

Robert Doyle /DC/USEPA/US

To David Dickinson

07/18/2007 10:38 AM

cc

bcc

Subject GHG Docket Update

History: This message has been replied to.

This is the new count since I last checked on 6/29/07.

As of July 17 ---

Total # of comments (last number on list) = 2653

Total # of Entries = 2807

New "Mass Campaign Comments" (MCC) since
last checked= One entry representing 480 comments

New MCC total = 60,279

New Comments from Govt/Organizations, etc = 4
(all of these support waiver)

These are: Ian Bowles, Secretary
Executive Office of Energy and Environment
Commonwealth of Massachusetts

Vicki Vidak-Martinez, Mayor
Jake Mackenzie, Vice-Mayor
Rohnert Park, CA

Nancy E. McFadden
Senior VP, Public Affairs
Pacific Gas & Electric

(sent CC of letter to all CA Congressmen & Senators and to CA Gov. and state
legislators, CARB members and others)

Linda Parks, Chair
Ventura County, CA Board of Supervisors

BD

EPA-2431

Robert Doyle /DC/USEPA/US

To David Dickinson

09/26/2007 10:04 AM

cc

bcc

Subject New Potential Suit

History: This message has been forwarded.

DD --

I saw this last week but forgot to mention it to you. Had you heard about this?

(Story says we issued a statement here -- did anyone notify us?)

EPA-2432

BD

SEATTLE POST-INTELLIGENCER

http://seattlepi.nwsourc.com/local/6420AP_WST_Auto_Emissions.html

Last updated September 18, 2007 3:23 p.m. PT

Western groups signal auto-emission lawsuit

By DAVID AMMONS

AP POLITICAL WRITER

OLYMPIA, Wash. -- Western environmental groups said Tuesday they intend to sue the Bush administration if states are not given federal waivers to combat auto emissions.

The Western Environmental Law Center, representing climate-change groups in California, Washington and Oregon, told the Environmental Protection Agency the activists will sue the government in 180 days if the administration doesn't allow tough new tailpipe standards to go into effect.

The three states, along with New York and other populous states, want to dramatically reduce greenhouse gas emissions that are caused by cars and light trucks. The new standards, recently upheld by a court in Vermont, would take effect in 2009.

Tom Geiger, of the Washington Environmental Council, said the EPA has vowed to make its decision on the federal waivers this year, but that activists fear foot-dragging and will continue to gird for a lawsuit.

California already has filed a similar official notice of intent to sue and a variety of plaintiffs will unite in the litigation if it comes to that, Geiger said.

A number of Western states have banded together to combat greenhouse emissions in the region,

including emissions from power plants and cars.

California's pioneering effort to limit tailpipe emissions has been adopted by Oregon, Washington, Vermont, Maine, Rhode Island, Connecticut, Florida, Maryland, Massachusetts, New York, New Jersey and Pennsylvania. The federal government can pre-empt the field, or allow states to adopt more vigorous standards.

California first requested a federal waiver more than 20 months ago. In a letter to EPA Administrator Stephen Johnson on Tuesday, the Western Environmental Law Center complained about the department's delay.

"Near and long-term environmental, economic and public costs are mounting in California, Oregon and Washington," the group said.

The organization is acting on behalf of Friends of the Earth and the Center for Biological Diversity in California; Oregon Environmental Council, Oregon Wild and 3E Strategies, and environmental activist Angus Duncan in Oregon; and Climate Solutions, Environment Washington, Northwest Energy Coalition and the Washington Environmental Council.

Geiger said the 13 states with California standards account for close to 40 percent of the U.S. auto market. The standards would require automakers to reduce emissions by 25 percent from cars and light trucks and 18 percent from sport utility vehicles.

Transportation-related pollution, including cars, planes and ports, make up about a third of all global warming pollution, the group said. In Washington, which relies heavily on hydroelectric power rather than thermal power plants, the transportation pollution accounts for about half of the greenhouse emissions, Geiger said.

"Consumers throughout the U.S. have made it clear that they want cleaner vehicles and now it is up to the federal government to facilitate, rather than stymie, climate solutions," the group said.

The law center's attorney, Dan Galpern, based in Eugene, Ore., said: "The EPA is running out of excuses. ... Today we demand that EPA, at long last, unleash the states so as to enable them to act."

The agency didn't directly respond to the latest challenge, but released a statement Tuesday that said, "EPA is moving forward expeditiously and responsibly with the statutory process for reviewing California's waiver request.

"EPA is currently reviewing the more than 100,000 written comments and thousands of pages of technical and scientific documentation received during the public comment period. Administrator Johnson will make a final determination on California's request by the end of the year."

On the Net:

WELC: <http://www.westernlaw.org>

EPA: <http://www.epa.gov>

Robert Doyle /DC/USEPA/US
09/21/2007 04:27 PM

To David Dickinson
cc Don Zinger, Karl Simon, Michael Horowitz
bcc
Subject Re: Timeline of GHG Waiver events

DD et al:

Three more items:

EPA Fed Reg Notice announcing GHG Waiver Hearing and request for Comments -- April 30, 2007

EPA Fed Reg Notice adding a second hearing -- May 10, 2007

Hearings Held in 1) Arlington, VA and 2) Sacramento, CA -- May 22 and 30, 2007 (respectively)

BD

David Dickinson/DC/USEPA/US

David
Dickinson/DC/USEPA/US
09/21/2007 04:16 PM

To Karl Simon/DC/USEPA/US@EPA, Don
Zinger/DC/USEPA/US@EPA, Michael
Horowitz/DC/USEPA/US@EPA, Robert
Doyle/DC/USEPA/US@EPA
cc
Subject Timeline of GHG Waiver events

Pavley Bill Adoption directing CARB to issue GHG regulations - 2002

EPA-2433

CARB Board Approval - 9/24/04

Final State Adoption (Office of Administrative Law in CA) - 9/15/05

CARB submits waiver request - 12/21/05

DC Circuit Decision on EPA's Denial of CO2 petition (this court doesn't rule on authority under 202(a) issue) - 7/15/05

EPA Letter to 21 US Senators (in response to 3/30/06 letter) stating that EPA intends to announce in the near future a date for a public hearing - 5/06

EPA Letter to CA Governor (possibly this was sent) notify him that EPA was taking several things under consideration (including the matter in front of the Supreme Court but not formally stating that EPA is waiting for a decision there) and examining their potential consequence for EPA's waiver consideration

EPA Letter to CA/CARB executive officer informing that EPA will wait for Supreme Court decision before commencing EPA waiver comment process, Similar Letter possibly sent to Senator Feinstein - 2/21/07

Supreme Court Decision 4/2/07

EPA Letter to CA Governor stating that EPA will make waiver decision by end of 2007 - 6/21/07

EPA Letters to Alliance, AIAM, NADA and UARG denying request to extend comment deadline from June 15, 2007 - 7/8/07

EPA Letter to Alliance denying request to extend comment deadline from June 15, 2007 - 8/17/07

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Robert Doyle /DC/USEPA/US

07/27/2007 10:11 AM

To Justin Cohen

cc David Dickinson, Karl Simon

bcc

Subject Re: EPA is getting heat over California's tailpipe law (Los Angeles Times)

Interesting that the story from the *LA Times* did NOT discuss specifically the whole DOT Congressional communications controversy which a lot of other stories did (I looked at the Google News compilation on this earlier today).

BD

Justin Cohen/DC/USEPA/US

Justin Cohen /DC/USEPA/US

07/27/2007 09:29 AM

To Karl Simon/DC/USEPA/US@EPA, David Dickinson/DC/USEPA/US@EPA, Robert Doyle/DC/USEPA/US@EPA

cc

Subject EPA is getting heat over California's tailpipe law (Los Angeles Times)

EPA-2434

Fyi, How it played in the LA Times...

EPA is getting heat over California's tailpipe law (*Los Angeles Times*)

By Richard Simon

Times Staff Writer

July 27, 2007

WASHINGTON — The Environmental Protection Agency has received 60,000 comments on California's effort to implement its own landmark global-warming law.

But that wasn't enough for Sen. Barbara Boxer (D-Calif.) and California's other allies in Congress, who added their own Thursday.

Democratic senators launched a new offensive to prod the EPA to act on the state's December 2005 request for a waiver to impose stricter limits on vehicle emissions, summoning the agency's head to Capitol Hill to condemn his "foot-dragging."

"Unacceptable," fumed Sen. Frank R. Lautenberg (D-N.J.). "Get on with it."

EPA Administrator Stephen L. Johnson appeared before the Senate Environment and Public Works Committee, which is headed by Boxer.

Lawmakers are gathering support for legislation that would force the EPA to decide by the end of September.

California dodged a political bullet when Rep. John D. Dingell (D-Mich.), an auto industry ally, considered but then dropped a proposal weeks ago to prohibit states from taking tougher action than Washington to reduce vehicle emissions.

Since then, legislation to direct the EPA to act on California's request has been introduced by Rep. Jay Inslee (D-Wash.) and by Sen. Bill Nelson (D-Fla.) and Boxer. It has picked up the support of lawmakers from other states, a number of which have adopted tailpipe laws like California's.

Lawmakers are also expected to try to attach the legislation as an amendment to the annual bill that funds the EPA.

Boxer's decision to call Johnson back to Capitol Hill for his second grilling before her panel on California's request was another sign of the clash between Congress and the Bush administration. Democrats have pledged to pass global warming legislation; the administration says mandatory limits on carbon emissions could damage the economy.

"Congress must act to provide a clear, comprehensive legislative framework with mandatory caps to address global warming," Sen. Benjamin L. Cardin (D-Md.) said. "But until we do so, the states must be free to act to begin addressing this compelling problem."

Under the Clean Air Act, California can set stricter anti-pollution rules than the federal government, but only if the EPA approves. Gov. Arnold Schwarzenegger has threatened to sue to force the EPA to act.

Johnson said that he had committed to deciding by the end of the year but that the agency needed time to go through the comments it had received. This is the first time the EPA has considered regulating carbon dioxide as a pollutant, he noted.

His promise did not satisfy Boxer, who has used her leadership of the committee that oversees the EPA to watch out for her state's interests. She accused Johnson of "neglecting your responsibility" to protect the public's health and expressed "doubt about this administration's seriousness about getting on with the crucial business of combating global warming."

Oklahoma Sen. James M. Inhofe, the panel's top Republican and a leading skeptic of man-made global warming, told Johnson: "Mr. Administrator, I expect you to fully deliberate this important issue so that all the facts and considerations are taken into account."

Inhofe then questioned why California needed to enact tougher emission rules than the

rest of the nation.

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