U. S. Environmental Protection Agency
Blog Round-up
Prepared by the Office of Public Affairs

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ROUND-UP OF MAJOR BLOGS

BP SPILL

Morning Bell: 100 Days Later, Obama Still Failing the Gulf (*Heritage Foundation*)

Posted By Rory Cooper On July 28, 2010 @ 7:40 am In Energy and Environment | 3 Comments

Over the last four weeks, The Heritage Foundation sent multiple teams [1] of respected energy, environment, homeland security and response experts to the Gulf to study the federal response to the oil spill. These three delegations, with more to come, have traversed the areas hit hardest by the crisis, talking to response workers, affected oil crews, fishermen, elected leaders and BP representatives. What we found is simple [2]: President Obama's administration has turned a crisis into a disaster, and someone needs to be held accountable.

Accountability is in short supply in Washington these days. Fingers are pointed in every direction for our nation's economic woes. President Obama's favorite target of choice is the past administration for nearly every problem he faces. Yet, the oil spill has only two central characters: BP and the Obama administration. BP is (very) slowly taking accountability for its creation of this crisis. Tony Hayward was finally dismissed as CEO [3], and they have promised full financial restitution for direct and indirect victims. On Day 100 of the spill, it's time the Obama administration followed suit.

And what exactly does the administration have to be held accountable for? An environmental disaster made worse by federal incompetence. An unnecessary drilling moratorium [4] that has pulled the plug on a Gulf economy already on life support. A claims process [5] that was negotiated in secret, leaving few answers to why claims aren't being processed and transparency is lost. A slow response that wasted clean weather days as hurricane season fast approaches, and a decision-making structure led by politics rather than duty.

Environmentally, the President and his eco-left echo chamber consciously chose to ignore the damage caused by the oil in favor of focusing on future tax increases that would expand government largesse. The President's initial push for cap-and-trade taxes [6] as a response to an oil spill was so disconnected and oblivious that it was quickly brushed off by the Democrat-controlled Senate. Even so, White House Press Secretary Robert Gibbs said yesterday cap-and-trade taxes were still possible this year [7] if any energy legislation passes the Senate and the bill goes to conference.

Details of the Reid-Boxer bill the Senate will market as a response to the oil spill released last night confirm that increased taxes are the Majority Leader's first priority regardless, with a "drastic increase [8]" in the price of oil per barrel that will be paid at your local gas pump, breaking the President's promise that taxpayers would not foot the bill for the oil spill. Senator

James Inhofe (R-OK) also said the bill would create a permanent "jobs moratorium [9]" in the Gulf.

And while focus in Washington has remained on legislative matters, the President's administration failed to issue emergency permits [10] to protect Louisiana's fragile coastline. Paid-for barriers were delivered, only to sit on the sidelines, as federal bureaucrats spent months debating three-year old emergency operations plans, only to decide not to implement protective measures.

Efforts were stopped [11] to divert oil into more easily skimmed areas. The problem of skimming the oil was made even more increasingly difficult by the questionable dispersants, authorized by the EPA, which either drove the oil under water or diluted it into impossible-to-clean droplets. And even if the oil could've been easily skimmed, the skimmers simply weren't deployed, whether by ignorance of the Jones Act or an unbelievable rigidity to emergency placement. Skimmers sat in ports across America waiting for another disaster while this one went ignored.

The drilling moratorium takes what is a terrible situation for Gulf residents and turns it into a long-term economic catastrophe [12]. President Obama is not listening [13] to any oil and gas experts [14] as he implements a moratorium that could affect our energy production for a decade. Two federal courts have blocked the moratorium, yet the President ignores the rule of law and proceeds with a de facto moratorium regardless. Ports are cutting rental rates, jobs are being lost, rigs are leaving the Gulf in droves and confidence in American energy contracts is being shattered. Meanwhile, this doesn't affect rising demand [15], meaning an increasing dependence on foreign oil.

Jim Funk of the Louisiana Restaurant Association told New Orleans Fox 8 [16]: "You're looking at figures as high as 30,000 high paying jobs are gonna be lost as a result of this moratorium." And that's just the restaurant and catering business. Layoffs in the offshore transport business have already begun [17]. John Henry, who runs a cement company that services offshore rigs, told Forbes [18] they're already slowing down operations. And CNN reports [17], companies as far away as Ohio, Tennessee and elsewhere may also lose work as a result of Obama's jobs moratorium. These reports are all in addition to the jobs already lost on the fleeing rigs [18].

The complicit media [19] chose the President's negotiation of a secret liability deal [20] with BP as proof he was in charge. But while his strong-arming produced a supposed $20 billion payout, it was settled behind closed doors. Americans never saw any contract that was agreed to between our government and BP, yet that didn't stop the media from celebrating it.

Now we learn that BP is claiming a $9.9 billion tax credit [21] from the expenditure, meaning American taxpayers are now on the hook for half of the supposed settled amount, and the White House is once again proven inept. Congressman James Oberstar (D-MN) called the development "reprehensible [21]." David Desser, managing director of Juris Capital said [21]: "You would have thought in advance of that meeting, [the White House] would've thought of all those issues…" Yes, you would think. Additionally, the claims process itself is operating in the dark, with state and local officials unable to track individual claims [22].

As Tropical Storm Bonnie approached last week, emergency and elected officials in Louisiana mobilized [23]. The federal government did not. The clean-up operations halted, yes, and plans were in place for re-deployment. But Americans along the Gulf coast did not hear from the Secretary of Homeland Security what the government's response would be to a potential storm that would be made only worse by their own delays in the clean-up. Leadership was obvious at the state and local level. It was absent in Washington.

President Obama has made it clear he couldn't care less about the oil spill or Gulf residents. He has barely mentioned the crisis since he gave a forced Oval Office address [24] over a month ago. Amid complaints surrounding his three vacations this month, most recently to Maine, he reluctantly is taking his family to Florida [25] in two weeks for a photo-op.

Florida is hospitable to this visit, since Governor Charlie Crist–formerly a Republican, now an Independent due to the pressure of primary politics–has been proven a better ally [26] than Louisiana's Governor Bobby Jindal [27]. Louisiana residents deserve better than to have politics [28] come between them and a responsive White House. Their share of this disaster is overwhelming, and to be so ignored is unacceptable. Yet, even leading Florida Democrats, like gubernatorial candidate Alex Sink, charge the administration with being "out of touch with reality [28]" when the White House does visit.

Two weeks after Hurricane Katrina made landfall, FEMA Director Michael Brown resigned [29] due to public pressure over the federal response to the crisis. It has now been 100 days since the deadly Deepwater Horizon accident. The clean-up efforts have failed [30]. The moratorium is simply kicking a dying man while he is down. Who is accountable in President Obama's administration? Apparently, nobody.

SEC Looking Into Possible BP Securities Violations (*Huffington Post*)

By PETE YOST | 07/28/10 01:49 AM

WASHINGTON -- BP says the Securities and Exchange Commission and the Justice

Department are conducting informal inquiries into securities matters arising from the Gulf oil spill.

BP disclosed the probe Tuesday in a filing with the SEC, marking the latest development in the evolving government investigations following the April 20 explosion and fire on the BP-operated drilling rig Deepwater Horizon that touched off the environmental disaster.

The oil company's disclosure came at the end of a written summary of events that have taken place since June 1, when the Justice Department announced it is conducting criminal and civil investigations.

In its latest filing, the company said it is possible the Justice Department will seek to charge BP with violations of U.S. civil or criminal laws.

BP's filing at the SEC added that other federal agencies, including the Environmental Protection Agency, are expected to seek penalties under the Clean Water Act and other laws.

Citizens groups have sued or have issued notices of intent to do so under the Clean Water Act and other environmental laws, the BP filing said, and other agencies, including the U.S. Chemical Safety and Hazard Investigation Board, may begin or already have begun probes.

Separately, The Washington Post reported that a law enforcement official said criminal investigators will look for evidence that inspectors from the Minerals Management Service were bribed or promised industry jobs in exchange for lenient treatment.

Melissa Schwartz, a spokeswoman for the former MMS, which is now called the Bureau of Ocean Energy Management, Regulation and Enforcement, declined to comment.

A spokeswoman in the office of U.S. Attorney Jim Letten in New Orleans declined to comment Tuesday night.

Associated Press writer Michael Kunzelman in New Orleans contributed to this report.

Michael Conniff: Kevin Costner Dances With Oil (*Huffington Post*)

Aspen's own Kevin Costner doesn't get enough credit for trying to save the oil companies from themselves. The actor says he dumped $24 million into his oil-water separation technology, according to his presentation this week at the Aspen Environment Forum, "and that's after taxes"--so you figure he had to smile for the camera to the tune of $35 million-plus to make his Ocean Therapy Solutions come to life.

Why bother? Because Costner, after the Exxon Valdez fiasco, never wanted to see oil wash over our wildlife again. He hired 20 scientists and spent 15 years coming up with a deployable black box that could stop the problem when it happened and before it got worse.

"I thought industry would rush to my door," he said at the forum sponsored by the Aspen Institute.

Not so fast, Kemosabe. Costner, who won every major Academy Award for Dances With Wolves , was unable to penetrate either the oil companies or the obstructionist Environmental Protection Agency (EPA) bureaucrats who insisted on a 5 parts per million oil concentration after the separation process, even as they allow toxic solvent into the Gulf with scarcely a thought.

After the Deepwater Horizon catastrophe--and after testifying in Congress--Costner finally has 13 of his machines at work in the waters of the Gulf. BP has ordered 32 of the suckers so far.

So why is Kevin Costner still a prophet without honor?

Part of it is the profit motive. At the end of the day Costner is not exactly giving away his money but pouring it into a real company that could make buckets of actual money some day. Nonetheless his pursuit of the cleansing technology now at work in the Gulf is driven by altruism and the memory of the soiled, helpless wildlife in Alaska after the Valdez spill. He deserves credit for all of the above.

Perhaps people of all political stripes would rush to his side were Ocean Therapy Solutions a nonprofit--but only the Warren Buffets of the world can afford to pump $24 million into a venture with no hope of return. We should also praise Costner for being willing to take the risk with his own money with little hope of a reward.

Actors not named Ronald Reagan are not about to change the world, but no one in Costner's generation--not even the politically conscious, like Warren Beatty--have had anywhere near the impact Costner might yet glean. With one hundred yards of marsh and wetlands being lost every minute in the Gulf, he deserves both our praise and our thanks.

CLIMATE CHANGE

Robert Stavins: Beware of Scorched-Earth Strategies in Climate Debates (Huffington Post)

July 27th, 2010
By Robert Stavins
With the apparent collapse last week of U.S. Senate consideration of a meaningful climate policy, it is important to reflect on what could be a very serious long-term casualty of these acrimonious climate policy debates, namely the demonizing of cap-and-trade and the related tarnishing of market-based approaches to environmental protection.

In an op-ed which appeared on July 27th in The Boston Globe (click here for link to the original op-ed), Richard Schmalensee and I commented on this unfortunate outcome of U.S. political debates and described the irony that the attack on cap-and-trade - and carbon-pricing, more

broadly - has been led by conservatives, who should take pride as the creators of these cost-effective policy innovations in three Republican administrations.

Rather than summarize (or expand on) our op-ed, I simply re-produce it below as it was published by The Boston Globe, with some hyperlinks added for interested readers.

By the way, for anyone who is not familiar with Dick Schmalensee, let me note that he is the Howard W. Johnson Professor of Economics and Management at MIT , where he served as the Dean of the Sloan School of Management from 1998 to 2007. Also, he served as a Member of the Council of Economic Advisers in the George H. W. Bush administration from 1989 to 1991.

MINING

July 28, 2010

EPA: Chemicals from Elizabeth Mining and Development Site Constitute 'Substantial' Safety Hazard (*Huffington Post*)

First Posted: 07-27-10 05:40 PM | Updated: 07-27-10 05:40 PM
Elizabeth Mining And Development Inc., EPA, Mine Cleanup, Montrose County Colorado, Denver News
The Environmental Protection Agency announced Tuesday that it was beginning an "emergency removal of hazardous substances" in Western Colorado.

An EPA analysis concluded that conditions at the Elizabeth Mining and Development site in Montrose County "represent a substantial threat to public health and the environment."

The site sits on the flood plain of the Uncompahgre River and is less than a quarter mile from a housing development.

Last year, the Elizabeth Mining an Development was found to be in violation of the Colorado Hazardous Waste Act, leading to a $405,000 fine for the company.

The company's owner, Steven Casebolt, was later charged with felonies for mishandling hazardous waste on company property.
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