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

Friday, February 15, 2013

Table of Contents

Blog Round-up
Friday, July 30, 2010

ROUND-UP OF MAJOR BLOGS 2
AIR 2
Obama v. Rockefeller on EPA carbon regulations (*Daily KOS*) 2
BP SPILL 3
Michigan Oil Spill: Oil Halfway To Lake Michigan, Mayor Daley Responds (*Huffington Post*) 3
Why the BP Spill Hasn't Invigorated Environmentalism (*Treehugger*) 4
CLIMATE CHANGE / GLOBAL WARMING 5
Coulda, Shoulda, Woulda: Lessons from Senate Climate Fail (*Huffington Post*) 5
MINING 8
There Goes Another Mountain (*DAILY KOS)* 9
WATER 9
David Sirota: GOP Opposes Federal Fracking Regs REGARDLESS of Whether EPA Finds Poisoning (*Huffington Post*) 9
GOP Opposes Federal Fracking Regs REGARDLESS of Whether EPA Finds Poisoning (*Huffington Post*) 11

ROUND-UP OF MAJOR BLOGS

AIR

Obama v. Rockefeller on EPA carbon regulations (*Daily KOS*)

While the energy bill won't do much in the way of carbon regulation, the EPA still can. That is, if coal state Senators can be stopped.

Via David Dayen, earlier this week the White House vowed to veto legislation that would block the EPA from writing new climate change rules.

Coal-state Democrats, led by Sen. Jay Rockefeller (W. Va.), Reps. Rick Boucher (Va.) and Nick Rahall (W. Va), are trying to limit the federal government's ability to control greenhouse gases from power plants.

The coal-state proposals, which would block the Environmental Protection Agency's authority for two years, would undercut what is widely seen as Obama's alternative climate policy, now that Congress has punted on cap-and-trade legislation for the year. The Obama aide said the proposals won't win the president's signature if they managed to pass on Capitol Hill. Rockefeller's bill is expected to reach the Senate floor at some point this year.

Back in 2007, a Supreme Court ruling mandated that the EPA regulate greenhouse gasses, and the administration is determined to follow that law.

And Jay Rockefeller is determined to try to stop it, possibly by attempting to amend the energy bill on the floor next week. One way to circumvent him, without forcing a veto of the entire bill, would be for Reid to refuse amendments to the bill, something he has indicated might happen.

Which would hamper efforts to strengthen the bill in other ways. One of the most popular proposals in committee was the Renewable Electricity Standard, which would mandate that utilities get a certain percentage of their power from renewables. There's an effort afoot now to get this amendment allowed on the floor.

Meanwhile, Republicans have introduced an alternative bill, that would basically let BP off the hook by not applying a liability cap in it retroactively to apply to the Gulf spill.

BP SPILL

Michigan Oil Spill: Oil Halfway To Lake Michigan, Mayor Daley Responds (*Huffington Post*)

Oil from a pipeline spill in Michigan early this week has been on the move through area waterways in recent days--and some fear that it could enter Lake Michigan.

The trouble began about 9 p.m. Sunday, when an oil pipeline owned by Enbridge Liquids Pipelines sprung a leak in Marshall Township. The pipeline was shut down--but not before it leaked an estimated one million gallons of oil that began flowing down the Kalamazoo River.

The oil is now about 80 miles from Lake Michigan and moving toward the lake, the Chicago Tribune reports . During a Thursday press conference, Mayor Daley said the oil spill threatens the Midwest's drinking water. The Tribune reports:
Mayor Richard Daley today went on the offensive in his battle with Michigan, saying a Kalamazoo River oil spill trumps Asian carp when it comes to threats to Lake Michigan.
...

Daley said Michigan officials have been quick to take legal action against Illinois in a bid to stop Asian carp from reaching Lake Michigan, so they should be especially keen to get to the bottom of what he said is a much more serious threat to the lake.

Michigan is taking the spill very seriously, and U.S. Rep. Mark Schauer called the spill the "largest oil spill in the history of the Midwest."

He also introduced legislation Thursday to improve response times to pipeline disasters, according to the Detroit Free Press . The Michigan spill was not reported until Monday morning, even though it was noticed Sunday night. The National Transportation Safety Board is also investigating the cause of the leak.

Michigan Governor Jennifer Granholm has publicly criticized both the EPA and Enbridge Inc., calling their cleanup effort "wholly inadequate," the Kalamazoo Gazette reports.

While Michigan struggles with containing and cleaning up the oil spill (Click here for PHOTOS), Chicago's Mayor Daley made the issue personal Thursday. The city has been in a battle with Michigan for months over Asian Carp. Michigan wants Chicago to close its operating locks in the Chicago River, claiming that gates and other infrastructure will allow the invasive species to enter Lake Michigan.

Industries that rely on shipping say closing the locks would injure the regional economy.

"Oil is worse than carp," Daley said Thursday. "Michigan better do something about the investigation, the criminal and civil investigation. Who's paying for it, and who had the oil spill

in the Kalamazoo River, because it's flowing into Lake Michigan."

The Tribune reports that Daley's discussion of the spill was not prompted by reporters, who attended a budget meeting for city colleges.

Why the BP Spill Hasn't Invigorated Environmentalism (*Treehugger*)

In 1969, an oil spill off the coast of Santa Barbara, California released a few million gallons of oil into marine ecosystems -- eight months later, it was among the primary catalysts for the biggest pro-environmental movement in the nation's history, starting with the first Earth Day. That 'national teach-in' day in turn lead to some of the strongest and most effective environmental laws and regulations ever created, it yielded the founding of the EPA. Fast forward to 2010, where we're still in the midst of the , with an incomparable 100-180 million gallons of oil fouling the water. And yet, there's no sense of focused national outrage (discontent is probably a better word), no movement gaining momentum to address the roots of the problem that lead to the BP spill, and the government has shown that on behalf of the environment. What gives?

Why the Gulf Spill Lacks 'Societal Punch' The AP has a story today, that seeks to answer that question. The piece collects the opinions of such figures as Lois Capps, the congresswoman who was elected into office during the era of the Santa Barabara spill, spokespeople from NGOs like the Natural Resources Defense Council, and activists old enough to remember both spills.

It also draws parallels between the two spills -- both featured calls from the oil industry and its allies to not let one accident halt the offshore drilling industry, and both had bumbling CEOs who kept shoving their feet in their mouths. Both saw pictures of devastated wildlife and habitats take center stage. Essentially, there's plenty to get mad about both. So how come the US only seemed really mad about the earlier one?

Too Soon? The pervading opinion of those cited in the AP story seems to be that it's still too soon to expect the anger over the spill to be channeled productively. It was a full 8 months after the SB spill that Sen. Gaylord Neslon organized Earth Day, after all. And it took about a year after that for Nixon to sign the Clean Air Act into law, and to create the EPA. With the BP Gulf spill, many have been focusing primarily on getting the geyser capped -- that had been the center of the drama for many. Now that the leak is plugged, the reasoning goes, perhaps a more organized effort to address the environmental ills the spill brought to light -- oil dependence, the dangers of deep water drilling, etc -- can indeed capture the public's attention. No Earth Day Redux But I wonder. The cynic in me says we're unlikely to see anything near the public outpouring of support for the environment we did 40 years ago, for a few simple reasons. Primarily, the sentiment behind the movement then was new, it was bold, pioneering -- participating in the movement was exhilarating. Knowledge of the extent by which American industry was destroying our natural habitats and resources was just then bubbling to the surface of the public consciousness. Joining the green movement was sort of like Beatlemania -- few had seen, heard, or done anything like that before. And just like we're unlikely to see a pop act command that kind of attention again, I think the same goes for an environmental movement

encompassing many of the same ideals.

Also contributing is the fact that corporations were far less prepared to cope with the charges leveled at them -- they had little course of action but to complain how insignificant the environment was in comparison to businesses' contribution to society. Now, every self-respecting oil company channels money into front groups, lobbying campaigns, and PR efforts, not just during a spill, but all the time to keep public opinion in check, and to hedge against such disasters.

Finally, the culture of special interests has grown so pervasive that many Americans feel like it's a hopeless situation in Congress -- there's a sense that it's impossible for the common man to get heard through the thicket of lobbyists and campaign financiers. A perfect example of this is the recently deceased climate legislation -- polls found majorities supported climate and clean energy action time and again, and yet the Senate had no qualms giving it up because it's too touchy a subject for an election year. The gulf has widened between civilians and our elected officials to the point that few expect much from them at all.

The Environmental Movement 2.0 So what's to be done? There's clearly an opportunity in a crisis of this magnitude to rethink, to recalibrate, and to find fresh ways to spread the message that our dependence on oil has lead us into dangerous territory. So it may be time for the established green movement to step aside on the matter, and let a new entity, perhaps a pointedly 'anti-oil' movement gain ground. Something that's new, unprecedented, and less easily lumped in with the traditions of environmentalism's past.

Our best shot at passing a law to reign in carbon emissions and curb fossil fuel use . The Gulf has been soiled by the biggest environmental disaster in American history, and no one seems to know how to react to it. Now is the time for the green movement to be absolutely open to new ideas.

CLIMATE CHANGE / GLOBAL WARMING

Coulda, Shoulda, Woulda: Lessons from Senate Climate Fail (*Huffington Post*)

The blame game began even before Senate Majority Leader Harry Reid made the official announcement that he would not bring a comprehensive climate and energy bill to the Senate floor. Reid himself placed the blame where it primarily belongs—obstructionism by the Republican Leadership, as a result of which not a single Republican Senator had stood up to commit to work with Democrats to pass carbon pollution limits (Lindsey Graham (R-SC) did commit to work with John Kerry (D-MA) and Joe Lieberman (I-CT) but backed out after months of negotiations; Susan Collins (R-ME) cosponsored a bill with Maria Cantwell (D-WA) but did nothing to work with her Senate colleagues to craft a bill that could actually pass; Olympia Snowe (R-ME) expressed openness to a limit on power plant carbon pollution but never

committed to a specific proposal; every Senate Republican voted to overturn EPA's science-based finding that carbon pollution endangers public health and the environment).

Advocates for effective climate legislation are all angry and frustrated, and many have not been so targeted in apportioning blame. I will add my thoughts on lessons learned later in this post, but first let's review the bidding: Some environmentalists blamed the White House for not doing enough; one White House official anonymously blamed environmentalists for not delivering any Republican votes; some liberals blamed Kerry and Lieberman for negotiating with oil companies and developing a proposal that didn't excite the environmental base; some moderates blamed the basic idea of carbon pollution limits or blamed Kerry and Lieberman for overreaching and taking too long to scale back their proposal to focus just on power plants.

There may be grains of truth in each of these perspectives, but the bottom line is simpler and has nothing to do with the particulars of legislative proposals or the campaigns waged by proponents or the opposition: The Republican leadership has concluded that “no” is working for them regardless of public opinion about any individual policy, let alone the public interest.

Something else has been lost in the rush to point fingers—recognition of the broad support that was assembled for climate legislation and how far it got in this Congress. A majority of the public consistently supports comprehensive energy and climate legislation despite the opponents' relentless misinformation campaign; many unions and thousands of businesses also recognized the need for legislation to drive job-creating clean energy investments and came out in support; a majority of the House voted for the ACES bill last year; a majority of the Senate affirmed EPA's finding that carbon pollution endangers public health and the environment by voting to defeat the Murkowski Resolution; and a majority of the Senate was prepared to vote for a firm limit on carbon pollution. Nothing in the Constitution says that a supermajority is required to enact legislation, but the 60 vote barrier is the one obstacle that could not be overcome so far.

None of this means that advocates for climate legislation didn't make any mistakes. Would different strategies or tactics have led to a different outcome? I honestly don't know, but here are some lessons learned from the perspective of someone who spent last few years trying to push a real bill through the real Congress. I make no claim to objectivity, but I hope this perspective adds some light to the heated discussion of what went wrong.

Lesson 1: Be careful in translating campaign positions into budget documents.

The Obama administration got off to a rough start on climate policy when it put a revenue assumption from a carbon cap into its first budget based on Obama's campaign platform. Opponents immediately attacked this as a tax that would transfer wealth from the industrial Midwest to the coasts. Many potential supporters were wary because the administration had not done the necessary political groundwork to reassure them that regional differences in carbon intensity and the competitiveness of energy intensive industries would be addressed (a footnote to this effect in the budget was not sufficient). Regional differences among Democrats may have prevented them from including climate legislation in the Congressional Budget resolution in any case, but this misstep made it impossible, closing off the budget reconciliation pathway which could have allowed climate legislation to pass the Senate with a simple majority (this procedure

proved crucial to enacting healthcare reform).

Lesson 2: Political capital is not necessarily a renewable resource.

Perhaps the most fateful decision the Obama administration made early on was to move healthcare reform before energy and climate legislation. I'm sure this seemed like a good idea at the time. Healthcare reform was popular, was seen as an issue that the public cared about on a personal level, and was expected to unite Democrats from all regions. White House officials and Congressional leaders reassured environmentalists with their theory that success breeds success. A quick victory on healthcare reform would renew Obama's political capital, some of which had to be spent early on to push the economic stimulus bill through Congress with no Republican help. Healthcare reform was eventually enacted, but only after an exhausting battle that eroded public support, drained political capital and created the Tea Party movement. Public support for healthcare reform is slowly rebounding as some of the early benefits kick in and people realize that the forecasted Armageddon is not happening. But this is occurring too slowly to rebuild Obama's political capital in time to help push climate legislation across the finish line.

Lesson 3: Winning the recess is as important as winning the vote.

Henry Waxman (D-CA) surprised almost everyone when he met his self-imposed deadlines for steering the American Clean Energy and Security act (ACES) through the House of Representatives last June. The environmental community mobilized to help secure the last few votes needed to eke out a 219-212 victory. Unfortunately, while we celebrated that victory the opposition mobilized a vicious counter attack. By the time we organized a response the Tea Party movement had branded the very moderate Waxman-Markey bill as a radical government takeover of the energy industry alongside the supposedly radical takeover of the healthcare system that Waxman also steered through the House. The unified Clean Energy Works campaign was organized to prevent that from happening again in the Senate, but we were starting from a hole that we never fully dug out of.

Lesson 4: Never underestimate the allure of denial.

Last November thousands of emails stolen from the University of East Anglia Climate Research Unit were posted on the internet. A handful of these emails, out of context, were widely disseminated by the Merchants of Doubt. After the 2007 report of the Intergovernmental Panel on Climate Change won the Nobel Prize I had assumed that the debate about climate science was effectively over and, along with the rest of the environmental community, turned my attention to advancing solutions. A handful of emails couldn't possibly undermine confidence in a body of peer reviewed scientific literature built up over two decades, could it? Rather than blow over quickly, however, the mainstream media went along for the ride in what came to be called Climategate. A new Project on Climate Science was launched to get the facts about climate change out to the media, five independent investigations have completely cleared the scientists who were attacked, and the National Academy of Sciences reaffirmed that there is overwhelming evidence that atmospheric pollution is causing global climate change. But all of this has come too late to alter the perception that public concern about climate change was diminished by the so-called scandal.

Lesson 5: Too much patience is as bad as too little.

The environmental community was patient when President Obama decided to push healthcare reform before energy and climate legislation; we were patient when the administration turned to financial reform next; and we were patient while Kerry and Lieberman's negotiations with Graham dragged on. By the time we lost our patience in July the Senate calendar was seriously stacked against us along with the unwavering opposition of the Republican leadership. It's not clear whether it would have been possible to force action any quicker given how long it ended up taking to actually deliver the healthcare and financial reform bills to the President's desk, but we could have done more to demand action prior to the December 2009 Copenhagen climate summit.

Lesson 6: Getting interest groups on board is not sufficient.

The USCAP Blueprint for Legislative Action, released in January 2009, provided a consensus set of recommendations for how to craft carbon pollution limits from a diverse set of companies and non-governmental organizations, including NRDC. The idea was to accelerate the legislative process by surfacing and trying to resolve disputes about many of the policy details that would inevitably arise in writing and moving a bill through Congress. This strategy worked in the House, where the Blueprint served as the basis for much of the ACES bill. But the Blueprint did not address every issue and USCAP does not include all important interests. Kerry and Lieberman spent months negotiating with utilities, oil companies and other businesses over legislative details left unresolved in the Blueprint. These negotiations were largely successful in broadening industry support for the proposal, in some cases at the expense of environmental interests, but in many cases by tweaking provisions in ways that only mattered to the companies who would be directly affected. The problem is that broader support by business trade associations did not translate into broader support by U.S. Senators. The hardcore business opposition was unmoved and neither was the political and ideological opposition of the Republican leadership. These special interests were all too happy to cynically attack the bill for including special interest concessions. In the meantime there was never an effective process to engage enough Senators themselves to resolve the issues essential to garnering 60 votes.

Lesson 7: Never, never, never give up--Winston Churchill

As the New York Times put it, “the danger of global warming is not going away just because Washington's politicians don't want to deal with it.” We will continue fighting to make the most of every opportunity to curb carbon pollution, whether that is through national legislation, Department of Energy efficiency standards, EPA pollution standards, or state and local action. We can afford to do no less.

MINING

There Goes Another Mountain (*DAILY KOS)*

As expected, the U.S. Environmental Protection Agency and the Army Corps of Engineers approved a permit for Arch Coal's Pine Creek No. 1 Surface Mine in southern West Virginia.

In addition to removing the mountain to access the coal, the company will bury more than 14,500 feet of streams under toxic mining waste and debris. The permit requires mitigation to the tune of roughly 37,000 feet of new streams that will be "created" elsewhere -- as if engineered waterways could ever compensate for the loss of natural, life-giving headwater streams.

This greenlighted permit is one of 79 applications for Appalachian mountaintop removal operations that EPA froze in September, citing concerns about significant water quality impacts. Six other permits have been issued since then; 36 have been withdrawn by the applicants; and 36 are still pending.

The Pine Creek permit is the first to be issued since EPA announced new water quality standardsfor surface mines in April. EPA Administrator Lisa Jackson said then that the agency's tougher standards would make it extremely difficult, if not impossible, for coal companies to receive permits allowing them to fill valley streams with dirt, rubble and debris generated by mountaintop removal. In issuing the Pine Creek permit yesterday, EPA released a statement reiterating its commitment to uphold the Clean Water Act when regulating coal mining while insisting that "the improvements to this permit demonstrate once again that the health, waters and environment of coalfield communities can be protected while also preserving the jobs and economic benefits."

So, now another Appalachian peak will be blown to smithereens; two miles of streams will be obliterated; wildlife will be lost; drinking water will be put at risk of contamination; and residents in Logan County along Pine Creek will suffer for the sake of Big Coal.

When, if ever, will the Obama administration realize that it's not enough to regulate an atrocity -- mountaintop removalcoal mining must be abolished.

WATER

David Sirota: GOP Opposes Federal Fracking Regs REGARDLESS of Whether EPA Finds Poisoning (*Huffington Post*)

As natural gas exploration expands throughout our energy starved nation - from the West and now into the South and Northeast - many folks living in drilling country are rightfully expressing concern that their groundwater may be susceptible to pollution from the fracking fluids that are central to drilling operations. These are very legitimate fears, as HBO's critically acclaimed

documentary "Gasland" so graphically shows. And yet, to date, the Republican Party has expressed a rather callous "drill first, never ask questions later" attitude - callous, even for the GOP.

During the Bush years, Republicans managed to legislate an exemption for fracking fluid into the Clean Water Act. Then, Republicans in Congress blocked the proposed FRAC Act , which wouldn't even ban fracking fluid - it would simply require drilling companies to disclose what's in the fluids they are pumping into the earth near critical groundwater supplies. And now, in perhaps the most extreme step yet, Republicans here in Colorado (a state with one of the biggest natural gas reserves in the world) are demanding the Environmental Protection Agency never regulate fracking, regardless of whether or not the agency discovers that fracking is poisoning people .

As the Colorado Independent reports, you just can't make this up:
Eighteen Republican members of the Colorado State Legislature Monday sent a letter (pdf) to the U.S. Environmental Protection Agency (EPA) demanding the federal agency refrain from regulating the natural gas drilling practice of hydraulic fracturing, or "fracking," no matter what a two-year EPA study of the process reveals.
In a coincidence that highlights just how extreme the GOP position is, notice that the GOP letter was sent two days after this disturbing dispatch from the Grand Junction Sentinel :
Energy giant agrees to pay record fine
By Dennis Webb
Friday, July 23, 2010

Williams has agreed to pay a record $423,300 fine to resolve a state investigation into a spring-contamination case in which a De Beque man drank benzene-tainted water...

The fine would be the highest ever imposed by the commission for a single incident. The current record is a $390,000 fine handed down by the commission in April against Oxy USA for another case of spring contamination, also northwest of Parachute.

State regulators should be applauded for this catch, but with state budgets so strapped across the country, they clearly should not be the only regulators on the job. Do we really need more Civil Action -like tragedies to teach us that?

According to Republicans who know about the issue (which, incredibly, does not include one proudly ignorant leading Senate candidate), we do. And that cavalier attitude is both immoral and politically dangerous for the GOP. Though the national media has tended to portray debates over drilling as "liberal environmentalists" versus "pro-business conservatives," the fact is that these issues can cut in very unpredictable ways. As I reported back in 2008 for the New York Times magazine , someone living in drilling company may like the energy industry and be a cultural conservative - but that person probably doesn't like the thought of being able to light their tap water on fire , and might not want to vote for politicians who do.

July 29, 2010

GOP Opposes Federal Fracking Regs REGARDLESS of Whether EPA Finds Poisoning (*Huffington Post*)

As natural gas exploration expands throughout our energy starved nation - from the West and now into the South and Northeast - many folks living in drilling country are rightfully expressing concern that their groundwater may be susceptible to pollution from the fracking fluids that are central to drilling operations. These are very legitimate fears, as HBO's critically acclaimed documentary "Gasland" so graphically shows. And yet, to date, the Republican Party has expressed a rather callous "drill first, never ask questions later" attitude - callous, even for the GOP.

During the Bush years, Republicans managed to legislate an exemption for fracking fluid into the Clean Water Act. Then, Republicans in Congress blocked the proposed FRAC Act, which wouldn't even ban fracking fluid - it would simply require drilling companies to disclose what's in the fluids they are pumping into the earth near critical groundwater supplies. And now, in perhaps the most extreme step yet, Republicans here in Colorado (a state with one of the biggest natural gas reserves in the world) are demanding the Environmental Protection Agency never regulate fracking, regardless of whether or not the agency discovers that fracking is poisoning people.

As the Colorado Independent reports, you just can't make this up:

> Eighteen Republican members of the Colorado State Legislature Monday sent a letter (pdf) to the U.S. Environmental Protection Agency (EPA) demanding the federal agency refrain from regulating the natural gas drilling practice of hydraulic fracturing, or "fracking," no matter what a two-year EPA study of the process reveals.

In a coincidence that highlights just how extreme the GOP position is, notice that the GOP letter was sent two days after this disturbing dispatch from the Grand Junction Sentinel:

> Energy giant agrees to pay record fine
>
> By Dennis Webb
> Friday, July 23, 2010
>
> Williams has agreed to pay a record $423,300 fine to resolve a state investigation into a spring-contamination case in which a De Beque man drank benzene-tainted water...
>
> The fine would be the highest ever imposed by the commission for a single incident. The current record is a $390,000 fine handed down by the commission in April against Oxy USA for another case of spring contamination, also northwest of Parachute.

State regulators should be applauded for this catch, but with state budgets so strapped across the country, they clearly should not be the only regulators on the job. Do we really need more Civil Action-like tragedies to teach us that?

According to Republicans who know about the issue (which, incredibly, does not include one proudly ignorant leading Senate candidate), we do. And that cavalier attitude is both immoral and politically dangerous for the GOP. Though the national media has tended to portray debates over drilling as "liberal environmentalists" versus "pro-business conservatives," the fact is that these issues can cut in very unpredictable ways. As I reported back in 2008 for the New York Times magazine, someone living in drilling company may like the energy industry and be a cultural conservative - but that person probably doesn't like the thought of being able to light their tap water on fire, and might not want to vote for politicians who do.