T: 202.469.5140 • F: 202.955.5564 • W: advancedbiofuelsassociation.com

Renewable diesel is a "drop-in" substitute for petroleum diesel. Part of the advanced nature of renewable diesel is its ability to be used "neat," rather than as a blend in existing vehicle engines because it is interchangeable with petroleum diesel. Further, renewable diesel is compatible with petroleum diesel infrastructure, such that it can be distributed and consumed in the same way as traditional diesel fuels. (In contrast, first-generation alternative fuels, like biodiesel and ethanol, are additives blended into traditional fuels and cannot be used "neat" due to their different chemical composition, physical structures, usage requirements, and storage and blending infrastructure requirements.) Renewable diesel is regulated by the Environmental Protection Agency ("EPA") and the Department of Energy ("DOE") under the same regulations as a traditional diesel fuel oil.

The Advanced Biofuels Association understands that the diesel fuel market is global. It is therefore paramount to our producing members and our consumers and end-users that harmony exists in fuel classifications among the global markets. The European Community ("EU") classifies renewable diesel like NEXBTL under Heading 2710 of the HS, on which the HTSUS is based. We are not aware of any country that has adopted a contrary view. Thus, the Ruling is not only in conflict with the specific terms of the HTSUS, but it also undermines the overarching objective of striving for harmonization of commodity classifications among all signatory countries.

Moreover, the HS classification of renewable diesel was negotiated in the Harmonized System Review Sub-Committee, in which the United States was represented. The consensus was reached then that the commodity should be classified under Heading 2710 as long as it is "derived from vegetable oils which have been fully deoxygenated and consist only of aliphatic hydrocarbon chains." (*See* Explanatory Note to Heading 3826, HTSUS). There is no question that NEXBTL is a renewable diesel that meets this requirement. This requirement indicates that renewable diesel should classified in a similar manner to petroleum diesel, which also falls within Heading 2710, (and further that it should be treated differently from biodiesel for classification purposes since biodiesel falls within Heading 3824).

Finally, the Ruling is completely incompatible with U.S. stated climate change and energy policy objectives by imposing a higher duty on renewable diesel, which could decrease domestic access to renewable diesel. As a result, the Ruling creates a fundamental risk to U.S. policies regarding carbon reduction, energy security, and fuel availability. In particular, the availability of renewable diesel in the U.S. is imperative to reduce our carbon footprint and to support the EPA's Renewable Fuel Standard, the California Air Resources Board's Low Carbon Fuel Standard, and the Texas Commission on Environmental Quality's TxLED Program. The higher duty imposed under the Ruling would retard imports of renewable diesel into the United States and would impose higher costs of compliance with these domestic programs on U.S. consumers.

For all of these reasons, we believe that the CBP should reverse the Ruling and establish the proper classification under Heading 2710 for renewable diesel. Please contact me directly if you have any questions regarding our position at 202.469.5140 or michael.mcadams@hklaw.com .

Sincerely,

Michael J. McAdams
President
Advanced Biofuels Association

cc: Via email: james.holbein@usitc.gov
The Honorable James Holbein
Director, Office of Tariff Affairs and Trade Agreements
United States International Trade Commission
Washington, D.C.

Via email: mfroman@ustr.eop.gov
The Honorable Michael Froman
United States Trade Representative
Office of the United States Trade Representative
Washington, D.C.

Via email: hochsteinaj@state.gov
The Honorable Amos Hochstein
Special Envoy & Coordinator for International Energy Affairs
U.S. Department of State
Washington, D.C.

Via email: sterntd@state.gov
The Honorable Todd Stern
Special Envoy for climate change
U.S. Department of State
Washington, D.C.

To: Mccarthy, Gina[McCarthy.Gina@epa.gov]
From: alerts@industrialinfo.com
Sent: Fri 3/27/2015 8:41:27 AM
Subject: IIR Industry News Alert

Please note: Based on your recent communication, we have created a member account for you on our web site. One of the member benefits is that you will receive alerts like this which let you know the latest industry news. We are pleased to have you as a member, and welcome you to log in to our web site using the following:

Username Ex. 6 - Personal Privacy Temporary Password: Ex. 6 - Personal Privacy

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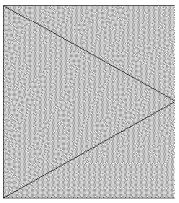
FirstEnergy to Invest More than $1.5 Billion in T&D Projects in 2015

FirstEnergy Corporation (plans to invest more than $1.5 billion in transmission and distribution projects

Power - PREMIUM Friday - M

Murray Energy's control of Foresight Energy will create mining company with more than ins billion tons of coal reserves.



To: Mccarthy, Gina[McCarthy.Gina@epa.gov]
From: alerts@industrialinfo.com
Sent: Fri 3/27/2015 8:39:12 AM
Subject: IIR Industry News Alert

Please note: Based on your recent communication, we have created a member account for you on our web site. One of the member benefits is that you will receive alerts like this which let you know the latest industry news. We are pleased to have you as a member, and welcome you to log in to our web site using the following:

Username: Ex. 6 - Personal Privacy Temporary Password: Ex. 6 - Personal Privacy

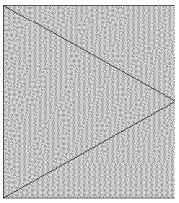
Daily News - Listen Now! Article Search Subscribe to Premium News

FirstEnergy to Invest More than $1.5 Billion in T&D Projects in 2015

FirstEnergy Corporation (plans to invest more than $1.5 billion in transmission and distribution projects

Power - PREMIUM Friday, M

Murray Energy's control of Foresight Energy will create mining company with more than ins billion tons of coal reserves.



To: Billingsley, Tara[Ex. 6 - Personal Privacy
Cc: Lewis, Josh[Lewis.Josh@epa.gov]; Mevis, Kathryn[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 5/29/2015 7:57:22 PM
Subject: Re: Donnelly

She knows that. His scheduling team said he couldn't talk today, so they are trying to schedule for the weekend. But the delay is on their end.

Sent from my iPhone

On May 29, 2015, at 3:53 PM, Billingsley, Tara <Ex. 6 - Personal Privacy> wrote:

Can we have an update on where things stand with Donnelly?

He and his staff are still very irritated that he was not called on Tuesday re: Clean Water.

Brian Deese just talked to him about both Waters and RFS, but Donnelly is not satisfied and still needs to talk to Gina. It sounds like the RFS connection hasn't happened yet.

Can we get a sense of the scheduling on a Gina-Donnelly connection, and also make sure Gina is aware that Donnelly is unhappy he didn't get a Tuesday night WOTUS call?

Thanks.

Tara Billingsley

Special Assistant to the President

Office of Legislative Affairs

Ex. 6 - Personal Privacy

To: Billingsley, Tara[Ex. 6 - Personal Privacy
Cc: Anderson, Amanda D.[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 5/29/2015 3:01:42 PM
Subject: Re: FW:

The questions about industry stakeholders are better answered by Janet/program office - they would have known about those.

Sent from my iPhone

> On May 29, 2015, at 9:18 AM, Billingsley, Tara Ex. 6 - Personal Privacy wrote:
>
> Laura - thanks for feedback we have so far. Do we have anything else to report? Has API been contacted? And I'm not sure what to do with the Carlyle question...! Thanks.
>
> -----Original Message-----
> From: Deese, Brian C.
> Sent: Friday, May 29, 2015 9:11 AM
> To: Utech, Dan G.; Billingsley, Tara
> Cc: Hornung, Daniel
> Subject:
>
> Any feedback of concern from rfs calls? Du did gina call api? And is someone calling carlyle?

To: Tara Billingsley[Ex. 6 - Personal Privacy]; Amanda D. Anderson[Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Thur 5/28/2015 10:02:42 PM
Subject: Calls

Shaheen and Klobuchar went fine. Shaheen may want Ken or someone to do meeting with some NH stakeholders - she'll get let us know if she does.

RFS staff calls were fine as well.

Sent from my iPhone

To: Billingsley, Tara[Ex. 6 - Personal Privacy]
Cc: Mevis, Kathryn[Ex. 6 - Personal Privacy] Bauserman, Trent[Trenton_D_Bauserman Ex. 6 - Personal Privacy]; Anderson, Amanda D.[Amanda_D._Anderson Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Thur 5/28/2015 7:44:16 PM
Subject: Re: Donnelly and RFS

She can do it just not until late today and our scheduling team reaching out to see if he can, so wheels in motion.

Sent from my iPhone

On May 28, 2015, at 3:28 PM, Billingsley, Tara[Ex. 6 - Personal Privacy] wrote:

Great, thanks so much, Laura – please let us know as the situation develops.

Appreciate your efforts very much!

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Thursday, May 28, 2015 3:26 PM
To: Mevis, Kathryn
Cc: Billingsley, Tara; Bauserman, Trent; Anderson, Amanda D.
Subject: Re: Donnelly and RFS

Ok. We're trying to get on her schedule for later in the day.

Sent from my iPhone

On May 28, 2015, at 1:51 PM, Mevis, Kathryn [Ex. 6 - Personal Privacy] wrote:

Hi, Laura. Thanks for your help on the Donnelly issue. I am a bit confused because when I talked with Tara yesterday, I understood that Gina would be calling Donnelly. Perhaps something changed over the course of the day.

His chief expressed a couple of items to me (1) they were told they'd be briefed before

the rule; (2) they would get a heads up. Neither happened and then they found out that Gina called other members. Ex. 5 - Deliberative
Ex. 5 - Deliberative It seems like that might go a long way, but that is obviously your decision…

Thanks!

Kate Mevis

Special Assistant to the President & Senate Legislative Affairs Liaison

Office of Legislative Affairs | The White House

Ex. 6 - Personal Privacy

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Thursday, May 28, 2015 1:25 PM
To: Billingsley, Tara
Cc: Bauserman, Trent; Anderson, Amanda D.; Mevis, Kathryn
Subject: Re: Donnelly and RFS

So Gina is now in Boston as she is giving commencement speech up there and has associated events making her schedule more complicated. I can still get this in the mix for her, but another idea - would also be very easy to have Janet call him on RFS - which isn't as bizarre as it may sound as they know each other from Indiana and Janet's son actually used to work for Donnelly.

Also - readout on Durbin call:

Administrator started with waters rule…the Senator had some clarifying questions about what's in the rule, and then his final words on this were, "We're on your side."

RFS part of the conversation was short. Administrator stressed that this is a "forward leaning" proposal and it "moves us a long way from the last proposal" and is a "much better approach." She also emphasized that it's a proposal and so there's a chance to improve it during the public comment period (if folks don't think this quite gets there). Durbin responded by saying he looks forward to seeing the details.

Sent from my iPhone

On May 28, 2015, at 12:15 PM, Billingsley, Tara
Ex. 6 - Personal Privacy wrote:

Hi Laura,

Sen. Donnelly is very unhappy that other senators got a join heads up on WOTUS and RFS while he did not (as predicted).

I think we need to do a bit of a make up call here. Can you please add Donnelly to Gina's RFS call list for today?

Ex. 5 - Deliberative

Please confirm for me the Gina/Donnelly call status as soon as you know.

Thanks very much,

Tara

Tara Billingsley

Special Assistant to the President

Office of Legislative Affairs

Ex. 6 - Personal Privacy

To: Mevis, Kathryn[Ex. 6 - Personal Privacy]
Cc: Billingsley, Tara[Ex. 6 - Personal Privacy]; Bauserman, Trent[Trenton_D_Bauserman[Ex. 6 - Personal Privacy]; Anderson, Amanda D.[Amanda_D._Anderson[Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Thur 5/28/2015 7:25:33 PM
Subject: Re: Donnelly and RFS

Ok. We're trying to get on her schedule for later in the day.

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Thanks!

Kate Mevis

Special Assistant to the President & Senate Legislative Affairs Liaison

Office of Legislative Affairs | The White House

[Ex. 6 - Personal Privacy]

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Thursday, May 28, 2015 1:25 PM
To: Billingsley, Tara
Cc: Bauserman, Trent; Anderson, Amanda D.; Mevis, Kathryn

Subject: Re: Donnelly and RFS

So Gina is now in Boston as she is giving commencement speech up there and has associated events making her schedule more complicated. I can still get this in the mix for her, but another idea - would also be very easy to have Janet call him on RFS - which isn't as bizarre as it may sound as they know each other from Indiana and Janet's son actually used to work for Donnelly.

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Hi Laura,

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Thanks very much,

Tara

Tara Billingsley

Special Assistant to the President

Office of Legislative Affairs

Ex. 6 - Personal Privacy

To: Billingsley, Tara[Ex. 6 - Personal Privacy]
Cc: Bauserman, Trent[Ex. 6 - Personal Privacy]; Anderson, Amanda D.[Amanda_D._Anderson[Ex. 6 - Personal Privacy]]; Mevis, Kathryn[Kathryn_E_Mevis[Ex. 6 - Personal Privacy]]
From: Vaught, Laura
Sent: Thur 5/28/2015 5:24:54 PM
Subject: Re: Donnelly and RFS

So Gina is now in Boston as she is giving commencement speech up there and has associated events making her schedule more complicated. I can still get this in the mix for her, but another idea - would also be very easy to have Janet call him on RFS - which isn't as bizarre as it may sound as they know each other from Indiana and Janet's son actually used to work for Donnelly.

Also - readout on Durbin call:

Administrator started with waters rule…the Senator had some clarifying questions about what's in the rule, and then his final words on this were, "We're on your side."

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Sent from my iPhone

On May 28, 2015, at 12:15 PM, Billingsley, Tara [Ex. 6 - Personal Privacy] wrote:

Hi Laura,

Sen. Donnelly is very unhappy that other senators got a join heads up on WOTUS and RFS while he did not (as predicted).

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Ex. 5 - Deliberative

Please confirm for me the Gina/Donnelly call status as soon as you know.

Thanks very much,

Tara

Tara Billingsley

Special Assistant to the President

Office of Legislative Affairs

Ex. 6 - Personal Privacy

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 5/28/2015 2:54:57 PM
Subject: Re: RFS

I think that's right, but our air team is rock solid on notifications. They have a lot of practice :-)

I am going to loop you in with Josh Lewis who is a career staff person in my office who will likely have the materials sooner than I will. That sound ok?

Sent from my iPhone

> On May 28, 2015, at 10:39 AM, Anderson, Amanda D. < Ex. 6 - Personal Privacy wrote:
>
> Fun!
>
> And 111d submission tomorrow?
>
> Happy vacay!
>
> -----Original Message-----
> From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
> Sent: Thursday, May 28, 2015 10:37 AM
> To: Anderson, Amanda D.
> Subject: Re: RFS
>
> Yes. I think we are But I don't have them yet....
>
> Sent from my iPhone
>
>> On May 28, 2015, at 10:27 AM, Anderson, Amanda D. < Ex. 6 - Personal Privacy > wrote:
>>
>> Are you all the keeper of final materials? Trying to get them so my folks have them on hand for inevitable incoming

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 5/28/2015 2:37:22 PM
Subject: Re: RFS

Yes. I think we are But I don't have them yet....

Sent from my iPhone

> On May 28, 2015, at 10:27 AM, Anderson, Amanda D. Ex. 6 - Personal Privacy wrote:
>
> Are you all the keeper of final materials? Trying to get them so my folks have them on hand for inevitable incoming

To: Jackson, Ryan (Inhofe)[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 5/28/2015 1:19:33 PM
Subject: Re: RE:

Will check. Thanks.

Sent from my iPhone

On May 27, 2015, at 5:42 PM, Jackson, Ryan (Inhofe) < Ex. 6 - Personal Privacy wrote:

One more thing to put on your radar – could Janet McCabe be available to testify before EPW on July 22 on RFS? We plan for two panels and for her to testify with EIA.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Wednesday, May 27, 2015 3:55 PM
To: Jackson, Ryan (Inhofe)
Cc: Distefano, Nichole; Lewis, Josh
Subject: Re:

Looping in Josh.

Sent from my iPhone

On May 27, 2015, at 3:48 PM, Jackson, Ryan (Inhofe) < Ex. 6 - Personal Privacy wrote:

Good afternoon, can you put me in contact with someone on the RFS announcements later this week? I wanted to ask what is coming.

Ryan Jackson

Chief of Staff

U.S. Senator James M. Inhofe

205 Russell Senate Office Building

Ex. 6 - Personal Privacy

To: Billingsley, Tara [Ex. 6 - Personal Privacy
Cc: Bauserman, Trent[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Wed 5/27/2015 10:32:24 PM
Subject: Re: FYI

Yep. I think that was what Dan and I discussed last week - that there was basically no way through today without leaking the day of that....oh well. They knew it was between now and Monday.

Sent from my iPhone

> On May 27, 2015, at 6:28 PM, Billingsley, Tara < Ex. 6 - Personal Privacy wrote:
>
> This is very helpful, thank you.
>
> FWIW, is seems everyone in the world now knows RFS is rolling at 10 am Fri!!
>
> -----Original Message-----
> From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
> Sent: Wednesday, May 27, 2015 6:25 PM
> To: Bauserman, Trent; Billingsley, Tara
> Subject: FYI
>
> We'll figure out the RFS numbers thing and take care of that , but otherwise just FYI.
>
>
> Call with Sen Heitkamp went well - she listened as the Administrator talked about changes, with focus on what we could and couldn't do regarding prairie potholes. The Senator stated that she has been a long advocate of reissuing this as a draft rule and still thinks that is what we should have done. She stated that this will affect her state more than any other because of the prairie potholes. Gina stated we had to follow the science and while she is not trying to change the Senator's opinion, she did want to get out in front to let her know what changes were made and not made.
>
> Gina also told her about RFS on Friday, the Senator said she figured that was the case. Gina did ask her to look closely at the biodiesel number. The Senator asked about getting the numbers in advance of public announcement and Gina and Janet said early Friday we could do that. Only question we had after is whether staff can handle that, or if either one of them needs to call again.
>
>
> Sent from my iPhone

To: Trenton Bauserman[Ex. 6 - Personal Privacy] Tara Billingsley[Tara_L_Billingsley[Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Wed 5/27/2015 10:25:25 PM
Subject: FYI

We'll figure out the RFS numbers thing and take care of that , but otherwise just FYI.

Call with Sen Heitkamp went well - she listened as the Administrator talked about changes, with focus on what we could and couldn't do regarding prairie potholes. The Senator stated that she has been a long advocate of reissuing this as a draft rule and still thinks that is what we should have done. She stated that this will affect her state more than any other because of the prairie potholes. Gina stated we had to follow the science and while she is not trying to change the Senator's opinion, she did want to get out in front to let her know what changes were made and not made.

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Sent from my iPhone

To: Jackson, Ryan (Inhofe)[Ex. 6 - Personal Privacy]
Cc: Distefano, Nichole[DiStefano.Nichole@epa.gov]; Lewis, Josh[Lewis.Josh@epa.gov]
From: Vaught, Laura
Sent: Wed 5/27/2015 7:55:18 PM
Subject: Re:

Looping in Josh.

Sent from my iPhone

On May 27, 2015, at 3:48 PM, Jackson, Ryan (Inhofe) Ex. 6 - Personal Privacy wrote:

Good afternoon, can you put me in contact with someone on the RFS announcements later this week? I wanted to ask what is coming.

Ryan Jackson

Chief of Staff

U.S. Senator James M. Inhofe

205 Russell Senate Office Building

Ex. 6 - Personal Privacy

To: Billingsley, Tara[Ex. 6 - Personal Privacy
Cc: Anderson, Amanda D.[Ex. 6 - Personal Privacy] Bauserman, Trent[Trenton_D_Bauserman[Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Wed 5/27/2015 2:35:00 AM
Subject: Re: Donnelly

He's still on for tomorrow AM.

Sent from my iPhone

On May 26, 2015, at 9:09 PM, Billingsley, Tara <Ex. 6 - Personal Privacy> wrote:

Hey there - can you let us know if Donnelly is going to be/was informed tonight? Thanks.

Sent with Good (www.good.com)

-----Original Message-----
From: Billingsley, Tara
Sent: Tuesday, May 26, 2015 04:12 PM Eastern Standard Time
To: Laura Vaught (Vaught.Laura@epa.gov)
Cc: Anderson, Amanda D.; Bauserman, Trent
Subject: Donnelly

Laura,

I assume that Heitkamp got added to the Member call/night before list b/c of the conversation at the RFS meeting. If that is the case, I think we should add Donnelly, too. Heitkamp and Donnelly are on that bill together, and they (along with Shaheen) had a lot to say about Clean Water in that meeting.

This would make 7 Member level calls fro Gina.

Do-able? What do you think?

Thanks.

Tara Billingsley

Special Assistant to the President

Office of Legislative Affairs

Ex. 6 - Personal Privacy

To: Lieberman, Ben Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Tue 5/26/2015 6:03:33 PM
Subject: Re: preview of proposed RFS rule

Hi Ben. I am out this week, but have asked Josh Lewis and Ben Hengst to connect with you all Thursday.

If you have a minute to give me a call on cell, I can chat a little more. Ex. 6 - Personal Privacy

Sent from my iPhone

On May 26, 2015, at 1:50 PM, Lieberman, Ben < Ex. 6 - Personal Privacy wrote:

> When you and Ben came by last month, you mentioned that you would give us a heads up on the proposed rule as soon as you could. Please let me know if you will be available later this week. Thanks
>
> Ben Lieberman
>
> Majority Counsel
>
> Committee on Energy and Commerce
>
> U.S. House of Representatives
>
> Ex. 6 - Personal Privacy

To: Anderson, Amanda D.[Ex. 6 - Personal Privacy
Cc: Bauserman, Trent[Ex. 6 - Personal Privacy ; Singletary, Barvetta[Barvetta_Singletary[Ex. 6 - Personal Privacy ; Billingsley, Tara[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Tue 5/26/2015 4:14:35 PM
Subject: Re: CWR/RFS Calls

I don't as just talked that through with her instead of writing but the gist is that she is going to tell them that since she knows they care about both, she also wants to alert them that proposal will be coming out later this week, likely Friday. That it is in fact a proposal so she would welcome input as the process moves forward.

Sent from my iPhone

On May 26, 2015, at 12:12 PM, Anderson, Amanda D. Ex. 6 - Personal Privacy wrote:

Laura –

Do you have TPs for the people you are going to be calling on CWR that also care about RFS, specific to what you are saying on RFS?

Thanks

A

To: Bauserman, Trent Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Tue 5/26/2015 3:07:24 PM
Subject: Re: CWR rollout

We are going to have her call shaheen based on interaction at RFS meeting last week...

But not udall. He's fine and that would just turn into TSCA...

Sent from my iPhone

On May 26, 2015, at 11:05 AM, Bauserman, Trent < Ex. 6 - Personal Privacy wrote:

Theres a couple Gina calls that have question marks – Udall and Shaheen. Do you know if those will happen or not? If not, I'll just take them off

thanks

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, May 26, 2015 11:03 AM
To: Anderson, Amanda D.
Cc: Bauserman, Trent; Billingsley, Tara; Singletary, Barvetta
Subject: Re: CWR rollout

I think it is - at least from my perspective. Thanks all!

Sent from my iPhone

On May 26, 2015, at 10:11 AM, Anderson, Amanda D. Ex. 6 - Personal Privacy wrote:

We were just talking about the need to share w Todd too

From: Bauserman, Trent
Sent: Tuesday, May 26, 2015 10:07 AM
To: Billingsley, Tara; 'Vaught.Laura@epa.gov' <Vaught.Laura@epa.gov>; Anderson, Amanda D.; Singletary, Barvetta

Subject: Re: CWR rollout

Is this final? We should make sure Corps has this, which I'm happy to do this AM if this is final final

From: Billingsley, Tara
Sent: Friday, May 22, 2015 03:44 PM Eastern Standard Time
To: Vaught, Laura <Vaught.Laura@epa.gov>; Anderson, Amanda D.; Singletary, Barvetta; Bauserman, Trent
Subject: RE: CWR rollout

Sorry, forgot to attach.

It's really the Member calls the night before that I was concerned about. I wouldn't want Brian Deese to try to call Tester only to interrupt Tester's tractor time, for instance. ;)

The staff calls should be easy enough.

Thanks!

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Friday, May 22, 2015 3:35 PM
To: Billingsley, Tara; Anderson, Amanda D.; Singletary, Barvetta; Bauserman, Trent
Subject: RE: CWR rollout

And just to be a little clearer on that – most of those folks are around. Robert who handles water for Pelosi isn't, but Kenneth DeGraff is. Chris Adamo is out, but Russ is in. MF is in France, but reachable. I think everyone else from that group is around.

Also – Tara I just realized that your attachment didn't come through – can you resend?

From: Billingsley, Tara Ex. 6 - Personal Privacy
Sent: Friday, May 22, 2015 3:32 PM
To: Vaught, Laura; Anderson, Amanda D.; Singletary, Barvetta; Bauserman, Trent
Subject: RE: CWR rollout

Got it, thanks.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Friday, May 22, 2015 3:30 PM
To: Billingsley, Tara; Anderson, Amanda D.; Singletary, Barvetta; Bauserman, Trent
Subject: RE: CWR rollout

Thanks. Do we mean how do we know how to find each other?

I don't think it will be possible to figure out how to find everyone on this list other than to try and to also use e-mail, but I do have sense of who is around from the night before group, and we should be fine there. In cases where it isn't our usual contact, I have backups.

From: Billingsley, Tara Ex. 6 - Personal Privacy
Sent: Friday, May 22, 2015 3:27 PM
To: Vaught, Laura; Anderson, Amanda D.; Singletary, Barvetta; Bauserman, Trent
Subject: RE: CWR rollout

Attached – I just changed to take care of ENR both majority and minority.

How are we making sure that we know how to find everyone over recess?

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Thursday, May 21, 2015 10:16 AM
To: Anderson, Amanda D.; Singletary, Barvetta; Billingsley, Tara; Bauserman, Trent
Subject: RE: CWR rollout

No concerns on that part. I'll get you the info on who is best contact here before I leave.

But also – I'll be reachable on e-mail and cell which is Ex. 6 - Personal Privacy

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Thursday, May 21, 2015 9:42 AM
To: Singletary, Barvetta; Vaught, Laura; Billingsley, Tara; Bauserman, Trent
Subject: RE: CWR rollout

Great, see attached for the latest version.

Laura, totally agree – a lot of this will get crunched toward the end. Let us know who is handling for your office while you are out so we know who to coordinate with next week.

I think we need to share this with Todd, and let him know about Stabenow. Any concerns there?

From: Singletary, Barvetta
Sent: Wednesday, May 20, 2015 7:12 PM
To: Anderson, Amanda D.; 'vaught.laura@epa.gov'; Billingsley, Tara; Bauserman, Trent
Subject: Re: CWR rollout

Please strike Christensen and add Edwards. I'm happy to call Bishop. Think you have most of the other members covered.

From: Anderson, Amanda D.
Sent: Wednesday, May 20, 2015 04:17 PM
To: Laura Vaught (vaught.laura@epa.gov) <vaught.laura@epa.gov>; Billingsley, Tara; Singletary, Barvetta; Bauserman, Trent
Subject: CWR rollout

Hi friends –

I updated Trent's doc slightly to include a few calls for USDA, deduped some lists, and moved around a few other things. Would be worth everyone scanning this and making any additional edits you have. Barvetta, could definitely use your eyes on this for all things Ag and CBC equities. I moved up Peterson somewhat, am happy to discuss but just don't think its sustainable for him to get a call so far after everyone else. Also added in Ag appropriators, who USDA will call.

Laura I assume you all feel strongly about placing the call to Stabenow? I think that's fine, we will just need to flag for Todd so he's tracking.

We'll shift all the times as we know more about the day…

A

To: Hassenboehler, Tom[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 5/22/2015 9:49:58 PM
Subject: RE: you around?

Well – exactly. Tuesday is fine. I'm out next week, but on cell, so just call me when you're back. And try to plan for time to talk again next Thursday afternoon for even more info…

From: Hassenboehler, Tom [Ex. 6 - Personal Privacy
Sent: Friday, May 22, 2015 5:46 PM
To: Vaught, Laura
Subject: Re: you around?

Ok im in London until Tues but back Tues afternoon. That work? If it's rfs don't sneak anything out before telling us so we can try to be helpful!!!

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Vaught, Laura

Sent: Friday, May 22, 2015 5:37 PM

To: Hassenboehler, Tom

Subject: RE: you around?

Saw you are out – give me a ring on cell when you have a chance even if it's when you get back. Ex. 6 - Personal Privacy

From: Vaught, Laura
Sent: Friday, May 22, 2015 12:36 PM
To: Hassenboehler, Tom
Subject: you around?

For a quick conversation?

Ex. 6 - Personal Privacy

To: Babington, Sean (Ex. 6 - Personal Privacy
Cc: Patricia Haman[Haman.Patricia@epa.gov]; Josh Lewis[Lewis.Josh@epa.gov]
From: Vaught, Laura
Sent: Fri 5/22/2015 8:55:13 PM
Subject: RE: Dates for EPA tour

Sorry for the long delay. I think we need to look to the week or two after recess given that everyone is jammed getting ready for RFS proposal. I'm out next week, but looping in Josh and Pat who can help figure this out while I'm out.

From: Babington, Sean (Ex. 6 - Personal Privacy
Sent: Tuesday, May 12, 2015 11:16 AM
To: Vaught, Laura
Subject: RE: Dates for EPA tour

Howdy Laura,

Just checking back on this request. All good if we need to push back to the recess week too, just let me know.

Best,

Sean

From: Babington, Sean (Agriculture)
Sent: Thursday, May 07, 2015 2:23 PM
To: 'Vaught, Laura'
Subject: RE: Dates for EPA tour

Sounds good, thanks!

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]

Sent: Thursday, May 07, 2015 12:46 PM
To: Babington, Sean (Agriculture)
Subject: Re: Dates for EPA tour

Thanks - I will check. It may be tough in the days leading up to the deadline for the proposal but I will check and loop back.

Sent from my iPhone

On May 6, 2015, at 4:28 PM, Babington, Sean Ex. 6 - Personal Privacy wrote:

Hey Laura,

Thanks for the discussion and looping me with that team earlier. In terms of dates to stop by the agency – is there a good morning next week or the week after that might be good for a stop by like we talked about?

Best,

Sean

To: Billingsley, Tara Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Wed 5/20/2015 7:51:09 PM
Subject: RE: RFS discussion

Tentatively set for 4pm tomorrow.

From: Billingsley, Tara Ex. 6 - Personal Privacy
Sent: Wednesday, May 20, 2015 1:53 PM
To: Vaught, Laura
Subject: RE: RFS discussion

Laura, we're good to go on scheduling this meeting, thanks.

Sent with Good (www.good.com)

-----Original Message-----
From: Vaught, Laura [Vaught.Laura@epa.gov]
Sent: Wednesday, May 20, 2015 11:47 AM Eastern Standard Time
To: Billingsley, Tara
Subject: RE: RFS discussion

Ok - I'll have our scheduling folks reach out. Can you give me a very quick call on this? 564-0304

-----Original Message-----
From: Billingsley, Tara Ex. 6 - Personal Privacy
Sent: Wednesday, May 20, 2015 11:46 AM
To: Vaught, Laura
Cc: Mevis, Kathryn
Subject: RE: RFS discussion

Asal Sayas is the scheduler for Klobuchar. I'd just ask that they keep us looped on everything.

Ex. 6 - Personal Privacy

Thanks!

-----Original Message-----
From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Wednesday, May 20, 2015 11:12 AM
To: Billingsley, Tara
Subject: RE: RFS discussion

Is it easier just to have our scheduling folks and theirs connected directly? This may be a logistically hard way to do this...

-----Original Message-----
From: Billingsley, Tara Ex. 6 - Personal Privacy
Sent: Wednesday, May 20, 2015 11:11 AM
To: Vaught, Laura
Subject: RE: RFS discussion

I assume so, but not locked down on that at this point.

-----Original Message-----
From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Wednesday, May 20, 2015 11:08 AM
To: Billingsley, Tara
Subject: RE: RFS discussion

I will check and loop back - she's in CA at the moment, so it may take me a little bit to run down. I'm assuming this is a meeting somewhere on the hill?

-----Original Message-----
From: Billingsley, Tara Ex. 6 - Personal Privacy
Sent: Wednesday, May 20, 2015 11:00 AM
To: Vaught, Laura
Subject: RE: RFS discussion

Laura, we are now ready to look for times for Administrator McCarthy and Sens. Klobuchar, Durbin, and potential others to sit down and talk RFS.

Would 2 pm, 12:30 pm, or 4 pm tomorrow work for Gina?

Thanks!

-----Original Message-----
From: Billingsley, Tara
Sent: Tuesday, May 19, 2015 11:40 AM
To: 'Vaught, Laura'
Subject: RE: RFS discussion

Thanks Laura - you can sit tight until we get back in touch!

-----Original Message-----
From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, May 19, 2015 10:06 AM
To: Tara Billingsley
Cc: Billingsley, Tara
Subject: Re: RFS discussion

Got it - thanks. Let me know if we should wait to hear or if we need to reach out.

Sent from my iPhone

> On May 18, 2015, at 6:40 PM, Tara Billingsley Ex. 6 - Personal Privacy wrote:

>
> Hi Laura,
>
> I am letting you know that Sens. Klobuchar and Durbin, together with other senators who are interested in the RFS, last week asked for a meeting with Denis McDonough. Denis and Brian Deese both agreed that Administrator McCarthy would be a better person to take the meeting.
>
> We will be communicating this to Sen. Klobuchar's staff soon, and wanted to let you know.
>
> Thanks!
>
> Tara
>
> PS I am having technical difficulties with my work email account at the moment; thus, the Ex. 6 - Personal Privacy Sorry about that.

To: Billingsley, Tara Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Wed 5/20/2015 5:58:44 PM
Subject: RE: RFS discussion

OK – I'll have our scheduling team reach out to the contact you provided below. Thanks for running it down – was just a little concerned and appreciate you got where I was coming from! ☺

From: Billingsley, Tara Ex. 6 - Personal Privacy
Sent: Wednesday, May 20, 2015 1:53 PM
To: Vaught, Laura
Subject: RE: RFS discussion

Laura, we're good to go on scheduling this meeting, thanks.

Sent with Good (www.good.com)

-----Original Message-----
From: Vaught, Laura [Vaught.Laura@epa.gov]
Sent: Wednesday, May 20, 2015 11:47 AM Eastern Standard Time
To: Billingsley, Tara
Subject: RE: RFS discussion

Ok - I'll have our scheduling folks reach out. Can you give me a very quick call on this? 564-0304

-----Original Message-----
From: Billingsley, Tara Ex. 6 - Personal Privacy
Sent: Wednesday, May 20, 2015 11:46 AM
To: Vaught, Laura
Cc: Mevis, Kathryn
Subject: RE: RFS discussion

Asal Sayas is the scheduler for Klobuchar. I'd just ask that they keep us looped on everything.

Ex. 6 - Personal Privacy

Thanks!

-----Original Message-----
From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Wednesday, May 20, 2015 11:12 AM
To: Billingsley, Tara

Subject: RE: RFS discussion

Is it easier just to have our scheduling folks and theirs connected directly? This may be a logistically hard way to do this...

-----Original Message-----
From: Billingsley, Tara [Ex. 6 - Personal Privacy]
Sent: Wednesday, May 20, 2015 11:11 AM
To: Vaught, Laura
Subject: RE: RFS discussion

I assume so, but not locked down on that at this point.

-----Original Message-----
From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Wednesday, May 20, 2015 11:08 AM
To: Billingsley, Tara
Subject: RE: RFS discussion

I will check and loop back - she's in CA at the moment, so it may take me a little bit to run down. I'm assuming this is a meeting somewhere on the hill?

-----Original Message-----
From: Billingsley, Tara [Ex. 6 - Personal Privacy]
Sent: Wednesday, May 20, 2015 11:00 AM
To: Vaught, Laura
Subject: RE: RFS discussion

Laura, we are now ready to look for times for Administrator McCarthy and Sens. Klobuchar, Durbin, and potential others to sit down and talk RFS.

Would 2 pm, 12:30 pm, or 4 pm tomorrow work for Gina?

Thanks!

-----Original Message-----
From: Billingsley, Tara
Sent: Tuesday, May 19, 2015 11:40 AM
To: 'Vaught, Laura'
Subject: RE: RFS discussion

Thanks Laura - you can sit tight until we get back in touch!

-----Original Message-----
From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, May 19, 2015 10:06 AM
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> We will be communicating this to Sen. Klobuchar's staff soon, and wanted to let you know.
>
> Thanks!
>
> Tara
>
> PS I am having technical difficulties with my work email account at the moment; thus, the Ex. 6 - Personal Privacy Sorry about that.

To: Billingsley, Tara [Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Wed 5/20/2015 3:47:43 PM
Subject: RE: RFS discussion

Ok - I'll have our scheduling folks reach out. Can you give me a very quick call on this? 564-0304

-----Original Message-----
From: Billingsley, Tara [Ex. 6 - Personal Privacy]
Sent: Wednesday, May 20, 2015 11:46 AM
To: Vaught, Laura
Cc: Mevis, Kathryn
Subject: RE: RFS discussion

Asal Sayas is the scheduler for Klobuchar. I'd just ask that they keep us looped on everything.

Ex. 6 - Personal Privacy

Thanks!

-----Original Message-----
From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Wednesday, May 20, 2015 11:12 AM
To: Billingsley, Tara
Subject: RE: RFS discussion

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-----Original Message-----
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Sent: Wednesday, May 20, 2015 11:08 AM
To: Billingsley, Tara
Subject: RE: RFS discussion

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From: Billingsley, Tara [Ex. 6 - Personal Privacy]
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To: Vaught, Laura
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Would 2 pm, 12:30 pm, or 4 pm tomorrow work for Gina?

Thanks!

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To: 'Vaught, Laura'
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>
> Thanks!
>
> Tara
>
> PS I am having technical difficulties with my work email account at the moment; thus, the Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy Sorry about that.

To: Anderson, Amanda D.[Ex. 6 - Personal Privacy]; Billingsley, Tara[Ex. 6 - Personal Privacy]; Singletary, Barvetta[Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Wed 5/20/2015 3:17:14 PM
Subject: RE: RFS

Sure – and I don't want to add calls to calls, but we should probably make sure that we are all on the same page before we talk to him?

My day is kind of a mess, so 3-4 is my best window.

From: Anderson, Amanda D. [Ex. 6 - Personal Privacy]
Sent: Wednesday, May 20, 2015 9:36 AM
To: Vaught, Laura; Billingsley, Tara; Singletary, Barvetta
Subject: RFS

Just connected w Dan U. Sounds like Vilsack's folks are interested in doing some calls etc on this – can we maybe set up a call w Todd today to talk through RFS and Clean Water?

I have a bizarrely open day, so shoot around times you all are free and I'll make it work.

To: Billingsley, Tara [Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Wed 5/20/2015 3:11:38 PM
Subject: RE: RFS discussion

Is it easier just to have our scheduling folks and theirs connected directly? This may be a logistically hard way to do this...

-----Original Message-----
From: Billingsley, Tara [Ex. 6 - Personal Privacy
Sent: Wednesday, May 20, 2015 11:11 AM
To: Vaught, Laura
Subject: RE: RFS discussion

I assume so, but not locked down on that at this point.

-----Original Message-----
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Sent: Wednesday, May 20, 2015 11:08 AM
To: Billingsley, Tara
Subject: RE: RFS discussion

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From: Billingsley, Tara [Ex. 6 - Personal Privacy
Sent: Wednesday, May 20, 2015 11:00 AM
To: Vaught, Laura
Subject: RE: RFS discussion

Laura, we are now ready to look for times for Administrator McCarthy and Sens. Klobuchar, Durbin, and potential others to sit down and talk RFS.

Would 2 pm, 12:30 pm, or 4 pm tomorrow work for Gina?

Thanks!

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From: Billingsley, Tara
Sent: Tuesday, May 19, 2015 11:40 AM
To: 'Vaught, Laura'
Subject: RE: RFS discussion

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From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, May 19, 2015 10:06 AM
To: Tara Billingsley
Cc: Billingsley, Tara
Subject: Re: RFS discussion

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> We will be communicating this to Sen. Klobuchar's staff soon, and wanted to let you know.
>
> Thanks!
>
> Tara
>
> PS I am having technical difficulties with my work email account at the moment; thus, the Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy Sorry about that.

To: Billingsley, Tara Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Wed 5/20/2015 3:07:30 PM
Subject: RE: RFS discussion

I will check and loop back - she's in CA at the moment, so it may take me a little bit to run down. I'm assuming this is a meeting somewhere on the hill?

-----Original Message-----
From: Billingsley, Tara Ex. 6 - Personal Privacy
Sent: Wednesday, May 20, 2015 11:00 AM
To: Vaught, Laura
Subject: RE: RFS discussion

Laura, we are now ready to look for times for Administrator McCarthy and Sens. Klobuchar, Durbin, and potential others to sit down and talk RFS.

Would 2 pm, 12:30 pm, or 4 pm tomorrow work for Gina?

Thanks!

-----Original Message-----
From: Billingsley, Tara
Sent: Tuesday, May 19, 2015 11:40 AM
To: 'Vaught, Laura'
Subject: RE: RFS discussion

Thanks Laura - you can sit tight until we get back in touch!

-----Original Message-----
From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, May 19, 2015 10:06 AM
To: Tara Billingsley
Cc: Billingsley, Tara
Subject: Re: RFS discussion

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>
> Thanks!
>
> Tara
>
> PS I am having technical difficulties with my work email account at the moment; thus, the Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy Sorry about that.

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Wed 5/20/2015 12:53:36 PM
Subject: FW: RFS roll-out

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Tuesday, May 19, 2015 2:26 PM
To: Billingsley, Tara; Vaught, Laura; Bauserman, Trent; Singletary, Barvetta
Subject: RE: RFS roll-out

Adding Barvetta for her thoughts/adds.

Should we move Ag to the night before? Seems like it might be best to have them called before Science and HOGR, if we trust them not to leak…

Added some individual house members to the list below who participated in meetings on this in the past.

From: Billingsley, Tara
Sent: Tuesday, May 19, 2015 11:47 AM
To: Vaught, Laura; Anderson, Amanda D.; Bauserman, Trent
Subject: RE: RFS roll-out

I advocate for treating ENR D the same as EPW Ds. So Cantwell gets a staff-level call the night before, and ENR member D LAs get an hour's notice w/materials. (Perhaps we put Manchin at the bottom of that list.)

Just trying to recognize that: 1) Cantwell cares about this more than Boxer, and 2) ENR actually wrote/passed both the 2005 and 2007 RFS.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, May 19, 2015 11:39 AM
To: Billingsley, Tara; Anderson, Amanda D.; Bauserman, Trent
Subject: FW: RFS roll-out

Here's a draft RFS rollout plan. Given that I'm out next week, would like to nail down the plan before I leave, so that people can just execute when we get to the end of next week. Let me know by COB tomorrow if you have initial thoughts?

Thanks all!

-

-

-

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

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Ex. 5 - Deliberative

Ex. 5 - Deliberative

To: Tara Billingsley Ex. 6 - Personal Privacy
Cc: Billingsley, Tara[t Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Tue 5/19/2015 2:06:00 PM
Subject: Re: RFS discussion

Got it - thanks. Let me know if we should wait to hear or if we need to reach out.

Sent from my iPhone

> On May 18, 2015, at 6:40 PM, Tara Billingsley Ex. 6 - Personal Privacy wrote:
>
> Hi Laura,
>
> I am letting you know that Sens. Klobuchar and Durbin, together with other senators who are interested in the RFS, last week asked for a meeting with Denis McDonough. Denis and Brian Deese both agreed that Administrator McCarthy would be a better person to take the meeting.
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> We will be communicating this to Sen. Klobuchar's staff soon, and wanted to let you know.
>
> Thanks!
>
> Tara
>
> PS I am having technical difficulties with my work email account at the moment; thus, the Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy Sorry about that.

To: Anderson, Amanda D.[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 5/7/2015 6:29:38 PM
Subject: RE: Meeting with Deese

Yep – that all makes sense…

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Thursday, May 07, 2015 2:27 PM
To: Vaught, Laura
Subject: RE: Meeting with Deese

Well, I need to check w OIRA but at this point we probably need to move all meetings through them

Also, I am of the opinion that given Deese's new role, he probably shouldn't take staff meetings…

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Thursday, May 07, 2015 2:25 PM
To: Anderson, Amanda D.
Subject: RE: Meeting with Deese

Indeed….do you think he's likely to take the meeting?

From: Anderson, Amanda D. [Ex. 6 - Personal Privacy
Sent: Thursday, May 07, 2015 2:24 PM
To: Vaught, Laura
Subject: FW: Meeting with Deese

That was quick ☺

From: Repko, Mary Frances [Ex. 6 - Personal Privacy
Sent: Thursday, May 07, 2015 2:14 PM
To: Anderson, Amanda D.; Bauserman, Trent
Subject: Meeting with Deese

Amanda and Trent, I am wondering whether Brian might meet with me, Kenneth, and group of interested (read: corn belt) staff re: the RFS? I know from press reports that OMB now has the RVO proposal. Please advise. Thanks, MF

Mary Frances Repko

Senior Policy Advisor, Energy and Environment

The Honorable Steny H. Hoyer

Democratic Whip

U.S. House of Representatives

H-148, The Capitol

Washington, DC 20515

Ex. 6 - Personal Privacy

>>http://DemocraticWhip.gov<<

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To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 5/7/2015 6:25:16 PM
Subject: RE: Meeting with Deese

Indeed….do you think he's likely to take the meeting?

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Thursday, May 07, 2015 2:24 PM
To: Vaught, Laura
Subject: FW: Meeting with Deese

That was quick ☺

From: Repko, Mary Frances [Ex. 6 - Personal Privacy
Sent: Thursday, May 07, 2015 2:14 PM
To: Anderson, Amanda D.; Bauserman, Trent
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Amanda and Trent, I am wondering whether Brian might meet with me, Kenneth, and group of interested (read: corn belt) staff re: the RFS? I know from press reports that OMB now has the RVO proposal. Please advise. Thanks, MF

Mary Frances Repko

Senior Policy Advisor, Energy and Environment

The Honorable Steny H. Hoyer

Democratic Whip

U.S. House of Representatives

H-148, The Capitol

Washington, DC 20515

Ex. 6 - Personal Privacy

>http://DemocraticWhip.gov<

Subscribe to our National Email Lists or our Maryland Email List

To: Babington, Sean ([redacted] Ex. 6 - Personal Privacy
Cc: Patricia Haman[Haman.Patricia@epa.gov]; Josh Lewis[Lewis.Josh@epa.gov]
From: Vaught, Laura
Sent: Wed 5/6/2015 3:29:37 PM
Subject: pathways

Hi Sean – great to talk to you!

Per conversation, I'm copying Josh and Pat who can help teach you all things about how we do RFS pathways. Josh/Pat – can you all connect with Sean on this and in the interim, do we have any kind of link or document that gives overview of that process that you could pass along?

Thanks all!

Laura

To: Jablonsky, Brittany (Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 4/23/2015 7:39:10 PM
Subject: RE: Senate letter on the RFS

Got it – thanks.

From: Jablonsky, Brittany Ex. 6 - Personal Privacy
Sent: Thursday, April 23, 2015 2:56 PM
To: Vaught, Laura
Cc: Distefano, Nichole
Subject: Senate letter on the RFS

Ms. Vaught,

Please see the attached electronic copy of a letter from 37 Senators to Administrator McCarthy regarding the Renewable Fuel Standard, being mailed today.

Sincerely,

Brittany

--

Brittany Jablonsky

Legislative Assistant

Office of Senator Amy Klobuchar

Ex. 6 - Personal Privacy

To: Goo, Michael[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 4/10/2015 8:05:04 PM
Subject: RE: let's just talk next week

I know! I'm sorry I ended up not being there with you all – long story. But have fun!

From: Goo, Michael [Ex. 6 - Personal Privacy
Sent: Friday, April 10, 2015 3:51 PM
To: Vaught, Laura
Subject: Re: let's just talk next week

Ok thanks! Appreciate it. I'm in austin.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Friday, April 10, 2015 01:51 PM
To: Goo, Michael
Subject: let's just talk next week

Was just giving you the RFS stuff.

To: michael.goo Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 4/10/2015 6:51:36 PM
Subject: let's just talk next week

Was just giving you the RFS stuff.

To: DeGraff, Kenneth[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 4/10/2015 6:44:02 PM
Subject: RE: when you have a minute

Was calling to give you the RFS rundown, but am guessing you have that now?

From: DeGraff, Kenneth Ex. 6 - Personal Privacy
Sent: Friday, April 10, 2015 2:34 PM
To: Vaught, Laura
Subject: Re: when you have a minute

I just rang.

+-+-+-+-+-+-+-+-+-+-+-+-+-+-+-+-+-

Kenneth DeGraff

Policy Advisor

Democratic Leader Nancy Pelosi

On Apr 10, 2015, at 12:50 PM, Vaught, Laura <Vaught.Laura@epa.gov> wrote:

Give me a call? 564-0304

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 4/10/2015 5:08:11 PM
Subject: FW: Announcement of Proposed Consent Decree between EPA and API & AFPM on RFS Volume Rule Dates

From: Bailey, KevinJ
Sent: Friday, April 10, 2015 1:01 PM
Cc: Lewis, Josh; Mackay, Cheryl; Haman, Patricia; Vaught, Laura; Distefano, Nichole
Subject: Announcement of Proposed Consent Decree between EPA and API & AFPM on RFS Volume Rule Dates

The EPA today announced a proposed settlement with the American Petroleum Institute (API) and the American Fuel and Petrochemical Manufacturers (AFPM) over deadlines for issuing annual requirements under the Renewable Fuel Standard (RFS) program. Under the proposed consent decree, the Agency would issue final annual volume standards for 2014 and 2015 by the end of this year. Although not required by the consent decree, EPA will also finalize the standards for 2016 this year. This schedule is consistent with EPA's commitment to get the RFS program back on track, while providing certainty to renewable fuels markets and promoting the long-term growth of renewable fuels.

The proposed consent decree does not address the content or substance of the volume standards, and it establishes the following schedule:

•□□□□□□□□ By June 1, the agency will propose volume requirements for 2015;

•□□□□□□□□ By November 30, EPA will finalize volume requirements for 2014 and 2015 and resolve a pending waiver petition for 2014.

EPA also announced today that:

•□□□□□□□□ EPA will propose and finalize the RFS standards for 2016 on the same timeline (proposal by June 1, final by November 30);

•□□□□□□□□ EPA will propose and finalize the RFS biomass-based diesel volume requirement for 2017 on the same schedule; and

•□□□□□□□□ The agency will re-propose volume requirements for 2014 that reflect the volumes of renewable fuel that were actually used in 2014.

Biofuels are an important part of the President's energy strategy, helping to curb dependence on foreign oil, cut carbon pollution and drive innovation.

As with any settlement of litigation alleging failure to meet a deadline under the Clean Air Act, EPA will seek public comment on the terms of the settlement for 30 days before deciding whether to proceed with the settlement and seek entry of the consent decree. The proposed consent decree will be available in the public docket, and can also be found at www.epa.gov/otaq/fuels/renewablefuels/regulations.htm.

Kevin J. Bailey

Congressional Liaison/Air Team

Office of Congressional Affairs

U.S. Environmental Protection Agency

(o) 202.564.2998

(f) 202.501.0144

To: Simmons, Anne[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 4/10/2015 4:45:19 PM
Subject: RE: RFS

Give me a call if you want. I'm at 564-0304

From: Simmons, Anne [Ex. 6 - Personal Privacy
Sent: Friday, April 10, 2015 12:39 PM
To: Woodward, Cheryl
Cc: Vaught, Laura
Subject: RFS

Cheryl,

Wasn't sure if you had Hill duties today.

Just checking to see if anything available or will be available with more detail on the 1:15 p.m. announcement.

Thank you!

Anne

Anne Simmons

House Committee on Agriculture

1305 Longworth

Washington DC 20515

Ex. 6 - Personal Privacy

To: Ho, Bruce (Ex. 6 - Personal Privacy) Distefano, Nichole[DiStefano.Nichole@epa.gov]
Cc: Enderle, Emily (Ex. 6 - Personal Privacy)
From: Vaught, Laura
Sent: Fri 2/27/2015 3:31:24 PM
Subject: RE: Senator Whitehouse note for Administrator McCarthy

thanks Bruce

From: Ho, Bruce (Ex. 6 - Personal Privacy)
Sent: Friday, February 27, 2015 10:21 AM
To: Vaught, Laura; Distefano, Nichole
Cc: Enderle, Emily (Ex. 6 - Personal Privacy)
Subject: Senator Whitehouse note for Administrator McCarthy

Hi Laura and Nichole,

Please find attached a note from Senator Whitehouse to Administrator McCarthy regarding the RFS biodiesel mandates. The original copy is also in the mail.

Best,

Bruce

Bruce Ho

Energy & Environmental Counsel
Senator Sheldon Whitehouse (RI)

Ex. 6 - Personal Privacy

To: Batta, Todd - OSEC[Todd.Batta@osec.usda.gov]
From: Vaught, Laura
Sent: Thur 2/19/2015 5:04:59 PM
Subject: Re: RFS

Hey Todd - let me circle with folks here and loop back once I have a better sense.

Sent from my iPhone

On Feb 19, 2015, at 11:14 AM, "Batta, Todd - OSEC" <Todd.Batta@osec.usda.gov> wrote:

Laura,

We'd heard that RFS might go today. Can you share the potential timing? Also, hill folks you're contacting?

The S will be in front of Senate Ag next week and House Ag Approps. If you have tps on the announcement could we get those as well?

Thanks,

Todd Batta

Assistant Secretary

Office of Congressional Relations

U.S. Department of Agriculture

Front Desk: 202.720.7095

Direct: Ex. 6 - Personal Privacy

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of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

To: Maher, Jess Ex. 6 - Personal Privacy
Cc: Distefano, Nichole[DiStefano.Nichole@epa.gov]
From: Vaught, Laura
Sent: Tue 1/27/2015 6:32:42 PM
Subject: RE: Carbio

Nichole talked to him – bottom line – they aren't happy with Administration in general on RFS/biofuels/this decision. Nichole can correct me if I have this wrong, but sounds like was mainly a heads up that they aren't happy and may say so…

From: Maher, Jess Ex. 6 - Personal Privacy
Sent: Tuesday, January 27, 2015 12:51 PM
To: Vaught, Laura
Subject: RE: Carbio

TY

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, January 27, 2015 12:44 PM
To: Maher, Jess
Subject: Re: Carbio

Yep.

Sent from my iPhone

On Jan 27, 2015, at 12:33 PM, "Maher, Jess" Ex. 6 - Personal Privacy wrote:

Can you follow up with them?

Thanks.

From: Reuschel, Trevor Ex. 6 - Personal Privacy
Sent: Tuesday, January 27, 2015 12:31 PM
To: Maher, Jess
Subject: Carbio

Jess – Any chance you have a quick minute to discuss EPA's approval of Carbio (Argentina Biodiesel)? The sooner the better. And I promise this is the last time I will bother you in my current capacity in the Durbin office.

Thanks,

Trevor

Trevor Reuschel

Legislative Assistant

Senator Richard J. Durbin

Ex. 6 - Personal Privacy

To: Utech, Dan G. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Mon 1/26/2015 10:22:35 PM
Subject: RE: rollout

Below is the current draft (not sure totally finalized) that Janet would use for call. We would use the desk statement as text of our e-mails to the hill.

For OAR – IO – Additional points for AA's Calls

Talking Points

Ex. 5 - Deliberative

Desk Statement:

Ex. 5 - Deliberative

Ex. 5 - Deliberative

From: Utech, Dan G. Ex. 6 - Personal Privacy
Sent: Monday, January 26, 2015 5:08 PM
To: Vaught, Laura
Subject: RE: rollout

Ok. really need over here tonight if this is actually going tomorrow…happy to ping janet or others if helpful.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Monday, January 26, 2015 5:06 PM
To: Utech, Dan G.
Subject: RE: rollout

Excellent question – not yet. Stay tuned…

From: Utech, Dan G. Ex. 6 - Personal Privacy
Sent: Monday, January 26, 2015 5:02 PM
To: Vaught, Laura
Subject: RE: rollout

Thanks – and do you have the email text or TPs that you can share?

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Monday, January 26, 2015 3:38 PM
To: Utech, Dan G.
Subject: RE: rollout

Here's a rough draft – Ex. 5 - Deliberative. Happy to explain thinking on timing.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

From: Utech, Dan G. Ex. 6 - Personal Privacy
Sent: Monday, January 26, 2015 3:35 PM
To: Vaught, Laura
Subject: rollout

Any details that I can share over here? Thanks.

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
Cc: Distefano, Nichole[Distefano.Nicole@epa.gov]
From: Vaught, Laura
Sent: Wed 11/26/2014 2:04:30 PM
Subject: FW: Invitation to the House Oversight and Government Reform Committee's December 10 Hearing
McCarthy Invite to 12-10 Energy RFS Hearing.pdf
ATT00001.htm

Hi Amanda – FYI on the attached.

And not sure if you're around today, but can we connect either today or Monday morning on couple things?

Thanks!

And if I don't talk to you – Happy Thanksgiving!

From: Dickerson, Tom
Sent: Monday, November 24, 2014 7:17 PM
To: Vaught, Laura; Distefano, Nichole; Lewis, Josh; Haman, Patricia; Mackay, Cheryl; Bailey, KevinJ
Subject: Fwd: Invitation to the House Oversight and Government Reform Committee's December 10 Hearing

Hearing invite.

Sent from my iPhone

Begin forwarded message:

From: "Vance, Sarah Ex. 6 - Personal Privacy
To: "Dickerson, Tom" <Dickerson.Tom@epa.gov>
Cc: "Hambleton, Ryan" Ex. 6 - Personal Privacy, "Hass, Erin" Ex. 6 - Personal Privacy
Subject: Invitation to the House Oversight and Government Reform Committee's December 10 Hearing

Good evening,

On Wednesday, December 10, 2014, the Oversight and Government Reform Committee's Subcommittee on Energy Policy, Health Care and Entitlements is holding a hearing. Attached is a document inviting Ms. McCarthy to testify before the Subcommittee at 9:30 a.m. in 2154 Rayburn House Office Building. Please confirm attendance with Ryan Hambleton or Erin Haas (CC'd) by COB this Friday, the 28th.

Regarding logistics, we request that you submit an electronic version of the testimony and bio **no later than 10:00 a.m. on Monday, December 8th.** Also, please attach a copy of the bio behind each one of the 30 printed copies of the written testimony. We ask that these 30 copies of the written testimony and bio be delivered to 2157 Rayburn **by the same deadline.**

Thank you and we look forward to seeing Ms. McCarthy on December 10th.

Sarah Vance

Committee on Oversight and Government Reform

U.S. House of Representatives

Ex. 6 - Personal Privacy

DARRELL E. ISSA, CALIFORNIA
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House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

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VACANCY

November 24, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. McCarthy:

The Committee on Oversight and Government Reform, Subcommittee on Energy Policy, Health Care and Entitlements hereby requests your testimony, or that of your designee, at a hearing at 9:30 a.m. on Wednesday, December 10, 2014, in room 2247 of the Rayburn House Office Building.

The hearing will examine the Renewable Fuel Standard (RFS), including the U.S. Environmental Protection Agency's management of the program and its schedule in releasing regulations associated with the program. Please send the appropriate EPA official in charge of the Agency's decision that it will not be finalizing 2014 applicable percentage standards under the RFS program before the end of 2014. The witness should be prepared to provide a five minute opening statement and answer questions posed by Members.

Instructions for witnesses appearing before the Committee are contained in the enclosed Witness Instruction Sheet. In particular, please note the procedures for submitting written testimony at least two business days prior to the hearing. If you have any questions, please contact Ryan Hambleton or Erin Hass of the Committee staff at (202) 225-5074.

Sincerely,

James Lankford
Chairman
Subcommittee on Energy Policy, Health Care and Entitlements

Enclosure

Witness Instruction Sheet
Governmental Witness
Subcommittee Hearing

The following are pertinent rules and procedures applicable to a witness testifying before the Committee on Oversight and Government Reform.

1. The witness should prepare written testimony and provide a short biographical summary. **These two documents need to be provided to the Committee no later than 10:00 a.m. two business days prior to the hearing.**

    a. Electronic submission: The witness should submit an electronic version of the written testimony and biographical information to Sarah Vance, Assistant Clerk, at Sarah.Vance@mail.house.gov.

        i. The Committee prints the final record after the hearing. Considering printing costs, please submit your testimony single-spaced and no font size larger than 12 point.

    b. Delivery of hard copies: The witness should print 30 copies of the written testimony and staple a copy of the biographical summary behind each copy of the written testimony. These 30 packets should be delivered to Sarah Vance at 2157 Rayburn House Office Building. Please do not send the packets by U.S. Mail, UPS, Federal Express, or other shippers. Such packages are processed through an offsite security facility and will arrive 7-10 days late.

2. At the hearing, the witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. However, the written testimony may extend to any reasonable length.

3. At the conclusion of the hearing, the witness' written testimony and biographical summary will be posted on the Committee's website. The documents will also be entered into the hearing record. Therefore it is recommended that personally identifiable information, such as addresses and phone numbers, not be included.

4. The Committee does not provide financial reimbursement for witness travel or accommodations. However, a witness with extenuating circumstances may submit a written request for such reimbursements to Robin Butler, Financial Administrator, 2157 Rayburn House Office Building, at least one week prior to the hearing. Reimbursements will not be made without prior approval.

5. A witness with a disability should contact Committee staff to arrange any necessary accommodations.

6. The Committee on Oversight and Government Reform is the principal oversight committee in the U.S. House of Representatives. The jurisdiction of the Committee is set forth in the House Rules X, clauses 1(m), 2, 3, and 4.

7. Committee Rules governing this hearing are online at http://oversight.house.gov/.

For inquiries regarding these rules and procedures, please contact the Committee on Oversight and Government Reform at (202) 225-5074.

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 11/21/2014 6:10:57 PM
Subject: RE: Committee Leaders Respond to EPA's RFS Announcement

Thanks.

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Friday, November 21, 2014 1:10 PM
To: Vaught, Laura; Distefano, Nichole; Utech, Dan G.
Subject: FW: Committee Leaders Respond to EPA's RFS Announcement

From: Energy and Commerce News Ex. 6 - Personal Privacy
Sent: Friday, November 21, 2014 1:09 PM
To: Anderson, Amanda D.
Subject: Committee Leaders Respond to EPA's RFS Announcement

http://www.w3.org/TR/xhtml1/DTD/xhtml1-transitional.dtd<">

FOR IMMEDIATE RELEASE
November 21, 2014

CONTACT: Press Office
(202) 226-4972

Committee Leaders Respond to EPA's RFS Announcement

WASHINGTON, DC – House Energy and Commerce Committee Chairman Fred Upton (R-MI), Energy and Power Subcommittee Chairman Ed Whitfield (R-KY), and Environment and the Economy Subcommittee Chairman John Shimkus (R-IL) issued the following statement in response to the EPA's announcement today that it would not issue a rule setting Renewable Fuel

Standard targets for 2014:

"Businesses and consumers have been waiting a year now for clarity and guidance from EPA, but this decision to completely abandon the 2014 targets only adds to the growing uncertainty and frustration. EPA cannot just choose to arbitrarily ignore the law and the deadlines established by Congress. This unexpected announcement highlights that there are still significant challenges facing the RFS and underscores the need to come together and find a practical, bipartisan solution."

###

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This email was sent to aanderson@who.eop.gov using GovDelivery, on behalf of: House Committee on Energy and Commerce · 2125 Rayburn House Office Building, Washington, DC 20515

To: Maher, Jess Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 11/21/2014 6:00:15 PM
Subject: RE: I wanted to catch you on RFS

We talked to adamo late yesterday (reached out to him during the conversations you, Amanda and I were having yesterday afternoon), so yes - you can tell them they were among the first to hear...

-----Original Message-----
From: Maher, Jess Ex. 6 - Personal Privacy
Sent: Friday, November 21, 2014 12:59 PM
To: Vaught, Laura
Subject: FW: I wanted to catch you on RFS

Can I call baloney given the outreach you all did to them?

-----Original Message-----
From: Sweeney, Bill (Ex. 6 - Personal Privacy
Sent: Friday, November 21, 2014 11:44 AM
To: Maher, Jess
Subject: I wanted to catch you on RFS

Are you free to talk after noon? I don't want you to be caught off guard but I'm not enthused about this announcement or the process given the Senator's many conversations on this.

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 11/21/2014 5:46:22 PM
Subject: RE: Peterson Statement: EPA Delays RFS Decision

thanks

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Friday, November 21, 2014 11:53 AM
To: Maher, Jess; Singletary, Barvetta; Vaught, Laura; Distefano, Nichole
Subject: FW: Peterson Statement: EPA Delays RFS Decision

Fyi

From: House Agriculture Committee Democrats
Ex. 6 - Personal Privacy
Sent: Friday, November 21, 2014 11:50 AM
To: News Distribution
Subject: Peterson Statement: EPA Delays RFS Decision

For Immediate Release: November 21, 2014

Media Contact: Liz Friedlander
202-225-1564, liz.friedlander@mail.house.gov

Peterson Statement: EPA Delays RFS Decision

WASHINGTON – House Agriculture Committee Ranking Member Collin Peterson today made the following statement after the EPA announced that it would further delay a decision on the 2014 Renewable Volume Obligations (RVO) under the Renewable Fuels Standard (RFS).

"Today's announcement leaves the future of ethanol, biodiesel and other advanced biofuels up in the air. The RFS has played a major role in keeping the rural economy strong and continued inaction could put that in jeopardy. Our farms, rural communities and the economy as a whole could all feel the impact.

"The proposed reductions to the RFS were unacceptable and, while the uncertainty created by today's announcement is not helpful, I hope that it will give the EPA the time needed to do the right thing."

###

1305 Longworth House Office Building - 202-225-0317 - http://democrats.agri

To *un*subscribe from the news releases mailinglist, simply send a *new* message with "unsubscribe" in the Subject field.

To: agdemnews-request@aglist.house.gov
Subject: unsubscribe

To: Unruh Cohen, Ana (Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 11/21/2014 4:29:00 PM
Subject: Re: rfs announcement

Cool

On Nov 21, 2014, at 10:59 AM, "Unruh Cohen, Ana (Markey)" Ex. 6 - Personal Privacy wrote:

Thanks! Patricia sent me the info so I am all set. Ana

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Friday, November 21, 2014 10:28 AM
To: Unruh Cohen, Ana (Markey)
Subject: RE: rfs announcement

Absolutely – I'm waiting for paper, but give me a call if you want.

564-0304

From: Unruh Cohen, Ana Ex. 6 - Personal Privacy
Sent: Friday, November 21, 2014 9:37 AM
To: Vaught, Laura
Subject: rfs announcement

Hey Laura – As you probably know, Sen. Markey has had his concerns about the 2014 rfs targets and the impact on the advanced biofuel industry. Would appreciate getting more info if you all are going to announce something today as is being reported…

Hope you are well and have some good thanksgiving day plans!

Ana

Ana Unruh Cohen, Ph.D.
Director of Energy, Climate and Natural Resources
Office of Senator Edward J. Markey
218 Russell Senate Office Building

Ex. 6 - Personal Privacy

To: Unruh Cohen, Ana (Markey) Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 11/21/2014 3:28:04 PM
Subject: RE: rfs announcement

Absolutely – I'm waiting for paper, but give me a call if you want.

564-0304

From: Unruh Cohen, Ana (Markey) Ex. 6 - Personal Privacy
Sent: Friday, November 21, 2014 9:37 AM
To: Vaught, Laura
Subject: rfs announcement

Hey Laura – As you probably know, Sen. Markey has had his concerns about the 2014 rfs targets and the impact on the advanced biofuel industry. Would appreciate getting more info if you all are going to announce something today as is being reported…

Hope you are well and have some good thanksgiving day plans!

Ana

Ana Unruh Cohen, Ph.D.
Director of Energy, Climate and Natural Resources
Office of Senator Edward J. Markey
218 Russell Senate Office Building
Ex. 6 - Personal Privacy

To: Bittleman, Sarah (Wyden) Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 11/21/2014 3:25:40 PM
Subject: RE: RFS

Give me a call 564-0304

From: Bittleman, Sarah (Wyden) Ex. 6 - Personal Privacy
Sent: Friday, November 21, 2014 10:23 AM
To: Vaught, Laura
Subject: Fw: RFS

Anything you can share on the rfs ?? Thx!!

From: Goldschmidt, Lauren (Wyden)
Sent: Friday, November 21, 2014 07:20 AM
To: Bittleman, Sarah (Wyden); Wooten, Todd (Finance)
Subject: RFS

Happy Friday! Saw this in Morning Energy. Do you guys have any intel on this/ do you think if anything is announced today Ron will want to comment? Thanks!

HOW TO TELL IT'S THE FRIDAY BEFORE THANKSGIVING - RFS ANNOUNCEMENT: In what could be a small win for the ethanol industry, EPA is expected to announce an about-face today in its long-delayed, politically charged effort to mandate how many gallons of biofuels the nation's gasoline and diesel refiners must use this year, sources tell POLITICO. The result may be that the agency will issue no mandate at all this year, several sources say - a possibility that came as a shock last night to both supporters and critics of the ethanol program. A decision not to decide would offer some relief to ethanol producers, who were stung a year ago when EPA proposed that this year's mandate would be less than 2013's.

Today's expected announcement comes as a 90-day deadline is expiring for the White House Office of Management and Budget to study a proposed final rule that EPA submitted in August. Sources say the White House wants to make some kind of move as the clock runs out, but it was

unclear whether EPA will formally withdraw that rule. Another possibility is that the Obama administration may eventually combine the 2014, 2015 and 2016 editions of the mandate into one package. Neither EPA nor the White House responded with comments last night, and sources cautioned that details of the announcement are still unclear. Stay tuned.

Lauren R. Goldschmidt

Office of Senator Ron Wyden

221 Dirksen Senate Office Building

Washington, D.C. 20510

Ex. 6 - Personal Privacy

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 11/20/2014 11:09:37 PM
Subject: RE: Anything new on RFS?

Talked to kenneth.

-----Original Message-----
From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Thursday, November 20, 2014 4:53 PM
To: Vaught, Laura
Subject: Re: Anything new on RFS?

Ty!

----- Original Message -----
From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Thursday, November 20, 2014 04:52 PM
To: Anderson, Amanda D.
Subject: Re: Anything new on RFS?

Yep. Talked to her already. Will call him shortly.

> On Nov 20, 2014, at 4:48 PM, "Anderson, Amanda D." Ex. 6 - Personal Privacy
>
> I can ignore for a bit, give you time to call him/MF...
>
>
> ----- Original Message -----
> From: DeGraff, Kenneth [Ex. 6 - Personal Privacy
> Sent: Thursday, November 20, 2014 04:41 PM
> To: Anderson, Amanda D.
> Cc: Repko, Mary Frances < Ex. 6 - Personal Privacy
> Subject: Anything new on RFS?
>
> Hearing all kinds of rumors.
>
> +~+~+~+~+~+~+~+~+~+~+~+~+~+
> Kenneth DeGraff
> Democratic Leader Nancy Pelosi

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 11/20/2014 9:52:05 PM
Subject: Re: Anything new on RFS?

Yep. Talked to her already. Will call him shortly.

> On Nov 20, 2014, at 4:48 PM, "Anderson, Amanda D." Ex. 6 - Personal Privacy
>
> I can ignore for a bit, give you time to call him/MF...
>
>
> ----- Original Message -----
> From: DeGraff, Kenneth Ex. 6 - Personal Privacy
> Sent: Thursday, November 20, 2014 04:41 PM
> To: Anderson, Amanda D.
> Cc: Repko, Mary Frances Ex. 6 - Personal Privacy
> Subject: Anything new on RFS?
>
> Hearing all kinds of rumors.
>
> +~+~+~+~+~+~+~+~+~+~+~+~+~+
> Kenneth DeGraff
> Democratic Leader Nancy Pelosi

To: Sepp, Eryn [Ex. 6 - Personal Privacy] Anderson, Amanda D. [Ex. 6 - Personal Privacy] Costa, Kristina [Ex. 6 - Personal Privacy]
Cc: Maher, Jess [Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Thur 11/20/2014 9:44:40 PM
Subject: RE: He's going to call Pelosi

Thanks!!

From: Sepp, Eryn [Ex. 6 - Personal Privacy]
Sent: Thursday, November 20, 2014 4:44 PM
To: Vaught, Laura; Anderson, Amanda D.; Costa, Kristina
Cc: Maher, Jess
Subject: RE: He's going to call Pelosi

Done. That went well.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Thursday, November 20, 2014 4:32 PM
To: Anderson, Amanda D.; Costa, Kristina
Cc: Sepp, Eryn; Maher, Jess
Subject: RE: He's going to call Pelosi

We're just using the desk statement – which is below. Note that it is written in tense for tomorrow, so we're just adjusting that as we speak. I think our respective comms shops may be putting final touches on this, so we have also been leaving out the last line to be cautious in this first round of calls…

Ex. 5 - Deliberative

Ex. 5 - Deliberative

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Thursday, November 20, 2014 4:25 PM
To: Costa, Kristina
Cc: Sepp, Eryn; Vaught, Laura; Maher, Jess
Subject: Re: He's going to call Pelosi

Adding Laura - laura can you send TPs asap please?

From: Costa, Kristina
Sent: Thursday, November 20, 2014 04:23 PM
To: Anderson, Amanda D.
Cc: Sepp, Eryn
Subject: He's going to call Pelosi

If EPA leg has TPs they are using for their calls please send them ASAP

KLC

To: Anderson, Amanda D. Ex. 6 - Personal Privacy ; Maher, Jessica A. Ex. 6 - Personal Privacy
Cc: Distefano, Nichole Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 11/20/2014 9:42:56 PM
Subject: FW: Current materials on RFS
FR notice for 2014 standards ver Ex. 5 - Deliberative
RollOut for RVO Notice v8.docx

Ladies – these are still somewhere in your building for final signoff, but this is latest version of what we have on this.

To: Anderson, Amanda D. Ex. 6 - Personal Privacy Costa, Kristina[Kristina_L_Costa@who.eop.gov]
Cc: Sepp, Eryn[Ex. 6 - Personal Privacy]Maher, Jess[Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Thur 11/20/2014 9:32:04 PM
Subject: RE: He's going to call Pelosi

We're just using the desk statement – which is below. Note that it is written in tense for tomorrow, so we're just adjusting that as we speak. I think our respective comms shops may be putting final touches on this, so we have also been leaving out the last line to be cautious in this first round of calls…

Ex. 5 - Deliberative

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Thursday, November 20, 2014 4:25 PM
To: Costa, Kristina
Cc: Sepp, Eryn; Vaught, Laura; Maher, Jess
Subject: Re: He's going to call Pelosi

Adding Laura - laura can you send TPs asap please?

From: Costa, Kristina
Sent: Thursday, November 20, 2014 04:23 PM
To: Anderson, Amanda D.
Cc: Sepp, Eryn
Subject: He's going to call Pelosi

If EPA leg has TPs they are using for their calls please send them ASAP

KLC

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 11/20/2014 9:16:09 PM
Subject: FW: Wiesemeyer: Sources: RFS Situation Still Uncertain, But More 'Options' Surfacing

From: Repko, Mary Frances Ex. 6 - Personal Privacy
Sent: Thursday, November 20, 2014 4:01 PM
To: Vaught, Laura
Subject: FW: Wiesemeyer: Sources: RFS Situation Still Uncertain, But More 'Options' Surfacing

Here is the other story.

From: Simmons, Anne
Sent: Wednesday, November 19, 2014 4:37 PM
To: DeGraff, Kenneth; Repko, Mary Frances
Cc: Jurkovich, Evan
Subject: RE: Wiesemeyer: Sources: RFS Situation Still Uncertain, But More 'Options' Surfacing

Trying to figure out who would have talked to Wiesemeyer, and I'm wondering if Buis, but his guy emailed me the other day to ask if we'd heard anything on 2014 RVOs, and I said not a peep

Anne

From: Simmons, Anne
Sent: Wednesday, November 19, 2014 4:24 PM
To: DeGraff, Kenneth; Ex. 6 - Personal Privacy
Cc: Jurkovich, Evan
Subject: FW: Wiesemeyer: Sources: RFS Situation Still Uncertain, But More 'Options' Surfacing

And Sam at RFA just said this would be news to them…

From: Friedlander, Liz
Sent: Wednesday, November 19, 2014 4:13 PM
To: Ag Dem Staff
Subject: Wiesemeyer: Sources: RFS Situation Still Uncertain, But More 'Options' Surfacing

Sources: RFS Situation Still Uncertain, But More 'Options' Surfacing

By: Jim Wiesemeyer, via special agreement with Informa Economics, Inc.

November 19, 2014

Some now suggest there may be no 2014 RFS mandate established

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As the extended wait continues for the final 2014 Renewable Fuels Standard (RFS) plan from EPA, sources are signaling some new developments are potentially coming for 2014 and beyond.

No RFS for 2014? Some sources are now suggesting that there may not be a final RFS level set for 2014, but instead the RFS level for the nearly finished year would be determined based on production of RINs logged into the EPA Moderated Transaction System (EMTS), the system that keeps track of RINS from producers, blenders and obligated parties.

2015 details to be set in early 2015. EPA has already signaled they will not be meeting the Nov. 30, 2014, deadline to propose the 2015 RFS standards. But contacts advise that the agency is now expected to finalize the 2015 RFS volume totals early next year and that could match closer to the approximate levels that we have been hearing for the 2014 levels, with some adjustment for carryover RINs for ethanol in particular.

Beyond 2015. Some sources are now indicating that the administration could be mulling a considerable reset of the RFS for 2016 and beyond (through 2022), with an objective of still getting corn-based ethanol to the 15 billion gallon mark that is spelled out in law that was to have been hit in 2015.

RVP issue. In addition, sources advise that USDA Secretary Vilsack has weighed in relative to the issue of Reid Vapor Pressure. Sources indicate Vilsack has been advocating increasing the

RVP during the summer months of May 1 to Sept. 30.

EPA set the RVP standard at 9.0 psi for designated volatility attainment areas and the RVP standard at 7.8 psi for certain designated volatility nonattainment areas. The 9.0 psi standard applies to conventional gasoline in all other areas of the lower 48 states not covered by either the 7.8 psi federal volatility requirement or an EPA approved SIP (State Implementation Plan) fuel.

Comments: A host of possibilities now appear to be surfacing as 2014 winds down without the 2014 requirements being finalized. As recent as October, OMB Director Shaun Donovan told a *Reuters* Global Climate Change Summit that his office was still "carefully" weighing the final targets to ensure they produce the "intended results." It's not clear if that OMB review is what has produced these potential developments. In addition, the indications on the plans for 2016 and beyond may be referring to what several sources have signaled will be key for the RFS in those years – that EPA may retool the process for setting the RFS levels.

As for the RVP issue, that would be a potentially surprising issue since EPA has in recent years only adjusted the RVP from the previously established levels in nonattainment areas on an emergency basis or to address a specific event such as a hurricane or refiner outage. However, the Clean Air Act appears to give leeway for EPA to set an EVP above 9.0 which appears to be what may be at issue.

To: Anderson, Amanda D. Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Thur 11/20/2014 9:15:53 PM
Subject: FW: BIOFUELS UPDATE: ***Oil Lobbyist: Final 2014 RFS not Likely Issued until December

-----Original Message-----
From: Repko, Mary Frances Ex. 6 - Personal Privacy
Sent: Thursday, November 20, 2014 4:00 PM
To: Vaught, Laura
Subject: FW: BIOFUELS UPDATE: ***Oil Lobbyist: Final 2014 RFS not Likely Issued until December

FYI

-----Original Message-----
From: Simmons, Anne
Sent: Thursday, November 20, 2014 10:38 AM
To: DeGraff, Kenneth; Repko, Mary Frances
Subject: FW: BIOFUELS UPDATE: ***Oil Lobbyist: Final 2014 RFS not Likely Issued until December

-----Original Message-----
From: opisethanol@opisnet.com [mailto:opisethanol@opisnet.com]
Sent: Thursday, November 20, 2014 10:36 AM
To: OPIS Ethanol Updates
Subject: BIOFUELS UPDATE: ***Oil Lobbyist: Final 2014 RFS not Likely Issued until December

2014-11-20 10:35:42 EST
***Oil Lobbyist: Final 2014 RFS not Likely Issued until December

EPA will not likely release the final 2014 Renewable Fuel Standard (RFS2) until at least December, according to a petroleum lobbyist.

The final rule won't be released "before Dec. 1 and I don't think the White House has a concrete action plan after that yet," Stephen Brown, vice president and counsel for Federal Government Affairs for Tesoro, told OPIS today.

An EPA spokeswoman told OPIS today that the agency had "no news to share on RFS timing." It should be noted that EPA was statutorily required to issue the final
2014 RFS rule by Nov. 30, 2013.

In November 2013, EPA proposed nearly across-the-board cuts in its 2014 RFS proposal. On Aug. 22 of this year, EPA sent the final RFS targets to the Office of Management and Budget for interagency review. It was widely believed that the administration planned to hold the final rule until at least after the midterm election, to help Midwestern Democratic candidates. However, now that the midterm election has passed, there continues to be no clear indication as to when the rule would be released.

"The RFS is in worse shape today than ever before largely because the White House has stalled and is now out of any good options for moving forward," Brown continued. "The White House continues to look for rabbits to pull out of their hats, but the hares have all gone into a witness protection program at this point," he said.

The proposed cuts in EPA's 2014 RFS were done partly out of concern for the so- called ethanol blendwall, the point at which 10% ethanol blends are maxed.

Sources believe that EPA will maintain concern for the blendwall in a final rule, but may raise some of the biofuel targets.

"There are folks within the four walls of the White House looking at different options and scenarios, but doing so without a sufficient grounding in the complexities of the RFS program," Brown continued. "Most of their scenarios or options just can't be done or will not pencil out, but we have this constant stream of rumors emanating from this process. EPA is painfully aware of the RFS complexities and trying to manage a flawed program while saddled with indecision from the White House," he added.

Similar comment was heard from a source following the issue. "I haven't heard anything to support or refute, but the longer this takes, the less anything surprises me. The White House owns this issue; here it is November and they still don't know the path forward," the source added.

However, Brooke Coleman, executive director of the Advanced Ethanol Council, disagreed. "The oil industry is concerned that the White House is figuring out that it went too far in the proposed rule and may fix it. Oil companies keep trying to cast the RFS as broken hoping that Capitol Hill is listening, but they are so agitated precisely because the program works if allowed to. There are plenty of ways for the White House to get this rule right without being unreasonable in the standards they set this year and without putting oil companies in charge of the program going forward," he added.

Brent Erickson, executive vice president of the Biotechnology Industry Organization, told OPIS the ongoing EPA delays are not helpful to the advanced biofuel industry. "It is unfortunate that they generate uncertainty about the future of advanced biofuels just as cellulosic biorefineries are coming online and RINs [Renewable Identification Numbers] are being generated. The administration is squandering an opportunity for U.S. leadership in advanced biofuels," he added.

Meanwhile, both biofuel and petroleum interests have previously said they may sue EPA, depending on the outcome of the final rule. OPIS talked with the American Petroleum Institute, the American Fuel & Petrochemical Manufacturers and the Renewable Fuels Association and they all said they will wait until the rule is issued before making a final decision.

However, Brown said litigation is very likely. "I know of several companies and groups that are in active discussion of their litigation options. ... Suffice to say, though, everyone around town has their favorite Clean Air Act Title II counsel on speed dial right now."

--Rachel Gantz, rgantz@opisnet.com

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To unsubscribe, please send your request via email to opissales@ucg.com To find out more about OPIS visit us @ http://www.opisnet.com

To: Anderson, Amanda D.[Ex. 6 - Personal Privacy]; Distefano, Nichole[DiStefano.Nichole@epa.gov]
Cc: Maher, Jess[Ex. 6 - Personal Privacy]
From: Vaught, Laura
Sent: Thur 11/20/2014 9:12:28 PM
Subject: RE: proposed final draft Roll-out Plan for RFS announcement

Hi ladies – sorry to bug you on this, but this is starting to leak to the press…and we're getting incomings.

They are targeting 11 tomorrow for official announcement, but I think we need to move forward with the first group sooner rather than later. We can handle those at staff level from over here, but want to make sure that's ok.

We can deal with the tomorrow list later, but just think we need to get to that small group…

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Wednesday, November 19, 2014 6:44 PM
To: Distefano, Nichole; Vaught, Laura
Cc: Maher, Jess
Subject: Re: proposed final draft Roll-out Plan for RFS announcement

Perfect. Ill try you after my 9am mtg

From: Distefano, Nichole [mailto:DiStefano.Nichole@epa.gov]
Sent: Wednesday, November 19, 2014 06:41 PM
To: Vaught, Laura <Vaught.Laura@epa.gov>
Cc: Anderson, Amanda D.; Maher, Jess
Subject: Re: proposed final draft Roll-out Plan for RFS announcement

Ex. 5 - Deliberative

Sent from my iPhone

On Nov 19, 2014, at 6:32 PM, "Vaught, Laura" <Vaught.Laura@epa.gov> wrote:

Correct – and Amanda – this is related to my call to you as well, so there is specific House part we should discuss.

From: Anderson, Amanda D. **Ex. 6 - Personal Privacy**
Sent: Wednesday, November 19, 2014 6:31 PM
To: Maher, Jess; Vaught, Laura
Cc: Distefano, Nichole
Subject: Re: proposed final draft Roll-out Plan for RFS announcement

Same here - just want to compare it w the many members that have weighed in over here on this

From: Maher, Jess
Sent: Wednesday, November 19, 2014 06:24 PM
To: 'Vaught.Laura@epa.gov' <Vaught.Laura@epa.gov>; Anderson, Amanda D.
Cc: 'DiStefano.Nichole@epa.gov' <DiStefano.Nichole@epa.gov>
Subject: Re: proposed final draft Roll-out Plan for RFS announcement

TY. I'm really going to need to look at this (meaning not just read on my berry). Tomorrow morning will work, right?
Thanks.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Wednesday, November 19, 2014 06:23 PM
To: Maher, Jess; Anderson, Amanda D.
Cc: Distefano, Nichole <DiStefano.Nichole@epa.gov>
Subject: FW: proposed final draft Roll-out Plan for RFS announcement

Last one…

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

To: Anderson, Amanda D. Ex. 6 - Personal Privacy Maher, Jess[Ex. 6 - Personal Privacy
Cc: Distefano, Nichole[DiStefano.Nichole@epa.gov]
From: Vaught, Laura
Sent: Wed 11/19/2014 11:32:11 PM
Subject: RE: proposed final draft Roll-out Plan for RFS announcement

Correct – and Amanda – this is related to my call to you as well, so there is specific House part we should discuss.

From: Anderson, Amanda D. Ex. 6 - Personal Privacy
Sent: Wednesday, November 19, 2014 6:31 PM
To: Maher, Jess; Vaught, Laura
Cc: Distefano, Nichole
Subject: Re: proposed final draft Roll-out Plan for RFS announcement

Same here - just want to compare it w the many members that have weighed in over here on this

From: Maher, Jess
Sent: Wednesday, November 19, 2014 06:24 PM
To: 'Vaught.Laura@epa.gov' <Vaught.Laura@epa.gov>; Anderson, Amanda D.
Cc: 'DiStefano.Nichole@epa.gov' <DiStefano.Nichole@epa.gov>
Subject: Re: proposed final draft Roll-out Plan for RFS announcement

TY. I'm really going to need to look at this (meaning not just read on my berry). Tomorrow morning will work, right?
Thanks.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Wednesday, November 19, 2014 06:23 PM
To: Maher, Jess; Anderson, Amanda D.
Cc: Distefano, Nichole <DiStefano.Nichole@epa.gov>
Subject: FW: proposed final draft Roll-out Plan for RFS announcement

Last one…

Ex. 5 - Deliberative

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Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

To: Maher, Jessica A.[Ex. 6 - Personal Privacy]; Anderson, Amanda D.[Ex. 6 - Personal Privacy]
Cc: Distefano, Nichole[Distefano.Nicole@epa.gov]
From: Vaught, Laura
Sent: Wed 11/19/2014 11:23:29 PM
Subject: FW: proposed final draft Roll-out Plan for RFS announcement

Last one…

Ex. 5 - Deliberative

Ex. 5 - Deliberative

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Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

To: Maher, Jessica A.[Ex. 6 - Personal Privacy]; Anderson, Amanda D.[Ex. 6 - Personal Privacy]
Cc: Distefano, Nichole[Distefano.Nicole@epa.gov]
From: Vaught, Laura
Sent: Tue 11/18/2014 10:47:21 PM
Subject: rollouts

Ladies – just want to give you a heads up that over the next day or so you will be seeing draft rollouts from us for both Brick Mact and RFS (just in case we need that one).

To: Stephens, Jeff[Ex. 6 - Personal Privacy]
Cc: Maher, Jessica A.[Ex. 6 - Personal Privacy]; Distefano, Nichole[Distefano.Nicole@epa.gov]
From: Vaught, Laura
Sent: Thur 10/23/2014 9:04:00 PM
Subject: FW: Revised Janet confirmation QfRs
McCabe QFRs.passback 10 23 14.doc.docx

Here are our proposed solutions to the questions/comments. Let me know, but I think we are probably good?

Thanks!

From: Lewis, Josh
Sent: Thursday, October 23, 2014 3:28 PM
To: Vaught, Laura; Distefano, Nichole
Subject: Revised Janet confirmation QfRs

See the attached for proposed responses to the interagency comments.

Josh Lewis

EPA/Office of Congressional and Intergovernmental Relations

Desk: 202 564 2095

Cell: Ex. 6 - Personal Privacy

Environment and Public Works Committee Hearing
April 8, 2014
Follow-Up Questions for Written Submission

Questions for McCabe

Questions from:

Senator Boxer:

1. The Office of Air & Radiation will devote significant resources to implement the President's Climate Action Plan which calls for using the Clean Air Act to set limits on carbon pollution from cars, trucks, and power plants. Over the Clean Air Act's forty-plus year history can you describe the benefits that the Act has provided to the nation's health and economy and how the EPA's carbon pollution standards will provide similar benefits?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

2. Prior to the EPA proposing any new national ambient air quality standard the Agency goes through a thorough and exhaustive process to ensure the peer-reviewed science, opinions of all stakeholders, and the views of the general public are heard and considered. Could you please describe the process and numerous steps the Agency takes during the setting of these air pollution standards that ensures any interested party has full opportunity to submit opinions and substantive information to the agency before any decision-making is completed? Will you ensure this rigorous process is followed in future rulemakings?

Ex. 5 - Deliberative

Senator David Vitter

1. Would you agree that efficiency improvements could be a cost-effective way to lower CO_2 emissions from existing power plants? What is EPA doing to remove barriers to efficiency improvements caused by your New Source Review program?

Ex. 5 - Deliberative

2. Under President Obama's direction, your office is working to release new greenhouse gas regulations on existing power plants by June 1st. This has never been done before, and the rules have the potential to be among the most complex and costly in EPA history. While I am obviously concerned about the economic impacts of these rules, I am equally concerned about what appears to be a rushed rulemaking timeline that doesn't allow for those impacts to be fully considered. Take small business for example. The Regulatory Flexibility Act requires EPA to evaluate how its rules could impact small businesses.

   a. Would EPA agree that the existing source proposal has the potential to impact small businesses?

   b. Does EPA plan to convene a small business advisory panel under the Regulatory Flexibility Act to evaluate how the rule could impact small businesses and consider less burdensome alternatives?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

3. In the proposed standards for new power plants, EPA claims that the use of CCS "components" at ***non-power plant industrial facilities*** proves that full-scale integrated CCS systems are adequately demonstrated. However, in 2010, EPA co-drafted a report concluding that, "the integration of CO_2 capture, transportation, and permanent sequestration at commercial-scale, coal-fired power generating facilities ***has not yet been demonstrated***."

   a. How can EPA say that the integration of CCS components has been adequately demonstrated when the research it cites says the opposite?

   b. Has EPA ever before proposed a standard which no single unit within the regulated category has previously met?

   c. Does EPA, in your view, have the authority to set standards without actual operating data? Can the agency set speculative standards?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

4. In many instances the Clean Air Act (CAA) establishes cooperative federalism between States and EPA. This concept is included in Section 111 of the CAA:

   a. Is it your understanding that, for existing power plants, EPA would issue a "guideline" but States have the lead in setting case-by-case emission standards?

   b. How much compliance time is EPA planning on allowing the states?

   c. A number of stakeholders have made clear that while EPA issues a "guideline," the Clean Air Act authorizes States to make case-by-case determinations as to NSPS limits for existing plants. And that, if certain appropriate criteria are met, an individual plant might be assigned a longer compliance period or less stringent standard. Going forward, is EPA committed to honoring this cooperative federalism structure?

   d. Will EPA adopt a program that will force new retirements of coal units, especially those that have invested in installing new pollution controls to comply with previous EPA rules?

Ex. 5 - Deliberative

5. In 2010, EPA proposed ozone National Ambient Air Quality Standards (NAAQS) which could have tripled the number of counties that would become non-attainment for ground level ozone. In fact, many of America's most pristine national parks would have failed those standards:

   a. Has EPA given serious thought to the potential impacts of a new, lower standard on rural areas in the intermountain west? How would these sparsely populated areas be able to comply with lowered standards?

   b. How is EPA planning on addressing the unique regional meteorology of varied parts of the country with a national standard? The topography and meteorology in the intermountain west is much different from the I-95 corridor – how can one national standard thoroughly address these differences?

Ex. 5 - Deliberative

6. What are EPA's intentions with respect to a new transport pollution rule?

   a. Will EPA ensure that states and utilities are given adequate time to comply with the rule?

Ex. 5 - Deliberative

7. EPA had determined that electric generating units in the East that were subject to the Clean Air Interstate Rule (CAIR) program did not have to comply with regional haze best available retrofit technology (BART) requirements because CAIR would reduce emissions more than BART. When EPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR), it revoked the determination that compliance with CAIR constituted compliance with BART, and instead determined that compliance with CSAPR constituted compliance with BART. Since CSAPR was overturned by the D.C. Circuit in 2012:

   a. Does EPA plan to return to its determination that compliance with CAIR constitutes compliance with BART?

b. If not, does EPA intend to subject electric generating stations in the East to regional haze BART requirements on a source by source basis?

c. When does EPA expect to decide?

Ex. 5 - Deliberative

8. EPA has been collecting Renewable Fuel Standard (RFS) Renewable Identification Number (RIN) price information on every trade in the last three years. In fact, they can only be traded on EPA's electronic exchange. Has EPA released RFS RIN price information to the public in any form?

Ex. 5 - Deliberative

9. EPA is required by the Energy Independence and Security Act of 2007 to promulgate annual Renewable Fuel Standard (RFS) volumes by November 30 of the previous year. For the 2013 volumes, you were nine months late, but those standards were retroactive to the beginning of 2013. You also missed this deadline for 2014 and have not yet promulgated volumes for 2014. What steps have you taken to get back on the statutory schedule for the annual rulemaking on RFS volumes?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

10. What are some of the key assumptions underlying your 2014 proposed RVO? What was the basis of those assumptions?

Ex. 5 - Deliberative

11. What is the timeframe for finalizing the RIN quality assurance program rule? Are you aware of any other ongoing investigations into RIN fraud?

Ex. 5 - Deliberative

12. According to the regulatory impact analysis of your recent Tier 3 sulfur rule, the regulation will require refineries to install equipment that would increase energy consumption and thus increase greenhouse gas emissions from refineries. EPA has also indicated it will pursue a refining GHG NSPS next year and plans to continue using its Title V permitting authority to reduce GHGs. How will EPA take into account its own regulation that increase GHGs when placing new burdens on the companies that make gasoline and diesel?

Ex. 5 - Deliberative

13. According to your regulatory impact analysis of the RFS, the law will increase ozone levels in many counties- including those that are already out of attainment. Will your forthcoming standards take into account other federal policies that are forcing increases in ozone levels?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

14. Did EPA estimate how many parts per billion of ozone will be reduced by the Tier 3 mobile source rule?

Ex. 5 - Deliberative

15. Has EPA estimated how much lower the global level of carbon dioxide will be if the proposed NSPS 111(b) new source and 111(d) existing source rules are finalized? If not, why not?

Ex. 5 - Deliberative

16. Will EPA include and consider an assessment of the financial stability of the companies it relies upon when setting cellulosic production mandates?

Ex. 5 - Deliberative

17. Recent press reports cite that the cost to refiners for RIN credits to comply with the RFS in 2013 exceeded $1.35 billion dollars. Will EPA keep the 2014 ethanol mandate below 9.7% to avoid these significant, artificial costs to the economy and the public?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

18. EPA is now on its second attempt proposing GHG NSPS– the Agency withdrew the first version over concerns it could not sustain legal challenges. Yet, EPA re-proposed the GHG NSPS ignorant that its reasoning violated the Energy Policy Act of 2005's express prohibition against considering federally subsidized clean coal projects as adequately demonstrated technology. Nearly 5 months after signing the new proposal, the Agency released an after-the-fact, attempt at explaining this violation of congressional intent. Is it prudent for the Agency to finalize the proposal that violates or appears to violate congressional intent? How does the provide certainty to those the Agency seeks to regulate?

Ex. 5 - Deliberative

19. EPA has recently issued new more stringent NAAQS without at the same time providing States and business critical implementation and permitting information. Will you commit to EPA issuing updated implementation tools and policies at the time a new NAAQS is issued, so that businesses have a reasonable opportunity to secure the permits needed to build or expand facilities?

Ex. 5 - Deliberative

20. EPA estimates that the 2010 ozone NAAQS reconsideration would have cost American manufacturing, agriculture and other sectors over $90 billion per year. In analyzing these regulations, does EPA consider the economic and environmental effects of driving manufacturing offshore to countries with little or no environmental controls?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

21. In 2010, EPA co-drafted a report concluding that "until [CCS] systems are constructed and successfully demonstrated at full scale, uncertainty over the technology's performance and cost yield a substantial risk premium for early projects." How can EPA now say that technology with a "substantial risk premium" is adequately demonstrated?

Ex. 5 - Deliberative

22. EPA cites three studies in the "literature" section of the GHG NSPS's "technical feasibility" discussion of CCS. Yet, EPA leaves out that one of those studies concludes that "there is truth to the often heard assertion that CCS has never been demonstrated at the scale of a large commercial power plant," another assumes carbon capture is "unproven technology" and the other – which EPA co-drafted – says that carbon capture has "not been demonstrated at a scale necessary to establish confidence for power plant application." Does EPA accurately portray the science on CCS when it selectively characterizes studies in this manner?

Ex. 5 - Deliberative

23. The Clean Air Act says EPA is supposed to set new source performance standards by looking at technology actually in use and determining what technology has been "adequately demonstrated" taking into account cost. But in the GHG NSPS, EPA conducts this analysis by looking at DOE modeling. Does it make sense that EPA analyzed the current state of CCS technology through hypothetical modeling results?

Ex. 5 - Deliberative

24. It is our understanding that there are 78 sole source aquifers in the United States, some of which are located under major cities, such as Baton Rouge, LA, San Antonio, TX, Austin, TX, Miami, FL, and Sante Fe, NM, among others. Under the Safe Drinking Water Act, EPA is authorized to address possible contamination of sole source aquifers from the disposal of storm water or waste water treatment facilities. Has the Office of Air and Radiation sought an opinion from the Office of Water about the long-term sequestration of CO_2 in proximity to a sole source aquifer since pipelines would have to either pass through or underneath such an aquifer? If it has failed to do so, please explain.

    a. Isn't this issue relevant to EPA's determination that CCS is the best system of emissions reduction adequately demonstrated to reduce CO_2 emissions from fossil fuel-fired power plants?

Ex. 5 - Deliberative

25. The technical support documents and other materials accompanying the proposed NSPS for new fossil fuel-fired power plants do not show any research on cross-media issues by EPA's Office of Water or Office of Solid Waste that address the injection and long-term sequestration of CO_2 underground. Nor do they show any research on potential contaminants that might travel with the CO_2 separated from power plants. The technical support documents and other materials do point to the Class VI and Class II programs for oil and gas injection wells. Please explain how either of these programs could apply to new coal fired power plants sequestering CO_2 that would be built outside of states with oil and gas recovery areas?

    a. Is EPA presuming that all CO_2 emissions would be sent via pipeline to oil and gas recovery areas? Has the agency conducted an analysis that the oil and gas industry could use all of this CO_2? Has the agency conducted an analysis of the amount of specialty pipelines that would need to be constructed to move all the CO_2 from non-oil and gas recovery areas to oil and gas recovery areas?

Ex. 5 - Deliberative

26. Please explain how EPA asserts that both the separation and sequestration of CO_2 processes are commercially demonstrated based on the four projects the proposed NSPS cites when none of those plants are operational? In fact, isn't it the case that three of the four projects have not even been constructed yet and the fourth project at the Kemper Plant in Mississippi has not injected any CO_2 into the ground?

Ex. 5 - Deliberative

27. The proposed NSPS for new fossil fuel-fired power plants asserts there will be a negligible increase in the cost for electricity as a result of the proposal because: (1) most new power plants that will be constructed will be fueled by natural gas due to low gas prices and (2) CCS costs will fall over time as the technology becomes more widely used. However, in the time since the proposed rule was published in the Federal Register, natural gas prices have gone from $4.00 mcf to $6 mcf. In the PJM RTO market, gas prices increased to $40, which resulted in wholesale electricity prices of $761 per MWh. MISO experienced increases as well that translated to wholesale prices of $219 per MWh. Please explain how EPA concludes that the levelized costs of electricity will be marginally affected by the proposed NSPS given the volatility of natural gas price historically and the widely expected increase in use of natural gas for electricity generation?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

28. During the January 21, 2014, EPA Science Advisory Board conference call, several representatives from electric utilities spoke about how CCS would not be feasible in their states for a variety of reasons. A speaker from a NY utility discussed how while there was sufficient local cap rock to hold CO_2 underground, New York state law precludes the injection of CO_2 into the ground because such gas would stretch beyond the subsurface owned by the utility. Any leakage of the gas into the subsurface of another property owner would constitute a legal trespass. Thus, the utility would be precluded from using CCS technology at coal-fired power plant.

    a. Has EPA considered how state laws might preclude the use of CCS technology? Can you provide the committee of an example of where EPA has mandated the use of a technology that would be barred by state law?

Ex. 5 - Deliberative

29. During the January 21, 2014, EPA Science Advisory Board conference call, a representative of a Michigan utility discussed how the utility wanted to build a new coal-fired power plant using CCS technology. No vendors would provide the utility with a price warranty or guarantees on performance of the CO_2 injection because of the novelty of the technology. As a result, the utility decided to instead build a new natural gas-fired power plant that would meet both the 2012 and 2014 proposed New Source Performance Standard for natural gas combined cycle (NGCC) plants. The state of Michigan then asked the utility to provide an explanation why the new NGCC plant would not use CCS.

a. While the proposed NSPS asks for comments on natural gas plants and CCS, it does state that EPA does not have enough information to make a decision about requiring CCS technology on NGCC plants. Can you please explain to the committee why the state of Michigan would require a utility to conduct a CCS feasibility study on a proposed NGCC plant that would emit 970 lb CO_2/MWh? Is the EPA region 5 Office telling state air regulators to require permitees to conduct such studies on all fossil fuel fired power plants? Does EPA find it troubling that no vendors will provide guarantees of performance on CCS technology?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

30. The In Salah CO_2 sequestration project in Algeria was stopped in November 2012 when BP discovered that the CO_2 moved within the rock formation several years after injection began. The In Salah project raises questions about the adequacy of the seal of caprock. While no CO_2 was released into the atmosphere and no one was harmed by the cracking of the rock, the project demonstrates that sequestration is still extremely experimental, even after seven years of operation. There are a host of unanswered questions related to the long-term sequestration of CO_2, including subsurface water contamination, migration of CO_2 underground, potential Superfund liability, the impact of sequestration on navigable waters, and impact of sequestration on endangered species.

    a. Can you please provide the committee with a detailed explanation of the peer review science examining these issues?

Ex. 5 - Deliberative

31. In moving to dismiss the State of Nebraska challenge to EPA's violation of the Energy Policy Act of 2005, EPA represented to the District Court on March 18, 2014 that the publication of the NSPS proposal has no legal consequences and determines no rights or obligations. Are agencies conducting PSD and NSR permitting under no obligation to consider findings in NSPS proposals?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

32. On November 12, 2013, the SAB Work Group recommended that SAB provide EPA advice and comments on the scientific and technical basis for long term carbon storage. EPA pressured SAB not to do so, and in response on January 29, 2014 SAB decided not to provide advice and comments in deference to "EPA's legal view, communicated to the SAB from EPA's Office of Air and Radiation, that the portion of the rulemaking addressing coal-fired power plants focuses on carbon capture and that the regulatory mechanisms for addressing potential risks associated with carbon sequestration are not within the scope of the Clean Air Act." Provide documentation of all EPA contact with SAB and all documents discussing the recommendation to SAB from November 12 to January 29. When did EPA formulate this view? Provide any documents that show EPA formulated and held this view prior to the Work Group sending EPA questions on September 6, 2013.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

33. The SAB Work Group found the NSPS proposal is based on two studies by the Department of Energy National Energy Technology Laboratory that were not subject to adequate peer review. EPA had wrongly claimed to SAB that all NETL studies cited in the proposal were peer reviewed. What, if any, studies cited in the NSPS proposal did EPA determine meet EPA's standards for peer review prior to posting the proposal online? Provide all documentation that supported any such determinations.

Ex. 5 - Deliberative

34. Comments on the draft of the proposed NSPS submitted to OMB noted that the draft did not discuss the feasibility of long term CO2 storage. In response, EPA "added additional language to the preamble regarding sequestration of CO_2." Exactly what language did EPA add in response to these comments? When did EPA draft this language? What personnel where involved? What research supporting the language was conducted?

Ex. 5 - Deliberative

35. The NSPS proposal discusses a study that models geologic sequestration published in the American Journal of Science. EPA states that the study "estimated that about 93 million metric tons of CO_2 were injected and about 38 million metric tons were produced from 1972 to 2005" at the SACROC Unit in western Texas "resulting in a geologic CO_2 accumulation of 55 million metric tons of CO_2." The use of this statistic and the unusual way the study is cited in the NSPS proposal suggest that those responsible for this discussion did not obtain or read the study and instead reviewed only the online abstract. The abstract included the statistic merely as a back of the envelope estimate of total CO_2 injected. Provide evidence that the EPA personnel responsible for this language obtained and reviewed the study, not just the online abstract.

Ex. 5 - Deliberative

36. The Clean Air Act relates the effective date of national new source emission standards back to the date of proposal in the Federal Register. The Clean Air Act also requires such standards be finalized in one year in order to prevent abuse of the relation back to the date of proposal. Provide all documents discussing the relation back of the effective date for national new source standards in relation to greenhouse gases. Provide all documents discussing the immediate effects of proposing national new source standards on construction of new sources.

Ex. 5 - Deliberative

37. How do you plan to adhere to the objectivity requirements of the Data Quality Act in the face of increasing politicization of the climate change scientific debate?

Ex. 5 - Deliberative

38. Are you concerned about the disproportionate impact that new EPA electric utility standards will have upon the U.S. coal industry and its workers?

Ex. 5 - Deliberative

39. If employment evaluations reveal that EPA's new electric utility standards are likely to result in major job losses in the U.S. coal industry, how should that be taken into account by EPA in the

administration and enforcement of the Clean Air Act?

Ex. 5 - Deliberative

40. In March 2012, the U.S. Environmental Protection Agency (EPA) announced that they would formally revise the rule establishing criteria and procedures for use in determining if air quality monitoring data has been influenced by exceptional events. EPA indicated the intent to notice a proposed exceptional events rule in late 2013 or early 2014, which would then be followed by a formal public comment period. A final rule was expected to be published by late 2014 or early 2015.

    a. Can you please provide an accurate and up-to-date timetable for the exceptional events rulemaking including when the agency anticipates noticing the proposed rule?

Ex. 5 - Deliberative

41. The prospect of a forthcoming rulemaking on exceptional events is encouraging. While EPA has issued a series of guidance documents aimed at offering clarity to the exceptional events process, the process by which states submit "exceptional event demonstrations" for review by EPA remains complicated, unpredictable, long, and expensive. The exceptional events rule ought to produce a consistent, commonsense, cost-effective, and timely process through which states are afforded an opportunity to exempt air quality standard exceedances caused by naturally occurring events outside of their control.

    a. Will the forthcoming exceptional events proposed rule streamline the process and reduce the regulatory burden on air quality planners at the state level?

    b. Will the proposed rule provide much needed consistency and predictability to a process that has been notorious for the lack of both?

    c. Does EPA require new legislative authority to provide air quality planners at the state level with a set of clear timelines associated with their exceptional events demonstration and a mechanism to appeal EPA's decisions with respect to them?

Ex. 5 - Deliberative

42. On February 7, 2014, EPA's Office of Atmospheric Programs, on behalf of the United States Global Change Research Program (USGCRP), published a federal register notice requesting public

engagement in the Interagency Special Report on the Impacts of Climate Change on Human Health in the United States. This report, part of the President's Climate Action Plan, and initiated by the Interagency Crosscutting Group on Climate Change and Human Health (CCHHG), is to be "an evidence-based, quantitative assessment of observed and projected climate change impacts on human health in the United States." It is our understanding that EPA will provide staff support, including where appropriate contractor support, coordinating functions, and regular updates. Further, EPA is drafting two chapters in the report on heat-related deaths and impacts from air pollution that is aggravated by climate change.

a. Please describe in detail the staff support, including contractor support, to be provided or being provided to the development and drafting of this report. Please provide the names and titles of all individuals in OAR responsible for or contributing to EPA's role in the report.

b. Please detail the procedure by which the meetings of the group will be memorialized. Will there be formal transcription and meeting minutes made available to the public?

c. Please describe in detail the "air quality" review being performed by EPA for use in the report. Will this review include ozone and particulate matter and if so would these be qualitative and quantitative assessments for both? Please provide an explanation of the models being used as part of this review.

d. Please describe in detail the use of the study in new air quality standards, including those for GHGS, ozone and particulate matter.

e. Please describe in detail the definition and universe of "extreme temperature events" being catalogued and reviewed as part of the study.

f. Please describe in detail how uncertainty, including in climate impacts will be accounted for in the Chapters being developed by the Agency.

g. Please describe in detail how potential health benefits associated with potential increased temperatures will be examined. Please describe in detail how the potential health effects of reduced economic growth or employment as a result of prevention and mitigation strategies will be examined.

h. Please describe in detail the schedule for the development, including public comment, peer review, and issuance of final documents, of the report.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

43. The Natural Resources Defense Council (NRDC) issued a suggested framework for the EPA's upcoming 111(d) greenhouse gas proposal. NERA economic consulting performed an analysis of the NRDC proposal that projects annual compliance costs of $13-$17 billion per year and total consumer costs of $116 billion to $151 billion over the period 2018-2033. Please compare and contrast any similarities and differences between the NRDC proposal and the proposal sent to OMB for review.

Ex. 5 - Deliberative

44. Please explain in detail EPA's timetable for the "mid-term review" of its Phase II Light Duty Greenhouse Gas rules? Will this review include a sensitivity analysis examining a consumer's

ability to afford ever-increasing fuel efficiency mandates and higher interest rates in the future? What agencies are or will be involved in the review? Please explain the Agency's plans for timely involvement of stakeholders during this process.

Ex. 5 - Deliberative

45. Concern surrounds the upcoming Heavy Duty Truck Phase II Fuel Economy proposal and whether it will be engine-focused or whole truck-focused. Will the proposed standard involve both engine and whole truck mandates?

Ex. 5 - Deliberative

46. It appears that zero emission vehicle (ZEV) sales are not going to meet California's 2025 goal of 15.4% of total sales. Sales in the Eastern U.S. appear to be even lower. Is there any discussion between EPA and the California Air Resources Board (CARB) to lower the ZEV standards to reflect actual demand?

Ex. 5 - Deliberative

47. EPA stated that the Interagency Working Group (IWG) on the Social Cost of Carbon (SCC) was

convened by the Council on Economic Advisors and the Council on Environmental Quality. To your knowledge, were minutes of these meetings kept?

Ex. 5 - Deliberative

48. While EPA previously stated that non-governmental groups did not participate in IWG meetings, were these groups ever consulted? Was information provided to them for comment prior to the convening of IWG meetings?

Ex. 5 - Deliberative

49. Please explain in detail how the decision was made that the IWG would not develop its own models or data for the 2010 SCC estimates or the 2013 updates?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

50. Please explain in detail how many EPA rulemakings since 2009 have not included the 7% discount rate as required by OMB Circular A-4. Please provide an updated list of EPA rulemakings that have included, utilized, or cited the 2010 SCC estimates or the 2013 updates.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

51. Please explain in detail your involvement in the IWG, including whether you signed off on or gave verbal approval for any contributions made by your office, including the technical assistance and modeling provided by OAP.

Ex. 5 - Deliberative

52. Congress created the Clean Science Advisory Committee (CASAC) under the Clean Air Act giving it certain responsibilities. Specifically, there are five items listed in Section 109 that CASAC is required to do every 5 years as part of the process for reviewing the National Ambient Air Quality Standards (NAAQS). One instructs CASAC to advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of the NAAQS. Please explain in detail the number of times CASAC has advised the Administrator of the adverse economic and energy effects that may result from the responses necessary to meet the NAAQS.

Ex. 5 - Deliberative

53. It is my understanding that CASAC reviews documents prepared by EPA staff and responds to charge questions that also are presented by the Agency. Please explain in detail those studies and charge questions provided to CASAC by EPA, including during the current Ozone NAAQS review, that examine the adverse social, economic, or energy effects which may result from various strategies for attainment and maintenance of the NAAQS.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

54. Please explain how as Assistant Administrator for the Office of Air and Radiation you will make publicly available the transcript, minutes, and webcast of CASAC meetings, including the CASAC Ozone Review Panel Meeting held March 25-27, 2014.

Ex. 5 - Deliberative

Senator James Inhofe

1. EPA responsibility?

   a. Ms. McCabe, if we find ourselves in a scenario where there are electricity blackouts during hot summer months around the country because of the EPA's policies, will you and the EPA take responsibility?

Ex. 5 - Deliberative

2. Electricity Reliability

   This brings me to another question about the broader impacts EPA's regulations have on the economy and on electricity generation.

   As we discussed in my office, 75% of our electricity comes straight from fossil fuels. About a third of that is from coal.

   EPA's greenhouse gas NSPS rules for new and existing generators make it impossible for us to have a diverse fuel supply going forward. With natural gas prices so low, nuclear has a difficult time competing, and your rules make it impossible to build a new coal fired power plant.

   You mentioned in our meeting that the rules are designed to give flexibility to states to implement the rules. But it seems that the only flexibility you're interested in is from renewables.

   a. Don't you think we're playing a dangerous game here with rate payers by relying so much on renewable fuels to hit the goals you're mandating in your rules?

   b. Just yesterday Administrator McCarthy said that "nothing we do can threaten [grid] reliability." With all of the looming plant closures and the many more that will come as a result of the greenhouse gas regulations, what have you done to ensure this is true?

   c. Are you willing to revisit and modify the Utility MACT rule and vitiate the 316(b) rule and your GHG regs so that the electricity grid's reliability isn't threatened and price shocks and black outs don't become the new reality?

Ex. 5 - Deliberative

3. Section 321(a)

   Ms. McCabe, in our meeting last week, I asked you why the analysis required under Section 321(a) of the Clean Air Act isn't being abided by. This is the part that requires the EPA to measure the number of jobs being lost across the whole economy because of the Clean Air Act rules. You said that EPA did not have the same interpretation of the law.

   Behind me, I have Section 321(a) on a chart, and it says, "The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provisions of this Act and applicable implementation plans…"

   a. Do you find anything vague about the plain language of this law that would enable the EPA to not keep track of the continuing impacts of the rules promulgated under the Clean Air Act?

Ex. 5 - Deliberative

   b. This seems very straight forward. Would you support legislation that requires EPA to look at the whole economy and not just the regulated entities like you do now?

Ex. 5 - Deliberative

4. Ozone NAAQS:

   a. Ms. McCabe, when do you plan to propose your next round of Ozone NAAQS?

   b. Do you think it's wise that the statute does not allow EPA to consider the costs when updating NAAQS?

   c. Would you support legislation that requires EPA to consider the economic impact of lowering a NAAQS?

   d. What steps are you taking to ensure CASAC considers the environmental and social impacts of a lower Ozone standard as required under the Clean Air Act?

   e. Will you agree to take comments on retaining the current standard for ozone if you propose a change in the ozone standard?

Ex. 5 - Deliberative

5. Methane Strategy

Ms. McCabe, just two weeks ago the President released his comprehensive methane strategy. We spoke about this when you came into the office. It seems to me that the Agency is rushing to a decision to regulate the oil and gas industry's methane emissions, even though that might not be necessary.

I'm concerned you aren't relying on good data when it comes to the oil and gas emissions estimates. I believe you rely too much on computer models and aerial measurements and not enough on surface level measurements. EPA recently made major reductions in the amount of methane emissions that are estimated to come from fracking, for instance, which I applaud.

Right now there are a number of studies being done that will conduct these surface level methane emission measurements that will be reliable, accurate, and scalable across the entire country. It will provide much better oil and gas data than what you have now.

a. Will you wait to make a decision to regulate until you have this new data at your disposal?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

6. NAAQS in General

   EPA has recently issued new NAAQS without, at the same time, giving States and businesses implementation and permitting information. State Implementation Plans can take years to develop, but new NAAQS standards are effective immediately.

   a. Will you commit to EPA issuing updated implementation tools and policies at the same time a new NAAQS is issued, so that businesses can secure the permits they need?

Ex. 5 - Deliberative

7. Sue and Settle

   EPA often settles lawsuits and agrees to do things by a certain deadline.

   a. Will you commit to allowing industry to participate in these settlement discussions that will impact them? Specifically with NY methane suit – will you allow oil and gas industry to be at the table?

Ex. 5 - Deliberative

Senator Jeff Sessions

1. Prior to joining EPA, did you file any written comments with EPA in relation to any environmental regulatory or policy matter, whether on your own behalf or on behalf of any agencies or organizations? If so, please provide my office with copies of any such written comments.

Ex. 5 - Deliberative

2. Using data from the U.S. Energy Information Administration, it is known that, from 2005 to 2011, total CO_2 emissions from the consumption of energy decreased in the United States by approximately 8.5% and decreased in the European Union by approximately 10%, while CO_2 emissions increased globally by 15%, led by an increase in China of 60% and an increase in India of 46%. While the U.S. and E.U. reduced their total CO_2 emissions from energy consumption by 955 million metric tons from 2005 to 2011, China and India increased their emissions by a combined 3,796 million metric tons. In other words, for every one ton of CO_2 reduced in the U.S. or E.U., China and India increased their emissions by four tons. In light of these figures, do you believe that reductions in U.S. CO_2 emissions, alone, will have any meaningful impact on global temperatures and climate change? If so, please describe the measurable impact on global temperatures and climate change that would be achieved through reductions in U.S. emissions, and the data that supports your view in this regard.

Ex. 5 - Deliberative

3. Do you believe that CCS systems have been "adequately demonstrated" as a technology for reducing CO_2 emissions from fossil fuel-fired power plants? Are there any fully operational coal-fired power plants in the United States, or the world, currently using CCS technology?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

4. Please provide any other instances where, pursuant to authority under CAA Section 111, EPA has mandated technologies not yet used on a commercial basis.

Ex. 5 - Deliberative

5. Seventeen State Attorneys General recently released a white paper explaining that under the Clean Air Act, the States, and not EPA, determine what constitutes "adequately demonstrated" technology for the purposes of setting performance standards for existing power plants. Do you agree with this legal analysis by these State Attorneys General?

Ex. 5 - Deliberative

6. Will EPA continue to follow existing statutes and regulations and allow States to set less stringent GHG standards for existing power plants in light of "other factors" such as unreasonable costs or a power plant's remaining useful life?

Ex. 5 - Deliberative

7. An academic article entitled, "Information Manipulation and Climate Agreements," which was published in February 2014 in the *American Journal of Agricultural Economics*, states: "Linking climate change to extreme weather may be a powerful way to motivate people… The IPCC has tended to over-generalize its research results and accentuate the negative side of climate change… Taken together, considerable evidence suggests that international mainstream media and pro-environmental organizations have the tendency to accentuate or even exaggerate the damage caused by climate change… In this article, we suggest that information manipulation, which is generally overlooked in the literature, can be a novel and helpful mechanism for resolving the climate problem." Some news outlets picked up on this scientific report. In response, the researchers clarified that "we never advocate for lying on climate change," although they conceded in a posting on-line: "Our 'rationale' is essentially an explanation on why the

media has incentives to accentuate or even exaggerate climate damage." Similarly, in a *New York Times* op-ed ("Global Warming Scare Tactics") from April 8, 2014, Ted Nordhaus and Michael Shellenberger outline the effect that climate change alarmism has on public opinion. When scientists and public officials repeatedly exaggerate the link between anthropogenic climate change tied to carbon dioxide and increasing likelihood, severity, and frequency of natural disasters, the writers note that "more than a decade's worth of research suggests that fear-based appeals about climate change inspire denial, fatalism and polarization." This is borne out in the increase since 2006 in the percent of Americans who believe the media are exaggerating global warming claims, as noted in the op-ed.

a. Do you believe that exaggerating, manipulating data, or lying to promote the Administration's proposed actions on climate change is not acceptable?

b. Do you agree that, as a high government official, you must always speak truthfully about the scientific data and not exaggerate or manipulate data to promote a political, environmental, or other agenda?

c. Was the President correct when he asserted on November 14, 2012, that "the temperature around the globe is increasing faster than was predicted even 10 years ago"?

d. Was the President correct when he asserted on May 29, 2013, that "the climate is warming faster than anybody anticipated five or 10 years ago"?

e. Please provide a chart showing both the level of warming predicted ten years ago and the actual global temperature changes over the last ten years.

f. During the February 15th broadcast of *Morning Edition*, National Public Radio (NPR) reported on the President's trip to California and explained: "[Dr.] Holdren also says a key part of the President's message will be that global warming is making droughts more frequent and severe." In your view, are droughts becoming more frequent and severe? If yes, please provide the data you would rely upon to support that assertion.

g. Dr. Roger Pielke testified in our committee last year: "It is misleading, and just plain incorrect, to claim that disasters associated with hurricanes, tornadoes, floods, or droughts have increased on climate timescales either in the United States or globally." Have you reviewed the scientific reports prepared by Dr. Pielke? If not, will you review them and state if you agree or disagree with this statement?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

8. In a March 12, 2014 hearing before the House Science Committee, you were asked to explain "some of the costs associated with the lack of action to address climate change and increasing emissions." You responded: "There are costs to our economy and to society from the impacts of climate change that is already happening. In 2013, there were seven extreme weather events. Which I think is a nice way of saying great, big, huge horrible storms that cost the economy over a billion dollars each. This is a real economic impact on our communities, our families across the country… The scientific community has identified a number of impacts of climate change. Among those are increased frequency and intensity of extreme weather events."

   a. Please describe with specificity the statistical evidence supporting your view that we are experiencing "increased frequency and intensity of extreme weather events."

   b. Please list the seven extreme weather events in 2013 that you were referring to in your House testimony.

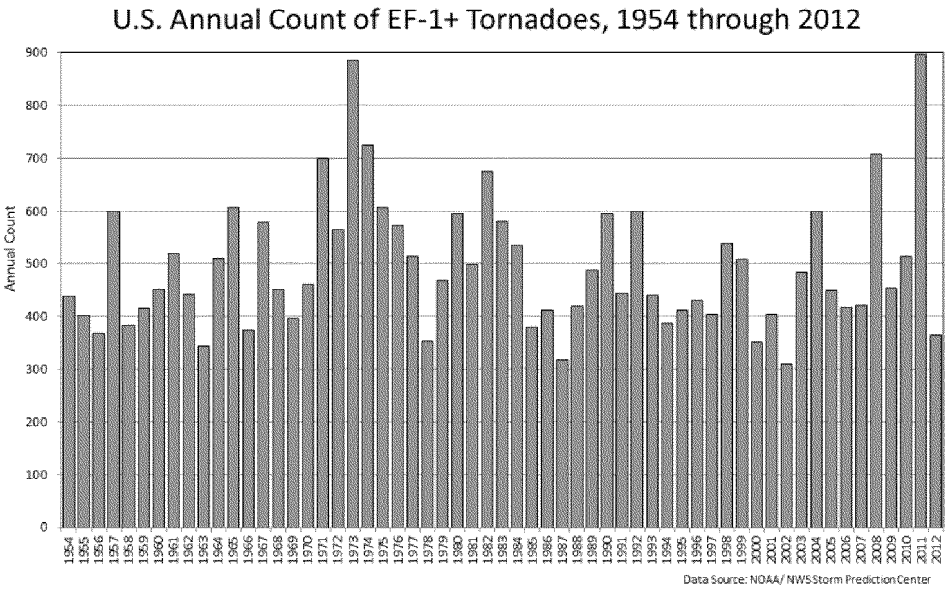
   c. Does the statement quoted in subparagraph (a) reflect your current views?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

9. According to data from the National Severe Storms Laboratory, from May 2012 to April 2013, the U.S. experienced a record low number of tornadoes (EF-1 or stronger) for a 12-month period. While the National Weather Service records for 2013 tornadoes are not yet complete, the total number of tornadoes (EF-1 or greater) in 2012 was far below the total number from 50 years ago (1962). In fact, the U.S. had more tornadoes in 45 out of the last 50 years than we had in 2012.

   a. Are you familiar with the chart below?

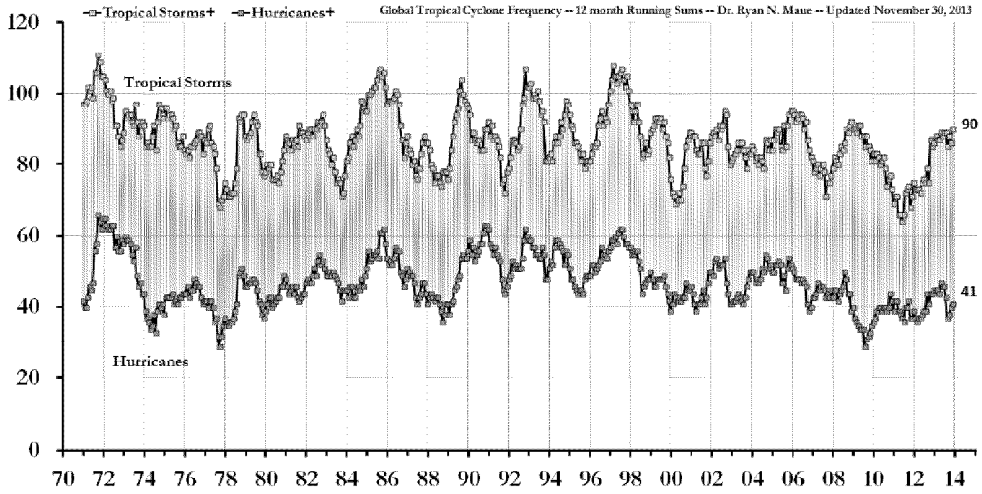


   b. In your view, is the United States experiencing more frequent tornadoes now than in the past 50 or 100 years? Please provide data that would support your view.

Ex. 5 - Deliberative

10. It has been eight years since the last major hurricane struck the United States—a lull that experts call an "extended and intense hurricane drought." Even the **IPCC's Fifth Assessment Report**, which was just released, acknowledges: "Current data sets indicate no significant observed trends in global tropical cyclone frequency over the past century."

    a. Are you familiar with the charts below?



Updated version of chart referenced in Written Testimony of Dr. Roger Pielke, Jr. (7/18/2013), attributed to Ryan Maue.

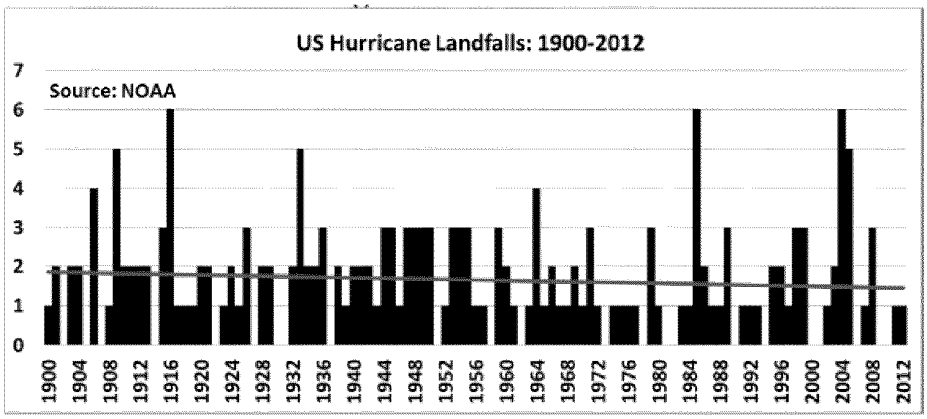


Figure 3a. Number of landfalling US hurricanes from 1900-2012. The red line shows the linear trend, exhibiting a decrease from about 2 to 1.5 landfalls per year since 1900. Source: NOAA.[12]

b. In your view, is the United States experiencing more frequent hurricanes over the last 50 or 100 years? Please provide data that would support your view.

c. Dr. Roger Pielke of the University of Colorado in Boulder testified in our committee last year: "Hurricanes have not increased in the US in frequency, intensity or normalized damage since at least 1900." Do you agree with this statement?

Ex. 5 - Deliberative

11. During the February 15th broadcast of Morning Edition, National Public Radio (NPR) reported: "[Dr. John] Holdren also says a key part of the President's message will be that global warming is making droughts more frequent and severe." Dr. Holdren is the President's top science advisor. Yet Dr. Pielke and other experts in our committee have shown, with actual data, that claims that we are experiencing more frequent droughts are "misleading, and just plain incorrect."

a. Do you believe that the United States is experiencing more frequent or severe droughts than in the past 50 or 100 years?

b. American Enterprise Institute (AEI) has evaluated the official drought data and found: "The Palmer Drought Severity Index shows no trend over the record period beginning in 1895 in terms of drought; more areas in the United States have experienced an increase in soil moisture than a decline." Do you recognize the Palmer Drought Severity Index as providing the best available data on present and historic drought severity?

c. The IPCC's Fifth Assessment Report found: "In summary, the current assessment concludes that there is not enough evidence at present to suggest more than low confidence in a global-scale observed trend in drought or dryness (lack of rainfall) since the middle of the 20th century due to lack of direct observations, geographical inconsistencies in the trends, and dependencies of inferred trends on the index choice. Based on updated studies, [IPCC 4th Assessment] conclusions regarding global increasing trends in drought since the 1970s were probably overstated..." Do you believe there is enough evidence to assert with confidence that the United States, or the world, has been experiencing more frequent and severe droughts as a result of climate change and increases in CO_2 levels in the atmosphere?

d. Despite the clear weight of the scientific evidence, Dr. Holdren responded to my questioning at our committee hearing in February by diminishing the value of the research and views of respected scientists, including Dr. Roger Pielke and Dr. Roy Spencer. In fact, after I read from the testimony of Dr. Pielke and Dr. Spencer about droughts—the same testimony referenced above—Dr. Holdren responded: "The first few people you quoted are not representative of the mainstream scientific opinion on this point." Do you believe that Dr. Pielke's view [i.e., that "It is misleading, and just plain incorrect, to claim that disasters associated with hurricanes, tornadoes, floods, or droughts have increased on climate timescales either in the United States or globally."] is in the mainstream of scientific opinion on this point? If it is not, please cite the "mainstream" authorities that support a different conclusion than his.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

12. On December 17, 2013, all of my EPW Republican colleagues joined my letter to Administrator McCarthy asking for an accounting of the tax dollars that were wasted on the ozone reconsideration process that was never completed. This was a request I have been making for two years. In January, you wrote me a letter refusing to answer my question, stating: "it is difficult for [EPA] to estimate, with any meaningful precision, [those] expenses..." Please answer the following related questions in the affirmative or negative:

    a. Was EPA mandated by law to reconsider the 2008 ozone standard in 2010-2011?

    b. Did activist environmental groups urge EPA to reconsider the 2008 ozone standard?

    c. Did EPA spend taxpayer funds to reconsider the 2008 ozone standard?

    d. Is EPA capable of stating how much it spent in total on that process? Could EPA provide an estimate?

    e. Can EPA tell us how many employee-hours were spent on the ozone reconsideration?

    f. Did John Beale provide assistance, input or any other work on the ozone reconsideration process?

    g. Did EPA hold public meetings in Virginia, Texas, and California about the ozone reconsideration? Can EPA tell us how much it spent holding those meetings?

    h. Did EPA employees and officials incur travel costs from 2009-2011 as part of the ozone reconsideration process? Can EPA say how much?

    i. Did EPA use any outside contractors and/or university/college researchers to assist with any aspects of the ozone reconsideration? Can you say how much was spent on such persons?

    j. Did EPA receive thousands of public comments in response to the proposal?

    k. Did EPA spend time and money to study and evaluate those comments? How much?

    l. Does EPA track how much it spends on any regulation or rulemaking process?

    m. Did you agree with the President's decision in 2011 to not move forward with the reconsideration of the ozone standard?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

13. In 2011, when President Obama directed EPA to abandon its reconsideration of the ozone standard, he cited the importance of reducing burdens "particularly as our economy continues to recover." As EPA again reviews the Ozone NAAQS, how will EPA go about its work in a way that ensures that a new standard does not overburden a weakly recovering economy? As part of the upcoming ozone review, will EPA give serious consideration to keeping the existing standard in place? Is EPA concerned that it could set air standards so strict that manufacturing is driven off-shore to countries with few environmental laws?

Ex. 5 - Deliberative

14. In November, I wrote EPA with concerns about the Brick MACT issue. My letter was joined by 17 other Senators, and we sent the letter in coordination with a bipartisan group comprised of 53 House members including Rep. Terri Sewell of Alabama. In my office, I talked with you about the status of EPA's Brick MACT proposal. You acknowledged the legitimate concerns of the brick manufacturers and said you are "looking closely" at this issue and that you "understand that many impacted are small businesses or family businesses." And you said EPA is "looking for every flexibility" and has provided "extra time" to make sure the right decisions are being made. I greatly appreciate your willingness to look closely at this issue. Please answer the following questions:

    a. As part of the Brick MACT process, is EPA evaluating all possible options for reducing the total, overall regulatory burden on brick makers?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

b. What options does EPA have to ensure that the final rules are fair and cost-effective, and don't adversely impact jobs at family-owned brick plants?

Ex. 5 - Deliberative

c. I am told that a health-based Brick MACT rule, combined with a work practice rule for smaller emission sources, would enable EPA to set a clean and safe environmental standard, while also ensuring that the brick sector can follow the rules in a cost-effective manner. Do you agree, and do you believe EPA can come to a reasonable solution for this industry?

Ex. 5 - Deliberative

d. What steps has EPA taken, since receiving our November letter, to address our concerns as EPA works towards its August 2014 deadline?

Ex. 5 - Deliberative

e. Are you and EPA staff engaged with the Brick Industry Association and other industry stakeholders regarding the development of the Brick MACT proposal? Please describe efforts taken by EPA to engage the brick industry stakeholders, both small and large businesses, to ensure you have the best information possible to develop your rule.

Ex. 5 - Deliberative

f. Please describe the kinds of HAP emissions associated with the brick sector that EPA is seeking to control with new standards in the Brick MACT, along with the approximate percentage of total emissions comprised by each kind of emission.

Ex. 5 - Deliberative

g. With respect to any particular HAP emission that comprises less than 5% of the overall total emissions from a brick plant, will EPA consider work practices as a viable means of MACT regulation? How does EPA intend to address these smaller emissions? Would it be appropriate for EPA, in an effort to control small levels of emissions for particular pollutants that comprise less than 5%, or even less than 1%, of overall emissions, to impose expensive new requirements that could ultimately render brick plants in the United States uneconomical?

Ex. 5 - Deliberative

15. In our meeting, we talked at length about EPA's plans to regulate biogenic emissions. We talked about forest management in Alabama and around the country, and the pragmatic concerns that need to be given full consideration as EPA considers actions in this regard. However one feels about climate change, it is abundantly clear that forests are an asset, not a liability, when it comes to carbon dioxide. And I believe that our government policies should seek to encourage the use of wood, not discourage it with heavy-handed bureaucracy and regulations. You have agreed to work with me and other Senators on this issue. I look forward to that. If invited, would you be willing to meet with me, other Senators, and stakeholders to discuss EPA's plans for regulating biogenic emissions and related issues?

Ex. 5 - Deliberative

16. We recently issued an EPW Minority Report on "Cooperative Federalism,"[2] which outlines many of the concerns raised by the States about EPA's recent actions. The report contains several interesting findings.

    a. The report found: "Since 2009, a majority of States have expressed concerns on a variety of fronts about EPA's failure to adhere to the [Clean Air Act's] cooperative federalism design." Were you aware that most states had raised these concerns?

        i. The report found: "Evidence suggests that EPA entered more 'sue and settle' agreements during this Administration's first term than all three previous presidential terms combined." Were you aware of that?

        ii. The report found: "The current Administration is rejecting an unprecedented number of State [Clean Air Act] Implementation Plan provisions…" Do you agree?

    b. The report also provides several recommendations for improving relations with the States on EPA Air issues. Will you review the report and consider ways to improve the cooperative relationship between EPA and the States?

    c. Recent EPA rulemakings have short-circuited the traditional role that the States play in the Clean Air Act cooperative federalism design. Is EPA committed to the primary role that the Clean Air Act guarantees States in setting performance standards for existing sources like power plants?

Ex. 5 - Deliberative

[2] The full report, "Neglecting a Cornerstone Principle of the Clean Air Act: President Obama's EPA Leaves States Behind," is available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=6ceef5b2-07ef-4f68-8938-d947f409019d

Ex. 5 - Deliberative

Senator John Boozman

1. Do you support allowing the public to participate in the nomination process for Science Advisory Board Members and to provide public comments?

Ex. 5 - Deliberative

2. At times, SAB members have been involved both directly and indirectly in reviewing their own work. This violates principles outlined in the EPA's Peer Review Handbook. Do you agree that Board members should not participate in advisory activities that directly or indirectly involve review and evaluation of their own work?

Ex. 5 - Deliberative

3. Do you believe that Science Advisory Board members with dissenting views should be empowered to make those views known to the public and to the EPA Administrator?

Ex. 5 - Deliberative

4. Risk or hazard assessments include many of the most significant and consequential scientific undertakings at the EPA. Do you believe that EPA's Science Advisory Boards should review each of these assessments and provide advice and comment?

Ex. 5 - Deliberative

5. Do you believe that Science Advisory Boards should be limited from providing non-scientific

policy advice?

Ex. 5 - Deliberative

I also want to ask a few questions about the EPA's manipulative and dishonest Social Cost of Carbon (SCC) ESTIMATES. EPA is using a phony number to justify over two dozen rules. This phony number inflates the benefits of EPA rules, and the agency has not responded to oversight inquiries by members of this Committee.

6. Why did the Interagency Working Group (IWG) decide against including a 7 percent discount rate valuation, as required by the Office of Management and Budget (under Circular A-4)? Did EPA, as a participant in the IWG, agree with the decision to ignore OMB guidance and not include a 7 percent discount rate valuation? Please explain in detail.

7. Why did the Interagency Working Group (IWG) decide against including a domestic analysis of the SCC, thereby again ignoring OMB guidance requiring a distinction between the domestic costs/benefits and the global costs/benefits?

8. Did EPA, as a participant in the IWG, agree with the decision to ignore OMB guidance and not include a domestic analysis of the SCC?

9. Please explain in detail why an analysis of domestic compliance with EPA regulations which impacts all Americans was not necessary.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

10. Will agencies be instructed to estimate the harm to the U.S. economy as manufacturing shifts overseas, to countries that emit far more atmospheric pollution and carbon than our industries do?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Senator Deb Fischer

1. EPA will soon be announcing new proposed regulations regarding greenhouse gas emissions from existing power plants. Do commercially available technologies currently exist to capture and store carbon emissions at power plants?

   a. If yes, where? At what cost? Will vendors be able to deal with the demand created by the regulations?

Ex. 5 - Deliberative

2. In the proposed rule for new power plants, EPA makes its "adequately demonstrated" determination predominantly based on carbon capture and sequestration (CCS) demonstration projects that have received federal assistance under the Energy Policy Act of 2005 (EPAct05). Notably, three of the four commercial scale CCS demonstration relied on by EPA have all been allocated an investment tax credit that was established for "clean coal facilities" under section 1307 of EPAct05. However, Congress has placed specific limitations on EPA's authority to set section 111 standards based on demonstration projects that receive federal assistance under these EPAct05 programs. Specifically, these statutory limitations expressly bar EPA from considering the three commercial-scale CCS demonstration projects in making a determination under section 111 that CCS is adequately demonstrated. Please explain why the agency is ignoring this statutory limitation in the pending New Source Performance Standard rulemaking.

Ex. 5 - Deliberative

3. The power sector has announced the retirement of over 60 gigawatts of coal fired generation. This amounts to about 20 percent of the existing coal-fired generating capacity in the United States. These retirements will generally occur before 2020, with a great majority of the retirements occurring by the 2016 Mercury and Air Toxics Standards ("MATS") deadline. This loss of coal-fired capacity is likely to continue due to new EPA rules, including the new CO2 regulations for existing power plants, regulation of coal ash, and regional and local control measures required to attain the more stringent ozone and fine particulate matter standards. Furthermore, electric reliability problems posed by the continued loss of coal-fired capacity could be exacerbated by the retirement of baseload nuclear generation. The power sector faces major challenges as to how it will replace a large amount of coal and nuclear baseload capacity. Please explain how the agency intends to address this issue with regards to the upcoming section 111(d) rule, including the steps it plans to take to ensure the reliability of the grid.

   a. When calculating future benefits of EPA's greenhouse gas rules for new and existing power

plants, will your analysis take into account the future greenhouse gas reductions that may result from other EPA rules such as MATS or National Ambient Air Quality Standards?

b. Is there a risk that predicted emissions reductions could be double counted?

Ex. 5 - Deliberative

4. Are you concerned that utilities may be spending so much time and resources on keeping their existing coal units in compliance that they are not spending enough time and resources on new energy sources that will eventually lessen the dependence on coal?

Ex. 5 - Deliberative

5. What are your views on retrofitting plants?

Ex. 5 - Deliberative

6. Are you concerned about the amount of money being spent on retrofitting plants?

Ex. 5 - Deliberative

7. The EPA has issued a number of new regulations regarding emissions from electric generating units. What is the EPA's ultimate goal? Is the EPA trying to force utilities to take coal-fired power plants out of operation?

Ex. 5 - Deliberative

8. Is it fair to say that EPA would like to see the United States lessen its dependence on coal for electricity production?

Ex. 5 - Deliberative

9. One significant concern in the electric utility industry is regulatory certainty, but we consistently see rules overturned in the courts or delayed numerous times during the rulemaking process, ultimately dragging the process out for years in some instances. With the host of rules being promulgated and expected in the near future, what are you doing to stop this cycle and at the same time ensure legally defensible, cost-effective rules that successfully protect human health and the environment?

Ex. 5 - Deliberative

10. You have consistently said you believe nuclear power is an important part of the nation's climate solution. With the announced closure of a number of nuclear reactors in the last year or so, what is EPA doing to ensure the reliability of the grid?

Ex. 5 - Deliberative

11. It is my understanding EPA takes into consideration the costs and benefits of much of its rulemaking activities, but uses Energy Information Administration data that may not capture a complete picture of the future energy landscape. With the long list of pending EPA regulatory actions, does your rulemaking process take into consideration costs and benefits beyond the EIA baseline? That is to say does EPA consider for example the greenhouse gas effects when finalizing the 316(b) cooling water intake structures regulation?

Ex. 5 - Deliberative

12. Funding for mitigation activities related to ozone is currently tied to "non-attainment" status. Therefore, communities such as the Omaha metro area that are currently in "attainment," but are trying to be pro-active and address ozone-forming emissions prior to violating air quality standards have little financial assistance available. This places communities in the unenviable situation of having to violate air standards in order to become eligible for additional funding. EPA recently developed the Ozone Advance program to attempt to provide funds for metro areas, such as the Omaha region. Would you take proactive measures, such as participation in Ozone Advance, into consideration when designating whether a region will be deemed "non-attainment"? And would you champion opportunities to provide funding for communities that are in attainment?

Ex. 5 - Deliberative

13. High ozone formation frequently occurs as a result of natural processes (heat, lack of wind, etc.) that are beyond human control. Emissions traveling from other metro areas can also have an impact. For instance, in the Omaha metro area, one can track a direct correlation between the number of high ozone days and extreme high temperature days, whereas mild summers usually result in few, if any, high ozone days. We also have annual burns that occur in the Flint Hills in Kansas that appear to contribute air quality problems. It is unfair to punish communities for factors that are beyond their control. How would EPA take into account factors that are beyond a region's control when designating attainment and non-attainment areas?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

14. The EPA Clean Air Scientific Advisory Committee (CASAC) last recommended the ozone standard be set at a range between 60 and 70 parts per billion (ppb). If the standard were set at 60 parts per billion, the vast majority of the United States—including the Nebraska Panhandle (due to emissions from the Denver metro area), one of the most sparsely populated regions of the United States—would be in violation of the standard. Many metro areas who struggled for years to attain the standard set in 1997 now feel as though the standard will be set at an unrealistic level that will only result in perpetual non-attainment status. How would you apply common sense and reasonableness in setting air quality standards? Do you think that there are diminishing returns of further reducing air quality standards past a certain point?

Ex. 5 - Deliberative

15. Last November, the EPA proposed Renewable Fuel Standard targets for 2014 that would blend less fuel than we blended last year, impacting the economy in Nebraska. It does so using an approach that I find to be inconsistent with the law and previous regulations by inserting considerations about fuel delivery infrastructure into the annual target setting process. What steps is EPA taking to fix this proposed rule and respond to the hundreds of thousands of comments submitted for your consideration? When do you expect the final rule to be released?

Ex. 5 - Deliberative

16. Do you believe the RFS allows for a waiver of biofuel volumes based on retail refueling infrastructure?

Ex. 5 - Deliberative

17. Do you think it is the right policy to move the RFS blending targets backward?

Ex. 5 - Deliberative

18. Do you believe that the EPA can perform any regulatory actions to make it easier for fueling stations to offer E15?

Ex. 5 - Deliberative

To: Asen, Jonathan Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Fri 10/10/2014 7:41:18 PM
Subject: FW: WH Correspondence
Barr_13-000-7216.pdf
Blunt_14-000-1718.pdf
Blunt_14-000-5007.pdf
Capito_14-001-0681.pdf
Coats_13-000-6924.pdf
Donnelly_14-001-0384.pdf
Flake_13-000-2910.pdf
Franken_14-000-2655.pdf
Franken_14-001-0161.pdf
Hahn_14-000-7999.pdf
Heitkamp_14-001-2081.pdf
Murkowski_13-001-1113.pdf
Peterson_14-001-2152.pdf
Toomey_14-000-8001.pdf
Vitter_13-000-2099.pdf
Vitter_13-000-8739.pdf
WH Correspondence Log 8-29-14.xlsx

And – here are most of the rest of them. Will check to see what's still outstanding. Sorry for not forwarding earlier – I mistakenly thought that I had.

From: Distefano, Nichole
Sent: Friday, August 29, 2014 4:58 PM
To: Vaught, Laura; Frank, Joyce
Subject: WH Correspondence

Laura and Joyce –

Attached are the Air Team responses to WH Correspondence as well as the completed log that reflects the status of all the letters on their list. I will forward Denis' previous email after I send this email. His email includes two responses.

This should complete what is needed in order to respond to the WH.

Laura – Gwen asked to be cc'd on the response back to the WH. She forwarded to me the incoming email she received. I am happy to reply to that email or just let you respond to the email you received. However you prefer to do it.

Nichole Distefano

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Environmental Protection Agency

(202) 564-5200

Distefano.Nichole@epa.gov

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

SEP - 6 2013

OFFICE OF
AIR AND RADIATION

The Honorable Andy Barr
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Barr:

Thank you for your letter of June 24, 2013, expressing your concerns about the U.S. Environmental Protection Agency's proposed new source performance standards for emissions of greenhouse gases from new fossil fuel-fired power plants.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

The June 25 Presidential Memorandum directs the EPA to issue its new proposal by no later than September 20, 2013, and to "issue a final rule in a timely fashion after considering all public comments, as appropriate." You have my assurance that any final rule that the EPA issues will reflect the agency's best analysis of the issues raised in your letter and of overall cost and achievability.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may call Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

SEP - 6 2013

OFFICE OF
AIR AND RADIATION

The Honorable Brett Guthrie
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Guthrie:

Thank you for your letter of June 24, 2013, expressing your concerns about the U.S. Environmental Protection Agency's proposed new source performance standards for emissions of greenhouse gases from new fossil fuel-fired power plants.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

SEP - 6 2013

OFFICE OF
AIR AND RADIATION

The Honorable Thomas Massie
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Massie:

Thank you for your letter of June 24, 2013, expressing your concerns about the U.S. Environmental Protection Agency's proposed new source performance standards for emissions of greenhouse gases from new fossil fuel-fired power plants.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

SEP - 6 2013

OFFICE OF
AIR AND RADIATION

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter of June 24, 2013, expressing your concerns about the U.S. Environmental Protection Agency's proposed new source performance standards for emissions of greenhouse gases from new fossil fuel-fired power plants.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

SEP - 6 2013

OFFICE OF
AIR AND RADIATION

The Honorable Ron Paul
United States Senate
Washington, D.C. 20510

Dear Senator Paul:

Thank you for your letter of June 24, 2013, expressing your concerns about the U.S. Environmental Protection Agency's proposed new source performance standards for emissions of greenhouse gases from new fossil fuel-fired power plants.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may call Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

SEP - 6 2013

OFFICE OF
AIR AND RADIATION

The Honorable Hal Rogers
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Rogers:

Thank you for your letter of June 24, 2013, expressing your concerns about the U.S. Environmental Protection Agency's proposed new source performance standards for emissions of greenhouse gases from new fossil fuel-fired power plants.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may call Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

SEP - 6 2013

OFFICE OF
AIR AND RADIATION

The Honorable Ed Whitfield
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Whitfield:

Thank you for your letter of June 24, 2013, expressing your concerns about the U.S. Environmental Protection Agency's proposed new source performance standards for emissions of greenhouse gases from new fossil fuel-fired power plants.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may call Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JAN 16 2014

OFFICE OF
AIR AND RADIATION

The Honorable Roy Blunt
United States Senate
Washington, DC 20510

Dear Senator Blunt:

Thank you for your letter of September 27, 2013, to President Obama, co-signed by six of your colleagues, expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases (GHG) from new fossil fuel-fired power plants as well as plans to address GHG emissions from existing power plants. The EPA also refers to the standards as the Carbon Pollution Standards. I have been asked to respond on the agency's behalf.

In your letter, you request that the EPA not issue regulations that will negatively impact Missouri families. I assure you that the EPA is working hard to develop rules for both new and existing power plants that will be achievable, cost-effective and consistent with the continued availability of reliable and affordable energy for American families. Fossil fuel-fired power plants are the largest contributor to greenhouse gas emissions in the United States, and climate change poses a serious threat to human health and the environment. In June 2013, President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. His call included a directive for the EPA "to work expeditiously to complete carbon pollution standards for both new and existing power plants." Currently, there are no federal standards in place to reduce carbon pollution from the country's largest source.

In September, the EPA proposed new source performance standards for emissions of greenhouse gases from new fossil fuel-fired plants. These proposed standards are practical, flexible, and achievable and ensure that power companies investing in new fossil fuel-fired power plants will use modern technologies that limit emissions of harmful carbon pollution. The EPA will finalize these standards in a timely manner, after considering public comments on the proposal. The comment period on this proposal will end on March 10, 2014. We will hold a public hearing on this proposal in Washington, D.C. on February 6, 2014. I encourage you to share this information widely, and look forward to receiving your comments as well as those of your constituents.

As we consider guidelines for existing power plants, the EPA is engaged in vigorous and unprecedented outreach with the public, key stakeholders, and the states, including Missouri. The eleven listening sessions the EPA held throughout the country were attended by thousands of people, representing many states and a broad range of stakeholders, including many from the coal industry. In addition, the EPA

leadership and senior staff, in Washington, D.C. and in every one of our ten regional offices, have been meeting with industry leaders and CEOs from the coal, oil, and natural gas sectors; state, tribal, and local government officials from every region of the country, including Missouri; and environmental and public health groups, faith groups, labor groups, and others. Our meetings with state governments have encompassed leadership and staff from state environment departments, state energy departments and state public utility commissions. We are doing this because we want—and need—all available information about what is important to each state and stakeholder. We know that guidelines require flexibility and sensitivity to state and regional differences.

To this end, we welcome feedback and ideas from you as well as your constituents about how the EPA should develop and implement carbon pollution guidelines for existing power plants under the Clean Air Act. Interested stakeholders can send their thoughts through email at carbonpollutioninput@epa.gov. Stakeholders can also learn more about what we are doing at www.epa.gov/carbonpollutionstandard. I welcome you to provide a link to our website from yours, and to share any other information about the EPA's public engagement activities with the citizens of your state.

Please note that the public meetings we've been holding to date and other outreach efforts are happening well before we propose guidelines. When we issue the draft guidelines in June 2014, a more formal public comment period will follow, as with all rules, and more opportunities for public hearings and stakeholder outreach and engagement. I look forward to hearing what you think about the draft guidelines at that time, too.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JAN 16 2014

OFFICE OF
AIR AND RADIATION

The Honorable Sam Graves
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Graves:

Thank you for your letter of September 27, 2013, to President Obama, co-signed by six of your colleagues, expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases (GHG) from new fossil fuel-fired power plants as well as plans to address GHG emissions from existing power plants. The EPA also refers to the standards as the Carbon Pollution Standards. I have been asked to respond on the agency's behalf.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or at (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JAN 16 2014

OFFICE OF
AIR AND RADIATION

The Honorable Jason Smith
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Smith:

Thank you for your letter of September 27, 2013, to President Obama, co-signed by six of your colleagues, expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases (GHG) from new fossil fuel-fired power plants as well as plans to address GHG emissions from existing power plants. The EPA also refers to the standards as the Carbon Pollution Standards. I have been asked to respond on the agency's behalf.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JAN 10 2014

OFFICE OF
AIR AND RADIATION

The Honorable Billy Long
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Long:

Thank you for your letter of September 27, 2013, to President Obama, co-signed by six of your colleagues, expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases (GHG) from new fossil fuel-fired power plants as well as plans to address GHG emissions from existing power plants. The EPA also refers to the standards as the Carbon Pollution Standards. I have been asked to respond on the agency's behalf.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JAN 10 2014

OFFICE OF
AIR AND RADIATION

The Honorable Blaine Luetkemeyer
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Luetkemeyer:

Thank you for your letter of September 27, 2013, to President Obama, co-signed by six of your colleagues, expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases (GHG) from new fossil fuel-fired power plants as well as plans to address GHG emissions from existing power plants. The EPA also refers to the standards as the Carbon Pollution Standards. I have been asked to respond on the agency's behalf.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JAN 16 2014

OFFICE OF
AIR AND RADIATION

The Honorable Vicky Hartzler
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Hartzler:

Thank you for your letter of September 27, 2013, to President Obama, co-signed by six of your colleagues, expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases (GHG) from new fossil fuel-fired power plants as well as plans to address GHG emissions from existing power plants. The EPA also refers to the standards as the Carbon Pollution Standards. I have been asked to respond on the agency's behalf.

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Acting Assistant Administrator

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

JAN 10 2014

OFFICE OF
AIR AND RADIATION

The Honorable Ann Wagner
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Wagner:

Thank you for your letter of September 27, 2013, to President Obama, co-signed by six of your colleagues, expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases (GHG) from new fossil fuel-fired power plants as well as plans to address GHG emissions from existing power plants. The EPA also refers to the standards as the Carbon Pollution Standards. I have been asked to respond on the agency's behalf.

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Janet G. McCabe
Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Roy Blunt
United States Senate
Washington, D.C. 20510

Dear Senator Blunt:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

In June 2013, President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. The President also directed the EPA to work with states, as they will play a central role in establishing and implementing standards for existing power plants, and, at the same time, with leaders in the power sector, labor leaders, non-governmental organizations, other experts, tribal officials, other stakeholders, and members of the public, on issues informing the design of carbon pollution standards for power plants.

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ozone pollution, resulting in harmful health impacts such as decreased lung function, aggravated asthma, increased emergency room visits, and premature death. Reducing the pollution that contributes to climate change is critically important to the protection of Americans' health and the environment upon which our economy depends.

Responding to climate change is an urgent public health, safety, national security, economic, and environmental imperative that presents great challenges and great opportunities not only here in the United States, but also around the world. The continued leadership of the EPA domestically and the success of the Clean Air Act for more than 40 years give weight to our efforts to work with international partners to address their emissions. Our global leadership has already inspired significant efforts by our partner countries towards emission reductions of their own.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

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Janet G. McCabe
Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Lamar Alexander
United States Senate
Washington, D.C. 20510

Dear Senator Alexander:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

In June 2013, President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. The President also directed the EPA to work with states, as they will play a central role in establishing and implementing standards for existing power plants, and, at the same time, with leaders in the power sector, labor leaders, non-governmental organizations, other experts, tribal officials, other stakeholders, and members of the public, on issues informing the design of carbon pollution standards for power plants.

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable John Barrasso
United States Senate
Washington, D.C. 20510

Dear Senator Barrasso:

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable John Boozman
United States Senate
Washington, D.C. 20510

Dear Senator Boozman:

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Responding to climate change is an urgent public health, safety, national security, economic, and environmental imperative that presents great challenges and great opportunities not only here in the United States, but also around the world. The continued leadership of the EPA domestically and the success of the Clean Air Act for more than 40 years give weight to our efforts to work with international partners to address their emissions. Our global leadership has already inspired significant efforts by our partner countries towards emission reductions of their own.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Daniel Coats
United States Senate
Washington, D.C. 20510

Dear Senator Coats:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

In June 2013, President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. The President also directed the EPA to work with states, as they will play a central role in establishing and implementing standards for existing power plants, and, at the same time, with leaders in the power sector, labor leaders, non-governmental organizations, other experts, tribal officials, other stakeholders, and members of the public, on issues informing the design of carbon pollution standards for power plants.

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable John Cornyn
United States Senate
Washington, D.C. 20510

Dear Senator Cornyn:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mike Enzi
United States Senate
Washington, D.C. 20510

Dear Senator Enzi:

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Deb Fischer
United States Senate
Washington, D.C. 20510

Dear Senator Fischer:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Dean Heller
United States Senate
Washington, D.C. 20510

Dear Senator Heller:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable John Hoeven
United States Senate
Washington, D.C. 20510

Dear Senator Hoeven:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable James M. Inhofe
United States Senate
Washington, D.C. 20510

Dear Senator Inhofe:

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mike Johanns
United States Senate
Washington, D.C. 20510

Dear Senator Johanns:

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MAY - 5 2014

OFFICE OF
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The Honorable Joe Manchin
United States Senate
Washington, D.C. 20510

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Jerry Moran
United States Senate
Washington, D.C. 20510

Dear Senator Moran:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

In June 2013, President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. The President also directed the EPA to work with states, as they will play a central role in establishing and implementing standards for existing power plants, and, at the same time, with leaders in the power sector, labor leaders, non-governmental organizations, other experts, tribal officials, other stakeholders, and members of the public, on issues informing the design of carbon pollution standards for power plants.

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Lisa Murkowski
United States Senate
Washington, D.C. 20510

Dear Senator Murkowski:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Rob Portman
United States Senate
Washington, D.C. 20510

Dear Senator Portman:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable James E. Risch
United States Senate
Washington, D.C. 20510

Dear Senator Risch:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Pat Roberts
United States Senate
Washington, D.C. 20510

Dear Senator Roberts:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Tim Scott
United States Senate
Washington, D.C. 20510

Dear Senator Scott:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable Jeff Sessions
United States Senate
Washington, D.C. 20510

Dear Senator Sessions:

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Acting Assistant Administrator

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable John Thune
United States Senate
Washington, D.C. 20510

Dear Senator Thune:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

In June 2013, President Obama called on agencies across the federal government, including the EPA, to take action to cut carbon pollution to protect our country from the impacts of climate change, and to lead the world in this effort. The President also directed the EPA to work with states, as they will play a central role in establishing and implementing standards for existing power plants, and, at the same time, with leaders in the power sector, labor leaders, non-governmental organizations, other experts, tribal officials, other stakeholders, and members of the public, on issues informing the design of carbon pollution standards for power plants.

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

MAY - 5 2014

OFFICE OF
AIR AND RADIATION

The Honorable David Vitter
United States Senate
Washington, D.C. 20510

Dear Senator Vitter:

Thank you for your letter of January 30, 2014, to President Obama regarding the Climate Action Plan and the upcoming carbon pollution guidelines for existing power plants and standards for modified and reconstructed power plants that the U.S. Environmental Protection Agency will propose in June 2014.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG - 4 2014

OFFICE OF
AIR AND RADIATION

The Honorable Shelley Moore Capito
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Capito:

Thank you for your letter of May 29, 2014, to President Obama on the Clean Power Plan for Existing Power Plants that was signed by the United States Environmental Protection Agency Administrator Gina McCarthy on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The President asked that the EPA respond on his behalf.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions.

The Clean Power Plan aims to cut energy waste and leverage cleaner energy sources by doing two things. First, it uses a national framework to set achievable state-specific goals to cut carbon pollution per megawatt hour of electricity generated. Second, it empowers the states to chart their own paths to meet their goals. The proposal builds on what states, cities and businesses around the country are already doing to reduce carbon pollution, and when fully implemented in 2030, carbon emissions will be reduced by approximately 30 percent from the power sector across the United States when compared with 2005 levels. In addition, we estimate the proposal will cut the pollution that causes smog and soot by 25 percent, avoiding up to 100,000 asthma attacks and 2,100 heart attacks by 2020.

Before issuing this proposal, the EPA heard from more than 300 stakeholder groups from around the country, including several from West Virginia, to learn more about what programs are already working to reduce carbon pollution. These meetings, with states, utilities, labor unions, nongovernmental organizations, consumer groups, industry, and others, reaffirmed that states are leading the way. The Clean Air Act provides the tools to build on these state actions in ways that will achieve meaningful reductions and recognizes that the way we generate power in this country is diverse, complex and interconnected.

We appreciate your providing your views about the effects of the proposal. As you know, we are currently seeking public comment on the proposal, and we encourage you and all interested parties to provide us with detailed comments on all aspects of the proposed rule. The public comment period will remain open for 120 days, until October 16, 2014. We have submitted your letter to the rulemaking docket, but you can submit additional comments via any one of these methods:

- Federal eRulemaking portal: http://www.regulations.gov. Follow the online instructions for submitting comments.
- E-mail: A-and-R-Docket@epa.gov. Include docket ID number HQ-OAR-2013-0602 in the subject line of the message.
- Fax: Fax your comments to: 202-566-9744. Include docket ID number HQ-OAR-2013-0602 on the cover page.
- Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 28221T, Attention Docket ID No. OAR–2013-0602, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
- Hand Delivery or Courier: Deliver your comments to: EPA Docket Center, Room 3334, 1301 Constitution Ave., NW, Washington, DC, 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or at (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 29 2013

OFFICE OF
AIR AND RADIATION

The Honorable Daniel Coats
United States Senate
Washington, DC 20510

Dear Senator Coats:

Thank you for your letter of June 13, 2013, co-signed by eight of your colleagues, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. I have been asked to respond on the President's behalf.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and to cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

The Memorandum directs the EPA to issue its new proposal by no later than September 20, 2013, and to "issue a final rule in a timely fashion after considering all public comments, as appropriate." The President has also made clear that a diverse energy supply is needed, and as a Hoosier myself, I understand the importance of this to the people of Indiana. You have my assurance that any final rule that the EPA issues will reflect the agency's best analysis of the issues raised in your letter and of overall cost and achievability.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 29 2013

OFFICE OF
AIR AND RADIATION

The Honorable Joe Donnelly
United States Senate
Washington, DC 20510

Dear Senator Donnelly:

Thank you for your letter of June 13, 2013, co-signed by eight of your colleagues, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. I have been asked to respond on the President's behalf.

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

AUG 29 2013

OFFICE OF
AIR AND RADIATION

The Honorable Larry Bucshon
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Bucshon:

Thank you for your letter of June 13, 2013, co-signed by eight of your colleagues, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. I have been asked to respond on the President's behalf.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and to cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 29 2013

OFFICE OF
AIR AND RADIATION

The Honorable Luke Messer
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Messer:

Thank you for your letter of June 13, 2013, co-signed by eight of your colleagues, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. I have been asked to respond on the President's behalf.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and to cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 2 9 2013

OFFICE OF
AIR AND RADIATION

The Honorable Marlin A. Stutzman
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Stutzman:

Thank you for your letter of June 13, 2013, co-signed by eight of your colleagues, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. I have been asked to respond on the President's behalf.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and to cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 29 2013

OFFICE OF
AIR AND RADIATION

The Honorable Todd Young
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Young:

Thank you for your letter of June 13, 2013, co-signed by eight of your colleagues, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. I have been asked to respond on the President's behalf.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and to cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 29 2013

OFFICE OF
AIR AND RADIATION

The Honorable Todd Rokita
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Rokita:

Thank you for your letter of June 13, 2013, co-signed by eight of your colleagues, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. I have been asked to respond on the President's behalf.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and to cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 2 9 2013

OFFICE OF
AIR AND RADIATION

The Honorable Jackie Walorski
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Walorski:

Thank you for your letter of June 13, 2013, co-signed by eight of your colleagues, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. I have been asked to respond on the President's behalf.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and to cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 29 2013

OFFICE OF
AIR AND RADIATION

The Honorable Susan W. Brooks
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Brooks:

Thank you for your letter of June 13, 2013, co-signed by eight of your colleagues, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. I have been asked to respond on the President's behalf.

The EPA received over 2 million comments on the proposed rule, many of which addressed issues related to technical achievability and to cost. In fact, numerous comments received by the agency addressed the issue of whether new coal-fired power plants should be required to meet the same standard as that set for new gas-fired plants. These comments, along with information about changes in the electricity sector, were carefully considered. Accordingly, as reflected in President Obama's June 25 Memorandum to the Administrator of the EPA, the agency decided to issue a new proposal and has been working to develop that proposal in light of the comments and information.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JUL - 9 2014

OFFICE OF
AIR AND RADIATION

The Honorable Joe Donnelly
United States Senate
Washington, D.C. 20510

Dear Senator Donnelly:

Thank you for your letter of May 21, 2014, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. The EPA also refers to the standards as the Carbon Pollution Standard. The President has asked me to respond on his behalf.

Your letter states that the Carbon Pollution Standard would inhibit the construction of new, cleaner burning coal plants and stall research into Carbon Capture and Sequestration (CCS) technologies. You request that the EPA consider an approach that establishes a standard in the near-term that can be achieved by high efficiency coal-fired technologies operating without CCS.

The EPA recognizes your concerns about advancing technology and the importance of maintaining a reliable, affordable energy portfolio and a diverse mix of fuels in providing the nation's electricity, while also ensuring the protection of the environment. The proposed standards are in line with current investments in clean energy technologies that are already being made in the power industry. The proposal ensures that the nation will continue to rely on a diverse mix of energy sources, including efficient natural gas, clean coal technology, nuclear power and renewable energy like wind and solar.

The President has directed the EPA to, "issue a final rule in a timely fashion after considering all public comments, as appropriate." Any final rule that the EPA issues will reflect the agency's best analysis of the issues raised during the public comment period. We will ensure that your comments are included with other public comments in the rulemaking docket. We plan to address your comments along with the other public comments received on this rule at the appropriate time. I want to assure you that will include careful consideration of the control costs and the benefits to public health and the environment. We appreciate your interest in this important rule.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JUL - 9 2014

OFFICE OF
AIR AND RADIATION

The Honorable Heidi Heitkamp
United States Senate
Washington, D.C. 20510

Dear Senator Heitkamp:

Thank you for your letter of May 21, 2014, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. The EPA also refers to the standards as the Carbon Pollution Standard. The President has asked me to respond on his behalf.

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Janet G. McCabe
Acting Assistant Administrator

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

JUL - 9 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mary L. Landrieu
United States Senate
Washington, D.C. 20510

Dear Senator Landrieu:

Thank you for your letter of May 21, 2014, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. The EPA also refers to the standards as the Carbon Pollution Standard. The President has asked me to respond on his behalf.

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Janet G. McCabe
Acting Assistant Administrator

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

JUL - 9 2014

OFFICE OF
AIR AND RADIATION

The Honorable Claire McCaskill
United States Senate
Washington, D.C. 20510

Dear Senator McCaskill:

Thank you for your letter of May 21, 2014, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. The EPA also refers to the standards as the Carbon Pollution Standard. The President has asked me to respond on his behalf.

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Janet G. McCabe
Acting Assistant Administrator

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

JUL - 9 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mark Warner
United States Senate
Washington, D.C. 20510

Dear Senator Warner:

Thank you for your letter of May 21, 2014, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. The EPA also refers to the standards as the Carbon Pollution Standard. The President has asked me to respond on his behalf.

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Janet G. McCabe
Acting Assistant Administrator

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

JUL - 9 2014

OFFICE OF
AIR AND RADIATION

The Honorable Joe Manchin III
United States Senate
Washington, D.C. 20510

Dear Senator Manchin:

Thank you for your letter of May 21, 2014, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. The EPA also refers to the standards as the Carbon Pollution Standard. The President has asked me to respond on his behalf.

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Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JUL - 9 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mark Pryor
United States Senate
Washington, D.C. 20510

Dear Senator Pryor:

Thank you for your letter of May 21, 2014, to President Obama expressing your concerns about the U.S. Environmental Protection Agency's proposed New Source Performance Standards for emissions of greenhouse gases from new fossil fuel-fired power plants. The EPA also refers to the standards as the Carbon Pollution Standard. The President has asked me to respond on his behalf.

Your letter states that the Carbon Pollution Standard would inhibit the construction of new, cleaner burning coal plants and stall research into Carbon Capture and Sequestration (CCS) technologies. You request that the EPA consider an approach that establishes a standard in the near-term that can be achieved by high efficiency coal-fired technologies operating without CCS.

The EPA recognizes your concerns about advancing technology and the importance of maintaining a reliable, affordable energy portfolio and a diverse mix of fuels in providing the nation's electricity, while also ensuring the protection of the environment. The proposed standards are in line with current investments in clean energy technologies that are already being made in the power industry. The proposal ensures that the nation will continue to rely on a diverse mix of energy sources, including efficient natural gas, clean coal technology, nuclear power and renewable energy like wind and solar.

The President has directed the EPA to, "issue a final rule in a timely fashion after considering all public comments, as appropriate." Any final rule that the EPA issues will reflect the agency's best analysis of the issues raised during the public comment period. We will ensure that your comments are included with other public comments in the rulemaking docket. We plan to address your comments along with the other public comments received on this rule at the appropriate time. I want to assure you that will include careful consideration of the control costs and the benefits to public health and the environment. We appreciate your interest in this important rule.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

MAY 20 2013

The Honorable John McCain
United States Senate
Washington, D.C. 20510

Dear Senator McCain:

Thank you for your letter to President Barack Obama dated March 7, 2013, co-signed by Senator Flake, concerning the Joint Federal Agency Statement Regarding Navajo Generating Station and the U.S. Environmental Protection Agency's (EPA) proposed rulemaking to implement the Best Available Retrofit Technology (BART) requirement of the Clean Air Act for the Navajo Generating Station (NGS). We have been asked to respond on the President's behalf.

Congress established the national goal of restoring visibility in National Parks and Wilderness Areas to natural conditions and directed EPA to take action to reduce visibility impairment in these areas. The NGS is located on the Navajo Nation in northern Arizona near eight National Parks and three Wilderness Areas, and is less than 20 miles from the eastern boundaries of the Grand Canyon National Park. The scenic vistas at the Grand Canyon, and the other National Parks and Wilderness Areas near NGS, draw millions of visitors each year to Arizona and other states in the Southwest. These visitors contribute approximately $1 billion annually to the region's economy.

We share your interest in ensuring a path forward for NGS that continues to provide economic support to the Navajo Nation and Hopi Tribe and avoids increasing the costs of water to Native American communities, farmers, and residential water customers in Arizona as much as possible. For the past 3 years, EPA and the Department of the Interior (DOI) have communicated extensively with many tribes, and with members of the agricultural community, the owners of NGS, Central Arizona Water Conservation District, and other stakeholders. We understand the significance of NGS to numerous entities and tribes located in Arizona, including the Navajo Nation, Hopi Tribe, and Gila River Indian Community. We also recognize our shared Federal trust responsibility for tribes and their members.

The DOI has numerous interests in NGS and its emissions, the most significant of which include Bureau of Reclamation's 24.3 percent interest in NGS power generation, which supports the delivery of Central Arizona Project water and the implementation of several Indian water settlements, the National Park Service's management of eight National Parks affected by NGS emissions, the Bureau of Indian Affairs approval of leases and rights-of-way on tribal trust lands in furtherance of the DOI's trust responsibilities to Indian tribes, and the Office of Surface Mining's oversight of permitting at the Kayenta Coal Mine. The DOI's multiple interests in NGS and its many stakeholders, in combination with EPA's BART rulemaking, provided the

primary impetus to the issuance of the DOI-EPA-Department of Energy's Joint Federal Agency Statement and creation of a joint Federal agency working group regarding NGS.

The EPA's goal in issuing a proposed BART determination for NGS was to develop a flexible approach that could support continued plant operation well into the future. The EPA's unique proposal describes three alternatives to the proposed BART determination and encourages interested parties to suggest additional options. The alternatives are designed to provide flexibility to the owners in light of the other processes that are currently underway, such as lease renewals. The proposal provides this flexibility by crediting NGS for the early and voluntary reduction of nitrogen oxide emissions beginning in 2009, and extending the compliance time for achieving BART emissions reductions to 10 years or longer. As a result, we believe that the proposal recognizes the many factors at play with NGS and the uncertainties that currently exist, and the additional time provided makes it easier for the owners to plan for the future of the plant. In response to requests from stakeholders, and in recognition of the complex issues surrounding NGS, EPA extended the original 90 day comment period on this proposal for another 90 days. The EPA looks forward to receiving comments on alternatives and other issues related to the proposal and will consider all information in its final decision.

The EPA's analysis in the proposed BART rule demonstrates that the installation and operation of the proposed BART controls at NGS would result in the largest visibility improvements in the Nation from the control of a single stationary source. This analysis considers all the information and analyses submitted in response to its Advanced Notice of Proposed Rulemaking, including the National Renewable Energy Laboratory report cited in your letter and new information from many sources. The analysis also projects significantly lower capital costs for the controls that would be required under the proposed rule than those reflected in your letter.

Congress charged the EPA and the Federal land managers with protecting and improving visibility in our National Parks and Wilderness Areas. We share and appreciate your concern in ensuring a path forward for protecting visibility in these treasured natural areas that honors our obligations to tribes and supports the short and long term sustainability of the regional economy.

If you have further questions, please contact either of us or your staff may call Deputy Director Stephenne Harding in DOI's Office of Congressional and Legislative Affairs at (202) 208-7693, or Mr. Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Sally Jewell
Secretary
Department of the Interior

Bob Perciasepe
Acting Administrator
Environmental Protection Agency

MAY 2 0 2013

The Honorable Jeff Flake
United States Senate
Washington, D.C. 20510

Dear Senator Flake:

Thank you for your letter to President Barack Obama dated March 7, 2013, co-signed by Senator McCain, concerning the Joint Federal Agency Statement Regarding Navajo Generating Station and the U.S. Environmental Protection Agency's (EPA) proposed rulemaking to implement the Best Available Retrofit Technology (BART) requirement of the Clean Air Act for the Navajo Generating Station (NGS). We have been asked to respond on the President's behalf.

Congress established the national goal of restoring visibility in National Parks and Wilderness Areas to natural conditions and directed EPA to take action to reduce visibility impairment in these areas. The NGS is located on the Navajo Nation in northern Arizona near eight National Parks and three Wilderness Areas, and is less than 20 miles from the eastern boundaries of the Grand Canyon National Park. The scenic vistas at the Grand Canyon, and the other National Parks and Wilderness Areas near NGS, draw millions of visitors each year to Arizona and other states in the Southwest. These visitors contribute approximately $1 billion annually to the region's economy.

We share your interest in ensuring a path forward for NGS that continues to provide economic support to the Navajo Nation and Hopi Tribe and avoids increasing the costs of water to Native American communities, farmers, and residential water customers in Arizona as much as possible. For the past 3 years, EPA and the Department of the Interior (DOI) have communicated extensively with many tribes, and with members of the agricultural community, the owners of NGS, Central Arizona Water Conservation District, and other stakeholders. We understand the significance of NGS to numerous entities and tribes located in Arizona, including the Navajo Nation, Hopi Tribe, and Gila River Indian Community. We also recognize our shared Federal trust responsibility for tribes and their members.

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primary impetus to the issuance of the DOI-EPA-Department of Energy's Joint Federal Agency Statement and creation of a joint Federal agency working group regarding NGS.

The EPA's goal in issuing a proposed BART determination for NGS was to develop a flexible approach that could support continued plant operation well into the future. The EPA's unique proposal describes three alternatives to the proposed BART determination and encourages interested parties to suggest additional options. The alternatives are designed to provide flexibility to the owners in light of the other processes that are currently underway, such as lease renewals. The proposal provides this flexibility by crediting NGS for the early and voluntary reduction of nitrogen oxide emissions beginning in 2009, and extending the compliance time for achieving BART emissions reductions to 10 years or longer. As a result, we believe that the proposal recognizes the many factors at play with NGS and the uncertainties that currently exist, and the additional time provided makes it easier for the owners to plan for the future of the plant. In response to requests from stakeholders, and in recognition of the complex issues surrounding NGS, EPA extended the original 90 day comment period on this proposal for another 90 days. The EPA looks forward to receiving comments on alternatives and other issues related to the proposal and will consider all information in its final decision.

The EPA's analysis in the proposed BART rule demonstrates that the installation and operation of the proposed BART controls at NGS would result in the largest visibility improvements in the Nation from the control of a single stationary source. This analysis considers all the information and analyses submitted in response to its Advanced Notice of Proposed Rulemaking, including the National Renewable Energy Laboratory report cited in your letter and new information from many sources. The analysis also projects significantly lower capital costs for the controls that would be required under the proposed rule than those reflected in your letter.

Congress charged the EPA and the Federal land managers with protecting and improving visibility in our National Parks and Wilderness Areas. We share and appreciate your concern in ensuring a path forward for protecting visibility in these treasured natural areas that honors our obligations to tribes and supports the short and long term sustainability of the regional economy.

If you have further questions, please contact either of us or your staff may call Deputy Director Stephenne Harding in DOI's Office of Congressional and Legislative Affairs at (202) 208-7693, or Mr. Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Sally Jewell
Secretary
Department of the Interior

Bob Perciasepe
Acting Administrator
Environmental Protection Agency

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

MAR 18 2014

OFFICE OF
AIR AND RADIATION

The Honorable Al Franken
United States Senate
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your letter dated November 14, 2013, to President Barack Obama regarding the 2014 volume requirements under the Renewable Fuel Standard (RFS) program. I have been asked to respond on his behalf.

On November 29, 2013, the U.S. Environmental Protection Agency published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we have requested comment on whether to raise the biomass-based diesel volume requirement.

I want to emphasize that this is a proposal, and that the EPA has requested comment on many aspects of the proposed rule, including the methodology for determining volumes. The EPA also expects to receive additional data before finalizing the rule. We will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule, and your letter has been placed in the rulemaking docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 14 2014

OFFICE OF
AIR AND RADIATION

The Honorable Al Franken
United States Senate
Washington, DC 20510

Dear Senator Franken:

Thank you for your letter of May 28, 2014, to President Obama on the Clean Power Plan for Existing Power Plants that was signed by the United States Environmental Protection Agency Administrator Gina McCarthy on June 2, 2014, and published in the *Federal Register* on June 18, 2014. The President asked that the EPA respond to you directly.

Climate change induced by human activities is one of the greatest challenges of our time. It already threatens human health and welfare and our economic well-being, and if left unchecked, it will have devastating impacts on the United States and the planet. Power plants are the largest source of carbon dioxide emissions in the United States, accounting for roughly one-third of all domestic greenhouse gas emissions.

The Clean Power Plan aims to cut energy waste and leverage cleaner energy sources by doing two things. First, it uses a national framework to set achievable state-specific goals to cut carbon pollution per megawatt hour of electricity generated. Second, it empowers the states to chart their own paths to meet their goals. The proposal builds on what states, cities and businesses around the country are already doing to reduce carbon pollution, and when fully implemented in 2030, carbon emissions will be reduced by approximately 30 percent from the power sector across the United States when compared with 2005 levels. In addition, we estimate the proposal will cut the pollution that causes smog and soot by 25 percent, avoiding up to 100,000 asthma attacks and 2,100 heart attacks by 2020.

Before issuing this proposal, the EPA heard from more than 300 stakeholder groups from around the country, including several from Minnesota, to learn more about what programs are already working to reduce carbon pollution. These meetings, with states, utilities, labor unions, nongovernmental organizations, consumer groups, industry, and others, reaffirmed that states are leading the way. The Clean Air Act provides the tools to build on these state actions in ways that will achieve meaningful reductions and recognizes that the way we generate power in this country is diverse, complex and interconnected.

We appreciate your providing your views about the effects of the proposal. As you know, we are currently seeking public comment on the proposal, and we encourage you and all interested parties to provide us with detailed comments on all aspects of the proposed rule. The public comment period will remain open for 120 days, until October 16, 2014. We have submitted your letter to the rulemaking docket, but you can submit additional comments via any one of these methods:

- Federal eRulemaking portal: http://www.regulations.gov. Follow the online instructions for submitting comments.
- E-mail: A-and-R-Docket@epa.gov. Include docket ID number HQ-OAR-2013-0602 in the subject line of the message.
- Fax: Fax your comments to: 202-566-9744. Include docket ID number HQ-OAR-2013-0602 on the cover page.
- Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 28221T, Attention Docket ID No. OAR–2013-0602, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
- Hand Delivery or Courier: Deliver your comments to: EPA Docket Center, Room 3334, 1301 Constitution Ave., NW, Washington, DC, 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or at (202) 564-2998.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

OFFICE OF CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

MEMORANDUM

SUBJECT: Return of Referral 1133995

FROM: Nichole Distefano
Deputy Associate Administrator

TO: The White House, Office of Records Managment

Please find attached Referral 1133995 from Congresswoman Janice Hahn dated March 7, 2014 asking President Barack Obama to issue an executive order to convert the federal fleet to electric vehicles. This correspondence is being returned at the request of the Office of Records Management, since this issue falls within the General Services Administration's purview.

Thank you and if you have any questions, please feel free to contact me or your staff may contact Kevin J. Bailey in EPA's Office of Congressional and Intergovernmental Relations at 202-564-2998.

Attachments

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

JAN 24 2014

OFFICE OF
AIR AND RADIATION

The Honorable Lisa Murkowski
United States Senate
Washington, DC 20510

Dear Senator Murkowski:

Thank you for your letter of September 16, 2013, to President Barack Obama, expressing your concerns about the U.S. Environmental Protection Agency's proposed carbon pollution standards for new and existing fossil fuel-fired power plants. The EPA also refers to the standard as the carbon pollution standard. EPA Administrator Gina McCarthy has asked me to respond on the agency's behalf.

Consistent with the President's June 25 Memorandum to the Administrator of the EPA, the Administrator signed a new proposal on September 20, 2013, after the consideration of the more than 2 million comments we received on the original proposal and recent developments in the power sector. The Presidential Memorandum directs the EPA to "issue a final rule in a timely fashion after considering all public comments, as appropriate." The public will have the opportunity to comment on the new proposal and any final rule that the EPA issues will reflect the agency's best analysis of the issues raised during the comment period. The EPA welcomes comment from all stakeholders, including elected officials, and will submit any final rule to each house of Congress as required by the Congressional Review Act.

The recently signed proposal would establish standards only for new facilities and would not impact existing facilities that undertake efficiency improvements. Further, the proposal would ensure that progress toward a cleaner, safer and more modern power sector continues through the deployment of the same types of modern technologies and steps that power companies are already taking to build the next generation of power plants. The new proposal sets separate standards for gas- and coal-fired power plants, based on technology now in use and available. We are aware of several examples in which industry continues to move forward on new coal-fired projects employing modern technologies.

As we consider guidelines for existing power plants, the EPA is engaged in vigorous and unprecedented outreach with the public, key stakeholders, and the states, including Alaska. The eleven listening sessions the EPA held throughout the country were attended by thousands of people, representing many states and a broad range of stakeholders. In addition, the EPA leadership and senior staff, in Washington, D.C. and in every one of our ten regional offices, have been meeting with industry leaders and CEOs from the coal, oil, and natural gas sectors; state, tribal, and local government officials from every region of the country; and environmental and public health groups, faith groups, labor groups, and others. Our meetings with state governments have encompassed leadership and staff from state environment departments, state energy departments and state public utility commissions. We are doing this because we want—and need—all available information about what is important to each state and stakeholder. We know that guidelines require flexibility and sensitivity to state and regional differences.

To this end, we welcome feedback and ideas from you as well as your constituents about how the EPA should develop and implement carbon pollution guidelines for existing power plants under the Clean Air Act. Interested stakeholders can send their thoughts through email at carbonpollutioninput@epa.gov. Stakeholders can also learn more about what we are doing at www.epa.gov/carbonpollutionstandard. I welcome you to provide a link to our website from yours, and to share any other information about the EPA's public engagement activities with the citizens of your state.

Please note that the public meetings we've been holding to date and other outreach efforts are happening well before we propose guidelines. When we issue the draft guidelines in June 2014, a more formal public comment period will follow, as with all rules, and more opportunities for public hearings and stakeholder outreach and engagement. I look forward to hearing what you think about the draft guidelines at that time, too.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JAN 24 2014

OFFICE OF
AIR AND RADIATION

The Honorable Don Young
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Young:

Thank you for your letter of September 16, 2013, to President Barack Obama, expressing your concerns about the U.S. Environmental Protection Agency's proposed carbon pollution standards for new and existing fossil fuel-fired power plants. The EPA also refers to the standard as the carbon pollution standard. EPA Administrator Gina McCarthy has asked me to respond on the agency's behalf.

Consistent with the President's June 25 Memorandum to the Administrator of the EPA, the Administrator signed a new proposal on September 20, 2013, after the consideration of the more than 2 million comments we received on the original proposal and recent developments in the power sector. The Presidential Memorandum directs the EPA to "issue a final rule in a timely fashion after considering all public comments, as appropriate." The public will have the opportunity to comment on the new proposal and any final rule that the EPA issues will reflect the agency's best analysis of the issues raised during the comment period. The EPA welcomes comment from all stakeholders, including elected officials, and will submit any final rule to each house of Congress as required by the Congressional Review Act.

The recently signed proposal would establish standards only for new facilities and would not impact existing facilities that undertake efficiency improvements. Further, the proposal would ensure that progress toward a cleaner, safer and more modern power sector continues through the deployment of the same types of modern technologies and steps that power companies are already taking to build the next generation of power plants. The new proposal sets separate standards for gas- and coal-fired power plants, based on technology now in use and available. We are aware of several examples in which industry continues to move forward on new coal-fired projects employing modern technologies.

As we consider guidelines for existing power plants, the EPA is engaged in vigorous and unprecedented outreach with the public, key stakeholders, and the states, including Alaska. The eleven listening sessions the EPA held throughout the country were attended by thousands of people, representing many states and a broad range of stakeholders. In addition, the EPA leadership and senior staff, in Washington, D.C. and in every one of our ten regional offices, have been meeting with industry leaders and CEOs from the coal, oil, and natural gas sectors; state, tribal, and local government officials from every region of the country; and environmental and public health groups, faith groups, labor groups, and others. Our meetings with state governments have encompassed leadership and staff from state environment departments, state energy departments and state public utility commissions. We are doing this because we want—and need—all available information about what is important to each state and stakeholder. We know that guidelines require flexibility and sensitivity to state and regional differences.

To this end, we welcome feedback and ideas from you as well as your constituents about how the EPA should develop and implement carbon pollution guidelines for existing power plants under the Clean Air Act. Interested stakeholders can send their thoughts through email at carbonpollutioninput@epa.gov. Stakeholders can also learn more about what we are doing at www.epa.gov/carbonpollutionstandard. I welcome you to provide a link to our website from yours, and to share any other information about the EPA's public engagement activities with the citizens of your state.

Please note that the public meetings we've been holding to date and other outreach efforts are happening well before we propose guidelines. When we issue the draft guidelines in June 2014, a more formal public comment period will follow, as with all rules, and more opportunities for public hearings and stakeholder outreach and engagement. I look forward to hearing what you think about the draft guidelines at that time, too.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Josh Lewis in the EPA's Office of Congressional and Intergovernmental Relations at lewis.josh@epa.gov or (202) 564-2095.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Collin C. Peterson
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Peterson:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

The EPA sought input on many aspects of the proposed rule, including the methodology for determining volumes. The comment period for the proposal ended on January 28, 2014, and we received over 300,000 comments. We are currently in the process of reviewing those comments and assessing new data that will help inform the final rule. We will take your input under consideration as we, in conjunction with the U.S. Department of Agriculture and the U.S. Department of Energy, work towards finalizing this rule. Your letter has been placed in the rulemaking docket.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Adam Kinzinger
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kinzinger:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Dave Loebsack
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Loebsack:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Bruce L. Braley
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Braley:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Sam Graves
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Graves:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Steve King
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman King:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Richard Nolan
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Nolan:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Betty McCollum
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McCollum:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Tom Latham
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Latham:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable William Owens
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Owens:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Scott Peters
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Peters:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Patrick E. Murphy
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Murphy:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable William L. Enyart
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Enyart:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Rosa L. DeLauro
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman DeLauro:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Cheri Bustos
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Bustos:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Lee Terry
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Terry:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Jason Smith
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Rodney Davis
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Davis:

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Blaine Luetkemeyer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Luetkemeyer:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Janet G. McCabe
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Timothy Walz
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Walz:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Emanuel Cleaver, II
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cleaver:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Kristi L. Noem
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Noem:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Tulsi Gabbard
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Gabbard:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Ann McLane Kuster
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Kuster:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable John B. Larson
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Larson:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Tammy Duckworth
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Duckworth:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Susan A. Davis
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Davis:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Bill Foster
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Foster:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable David N. Cicilline
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Cicilline:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Jim Langevin
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Langevin:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Diana DeGette
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman DeGette:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Jerry McNerney
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McNerney:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Vicky Hartzler
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Hartzler:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mike McIntyre
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McIntyre:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Derek Kilmer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kilmer:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Adam Smith
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Robert C. "Bobby" Scott
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Scott:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Allyson Y. Schwartz
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Schwartz:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Aaron Schock
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Schock:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mark Pocan
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Pocan:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable G.K. Butterfield
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Butterfield:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Jeff Fortenberry
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Fortenberry:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mike Michaud
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Michaud:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Rick Crawford
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Crawford:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Jim McDermott
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McDermott:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Joe Courtney
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Courtney:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Carol Shea-Porter
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Shea-Porter:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Juan Vargas
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Vargas:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Marcy Kaptur
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Kaptur:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Rick Larsen
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Larsen:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Adrian Smith
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

AUG 19 2014

OFFICE OF
AIR AND RADIATION

The Honorable Chellie Pingree
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Pingree:

Thank you for your letter dated June 26, 2014, to President Barack Obama, concerning the U.S. Environmental Protection Agency's proposal for the 2014 federal volume mandates under the Renewable Fuel Standard (RFS) program.

On November 29, 2013, the EPA published in the *Federal Register* a proposed rule that would establish the 2014 RFS volume standards. In developing the proposed volumes, the EPA used the most recent data available and took into consideration multiple factors. Our analysis included an evaluation of both the expected availability of qualifying renewable fuels as well as factors that, in some cases, limit supplying those fuels to the vehicles and equipment that can consume them. On the basis of our analysis, we proposed to reduce the required volumes from statutory levels for 2014 for cellulosic biofuel, advanced biofuel, and total renewable fuel. We proposed to maintain the same volume for biomass-based diesel for 2014 and 2015 as was adopted for 2013, but we requested comment on whether to raise the biomass-based diesel volume requirement.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JUL - 9 2014

OFFICE OF
AIR AND RADIATION

The Honorable Pat Toomey
United States Senate
Washington, D.C. 20510

Dear Senator Toomey:

Thank you for your letter to President Barack Obama concerning the U.S. Environmental Protection Agency's proposal to reduce the 2014 federal volume mandates under the Renewable Fuels Standard (RFS) program, and urging the EPA to promulgate the final standards as soon as possible. I have been asked to respond on his behalf.

The EPA is currently working to issue the final RFS volume standards for 2014 as quickly as possible. We recognize that the process for issuing the annual RFS volume standards needs to get back on the schedule established by law. The RFS involves a range of complex environmental, energy, and agricultural issues, and many of the topics we address in the 2014 proposed rulemaking in particular are both novel and complex. We received a large volume of comments on the proposal, and need to ensure that we review those comments throughly and address additional information provided to us. We are currently considering how to improve the annual RFS rule development process in order to meet the statutory deadlines on a regular basis in the future.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

JUL - 9 2014

OFFICE OF
AIR AND RADIATION

The Honorable Mark Pryor
United States Senate
Washington, D.C. 20510

Dear Senator Pryor:

Thank you for your letter to President Barack Obama concerning the U.S. Environmental Protection Agency's proposal to reduce the 2014 federal volume mandates under the Renewable Fuels Standard (RFS) program, and urging the EPA to promulgate the final standards as soon as possible. I have been asked to respond on his behalf.

The EPA is currently working to issue the final RFS volume standards for 2014 as quickly as possible. We recognize that the process for issuing the annual RFS volume standards needs to get back on the schedule established by law. The RFS involves a range of complex environmental, energy, and agricultural issues, and many of the topics we address in the 2014 proposed rulemaking in particular are both novel and complex. We received a large volume of comments on the proposal, and need to ensure that we review those comments throughly and address additional information provided to us. We are currently considering how to improve the annual RFS rule development process in order to meet the statutory deadlines on a regular basis in the future.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at haman.patricia@epa.gov or (202) 564-2806.

Sincerely,

Janet G. McCabe
Assistant Administrator

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

MAR 2 2 2013

OFFICE OF
AIR AND RADIATION

The Honorable James M. Inhofe
United States Senate
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your letter of February 4, 2013, co-signed by four of your colleagues, expressing concerns with the U.S. Environmental Protection Agency's forthcoming proposed regulations for motor vehicle emissions and gasoline standards known as the "Tier 3" standards.

The EPA is developing proposed Tier 3 standards to improve air quality by reducing harmful pollutants emitted from motor vehicles, and to create a harmonized national vehicle emissions control program. Similar to the Tier 2 standards referred to in your letter, we expect the proposed Tier 3 standards to be based on a "systems approach" that includes proposed vehicle emission standards as well as proposed reductions in gasoline sulfur content. Considering the vehicle and its fuel as an integrated system enables technologically feasible and cost-effective emission reductions beyond what would be possible looking at vehicle and fuel standards in isolation.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Gina McCarthy
Assistant Administrator

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

MAR 2 2 2013

OFFICE OF
AIR AND RADIATION

The Honorable Mary L. Landrieu
United States Senate
Washington, D.C. 20510

Dear Senator Landrieu:

Thank you for your letter of February 4, 2013, co-signed by four of your colleagues, expressing concerns with the U.S. Environmental Protection Agency's forthcoming proposed regulations for motor vehicle emissions and gasoline standards known as the "Tier 3" standards.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Gina McCarthy
Assistant Administrator

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

MAR 2 2 2013

OFFICE OF
AIR AND RADIATION

The Honorable Heidi Heitkamp
United States Senate
Washington, D.C. 20510

Dear Senator Heitkamp:

Thank you for your letter of February 4, 2013, co-signed by four of your colleagues, expressing concerns with the U.S. Environmental Protection Agency's forthcoming proposed regulations for motor vehicle emissions and gasoline standards known as the "Tier 3" standards.

The EPA is developing proposed Tier 3 standards to improve air quality by reducing harmful pollutants emitted from motor vehicles, and to create a harmonized national vehicle emissions control program. Similar to the Tier 2 standards referred to in your letter, we expect the proposed Tier 3 standards to be based on a "systems approach" that includes proposed vehicle emission standards as well as proposed reductions in gasoline sulfur content. Considering the vehicle and its fuel as an integrated system enables technologically feasible and cost-effective emission reductions beyond what would be possible looking at vehicle and fuel standards in isolation.

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Sincerely,

Gina McCarthy
Assistant Administrator

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

MAR 2 2 2013

OFFICE OF
AIR AND RADIATION

The Honorable David Vitter
United States Senate
Washington, D.C. 20510

Dear Senator Vitter:

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Sincerely,

Gina McCarthy
Assistant Administrator

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

MAR 2 2 2013

OFFICE OF
AIR AND RADIATION

The Honorable John Hoeven
United States Senate
Washington, D.C. 20510

Dear Senator Hoeven:

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Sincerely,

Gina McCarthy
Assistant Administrator

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

OCT 29 2013

OFFICE OF
AIR AND RADIATION

The Honorable David Vitter
United States Senate
Washington, D.C. 20510

Dear Senator Vitter:

Thank you for your letter to President Barack Obama dated August 1, 2013, co-signed by two of your colleagues, in which you express concerns about the potential for increased fuel prices and engine damage as a result of the Renewable Fuel Standard (RFS) program. Your letter requests that the U.S. Environmental Protection Agency address these concerns using its authority to waive the 2014 RFS volume requirements. The EPA Administrator Gina McCarthy recognizes the importance of the issue to you and your constituents. She has asked that I respond on the agency's behalf.

Compliance with the RFS program is demonstrated through the use of Renewable Identification Numbers (RINs) – tradable credits that represent production of qualifying renewable fuel. In the final rule establishing the required RFS volumes for 2013, the EPA determined that there will be sufficient RINs available in the market to comply with the statutory volume requirements for advanced biofuel and total renewable fuel in 2013.

However, a number of obligated parties and other stakeholders have communicated their concerns to the EPA about constraints on the ability to consume ethanol in excess of the level at which the fuel supply is all or nearly all E10 – commonly referred to as the ethanol "blendwall" – and they indicated that compliance with the 2014 statutory volume requirements is expected to be difficult. As the EPA stated in the final rule for 2013, we plan to address this issue by proposing adjustments to the 2014 volume requirements, including to both the advanced biofuel and total renewable fuel categories. The EPA is in the process of completing the 2014 proposal now and we understand the importance of proposing this rule quickly.

In the 2013 RFS final action, the EPA also provided additional lead time to obligated parties by extending the date by which compliance with the 2013 standards must be demonstrated to June 30, 2014. The EPA chose this date because we anticipate issuing a final rule setting the RFS volume requirements for 2014 before that date. This should allow obligated parties to take their 2014 obligations into consideration as they determine how to utilize RINs for 2013 compliance. We believe that this addresses concerns that have been expressed about the short-term uncertainty in the market for RINs.

Together with the U.S. Department of Agriculture (USDA) and the U.S. Department of Energy (DOE), we have been monitoring RIN price activity closely. We recognize the importance of this issue and we will continue to engage with our partners at the USDA and the DOE to assess current RIN price activity and any related impacts.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Pat Haman in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-2806.

Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

OCT 29 2013

OFFICE OF
AIR AND RADIATION

The Honorable Mark Pryor
United States Senate
Washington, D.C. 20510

Dear Senator Pryor:

Thank you for your letter to President Barack Obama dated August 1, 2013, co-signed by two of your colleagues, in which you express concerns about the potential for increased fuel prices and engine damage as a result of the Renewable Fuel Standard (RFS) program. Your letter requests that the U.S. Environmental Protection Agency address these concerns using its authority to waive the 2014 RFS volume requirements. The EPA Administrator Gina McCarthy recognizes the importance of the issue to you and your constituents. She has asked that I respond on the agency's behalf.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

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

OFFICE OF
AIR AND RADIATION

OCT 2 9 2013

The Honorable James Inhofe
United States Senate
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your letter to President Barack Obama dated August 1, 2013, co-signed by two of your colleagues, in which you express concerns about the potential for increased fuel prices and engine damage as a result of the Renewable Fuel Standard (RFS) program. Your letter requests that the U.S. Environmental Protection Agency address these concerns using its authority to waive the 2014 RFS volume requirements. The EPA Administrator Gina McCarthy recognizes the importance of the issue to you and your constituents. She has asked that I respond on the agency's behalf.

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Sincerely,

Janet G. McCabe
Acting Assistant Administrator

To: Stephens, Jeff[Ex. 6 - Personal Privacy]
Cc: Maher, Jessica A.[Ex. 6 - Personal Privacy]; Distefano, Nichole[Distefano.Nicole@epa.gov]
From: Vaught, Laura
Sent: Thur 10/2/2014 8:22:30 PM
Subject: FW: McCabe confirmation QFRs
McCabe QFRs OAR Final.Clean.doc.docx
4.8.14 Hearing Follow Up Questions - McCabe.pdf

Per conversation – attached are Janet's nomination hearing QFR's for your review. Thanks!

BARBARA BOXER, CALIFORNIA, *CHAIRMAN*

THOMAS R. CARPER, DELAWARE
BENJAMIN L. CARDIN, MARYLAND
BERNARD SANDERS, VERMONT
SHELDON WHITEHOUSE, RHODE ISLAND
TOM UDALL, NEW MEXICO
JEFF MERKLEY, OREGON
KIRSTEN GILLIBRAND, NEW YORK
CORY A. BOOKER, NEW JERSEY
EDWARD J. MARKEY, MASSACHUSETTS

DAVID VITTER, LOUISIANA
JAMES M. INHOFE, OKLAHOMA
JOHN BARRASSO, WYOMING
JEFF SESSIONS, ALABAMA
MIKE CRAPO, IDAHO
ROGER WICKER, MISSISSIPPI
JOHN BOOZMAN, ARKANSAS
DEB FISCHER, NEBRASKA

BETTINA POIRIER, *MAJORITY STAFF DIRECTOR*
ZAK BAIG, *REPUBLICAN STAFF DIRECTOR*

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

April 24, 2014

Janet McCabe
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. McCabe:

Thank you for appearing before the Committee on Environment and Public Works on April 8, 2014 at the hearing entitled, "Hearing on the Nominations of Janet G. McCabe to be the Assistant Administrator for Air and Radiation of the U.S. Environmental Protection Agency (EPA), Ann E. Dunkin to be the Assistant Administrator for Environmental Information of the EPA, and Manuel H. Ehrlich, Jr., to be a Member of the Chemical Safety and Hazard Investigation Board." We appreciate your testimony and we know that your input will prove valuable as we continue our work on this important topic.

Enclosed are questions for you that have been submitted by Senators Boxer, Vitter, Inhofe, Sessions, Boozman and Fischer for the hearing record. Please submit your answers to these questions by COB May 8, 2014, to the attention of Drew Kramer, Senate Committee on Environment and Public Works, 410 Dirksen Senate Office Building, Washington, DC 20510. In addition, please provide the Committee with a copy of your answers via electronic mail to Drew_Kramer@epw.senate.gov. To facilitate the publication of the record, please reproduce the questions with your responses.

Again, thank you for your assistance. Please contact David Napoliello of the Majority Staff at (202) 224-8832, or Bryan Zumwalt of the Minority Staff at (202) 224-6176 with any questions you may have. We look forward to reviewing your answers.

Sincerely,

Barbara Boxer
Chairman

David Vitter
Ranking Member

PRINTED ON RECYCLED PAPER

Environment and Public Works Committee Hearing
April 8, 2014
Follow-Up Questions for Written Submission

Questions for McCabe

Questions from:

Senator Boxer:

1. The Office of Air & Radiation will devote significant resources to implement the President's Climate Action Plan which calls for using the Clean Air Act to set limits on carbon pollution from cars, trucks, and power plants. Over the Clean Air Act's forty-plus year history can you describe the benefits that the Act has provided to the nation's health and economy and how the EPA's carbon pollution standards will provide similar benefits?

2. Prior to the EPA proposing any new national ambient air quality standard the Agency goes through a thorough and exhaustive process to ensure the peer-reviewed science, opinions of all stakeholders, and the views of the general public are heard and considered. Could you please describe the process and numerous steps the Agency takes during the setting of these air pollution standards that ensures any interested party has full opportunity to submit opinions and substantive information to the agency before any decision-making is completed? Will you ensure this rigorous process is followed in future rulemakings?

Senator David Vitter

1. Would you agree that efficiency improvements could be a cost-effective way to lower CO_2 emissions from existing power plants? What is EPA doing to remove barriers to efficiency improvements caused by your New Source Review program?

2. Under President Obama's direction, your office is working to release new greenhouse gas regulations on existing power plants by June 1st. This has never been done before, and the rules have the potential to be among the most complex and costly in EPA history. While I am obviously concerned about the economic impacts of these rules, I am equally concerned about what appears to be a rushed rulemaking timeline that doesn't allow for those impacts to be fully considered. Take small business for example. The Regulatory Flexibility Act requires EPA to evaluate how its rules could impact small businesses.

   a. Would EPA agree that the existing source proposal has the potential to impact small businesses?

   b. Does EPA plan to convene a small business advisory panel under the Regulatory Flexibility Act to evaluate how the rule could impact small businesses and consider less burdensome alternatives?

3. In the proposed standards for new power plants, EPA claims that the use of CCS "components" at ***non-power plant industrial facilities*** proves that full-scale integrated CCS systems are adequately demonstrated. However, in 2010, EPA co-drafted a report concluding that, "the integration of CO_2 capture, transportation, and permanent sequestration at commercial-scale, coal-fired power generating facilities ***has not yet been demonstrated***."

   a. How can EPA say that the integration of CCS components has been adequately demonstrated when the research it cites says the opposite?

   b. Has EPA ever before proposed a standard which no single unit within the regulated category has previously met?

   c. Does EPA, in your view, have the authority to set standards without actual operating data? Can the agency set speculative standards?

4. In many instances the Clean Air Act (CAA) establishes cooperative federalism between States and EPA. This concept is included in Section 111 of the CAA:

   a. Is it your understanding that, for existing power plants, EPA would issue a "guideline" but States have the lead in setting case-by-case emission standards?

   b. How much compliance time is EPA planning on allowing the states?

   c. A number of stakeholders have made clear that while EPA issues a "guideline," the Clean Air Act authorizes States to make case-by-case determinations as to NSPS limits for existing plants. And that, if certain appropriate criteria are met, an individual plant might be assigned

a longer compliance period or less stringent standard. Going forward, is EPA committed to honoring this cooperative federalism structure?

d. Will EPA adopt a program that will force new retirements of coal units, especially those that have invested in installing new pollution controls to comply with previous EPA rules?

5. In 2010, EPA proposed ozone National Ambient Air Quality Standards (NAAQS) which could have tripled the number of counties that would become non-attainment for ground level ozone. In fact, many of America's most pristine national parks would have failed those standards:

   a. Has EPA given serious thought to the potential impacts of a new, lower standard on rural areas in the intermountain west? How would these sparsely populated areas be able to comply with lowered standards?

   b. How is EPA planning on addressing the unique regional meteorology of varied parts of the country with a national standard? The topography and meteorology in the intermountain west is much different from the I-95 corridor – how can one national standard thoroughly address these differences?

6. What are EPA's intentions with respect to a new transport pollution rule?

   a. Will EPA ensure that states and utilities are given adequate time to comply with the rule?

7. EPA had determined that electric generating units in the East that were subject to the Clean Air Interstate Rule (CAIR) program did not have to comply with regional haze best available retrofit technology (BART) requirements because CAIR would reduce emissions more than BART. When EPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR), it revoked the determination that compliance with CAIR constituted compliance with BART, and instead determined that compliance with CSAPR constituted compliance with BART. Since CSAPR was overturned by the D.C. Circuit in 2012:

   a. Does EPA plan to return to its determination that compliance with CAIR constitutes compliance with BART?

   b. If not, does EPA intend to subject electric generating stations in the East to regional haze BART requirements on a source by source basis?

   c. When does EPA expect to decide?

8. EPA has been collecting Renewable Fuel Standard (RFS) Renewable Identification Number (RIN) price information on every trade in the last three years. In fact, they can only be traded on EPA's electronic exchange. Has EPA released RFS RIN price information to the public in any form?

9. EPA is required by the Energy Independence and Security Act of 2007 to promulgate annual Renewable Fuel Standard (RFS) volumes by November 30 of the previous year. For the 2013 volumes, you were nine months late, but those standards were retroactive to the beginning of 2013. You also missed this deadline for 2014 and have not yet promulgated volumes for 2014.

What steps have you taken to get back on the statutory schedule for the annual rulemaking on RFS volumes?

10. What are some of the key assumptions underlying your 2014 proposed RVO? What was the basis of those assumptions?

11. What is the timeframe for finalizing the RIN quality assurance program rule? Are you aware of any other ongoing investigations into RIN fraud?

12. According to the regulatory impact analysis of your recent Tier 3 sulfur rule, the regulation will require refineries to install equipment that would increase energy consumption and thus increase greenhouse gas emissions from refineries. EPA has also indicated it will pursue a refining GHG NSPS next year and plans to continue using its Title V permitting authority to reduce GHGs. How will EPA take into account its own regulation that increase GHGs when placing new burdens on the companies that make gasoline and diesel?

13. According to your regulatory impact analysis of the RFS, the law will increase ozone levels in many counties- including those that are already out of attainment. Will your forthcoming standards take into account other federal policies that are forcing increases in ozone levels?

14. Did EPA estimate how many parts per billion of ozone will be reduced by the Tier 3 mobile source rule?

15. Has EPA estimated how much lower the global level of carbon dioxide will be if the proposed NSPS 111(b) new source and 111(d) existing source rules are finalized? If not, why not?

16. Will EPA include and consider an assessment of the financial stability of the companies it relies upon when setting cellulosic production mandates?

17. Recent press reports cite that the cost to refiners for RIN credits to comply with the RFS in 2013 exceeded $1.35 billion dollars. Will EPA keep the 2014 ethanol mandate below 9.7% to avoid these significant, artificial costs to the economy and the public?

18. EPA is now on its second attempt proposing GHG NSPS– the Agency withdrew the first version over concerns it could not sustain legal challenges. Yet, EPA re-proposed the GHG NSPS ignorant that its reasoning violated the Energy Policy Act of 2005's express prohibition against considering federally subsidized clean coal projects as adequately demonstrated technology. Nearly 5 months after signing the new proposal, the Agency released an after-the-fact, attempt at explaining this violation of congressional intent. Is it prudent for the Agency to finalize the proposal that violates or appears to violate congressional intent? How does the provide certainty to those the Agency seeks to regulate?

19. EPA has recently issued new more stringent NAAQS without at the same time providing States and business critical implementation and permitting information. Will you commit to EPA issuing updated implementation tools and policies at the time a new NAAQS is issued, so that businesses have a reasonable opportunity to secure the permits needed to build or expand facilities?

20. EPA estimates that the 2010 ozone NAAQS reconsideration would have cost American manufacturing, agriculture and other sectors over $90 billion per year. In analyzing these regulations, does EPA consider the economic and environmental effects of driving manufacturing offshore to countries with little or no environmental controls?

21. In 2010, EPA co-drafted a report concluding that "until [CCS] systems are constructed and successfully demonstrated at full scale, uncertainty over the technology's performance and cost yield a substantial risk premium for early projects." How can EPA now say that technology with a "substantial risk premium" is adequately demonstrated?

22. EPA cites three studies in the "literature" section of the GHG NSPS's "technical feasibility" discussion of CCS. Yet, EPA leaves out that one of those studies concludes that "there is truth to the often heard assertion that CCS has never been demonstrated at the scale of a large commercial power plant," another assumes carbon capture is "unproven technology" and the other – which EPA co-drafted – says that carbon capture has "not been demonstrated at a scale necessary to establish confidence for power plant application." Does EPA accurately portray the science on CCS when it selectively characterizes studies in this manner?

23. The Clean Air Act says EPA is supposed to set new source performance standards by looking at technology actually in use and determining what technology has been "adequately demonstrated" taking into account cost. But in the GHG NSPS, EPA conducts this analysis by looking at DOE modeling. Does it make sense that EPA analyzed the current state of CCS technology through hypothetical modeling results?

24. It is our understanding that there are 78 sole source aquifers in the United States, some of which are located under major cities, such as Baton Rouge, LA, San Antonio, TX, Austin, TX, Miami, FL, and Sante Fe, NM, among others. Under the Safe Drinking Water Act, EPA is authorized to address possible contamination of sole source aquifers from the disposal of storm water or waste water treatment facilities. Has the Office of Air and Radiation sought an opinion from the Office of Water about the long-term sequestration of CO_2 in proximity to a sole source aquifer since pipelines would have to either pass through or underneath such an aquifer? If it has failed to do so, please explain.

    a. Isn't this issue relevant to EPA's determination that CCS is the best system of emissions reduction adequately demonstrated to reduce CO_2 emissions from fossil fuel-fired power plants?

25. The technical support documents and other materials accompanying the proposed NSPS for new fossil fuel-fired power plants do not show any research on cross-media issues by EPA's Office of Water or Office of Solid Waste that address the injection and long-term sequestration of CO_2 underground. Nor do they show any research on potential contaminants that might travel with the CO_2 separated from power plants. The technical support documents and other materials do point to the Class VI and Class II programs for oil and gas injection wells. Please explain how either of these programs could apply to new coal fired power plants sequestering CO_2 that would be built outside of states with oil and gas recovery areas?

    a. Is EPA presuming that all CO_2 emissions would be sent via pipeline to oil and gas recovery areas? Has the agency conducted an analysis that the oil and gas industry could use all of this

CO_2? Has the agency conducted an analysis of the amount of specialty pipelines that would need to be constructed to move all the CO_2 from non-oil and gas recovery areas to oil and gas recovery areas?

26. Please explain how EPA asserts that both the separation and sequestration of CO_2 processes are commercially demonstrated based on the four projects the proposed NSPS cites when none of those plants are operational? In fact, isn't it the case that three of the four projects have not even been constructed yet and the fourth project at the Kemper Plant in Mississippi has not injected any CO_2 into the ground?

27. The proposed NSPS for new fossil fuel-fired power plants asserts there will be a negligible increase in the cost for electricity as a result of the proposal because: (1) most new power plants that will be constructed will be fueled by natural gas due to low gas prices and (2) CCS costs will fall over time as the technology becomes more widely used. However, in the time since the proposed rule was published in the Federal Register, natural gas prices have gone from $4.00 mcf to $6 mcf. In the PJM RTO market, gas prices increased to $40, which resulted in wholesale electricity prices of $761 per MWh. MISO experienced increases as well that translated to wholesale prices of $219 per MWh. Please explain how EPA concludes that the levelized costs of electricity will be marginally affected by the proposed NSPS given the volatility of natural gas price historically and the widely expected increase in use of natural gas for electricity generation?

28. During the January 21, 2014, EPA Science Advisory Board conference call, several representatives from electric utilities spoke about how CCS would not be feasible in their states for a variety of reasons. A speaker from a NY utility discussed how while there was sufficient local cap rock to hold CO_2 underground, New York state law precludes the injection of CO_2 into the ground because such gas would stretch beyond the subsurface owned by the utility. Any leakage of the gas into the subsurface of another property owner would constitute a legal trespass. Thus, the utility would be precluded from using CCS technology at coal-fired power plant.

    a. Has EPA considered how state laws might preclude the use of CCS technology? Can you provide the committee of an example of where EPA has mandated the use of a technology that would be barred by state law?

29. During the January 21, 2014, EPA Science Advisory Board conference call, a representative of a Michigan utility discussed how the utility wanted to build a new coal-fired power plant using CCS technology. No vendors would provide the utility with a price warranty or guarantees on performance of the CO_2 injection because of the novelty of the technology. As a result, the utility decided to instead build a new natural gas-fired power plant that would meet both the 2012 and 2014 proposed New Source Performance Standard for natural gas combined cycle (NGCC) plants. The state of Michigan then asked the utility to provide an explanation why the new NGCC plant would not use CCS.

    a. While the proposed NSPS asks for comments on natural gas plants and CCS, it does state that EPA does not have enough information to make a decision about requiring CCS technology on NGCC plants. Can you please explain to the committee why the state of Michigan would require a utility to conduct a CCS feasibility study on a proposed NGCC plant that would emit 970 lb CO_2/MWh? Is the EPA region 5 Office telling state air regulators to require

permitees to conduct such studies on all fossil fuel fired power plants? Does EPA find it troubling that no vendors will provide guarantees of performance on CCS technology?

30. The In Salah CO_2 sequestration project in Algeria was stopped in November 2012 when BP discovered that the CO_2 moved within the rock formation several years after injection began. The In Salah project raises questions about the adequacy of the seal of caprock. While no CO_2 was released into the atmosphere and no one was harmed by the cracking of the rock, the project demonstrates that sequestration is still extremely experimental, even after seven years of operation. There are a host of unanswered questions related to the long-term sequestration of CO_2, including subsurface water contamination, migration of CO_2 underground, potential Superfund liability, the impact of sequestration on navigable waters, and impact of sequestration on endangered species.

    a. Can you please provide the committee with a detailed explanation of the peer review science examining these issues?

31. In moving to dismiss the State of Nebraska challenge to EPA's violation of the Energy Policy Act of 2005, EPA represented to the District Court on March 18, 2014 that the publication of the NSPS proposal has no legal consequences and determines no rights or obligations. Are agencies conducting PSD and NSR permitting under no obligation to consider findings in NSPS proposals?

32. On November 12, 2013, the SAB Work Group recommended that SAB provide EPA advice and comments on the scientific and technical basis for long term carbon storage. EPA pressured SAB not to do so, and in response on January 29, 2014 SAB decided not to provide advice and comments in deference to "EPA's legal view, communicated to the SAB from EPA's Office of Air and Radiation, that the portion of the rulemaking addressing coal-fired power plants focuses on carbon capture and that the regulatory mechanisms for addressing potential risks associated with carbon sequestration are not within the scope of the Clean Air Act." Provide documentation of all EPA contact with SAB and all documents discussing the recommendation to SAB from November 12 to January 29. When did EPA formulate this view? Provide any documents that show EPA formulated and held this view prior to the Work Group sending EPA questions on September 6, 2013.

33. The SAB Work Group found the NSPS proposal is based on two studies by the Department of Energy National Energy Technology Laboratory that were not subject to adequate peer review. EPA had wrongly claimed to SAB that all NETL studies cited in the proposal were peer reviewed. What, if any, studies cited in the NSPS proposal did EPA determine meet EPA's standards for peer review prior to posting the proposal online? Provide all documentation that supported any such determinations.

34. Comments on the draft of the proposed NSPS submitted to OMB noted that the draft did not discuss the feasibility of long term CO2 storage. In response, EPA "added additional language to the preamble regarding sequestration of CO_2." Exactly what language did EPA add in response to these comments? When did EPA draft this language? What personnel where involved? What research supporting the language was conducted?

35. The NSPS proposal discusses a study that models geologic sequestration published in the American Journal of Science. EPA states that the study "estimated that about 93 million metric tons of CO_2 were injected and about 38 million metric tons were produced from 1972 to 2005" at the SACROC Unit in western Texas "resulting in a geologic CO_2 accumulation of 55 million metric tons of CO_2." The use of this statistic and the unusual way the study is cited in the NSPS proposal suggest that those responsible for this discussion did not obtain or read the study and instead reviewed only the online abstract. The abstract included the statistic merely as a back of the envelope estimate of total CO_2 injected. Provide evidence that the EPA personnel responsible for this language obtained and reviewed the study, not just the online abstract.

36. The Clean Air Act relates the effective date of national new source emission standards back to the date of proposal in the Federal Register. The Clean Air Act also requires such standards be finalized in one year in order to prevent abuse of the relation back to the date of proposal. Provide all documents discussing the relation back of the effective date for national new source standards in relation to greenhouse gases. Provide all documents discussing the immediate effects of proposing national new source standards on construction of new sources.

37. How do you plan to adhere to the objectivity requirements of the Data Quality Act in the face of increasing politicization of the climate change scientific debate?

38. Are you concerned about the disproportionate impact that new EPA electric utility standards will have upon the U.S. coal industry and its workers?

39. If employment evaluations reveal that EPA's new electric utility standards are likely to result in major job losses in the U.S. coal industry, how should that be taken into account by EPA in the administration and enforcement of the Clean Air Act?

40. In March 2012, the U.S. Environmental Protection Agency (EPA) announced that they would formally revise the rule establishing criteria and procedures for use in determining if air quality monitoring data has been influenced by exceptional events. EPA indicated the intent to notice a proposed exceptional events rule in late 2013 or early 2014, which would then be followed by a formal public comment period. A final rule was expected to be published by late 2014 or early 2015.

    a. Can you please provide an accurate and up-to-date timetable for the exceptional events rulemaking including when the agency anticipates noticing the proposed rule?

41. The prospect of a forthcoming rulemaking on exceptional events is encouraging. While EPA has issued a series of guidance documents aimed at offering clarity to the exceptional events process, the process by which states submit "exceptional event demonstrations" for review by EPA remains complicated, unpredictable, long, and expensive. The exceptional events rule ought to produce a consistent, commonsense, cost-effective, and timely process through which states are afforded an opportunity to exempt air quality standard exceedances caused by naturally occurring events outside of their control.

    a. Will the forthcoming exceptional events proposed rule streamline the process and reduce the regulatory burden on air quality planners at the state level?

    b. Will the proposed rule provide much needed consistency and predictability to a process that has been notorious for the lack of both?

c. Does EPA require new legislative authority to provide air quality planners at the state level with a set of clear timelines associated with their exceptional events demonstration and a mechanism to appeal EPA's decisions with respect to them?

42. On February 7, 2014, EPA's Office of Atmospheric Programs, on behalf of the United States Global Change Research Program (USGCRP), published a federal register notice requesting public engagement in the Interagency Special Report on the Impacts of Climate Change on Human Health in the United States. This report, part of the President's Climate Action Plan, and initiated by the Interagency Crosscutting Group on Climate Change and Human Health (CCHHG), is to be "an evidence-based, quantitative assessment of observed and projected climate change impacts on human health in the United States." It is our understanding that EPA will provide staff support, including where appropriate contractor support, coordinating functions, and regular updates. Further, EPA is drafting two chapters in the report on heat-related deaths and impacts from air pollution that is aggravated by climate change.

    a. Please describe in detail the staff support, including contractor support, to be provided or being provided to the development and drafting of this report. Please provide the names and titles of all individuals in OAR responsible for or contributing to EPA's role in the report.

    b. Please detail the procedure by which the meetings of the group will be memorialized. Will there be formal transcription and meeting minutes made available to the public?

    c. Please describe in detail the "air quality" review being performed by EPA for use in the report. Will this review include ozone and particulate matter and if so would these be qualitative and quantitative assessments for both? Please provide an explanation of the models being used as part of this review.

    d. Please describe in detail the use of the study in new air quality standards, including those for GHGS, ozone and particulate matter.

    e. Please describe in detail the definition and universe of "extreme temperature events" being catalogued and reviewed as part of the study.

    f. Please describe in detail how uncertainty, including in climate impacts will be accounted for in the Chapters being developed by the Agency.

    g. Please describe in detail how potential health benefits associated with potential increased temperatures will be examined. Please describe in detail how the potential health effects of reduced economic growth or employment as a result of prevention and mitigation strategies will be examined.

    h. Please describe in detail the schedule for the development, including public comment, peer review, and issuance of final documents, of the report.

43. The Natural Resources Defense Council (NRDC) issued a suggested framework for the EPA's upcoming 111(d) greenhouse gas proposal. NERA economic consulting performed an analysis of the NRDC proposal that projects annual compliance costs of $13-$17 billion per year and total consumer costs of $116 billion to $151 billion over the period 2018-2033. Please compare and contrast any similarities and differences between the NRDC proposal and the proposal sent to OMB for review.

44. Please explain in detail EPA's timetable for the "mid-term review" of its Phase II Light Duty Greenhouse Gas rules? Will this review include a sensitivity analysis examining a consumer's ability to afford ever-increasing fuel efficiency mandates and higher interest rates in the future? What agencies are or will be involved in the review? Please explain the Agency's plans for timely involvement of stakeholders during this process.

45. Concern surrounds the upcoming Heavy Duty Truck Phase II Fuel Economy proposal and whether it will be engine-focused or whole truck-focused. Will the proposed standard involve both engine and whole truck mandates?

46. It appears that zero emission vehicle (ZEV) sales are not going to meet California's 2025 goal of 15.4% of total sales. Sales in the Eastern U.S. appear to be even lower. Is there any discussion between EPA and the California Air Resources Board (CARB) to lower the ZEV standards to reflect actual demand?

47. EPA stated that the Interagency Working Group (IWG) on the Social Cost of Carbon (SCC) was convened by the Council on Economic Advisors and the Council on Environmental Quality. To your knowledge, were minutes of these meetings kept?

48. While EPA previously stated that non-governmental groups did not participate in IWG meetings, were these groups ever consulted? Was information provided to them for comment prior to the convening of IWG meetings?

49. Please explain in detail how the decision was made that the IWG would not develop its own models or data for the 2010 SCC estimates or the 2013 updates?

50. Please explain in detail how many EPA rulemakings since 2009 have not included the 7% discount rate as required by OMB Circular A-4. Please provide an updated list of EPA rulemakings that have included, utilized, or cited the 2010 SCC estimates or the 2013 updates.

51. Please explain in detail your involvement in the IWG, including whether you signed off on or gave verbal approval for any contributions made by your office, including the technical assistance and modeling provided by OAP.

52. Congress created the Clean Science Advisory Committee (CASAC) under the Clean Air Act giving it certain responsibilities. Specifically, there are five items listed in Section 109 that CASAC is required to do every 5 years as part of the process for reviewing the National Ambient Air Quality Standards (NAAQS). One instructs CASAC to advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of the NAAQS. Please explain in detail the number of times CASAC has advised the Administrator of the adverse economic and energy effects that may result from the responses necessary to meet the NAAQS.

53. It is my understanding that CASAC reviews documents prepared by EPA staff and responds to charge questions that also are presented by the Agency. Please explain in detail those studies and charge questions provided to CASAC by EPA, including during the current Ozone NAAQS review, that examine the adverse social, economic, or energy effects which may result from various strategies for attainment and maintenance of the NAAQS.

54. Please explain how as Assistant Administrator for the Office of Air and Radiation you will make publicly available the transcript, minutes, and webcast of CASAC meetings, including the CASAC Ozone Review Panel Meeting held March 25-27, 2014.

Senator James Inhofe

1. EPA responsibility?

   a. Ms. McCabe, if we find ourselves in a scenario where there are electricity blackouts during hot summer months around the country because of the EPA's policies, will you and the EPA take responsibility?

2. Electricity Reliability

   This brings me to another question about the broader impacts EPA's regulations have on the economy and on electricity generation.

   As we discussed in my office, 75% of our electricity comes straight from fossil fuels. About a third of that is from coal.

   EPA's greenhouse gas NSPS rules for new and existing generators make it impossible for us to have a diverse fuel supply going forward. With natural gas prices so low, nuclear has a difficult time competing, and your rules make it impossible to build a new coal fired power plant.

   You mentioned in our meeting that the rules are designed to give flexibility to states to implement the rules. But it seems that the only flexibility you're interested in is from renewables.

   a. Don't you think we're playing a dangerous game here with rate payers by relying so much on renewable fuels to hit the goals you're mandating in your rules?

   b. Just yesterday Administrator McCarthy said that "nothing we do can threaten [grid] reliability." With all of the looming plant closures and the many more that will come as a result of the greenhouse gas regulations, what have you done to ensure this is true?

   c. Are you willing to revisit and modify the Utility MACT rule and vitiate the 316(b) rule and your GHG regs so that the electricity grid's reliability isn't threatened and price shocks and black outs don't become the new reality?

3. Section 321(a)

   Ms. McCabe, in our meeting last week, I asked you why the analysis required under Section 321(a) of the Clean Air Act isn't being abided by. This is the part that requires the EPA to measure the number of jobs being lost across the whole economy because of the Clean Air Act rules. You said that EPA did not have the same interpretation of the law.

   Behind me, I have Section 321(a) on a chart, and it says, "The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provisions of this Act and applicable implementation plans..."

   a. Do you find anything vague about the plain language of this law that would enable the EPA to not keep track of the continuing impacts of the rules promulgated under the Clean Air Act?

   b. This seems very straight forward. Would you support legislation that requires EPA to look at the whole economy and not just the regulated entities like you do now?

4. Ozone NAAQS:

   a. Ms. McCabe, when do you plan to propose your next round of Ozone NAAQS?

   b. Do you think it's wise that the statute does not allow EPA to consider the costs when updating NAAQS?

   c. Would you support legislation that requires EPA to consider the economic impact of lowering a NAAQS?

   d. What steps are you taking to ensure CASAC considers the environmental and social impacts of a lower Ozone standard as required under the Clean Air Act?

   e. Will you agree to take comments on retaining the current standard for ozone if you propose a change in the ozone standard?

5. Methane Strategy

   Ms. McCabe, just two weeks ago the President released his comprehensive methane strategy. We spoke about this when you came into the office. It seems to me that the Agency is rushing to a decision to regulate the oil and gas industry's methane emissions, even though that might not be necessary.

   I'm concerned you aren't relying on good data when it comes to the oil and gas emissions estimates. I believe you rely too much on computer models and aerial measurements and not enough on surface level measurements. EPA recently made major reductions in the amount of methane emissions that are estimated to come from fracking, for instance, which I applaud.

   Right now there are a number of studies being done that will conduct these surface level methane emission measurements that will be reliable, accurate, and scalable across the entire country. It will provide much better oil and gas data than what you have now.

   a. Will you wait to make a decision to regulate until you have this new data at your disposal?

6. NAAQS in General

   EPA has recently issued new NAAQS without, at the same time, giving States and businesses implementation and permitting information. State Implementation Plans can take years to develop, but new NAAQS standards are effective immediately.

   a. Will you commit to EPA issuing updated implementation tools and policies at the same time a new NAAQS is issued, so that businesses can secure the permits they need?

7. Sue and Settle

   EPA often settles lawsuits and agrees to do things by a certain deadline.

a. Will you commit to allowing industry to participate in these settlement discussions that will impact them? Specifically with NY methane suit – will you allow oil and gas industry to be at the table?

Senator Jeff Sessions

1. Prior to joining EPA, did you file any written comments with EPA in relation to any environmental regulatory or policy matter, whether on your own behalf or on behalf of any agencies or organizations? If so, please provide my office with copies of any such written comments.

2. Using data from the U.S. Energy Information Administration, it is known that, from 2005 to 2011, total CO_2 emissions from the consumption of energy decreased in the United States by approximately 8.5% and decreased in the European Union by approximately 10%, while CO_2 emissions increased globally by 15%, led by an increase in China of 60% and an increase in India of 46%. While the U.S. and E.U. reduced their total CO_2 emissions from energy consumption by 955 million metric tons from 2005 to 2011, China and India increased their emissions by a combined 3,796 million metric tons. In other words, for every one ton of CO_2 reduced in the U.S. or E.U., China and India increased their emissions by four tons. In light of these figures, do you believe that reductions in U.S. CO_2 emissions, alone, will have any meaningful impact on global temperatures and climate change? If so, please describe the measurable impact on global temperatures and climate change that would be achieved through reductions in U.S. emissions, and the data that supports your view in this regard.

3. Do you believe that CCS systems have been "adequately demonstrated" as a technology for reducing CO_2 emissions from fossil fuel-fired power plants? Are there any fully operational coal-fired power plants in the United States, or the world, currently using CCS technology?

4. Please provide any other instances where, pursuant to authority under CAA Section 111, EPA has mandated technologies not yet used on a commercial basis.

5. Seventeen State Attorneys General recently released a white paper explaining that under the Clean Air Act, the States, and not EPA, determine what constitutes "adequately demonstrated" technology for the purposes of setting performance standards for existing power plants. Do you agree with this legal analysis by these State Attorneys General?

6. Will EPA continue to follow existing statutes and regulations and allow States to set less stringent GHG standards for existing power plants in light of "other factors" such as unreasonable costs or a power plant's remaining useful life?

7. An academic article entitled, "Information Manipulation and Climate Agreements," which was published in February 2014 in the *American Journal of Agricultural Economics*, states: "Linking climate change to extreme weather may be a powerful way to motivate people... The IPCC has tended to over-generalize its research results and accentuate the negative side of climate change... Taken together, considerable evidence suggests that international mainstream media and pro-environmental organizations have the tendency to accentuate or even exaggerate the damage caused by climate change... In this article, we suggest that information manipulation, which is generally overlooked in the literature, can be a novel and helpful mechanism for resolving the climate problem." Some news outlets picked up on this scientific report. In response, the researchers clarified that "we never advocate for lying on climate change," although they conceded in a posting on-line: "Our 'rationale' is essentially an explanation on why the media has incentives to accentuate or even exaggerate climate damage." Similarly, in a *New York Times* op-ed ("Global Warming Scare Tactics") from April 8, 2014, Ted Nordhaus and Michael Shellenberger outline the effect that climate change alarmism has on public opinion. When scientists and public officials repeatedly exaggerate the link between anthropogenic climate

change tied to carbon dioxide and increasing likelihood, severity, and frequency of natural disasters, the writers note that "more than a decade's worth of research suggests that fear-based appeals about climate change inspire denial, fatalism and polarization." This is borne out in the increase since 2006 in the percent of Americans who believe the media are exaggerating global warming claims, as noted in the op-ed.

a. Do you believe that exaggerating, manipulating data, or lying to promote the Administration's proposed actions on climate change is not acceptable?

b. Do you agree that, as a high government official, you must always speak truthfully about the scientific data and not exaggerate or manipulate data to promote a political, environmental, or other agenda?

c. Was the President correct when he asserted on November 14, 2012, that "the temperature around the globe is increasing faster than was predicted even 10 years ago"?

d. Was the President correct when he asserted on May 29, 2013, that "the climate is warming faster than anybody anticipated five or 10 years ago"?

e. Please provide a chart showing both the level of warming predicted ten years ago and the actual global temperature changes over the last ten years.

f. During the February 15th broadcast of *Morning Edition*, National Public Radio (NPR) reported on the President's trip to California and explained: "[Dr.] Holdren also says a key part of the President's message will be that global warming is making droughts more frequent and severe." In your view, are droughts becoming more frequent and severe? If yes, please provide the data you would rely upon to support that assertion.

g. Dr. Roger Pielke testified in our committee last year: "It is misleading, and just plain incorrect, to claim that disasters associated with hurricanes, tornadoes, floods, or droughts have increased on climate timescales either in the United States or globally." Have you reviewed the scientific reports prepared by Dr. Pielke? If not, will you review them and state if you agree or disagree with this statement?

8. In a March 12, 2014 hearing before the House Science Committee, you were asked to explain "some of the costs associated with the lack of action to address climate change and increasing emissions." You responded: "There are costs to our economy and to society from the impacts of climate change that is already happening. In 2013, there were seven extreme weather events. Which I think is a nice way of saying great, big, huge horrible storms that cost the economy over a billion dollars each. This is a real economic impact on our communities, our families across the country... The scientific community has identified a number of impacts of climate change. Among those are increased frequency and intensity of extreme weather events."

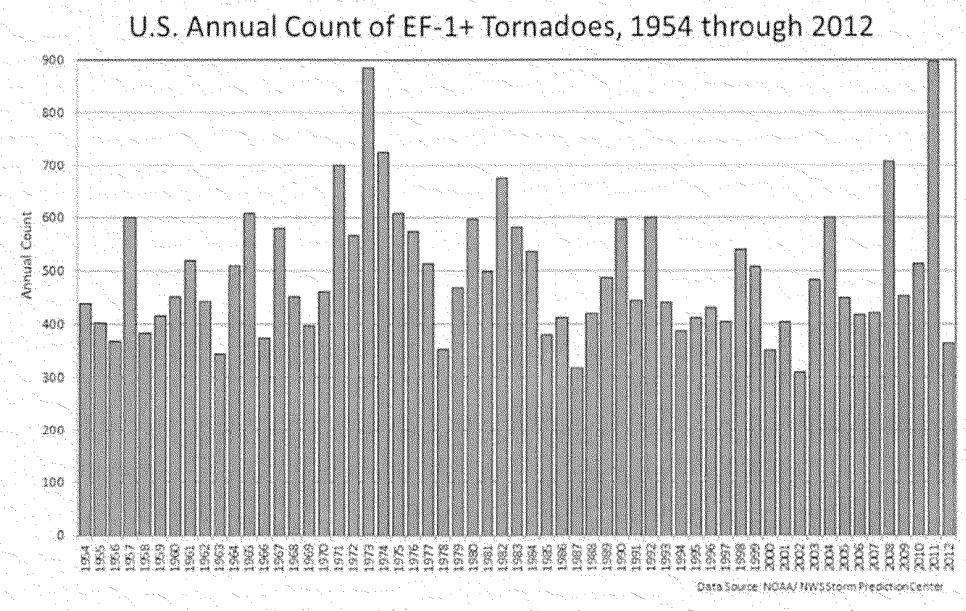
   a. Please describe with specificity the statistical evidence supporting your view that we are experiencing "increased frequency and intensity of extreme weather events."

   b. Please list the seven extreme weather events in 2013 that you were referring to in your House testimony.

   c. Does the statement quoted in subparagraph (a) reflect your current views?

9. According to data from the National Severe Storms Laboratory, from May 2012 to April 2013, the U.S. experienced a record low number of tornadoes (EF-1 or stronger) for a 12-month period. While the National Weather Service records for 2013 tornadoes are not yet complete, the total number of tornadoes (EF-1 or greater) in 2012 was far below the total number from 50 years ago (1962). In fact, the U.S. had more tornadoes in 45 out of the last 50 years than we had in 2012.

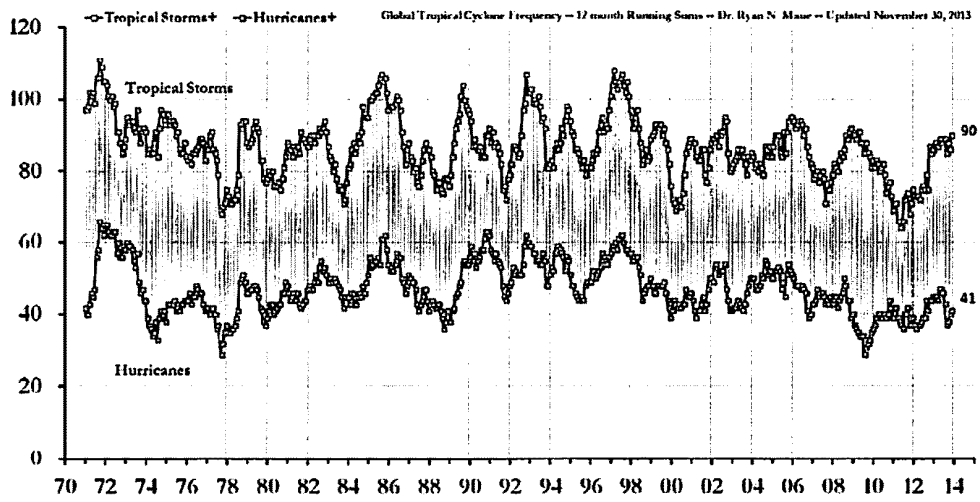
   a. Are you familiar with the chart below?



   b. In your view, is the United States experiencing more frequent tornadoes now than in the past 50 or 100 years? Please provide data that would support your view.

10. It has been eight years since the last major hurricane struck the United States—a lull that experts call an "extended and intense hurricane drought." Even the **IPCC's Fifth Assessment Report**, which was just released, acknowledges: "Current data sets indicate no significant observed trends in global tropical cyclone frequency over the past century."

   a. Are you familiar with the charts below?



Updated version of chart referenced in Written Testimony of Dr. Roger Pielke, Jr. (7/18/2013), attributed to Ryan Maue.

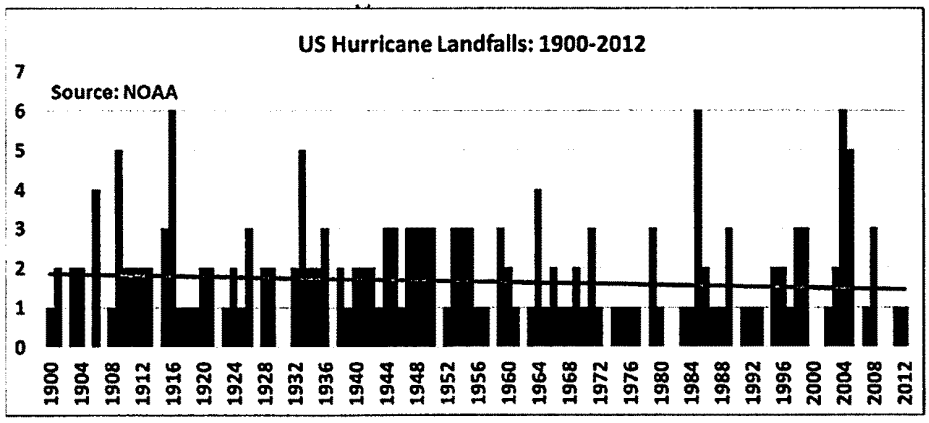


Figure 3a. Number of landfalling US hurricanes from 1900-2012. The red line shows the linear trend, exhibiting a decrease from about 2 to 1.5 landfalls per year since 1900. Source: NOAA.[12]

b. In your view, is the United States experiencing more frequent hurricanes over the last 50 or 100 years? Please provide data that would support your view.

c. Dr. Roger Pielke of the University of Colorado in Boulder testified in our committee last year: "Hurricanes have not increased in the US in frequency, intensity or normalized damage since at least 1900." Do you agree with this statement?

11. During the February 15th broadcast of Morning Edition, National Public Radio (NPR) reported: "[Dr. John] Holdren also says a key part of the President's message will be that global warming is making droughts more frequent and severe." Dr. Holdren is the President's top science advisor. Yet Dr. Pielke and other experts in our committee have shown, with actual data, that claims that we are experiencing more frequent droughts are "misleading, and just plain incorrect."

a. Do you believe that the United States is experiencing more frequent or severe droughts than in the past 50 or 100 years?

b. American Enterprise Institute (AEI) has evaluated the official drought data and found: "The Palmer Drought Severity Index shows no trend over the record period beginning in 1895 in terms of drought; more areas in the United States have experienced an increase in soil moisture than a decline." Do you recognize the Palmer Drought Severity Index as providing the best available data on present and historic drought severity?

c. The IPCC's Fifth Assessment Report found: "In summary, the current assessment concludes that there is not enough evidence at present to suggest more than low confidence in a global-scale observed trend in drought or dryness (lack of rainfall) since the middle of the 20th century due to lack of direct observations, geographical inconsistencies in the trends, and dependencies of inferred trends on the index choice. Based on updated studies, [IPCC 4th Assessment] conclusions regarding global increasing trends in drought since the 1970s were probably overstated..." Do you believe there is enough evidence to assert with confidence that the United States, or the world, has been experiencing more frequent and severe droughts as a result of climate change and increases in CO_2 levels in the atmosphere?

d. Despite the clear weight of the scientific evidence, Dr. Holdren responded to my questioning at our committee hearing in February by diminishing the value of the research and views of respected scientists, including Dr. Roger Pielke and Dr. Roy Spencer. In fact, after I read from the testimony of Dr. Pielke and Dr. Spencer about droughts—the same testimony referenced above—Dr. Holdren responded: "The first few people you quoted are not representative of the mainstream scientific opinion on this point." Do you believe that Dr. Pielke's view [i.e., that "It is misleading, and just plain incorrect, to claim that disasters associated with hurricanes, tornadoes, floods, or droughts have increased on climate timescales either in the United States or globally."] is in the mainstream of scientific opinion on this point? If it is not, please cite the "mainstream" authorities that support a different conclusion than his.

12. On December 17, 2013, all of my EPW Republican colleagues joined my letter to Administrator McCarthy asking for an accounting of the tax dollars that were wasted on the ozone reconsideration process that was never completed. This was a request I have been making for two years. In January, you wrote me a letter refusing to answer my question, stating: "it is difficult for [EPA] to estimate, with any meaningful precision, [those] expenses..." Please answer the following related questions in the affirmative or negative:

    a. Was EPA mandated by law to reconsider the 2008 ozone standard in 2010-2011?

    b. Did activist environmental groups urge EPA to reconsider the 2008 ozone standard?

    c. Did EPA spend taxpayer funds to reconsider the 2008 ozone standard?

    d. Is EPA capable of stating how much it spent in total on that process? Could EPA provide an estimate?

    e. Can EPA tell us how many employee-hours were spent on the ozone reconsideration?

    f. Did John Beale provide assistance, input or any other work on the ozone reconsideration process?

g. Did EPA hold public meetings in Virginia, Texas, and California about the ozone reconsideration? Can EPA tell us how much it spent holding those meetings?

h. Did EPA employees and officials incur travel costs from 2009-2011 as part of the ozone reconsideration process? Can EPA say how much?

i. Did EPA use any outside contractors and/or university/college researchers to assist with any aspects of the ozone reconsideration? Can you say how much was spent on such persons?

j. Did EPA receive thousands of public comments in response to the proposal?

k. Did EPA spend time and money to study and evaluate those comments? How much?

l. Does EPA track how much it spends on any regulation or rulemaking process?

m. Did you agree with the President's decision in 2011 to not move forward with the reconsideration of the ozone standard?

13. In 2011, when President Obama directed EPA to abandon its reconsideration of the ozone standard, he cited the importance of reducing burdens "particularly as our economy continues to recover." As EPA again reviews the Ozone NAAQS, how will EPA go about its work in a way that ensures that a new standard does not overburden a weakly recovering economy? As part of the upcoming ozone review, will EPA give serious consideration to keeping the existing standard in place? Is EPA concerned that it could set air standards so strict that manufacturing is driven off-shore to countries with few environmental laws?

14. In November, I wrote EPA with concerns about the Brick MACT issue. My letter was joined by 17 other Senators, and we sent the letter in coordination with a bipartisan group comprised of 53 House members including Rep. Terri Sewell of Alabama. In my office, I talked with you about the status of EPA's Brick MACT proposal. You acknowledged the legitimate concerns of the brick manufacturers and said you are "looking closely" at this issue and that you "understand that many impacted are small businesses or family businesses." And you said EPA is "looking for every flexibility" and has provided "extra time" to make sure the right decisions are being made. I greatly appreciate your willingness to look closely at this issue. Please answer the following questions:

a. As part of the Brick MACT process, is EPA evaluating all possible options for reducing the total, overall regulatory burden on brick makers?

b. What options does EPA have to ensure that the final rules are fair and cost-effective, and don't adversely impact jobs at family-owned brick plants?

c. I am told that a health-based Brick MACT rule, combined with a work practice rule for smaller emission sources, would enable EPA to set a clean and safe environmental standard, while also ensuring that the brick sector can follow the rules in a cost-effective manner. Do you agree, and do you believe EPA can come to a reasonable solution for this industry?

d. What steps has EPA taken, since receiving our November letter, to address our concerns as EPA works towards its August 2014 deadline?

e. Are you and EPA staff engaged with the Brick Industry Association and other industry stakeholders regarding the development of the Brick MACT proposal? Please describe efforts taken by EPA to engage the brick industry stakeholders, both small and large businesses, to ensure you have the best information possible to develop your rule.

f. Please describe the kinds of HAP emissions associated with the brick sector that EPA is seeking to control with new standards in the Brick MACT, along with the approximate percentage of total emissions comprised by each kind of emission.

g. With respect to any particular HAP emission that comprises less than 5% of the overall total emissions from a brick plant, will EPA consider work practices as a viable means of MACT regulation? How does EPA intend to address these smaller emissions? Would it be appropriate for EPA, in an effort to control small levels of emissions for particular pollutants that comprise less than 5%, or even less than 1%, of overall emissions, to impose expensive new requirements that could ultimately render brick plants in the United States uneconomical?

15. In our meeting, we talked at length about EPA's plans to regulate biogenic emissions. We talked about forest management in Alabama and around the country, and the pragmatic concerns that need to be given full consideration as EPA considers actions in this regard. However one feels about climate change, it is abundantly clear that forests are an asset, not a liability, when it comes to carbon dioxide. And I believe that our government policies should seek to encourage the use of wood, not discourage it with heavy-handed bureaucracy and regulations. You have agreed to work with me and other Senators on this issue. I look forward to that. If invited, would you be willing to meet with me, other Senators, and stakeholders to discuss EPA's plans for regulating biogenic emissions and related issues?

16. We recently issued an EPW Minority Report on "Cooperative Federalism,"[1] which outlines many of the concerns raised by the States about EPA's recent actions. The report contains several interesting findings.

    a. The report found: "Since 2009, a majority of States have expressed concerns on a variety of fronts about EPA's failure to adhere to the [Clean Air Act's] cooperative federalism design." Were you aware that most states had raised these concerns?

        i. The report found: "Evidence suggests that EPA entered more 'sue and settle' agreements during this Administration's first term than all three previous presidential terms combined." Were you aware of that?

        ii. The report found: "The current Administration is rejecting an unprecedented number of State [Clean Air Act] Implementation Plan provisions..." Do you agree?

    b. The report also provides several recommendations for improving relations with the States on EPA Air issues. Will you review the report and consider ways to improve the cooperative relationship between EPA and the States?

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[1] The full report, "Neglecting a Cornerstone Principle of the Clean Air Act: President Obama's EPA Leaves States Behind," is available at http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=6ceef5b2-07ef-4f68-8938-d947f409019d

c. Recent EPA rulemakings have short-circuited the traditional role that the States play in the Clean Air Act cooperative federalism design. Is EPA committed to the primary role that the Clean Air Act guarantees States in setting performance standards for existing sources like power plants?

Senator John Boozman

1. Do you support allowing the public to participate in the nomination process for Science Advisory Board Members and to provide public comments?

2. At times, SAB members have been involved both directly and indirectly in reviewing their own work. This violates principles outlined in the EPA's Peer Review Handbook. Do you agree that Board members should not participate in advisory activities that directly or indirectly involve review and evaluation of their own work?

3. Do you believe that Science Advisory Board members with dissenting views should be empowered to make those views known to the public and to the EPA Administrator?

4. Risk or hazard assessments include many of the most significant and consequential scientific undertakings at the EPA. Do you believe that EPA's Science Advisory Boards should review each of these assessments and provide advice and comment?

5. Do you believe that Science Advisory Boards should be limited from providing non-scientific policy advice?

I also want to ask a few questions about the EPA's manipulative and dishonest Social Cost of Carbon (SCC) ESTIMATES. EPA is using a phony number to justify over two dozen rules. This phony number inflates the benefits of EPA rules, and the agency has not responded to oversight inquiries by members of this Committee.

6. Why did the Interagency Working Group (IWG) decide against including a 7 percent discount rate valuation, as required by the Office of Management and Budget (under Circular A-4)? Did EPA, as a participant in the IWG, agree with the decision to ignore OMB guidance and not include a 7 percent discount rate valuation? Please explain in detail.

7. Why did the Interagency Working Group (IWG) decide against including a domestic analysis of the SCC, thereby again ignoring OMB guidance requiring a distinction between the domestic costs/benefits and the global costs/benefits?

8. Did EPA, as a participant in the IWG, agree with the decision to ignore OMB guidance and not include a domestic analysis of the SCC?

9. Please explain in detail why an analysis of domestic compliance with EPA regulations which impacts all Americans was not necessary.

10. Will agencies be instructed to estimate the harm to the U.S. economy as manufacturing shifts overseas, to countries that emit far more atmospheric pollution and carbon than our industries do?

Senator Deb Fischer

1. EPA will soon be announcing new proposed regulations regarding greenhouse gas emissions from existing power plants. Do commercially available technologies currently exist to capture and store carbon emissions at power plants?

    a. If yes, where? At what cost? Will vendors be able to deal with the demand created by the regulations?

2. In the proposed rule for new power plants, EPA makes its "adequately demonstrated" determination predominantly based on carbon capture and sequestration (CCS) demonstration projects that have received federal assistance under the Energy Policy Act of 2005 (EPAct05). Notably, three of the four commercial scale CCS demonstration relied on by EPA have all been allocated an investment tax credit that was established for "clean coal facilities" under section 1307 of EPAct05. However, Congress has placed specific limitations on EPA's authority to set section 111 standards based on demonstration projects that receive federal assistance under these EPAct05 programs. Specifically, these statutory limitations expressly bar EPA from considering the three commercial-scale CCS demonstration projects in making a determination under section 111 that CCS is adequately demonstrated. Please explain why the agency is ignoring this statutory limitation in the pending New Source Performance Standard rulemaking.

3. The power sector has announced the retirement of over 60 gigawatts of coal fired generation. This amounts to about 20 percent of the existing coal-fired generating capacity in the United States. These retirements will generally occur before 2020, with a great majority of the retirements occurring by the 2016 Mercury and Air Toxics Standards ("MATS") deadline. This loss of coal-fired capacity is likely to continue due to new EPA rules, including the new CO2 regulations for existing power plants, regulation of coal ash, and regional and local control measures required to attain the more stringent ozone and fine particulate matter standards. Furthermore, electric reliability problems posed by the continued loss of coal-fired capacity could be exacerbated by the retirement of baseload nuclear generation. The power sector faces major challenges as to how it will replace a large amount of coal and nuclear baseload capacity. Please explain how the agency intends to address this issue with regards to the upcoming section 111(d) rule, including the steps it plans to take to ensure the reliability of the grid.

    a. When calculating future benefits of EPA's greenhouse gas rules for new and existing power plants, will your analysis take into account the future greenhouse gas reductions that may result from other EPA rules such as MATS or National Ambient Air Quality Standards?

    b. Is there a risk that predicted emissions reductions could be double counted?

4. Are you concerned that utilities may be spending so much time and resources on keeping their existing coal units in compliance that they are not spending enough time and resources on new energy sources that will eventually lessen the dependence on coal?

5. What are your views on retrofitting plants?

6. Are you concerned about the amount of money being spent on retrofitting plants?

7. The EPA has issued a number of new regulations regarding emissions from electric generating units. What is the EPA's ultimate goal? Is the EPA trying to force utilities to take coal-fired power plants out of operation?

8. Is it fair to say that EPA would like to see the United States lessen its dependence on coal for electricity production?

9. One significant concern in the electric utility industry is regulatory certainty, but we consistently see rules overturned in the courts or delayed numerous times during the rulemaking process, ultimately dragging the process out for years in some instances. With the host of rules being promulgated and expected in the near future, what are you doing to stop this cycle and at the same time ensure legally defensible, cost-effective rules that successfully protect human health and the environment?

10. You have consistently said you believe nuclear power is an important part of the nation's climate solution. With the announced closure of a number of nuclear reactors in the last year or so, what is EPA doing to ensure the reliability of the grid?

11. It is my understanding EPA takes into consideration the costs and benefits of much of its rulemaking activities, but uses Energy Information Administration data that may not capture a complete picture of the future energy landscape. With the long list of pending EPA regulatory actions, does your rulemaking process take into consideration costs and benefits beyond the EIA baseline? That is to say does EPA consider for example the greenhouse gas effects when finalizing the 316(b) cooling water intake structures regulation?

12. Funding for mitigation activities related to ozone is currently tied to "non-attainment" status. Therefore, communities such as the Omaha metro area that are currently in "attainment," but are trying to be pro-active and address ozone-forming emissions prior to violating air quality standards have little financial assistance available. This places communities in the unenviable situation of having to violate air standards in order to become eligible for additional funding. EPA recently developed the Ozone Advance program to attempt to provide funds for metro areas, such as the Omaha region. Would you take proactive measures, such as participation in Ozone Advance, into consideration when designating whether a region will be deemed "non-attainment"? And would you champion opportunities to provide funding for communities that are in attainment?

13. High ozone formation frequently occurs as a result of natural processes (heat, lack of wind, etc.) that are beyond human control. Emissions traveling from other metro areas can also have an impact. For instance, in the Omaha metro area, one can track a direct correlation between the number of high ozone days and extreme high temperature days, whereas mild summers usually result in few, if any, high ozone days. We also have annual burns that occur in the Flint Hills in Kansas that appear to contribute air quality problems. It is unfair to punish communities for factors that are beyond their control. How would EPA take into account factors that are beyond a region's control when designating attainment and non-attainment areas?

14. The EPA Clean Air Scientific Advisory Committee (CASAC) last recommended the ozone standard be set at a range between 60 and 70 parts per billion (ppb). If the standard were set at 60 parts per billion, the vast majority of the United States—including the Nebraska Panhandle (due to emissions from the Denver metro area), one of the most sparsely populated regions of the United States—would be in violation of the standard. Many metro areas who struggled for years to attain the standard set in 1997 now feel as though the standard will be set at an unrealistic level that will only result in perpetual non-attainment status. How would you apply common sense and reasonableness in setting air quality standards? Do you think that there are diminishing returns of further reducing air quality standards past a certain point?

15. Last November, the EPA proposed Renewable Fuel Standard targets for 2014 that would blend less fuel than we blended last year, impacting the economy in Nebraska. It does so using an approach that I find to be inconsistent with the law and previous regulations by inserting considerations about fuel delivery infrastructure into the annual target setting process. What steps is EPA taking to fix this proposed rule and respond to the hundreds of thousands of comments submitted for your consideration? When do you expect the final rule to be released?

16. Do you believe the RFS allows for a waiver of biofuel volumes based on retail refueling infrastructure?

17. Do you think it is the right policy to move the RFS blending targets backward?

18. Do you believe that the EPA can perform any regulatory actions to make it easier for fueling stations to offer E15?

Environment and Public Works Committee Hearing
April 8, 2014
Follow-Up Questions for Written Submission

Questions for McCabe

Questions from:

Senator Boxer:

1. The Office of Air & Radiation will devote significant resources to implement the President's Climate Action Plan which calls for using the Clean Air Act to set limits on carbon pollution from cars, trucks, and power plants. Over the Clean Air Act's forty-plus year history can you describe the benefits that the Act has provided to the nation's health and economy and how the EPA's carbon pollution standards will provide similar benefits?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

2. Prior to the EPA proposing any new national ambient air quality standard the Agency goes through a thorough and exhaustive process to ensure the peer-reviewed science, opinions of all stakeholders, and the views of the general public are heard and considered. Could you please describe the process and numerous steps the Agency takes during the setting of these air pollution standards that ensures any interested party has full opportunity to submit opinions and substantive information to the agency before any decision-making is completed? Will you ensure this rigorous process is followed in future rulemakings?

Ex. 5 - Deliberative

Senator David Vitter

1. Would you agree that efficiency improvements could be a cost-effective way to lower CO_2 emissions from existing power plants? What is EPA doing to remove barriers to efficiency improvements caused by your New Source Review program?

Ex. 5 - Deliberative

2. Under President Obama's direction, your office is working to release new greenhouse gas regulations on existing power plants by June 1st. This has never been done before, and the rules have the potential to be among the most complex and costly in EPA history. While I am obviously concerned about the economic impacts of these rules, I am equally concerned about what appears to be a rushed rulemaking timeline that doesn't allow for those impacts to be fully considered. Take small business for example. The Regulatory Flexibility Act requires EPA to evaluate how its rules could impact small businesses.

   a. Would EPA agree that the existing source proposal has the potential to impact small businesses?

   b. Does EPA plan to convene a small business advisory panel under the Regulatory Flexibility Act to evaluate how the rule could impact small businesses and consider less burdensome alternatives?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

3. In the proposed standards for new power plants, EPA claims that the use of CCS "components" at ***non-power plant industrial facilities*** proves that full-scale integrated CCS systems are adequately demonstrated. However, in 2010, EPA co-drafted a report concluding that, "the integration of CO_2 capture, transportation, and permanent sequestration at commercial-scale, coal-fired power generating facilities ***has not yet been demonstrated***."

   a. How can EPA say that the integration of CCS components has been adequately demonstrated when the research it cites says the opposite?

   b. Has EPA ever before proposed a standard which no single unit within the regulated category has previously met?

   c. Does EPA, in your view, have the authority to set standards without actual operating data? Can the agency set speculative standards?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

4. In many instances the Clean Air Act (CAA) establishes cooperative federalism between States and EPA. This concept is included in Section 111 of the CAA:

   a. Is it your understanding that, for existing power plants, EPA would issue a "guideline" but States have the lead in setting case-by-case emission standards?

   b. How much compliance time is EPA planning on allowing the states?

   c. A number of stakeholders have made clear that while EPA issues a "guideline," the Clean Air Act authorizes States to make case-by-case determinations as to NSPS limits for existing plants. And that, if certain appropriate criteria are met, an individual plant might be assigned a longer compliance period or less stringent standard. Going forward, is EPA committed to honoring this cooperative federalism structure?

   d. Will EPA adopt a program that will force new retirements of coal units, especially those that have invested in installing new pollution controls to comply with previous EPA rules?

Ex. 5 - Deliberative

5. In 2010, EPA proposed ozone National Ambient Air Quality Standards (NAAQS) which could

have tripled the number of counties that would become non-attainment for ground level ozone. In fact, many of America's most pristine national parks would have failed those standards:

a. Has EPA given serious thought to the potential impacts of a new, lower standard on rural areas in the intermountain west? How would these sparsely populated areas be able to comply with lowered standards?

b. How is EPA planning on addressing the unique regional meteorology of varied parts of the country with a national standard? The topography and meteorology in the intermountain west is much different from the I-95 corridor – how can one national standard thoroughly address these differences?

Ex. 5 - Deliberative

6. What are EPA's intentions with respect to a new transport pollution rule?

   a. Will EPA ensure that states and utilities are given adequate time to comply with the rule?

Ex. 5 - Deliberative

7. EPA had determined that electric generating units in the East that were subject to the Clean Air Interstate Rule (CAIR) program did not have to comply with regional haze best available retrofit technology (BART) requirements because CAIR would reduce emissions more than BART. When EPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR), it revoked the determination that compliance with CAIR constituted compliance with BART, and instead determined that compliance with CSAPR constituted compliance with BART. Since CSAPR was overturned by the D.C. Circuit in 2012:

   a. Does EPA plan to return to its determination that compliance with CAIR constitutes compliance with BART?

   b. If not, does EPA intend to subject electric generating stations in the East to regional haze

BART requirements on a source by source basis?

c. When does EPA expect to decide?

Ex. 5 - Deliberative

8. EPA has been collecting Renewable Fuel Standard (RFS) Renewable Identification Number (RIN) price information on every trade in the last three years. In fact, they can only be traded on EPA's electronic exchange. Has EPA released RFS RIN price information to the public in any form?

Ex. 5 - Deliberative

9. EPA is required by the Energy Independence and Security Act of 2007 to promulgate annual Renewable Fuel Standard (RFS) volumes by November 30 of the previous year. For the 2013 volumes, you were nine months late, but those standards were retroactive to the beginning of 2013. You also missed this deadline for 2014 and have not yet promulgated volumes for 2014. What steps have you taken to get back on the statutory schedule for the annual rulemaking on RFS volumes?

Ex. 5 - Deliberative

10. What are some of the key assumptions underlying your 2014 proposed RVO? What was the

basis of those assumptions?

Ex. 5 - Deliberative

11. What is the timeframe for finalizing the RIN quality assurance program rule? Are you aware of any other ongoing investigations into RIN fraud?

Ex. 5 - Deliberative

12. According to the regulatory impact analysis of your recent Tier 3 sulfur rule, the regulation will require refineries to install equipment that would increase energy consumption and thus increase greenhouse gas emissions from refineries. EPA has also indicated it will pursue a refining GHG NSPS next year and plans to continue using its Title V permitting authority to reduce GHGs. How will EPA take into account its own regulation that increase GHGs when placing new burdens on the companies that make gasoline and diesel?

Ex. 5 - Deliberative

13. According to your regulatory impact analysis of the RFS, the law will increase ozone levels in many counties- including those that are already out of attainment. Will your forthcoming standards take into account other federal policies that are forcing increases in ozone levels?

Ex. 5 - Deliberative

14. Did EPA estimate how many parts per billion of ozone will be reduced by the Tier 3 mobile source rule?

Ex. 5 - Deliberative

15. Has EPA estimated how much lower the global level of carbon dioxide will be if the proposed NSPS 111(b) new source and 111(d) existing source rules are finalized? If not, why not?

Ex. 5 - Deliberative

16. Will EPA include and consider an assessment of the financial stability of the companies it relies upon when setting cellulosic production mandates?

Ex. 5 - Deliberative

17. Recent press reports cite that the cost to refiners for RIN credits to comply with the RFS in 2013 exceeded $1.35 billion dollars. Will EPA keep the 2014 ethanol mandate below 9.7% to avoid these significant, artificial costs to the economy and the public?

Ex. 5 - Deliberative

18. EPA is now on its second attempt proposing GHG NSPS– the Agency withdrew the first version

over concerns it could not sustain legal challenges. Yet, EPA re-proposed the GHG NSPS ignorant that its reasoning violated the Energy Policy Act of 2005's express prohibition against considering federally subsidized clean coal projects as adequately demonstrated technology. Nearly 5 months after signing the new proposal, the Agency released an after-the-fact, attempt at explaining this violation of congressional intent. Is it prudent for the Agency to finalize the proposal that violates or appears to violate congressional intent? How does the provide certainty to those the Agency seeks to regulate?

Ex. 5 - Deliberative

19. EPA has recently issued new more stringent NAAQS without at the same time providing States and business critical implementation and permitting information. Will you commit to EPA issuing updated implementation tools and policies at the time a new NAAQS is issued, so that businesses have a reasonable opportunity to secure the permits needed to build or expand facilities?

Ex. 5 - Deliberative

20. EPA estimates that the 2010 ozone NAAQS reconsideration would have cost American manufacturing, agriculture and other sectors over $90 billion per year. In analyzing these regulations, does EPA consider the economic and environmental effects of driving manufacturing offshore to countries with little or no environmental controls?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

21. In 2010, EPA co-drafted a report concluding that "until [CCS] systems are constructed and successfully demonstrated at full scale, uncertainty over the technology's performance and cost yield a substantial risk premium for early projects." How can EPA now say that technology with a "substantial risk premium" is adequately demonstrated?

Ex. 5 - Deliberative

22. EPA cites three studies in the "literature" section of the GHG NSPS's "technical feasibility" discussion of CCS. Yet, EPA leaves out that one of those studies concludes that "there is truth to the often heard assertion that CCS has never been demonstrated at the scale of a large commercial power plant," another assumes carbon capture is "unproven technology" and the other – which EPA co-drafted – says that carbon capture has "not been demonstrated at a scale necessary to establish confidence for power plant application." Does EPA accurately portray the science on CCS when it selectively characterizes studies in this manner?

Ex. 5 - Deliberative

23. The Clean Air Act says EPA is supposed to set new source performance standards by looking at technology actually in use and determining what technology has been "adequately demonstrated" taking into account cost. But in the GHG NSPS, EPA conducts this analysis by looking at DOE modeling. Does it make sense that EPA analyzed the current state of CCS technology through hypothetical modeling results?

Ex. 5 - Deliberative

24. It is our understanding that there are 78 sole source aquifers in the United States, some of which are located under major cities, such as Baton Rouge, LA, San Antonio, TX, Austin, TX, Miami, FL, and Sante Fe, NM, among others. Under the Safe Drinking Water Act, EPA is authorized to address possible contamination of sole source aquifers from the disposal of storm water or waste water treatment facilities. Has the Office of Air and Radiation sought an opinion from the Office of Water about the long-term sequestration of CO_2 in proximity to a sole source aquifer since pipelines would have to either pass through or underneath such an aquifer? If it has failed to do so, please explain.

    a. Isn't this issue relevant to EPA's determination that CCS is the best system of emissions reduction adequately demonstrated to reduce CO_2 emissions from fossil fuel-fired power plants?

Ex. 5 - Deliberative

25. The technical support documents and other materials accompanying the proposed NSPS for new fossil fuel-fired power plants do not show any research on cross-media issues by EPA's Office of Water or Office of Solid Waste that address the injection and long-term sequestration of CO_2 underground. Nor do they show any research on potential contaminants that might travel with the CO_2 separated from power plants. The technical support documents and other materials do point to the Class VI and Class II programs for oil and gas injection wells. Please explain how either of these programs could apply to new coal fired power plants sequestering CO_2 that would be built outside of states with oil and gas recovery areas?

    a. Is EPA presuming that all CO_2 emissions would be sent via pipeline to oil and gas recovery areas? Has the agency conducted an analysis that the oil and gas industry could use all of this CO_2? Has the agency conducted an analysis of the amount of specialty pipelines that would need to be constructed to move all the CO_2 from non-oil and gas recovery areas to oil and gas recovery areas?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

26. Please explain how EPA asserts that both the separation and sequestration of CO_2 processes are commercially demonstrated based on the four projects the proposed NSPS cites when none of those plants are operational? In fact, isn't it the case that three of the four projects have not even been constructed yet and the fourth project at the Kemper Plant in Mississippi has not injected any CO_2 into the ground?

Ex. 5 - Deliberative

27. The proposed NSPS for new fossil fuel-fired power plants asserts there will be a negligible increase in the cost for electricity as a result of the proposal because: (1) most new power plants that will be constructed will be fueled by natural gas due to low gas prices and (2) CCS costs will fall over time as the technology becomes more widely used. However, in the time since the proposed rule was published in the Federal Register, natural gas prices have gone from $4.00 mcf to $6 mcf. In the PJM RTO market, gas prices increased to $40, which resulted in wholesale electricity prices of $761 per MWh. MISO experienced increases as well that translated to wholesale prices of $219 per MWh. Please explain how EPA concludes that the levelized costs of electricity will be marginally affected by the proposed NSPS given the volatility of natural gas price historically and the widely expected increase in use of natural gas for electricity generation?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

28. During the January 21, 2014, EPA Science Advisory Board conference call, several representatives from electric utilities spoke about how CCS would not be feasible in their states for a variety of reasons. A speaker from a NY utility discussed how while there was sufficient local cap rock to hold CO_2 underground, New York state law precludes the injection of CO_2 into the ground because such gas would stretch beyond the subsurface owned by the utility. Any leakage of the gas into the subsurface of another property owner would constitute a legal trespass. Thus, the utility would be precluded from using CCS technology at coal-fired power plant.

    a. Has EPA considered how state laws might preclude the use of CCS technology? Can you provide the committee of an example of where EPA has mandated the use of a technology that would be barred by state law?

Ex. 5 - Deliberative

29. During the January 21, 2014, EPA Science Advisory Board conference call, a representative of a Michigan utility discussed how the utility wanted to build a new coal-fired power plant using CCS technology. No vendors would provide the utility with a price warranty or guarantees on performance of the CO_2 injection because of the novelty of the technology. As a result, the utility decided to instead build a new natural gas-fired power plant that would meet both the 2012 and 2014 proposed New Source Performance Standard for natural gas combined cycle (NGCC) plants. The state of Michigan then asked the utility to provide an explanation why the new NGCC plant would not use CCS.

    a. While the proposed NSPS asks for comments on natural gas plants and CCS, it does state that EPA does not have enough information to make a decision about requiring CCS technology on NGCC plants. Can you please explain to the committee why the state of Michigan would require a utility to conduct a CCS feasibility study on a proposed NGCC plant that would emit 970 lb CO_2/MWh? Is the EPA region 5 Office telling state air regulators to require permitees to conduct such studies on all fossil fuel fired power plants? Does EPA find it troubling that no vendors will provide guarantees of performance on CCS technology?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

30. The In Salah CO_2 sequestration project in Algeria was stopped in November 2012 when BP discovered that the CO_2 moved within the rock formation several years after injection began. The In Salah project raises questions about the adequacy of the seal of caprock. While no CO_2 was released into the atmosphere and no one was harmed by the cracking of the rock, the project demonstrates that sequestration is still extremely experimental, even after seven years of operation. There are a host of unanswered questions related to the long-term sequestration of CO_2, including subsurface water contamination, migration of CO_2 underground, potential Superfund liability, the impact of sequestration on navigable waters, and impact of sequestration on endangered species.

    a. Can you please provide the committee with a detailed explanation of the peer review science examining these issues?

Ex. 5 - Deliberative

31. In moving to dismiss the State of Nebraska challenge to EPA's violation of the Energy Policy Act of 2005, EPA represented to the District Court on March 18, 2014 that the publication of the NSPS proposal has no legal consequences and determines no rights or obligations. Are agencies conducting PSD and NSR permitting under no obligation to consider findings in NSPS proposals?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

32. On November 12, 2013, the SAB Work Group recommended that SAB provide EPA advice and comments on the scientific and technical basis for long term carbon storage. EPA pressured SAB not to do so, and in response on January 29, 2014 SAB decided not to provide advice and comments in deference to "EPA's legal view, communicated to the SAB from EPA's Office of Air and Radiation, that the portion of the rulemaking addressing coal-fired power plants focuses on carbon capture and that the regulatory mechanisms for addressing potential risks associated with carbon sequestration are not within the scope of the Clean Air Act." Provide documentation of all EPA contact with SAB and all documents discussing the recommendation to SAB from November 12 to January 29. When did EPA formulate this view? Provide any documents that show EPA formulated and held this view prior to the Work Group sending EPA questions on September 6, 2013.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

33. The SAB Work Group found the NSPS proposal is based on two studies by the Department of Energy National Energy Technology Laboratory that were not subject to adequate peer review. EPA had wrongly claimed to SAB that all NETL studies cited in the proposal were peer reviewed. What, if any, studies cited in the NSPS proposal did EPA determine meet EPA's standards for peer review prior to posting the proposal online? Provide all documentation that supported any such determinations.

Ex. 5 - Deliberative

34. Comments on the draft of the proposed NSPS submitted to OMB noted that the draft did not discuss the feasibility of long term CO2 storage. In response, EPA "added additional language to the preamble regarding sequestration of CO_2." Exactly what language did EPA add in response to these comments? When did EPA draft this language? What personnel where involved? What research supporting the language was conducted?

Ex. 5 - Deliberative

35. The NSPS proposal discusses a study that models geologic sequestration published in the American Journal of Science. EPA states that the study "estimated that about 93 million metric tons of CO_2 were injected and about 38 million metric tons were produced from 1972 to 2005" at

the SACROC Unit in western Texas "resulting in a geologic CO_2 accumulation of 55 million metric tons of CO_2." The use of this statistic and the unusual way the study is cited in the NSPS proposal suggest that those responsible for this discussion did not obtain or read the study and instead reviewed only the online abstract. The abstract included the statistic merely as a back of the envelope estimate of total CO_2 injected. Provide evidence that the EPA personnel responsible for this language obtained and reviewed the study, not just the online abstract.

Ex. 5 - Deliberative

36. The Clean Air Act relates the effective date of national new source emission standards back to the date of proposal in the Federal Register. The Clean Air Act also requires such standards be finalized in one year in order to prevent abuse of the relation back to the date of proposal. Provide all documents discussing the relation back of the effective date for national new source standards in relation to greenhouse gases. Provide all documents discussing the immediate effects of proposing national new source standards on construction of new sources.

Ex. 5 - Deliberative

37. How do you plan to adhere to the objectivity requirements of the Data Quality Act in the face of increasing politicization of the climate change scientific debate?

Ex. 5 - Deliberative

38. Are you concerned about the disproportionate impact that new EPA electric utility standards will have upon the U.S. coal industry and its workers?

Ex. 5 - Deliberative

39. If employment evaluations reveal that EPA's new electric utility standards are likely to result in major job losses in the U.S. coal industry, how should that be taken into account by EPA in the administration and enforcement of the Clean Air Act?

Ex. 5 - Deliberative

40. In March 2012, the U.S. Environmental Protection Agency (EPA) announced that they would

formally revise the rule establishing criteria and procedures for use in determining if air quality monitoring data has been influenced by exceptional events. EPA indicated the intent to notice a proposed exceptional events rule in late 2013 or early 2014, which would then be followed by a formal public comment period. A final rule was expected to be published by late 2014 or early 2015.

a. Can you please provide an accurate and up-to-date timetable for the exceptional events rulemaking including when the agency anticipates noticing the proposed rule?

Ex. 5 - Deliberative

41. The prospect of a forthcoming rulemaking on exceptional events is encouraging. While EPA has issued a series of guidance documents aimed at offering clarity to the exceptional events process, the process by which states submit "exceptional event demonstrations" for review by EPA remains complicated, unpredictable, long, and expensive. The exceptional events rule ought to produce a consistent, commonsense, cost-effective, and timely process through which states are afforded an opportunity to exempt air quality standard exceedances caused by naturally occurring events outside of their control.

a. Will the forthcoming exceptional events proposed rule streamline the process and reduce the regulatory burden on air quality planners at the state level?

b. Will the proposed rule provide much needed consistency and predictability to a process that has been notorious for the lack of both?

c. Does EPA require new legislative authority to provide air quality planners at the state level with a set of clear timelines associated with their exceptional events demonstration and a mechanism to appeal EPA's decisions with respect to them?

Ex. 5 - Deliberative

42. On February 7, 2014, EPA's Office of Atmospheric Programs, on behalf of the United States Global Change Research Program (USGCRP), published a federal register notice requesting public engagement in the Interagency Special Report on the Impacts of Climate Change on Human Health in the United States. This report, part of the President's Climate Action Plan, and initiated by the Interagency Crosscutting Group on Climate Change and Human Health (CCHHG), is to be "an evidence-based, quantitative assessment of observed and projected climate change impacts on human health in the United States." It is our understanding that EPA will provide staff support, including where appropriate contractor support, coordinating functions, and regular updates.

Further, EPA is drafting two chapters in the report on heat-related deaths and impacts from air pollution that is aggravated by climate change.

a. Please describe in detail the staff support, including contractor support, to be provided or being provided to the development and drafting of this report. Please provide the names and titles of all individuals in OAR responsible for or contributing to EPA's role in the report.

b. Please detail the procedure by which the meetings of the group will be memorialized. Will there be formal transcription and meeting minutes made available to the public?

c. Please describe in detail the "air quality" review being performed by EPA for use in the report. Will this review include ozone and particulate matter and if so would these be qualitative and quantitative assessments for both? Please provide an explanation of the models being used as part of this review.

d. Please describe in detail the use of the study in new air quality standards, including those for GHGS, ozone and particulate matter.

e. Please describe in detail the definition and universe of "extreme temperature events" being catalogued and reviewed as part of the study.

f. Please describe in detail how uncertainty, including in climate impacts will be accounted for in the Chapters being developed by the Agency.

g. Please describe in detail how potential health benefits associated with potential increased temperatures will be examined. Please describe in detail how the potential health effects of reduced economic growth or employment as a result of prevention and mitigation strategies will be examined.

h. Please describe in detail the schedule for the development, including public comment, peer review, and issuance of final documents, of the report.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

43. The Natural Resources Defense Council (NRDC) issued a suggested framework for the EPA's upcoming 111(d) greenhouse gas proposal. NERA economic consulting performed an analysis of the NRDC proposal that projects annual compliance costs of $13-$17 billion per year and total consumer costs of $116 billion to $151 billion over the period 2018-2033. Please compare and contrast any similarities and differences between the NRDC proposal and the proposal sent to OMB for review.

Ex. 5 - Deliberative

44. Please explain in detail EPA's timetable for the "mid-term review" of its Phase II Light Duty Greenhouse Gas rules? Will this review include a sensitivity analysis examining a consumer's ability to afford ever-increasing fuel efficiency mandates and higher interest rates in the future? What agencies are or will be involved in the review? Please explain the Agency's plans for timely involvement of stakeholders during this process.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

45. Concern surrounds the upcoming Heavy Duty Truck Phase II Fuel Economy proposal and whether it will be engine-focused or whole truck-focused. Will the proposed standard involve both engine and whole truck mandates?

Ex. 5 - Deliberative

46. It appears that zero emission vehicle (ZEV) sales are not going to meet California's 2025 goal of 15.4% of total sales. Sales in the Eastern U.S. appear to be even lower. Is there any discussion between EPA and the California Air Resources Board (CARB) to lower the ZEV standards to reflect actual demand?

Ex. 5 - Deliberative

47. EPA stated that the Interagency Working Group (IWG) on the Social Cost of Carbon (SCC) was convened by the Council on Economic Advisors and the Council on Environmental Quality. To your knowledge, were minutes of these meetings kept?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

48. While EPA previously stated that non-governmental groups did not participate in IWG meetings, were these groups ever consulted? Was information provided to them for comment prior to the convening of IWG meetings?

Ex. 5 - Deliberative

49. Please explain in detail how the decision was made that the IWG would not develop its own models or data for the 2010 SCC estimates or the 2013 updates?

Ex. 5 - Deliberative

50. Please explain in detail how many EPA rulemakings since 2009 have not included the 7% discount rate as required by OMB Circular A-4. Please provide an updated list of EPA rulemakings that

have included, utilized, or cited the 2010 SCC estimates or the 2013 updates.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Ex. 5 - Deliberative

51. Please explain in detail your involvement in the IWG, including whether you signed off on or gave verbal approval for any contributions made by your office, including the technical assistance and modeling provided by OAP.

Ex. 5 - Deliberative

52. Congress created the Clean Science Advisory Committee (CASAC) under the Clean Air Act giving it certain responsibilities. Specifically, there are five items listed in Section 109 that CASAC is required to do every 5 years as part of the process for reviewing the National Ambient Air Quality Standards (NAAQS). One instructs CASAC to advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of the NAAQS. Please explain in detail the number of times CASAC has advised the Administrator of the adverse economic and energy effects that may result from the responses necessary to meet the NAAQS.

Ex. 5 - Deliberative

53. It is my understanding that CASAC reviews documents prepared by EPA staff and responds to charge questions that also are presented by the Agency. Please explain in detail those studies and charge questions provided to CASAC by EPA, including during the current Ozone NAAQS review, that examine the adverse social, economic, or energy effects which may result from various strategies for attainment and maintenance of the NAAQS.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

54. Please explain how as Assistant Administrator for the Office of Air and Radiation you will make publicly available the transcript, minutes, and webcast of CASAC meetings, including the CASAC Ozone Review Panel Meeting held March 25-27, 2014.

Ex. 5 - Deliberative

Senator James Inhofe

1. EPA responsibility?

   a. Ms. McCabe, if we find ourselves in a scenario where there are electricity blackouts during hot summer months around the country because of the EPA's policies, will you and the EPA take responsibility?

Ex. 5 - Deliberative

2. Electricity Reliability

   This brings me to another question about the broader impacts EPA's regulations have on the economy and on electricity generation.

   As we discussed in my office, 75% of our electricity comes straight from fossil fuels. About a third of that is from coal.

   EPA's greenhouse gas NSPS rules for new and existing generators make it impossible for us to have a diverse fuel supply going forward. With natural gas prices so low, nuclear has a difficult time competing, and your rules make it impossible to build a new coal fired power plant.

   You mentioned in our meeting that the rules are designed to give flexibility to states to implement the rules. But it seems that the only flexibility you're interested in is from renewables.

   a. Don't you think we're playing a dangerous game here with rate payers by relying so much on renewable fuels to hit the goals you're mandating in your rules?

   b. Just yesterday Administrator McCarthy said that "nothing we do can threaten [grid] reliability." With all of the looming plant closures and the many more that will come as a result of the greenhouse gas regulations, what have you done to ensure this is true?

   c. Are you willing to revisit and modify the Utility MACT rule and vitiate the 316(b) rule and your GHG regs so that the electricity grid's reliability isn't threatened and price shocks and black outs don't become the new reality?

Ex. 5 - Deliberative

3. Section 321(a)

Ms. McCabe, in our meeting last week, I asked you why the analysis required under Section 321(a) of the Clean Air Act isn't being abided by. This is the part that requires the EPA to measure the number of jobs being lost across the whole economy because of the Clean Air Act rules. You said that EPA did not have the same interpretation of the law.

Behind me, I have Section 321(a) on a chart, and it says, "The Administrator shall conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provisions of this Act and applicable implementation plans…"

a. Do you find anything vague about the plain language of this law that would enable the EPA to not keep track of the continuing impacts of the rules promulgated under the Clean Air Act?

Ex. 5 - Deliberative

b. This seems very straight forward. Would you support legislation that requires EPA to look at the whole economy and not just the regulated entities like you do now?

Ex. 5 - Deliberative

4. Ozone NAAQS:

a. Ms. McCabe, when do you plan to propose your next round of Ozone NAAQS?

b. Do you think it's wise that the statute does not allow EPA to consider the costs when updating NAAQS?

c. Would you support legislation that requires EPA to consider the economic impact of lowering a NAAQS?

d. What steps are you taking to ensure CASAC considers the environmental and social impacts of a lower Ozone standard as required under the Clean Air Act?

e. Will you agree to take comments on retaining the current standard for ozone if you propose a change in the ozone standard?

Ex. 5 - Deliberative

5. Methane Strategy

Ms. McCabe, just two weeks ago the President released his comprehensive methane strategy. We spoke about this when you came into the office. It seems to me that the Agency is rushing to a decision to regulate the oil and gas industry's methane emissions, even though that might not be necessary.

I'm concerned you aren't relying on good data when it comes to the oil and gas emissions estimates. I believe you rely too much on computer models and aerial measurements and not enough on surface level measurements. EPA recently made major reductions in the amount of methane emissions that are estimated to come from fracking, for instance, which I applaud.

Right now there are a number of studies being done that will conduct these surface level methane emission measurements that will be reliable, accurate, and scalable across the entire country. It will provide much better oil and gas data than what you have now.

a. Will you wait to make a decision to regulate until you have this new data at your disposal?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

6. NAAQS in General

   EPA has recently issued new NAAQS without, at the same time, giving States and businesses implementation and permitting information. State Implementation Plans can take years to develop, but new NAAQS standards are effective immediately.

   a. Will you commit to EPA issuing updated implementation tools and policies at the same time a new NAAQS is issued, so that businesses can secure the permits they need?

Ex. 5 - Deliberative

7. Sue and Settle

   EPA often settles lawsuits and agrees to do things by a certain deadline.

   a. Will you commit to allowing industry to participate in these settlement discussions that will impact them? Specifically with NY methane suit – will you allow oil and gas industry to be at the table?

Ex. 5 - Deliberative

Senator Jeff Sessions

1. Prior to joining EPA, did you file any written comments with EPA in relation to any environmental regulatory or policy matter, whether on your own behalf or on behalf of any agencies or organizations? If so, please provide my office with copies of any such written comments.

Ex. 5 - Deliberative

2. Using data from the U.S. Energy Information Administration, it is known that, from 2005 to 2011, total CO_2 emissions from the consumption of energy decreased in the United States by approximately 8.5% and decreased in the European Union by approximately 10%, while CO_2 emissions increased globally by 15%, led by an increase in China of 60% and an increase in India of 46%. While the U.S. and E.U. reduced their total CO_2 emissions from energy consumption by 955 million metric tons from 2005 to 2011, China and India increased their emissions by a combined 3,796 million metric tons. In other words, for every one ton of CO_2 reduced in the U.S. or E.U., China and India increased their emissions by four tons. In light of these figures, do you believe that reductions in U.S. CO_2 emissions, alone, will have any meaningful impact on global temperatures and climate change? If so, please describe the measurable impact on global temperatures and climate change that would be achieved through reductions in U.S. emissions, and the data that supports your view in this regard.

Ex. 5 - Deliberative

3. Do you believe that CCS systems have been "adequately demonstrated" as a technology for reducing CO_2 emissions from fossil fuel-fired power plants? Are there any fully operational coal-fired power plants in the United States, or the world, currently using CCS technology?

Ex. 5 - Deliberative

4. Please provide any other instances where, pursuant to authority under CAA Section 111, EPA has

mandated technologies not yet used on a commercial basis.

Ex. 5 - Deliberative

5. Seventeen State Attorneys General recently released a white paper explaining that under the Clean Air Act, the States, and not EPA, determine what constitutes "adequately demonstrated" technology for the purposes of setting performance standards for existing power plants. Do you agree with this legal analysis by these State Attorneys General?

Ex. 5 - Deliberative

6. Will EPA continue to follow existing statutes and regulations and allow States to set less stringent GHG standards for existing power plants in light of "other factors" such as unreasonable costs or a power plant's remaining useful life?

Ex. 5 - Deliberative

7. An academic article entitled, "Information Manipulation and Climate Agreements," which was published in February 2014 in the *American Journal of Agricultural Economics*, states: "Linking climate change to extreme weather may be a powerful way to motivate people… The IPCC has tended to over-generalize its research results and accentuate the negative side of climate change… Taken together, considerable evidence suggests that international mainstream media and pro-environmental organizations have the tendency to accentuate or even exaggerate the damage caused by climate change… In this article, we suggest that information manipulation, which is generally overlooked in the literature, can be a novel and helpful mechanism for resolving the climate problem." Some news outlets picked up on this scientific report. In response, the researchers clarified that "we never advocate for lying on climate change," although they conceded in a posting on-line: "Our 'rationale' is essentially an explanation on why the media has incentives to accentuate or even exaggerate climate damage." Similarly, in a *New York Times* op-ed ("Global Warming Scare Tactics") from April 8, 2014, Ted Nordhaus and Michael Shellenberger outline the effect that climate change alarmism has on public opinion. When scientists and public officials repeatedly exaggerate the link between anthropogenic climate

change tied to carbon dioxide and increasing likelihood, severity, and frequency of natural disasters, the writers note that "more than a decade's worth of research suggests that fear-based appeals about climate change inspire denial, fatalism and polarization." This is borne out in the increase since 2006 in the percent of Americans who believe the media are exaggerating global warming claims, as noted in the op-ed.

a. Do you believe that exaggerating, manipulating data, or lying to promote the Administration's proposed actions on climate change is not acceptable?

b. Do you agree that, as a high government official, you must always speak truthfully about the scientific data and not exaggerate or manipulate data to promote a political, environmental, or other agenda?

c. Was the President correct when he asserted on November 14, 2012, that "the temperature around the globe is increasing faster than was predicted even 10 years ago"?

d. Was the President correct when he asserted on May 29, 2013, that "the climate is warming faster than anybody anticipated five or 10 years ago"?

e. Please provide a chart showing both the level of warming predicted ten years ago and the actual global temperature changes over the last ten years.

f. During the February 15th broadcast of *Morning Edition*, National Public Radio (NPR) reported on the President's trip to California and explained: "[Dr.] Holdren also says a key part of the President's message will be that global warming is making droughts more frequent and severe." In your view, are droughts becoming more frequent and severe? If yes, please provide the data you would rely upon to support that assertion.

g. Dr. Roger Pielke testified in our committee last year: "It is misleading, and just plain incorrect, to claim that disasters associated with hurricanes, tornadoes, floods, or droughts have increased on climate timescales either in the United States or globally." Have you reviewed the scientific reports prepared by Dr. Pielke? If not, will you review them and state if you agree or disagree with this statement?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

8. In a March 12, 2014 hearing before the House Science Committee, you were asked to explain "some of the costs associated with the lack of action to address climate change and increasing emissions." You responded: "There are costs to our economy and to society from the impacts of climate change that is already happening. In 2013, there were seven extreme weather events. Which I think is a nice way of saying great, big, huge horrible storms that cost the economy over a billion dollars each. This is a real economic impact on our communities, our families across the country… The scientific community has identified a number of impacts of climate change. Among those are increased frequency and intensity of extreme weather events."

   a. Please describe with specificity the statistical evidence supporting your view that we are experiencing "increased frequency and intensity of extreme weather events."

   b. Please list the seven extreme weather events in 2013 that you were referring to in your House testimony.

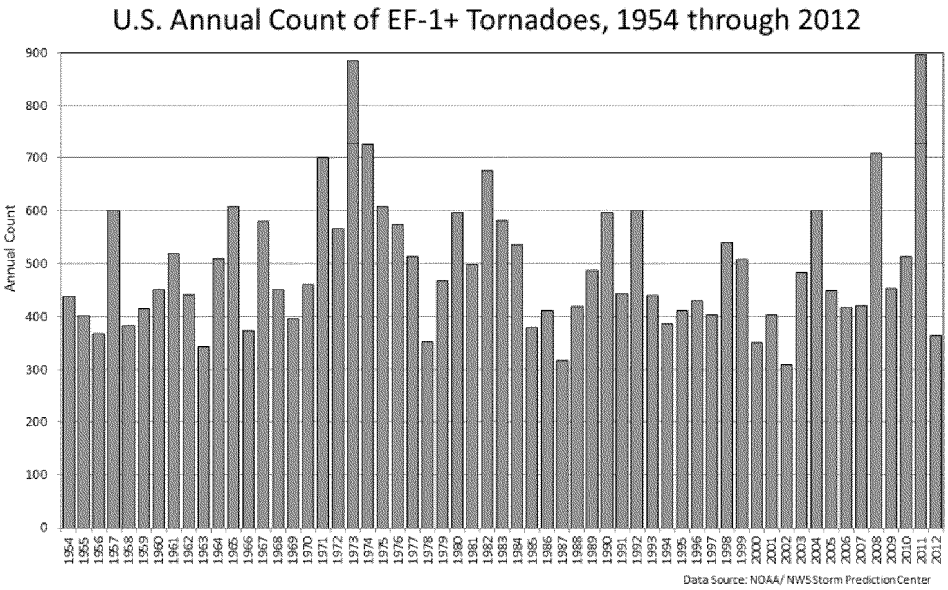
   c. Does the statement quoted in subparagraph (a) reflect your current views?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

9. According to data from the National Severe Storms Laboratory, from May 2012 to April 2013, the U.S. experienced a record low number of tornadoes (EF-1 or stronger) for a 12-month period. While the National Weather Service records for 2013 tornadoes are not yet complete, the total number of tornadoes (EF-1 or greater) in 2012 was far below the total number from 50 years ago (1962). In fact, the U.S. had more tornadoes in 45 out of the last 50 years than we had in 2012.

   a. Are you familiar with the chart below?



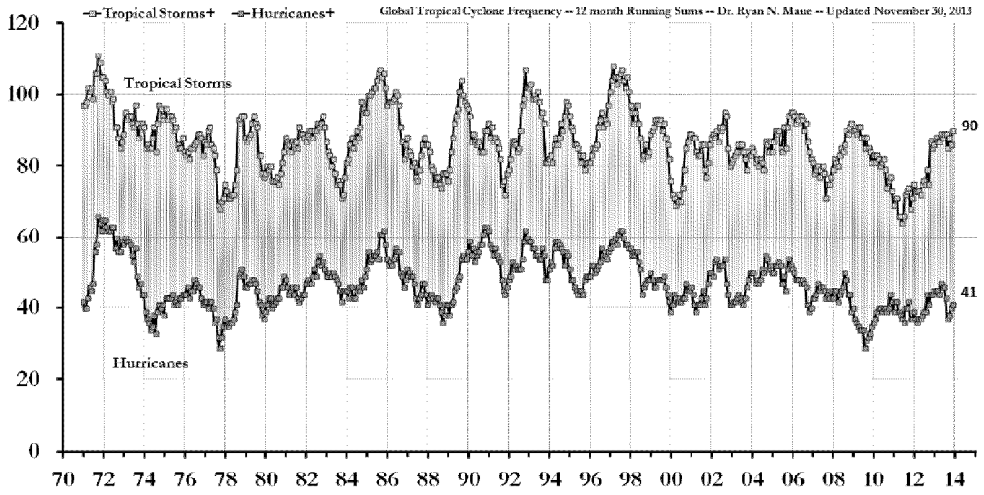
   b. In your view, is the United States experiencing more frequent tornadoes now than in the past 50 or 100 years? Please provide data that would support your view.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

10. It has been eight years since the last major hurricane struck the United States—a lull that experts call an "extended and intense hurricane drought." Even the **IPCC's Fifth Assessment Report**, which was just released, acknowledges: "Current data sets indicate no significant observed trends in global tropical cyclone frequency over the past century."

    a. Are you familiar with the charts below?



Updated version of chart referenced in Written Testimony of Dr. Roger Pielke, Jr. (7/18/2013), attributed to Ryan Maue.

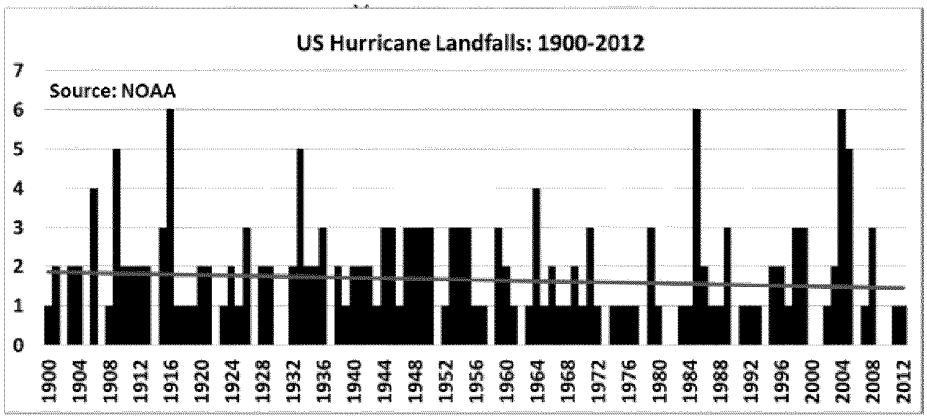


Figure 3a. Number of landfalling US hurricanes from 1900-2012. The red line shows the linear trend, exhibiting a decrease from about 2 to 1.5 landfalls per year since 1900. Source: NOAA.[12]

b. In your view, is the United States experiencing more frequent hurricanes over the last 50 or 100 years? Please provide data that would support your view.

c. Dr. Roger Pielke of the University of Colorado in Boulder testified in our committee last year: "Hurricanes have not increased in the US in frequency, intensity or normalized damage since at least 1900." Do you agree with this statement?

Ex. 5 - Deliberative

11. During the February 15th broadcast of Morning Edition, National Public Radio (NPR) reported: "[Dr. John] Holdren also says a key part of the President's message will be that global warming is making droughts more frequent and severe." Dr. Holdren is the President's top science advisor. Yet Dr. Pielke and other experts in our committee have shown, with actual data, that claims that we are experiencing more frequent droughts are "misleading, and just plain incorrect."

a. Do you believe that the United States is experiencing more frequent or severe droughts than in the past 50 or 100 years?

b. American Enterprise Institute (AEI) has evaluated the official drought data and found: "The Palmer Drought Severity Index shows no trend over the record period beginning in 1895 in terms of drought; more areas in the United States have experienced an increase in soil moisture than a decline." Do you recognize the Palmer Drought Severity Index as providing the best available data on present and historic drought severity?

c. The IPCC's Fifth Assessment Report found: "In summary, the current assessment concludes that there is not enough evidence at present to suggest more than low confidence in a global-scale observed trend in drought or dryness (lack of rainfall) since the middle of the 20th century due to lack of direct observations, geographical inconsistencies in the trends, and dependencies of inferred trends on the index choice. Based on updated studies, [IPCC 4th Assessment] conclusions regarding global increasing trends in drought since the 1970s were probably overstated..." Do you believe there is enough evidence to assert with confidence that the United States, or the world, has been experiencing more frequent and severe droughts as a result of climate change and increases in CO_2 levels in the atmosphere?

d. Despite the clear weight of the scientific evidence, Dr. Holdren responded to my questioning at our committee hearing in February by diminishing the value of the research and views of respected scientists, including Dr. Roger Pielke and Dr. Roy Spencer. In fact, after I read from the testimony of Dr. Pielke and Dr. Spencer about droughts—the same testimony referenced above—Dr. Holdren responded: "The first few people you quoted are not representative of the mainstream scientific opinion on this point." Do you believe that Dr. Pielke's view [i.e., that "It is misleading, and just plain incorrect, to claim that disasters associated with hurricanes, tornadoes, floods, or droughts have increased on climate timescales either in the United States or globally."] is in the mainstream of scientific opinion on this point? If it is not, please cite the "mainstream" authorities that support a different conclusion than his.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

12. On December 17, 2013, all of my EPW Republican colleagues joined my letter to Administrator McCarthy asking for an accounting of the tax dollars that were wasted on the ozone reconsideration process that was never completed. This was a request I have been making for two years. In January, you wrote me a letter refusing to answer my question, stating: "it is difficult for [EPA] to estimate, with any meaningful precision, [those] expenses..." Please answer the following related questions in the affirmative or negative:

    a. Was EPA mandated by law to reconsider the 2008 ozone standard in 2010-2011?

    b. Did activist environmental groups urge EPA to reconsider the 2008 ozone standard?

    c. Did EPA spend taxpayer funds to reconsider the 2008 ozone standard?

    d. Is EPA capable of stating how much it spent in total on that process? Could EPA provide an estimate?

    e. Can EPA tell us how many employee-hours were spent on the ozone reconsideration?

    f. Did John Beale provide assistance, input or any other work on the ozone reconsideration process?

    g. Did EPA hold public meetings in Virginia, Texas, and California about the ozone reconsideration? Can EPA tell us how much it spent holding those meetings?

    h. Did EPA employees and officials incur travel costs from 2009-2011 as part of the ozone reconsideration process? Can EPA say how much?

    i. Did EPA use any outside contractors and/or university/college researchers to assist with any aspects of the ozone reconsideration? Can you say how much was spent on such persons?

    j. Did EPA receive thousands of public comments in response to the proposal?

    k. Did EPA spend time and money to study and evaluate those comments? How much?

    l. Does EPA track how much it spends on any regulation or rulemaking process?

    m. Did you agree with the President's decision in 2011 to not move forward with the reconsideration of the ozone standard?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

13. In 2011, when President Obama directed EPA to abandon its reconsideration of the ozone standard, he cited the importance of reducing burdens "particularly as our economy continues to recover." As EPA again reviews the Ozone NAAQS, how will EPA go about its work in a way that ensures that a new standard does not overburden a weakly recovering economy? As part of the upcoming ozone review, will EPA give serious consideration to keeping the existing standard in place? Is EPA concerned that it could set air standards so strict that manufacturing is driven off-shore to countries with few environmental laws?

Ex. 5 - Deliberative

14. In November, I wrote EPA with concerns about the Brick MACT issue. My letter was joined by 17 other Senators, and we sent the letter in coordination with a bipartisan group comprised of 53 House members including Rep. Terri Sewell of Alabama. In my office, I talked with you about the status of EPA's Brick MACT proposal. You acknowledged the legitimate concerns of the brick manufacturers and said you are "looking closely" at this issue and that you "understand that many impacted are small businesses or family businesses." And you said EPA is "looking for every flexibility" and has provided "extra time" to make sure the right decisions are being made. I greatly appreciate your willingness to look closely at this issue. Please answer the following questions:

    a. As part of the Brick MACT process, is EPA evaluating all possible options for reducing the total, overall regulatory burden on brick makers?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

b. What options does EPA have to ensure that the final rules are fair and cost-effective, and don't adversely impact jobs at family-owned brick plants?

Ex. 5 - Deliberative

c. I am told that a health-based Brick MACT rule, combined with a work practice rule for smaller emission sources, would enable EPA to set a clean and safe environmental standard, while also ensuring that the brick sector can follow the rules in a cost-effective manner. Do you agree, and do you believe EPA can come to a reasonable solution for this industry?

Ex. 5 - Deliberative

d. What steps has EPA taken, since receiving our November letter, to address our concerns as EPA works towards its August 2014 deadline?

Ex. 5 - Deliberative

e. Are you and EPA staff engaged with the Brick Industry Association and other industry stakeholders regarding the development of the Brick MACT proposal? Please describe efforts taken by EPA to engage the brick industry stakeholders, both small and large businesses, to ensure you have the best information possible to develop your rule.

Ex. 5 - Deliberative

f. Please describe the kinds of HAP emissions associated with the brick sector that EPA is seeking to control with new standards in the Brick MACT, along with the approximate percentage of total emissions comprised by each kind of emission.

Ex. 5 - Deliberative

g. With respect to any particular HAP emission that comprises less than 5% of the overall total emissions from a brick plant, will EPA consider work practices as a viable means of MACT regulation? How does EPA intend to address these smaller emissions? Would it be appropriate for EPA, in an effort to control small levels of emissions for particular pollutants that comprise less than 5%, or even less than 1%, of overall emissions, to impose expensive new requirements that could ultimately render brick plants in the United States uneconomical?

Ex. 5 - Deliberative

15. In our meeting, we talked at length about EPA's plans to regulate biogenic emissions. We talked about forest management in Alabama and around the country, and the pragmatic concerns that need to be given full consideration as EPA considers actions in this regard. However one feels about climate change, it is abundantly clear that forests are an asset, not a liability, when it comes to carbon dioxide. And I believe that our government policies should seek to encourage the use of wood, not discourage it with heavy-handed bureaucracy and regulations. You have agreed to work with me and other Senators on this issue. I look forward to that. If invited, would you be willing to meet with me, other Senators, and stakeholders to discuss EPA's plans for regulating biogenic emissions and related issues?

Ex. 5 - Deliberative

16. We recently issued an EPW Minority Report on "Cooperative Federalism,"[2] which outlines many of the concerns raised by the States about EPA's recent actions. The report contains several interesting findings.

    a. The report found: "Since 2009, a majority of States have expressed concerns on a variety of fronts about EPA's failure to adhere to the [Clean Air Act's] cooperative federalism design." Were you aware that most states had raised these concerns?

        i. The report found: "Evidence suggests that EPA entered more 'sue and settle' agreements during this Administration's first term than all three previous presidential terms combined." Were you aware of that?

        ii. The report found: "The current Administration is rejecting an unprecedented number of State [Clean Air Act] Implementation Plan provisions…" Do you agree?

    b. The report also provides several recommendations for improving relations with the States on EPA Air issues. Will you review the report and consider ways to improve the cooperative relationship between EPA and the States?

    c. Recent EPA rulemakings have short-circuited the traditional role that the States play in the Clean Air Act cooperative federalism design. Is EPA committed to the primary role that the Clean Air Act guarantees States in setting performance standards for existing sources like power plants?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Senator John Boozman

1. Do you support allowing the public to participate in the nomination process for Science Advisory Board Members and to provide public comments?

Ex. 5 - Deliberative

2. At times, SAB members have been involved both directly and indirectly in reviewing their own work. This violates principles outlined in the EPA's Peer Review Handbook. Do you agree that Board members should not participate in advisory activities that directly or indirectly involve review and evaluation of their own work?

Ex. 5 - Deliberative

3. Do you believe that Science Advisory Board members with dissenting views should be empowered to make those views known to the public and to the EPA Administrator?

Ex. 5 - Deliberative

4. Risk or hazard assessments include many of the most significant and consequential scientific undertakings at the EPA. Do you believe that EPA's Science Advisory Boards should review each of these assessments and provide advice and comment?

Ex. 5 - Deliberative

5. Do you believe that Science Advisory Boards should be limited from providing non-scientific

policy advice?

Ex. 5 - Deliberative

I also want to ask a few questions about the EPA's manipulative and dishonest Social Cost of Carbon (SCC) ESTIMATES. EPA is using a phony number to justify over two dozen rules. This phony number inflates the benefits of EPA rules, and the agency has not responded to oversight inquiries by members of this Committee.

6. Why did the Interagency Working Group (IWG) decide against including a 7 percent discount rate valuation, as required by the Office of Management and Budget (under Circular A-4)? Did EPA, as a participant in the IWG, agree with the decision to ignore OMB guidance and not include a 7 percent discount rate valuation? Please explain in detail.

7. Why did the Interagency Working Group (IWG) decide against including a domestic analysis of the SCC, thereby again ignoring OMB guidance requiring a distinction between the domestic costs/benefits and the global costs/benefits?

8. Did EPA, as a participant in the IWG, agree with the decision to ignore OMB guidance and not include a domestic analysis of the SCC?

9. Please explain in detail why an analysis of domestic compliance with EPA regulations which impacts all Americans was not necessary.

Ex. 5 - Deliberative

Ex. 5 - Deliberative

10. Will agencies be instructed to estimate the harm to the U.S. economy as manufacturing shifts overseas, to countries that emit far more atmospheric pollution and carbon than our industries do?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Senator Deb Fischer

1. EPA will soon be announcing new proposed regulations regarding greenhouse gas emissions from existing power plants. Do commercially available technologies currently exist to capture and store carbon emissions at power plants?

   a. If yes, where? At what cost? Will vendors be able to deal with the demand created by the regulations?

Ex. 5 - Deliberative

2. In the proposed rule for new power plants, EPA makes its "adequately demonstrated" determination predominantly based on carbon capture and sequestration (CCS) demonstration projects that have received federal assistance under the Energy Policy Act of 2005 (EPAct05). Notably, three of the four commercial scale CCS demonstration relied on by EPA have all been allocated an investment tax credit that was established for "clean coal facilities" under section 1307 of EPAct05. However, Congress has placed specific limitations on EPA's authority to set section 111 standards based on demonstration projects that receive federal assistance under these EPAct05 programs. Specifically, these statutory limitations expressly bar EPA from considering the three commercial-scale CCS demonstration projects in making a determination under section 111 that CCS is adequately demonstrated. Please explain why the agency is ignoring this statutory limitation in the pending New Source Performance Standard rulemaking.

Ex. 5 - Deliberative

3. The power sector has announced the retirement of over 60 gigawatts of coal fired generation. This amounts to about 20 percent of the existing coal-fired generating capacity in the United States. These retirements will generally occur before 2020, with a great majority of the retirements occurring by the 2016 Mercury and Air Toxics Standards ("MATS") deadline. This loss of coal-fired capacity is likely to continue due to new EPA rules, including the new CO2 regulations for existing power plants, regulation of coal ash, and regional and local control measures required to attain the more stringent ozone and fine particulate matter standards. Furthermore, electric reliability problems posed by the continued loss of coal-fired capacity could be exacerbated by the retirement of baseload nuclear generation. The power sector faces major challenges as to how it will replace a large amount of coal and nuclear baseload capacity. Please explain how the agency intends to address this issue with regards to the upcoming section 111(d) rule, including the steps it plans to take to ensure the reliability of the grid.

   a. When calculating future benefits of EPA's greenhouse gas rules for new and existing power

plants, will your analysis take into account the future greenhouse gas reductions that may result from other EPA rules such as MATS or National Ambient Air Quality Standards?

b. Is there a risk that predicted emissions reductions could be double counted?

Ex. 5 - Deliberative

4. Are you concerned that utilities may be spending so much time and resources on keeping their existing coal units in compliance that they are not spending enough time and resources on new energy sources that will eventually lessen the dependence on coal?

Ex. 5 - Deliberative

5. What are your views on retrofitting plants?

Ex. 5 - Deliberative

6. Are you concerned about the amount of money being spent on retrofitting plants?

Ex. 5 - Deliberative

7. The EPA has issued a number of new regulations regarding emissions from electric generating units. What is the EPA's ultimate goal? Is the EPA trying to force utilities to take coal-fired power plants out of operation?

Ex. 5 - Deliberative

8. Is it fair to say that EPA would like to see the United States lessen its dependence on coal for electricity production?

Ex. 5 - Deliberative

9. One significant concern in the electric utility industry is regulatory certainty, but we consistently see rules overturned in the courts or delayed numerous times during the rulemaking process, ultimately dragging the process out for years in some instances. With the host of rules being promulgated and expected in the near future, what are you doing to stop this cycle and at the same time ensure legally defensible, cost-effective rules that successfully protect human health and the environment?

Ex. 5 - Deliberative

10. You have consistently said you believe nuclear power is an important part of the nation's climate solution. With the announced closure of a number of nuclear reactors in the last year or so, what is EPA doing to ensure the reliability of the grid?

Ex. 5 - Deliberative

11. It is my understanding EPA takes into consideration the costs and benefits of much of its rulemaking activities, but uses Energy Information Administration data that may not capture a complete picture of the future energy landscape. With the long list of pending EPA regulatory actions, does your rulemaking process take into consideration costs and benefits beyond the EIA baseline? That is to say does EPA consider for example the greenhouse gas effects when finalizing the 316(b) cooling water intake structures regulation?

Ex. 5 - Deliberative

12. Funding for mitigation activities related to ozone is currently tied to "non-attainment" status. Therefore, communities such as the Omaha metro area that are currently in "attainment," but are trying to be pro-active and address ozone-forming emissions prior to violating air quality standards have little financial assistance available. This places communities in the unenviable situation of having to violate air standards in order to become eligible for additional funding. EPA recently developed the Ozone Advance program to attempt to provide funds for metro areas, such as the Omaha region. Would you take proactive measures, such as participation in Ozone Advance, into consideration when designating whether a region will be deemed "non-attainment"? And would you champion opportunities to provide funding for communities that are in attainment?

Ex. 5 - Deliberative

13. High ozone formation frequently occurs as a result of natural processes (heat, lack of wind, etc.) that are beyond human control. Emissions traveling from other metro areas can also have an impact. For instance, in the Omaha metro area, one can track a direct correlation between the number of high ozone days and extreme high temperature days, whereas mild summers usually result in few, if any, high ozone days. We also have annual burns that occur in the Flint Hills in Kansas that appear to contribute air quality problems. It is unfair to punish communities for factors that are beyond their control. How would EPA take into account factors that are beyond a region's control when designating attainment and non-attainment areas?

Ex. 5 - Deliberative

Ex. 5 - Deliberative

14. The EPA Clean Air Scientific Advisory Committee (CASAC) last recommended the ozone standard be set at a range between 60 and 70 parts per billion (ppb). If the standard were set at 60 parts per billion, the vast majority of the United States—including the Nebraska Panhandle (due to emissions from the Denver metro area), one of the most sparsely populated regions of the United States—would be in violation of the standard. Many metro areas who struggled for years to attain the standard set in 1997 now feel as though the standard will be set at an unrealistic level that will only result in perpetual non-attainment status. How would you apply common sense and reasonableness in setting air quality standards? Do you think that there are diminishing returns of further reducing air quality standards past a certain point?

Ex. 5 - Deliberative

15. Last November, the EPA proposed Renewable Fuel Standard targets for 2014 that would blend less fuel than we blended last year, impacting the economy in Nebraska. It does so using an approach that I find to be inconsistent with the law and previous regulations by inserting considerations about fuel delivery infrastructure into the annual target setting process. What steps is EPA taking to fix this proposed rule and respond to the hundreds of thousands of comments submitted for your consideration? When do you expect the final rule to be released?

Ex. 5 - Deliberative

16. Do you believe the RFS allows for a waiver of biofuel volumes based on retail refueling infrastructure?

Ex. 5 - Deliberative

17. Do you think it is the right policy to move the RFS blending targets backward?

Ex. 5 - Deliberative

18. Do you believe that the EPA can perform any regulatory actions to make it easier for fueling stations to offer E15?

Ex. 5 - Deliberative

To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: Vaught, Laura
Sent: Thur 8/21/2014 6:09:12 PM
Subject: Re: any indication on if the RFS will move tomorrow?

I keep hearing "today" but that has been case since Monday, so not totally sure. Will try to check.

On Aug 21, 2014, at 2:07 PM, "Thieman, Karla - OSEC" <Karla.Thieman@osec.usda.gov> wrote:

I heard it might? Secretary is going to be in IA so trying to get him the latest.

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To: Thieman, Karla - OSEC[Karla.Thieman@osec.usda.gov]
From: Vaught, Laura
Sent: Tue 8/19/2014 4:56:33 PM
Subject: RE: I decided to call in... :)

Last I heard (this morning) the plan was to get it to omb today, but was small chance it could slip until tomorrow. I think some minor edits were being made.

From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
Sent: Tuesday, August 19, 2014 12:45 PM
To: Vaught, Laura
Subject: Re: I decided to call in... :)

On another note...is rfs moving today?

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, August 19, 2014 12:37 PM
To: Thieman, Karla - OSEC
Subject: RE: I decided to call in... :)

Ex. 5 - Deliberative

From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
Sent: Tuesday, August 19, 2014 12:28 PM
To: Vaught, Laura
Subject: Re: I decided to call in... :)

This has always been my discussion. We need to know where we need to land and build the record there. That has always been my point.

Also we are never getting aggies. That's my whole point.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]

Sent: Tuesday, August 19, 2014 12:25 PM
To: Thieman, Karla - OSEC
Subject: RE: I decided to call in... :)

I think this is the whole point that is getting lost somehow (largely here) - that we can't divorce the two.

From: Thieman, Karla - OSEC [mailto:Karla.Thieman@osec.usda.gov]
Sent: Tuesday, August 19, 2014 12:07 PM
To: Vaught, Laura
Subject: Re: I decided to call in... :)

I almost did...

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Tuesday, August 19, 2014 12:06 PM
To: Thieman, Karla - OSEC
Subject: I decided to call in... :)

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To: Jess Maher Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Sat 6/14/2014 8:34:39 PM
Subject: Re: WOTUS

NP.

From: Maher, Jess < Ex. 6 - Personal Privacy
Sent: Saturday, June 14, 2014 4:23:51 PM
To: Vaught, Laura
Subject: Re: WOTUS

TY. Sorry.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Saturday, June 14, 2014 04:19 PM
To: Maher, Jess
Subject: Fw: WOTUS

From: Crook, Lowry Ex. 6 - Personal Privacy
Sent: Friday, June 13, 2014 5:46:51 PM
To: Hochstrasser, Franz; Maher, Jess; Vaught, Laura; 'moira.l.kelley Ex. 6 - Personal Privacy; Sarri, Kristen; Berman, Lindsey R.; Barranco, Angela
Cc: Rosenbaum, Amy
Subject: RE: WOTUS

FYI, here's what NRDC and some of the enviro groups would like to advocate. My guess is this doesn't do it for Pryor, Begich, Johnson, Tester.

None of the funds made available by this Act may be used to promulgate a final rule related to the proposed rule published at 79 Fed. Reg. 22,188 (April 21, 2014), prior to the completion of the Environmental Protection Agency Science Advisory Board's review of the draft report titled "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence."

Report language:

Jointly with the Environmental Protection Agency, the Army Corps of Engineers has proposed a rule identifying certain water bodies as "waters of the United States" subject to the Clean Water Act, and excluding several features from that definition. The agencies' proposed rule relies upon a draft peer-reviewed summary of the peer-reviewed scientific literature examining the

contribution of different kinds of waters to the physical, chemical, and biological condition of downstream navigable or interstate waters. That literature review, titled "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence," is presently undergoing additional peer review by an expert panel under the Science Advisory Board. The committee directs that the agencies may not finalize the proposal until the scientific report is reviewed by the Science Advisory Board and the final peer review recommendations are addressed in a final report. The committee expects any final rule will be based on a final version of the report.

From: Hochstrasser, Franz
Sent: Friday, June 13, 2014 5:32 PM
To: Crook, Lowry; Maher, Jess; 'Vaught.Laura@epa.gov'; 'moira.l.kelley Ex. 6 - Personal Privacy Sarri, Kristen; Berman, Lindsey R.; Barranco, Angela
Cc: Rosenbaum, Amy
Subject: RE: WOTUS

Positive statements attached. Also the supportive 'what they are saying' blog:
http://yosemite.epa.gov/opa/admpress.nsf/0/3f954c179cf0720985257ca7004920fa

To: Interested Parties

Date: March 26, 2014

Re: Stakeholder Statements – Waters of the US

Industry/Agriculture/Developers/Business

National Farmers Union| Chandler Goule, National Farmers Union (NFU) senior vice president of programs

"NFU has long advocated for increased certainty surrounding Clean Water Act requirements for family farmers and ranchers in the wake of complicating Supreme Court decisions. Today's draft

rule clarifies Clean Water Act jurisdiction, maintains existing agricultural exemptions and adds new exemptions, and encourages enrollment in U.S. Department of Agriculture conservation programs. "In addition, farmers and ranchers who are voluntarily enacting certain conservation practices on their farms will be exempt from Clean Water Act Section 404 permitting requirements." "Today's ag-friendly announcement clearly indicates that NFU and other agricultural stakeholders made their voices heard, and EPA took notice. I encourage EPA to continue to rebuild trust with the agricultural community by withdrawing its proposal to reduce the Renewable Fuel Standard targets." [Press Release, 3/25/2014]

North Carolina Wildlife Federation | Tim Gestwicki, CEO

"This is a huge step forward for protecting our waters and wildlife. We simply cannot protect our rivers, lakes, and bays without protecting the many small streams and wetlands that feed into them." "The proposal clarifies which waters are—and which are not—protected by the Clean Water Act. It will protect many streams and wetlands that are currently in legal limbo. The rule also specifically excludes many man-made ditches, ponds, and irrigation systems and honors the law's current exemptions for normal farming, ranching, and forestry practices." "From mountain trout anglers, to piedmont bass enthusiasts and duck hunters in eastern NC, this is a critical step towards protecting our sporting heritage and our outdoor future." [Press Release, 3/24/2014]

Center for Rural Affairs| John Crabtree, CEO

"Rural America - and the family farmers, ranchers and small towns therein - are the tip of the spear in protecting the quality of the water of the United States," said John Crabtree of the Center for Rural Affairs. "The proposed rule is a commonsense effort to clear the regulatory waters, protect the quality of the nation's surface waters, and provide an environment in which economically vital activities such as hunting, fishing and birding as well as farming and ranching can both thrive and contribute to a better quality of life and safer drinking water for those of us that live here, and also for our neighbors downstream." [Press Release, 3/24/2014]

American Sustainable Business Council (ASBC) | Richard Eidlin, Co-founder and Policy Director

"In a statement, ASBC said it supports the proposed rule because it will give the business community more confidence that streams and rivers will be protected, and provide a consistent regulatory system based on sound science. The following may be attributed to Richard Eidlin, Co-founder and Policy Director for ASBC: American business has always depended on the availability of clean water for its success, and EPA's regulation in this area historically has been a prime example of the vital partnership between business and government. Whether a company is a food producer, a high tech manufacturer of silicon wafers, outdoor recreation guide or a beer

manufacturer, businesses rely on clean water to produce high quality and safe products. Ever since the passage of the Clean Water Act in 1972, the EPA has been charged with ensuring that our water supply remains safe. Today, we applaud the EPA for taking steps to clarify that small streams, wetlands and other tributaries are protected by the Act. Degradation and loss of wetlands or small streams can increase the risk of floods there by threatening businesses. Moreover, dirty, polluted water creates unnecessary and sometimes very difficult economic challenges for communities and businesses alike. Today's action by the EPA is good for the environment and good for business." [Press Release, 3/25/2014]

Rocky Mountain Farmers Union | Kent Peppler, President

"There is no disagreement among America's ranchers and farmers that clean water is critical to our ability to produce food and fiber for the nation. Members of the Rocky Mountain Farmers Union want to promote stewardship of land and water resources and deliver safe, healthy food to consumers.

However, we need to avoid unduly burdening America's small producers with unnecessary regulation and oversight. For that reason, we appreciate and support your efforts to ensure the proposed Clean Waters of the U.S. ruling clearly excludes many upland ditches, ponds, and irrigation systems, effectively preserving existing farming and forestry exemptions. This balanced approach provides greater long-term certainty for landowners, and will continue to protect streams, wetlands and other sources of our water supplies. Thank you for continuing to work with farmers and ranchers to conserve our way of life." [Letter, 3/26/2014]

Land Stewards

"The undersigned Western ranchers and farmers are writing in regards to the Environmental Protection Agency's recent decision clarifying "Waters of the U.S." (WOTUS) provisions of the Clean Water Act. We believe that a clearer definition of WOTUS was long overdue, and we appreciate your leadership in crafting guidance that works for agriculture, industry, local communities and the environment. Thank you for striking a common-sense balance in the proposed rule by clarifying the definition for WOTUS and maintaining critical exclusions for agriculture. As ranchers and farmers, we are not only tasked with providing America's food, fiber and fuel, but to do so in a forward-thinking, sustainable manner. We believe that farmers and ranchers are America's original conservationists, focused not only on producing our livelihoods from the land year in and year out, but in doing so in a manner that also ensures our natural resources will be there in the future." – John Kretsinger, KW Farms; John Rueb, Forever Yong Farms; Bill Eikenberry, Eikenberry Ranch; Rich Kaup, Lonesome Creek Ranch; Connie Harvey, Harvey Ranch; Jim McManus, Walking J Farm; Tim Kinney, Red Mountain; Wes McStay, McStay Ranch; and Marcia Litsinger, Churchill Butte Organics. [Joint Letter, 3/26/2014]

KW Farms | John Kretsinger

"I was happy to see the EPA and USDA finally clarify the 'Waters of the U.S.' provision. Although the livelihoods of every farmer and rancher depend on clean, abundant water supplies, we can't operate under regulations that aren't clear, or that are overly burdensome. The government got it right this time." [Press Release, 3/26/2014]

Forever Yong Farms | John Rueb

"As a farmer in the arid West, it was good to see the EPA's long-overdue clarification. A vast majority of our streams and rivers in Arizona are seasonal and rain-dependent, and it's important that these water resources aren't ignored. This new ruling balances overdue water protections and with protection." [Press Release, 3/26/2014]

Troublesome Creek Ranch | Rich Kaup

"Our ranch is actually at the headwaters of a creek, so we see firsthand how what happens here affects all others downstream. I'm glad to see this clarification by the EPA take basic water dynamics and protections into account." [Press Release, 3/26/2014]

Eikenberry Ranch | Bill Eikenberry

"Ranchers and farmers are inherently connected to land and water, counting on reliable water resources daily for our livelihoods. Therefore we appreciate more than most balanced water policy that both protects our water and also makes it possible to farm. I believe the EPA's new ruling represents common-sense balance between the two." [Press Release, 3/26/2014]

New Belgium Brewing Company, Fort Collins, CO | Andrew Lemley, Government Relations Director

"On behalf of the employee owners at New Belgium Brewing and our Alternatively Empowered culture, we offer a toast to 40 great years of the Clean Water Act and to the EPA and Obama Administration's leadership to make sure our water -- and our beer -- continues to be of the highest quality. We are thrilled for these incremental protections announced today that will help improve whole system watershed health."

Cornucopia, Charleston, WV | Nancy Ward, CEO

"As a small business owner who personally experienced the negative economic impact of a recent chemical spill in West Virginia's Elk River, I know how crucial it is for strengthening EPA regulations to protect our waterways."

King Arthur Flour Company, Norwich, VT | Suzanne McDowell, VP of Human Resources

"Water is quite literally the main ingredient for the foods we eat, and it is also central to the daily operations of our business. Clean and protected water thus couldn't be more important to King Arthur Flour and our commitment to healthy foods and a healthy planet."

Chefs for the Marcellus | Hilary Baum, Director

"Protection of small streams and wetlands is critical for maintaining the health of our food supply, communities, and businesses dependent on clean water. Used for livestock and crop irrigation upstream, and in food production, breweries, home kitchens and restaurants further down, the incalculable economic and social value of unpolluted water requires more than adequate safeguards and protections for a strong economy."

Environmental/Conservation Organizations/Hook & Bullet

Hispanic Access Foundation | Maite Arce, President

"Water is the lifeblood of our environment and as demands grow we need to be vigilant in protecting against pollution and keeping our ecosystems intact. Our river systems are an integral part of our Hispanic heritage and way of life. It's our moral obligation to conserve the landscape, rivers, wildlife and natural historical places for future generations. This rule change will strengthen the protection of our nation's streams and wetlands, which in turn supports tourism and agricultural industries. Families, anglers, hunters, recreationist and even businesses depending upon reliable water supplies will benefit from this proposal. Clean water is essential for everyone, but Hispanics face disproportionate health hazards largely due to poor environmental health. Greater protections for our nation's water systems will help address some of the larger health issues that affect our community as a whole." [Press Release, 3/25/2014]

Natural Resources Defense Council | Peter Lehner, Executive Director

"This is good news for boaters, anglers, swimmers and families who rely on clean drinking water. EPA took an important step to finally rescue these waters from legal limbo. Even though these are common-sense protections, the polluters are sure to attack them. People who care about clean water need to make their voices heard in the comment period." [Press Release, 3/25/2014]

NRDC Blogs by Peter Lehner, Karen Hobbs & Jon Devine.

Ducks Unlimited| Dale Hall, CEO

"The release of the draft rule gets us one step closer to better defining Clean Water Act regulations in regard to wetlands," said Ducks Unlimited CEO Dale Hall. "We are also pleased with the open process EPA has adopted, which invites the public, Congress and all interested parties to participate in the discussion. EPA's draft science report last year showed many categories of wetlands, including prairie potholes, may be geographically isolated but are still connected to, and have a significant impact on, downstream waters."[Press Release, 3/25/2014]

Trout Unlimited| Chris Wood, President and CEO

"Today's proposal speaks to the heart of the Clean Water Act—making rivers more fishable and swimmable," said Chris Wood, president and CEO of Trout Unlimited. "The waters affected by today's proposal provide vital spawning and rearing habitat for trout and salmon. Simply stated, the proposal will make fishing better, and anglers should support it. Restoring protections to these waters ensures healthy habitat for fish and a bright future for anglers."[Press Release, Blog, 3/25/2014]

Environment America| Margie Alt, Executive Director

"Whether we look back to the recent spill in West Virginia that left 300,000 people without drinking water or ahead to the dead zones that will blight Lake Erie and the Chesapeake Bay this summer, it's obvious that our waterways are not as clean or safe as we need them to be – for our drinking water, for recreation, or for the health of our ecosystems and wildlife," said Margie Alt, executive director of Environment America. "Today's action by the EPA will help ensure that all our waterways get the protection they need so we can enjoy them for years to come." "When finalized, this rule will be the biggest step forward for clean water in more than a decade," said Alt. "Thank you, Administrator McCarthy and all the staff at the EPA, for fighting to protect clean water. We look forward to working with you to get the job done." [Press Release, 3/25/2014]

American Rivers | Bob Irvin, President of American Rivers

"What happens in small streams and wetlands upstream affects the health of our rivers and the communities that depend upon them downstream," said Bob Irvin, President of American Rivers. "The proposed rule released today by the Environmental Protection Agency relies on sound science to clarify the scope of protections under the Clean Water Act for these critical upstream waters that contribute to our drinking water supplies and protect us from flooding. This is an important step forward to better protect and restore our nation's rivers." While these clarifications are an important step forward, American Rivers will continue to urge the Administration to go further to restore historical protections under the Clean Water Act through the public comment process" [Press Release, 3/25/2014]

Clean Water Action| Bob Wendelgass, Clean Water Action President and CEO

"These small streams are critical to the health of drinking water sources for nearly one third of all Americans" said Bob Wendelgass, Clean Water Action President and CEO, "The rule proposed today is clear, concise, and well supported by both the law and science. It's long overdue - Congress protected these vital resources when the landmark Clean Water Act passed in 1972 and these protections were wrongly revoked 12 years ago. This proposal, when finalized, will go a long way toward restoring protections and reflecting the way that water works in the real world."

[Press Release, 3/25/2014]

League of Conservation Voters| President Gene Karpinski, CEO

"This is an important step forward for restoring the true scope of the Clean Water Act and protecting our nation's waterways. This rule will protect vital streams and wetlands that provide drinking water for over 117 million Americans, filter pollution, and reduce the impacts of flooding and erosion. This comes on the heels of President Obama's designation of the Point Arena-Stornetta Public Lands as a National Monument and the continued implementation of his Climate Action Plan, and further demonstrates his strong commitment to protecting our environment and our health." [Press Release,3/25/2014]

Theodore Roosevelt Conservation Partnership | Whit Fosburgh TRCP President and CEO
"Several leading sportsmen's organizations – the American Fly Fishing Trade Association, Berkley Conservation Institute, Izaak Walton League of America, National Wildlife Federation, Theodore Roosevelt Conservation Partnership, Trout Unlimited and Wildlife Management

Institute – applauded the release of the proposed rule, saying that it would better protect important habitats for fish and wildlife." "We are pleased the administration has taken this crucial step to provide clarity and certainty to landowners, conservationists and businesses regarding waters of the United States," said TRCP President and CEO Whit Fosburgh. "Long overdue, this action restores some – but not all – Clean Water Act protections to these critical resources, conserving healthy habitat, upholding water quality and supporting the sporting traditions that tens of millions of Americans enjoy." [Press Release, 3/25/2014]

American Fly Fishing Trade Association | Ben Bulis, President

"The economic benefits to the United States from these wetlands and streams are staggering. For example, direct spending on hunting and fishing totals $86 billion each year in the United States, which ripples through the economy, generating $200 billion in total economic activity annually." [Press Release, 3/25/2014]

Wildlife Management Institute | Steve Williams, President

"In a measured response to the Supreme Court's decisions, the proposed rule will provide the clear direction necessary to conserve the nation's wetlands and streams. In addition, it provides practical and necessary exclusions for farming and forestry activities. The rule recognizes the essential value of clean water for our nation's citizens and our fish and wildlife resources." [Press Release, 3/25/2014]

TRCP | Jimmy Hague, Center for Water Resources Director

"All sides of this debate and the Supreme Court have said a rulemaking is necessary to give regulators and the regulated community certainty as well as fulfill the Clean Water Act's goal of ensuring fishable and swimmable waters. Now that the proposed rule is public, we can finally have this discussion based on fact and go about the process of restoring Clean Water Act protections to waters upon which America's hunters and anglers rely." [Press Release, 3/25/2014]

Berkley Conservation Institute | Jim Martin, Conservation Director

"We are glad to have the Clean Water Act protections for our lakes, rivers and streams clarified to end the confusion. It simply makes no sense for the taxpayers to pay millions to clean up waters that were polluted, flooded and damaged when it makes the most sense to protect them in the first place." [Press Release, 3/25/2014]

Izaak Walton League of America | Scott Kovarovics, Executive Director

"The Corps and EPA are proposing balanced, science-based policy to restore essential protections for streams, wetlands, and other waters," said Scott Kovarovics, Izaak Walton League Executive Director. "The proposal will better protect streams that provide drinking water to 117 million people and help conserve streams and wetlands that are vital to a vibrant outdoor recreation economy." [Press Release, 3/25/2014]

"The proposed rule takes a moderate approach – based on the best available peer-reviewed scientific evidence – that falls within the limits of the Supreme Court decisions. It preserves the existing exemptions for farming, forestry, mining and other land use activities, such as the exemption in the existing regulation for many wetlands converted to cropland prior to 1985, as well as exemptions written into the Clean Water Act itself that cannot be changed by administrative action." [TRCP Press Release, 3/25/2014]

Clean Water Action | Minnesota Center For Environmental Advocacy | Minnesota Conservation Federation | Minnesota Trout Unlimited | Izaak Walton League | Minnesota Environmental Partnership

State conservation groups strongly support a new federal rule, announced today by the Obama Administration, which aims to better protect U.S. waters from pollution and destruction, including those in Minnesota. "This rule will benefit millions of people across the country and in Minnesota," said Darrell Gerber, Program Coordinator, Clean Water Action. "The rule removes confusion over which streams and wetlands are covered by the Clean Water Act due to polluter friendly court decisions and subsequent Bush administration policies. It's good for our environment, economy, and quality of life." [Press Release, 3/25/2014]

National Wildlife Federation | Larry Schweiger, President and CEO

"This is a huge step forward for protecting America's waters and wildlife. You cannot tear out a tree's fine roots and expect it to survive. The streams and wetlands protected by this rule supply drinking water to more than one-third of all Americans. Our rivers, lakes, and bays will be cleaner and healthier once this rule becomes the law of the land. "This proposal clarifies which waters are-and which are not-protected by the Clean Water Act. It will protect streams and wetlands that are currently in legal limbo. The rule also specifically excludes many man-made ditches, ponds, and irrigation systems and honors the law's current exemptions for normal farming, ranching, and forestry practices. "Our only disappointment is that the proposal stops

short of restoring full protections for many wetlands important for wildlife, such as prairie potholes, Carolina bays, vernal pools, and playa lakes. We look forward to making the legal and scientific case for protecting these waters during the comment period to come." [Press Release, 3/25/2014]

National Wildlife Federation | Joshua Saks, Legislative Director

"Since 2006, what is and isn't covered by the Clean Water Act has been under dispute. Our sportsmen have been waiting for new regulations for years. Now the EPA and Army Corps will be able to help preserve wildlife and fishing habitats which have been endangered." [WallStreet Journal, 3/25/2014]

Outdoor Alliance member American Whitewater | National Stewardship Director Kevin Colburn

American Whitewater's National Stewardship Director Kevin Colburn explained that one of the most important aspects of the proposed rule is that it confirms that the Clean Water Act applies to headwater streams and related wetlands. "The recreational, ecological, and economic benefits of clarifying Clean Water Act protection for headwater streams are enormous," said Colburn. "The new rule will protect the quality of water in our taps, flowing through our communities, and under our boats. The nation's headwater rivers and streams are particularly important in providing clean cold drinking water for millions of Americans. These same streams offer world-class recreation opportunities that improve the quality of life and economic viability for countless communities. Kayakers and rafters spend more time in direct contact with headwater streams than just about anyone, which makes water quality very important to paddlers, Colburn explained. "This initiative promises to protect the safety of our rivers for paddling, fishing, swimming, and even just dipping your toes in."
[Press Release, 3/25/2014]

Earthjustice | Chris Espinosa, Clean Water Legislative and Policy Advocate

"The Waters of the U.S. rule will restore Clean Water Act coverage to many of our nation's water bodies, ensuring that families, anglers, and recreationalists who value and rely upon safe and clean water can know that their waters are protected. The rule will also provide certainty to small businesses, ranchers, and farmers who, like all of us, rely on clean water supplies to thrive in their enterprises. The draft rule is a positive step forward in making sure that clean water is able to be enjoyed by all for many generations to come." [Blog, 3/25/2014]

Earthjustice | Trip Van Noppen, President

"We applaud the EPA for proposing a rule that would reinstate clean water protections for

streams and wetlands that supply the drinking water of 117 million Americans. Unfortunately, for the last decade while these protections have lapsed, we have seen the consequences of not protecting our waters. Today, more than 55 percent of our rivers and streams are in 'poor' condition, considered unfit for drinking, swimming, or fishing. As the West Virginia chemical spill shows, the cost of not having clean water is too great a price to pay. The EPA's new Clean Water Act rule finally restores protections so that we can begin the hard work of cleaning up our waters for our children to swim in, fish in, and drink from. No doubt, polluters will rail and lobby against this rule and any other clean water safeguards that keep them from dumping their toxic waste in our communities and waters, or that hold them accountable for their pollution. We cannot back down on protecting the waters that eventually flow through our faucets. Our children, our health, and our very drinking water are at stake. We urge the Obama administration to resist the polluter lobbies and quickly move forward in protecting our waterways and our families." [Press Release, 3/25/2014 –

"Today's long-overdue EPA rule finally clears up all the confusion left by these two court rulings, and it restores protections that were stripped away by the Bush policies. It is based on over 1,000 independent peer-reviewed scientific studies that show what is commonly known: Our waters are connected. Polluters and their friends in Congress will cry that this amounts to government overreach -- that the EPA wants to regulate the puddles at the end of our driveways. But this isn't about puddles; it's about protecting the critical sources of our drinking water. It's about ensuring that our children can swim in our rivers and fish in our creeks. And it's about saving the wetlands that serve as a sponge, a pollutant filter, and natural flood protection for our communities downstream. We cannot back down on protecting the waters that eventually flow through our faucets. Our children, our health, and our very drinking water are at stake. We urge the Obama administration to resist the polluter lobbies and quickly move forward in protecting our waterways and our families." [Blog, 3/25/2014]

Choose Clean Water Coalition | Jill Witkowski, Director of the Choose Clean Water Coalition

"With this rule, everyone—including those wishing to develop in and around these waters—will have a much clearer picture of what they can and can't do under the law," says Jill Witkowski, director of the Choose Clean Water Coalition. "With recent events in several states, it is very clear that we must do a better job of protecting our drinking water sources. This rule is a crucial piece of the puzzle." [Press Release, 3/25/2013]

Warren Singer | Louisiana National Wildlife Federation

"The intent of the proposed Rule is to protect the nation's headwaters, which will be a tremendous gain for our nation in whole, and Louisiana in particular as we are the drain for this

huge mid-continent bathtub that carries 1/3 of the nation's runoff to the sea."

BlueGreen Alliance | Executive Director David Foster

"The Clean Water Act is a quintessential environmental law that will be made even better by proposed protections for one of our most precious natural resources. Closing the gaps in these protections will safeguard hundreds of thousands of miles of streams and millions of acres of wetlands that are vital to the overall health of America's waterways. We're glad to see that millions of environmental, community, public health, labor, and business voices to protect clean water have been heard. It's never been more important to employ common-sense tools like this so that we can protect public health and the environment and strengthen the economy. We look forward to working together to see this important rule through to finalization." [Press Release, 3/25/2014]

Jessica Eckdish | Sierra Club

"…The Sierra Club applauds the Obama administration for this effort to restore a common-sense approach to protecting our nation's lakes, rivers, and streams. Clean water is an undeniable necessity for the enjoyment of these resources – not to mention the health of our families, our environment, and our economy. As the Environmental Protection Agency and U.S. Army Corps of Engineers have recognized with this rule, ensuring the protection of water bodies upstream is vital to keeping pollution out of our waters downstream…" [Blog, 3/25/2014]

Bull Moose Sportsmen's Alliance | Gaspar Perricone, Director
"The recent action will provide protection for the waters that wildlife depend on and that sportsmen enjoy," said Gaspar Perricone, Director of the Bull Moose Sportsmen's Alliance. "We are pleased that the draft rule provides a framework to start restoring critical water sources and quality and in a manner that protects agricultural practices and private lands."[Press Release, 3/26/2014]

Bass Anglers Sportsman Society | Jimmy Hague, Director of the Center for Water Resources
"Mr. Kopocis's most important message to summit participants? The draft rule won't be perfect when it is released for public input. Bass fishermen – and sportsmen of all stripes – will have valuable advice for how to improve the rule, and the EPA will want to hear it – and needs to hear it! This is a once-in-a-generation chance to restore Clean Water Act protections to waters sportsmen care about the most. As such, the TRCP will be facilitating sportsmen comments on the rule after it is released." [Press Release, 3/26/2014]

Dr. Dorothy Boorse | Professor of Biology at Gordon College

"There is no disagreement among America's ranchers and farmers that clean water is critical to our ability to produce food and fiber for the nation. Members of the Rocky Mountain Farmers Union want to promote stewardship of land and water resources and deliver safe, healthy food to consumers. However, we need to avoid unduly burdening America's small producers with unnecessary regulation and oversight. For that reason, we appreciate and support your efforts to ensure the proposed Clean Waters of the U.S. ruling clearly excludes many upland ditches, ponds, and irrigation systems, effectively preserving existing farming and forestry exemptions. This balanced approach provides greater long-term certainty for landowners, and will continue to protect streams, wetlands and other sources of our water supplies."

Faith-Based Community

Evangelical Environmental Network | Rev. Mitch Hescox President & CEO
"We are thankful that the U.S. Army Corps of Engineers and the EPA have worked together to propose a new rule that clarifies the protection needed to ensure pure water, defend our children's health, and codify exemptions that have long applied to farmers. There are simply too many stories like a crude oil spill in Texas that fouled drinking water, 5000 gallons of oil spilled into a stream in Denver, or livestock waste in Georgia polluting a local lake. Each of the above and many more were never enforced because of confusion created."[Press Release, 3/25/2014]

Government

U.S. Senator Barbara Boxer, D-CA, Chair of Senate Environment and Public Works

"I am so pleased that the EPA and Army Corps are taking important steps to provide certainty and clarity to ensure that our wetlands and streams are protected. Communities and businesses depend on a safe water supply, and the proposed rule will provide the consistency and predictability that is needed to safeguard the nation's water resources." [Press Release, 3/25/2014]

U.S. Senator Sheldon Whitehouse, D-RI

"We all have a stake in ensuring that our nation's waters remain clean and safe. What happens upstream affects drinking water supplies and coastal waters, like Rhode Island's Narragansett Bay. The Clean Water Act was passed in 1972 with broad bipartisan support; however, Supreme Court decisions have resulted in conflicting determinations about what waters are covered by the

Act. The proposed rule announced today will reduce the case-by-case application of the Clean Water Act that costs regulators and industry time and money. I support the EPA's effort to reduce the frustration that has resulted from unclear jurisdiction of the CWA and applaud them for working with both the U.S. Army Corps and U.S. Department of Agriculture to craft this rule." [Press Release, 3/25/2014]

Twitter

Media Matters (@mmfa)
3/26/14, 8:10 PM EPA's proposal would protect drinking water of 117 million Americans, but conservatives have other priorities in mind mm4a.org/1l4xpUd
Media Matters (@mmfa)
3/26/14, 1:36 PM EPA has a new proposal that will protect drinking water--so conservative media have to fear monger about it. mm4a.org/1l4xpUd
Next Generation (@nextgen_usa)
3/26/14, 1:30 PM New rule proposed clarifying Clean Water Act – "could particularly shield water sources in the West." nxg.is/1mv8uvG via @neelaeast
NRDC (@NRDC)
3/26/14, 10:49 AM Closing #CleanWater Act loophole will restore drinking #water and flood protections for millions: j.mp/1juF0hn #ProtectCleanWater
Sierra Club (@sierraclub)
3/26/14, 9:36 AM Like clean water? Good news - the Obama Admin is acting to restore Clean Water Act Protections to streams & wetlands sc.org/OUkmcW
Patricia Linna (@patricia_linna)
3/26/14, 9:51 PM More #Water 2B Protected Under Clean Water Act: Send a message of thanks to the #EPA! #maddow secure.sierraclub.org/site/Advocacy?… pic.twitter.com/VeoGasuOvv
Suaeda-californica (@Suaeda_ca)

3/25/14, 7:36 PM #EPA rules #wetlands next to rivers & streams are protected under CWA. epa.gov/uswaters #USwaters #Pollution #Biodiversity #Flora
EPWChairmanBoxer (@EPWChairBoxer)
3/25/14, 6:06 PM Boxer applauds EPA & Army Corps' proposal for protecting #USWaters 1.usa.gov/1jEpV8A
William G. Malley (@billmalley)
3/25/14, 5:49 PM EPA/Corps NPRM would exclude two types of roadside ditches from Corps jurisdiction; see pp. 60-63 here: 1.usa.gov/1jEkZ3J #USwaters
Gina McCarthy (@GinaEPA)
3/25/14, 4:18 PM Our proposed rule clarifies the protections for clean water and will help keep our communities safe and healthy. #USwaters
John Podesta (@Podesta44)
3/25/14, 3:36 PM EPA/Army Corps clarification of #USWaters protections are earning plaudits f/ @TroutUnlimited, @DucksUnlimited, @NFUDC, craft brewers & more
John Podesta (@Podesta44)
3/25/14, 1:45 PM Clarified rules for #USwaters from @EPA + Army Corps will lower costs for businesses and improve waterway health www2.epa.gov/uswaters
Creation Care (@CreationCare)
3/25/14, 1:43 PM Grateful for leadership of @GinaEPA in protecting our waters for current and future generations #USWaters
Creation Justice (@CreationJustice)
3/25/14, 12:12 PM Thank you @EPA and @EPAwater for working to protect water! #WaterIsSacred #USWaters www2.epa.gov/uswaters pic.twitter.com/tDpg1wdcqi

Additional Amplification

Media Alert

March 25, 2014
Contact: Katie McKalip, 406-240-9262, kmckalip@trcp.org

Jimmy Hague, 202-639-8727, ext. 15, jhague@trcp.org

Teleconference TODAY:
Army Corps and EPA Release Long-Awaited Clean Water Rule

Proposed rule restores Clean Water Act protections for waters, valuable fish and wildlife habitat

WASHINGTON – Today, the U.S. Army Corps of Engineers and Environmental Protection Agency jointly released a proposed rule that would clearly define which streams and wetlands are protected by the Clean Water Act.

This action would begin restoring longstanding protections to many of the nation's wetlands, streams and lakes, conserving critical fish and wildlife habitat and providing flood control, drinking water and a host of other benefits.

Together with administrative guidance issued in 2003 and 2008, two Supreme Court decisions in the 2000s removed Clean Water Act protections for at least 20 million acres of wetlands, particularly prairie potholes and other seasonal wetlands essential to waterfowl populations throughout the country. Intermittent streams that provide critical habitat for fish, especially trout, and feed the public drinking water systems for more than 117 million Americans also were put at increased risk of pollution and destruction.

Hear from a range of experts how today's announcement will address these problems and protect our nation's waters and wetlands.

Who:

- **John Crabtree**, Media Director, Center for Rural Affairs
- **Rev. Mitch Hescox**, President and CEO, Evangelical Environmental Networks
- **Charlie Johnson,** Organic Farmer, The Johnson Farm
- **Bryan Simpson,** PR Director, New Belgium Brewing Company
- **Chris Wood,** President and CEO, Trout Unlimited
- **Moderator: Whit Fosburgh**, President and CEO, Theodore Roosevelt Conservation Partnership

When: Tuesday, March 25, at 12:45 p.m. EDT/11:45 a.m. CDT/10:45 a.m. MDT/9:45 a.m. PDT

To join, call 800-311-9403 and enter access code "175716."

RSVP to Katie McKalip at kmckalip@trcp.org or 406-240-9262.

For more information on the TRCP visit our website.

Connect with us on Facebook.

Follow us on Twitter.

Inspired by the legacy of Theodore Roosevelt, the TRCP is a coalition of organizations and grassroots partners working together to preserve the traditions of hunting and fishing.

If for any reason you would like to stop receiving materials from the TRCP, simply reply to this message with “REMOVE” in the subject line.

RADIO

EPA RELEASES FARMER FRIENDLY CLEAN WATER ACT PROPOSAL
The EPA has just come out with its new Clean Water Act proposals. (Gary Crawford, Gina McCarthy and Secy' Tom Vilsack)
GCRAWFOR 00:01:00 SEC

ACTUALITY: EPA ADMINISTRATOR ON NEW CLEAN WATER PROPOSAL
EPA Administrator Gina McCarthy announcing the EPA's new Clean Water Act proposals dealing with the nation's streams and wetlands.
GCRAWFOR 00:04:21 Misc

ACTUALITY: VILSACK ON EPA PROPOSED CLEAN WATER ACT CLARIFICATIONS
Agriculture Secretary Tom Vilsack's comments on EPA's proposed Clean Water Act clarifications.
GCRAWFOR 00:03:24 SEC

ACTUALITY: EPA CLEAN WATER PROPOSAL UNLIKE LEAKED DRAFT
Agriculture Secretary Tom Vilsack saying the EPA's proposed Clean Water Act rule does not resemble the draft proposal that was leaked earlier.
GCRAWFOR 00:00:16 SEC

Franz Hochstrasser

Deputy Associate Director

White House Council on Environmental Quality

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

From: Crook, Lowry
Sent: Friday, June 13, 2014 5:01 PM
To: Maher, Jess; 'Vaught.Laura@epa.gov'; 'moira.l.kelley Ex. 6 - Personal Privacy; Sarri, Kristen; Berman, Lindsey R.; Hochstrasser, Franz; Barranco, Angela
Cc: Rosenbaum, Amy
Subject: Re: WOTUS

+Franz and Angela, who will have that list.

From: Maher, Jess
Sent: Friday, June 13, 2014 04:50 PM
To: Vaught, Laura <Vaught.Laura@epa.gov>; 'Kelley, Moira L CIV (US)' Ex. 6 - Personal Privacy Sarri, Kristen; Berman, Lindsey R.; Crook, Lowry
Cc: Rosenbaum, Amy
Subject: RE: WOTUS

Can someone send me all of the outside groups that came out in support of the proposed rule?

Thanks.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Friday, June 13, 2014 4:41 PM
To: Maher, Jess; 'Kelley, Moira L CIV (US)'; Sarri, Kristen; Berman, Lindsey R.; Crook, Lowry
Cc: Rosenbaum, Amy
Subject: RE: WOTUS

WE/EPA can keep looped with Boxer's folks.

I'm fine with whatever the group decides on the call with Doug question.

From: Maher, Jess Ex. 6 - Personal Privacy

Sent: Friday, June 13, 2014 4:01 PM
To: Vaught, Laura; 'Kelley, Moira L CIV (US)'; Sarri, Kristen; Berman, Lindsey R.; Crook, Lowry
Cc: Rosenbaum, Amy
Subject: WOTUS
Importance: High

Here is the language that Feinstein staff is mulling over as an alternative – I believe it's the language they have been talking to some of you about:

During the period from enactment of this Act through September 30, 2015, none of the funds made available in this Act may be used by the Corps of Engineers to finalize any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including the provisions of the rules dated November 13, 1986, and August 25,1993, relating to such jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to such jurisdiction.

Proposed next steps:

1) OLA calls Pryor, Landrieu, and Begich offices to lodge our opinion on any amdt that undermines this effort. TODAY.

2) CEQ reaches out to Ducks Unlimited. TODAY.

3) CEQ and OMB lead a process with Corps and EPA to come up with a few choices for alternatives. TODAY/OVER THE WEEKEND.

4) Simultaneous to #3 – do we want to hop on a group call with Doug to get his sense of where we should be targeting our thinking for alternatives? Please let me know ASAP, as we should try to do this today.

5) Who wants to be on point for keeping Boxer staff looped? EPA?

6) Reconnect as a staff-level group on Monday to discuss where we are.

Do folks have additions/edits/suggestions on that list of proposed next steps? If we are going to

try to convene with Doug today, we will need to make that determination in the next 15 or so minutes.

Thanks.
Jess

Jess Maher

Special Assistant to the President

White House Office of Legislative Affairs

Ex. 6 - Personal Privacy

To: Jess Maher Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Sat 6/14/2014 8:19:20 PM
Subject: Fw: WOTUS

From: Crook, Lowry Ex. 6 - Personal Privacy
Sent: Friday, June 13, 2014 5:46:51 PM
To: Hochstrasser, Franz; Maher, Jess; Vaught, Laura; 'moira.l.kelley Ex. 6 - Personal Privacy Sarri, Kristen; Berman, Lindsey R.; Barranco, Angela
Cc: Rosenbaum, Amy
Subject: RE: WOTUS

FYI, here's what NRDC and some of the enviro groups would like to advocate. My guess is this doesn't do it for Pryor, Begich, Johnson, Tester.

None of the funds made available by this Act may be used to promulgate a final rule related to the proposed rule published at 79 Fed. Reg. 22,188 (April 21, 2014), prior to the completion of the Environmental Protection Agency Science Advisory Board's review of the draft report titled "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence."

Report language:

Jointly with the Environmental Protection Agency, the Army Corps of Engineers has proposed a rule identifying certain water bodies as "waters of the United States" subject to the Clean Water Act, and excluding several features from that definition. The agencies' proposed rule relies upon a draft peer-reviewed summary of the peer-reviewed scientific literature examining the contribution of different kinds of waters to the physical, chemical, and biological condition of downstream navigable or interstate waters. That literature review, titled "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence," is presently undergoing additional peer review by an expert panel under the Science Advisory Board. The committee directs that the agencies may not finalize the proposal until the scientific report is reviewed by the Science Advisory Board and the final peer review recommendations are addressed in a final report. The committee expects any final rule will be based on a final version of the report.

From: Hochstrasser, Franz

Sent: Friday, June 13, 2014 5:32 PM
To: Crook, Lowry; Maher, Jess; 'Vaught.Laura@epa.gov'; 'moira.l.kelley[Ex. 6 - Personal Privacy]; Sarri, Kristen; Berman, Lindsey R.; Barranco, Angela
Cc: Rosenbaum, Amy
Subject: RE: WOTUS

Positive statements attached. Also the supportive 'what they are saying' blog:
http://yosemite.epa.gov/opa/admpress.nsf/0/3f954c179cf0720985257ca7004920fa

To: Interested Parties

Date: March 26, 2014

Re: Stakeholder Statements – Waters of the US

Industry/Agriculture/Developers/Business

National Farmers Union| Chandler Goule, National Farmers Union (NFU) senior vice president of programs

"NFU has long advocated for increased certainty surrounding Clean Water Act requirements for family farmers and ranchers in the wake of complicating Supreme Court decisions. Today's draft rule clarifies Clean Water Act jurisdiction, maintains existing agricultural exemptions and adds new exemptions, and encourages enrollment in U.S. Department of Agriculture conservation programs. "In addition, farmers and ranchers who are voluntarily enacting certain conservation practices on their farms will be exempt from Clean Water Act Section 404 permitting requirements." "Today's ag-friendly announcement clearly indicates that NFU and other agricultural stakeholders made their voices heard, and EPA took notice. I encourage EPA to continue to rebuild trust with the agricultural community by withdrawing its proposal to reduce the Renewable Fuel Standard targets." [Press Release, 3/25/2014]

North Carolina Wildlife Federation | Tim Gestwicki, CEO

"This is a huge step forward for protecting our waters and wildlife. We simply cannot protect our

rivers, lakes, and bays without protecting the many small streams and wetlands that feed into them." "The proposal clarifies which waters are—and which are not—protected by the Clean Water Act. It will protect many streams and wetlands that are currently in legal limbo. The rule also specifically excludes many man-made ditches, ponds, and irrigation systems and honors the law's current exemptions for normal farming, ranching, and forestry practices." "From mountain trout anglers, to piedmont bass enthusiasts and duck hunters in eastern NC, this is a critical step towards protecting our sporting heritage and our outdoor future." [Press Release, 3/24/2014]

Center for Rural Affairs| John Crabtree, CEO

"Rural America - and the family farmers, ranchers and small towns therein - are the tip of the spear in protecting the quality of the water of the United States," said John Crabtree of the Center for Rural Affairs. "The proposed rule is a commonsense effort to clear the regulatory waters, protect the quality of the nation's surface waters, and provide an environment in which economically vital activities such as hunting, fishing and birding as well as farming and ranching can both thrive and contribute to a better quality of life and safer drinking water for those of us that live here, and also for our neighbors downstream." [Press Release, 3/24/2014]

American Sustainable Business Council (ASBC) | Richard Eidlin, Co-founder and Policy Director

"In a statement, ASBC said it supports the proposed rule because it will give the business community more confidence that streams and rivers will be protected, and provide a consistent regulatory system based on sound science. The following may be attributed to Richard Eidlin, Co-founder and Policy Director for ASBC: American business has always depended on the availability of clean water for its success, and EPA's regulation in this area historically has been a prime example of the vital partnership between business and government. Whether a company is a food producer, a high tech manufacturer of silicon wafers, outdoor recreation guide or a beer manufacturer, businesses rely on clean water to produce high quality and safe products. Ever since the passage of the Clean Water Act in 1972, the EPA has been charged with ensuring that our water supply remains safe. Today, we applaud the EPA for taking steps to clarify that small streams, wetlands and other tributaries are protected by the Act. Degradation and loss of wetlands or small streams can increase the risk of floods there by threatening businesses. Moreover, dirty, polluted water creates unnecessary and sometimes very difficult economic challenges for communities and businesses alike. Today's action by the EPA is good for the environment and good for business." [Press Release, 3/25/2014]

Rocky Mountain Farmers Union | Kent Peppler, President

"There is no disagreement among America's ranchers and farmers that clean water is critical to

our ability to produce food and fiber for the nation. Members of the Rocky Mountain Farmers Union want to promote stewardship of land and water resources and deliver safe, healthy food to consumers.

However, we need to avoid unduly burdening America's small producers with unnecessary regulation and oversight. For that reason, we appreciate and support your efforts to ensure the proposed Clean Waters of the U.S. ruling clearly excludes many upland ditches, ponds, and irrigation systems, effectively preserving existing farming and forestry exemptions. This balanced approach provides greater long-term certainty for landowners, and will continue to protect streams, wetlands and other sources of our water supplies. Thank you for continuing to work with farmers and ranchers to conserve our way of life." [Letter, 3/26/2014]

Land Stewards

"The undersigned Western ranchers and farmers are writing in regards to the Environmental Protection Agency's recent decision clarifying "Waters of the U.S." (WOTUS) provisions of the Clean Water Act. We believe that a clearer definition of WOTUS was long overdue, and we appreciate your leadership in crafting guidance that works for agriculture, industry, local communities and the environment. Thank you for striking a common-sense balance in the proposed rule by clarifying the definition for WOTUS and maintaining critical exclusions for agriculture. As ranchers and farmers, we are not only tasked with providing America's food, fiber and fuel, but to do so in a forward-thinking, sustainable manner. We believe that farmers and ranchers are America's original conservationists, focused not only on producing our livelihoods from the land year in and year out, but in doing so in a manner that also ensures our natural resources will be there in the future." – John Kretsinger, KW Farms; John Rueb, Forever Yong Farms; Bill Eikenberry, Eikenberry Ranch; Rich Kaup, Lonesome Creek Ranch; Connie Harvey, Harvey Ranch; Jim McManus, Walking J Farm; Tim Kinney, Red Mountain; Wes McStay, McStay Ranch; and Marcia Litsinger, Churchill Butte Organics. [Joint Letter, 3/26/2014]

KW Farms | John Kretsinger

"I was happy to see the EPA and USDA finally clarify the 'Waters of the U.S.' provision. Although the livelihoods of every farmer and rancher depend on clean, abundant water supplies, we can't operate under regulations that aren't clear, or that are overly burdensome. The government got it right this time." [Press Release, 3/26/2014]

Forever Yong Farms | John Rueb

"As a farmer in the arid West, it was good to see the EPA's long-overdue clarification. A vast majority of our streams and rivers in Arizona are seasonal and rain-dependent, and it's important

that these water resources aren't ignored. This new ruling balances overdue water protections and with protection." [Press Release, 3/26/2014]

Troublesome Creek Ranch | Rich Kaup

"Our ranch is actually at the headwaters of a creek, so we see firsthand how what happens here affects all others downstream. I'm glad to see this clarification by the EPA take basic water dynamics and protections into account." [Press Release, 3/26/2014]

Eikenberry Ranch | Bill Eikenberry

"Ranchers and farmers are inherently connected to land and water, counting on reliable water resources daily for our livelihoods. Therefore we appreciate more than most balanced water policy that both protects our water and also makes it possible to farm. I believe the EPA's new ruling represents common-sense balance between the two." [Press Release, 3/26/2014]

New Belgium Brewing Company, Fort Collins, CO | Andrew Lemley, Government Relations Director

"On behalf of the employee owners at New Belgium Brewing and our Alternatively Empowered culture, we offer a toast to 40 great years of the Clean Water Act and to the EPA and Obama Administration's leadership to make sure our water -- and our beer -- continues to be of the highest quality. We are thrilled for these incremental protections announced today that will help improve whole system watershed health."

Cornucopia, Charleston, WV | Nancy Ward, CEO

"As a small business owner who personally experienced the negative economic impact of a recent chemical spill in West Virginia's Elk River, I know how crucial it is for strengthening EPA regulations to protect our waterways."

King Arthur Flour Company, Norwich, VT | Suzanne McDowell, VP of Human Resources

"Water is quite literally the main ingredient for the foods we eat, and it is also central to the daily operations of our business. Clean and protected water thus couldn't be more important to King Arthur Flour and our commitment to healthy foods and a healthy planet."

Chefs for the Marcellus | Hilary Baum, Director

"Protection of small streams and wetlands is critical for maintaining the health of our food supply, communities, and businesses dependent on clean water. Used for livestock and crop irrigation upstream, and in food production, breweries, home kitchens and restaurants further down, the incalculable economic and social value of unpolluted water requires more than adequate safeguards and protections for a strong economy."

Environmental/Conservation Organizations/Hook & Bullet

Hispanic Access Foundation | Maite Arce, President

"Water is the lifeblood of our environment and as demands grow we need to be vigilant in protecting against pollution and keeping our ecosystems intact. Our river systems are an integral part of our Hispanic heritage and way of life. It's our moral obligation to conserve the landscape, rivers, wildlife and natural historical places for future generations. This rule change will strengthen the protection of our nation's streams and wetlands, which in turn supports tourism and agricultural industries. Families, anglers, hunters, recreationist and even businesses depending upon reliable water supplies will benefit from this proposal. Clean water is essential for everyone, but Hispanics face disproportionate health hazards largely due to poor environmental health. Greater protections for our nation's water systems will help address some of the larger health issues that affect our community as a whole." [Press Release, 3/25/2014]

Natural Resources Defense Council | Peter Lehner, Executive Director

"This is good news for boaters, anglers, swimmers and families who rely on clean drinking water. EPA took an important step to finally rescue these waters from legal limbo. Even though these are common-sense protections, the polluters are sure to attack them. People who care about clean water need to make their voices heard in the comment period." [Press Release, 3/25/2014]

NRDC Blogs by Peter Lehner, Karen Hobbs & Jon Devine.

Ducks Unlimited| Dale Hall, CEO

"The release of the draft rule gets us one step closer to better defining Clean Water Act

regulations in regard to wetlands," said Ducks Unlimited CEO Dale Hall. "We are also pleased with the open process EPA has adopted, which invites the public, Congress and all interested parties to participate in the discussion. EPA's draft science report last year showed many categories of wetlands, including prairie potholes, may be geographically isolated but are still connected to, and have a significant impact on, downstream waters."[Press Release, 3/25/2014]

Trout Unlimited| Chris Wood, President and CEO

"Today's proposal speaks to the heart of the Clean Water Act—making rivers more fishable and swimmable," said Chris Wood, president and CEO of Trout Unlimited. "The waters affected by today's proposal provide vital spawning and rearing habitat for trout and salmon. Simply stated, the proposal will make fishing better, and anglers should support it. Restoring protections to these waters ensures healthy habitat for fish and a bright future for anglers."[Press Release, Blog, 3/25/2014]

Environment America| Margie Alt, Executive Director

"Whether we look back to the recent spill in West Virginia that left 300,000 people without drinking water or ahead to the dead zones that will blight Lake Erie and the Chesapeake Bay this summer, it's obvious that our waterways are not as clean or safe as we need them to be – for our drinking water, for recreation, or for the health of our ecosystems and wildlife," said Margie Alt, executive director of Environment America. "Today's action by the EPA will help ensure that all our waterways get the protection they need so we can enjoy them for years to come." "When finalized, this rule will be the biggest step forward for clean water in more than a decade," said Alt. "Thank you, Administrator McCarthy and all the staff at the EPA, for fighting to protect clean water. We look forward to working with you to get the job done." [Press Release, 3/25/2014]

American Rivers | Bob Irvin, President of American Rivers

"What happens in small streams and wetlands upstream affects the health of our rivers and the communities that depend upon them downstream," said Bob Irvin, President of American Rivers. "The proposed rule released today by the Environmental Protection Agency relies on sound science to clarify the scope of protections under the Clean Water Act for these critical upstream waters that contribute to our drinking water supplies and protect us from flooding. This is an important step forward to better protect and restore our nation's rivers." While these clarifications are an important step forward, American Rivers will continue to urge the Administration to go further to restore historical protections under the Clean Water Act through the public comment process" [Press Release, 3/25/2014]

Clean Water Action| Bob Wendelgass, Clean Water Action President and CEO

"These small streams are critical to the health of drinking water sources for nearly one third of all Americans" said Bob Wendelgass, Clean Water Action President and CEO, "The rule proposed today is clear, concise, and well supported by both the law and science. It's long overdue - Congress protected these vital resources when the landmark Clean Water Act passed in 1972 and these protections were wrongly revoked 12 years ago. This proposal, when finalized, will go a long way toward restoring protections and reflecting the way that water works in the real world."

[Press Release, 3/25/2014]

League of Conservation Voters| President Gene Karpinski, CEO

"This is an important step forward for restoring the true scope of the Clean Water Act and protecting our nation's waterways. This rule will protect vital streams and wetlands that provide drinking water for over 117 million Americans, filter pollution, and reduce the impacts of flooding and erosion. This comes on the heels of President Obama's designation of the Point Arena-Stornetta Public Lands as a National Monument and the continued implementation of his Climate Action Plan, and further demonstrates his strong commitment to protecting our environment and our health." [Press Release,3/25/2014]

Theodore Roosevelt Conservation Partnership | Whit Fosburgh TRCP President and CEO
"Several leading sportsmen's organizations – the American Fly Fishing Trade Association, Berkley Conservation Institute, Izaak Walton League of America, National Wildlife Federation, Theodore Roosevelt Conservation Partnership, Trout Unlimited and Wildlife Management Institute – applauded the release of the proposed rule, saying that it would better protect important habitats for fish and wildlife." "We are pleased the administration has taken this crucial step to provide clarity and certainty to landowners, conservationists and businesses regarding waters of the United States," said TRCP President and CEO Whit Fosburgh. "Long overdue, this action restores some – but not all – Clean Water Act protections to these critical resources, conserving healthy habitat, upholding water quality and supporting the sporting traditions that tens of millions of Americans enjoy." [Press Release, 3/25/2014]

American Fly Fishing Trade Association | Ben Bulis, President

"The economic benefits to the United States from these wetlands and streams are staggering. For example, direct spending on hunting and fishing totals $86 billion each year in the United States,

which ripples through the economy, generating $200 billion in total economic activity annually." [Press Release, 3/25/2014]

Wildlife Management Institute | Steve Williams, President

"In a measured response to the Supreme Court's decisions, the proposed rule will provide the clear direction necessary to conserve the nation's wetlands and streams. In addition, it provides practical and necessary exclusions for farming and forestry activities. The rule recognizes the essential value of clean water for our nation's citizens and our fish and wildlife resources." [Press Release, 3/25/2014]

TRCP | Jimmy Hague, Center for Water Resources Director

"All sides of this debate and the Supreme Court have said a rulemaking is necessary to give regulators and the regulated community certainty as well as fulfill the Clean Water Act's goal of ensuring fishable and swimmable waters. Now that the proposed rule is public, we can finally have this discussion based on fact and go about the process of restoring Clean Water Act protections to waters upon which America's hunters and anglers rely." [Press Release, 3/25/2014]

Berkley Conservation Institute | Jim Martin, Conservation Director

"We are glad to have the Clean Water Act protections for our lakes, rivers and streams clarified to end the confusion. It simply makes no sense for the taxpayers to pay millions to clean up waters that were polluted, flooded and damaged when it makes the most sense to protect them in the first place." [Press Release, 3/25/2014]

Izaak Walton League of America | Scott Kovarovics, Executive Director

"The Corps and EPA are proposing balanced, science-based policy to restore essential protections for streams, wetlands, and other waters," said Scott Kovarovics, Izaak Walton League Executive Director. "The proposal will better protect streams that provide drinking water to 117 million people and help conserve streams and wetlands that are vital to a vibrant outdoor recreation economy." [Press Release, 3/25/2014]

"The proposed rule takes a moderate approach – based on the best available peer-reviewed

scientific evidence – that falls within the limits of the Supreme Court decisions. It preserves the existing exemptions for farming, forestry, mining and other land use activities, such as the exemption in the existing regulation for many wetlands converted to cropland prior to 1985, as well as exemptions written into the Clean Water Act itself that cannot be changed by administrative action." [TRCP Press Release, 3/25/2014]

Clean Water Action | Minnesota Center For Environmental Advocacy | Minnesota Conservation Federation | Minnesota Trout Unlimited | Izaak Walton League | Minnesota Environmental Partnership

State conservation groups strongly support a new federal rule, announced today by the Obama Administration, which aims to better protect U.S. waters from pollution and destruction, including those in Minnesota. "This rule will benefit millions of people across the country and in Minnesota," said Darrell Gerber, Program Coordinator, Clean Water Action. "The rule removes confusion over which streams and wetlands are covered by the Clean Water Act due to polluter friendly court decisions and subsequent Bush administration policies. It's good for our environment, economy, and quality of life." [Press Release, 3/25/2014]

National Wildlife Federation | Larry Schweiger, President and CEO

"This is a huge step forward for protecting America's waters and wildlife. You cannot tear out a tree's fine roots and expect it to survive. The streams and wetlands protected by this rule supply drinking water to more than one-third of all Americans. Our rivers, lakes, and bays will be cleaner and healthier once this rule becomes the law of the land. "This proposal clarifies which waters are-and which are not-protected by the Clean Water Act. It will protect streams and wetlands that are currently in legal limbo. The rule also specifically excludes many man-made ditches, ponds, and irrigation systems and honors the law's current exemptions for normal farming, ranching, and forestry practices. "Our only disappointment is that the proposal stops short of restoring full protections for many wetlands important for wildlife, such as prairie potholes, Carolina bays, vernal pools, and playa lakes. We look forward to making the legal and scientific case for protecting these waters during the comment period to come." [Press Release, 3/25/2014]

National Wildlife Federation | Joshua Saks, Legislative Director

"Since 2006, what is and isn't covered by the Clean Water Act has been under dispute. Our sportsmen have been waiting for new regulations for years. Now the EPA and Army Corps will be able to help preserve wildlife and fishing habitats which have been endangered." [WallStreet Journal, 3/25/2014]

Outdoor Alliance member American Whitewater | National Stewardship Director Kevin Colburn
American Whitewater's National Stewardship Director Kevin Colburn explained that one of the most important aspects of the proposed rule is that it confirms that the Clean Water Act applies to headwater streams and related wetlands. "The recreational, ecological, and economic benefits of clarifying Clean Water Act protection for headwater streams are enormous," said Colburn. "The new rule will protect the quality of water in our taps, flowing through our communities, and under our boats. The nation's headwater rivers and streams are particularly important in providing clean cold drinking water for millions of Americans. These same streams offer world-class recreation opportunities that improve the quality of life and economic viability for countless communities. Kayakers and rafters spend more time in direct contact with headwater streams than just about anyone, which makes water quality very important to paddlers, Colburn explained. "This initiative promises to protect the safety of our rivers for paddling, fishing, swimming, and even just dipping your toes in."
[Press Release, 3/25/2014]

Earthjustice | Chris Espinosa, Clean Water Legislative and Policy Advocate

"The Waters of the U.S. rule will restore Clean Water Act coverage to many of our nation's water bodies, ensuring that families, anglers, and recreationalists who value and rely upon safe and clean water can know that their waters are protected. The rule will also provide certainty to small businesses, ranchers, and farmers who, like all of us, rely on clean water supplies to thrive in their enterprises. The draft rule is a positive step forward in making sure that clean water is able to be enjoyed by all for many generations to come." [Blog, 3/25/2014]

Earthjustice | Trip Van Noppen, President

"We applaud the EPA for proposing a rule that would reinstate clean water protections for streams and wetlands that supply the drinking water of 117 million Americans. Unfortunately, for the last decade while these protections have lapsed, we have seen the consequences of not protecting our waters. Today, more than 55 percent of our rivers and streams are in 'poor' condition, considered unfit for drinking, swimming, or fishing. As the West Virginia chemical spill shows, the cost of not having clean water is too great a price to pay. The EPA's new Clean Water Act rule finally restores protections so that we can begin the hard work of cleaning up our waters for our children to swim in, fish in, and drink from. No doubt, polluters will rail and lobby against this rule and any other clean water safeguards that keep them from dumping their toxic waste in our communities and waters, or that hold them accountable for their pollution. We cannot back down on protecting the waters that eventually flow through our faucets. Our children, our health, and our very drinking water are at stake. We urge the Obama administration to resist the polluter lobbies and quickly move forward in protecting our waterways and our families." [Press Release, 3/25/2014 –

"Today's long-overdue EPA rule finally clears up all the confusion left by these two court rulings, and it restores protections that were stripped away by the Bush policies. It is based on over 1,000 independent peer-reviewed scientific studies that show what is commonly known: Our waters are connected. Polluters and their friends in Congress will cry that this amounts to government overreach -- that the EPA wants to regulate the puddles at the end of our driveways. But this isn't about puddles; it's about protecting the critical sources of our drinking water. It's about ensuring that our children can swim in our rivers and fish in our creeks. And it's about saving the wetlands that serve as a sponge, a pollutant filter, and natural flood protection for our communities downstream. We cannot back down on protecting the waters that eventually flow through our faucets. Our children, our health, and our very drinking water are at stake. We urge the Obama administration to resist the polluter lobbies and quickly move forward in protecting our waterways and our families." [Blog, 3/25/2014]

Choose Clean Water Coalition | Jill Witkowski, Director of the Choose Clean Water Coalition

"With this rule, everyone—including those wishing to develop in and around these waters—will have a much clearer picture of what they can and can't do under the law," says Jill Witkowski, director of the Choose Clean Water Coalition. "With recent events in several states, it is very clear that we must do a better job of protecting our drinking water sources. This rule is a crucial piece of the puzzle." [Press Release, 3/25/2013]

Warren Singer | Louisiana National Wildlife Federation

"The intent of the proposed Rule is to protect the nation's headwaters, which will be a tremendous gain for our nation in whole, and Louisiana in particular as we are the drain for this huge mid-continent bathtub that carries 1/3 of the nation's runoff to the sea."

BlueGreen Alliance | Executive Director David Foster

"The Clean Water Act is a quintessential environmental law that will be made even better by proposed protections for one of our most precious natural resources. Closing the gaps in these protections will safeguard hundreds of thousands of miles of streams and millions of acres of wetlands that are vital to the overall health of America's waterways. We're glad to see that millions of environmental, community, public health, labor, and business voices to protect clean water have been heard. It's never been more important to employ common-sense tools like this so that we can protect public health and the environment and strengthen the economy. We look forward to working together to see this important rule through to finalization." [Press Release,

3/25/2014]

Jessica Eckdish | Sierra Club

"…The Sierra Club applauds the Obama administration for this effort to restore a common-sense approach to protecting our nation's lakes, rivers, and streams. Clean water is an undeniable necessity for the enjoyment of these resources – not to mention the health of our families, our environment, and our economy. As the Environmental Protection Agency and U.S. Army Corps of Engineers have recognized with this rule, ensuring the protection of water bodies upstream is vital to keeping pollution out of our waters downstream…" [Blog, 3/25/2014]

Bull Moose Sportsmen's Alliance | Gaspar Perricone, Director
"The recent action will provide protection for the waters that wildlife depend on and that sportsmen enjoy," said Gaspar Perricone, Director of the Bull Moose Sportsmen's Alliance. "We are pleased that the draft rule provides a framework to start restoring critical water sources and quality and in a manner that protects agricultural practices and private lands."[Press Release, 3/26/2014]

Bass Anglers Sportsman Society | Jimmy Hague, Director of the Center for Water Resources
"Mr. Kopocis's most important message to summit participants? The draft rule won't be perfect when it is released for public input. Bass fishermen – and sportsmen of all stripes – will have valuable advice for how to improve the rule, and the EPA will want to hear it – and needs to hear it! This is a once-in-a-generation chance to restore Clean Water Act protections to waters sportsmen care about the most. As such, the TRCP will be facilitating sportsmen comments on the rule after it is released." [Press Release, 3/26/2014]

Dr. Dorothy Boorse | Professor of Biology at Gordon College
"There is no disagreement among America's ranchers and farmers that clean water is critical to our ability to produce food and fiber for the nation. Members of the Rocky Mountain Farmers Union want to promote stewardship of land and water resources and deliver safe, healthy food to consumers. However, we need to avoid unduly burdening America's small producers with unnecessary regulation and oversight. For that reason, we appreciate and support your efforts to ensure the proposed Clean Waters of the U.S. ruling clearly excludes many upland ditches, ponds, and irrigation systems, effectively preserving existing farming and forestry exemptions. This balanced approach provides greater long-term certainty for landowners, and will continue to protect streams, wetlands and other sources of our water supplies."

Faith-Based Community

Evangelical Environmental Network | Rev. Mitch Hescox President & CEO
"We are thankful that the U.S. Army Corps of Engineers and the EPA have worked together to propose a new rule that clarifies the protection needed to ensure pure water, defend our children's health, and codify exemptions that have long applied to farmers. There are simply too many stories like a crude oil spill in Texas that fouled drinking water, 5000 gallons of oil spilled into a stream in Denver, or livestock waste in Georgia polluting a local lake. Each of the above and many more were never enforced because of confusion created."[Press Release, 3/25/2014]

Government

U.S. Senator Barbara Boxer, D-CA, Chair of Senate Environment and Public Works

"I am so pleased that the EPA and Army Corps are taking important steps to provide certainty and clarity to ensure that our wetlands and streams are protected. Communities and businesses depend on a safe water supply, and the proposed rule will provide the consistency and predictability that is needed to safeguard the nation's water resources." [Press Release, 3/25/2014]

U.S. Senator Sheldon Whitehouse, D-RI

"We all have a stake in ensuring that our nation's waters remain clean and safe. What happens upstream affects drinking water supplies and coastal waters, like Rhode Island's Narragansett Bay. The Clean Water Act was passed in 1972 with broad bipartisan support; however, Supreme Court decisions have resulted in conflicting determinations about what waters are covered by the Act. The proposed rule announced today will reduce the case-by-case application of the Clean Water Act that costs regulators and industry time and money. I support the EPA's effort to reduce the frustration that has resulted from unclear jurisdiction of the CWA and applaud them for working with both the U.S. Army Corps and U.S. Department of Agriculture to craft this rule." [Press Release, 3/25/2014]

Twitter

Media Matters (@mmfa)
3/26/14, 8:10 PM

EPA's proposal would protect drinking water of 117 million Americans, but conservatives have other priorities in mind mm4a.org/1l4xpUd
Media Matters (@mmfa)
3/26/14, 1:36 PM EPA has a new proposal that will protect drinking water--so conservative media have to fear monger about it. mm4a.org/1l4xpUd
Next Generation (@nextgen_usa)
3/26/14, 1:30 PM New rule proposed clarifying Clean Water Act – "could particularly shield water sources in the West." nxg.is/1mv8uvG via @neelaeast
NRDC (@NRDC)
3/26/14, 10:49 AM Closing #CleanWater Act loophole will restore drinking #water and flood protections for millions: j.mp/1juF0hn #ProtectCleanWater
Sierra Club (@sierraclub)
3/26/14, 9:36 AM Like clean water? Good news - the Obama Admin is acting to restore Clean Water Act Protections to streams & wetlands sc.org/OUkmcW
Patricia Linna (@patricia_linna)
3/26/14, 9:51 PM More #Water 2B Protected Under Clean Water Act: Send a message of thanks to the #EPA! #maddow secure.sierraclub.org/site/Advocacy?… pic.twitter.com/VeoGasuOvv
Suaeda-californica (@Suaeda_ca) 3/25/14, 7:36 PM #EPA rules #wetlands next to rivers & streams are protected under CWA. epa.gov/uswaters #USwaters #Pollution #Biodiversity #Flora
EPWChairmanBoxer (@EPWChairBoxer)
3/25/14, 6:06 PM Boxer applauds EPA & Army Corps' proposal for protecting #USWaters 1.usa.gov/1jEpV8A
William G. Malley (@billmalley)
3/25/14, 5:49 PM EPA/Corps NPRM would exclude two types of roadside ditches from Corps jurisdiction;

see pp. 60-63 here: 1.usa.gov/1jEkZ3J #USwaters
Gina McCarthy (@GinaEPA)
3/25/14, 4:18 PM Our proposed rule clarifies the protections for clean water and will help keep our communities safe and healthy. #USwaters
John Podesta (@Podesta44)
3/25/14, 3:36 PM EPA/Army Corps clarification of #USWaters protections are earning plaudits f/ @TroutUnlimited, @DucksUnlimited, @NFUDC, craft brewers & more
John Podesta (@Podesta44)
3/25/14, 1:45 PM Clarified rules for #USwaters from @EPA + Army Corps will lower costs for businesses and improve waterway health www2.epa.gov/uswaters
Creation Care (@CreationCare)
3/25/14, 1:43 PM Grateful for leadership of @GinaEPA in protecting our waters for current and future generations #USWaters
Creation Justice (@CreationJustice)
3/25/14, 12:12 PM Thank you @EPA and @EPAwater for working to protect water! #WaterIsSacred #USWaters www2.epa.gov/uswaters pic.twitter.com/tDpg1wdcqi

Additional Amplification

Media Alert

March 25, 2014
Contact: Katie McKalip, 406-240-9262, kmckalip@trcp.org

Jimmy Hague, 202-639-8727, ext. 15, jhague@trcp.org

Teleconference TODAY:

Army Corps and EPA Release Long-Awaited Clean Water Rule

Proposed rule restores Clean Water Act protections for waters, valuable fish and wildlife habitat

WASHINGTON – Today, the U.S. Army Corps of Engineers and Environmental Protection Agency jointly released a proposed rule that would clearly define which streams and wetlands are protected by the Clean Water Act.

This action would begin restoring longstanding protections to many of the nation's wetlands, streams and lakes, conserving critical fish and wildlife habitat and providing flood control, drinking water and a host of other benefits.

Together with administrative guidance issued in 2003 and 2008, two Supreme Court decisions in the 2000s removed Clean Water Act protections for at least 20 million acres of wetlands, particularly prairie potholes and other seasonal wetlands essential to waterfowl populations throughout the country. Intermittent streams that provide critical habitat for fish, especially trout, and feed the public drinking water systems for more than 117 million Americans also were put at increased risk of pollution and destruction.

Hear from a range of experts how today's announcement will address these problems and protect our nation's waters and wetlands.

Who:

- **John Crabtree**, Media Director, Center for Rural Affairs
- **Rev. Mitch Hescox**, President and CEO, Evangelical Environmental Networks
- **Charlie Johnson,** Organic Farmer, The Johnson Farm
- **Bryan Simpson,** PR Director, New Belgium Brewing Company
- **Chris Wood,** President and CEO, Trout Unlimited
- **Moderator: Whit Fosburgh**, President and CEO, Theodore Roosevelt

Conservation Partnership

When: Tuesday, March 25, at 12:45 p.m. EDT/11:45 a.m. CDT/10:45 a.m. MDT/9:45 a.m. PDT

To join, call 800-311-9403 and enter access code "175716."

RSVP to Katie McKalip at kmckalip@trcp.org or 406-240-9262.

For more information on the TRCP visit our website.

Connect with us on Facebook.

Follow us on Twitter.

Inspired by the legacy of Theodore Roosevelt, the TRCP is a coalition of organizations and grassroots partners working together to preserve the traditions of hunting and fishing.

If for any reason you would like to stop receiving materials from the TRCP, simply reply to this message with "REMOVE" in the subject line.

RADIO

EPA RELEASES FARMER FRIENDLY CLEAN WATER ACT PROPOSAL
The EPA has just come out with its new Clean Water Act proposals. (Gary Crawford, Gina McCarthy and Secy' Tom Vilsack)

GCRAWFOR 00:01:00 SEC

ACTUALITY: EPA ADMINISTRATOR ON NEW CLEAN WATER PROPOSAL
EPA Administrator Gina McCarthy announcing the EPA's new Clean Water Act proposals dealing with the nation's streams and wetlands.
GCRAWFOR 00:04:21 Misc

ACTUALITY: VILSACK ON EPA PROPOSED CLEAN WATER ACT CLARIFICATIONS
Agriculture Secretary Tom Vilsack's comments on EPA's proposed Clean Water Act clarifications.
GCRAWFOR 00:03:24 SEC

ACTUALITY: EPA CLEAN WATER PROPOSAL UNLIKE LEAKED DRAFT
Agriculture Secretary Tom Vilsack saying the EPA's proposed Clean Water Act rule does not resemble the draft proposal that was leaked earlier.
GCRAWFOR 00:00:16 SEC

Franz Hochstrasser

Deputy Associate Director

White House Council on Environmental Quality

Ex. 6 - Personal Privacy

From: Crook, Lowry
Sent: Friday, June 13, 2014 5:01 PM
To: Maher, Jess; 'Vaught.Laura@epa.gov'; 'moira.l.kelley. Ex. 6 - Personal Privacy Sarri, Kristen; Berman, Lindsey R.; Hochstrasser, Franz; Barranco, Angela
Cc: Rosenbaum, Amy
Subject: Re: WOTUS

+Franz and Angela, who will have that list.

From: Maher, Jess
Sent: Friday, June 13, 2014 04:50 PM
To: Vaught, Laura <Vaught.Laura@epa.gov>; 'Kelley, Moira L CIV (US)' Ex. 6 - Personal Privacy
Sarri, Kristen; Berman, Lindsey R.; Crook, Lowry
Cc: Rosenbaum, Amy
Subject: RE: WOTUS

Can someone send me all of the outside groups that came out in support of the proposed rule?

Thanks.

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Friday, June 13, 2014 4:41 PM
To: Maher, Jess; 'Kelley, Moira L CIV (US)'; Sarri, Kristen; Berman, Lindsey R.; Crook, Lowry
Cc: Rosenbaum, Amy
Subject: RE: WOTUS

WE/EPA can keep looped with Boxer's folks.

I'm fine with whatever the group decides on the call with Doug question.

From: Maher, Jess [Ex. 6 - Personal Privacy
Sent: Friday, June 13, 2014 4:01 PM
To: Vaught, Laura; 'Kelley, Moira L CIV (US)'; Sarri, Kristen; Berman, Lindsey R.; Crook, Lowry
Cc: Rosenbaum, Amy
Subject: WOTUS
Importance: High

Here is the language that Feinstein staff is mulling over as an alternative – I believe it's the language they have been talking to some of you about:

During the period from enactment of this Act through September 30, 2015, none of the funds made available in this Act may be used by the Corps of

Engineers to finalize any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including the provisions of the rules dated November 13, 1986, and August 25,1993, relating to such jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to such jurisdiction.

Proposed next steps:

1) OLA calls Pryor, Landrieu, and Begich offices to lodge our opinion on any amdt that undermines this effort. TODAY.

2) CEQ reaches out to Ducks Unlimited. TODAY.

3) CEQ and OMB lead a process with Corps and EPA to come up with a few choices for alternatives. TODAY/OVER THE WEEKEND.

4) Simultaneous to #3 – do we want to hop on a group call with Doug to get his sense of where we should be targeting our thinking for alternatives? Please let me know ASAP, as we should try to do this today.

5) Who wants to be on point for keeping Boxer staff looped? EPA?

6) Reconnect as a staff-level group on Monday to discuss where we are.

Do folks have additions/edits/suggestions on that list of proposed next steps? If we are going to try to convene with Doug today, we will need to make that determination in the next 15 or so minutes.

Thanks.
Jess

Jess Maher

Special Assistant to the President

White House Office of Legislative Affairs

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

To: ann. wright[Ann.Wright@osec.usda.gov]
From: Vaught, Laura
Sent: Mon 6/2/2014 8:01:55 PM
Subject: Re: Green Team All Hands on Deck

Thanks!

From: Wright, Ann - OSEC <Ann.Wright@osec.usda.gov>
Sent: Monday, June 2, 2014 4:00:45 PM
To: Bauserman, Trent; Batta, Todd - OSEC; 'Brad.Crowell@Hq.Doe.Gov'; 'Christopher.Davis@Hq.Doe.Gov'; 'sarah_neimeyer@ios.doi.gov'; 'stephenne_harding@ios.doi.gov'; 'amanda.hallberg@noaa.gov'; 'Robert.Moller@noaa.gov'; 'JStowers@doc.gov'; 'dana.gresham@dot.gov'; Pignatelli, Donna; 'MCummisky@doc.gov'; 'JaddouUM@state.gov'; 'FrifieldJ@state.gov'; 'jeremy_bratt@ios.doi.gov'; 'jim.esquea@hhs.gov'
Cc: Vaught, Laura; Distefano, Nichole; Anderson, Amanda D.; Rosenbaum, Amy; Maher, Jess
Subject: RE: Green Team All Hands on Deck

NEWS RELEASE

FOR IMMEDIATE RELEASE
June 2, 2014

Contact: Brittany Jablonsky, 202-314-3108
bjablonsky@nfudc.org

NFU Statement on EPA's Clean Power Plan Proposal

WASHINGTON (June 2, 2014) – National Farmers Union (NFU) President Roger Johnson issued the following statement on the U.S. Environmental Protection Agency's (EPA) Clean Power Plan proposal to cut carbon pollution 30 percent by 2030:

"The changing climate has already begun to affect agriculture, and it is clear that weather volatility will only continue to increase in the coming years unless our policymakers proactively address this challenge. I commend the administration for its leadership on climate change mitigation.

"Agriculture stands ready to be an important part of the solution to our climate challenges. I encourage Congress and the administration to engage the agricultural community in reducing carbon pollution by creating voluntary incentives for sequestering carbon and implementing conservation strategies that preserve our limited soil and water resources.

"The Renewable Fuel Standard (RFS) is currently the most important policy we have to address climate change. I hope EPA reinforces today's announcement by withdrawing its misguided proposal to

undermine the RFS, returning the 2014 biofuels target to its statutory levels.

"I also urge EPA to recognize that rural electric cooperatives serve our nation's farmers and ranchers and are a significant source of rural employment. Co-ops provide power to 42 million Americans and account for 12 percent of total U.S. electricity sales. Any regulatory action must consider the impact on rural electrics and the communities they serve."

National Farmers Union has been working since 1902 to protect and enhance the economic well-being and quality of life for family farmers, ranchers and rural communities through advocating grassroots-driven policy positions adopted by its membership.

-30-

National Farmers Union
20 F Street NW, Suite 300
Washington, DC 20001
Phone: 202.554.1600 - Fax: 202.554.1654

email: news@nfudc.org

From: Bauserman, Trent Ex. 6 - Personal Privacy
Sent: Monday, June 02, 2014 10:14 AM
To: Batta, Todd - OSEC; 'Brad.Crowell@Hq.Doe.Gov'; 'Christopher.Davis@Hq.Doe.Gov'; 'sarah_neimeyer@ios.doi.gov'; 'stephenne_harding@ios.doi.gov'; 'amanda.hallberg@noaa.gov'; 'Robert.Moller@noaa.gov'; 'JStowers@doc.gov'; 'dana.gresham@dot.gov'; Pignatelli, Donna; 'MCummisky@doc.gov'; 'JaddouUM@state.gov'; 'FrifieldJ@state.gov'; 'jeremy_bratt@ios.doi.gov'; 'jim.esquea@hhs.gov'; Wright, Ann - OSEC
Cc: 'Vaught.Laura@epamail.epa.gov'; 'DiStefano.Nichole@epa.gov'; Anderson, Amanda D.; Rosenbaum, Amy; Maher, Jess
Subject: Green Team All Hands on Deck

http://www.whitehouse.gov/blog/2014/06/02/numbers-epas-proposed-new-carbon-pollution-standards-power-plants

http://www2.epa.gov/carbon-pollution-standards

TOPLINE TALKING POINTS

- We have a moral obligation to leave our children a planet that's not polluted or damaged.

- We already set limits for arsenic, mercury and lead, but we let power plants release as much carbon pollution as they want.

- The effects of climate change are already being felt across the nation. In the past three decades, the percentage of Americans with asthma has more than doubled, and climate change is putting those Americans at greater risk of landing in the hospital. And extreme weather events – from more severe droughts and wildfires in the west to more powerful hurricanes and record heat waves – are hitting communities across the country.

- We have already made progress by moving to cleaner sources of energy and improving the energy efficiency of our cars, trucks and buildings.

- Now EPA is setting carbon standards for power plants to protect public health and welfare. States will have flexibility to meet them using the energy sources that work best for each state.

- Modernizing our power plants will continue our progress in cutting carbon pollution, sparking homegrown clean energy innovation to create jobs, and lower energy waste to save families money.

- EPA's plan to cut carbon pollution will:

o **Cut carbon emission from the power sector by 30 percent nationwide** from 2005 levels and cut particle pollution, nitrogen oxides, and sulfur dioxide by more than 25 percent;

o Avoid up to **6,500 premature deaths**, and **150,000 asthma attacks in children**;

o **Shrink electricity bills roughly 8 percent** by increasing energy efficiency and reducing demand in the electricity system; and

o Create **tens of thousands of jobs** around the country.

If asked about attacks from business groups and politicians:

- We know that special interests will make doomsday claims about killing jobs and hurting the economy. They've made those claims every time America sets clear rules and better standards for our air and our water and our children's health. And every time they've been wrong.

o In 1990, when we took steps to stop acid rain, those special interests claimed electricity bills would rise, the lights would go out, and businesses around the country would suffer.

o When we passed the Clean Air Act to combat smog, they said new pollution standards would decimate the auto industry.

- They were wrong then and they're wrong now.

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To: Repko, Mary Frances[Ex. 6 - Personal Privacy
From: Vaught, Laura
Sent: Wed 5/21/2014 9:16:40 PM
Subject: RE: call times

Sounds good – hold on the number – let me figure out who will be where.

From: Repko, Mary Frances [Ex. 6 - Personal Privacy
Sent: Wednesday, May 21, 2014 12:42 PM
To: Vaught, Laura
Subject: RE: call times

How about tomorrow at 1:30. Just let me know what number to call. TY, MF

From: Vaught, Laura [mailto:Vaught.Laura@epa.gov]
Sent: Wednesday, May 21, 2014 11:28 AM
To: Repko, Mary Frances
Subject: call times

He's around to chat RFS today at 3, tomorrow in the 1-3 window or Friday AM. Let me know what works for you, and we'll go from there?

To: Mary Frances Repko[redacted]
From: Vaught, Laura
Sent: Wed 5/21/2014 3:28:28 PM
Subject: call times

He's around to chat RFS today at 3, tomorrow in the 1-3 window or Friday AM. Let me know what works for you, and we'll go from there?