

From: Allen, Susan [Susan.Allen@vermont.gov]
Sent: Wednesday, March 16, 2011 12:25 PM
To: Markowitz, Deb
CC: MacLean, Alex
Subject: RE: Seeking support to intervene in new EPA GHG reporting rule challenges

Deb, I THINK we're a go on this topic for tomorrow's press conference (sometimes that changes at the last minute ... just FYI). Could you ask someone to send me some talking points on this, and I'll draft a press release for your OK? We're still deciding how to present this, but are you available tomorrow at 1?

Sue

From: MacLean, Alex
Sent: Tuesday, March 15, 2011 10:52 AM
To: Allen, Susan
Subject: FW: Seeking support to intervene in new EPA GHG reporting rule challenges
Importance: High

From: Markowitz, Deb
Sent: Monday, February 28, 2011 12:16 PM
To: MacLean, Alex
Subject: FW: Seeking support to intervene in new EPA GHG reporting rule challenges
Importance: High

Hey Alex – Can we talk about this ASAP. If we want to participate in this suit (which I think we do) then we need to let them know by 3:00 today. Note sure why it is so last minute. Sorry about that. Deb

From: Mears, David
Sent: Saturday, February 26, 2011 4:58 PM
To: Groveman, Jon; Recchia, Chris; Markowitz, Deb
Cc: Johnson, Justin; Gjessing, Catherine; Ogrady, Elaine; Valentinetti, Dick
Subject: FW: Seeking support to intervene in new EPA GHG reporting rule challenges
Importance: High

Dear Deb, Chris and Jon: I have responded to Elaine that I think Vermont should join this motion. I am confident that Governor Shumlin would support having Vermont join California and Washington and other states who have been leaders on climate change.

I am sending this message to you to invite a conversation about how we want to handle this kind of decision going forward. Ultimately, it is the Attorney General who has the final authority whether to join a lawsuit on behalf of the state but I am sure we would all agree that we would not want the Attorney General to do so if the Governor was not in support. Given sufficient time, we can brief up to the Governor's level, but frequently we will have only a day or two to make a decision, as has happened in this case. In Washington state, we developed an informal and somewhat ad hoc process that relied heavily on the good judgment of the folks in our positions. I recommend that we use that process here

in Vermont but we may want to have a conversation with the Governor to discuss the contours of when he is comfortable with our making commitments on his behalf.

Sincerely, David

David K. Mears, Commissioner
Vermont Department of Environmental Conservation

From: Ogrady, Elaine
Sent: Friday, February 25, 2011 4:02 PM
To: Mears, David; Gjessing, Catherine; Johnson, Justin
Cc: Valentinetti, Dick; Groveman, Jon
Subject: Seeking support to intervene in new EPA GHG reporting rule challenges
Importance: High

Attached is a draft motion to intervene in support of EPA in industry challenges to EPA's GHG reporting rule for petroleum and natural-gas systems. A similar motion is being drafted in support of EPA in industry challenges to EPA's GHG reporting rule for fluorinated systems. The attached draft motion is similar to the motion VT joined to intervene in the main GHG reporting rule case, American Chemistry Council v. EPA – that motion was granted earlier this month.

CA has asked VT and a number of other states to join these motions. The deadline to let CA know if we want to join this motion is 3pm on Monday, February 28th. (My apologies for the even shorter than usual turn-around time – I just received this yesterday, and I have been out of commission with the flu.) My recommendation is that we join the motions as they are consistent with our position in American Chemistry Council v. EPA. Scot Kline and Thea Schwartz from our AG's office also support joining and are seeking approval there.

If you have any concerns or objections about VT joining these motions, please let me know prior to 3pm on Monday.

Thank you,
Elaine