U. S. Environmental Protection Agency
Blog Round-up
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ROUND-UP OF MAJOR BLOGS

AIR

APNewsBreak:

Groups say Exxon violates US air laws (*Huffington Post*)

RAMIT PLUSHNICK-MASTI | July 7, 2010 06:02 AM EST |
HOUSTON — The largest U.S. oil refinery violated federal air pollution laws thousands of times during the last five years, releasing 10 million pounds of illegal pollution, including cancer-causing toxins, without facing proper fines or being forced to fix equipment, environmental groups claim.

Exxon Mobil Corp., which owns the refinery, is the latest target of Sierra Club and Environment Texas, which recently forced Shell into a $5.8 million settlement over its Clean Air Act violations and has filed a lawsuit against Chevron Phillips.

The environmental groups have not yet sued Exxon but have notified the Irving-based company, the Environmental Protection Agency and the Texas Commission on Environmental Quality of plans do so – a requirement under the Clean Air Act.

The Associated Press obtained copies of the groups' two 60-day notices, which outline violations Exxon measured and reported itself. Among other complaints, the notices accuse Exxon of violating emissions limits on sulfur dioxide, one of the components of acid rain; hydrogen sulfide, a toxic, flammable gas characterized by a rotten egg smell; cancer-causing agents such as benzene and butadiene; carbon monoxide; and the smog-causing agent nitrogen oxide.

The environmental groups' legal maneuvers are part of broader accusations by the organizations and the U.S. Environmental Protection Agency that Texas regulators are failing to properly monitor, control and enforce federal emission standards.

Exxon reported all of the incidents and claimed they were "not considered deviations" because they did not violate the limitations in the air operating permit for the refinery, which is in Baytown, about 35 miles southeast of Houston.

Exxon did not comment on the pending lawsuit.

Sierra Club and Environment Texas hope that by investigating suspected violations by the dozens of refineries and petrochemical plants that line the Houston Ship Channel and filing suit against polluters, it will force the companies to act responsibly and push the Texas Commission on Environmental Quality to more closely monitor and maintain pollution standards, Neil Carman, a Sierra Club chemist who is spearheading the investigations and lawsuits, said.

"The TCEQ is not enforcing the Clean Air Act in Texas and these cases are clear evidence of the agency's failure in carrying out its mission in protecting public health in Texas," Carman said.

The Texas commission declined to comment specifically on the pending litigating but said in a written statement that it has an effective enforcement program that uses corrective actions when necess "The TCEQ believes that enforcement is not a goal, but one tool among many available to protect the environment and people," the statement said. "The agency pursues strong and vigorous enforcement."

The agency also said it has been issuing more fines in recent years, increasing from $11.3 million in 2007 to $23 million last year.

About 70,300 people live in Baytown, which is home to the Exxon refinery and two accompanying petrochemical plantsThe refinery, founded in 1919 with 100 employees, now has 4,000 workers on a complex stretching across five square miles. It can process nearly 570,000 barrels of crude daily.

The environmental groups' letters to Exxon and regulators are official notice that a lawsuit will be filed if a deal is not reached with Exxon to pay millions of dollars in fines and update equipment causing the thousands of incidents at the plant.

The letters were dated Nov. 30 and July 2 and show nearly daily violations and excess emissions reported by the company itself from 2005 until this year.

In one case, Exxon noted a roof drain failed but said emissions had not been calculated, as required. In other instances, the plant reported a small fire or failure to monitor pressure readings during a procedure. In a 20-day period in 2009, the company reported spills of nearly 50 gallons of different types of oils. In 2008, it reported it exceeded 24 hour averages of ammonia five consecutive times. In 2006, it failed to monitor certain pressure readings during a performance test and under corrective action listed it was talking to the Texas Commission on Environmental Quality about excluding such readings from the requirements.

"Based on available information ... Exxon Mobil has repeatedly violated, and will continue to violate, its air operating permits, the Texas State Implementation Plan and the federal Clean Air Act by emitting air pollutants into the atmosphere from the Baytown complex," attorney Joshua Kratka wrote in the letter dated Nov. 30.

The sides have met since the November letter was issued but have not yet reached an out-of-court agreement. Kratka's letter stated that any lawsuit would cover the five years preceding the letter and any incidents after Nov. 30.

Sierra Club and Environment Texas reached a $5.8 million settlement with Shell in April 2009 after filing a similar lawsuit against that petroleum giant. Shell also is required to make several costly fixes to its Houston-area facility to ensure it meets standards.

A similar lawsuit filed against Chevron Phillips Cedar Bayou plant in Baytown, Texas, is ongoing.

July 7, 2010

Enviro Groups Prepare to Sue Nation's Largest Oil Refinery (*Huffington Post*)

By Chris Hamby and Elizabeth Lucas
The Center for Public Integrity
Tired of waiting for state regulators to take meaningful action, two environmental groups are preparing to file a lawsuit against the nation's largest oil refinery, accusing ExxonMobil Corp, of illegally releasing at least 5.9 million pounds of dangerous air pollutants over five years and jeopardizing the health of thousands of nearby residents.

Environment Texas and the Sierra Club hope the lawsuit will force ExxonMobil to cut emissions, enhance monitoring, and pay a multimillion-dollar civil penalty for pollution from its Baytown, Texas, facility. The case is due to be filed in federal district court late summer, reflecting a chorus of criticism of the state's environmental regulator, the Texas Commission on Environmental Quality (TCEQ), already under pressure from the federal Environmental Protection Agency to strengthen its air permitting program and more rigorously enforce current laws.

"We're doing what the EPA should have done and what TCEQ should have done," said Joshua Kratka, a lawyer at the National Environmental Law Center, a nonprofit legal service in Boston that represents Environment Texas and the Sierra Club.

ExxonMobil declined to comment on the impending lawsuit, but said it has spent hundreds of millions of dollars to upgrade its Baytown complex and reduce emissions.

Unplanned and unauthorized air emissions at the complex -- which includes the huge refinery and two chemical plants -- started once every four days on average in 2005 and once every nine days on average in 2009, according to a Center for Public Integrity analysis of state emissions records included in a notice letter that precedes the filing of the lawsuit. The records show that ExxonMobil's chemical plants released nearly 1.3 million pounds of toxic substances in addition to 5.9 million pounds from its refinery, all above the facility's permitted emissions.

Chemicals spewed into the air included benzene and 1,3-butadiene, both of which have been linked to cancer, and sulfur dioxide, which can cause breathing difficulties and burning of the lungs, nose and throat.

Following the Deepwater Horizon catastrophe in the Gulf of Mexico, BP has been widely condemned for its safety and environmental practices, while ExxonMobil has sought to distance

itself from the accident and promote its commitment to higher standards. The data behind the impending lawsuit, however, suggest that ExxonMobil's environmental record is hardly spotless.

The TCEQ categorized about 85 percent of the incidents at the three ExxonMobil plants in Baytown as "avoidable" or "preventable," according to a Center analysis of nearly 500 pages of enforcement orders issued during the past decade. In some orders, the Texas regulators described maintenance and training practices that could have prevented chemical releases, noting that one event in 2003 was "part of a frequent and recurring pattern indicative of inadequate design operation and maintenance."

The problem, said Neil Carman, clean air program director for the Sierra Club in Texas, is the TCEQ's light-handed regulatory approach. He likened the state enforcement actions to issuing "traffic tickets" -- fines too small to deter future violations -- and applying "Band-Aids" -- cheap and quick repairs and upgrades that fail to prevent unauthorized releases, known as upsets.

"These upsets are almost all preventable," Carman said. But companies "push the envelope because they want to make money."

The ExxonMobil incidents have lasted hours or even days. The TCEQ records cited in the lawsuit notice letter detail about 340 incidents over five years, with estimated chemical releases totaling about 7.2 million pounds from the company's Baytown complex. The letter alleges that an additional 4.5 million pounds released during maintenance, startup or shutdown activities could be illegal, but it's impossible to tell because they are addressed in a confidential part of ExxonMobil's permit.

Even for Baytown, a gritty industrial city 25 miles east of Houston, that rate of air-fouling emissions seemed high to some residents.

New Clean Air Rule To Tame The Coal Plant Monster (*WonkRoom*)

Our guest blogger is Frank O'Donnell, president of Clean Air Watch.
Today, the Obama administration proposed a sweeping plan to reduce power plant emissions that cross state lines and kill tens of thousands of Americans every year. The proposed Clean Air Transport Rule replaces the Bush administration's so-called “clean air interstate rule” (CAIR) that was shot down by the courts because it permitted so much interstate emission trading that even some power companies filed suit. A federal court ordered EPA to fix the shaky legal grounds of the Bush plan. Power industry pollution remains so pervasive — and so often blows from one state to another — that it basically handcuffs state efforts to reduce pollution within a state's borders. As EPA noted in a fact sheet:

Specifically, this proposal would require significant reductions in sulfur dioxide (SO2) and nitrogen oxide (NOx) emissions that cross state lines. These pollutants react in the atmosphere to form fine particles and ground-level ozone and are transported long distances, making it difficult for other states to achieve national clean air standards.

Emissions reductions will begin in 2012. By 2014, “the rule and other state and EPA actions would reduce power plant SO2 emissions by 71 percent over 2005 levels,” and power plant NOx emissions “would drop by 52 percent.”

It has been nearly 40 years since passage of the landmark Clean Air Act of 1970. Since then, we've made significant progress towards cleaner air. Cars are dramatically cleaner. Lead is gone from gasoline. New trucks no longer belch out the familiar puff of smoke. And EPA statistics document the continuing overall trend of cleaner air with respect to traditional pollutants. Despite that progress, one major source of air pollution remains a notorious problem: the electric power industry. Indeed a recent assessment by Ceres, the Natural Resources Defense Council and several power companies described the footprint of fossil-fueled power plants:

In 2008, power plants were responsible for 66 percent of SO2 [sulfur dioxide] emissions, 19 percent of NOx [smog-forming nitrogen oxides] emissions, and 72 percent of toxic mercury emissions in the U.S. – not to mention that the electric industry also pumps out nearly 40 percent of the nation's heat-trapping carbon dioxide emissions.

A recent Clean Air Watch survey noted that no fewer than 40 states and the District of Columbia have experienced unhealthful levels of smog so far this year.

The Obama EPA hopes to put the cleanup concept on a sound legal footing by limiting the amount of emission trading. Anyone interested in clean air should hope this plan holds up in court. EPA projects the plan could prevent up to 36,000 premature deaths a year – and bring monetary benefits of at least $120 billion a year – at an annual cost of about $2.2 billion.

It is a big step towards taming the environmental monster known as the coal-fired power plant. But it is only the first step. EPA plans nest year to propose rules to limit mercury and other toxic emissions including arsenic, dioxins and hydrochloric acid. The power industry has been evading toxic pollution requirements for two decades.

EPA has also pledged to follow up with a subsequent interstate pollution rule, if needed, as it surely will be, to make further reductions in smog-forming power plant emissions after the agency moves to set tougher national health standards for ozone, or smog, as it plans to do by the end of the summer.

Hyper-Invasive Kudzu Worsens Ozone Levels, Air Pollution (*Treehugger*)

Just as much of the US east of Appalachia is in the midst of a serious heat wave comes word that kudzu--that hyper-invasive vine that can grow up to seven feet a week and will cover everything in its path--contributes to the production of ozone. At its worst it can help create seven more days a year when ozone levels exceed air pollution limits.

The new report, published in the , details how kudzu releases nitric oxide and isoprene, which are important in making ozone. Researchers discovered that areas which kudzu had invaded had higher levels of ozone than areas which had not yet been colonized. summed it up: Nitric oxide emitted from soil were significantly higher - more than twice as high - in invaded areas as in uninvaded areas. The soil samples from areas with kudzu also had increased nitrogen cycling rates. Nitrogen cycling rates describe the speed at which nitrogen is transferred from the plant to the soil and from the soil back and forth to the ecosystem. Nitrogen mineralization and nitrification, both of which are important steps in the nitrogen cycle in soil, were also increased in areas invaded by kudzu.According to the computer model, the most extreme case of widespread kudzu growing over nonurban and nonagricultural soil would result in a greater than 25 percent increase in nitric oxide emissions from soil.

As for the effects of high levels of ozone on human health, here's what the EPA wrote in its latest poor air quality advisory: Exposure to elevated ozone levels can cause serious breathing problems, aggravate asthma and other pre-existing lung diseases, and make people more susceptible to respiratory infection. When smog levels are elevated, people should refrain from strenuous outdoor activity, especially sensitive populations such as children and adults with respiratory problems. Ground-level ozone (smog) forms when volatile organic compounds and oxides of nitrogen interact in the presence of sunlight. Cars, trucks and buses give off the majority of the pollution that makes smog. Fossil fuel burning at electric powerplants, particularly on hot days, emit smog-making pollution. Gasoline stations, print shops, household products like paints and cleaners, as well as lawn and garden equipment also add significantly to the ozone smog.

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Kudzu bloom, photo: Clinton Steeds via flickr

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I to keep Midlothian wet cement kilns closed (Huffington Post)

TERRY WALLACE | July 6, 2010 10:00 PM EST

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DALLAS — Texas Industries announced Tuesday that it will close all four of its wet-process cement kilns in Midlothian permanently, handing a victory to grass-roots opponents who had waged a lengthy fight over downwind pollution from the plants.

The TXI plant in Midlothian, 25 miles southwest of Dallas, is part of the nation's greatest concentration of cement plants.

The Dallas-based construction materials company said in a statement that, henceforth, it would rely on the plant's dry-process kiln that the citizen activists agree burns cleaner and uses more up-to-date technology.

"It's the culmination of a 21-year fight that began in 1989 by a group of residents who found that burning hazardous waste in cement kilns was not a good idea," said Jim Schermbeck, director of the group Downwinders at Risk.

TXI called the closings "an opportunity to enhance the operational efficiency of TXI's modern (dry-process) kiln at the same plant," as well as "result in reduced emissions."

The company said the move will have no effect on the present force of 170 workers at the plant.

The decision does not call for demolition of the four wet kilns, which had been idled since 2008 by a construction market shrunken by the economic recession, said TXI spokesman David Perkins. However, upgrades to the 50-year-old units would be impractical, he said.

As for future demolition, "obviously that will be a consideration," Perkins said.

Aside from TXI's dry-process kiln, the move leaves two dry-process cement kilns run in Midlothian by Waltham, Mass.-based Holcim (US) Inc. and three wet-process cement kilns run by Overland Park, Kan.-based Ash Grove Cement Co. Schermbeck said the cement kiln fight would now focus on the Ash Grove kilns.

In a statement issued late Tuesday, Curtis Lesslie, Ash Grove vice president for environmental affairs, defended the cleanliness of its Midlothian wet kilns. He said Ash Grove operates the nation's only wet kilns that feature up-to-date pollution control technology "and other methods to reduce overall emissions by more than 65 percent since the 1990s."

State, local or industry officials had long said decades of studies prove the air around the nation's largest concentration of cement plants is just fine. Residents, however, have reported a list of health woes they have attributed to air pollution from the plants.

In Midlothian, the plants are tightly clustered a few miles apart in this town of about 16,000 just south of Dallas. The factories, with 10 massive kilns that bake limestone and other ingredients into cement at temperatures up to 2,800 degrees, can produce up to 6 million tons of cement a year by a pollution-producing process fueled mostly by coal, hazardous waste or old tires.

According to the most recent EPA statistics, the plants in 2007 emitted about 300 tons of sulfuric acid, nearly 20 tons of benzene, and smaller amounts of mercury, chromium, manganese and other chemicals. Those emissions were within the annual limits allowed on their state emissions permits.

The announcement came six days after the U.S. Environmental Protection Agency officially overturned a 16-year-old Texas air permitting program it says violates the Clean Air Act. However, Perkins said that was not a factor in TXI's decision

BP SPILL

July 7, 2010

Is the EPA Afraid to Piss off King Coal? (*Huffington Post*)

Coal , Epa , Lisa Jackson , Mountaintop Removal , Oil , Rainforest Action Network , Green News

While working on environmental issues, from food safety to energy and climate, I've seen a recurring theme: the federal regulatory agencies that are charged with monitoring big industries and guarding our public and environmental health wind up cowing to the interests of those industries over sound science and public safety. The BP oil disaster and the appalling role of the Minerals Management Service (MMS) is of course a recent and very blatant example. Another example that has received much less attention but is no less egregious is the relationship between King Coal and the EPA.

With the nation's eyes on the BP disaster, the EPA, without publicly announcing the action, recently green lighted a major new mountaintop removal (MTR) coal mining permit in Logan County, West Virginia. The permit approves the destruction of nearly three miles of currently clean streams and 760 acres of forest, in a county where at least 13 percent of the land has already been permitted for surface coal mining.

Even though the EPA has released its own studies showing the irreparable damage that MTR has on stream health and aquatic life, it is simultaneously green lighting new mountaintop removal permits. How can that possibly make sense?

For decades, Appalachian residents have been decrying the impact of mountaintop removal coal mining--the practice of blowing up whole mountains (and dumping the toxic debris into nearby streams and valleys) to reach seams of coal. Environmentalists, leading scientists, congressional representatives and even late coal state Senator Byrd have all called for the end of this mining practice, which is devastating our purple mountains majesty and poisoning drinking water.

A paper released in January 2009 by a dozen leading scientists in the journal Science concluded that mountaintop coal mining is so destructive that the government should stop giving out new permits all together. "The science is so overwhelming that the only conclusion that one can reach is that mountaintop mining needs to be stopped," said Margaret Palmer, a professor at the University of Maryland Center for Environmental Sciences and the study's lead author.

Essentially, everyone from federal regulators to Appalachian residents (everyone except King Coal and some very loud coal state representatives, that is) has acknowledged the devastating impact that this mining practice is having on mountains, drinking water and communities. At issue is not whether mountaintop mining is bad for the environment or human health, because we know it is and the EPA has said it is. At issue is whether President Obama's EPA will take the gloves off and do something about it.

It is infuriating that we have to demand the EPA follow its own science. Mountaintop removal coal mining is an unnecessary and outdated practice that has no place in the 21st century or in our clean energy future, and the EPA knows it.

The sad reality, however, is that King Coal and its lobbyists and representatives in Washington have tremendous political power that takes precedence over public health. When the EPA makes a decision -- and I genuinely believe there are good people in the EPA who want to make the right decisions for the people and the environment -- they have to consider the heat they will take from industry. Perhaps it's time the EPA considers the heat it will take from the rest of us who are tired of sacrificing our health for big industries profits.

The loose safety regulations, slack oversight and outright legislative support that our government provides for corporations, most egregiously dirty energy corporations like BP and Massey Energy, have become all too clear recently. If we are to end our nation's dangerous addiction to fossil fuels, it is critical that we build enough public pressure and create the political space necessary to beat back Big Oil and King Coal's influence in Washington.

For starters, take action today by calling EPA's Lisa Jackson to demand she stop cowing to King Coal.

Journalists Covering BP Spill Now Face Felonies, $40K Fines (*Treehugger*)

News OCR Text: There will certainly be no more of this -- A journalist diving into the Gulf spill. There's been much discussion over how BP has been obstructing media coverage of the Gulf spill, and rightly so. Thus far, impediments to coverage have involved the Coast Guard cooperating with BP to turn reporters away, and simply barring journalists' access from certain impacted areas. But now, reports are surfacing that journalists are no longer just facing the prospect of being turned away -- a new rule imposed by the US Coast Guard means that they're now facing felony charges and fines of tens of thousands of dollars as well. : Journalists who come too close to oil spill clean-up efforts without permission could find themselves facing a $40,000 fine and even one to five years in prison under a new rule instituted by the Coast Guard late last week. It's a move that outraged observers have decried as an attack on First Amendment rights. And CNN's Anderson Cooper describes the new rules as making it "very easy to hide incompetence or failure."

The Coast Guard order states that "vessels must not come within 20 meters [65 feet] of booming operations, boom, or oil spill response operations under penalty of law." But since "oil spill response operations" apparently covers much of the clean-up effort on the beaches, CNN's

Anderson Cooper describes the rule as banning reporters from "anywhere we need to be." takes a closer look at the implications that rules like this have -- he points out that it reveals how blurred the line has become between corporate interests and government operations. And he's right -- we've seen this time and again throughout the coverage of the BP spill: The feds steadfastly supporting BP's decisions and spill response plans, even when both wander into gray territory. The Coast Guard shooed away NPR reporters on BP's behalf, the EPA backed down from BP's refusal to accept their directive to stop using chemical dispersants.

I'll end with a quote from Greenwald here: The very idea that government officials are acting as agents of BP (of all companies) in what clearly seem to be unconstitutional acts to intimidate and impede the media is infuriating. Obviously, the U.S. Government and BP share the same interest -- preventing the public from knowing the magnitude of the spill and the inadequacy of the clean-up efforts -- but this creepy police state behavior is intolerable.

WATER

EPA finishing up Pavillion-area monitoring wells (*Huffington Post*)

MEAD GRUVER |July 6, 2010 07:45 PM EST

CHEYENNE, Wyo. — The U.S. Environmental Protection Agency has almost finished drilling two monitoring wells to test for pollution in a central Wyoming community where residents suspect chemicals related to gas drilling have contaminated their well water.

Meanwhile, the EPA has pushed back a meeting with residents of the Pavillion area. Originally planned for July, the public meeting now will be held in August.

The agency wants to make certain ahead of the meeting that homeowners have accurate information about the contamination and any health risks, EPA spokesman Richard Mylott said.

"One of the things that's become clear is getting a good health-based assessment of the many wells we've sampled is time-consuming," Mylott said Tuesday.

Area residents say chemicals related to a process called hydraulic fracturing, or "fracking," may have polluted their wells. Fracking involves pumping water, sand and chemicals underground at high pressure to open fissures and improve the flow of oil or gas.

The EPA tested wells in the area in March 2009 and January 2010. Contamination is suspected in 11 water wells.

Mylott said two new wells to check for groundwater pollution are being completed and should be operational by August.

One homeowner, Louis Meeks, said the EPA considered but decided against drilling a monitoring well on his property because he'd tried drilling a new water well and hit dangerous amounts of natural gas.

"They were scared of that and so were the drillers," Meeks said Tuesday. "They didn't want to have problems."

A couple weeks ago, an EPA employee tested his water by turning on hot shower water and running a detector to see if gas was present, Meeks said.

"He did say there was a problem. There was gas there," he said.

Meeks said he hauls drinking water to his home at his own expense. His well water "reeks" from pollution, he said, and taking a shower "cleans your sinuses."

Meeks said he has health problems and so does his wife but no one seems to care.

"They're not doing anything out there for anybody, Encana," he said, referring to the company that did the gas drilling locals believe caused the pollution.

EnCana Corp. officials have said no link has been confirmed between groundwater pollution and the company's drilling in the area. The EPA expects to release its findings on a pollution source by year's end.

Encana spokesman Randy Teeuwen did not return a message Tuesday seeking comment.