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

AIR

In praise of bureaucrats (*Grist*)

by Sara Robinson
29 Jun 2010 1:25 PM
Brad Johnson calls out the "Climate Peacocks" in Congress who are ostentatiously shaking their tailfeathers in mock outrage over the very idea that the Environmental Protection Agency might actually act as agents of environmental protection:

Earlier this month, 47 senators -- every Republican and six Democrats -- voted for Sen. Lisa Murkowski's (R-AK) resolution to overturn the Environmental Protection Agency's scientific global warming endangerment finding, finalized after years of delay in following a Supreme Court mandate to obey the language of the Clean Air Act.

Twenty of Murkowski's supporters claimed they voted to reject science in order to preserve the “balance of power” between the legislative and executive branch. They said that they had to overturn the EPA's scientific finding because setting pollution limits should instead be the job of the elected members of Congress. Sen. Mike Enzi (R-WY) even said he voted for Murkowski to “ensure that Congress keeps its responsibility to establish our nation's environmental regulations.

Like “deficit peacocks” who pretend to be hawkish on budgets but refuse any real solution, these “climate peacocks” claim to care about science, energy reform, and the environment, but have yet to find solutions to the threat of climate change. Reid is now calling the bluff of these twenty “responsible” senators, who will be proven to be fossil-fueled hypocrites if they fail to support policies that bring the swift reduction of carbon pollution that science demands.

Johnson pulled together statements from 20 such peacocks -- a lot of noisy squawking about how the EPA is usurping the prerogatives of Congress. Here's a sample (but they all sound exactly like this):

Lamar Alexander (R-TN): It's Congress' job -- not a bureaucrat's or agency's -- to take action on carbon in a way that preserves jobs.
Scott Brown (R-MA): We cannot allow these decisions to be made by an unelected bureaucracy; this is an issue that deserves a full debate in Congress.

Susan Collins (R-ME): I also have serious concerns about unelected government officials at the EPA taking on this complicated issue instead of Congress. It is Congress that should establish the framework for regulation of greenhouse gas emissions.

Bob Corker (R-TN): I don't believe it's appropriate for the EPA to mandate large-scale carbon emissions reductions through administrative regulations. If there is any action taken in this regard, it should be done through Congress.

Mike Crapo (R-ID): Such an important debate as climate change, and the potential to drive up costs on consumers and small businesses, should not be left in the hands of Washington, D.C., bureaucrats.

Mike Enzi (R-WY): I rise in support of Senator Murkowski's resolution that would ensure that Congress keeps its responsibility to establish our nation's environmental regulations.

It's refreshing to see so many Congress members asserting their authority over something, after being phobically reluctant to use it on Wall Street, predatory bankers, or BP. But the argument they're making is one that goes to the very heart of American governance, and deserves to be questioned straight up.

The question is: Isn't this precisely the kind of wonky, technical thing we want bureaucrats handling?

The conservatives have spent 40 years trying to convince Americans that bureaucrats were agents of the Devil, power-hungry know-nothings who suck down our tax money and give nothing in return, and the best argument going against the evil of unions. This anti-bureaucrat smear job has been so effective that the very word "bureaucrat" creates a sort of reflexive surge of gut acid in most Americans -- even some of us on the left.

Amid all the acrimony, though, we've largely forgotten what bureaucrats are good for, and why we hire them in the first place. And this peacock parade is as good a moment as any to start to reclaim the B-word. Let's start with the basics, since so few of us seem to remember what they are:

Bureaucrats are government employees. In agencies like the EPA, they're very often degreed, certified professionals in a specific field of expertise -- hydrology, or wildlife biology, or range management, or soils geology. In short: they're trained experts who are far more entitled than most of us to have an informed opinion in their area of competence. And that education, expertise, and insight is precisely what we pay them for.

It's true that they enjoy a level of job security that few people in the public sector can even imagine these days. It's not uncommon for a government professional to work at the same agency for 30 or even 40 years, rise through the ranks of middle management, and retire with a good pension. But it's also arguable that that long constancy gives them an equally long perspective about where the public interest lies, and how to make the best policy around it. Over time, they see political factions and theories come and go; they see what works and what doesn't. That long, deep knowledge of the field can make the difference between success and failure, miracles and boondoggles -- if we let them bring it to bear.

Bureaucrats are, by law, apolitical. They're a permanent part of the government, serving Congress and the White House through conservative and liberal administrations. They're not allowed to participate in political campaigns, or make public statements for or against candidates. They can't speak as private citizens on issues, either. Like everybody else, they've got their personal biases and interests, and those occasionally leak through into their decisions -- but unlike most of us, they've also got serious legal incentives to keep those biases out of their work.

The bigger danger is that they're very susceptible to being leaned on by the White House or Congress if some powerful donor doesn't like what they're up to. In the land of bureaucrats, being tagged as "not a team player" by resisting a Congress member's demands will put a quick end to a career. In better days, when government had a stronger role, this kind of intimidation was considered unethical, and legislators who tried it opened themselves to the risk of being investigated and sanctioned. The fact that it's a problem now has less to do with individual bureaucrats than it does with the level of corruption in the system. If we don't like this, blaming the victims won't fix it. But. despite all of this, it's still true that bureaucrats have several more layers of insulation keeping them out of the heavy winds of politics that buffet Congress constantly.

So, back to the question. Do we want important technical decisions about pollution limits made by people with actual technical expertise -- people who've spent their entire careers dealing with both the science and the politics of this issue inside and out? Or do we want them being made by Congress members for whom this is one issue among a thousand; who may not have had more than one or two undergraduate science courses; and who are usually relying on a too-brief assessment by some junior environmental affairs staffer who possibly has his or her own agenda, and may not be an expert either?

Furthermore: do we want these decisions made by people who are at least somewhat insulated by the bureaucracy from the interests of big donors, and are thus more able to fairly, equitably assess what's really in America's long-term best interest? Or do we think it's better to leave them in the hands of people whose jobs are utterly dependent on the largesse of powerful donors, and who (as we already know, all too well) must consistently put the wishes of their clients ahead of the interests of the American people?

If there's one thing we've learned over the last ten years, it's that Congress is structurally incapable of doing what's right for the average American if some rich donor has other ideas. This is, in fact, why conservatives delegitimized bureaucrats in the first place: they couldn't stand having well-trained experts challenging their plans on behalf of the public interest. They could

buy off Congress, but they couldn't buy off our scientists. As I've written before (here and here), this war on planning was part of the larger war on science; and we are now paying the delayed costs of this war almost everywhere we turn.

If we're going to change that trend -- if we want to restore evidence-based policy and reassert the primacy of science in public decision-making -- the first thing we need to do is reclaim the dignity and reassert the authority of the government bureaucrat. These people are our designated experts. We hired them to defend our interests and make policy without political interference. They don't always get it right -- no system run by human beings ever does -- but they're considerably more trustworthy and knowledgeable than Congress is.

It's the height of arrogance for these squaking peacocks in Congress to think that they're smarter than the EPA's bureaucrats, and can do everything real scientists can do. They can't. And their contempt for "the bureaucracy" also reveals their contempt for the benefits of higher education; for scientific expertise; for government based in calm disinterested reason; and for the Enlightenment values this country was founded on.

Bring on the bureaucrats. Love 'em or hate 'em, they're almost always smarter than Congress -- and that's why the peacocks need to shut up and listen to the people who actually know what they're doing.

BP SPILL

June 30, 2010

Pressure Prods Feds to Loosen Regulations, Aiding Oil Spill Cleanup (*Huffington Post*)

Admiral Thad Allen , Bp , Deep Water Horizon , Gulf Oil Spill , Gulf Oil Spill Cleanup , Oil Spill Cleanup , Thad Allen , Politics News
Pressure from Senator George LeMieux (R, FL) and others has paid off with an emergency federal rule to permit more oil cleanup vessels to leave their posts elsewhere along America's coastline and finally head to the Gulf of Mexico to provide help.

The Coast Guard and Environmental Protection Agency are to publish the formal rule Wednesday (June 30), LeMieux announced. Normally, large amounts of ships and equipment are required by law to be kept in standby reserve to handle possible spills in harbors, drilling areas, etc. Those federal dictates have prevented them from joining the under-supplied oil spill cleanup.

The situation is analogous to a major fire--when units are called in from neighboring jurisdictions after one area is overwhelmed by a major blaze.

LeMieux responded by expressing thanks--and wondering why it took so long:

"We are at day 71 of this crisis and just now the bureaucracy is clearing a path for more skimmers. After waves of oil, tar and sludge-stained beaches, after families have lost their jobs, their business, and their way of life, we are finally beginning to see a sense of urgency from the federal government. I am glad the rule has been issued, but I wish this determination had been made weeks ago, when the oil could have been skimmed before it hit our coastlines."

The new Newt thing

Gingrich slams Obama on Gulf gusher and sounds off on climate 2 (*Grist*)

by Amanda Little
30 Jun 2010 5:00 AM
Newt Gingrich, green conservative.Photo: Gage SkidmoreA couple of years ago, Newt Gingrich was sounding like a climate activist. The former Republican speaker of the House posed with current Democratic Speaker Nancy Pelosi on a couch in front of the Capitol for a 2008 ad sponsored by Al Gore's organization, the Alliance for Climate Protection. "[O]ur country must take action to address climate change," Gingrich said, calling on Americans to "demand action from our leaders."

In his new book To Save America: Stopping Obama's Secular-Socialist Machine, Gingrich pushes a strikingly different view, decrying "the doomsday theory of climate change," which he attributes to the "high-tax, big-bureaucracy, job-killing, and government-centralizing environmentalism of the Left."

A vehement critic of the Obama administration -- opposing its approach to the Gulf oil spill, energy and climate legislation, and much else -- Gingrich calls for a "green conservatism -- a new pathway to environmental stewardship." He characterizes this philosophy as "optimistic, positive ... entrepreneurial, market-based, and incentive-led." He calls the Tea Party movement "a good way to spread green conservatism."

Gingrich is busy these days promoting his book -- and himself. He’s mulling a 2012 presidential bid, planning to make a decision on whether to run by spring of next year. I spoke with Gingrich recently by phone about BP, global warming, green conservatism, and Rwandan gorillas.

Q. What's your take on the BP spill and the response of the Obama administration?

A. The president has been floundering. The U.S. government underestimated the scale of the disaster for the first couple of weeks after the spill. Then you have a complete failure to coordinate potential resources from foreign countries that offered assets that could have helped cope with the oil flow. I don't think the government even understood what they were being offered because the bureaucracy is so incompetent and the disorganization is so complete.

Q. What would you have done differently?

A. You've got to fundamentally overhaul MMS, the Army Corp of Engineers, and the Coast Guard's emergency response system. You have to rethink these agencies because our current bureaucratic structure does not allow modern technology to get into the government very rapidly. So you've got long-term civil servants who may have been technically capable 25 years ago but they are now in the new world with new technologies and very often don't understand what they are dealing with.

Q. Would you also tighten the safety standards for offshore drilling and require stricter enforcement of these standards?

A. They've got to look very carefully at what actually went wrong. We frankly don't understand fully what went wrong.

Q. Do you think the safety measures are adequate as is?

A. I don't think we know.

Q. In your book, you say a core theory of green conservatism is that "wealth and freedom generally lead to better environmental practices." BP had loads of wealth and freedom -- then it ignored safety measures and the Deepwater Horizon rig exploded. How do you reconcile this?

A. Well, sometimes greed and stupidity undermine the benefits of wealth and freedom. BP should be required to pay every penny of the cleanup and be held accountable for all the damages done to any party by this disaster. That provides a signal to other companies: Don't be stupid.

But wealth and freedom as a general rule make it possible to produce more things better. There are over 30,000 wells in the Gulf -- we've had one blowout in 30,000 wells.* I think you learn from the mistakes. You figure out new and better approaches and you go back and try again.

Q. So are you saying that wealth and freedom sometimes confer environmental benefits, but in this case they didn't?

A. In this case there was a mistake. And you're going to have mistakes.

Q. How can we prevent these kind of mistakes if not with better regulatory oversight?

A. You try to ensure that the best [drilling] practices are followed. But you also have to recognize that sometimes there will be things that happen that you can't control. It's like having car wrecks. You have to build a response system.

Q. Do you think greed and stupidity are a part of human nature?

A. Sadly, yes.

Q. How can wealth and freedom confer the greatest environmental benefits if humanity is fundamentally greedy and stupid?

A. Political systems also have greed and stupidity. But they are more centralized and politicians have more power.

The point isn't that wealth and freedom will lead to utopia. The point is, if your choice is between greed and stupidity in bureaucracies and greed and stupidity in free markets, as a general rule, free markets produce greater wealth and greater opportunity for more people.

Q. What is your position on climate change? How much of a threat do you think it poses?

A. It's an act of egotism for humans to think we're a primary source of climate change. Look at what happened recently with the Icelandic volcano. The natural systems are so much bigger than manmade systems. I am very dubious about claims that we know precisely what's going to happen. And I'm very suspicious of the use of those claims to create much larger governments with much greater bureaucratic controls over our life.

Q. In 2008, you appeared in an ad with Nancy Pelosi in which you said that America "must take action to address climate change." Why have you flip-flopped?

A. I haven't flip-flopped. The actions I would take would include nuclear power and the use of renewables. For much less cost than what Al Gore wants to spend, you can incentivize dramatic changes.

Q. I'm sorry, I'm confused. You've said on the one hand you're not sure climate change is human-caused. On the other, America should take action to address climate change.

A. I think the carbon of the atmosphere is something we should deal with. To give you an example, if you had the same percent of American electricity from nuclear that you get in France, you would take 2 billion tons of carbon dioxide a year out of the atmosphere.

Q. You have applauded CEOs of GE and Duke Energy and Wal-Mart and other major industry executives for leading environmental progress in the country. These same executives are supporting a regulatory cap on carbon, saying they need federal regulations that provide market certainty.

A. What they are really telling you? They're telling you they are so afraid that the Environmental Protection Agency will be used that they would rather have a law than have the Environmental Protection Agency make their life even more miserable.

Q. So you think these people actually aren't concerned about climate change and don't support a cap on carbon emissions?

A. I'm just saying there are a lot of people who are driven to take positions because they are genuinely afraid the government will make their life even more miserable through regulatory devices.

Q. You vehemently oppose a cap on carbon emissions. Economists say that greenhouse gases are imposing costs on the public that the emitters aren't paying. Why should the public have to pay these costs?

A. Creating a regime to regulate carbon emissions would profoundly change the entire economy and guarantee the export of an amazing number of jobs to China and India. I regard the cap-and-trade bills as full employment acts for China and India.

Q. Your energy proposals consist largely of incentives -- essentially, subsidies. You've also fought efforts to remove subsidies from fossil fuels. If you support free, open, and competitive markets, shouldn't you support removing subsidies that distort the market?

A. Not if you believe that a low-cost energy regime is essential to our country -- both in terms of its internal transportation cost and its competitiveness in the world market.

Q. Fossil fuels are not low-cost when you consider their external toll on national security and the environment.

A. I don't think you can find any rational economic model that cuts the use of carbon by 83 percent in the time frame people are talking about without crushing the American economy.

Q. You have supported nuclear, solar, wind, smart grid, and other emerging technologies. Do you see incentives as the only way to push these markets to evolve?

A. Absolutely. There's no evidence in American history that regulations and punishments work to create a better future.

Q. The Clean Air Act and the Clean Water Act are widely lauded as successful legislation. Would you support rolling them back?

A. Depends on what you mean by rolling back.

Q. Do you think the government should have specific targets for clean water and clean air that can't be surpassed?

A. Not necessarily.

Q. You don't think a law should say the air has to be X percent clean?

A. No, I don't.

Q. You describe yourself as passionate about the environment. What experiences in your life shaped your commitment to this issue?

A. Growing up, I loved the natural world. I wanted to be either a zoo director or an invertebrate paleontologist when I was young.

Q. You argue that many environmental problems have been ignored due to what you call "the global warming obsession." What do you think are the biggest environmental challenges we're facing?

A. We have a substantial biodiversity problem, particularly in the Third World where I think there is a grave danger that you're going to lose an amazing number of keystone species like mountain gorillas. We have to create economic policies that sustain those habitats. Local people have to have an investment in the preservation of species or it won't happen.

My wife Callista and I went hiking in Rwanda in February and went up to look at mountain gorillas at about 9,500 feet, and many of the people who were with us -- porters helping us do the trek up the mountain -- had formerly been poachers. So the wilderness skills that had made them effective poachers turned them into effective guides.

Q. In your book you call for citizen leadership to protect the environment. What do you do in your personal life to promote sustainability? What kind of car do you drive, for instance?

A. I drive a hybrid, if that helps anything.

Q. And your home?

A. All I can tell you is I'd bet you a great deal of money that the carbon footprint of my home is radically smaller than Al Gore's. I'll leave it at that.

ENERGY

June 30, 2010
David DonigerPolicy Director, NRDC Climate Center
Posted: June 29, 2010 10:00 PM

The Lugar Energy Plan: The Good, the Bad, and the Ugly (*Huffington Post*)

Barack Obama , Clean Air Act , Clean Cars , Clean Energy , Clean Trucks , Climate Energy And Climate , Energy Bill , Greenhouse Gases , Obama Administration , Oil Dependence , Renewable Fuels , Richard Lugar , Green News

Senator Richard Lugar (R-IN) introduced S. 3464 – dubbed the "Practical Energy and Climate Plan Act" – on June 6, 2010. The bill's biggest flaw is that it establishes no overall limit or price signal on the carbon pollution that is driving global warming. Indeed, by the Senator's own assessment, the bill would achieve only half the carbon pollution reductions expected from other legislative proposals and meet only half the emission reduction commitment President Obama committed to in Copenhagen last December.

The bill includes several useful provisions, notably in the area of building energy efficiency. It also aims to improve vehicle fuel economy, although in a manner that would undercut the widely-supported clean vehicle program that the Obama administration is carrying out under current clean air and fuel economy laws.

Other parts of the bill could actually set us back. The bill proposes a "diverse" energy standard that would likely undercut the growth of renewable electricity generation. And the bill puts public health at risk by letting old coal plants evade long-overdue limits on mercury and other dangerous air pollutants, if only they promise to shut down by the start of 2019.

Senator Lugar is a realist who has long acknowledged the dangers of oil dependence and global warming, and who cares deeply about our country's leadership role in solving tough international problems. But his bill falls short and in places even moves us backwards. Hopefully, Senator Lugar will join with members of the Senate from both parties to meld the best parts of his bill into a comprehensive energy and climate bill, and to pass that bill this summer.

The Good: Boosting Building and Appliance Energy Efficiency

The Lugar bill includes several strong provisions to increase energy efficiency. These provisions could be included as components of comprehensive energy and climate legislation, improving upon the American Clean Energy Leadership Act (ACELA) bill passed by the Senate Energy and Natural Resources Committee. These include:

Building energy codes. The bill includes strong energy savings targets for improving residential and commercial building codes. The bill sets a target of improving residential and commercial building efficiency by 30% by 2012 compared to the applicable national model building energy codes. The target would increase to a 50% improvement by 2015 for residential buildings, and a 50% improvement by 2017 for commercial buildings. The bill sets a national Minimum Building Efficiency Standard and directs states to adopt codes that achieve equivalent or greater energy savings. The bill also makes code adoption and enforcement a factor for Department of Energy grant funding to encourage states to adopt and enforce compliant codes. While the bill's codes provision is a good start, it should be strengthened by including a mechanism to ensure that all new buildings in the U.S. are built to meet the national Minimum Building Efficiency Standard. (Sec. 201)
Federal building efficiency. The bill requires new Federal buildings designed after 2011 to exceed national building performance standards. It also requires Federal buildings designed after 2019 to achieve, to the maximum extent practicable, net-zero energy use by 2030. (Sec. 211)
Building retrofit program. The bill establishes a residential and commercial retrofit program with target retrofit rates of 5% and 2%, respectively. It authorizes $2 billion to go towards direct

loans, loan guarantees, letters of credit, and other financial product for the deployment of energy efficiency measures. (Sec. 221-224)
Rural and industrial efficiency programs. The bill authorizes $755 million for loans to rural consumers for energy efficiency retrofits (Sec. 231) and $500 million annually through 2014 for a revolving loan program for industrial efficiency. (Sec. 241)
Appliance efficiency: The bill revises the Energy Policy and Conservation Act to set efficiency standards for computer monitors under the appliance standards program and requires the Energy Secretary to set standards for all covered products. (Sec. 251)

The bill also requires 95% of all products purchased by federal agencies to be products certified by Energy Star or the Federal Energy Management Program. (Sec. 252)
Good-Intentioned but Flawed: Vehicle Fuel Economy and Alternative Fuels

The Lugar bill's provisions to raise the fuel efficiency of cars, light trucks, and freight trucks (Sec. 101), though well-intentioned, would conflict with the Obama Administration's landmark program to cut both carbon pollution and fuel consumption from these vehicles over the next 15 years under our existing clean air and fuel economy laws.

This April the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) jointly issued standards for 2012-2016 model year cars and light trucks cutting emissions of four greenhouse gases and raising CAFE standards under the existing Clean Air Act and the Energy Policy and Conservation Act to ensure maximum carbon pollution reductions and oil savings. These standards are supported by the automotive industry, labor, the environmental community, and the states. Acting again with broad support, the president in May directed the two agencies to set a second round of stronger car and light truck standards applying out to model year 2025, and to set carbon pollution and fuel economy standards for medium- and heavy-trucks starting with model year 2014.

By contrast, Section 101 of the Lugar bill addresses only fuel economy and does not mention standards under the Clean Air Act. It directs NHTSA to raise car and light truck fuel economy standards after model year 2016 by at least 4 percent per year. There's less here than meets the eye, however, because the 4 percent increase can be relaxed.
For medium- and heavy-duty trucks, Section 101 adjusts some of the criteria to be used by NHTSA under the Energy Independence and Security Act (EISA) of 2007. It is unclear that these changes would result in fuel savings in addition to the EISA mandate and the administration's program.
Section 102 of the bill would create a "feebate" program, with fees on low-mileage vehicles and rebates on high-mileage ones.
The Lugar proposal has drawn strong opposition from automakers for deviating from the administration's existing joint standards process. NRDC is sympathetic to Senator Lugar's goals for raising fuel economy, but we urge him to lend his support to the existing administration-led process under current laws. That process could be strengthened by setting clear statutory deadlines for EPA and NHTSA action under the president's initiatives, as proposed in Section 4141 of the American Power Act drafted by Senators John Kerry (D-MA) and Joe Lieberman (I-CT).

The Lugar bill also includes provisions to promote renewable fuels:

Section 111 would broaden an existing production incentive under Section 942 of the Energy Policy Act of 2005 (EPACT). EPACT Section 942 establishes a reverse auction run by the Department of Energy where fuel producers compete for production payments. Candidates that bid for the lowest per gallon incentive payment win the award. Previously, the program was only available to cellulosic biofuel. The Lugar bill would expand eligibility to "renewable fuels." To its credit, the bill adopts the current Renewable Fuel Standard (RFS) definition of "renewable fuel," preserving critical land, wildlife and ecological protections that are built into that definition. Additionally, the Lugar bill excludes grain-based fuels, making some conventional and mature technologies ineligible for unnecessary payments. Finally, reverse auctions are designed to foster competition and reduce costs for new technology.
But the Lugar proposal also contains significant flaws:

In its current form, the bill lacks many environmental criteria that would ensure selection of the most sustainable fuels. As written, the evaluation process considers cost but ignores the level of greenhouse gas savings or environmental services delivered. Given the recognized need to develop cleaner fuel sources, greenhouse gas savings should be viewed as a competitive advantage and included in the selection process. Requiring candidates to compete on environmental worth in addition to cost will ensure that the most viable fuel technologies emerge.
Additionally, the proposal increases the funding authorization for EPACT section 942, but provides no new revenue sources. In the current fiscal environment, it is hard to see how an expanded reverse auction would be funded. Thus it is unlikely to address global warming and oil dependency effectively.
The Bad: The Diverse Energy Standard

Section 301 of the Lugar bill includes a "Diverse Energy Standard" (DES) for electric utilities that promotes dirty energy technologies and does not ensure that renewable electricity generation will increase beyond current projections for business as usual growth.

In comparison with "Renewable Energy Standards" in place at the state level and proposed in the ACELA bill, the Lugar bill's DES includes no minimum standard for the percentage of generation that must come from renewable sources, which is essential to ensure that utilities ramp up clean energy resources. Instead, the Lugar bill's DES allows utilities to meet the bill's percentage standard with an array of non-renewable sources. A recent analysis of the Lugar bill's DES by the Union of Concerned Scientists found that it could result in deploying less renewable resources than the 29 state renewable electricity standards currently in effect.

Federal legislation must promote clan energy solutions and enhance, not undercut, the state standards. That is why NRDC supports including in comprehensive energy and climate legislation a renewable electricity standard that sets minimum targets of 20 percent by 2020 and 25 percent by 2025, and that excludes energy sources such as nuclear plants, municipal solid waste incinerators, and biomass plants that use feedstocks from environmentally sensitive areas.

The Ugly: Clean Air Rollbacks

Power plant air pollution is responsible for an estimated 20,000-24,000 deaths annually. Each year this pollution is linked to tens of thousands of heart attacks, hundreds of thousands of asthma attacks and other cardiac problems, and tens of thousands of emergency room visits, hospitalizations and lost work days. This toll will be reduced significantly when Clean Air Act deadlines arrive for cleaning up deadly smog, soot, and toxic air pollution in 2012 and 2015.

Section 302 of the Lugar bill veers sharply in the wrong direction by providing exemptions from a range of health safeguards under the Clean Air Act and other environmental laws to owners of coal-burning power plants. These exemptions would be available to any utility company that signs a contract with EPA to shut down an electric generating unit by the start of 2019.

This "early retirement incentive program" – captured under a subsection bluntly entitled "Regulatory Relief" – allows power plant operators to evade upcoming Clean Air Act deadlines for cleaning up deadly smog, soot, and toxic air pollution in 2012 and 2015. The worst emitters in the nation's most heavily polluting industrial sector – coal-burning power plants that have evaded cleanup for decades – would be empowered to continue imposing unacceptable health hazards on the public. They would also be allowed to evade other air pollution programs such as new source review, and even two Clean Water Act regulations.

Absent these "regulatory relief" provisions, many plant operators will decide to retire some of their old and dirty coal plants by 2015, concluding that it is not economically sensible to equip them with the pollution control equipment needed to meet the coming standards. Instead of allowing these dinosaurs to fade away by 2015 (if not before), the Lugar bill would give them a four year deregulatory windfall to keep operating without curbing their smog, soot, and toxic air pollution. Further, the 2019 retirement date is not enforceable by citizens or states under the Clean Air Act, nor do Clean Air Act penalties apply if a plant should stay open past its contractual closing date.

Even the 2019 retirement date is not firm. The bill would grant EPA broad authority to extend that date indefinitely, by making a vague and undefined determination that "energy disruptions" will occur if the 2019 deadline is not waived. The bill does not even give citizens the ability to police the exercise of that discretion.

There is no reason to add to two decades of regulatory delay in cleaning up dirty power plants that are endangering the lives and health of thousands of Americans.

* * *

NRDC encourages Senator Lugar to work with other Senators to merge the best parts of his bill into comprehensive energy and climate legislation that meets the challenge of reducing our oil dependence, curbing global warming pollution, and building the clean energy economy that will help America compete in the 21st century.

MINING

June 30, 2010
Jeff BiggersAuthor, "Reckoning at Eagle Creek: The Secret Legacy of Coal in the Heartland"
Posted: June 30, 2010 11:06 AM

Where's the Outrage? EPA Betrays Coalfields (Again) with New Mountaintop Removal Permit (*Huffington Post*)

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Read More: Arch Coal , Australia , Bp , Coal , Dirty Coal , Epa , Europe , Green Energy , Lisa Jackson , Mongolia , Mountaintop Removal , Peabody , President Obama , Ran , Robert Byrd , Water , Green News
I'm not sure if the EPA is addled, or downright shameless, but on the heels of meeting with besieged Appalachian coalfield residents and less than three months since its ballyhooed new guidance rules to halt reckless mountaintop removal operations, President Obama's Environmental Protection Agency has once again gone back on its word and green-lighted a dangerous mountaintop removal permit in a hair-brained pander to Big Coal that will knowingly destroy miles of critical headwater streams.

The piss poor week of coal news this week makes the BP disaster look like a cake walk. If only I could be glib and declare: The more things change, the more things stay the same. Peabody Energy announced they're opening a massive strip mine in Mongolia that will dwarf Wyoming's Powder River Basin to "solve world poverty"; Australia's strip mines continue to disappear historic communities; and the NY Times pointed out that Big Coal receives over $100 billion annually in welfare from Europe.

In the case of the Appalachian coalfields, where millions of pounds of ammonium nitrate fuel oil explosives are detonated daily in historic mountain communities and American citizens live in contaminated watersheds, the EPA's giddy support for the St. Louis-based Arch Coal's Pine Creek strip mine in Logan County, West Virginia is not only a travesty, but a costly one.

Logan County is already under assault for flooding, due to extensive strip mines in the area.

And the misguided decision, alas, comes at such a sad moment--the same week of the death of legendary West Virginia Senator Robert Byrd, who announced only one month ago:

If the process of mining destroys nearby wells and foundations, if blasting and digging and relocating streams unearths harmful elements and releases them into the environment causing illness and death, that process should be halted and the resulting hazards to the community abated.
Exactly one year ago, EPA official John Pomponio testified before the Senate that mountaintop removal irreversibly destroyed headwater streams. Pomponio declared:

"These little streams are like capillaries in your blood system," Pomponio said. "They're what travel through the landscape and capture the pollutants, clean those pollutants. And we frankly don't know where the tipping point is in losing one stream, five streams, or 18 streams in a particular watershed."

Last week, Pomponio authored the letter to the US Army Corps of Engineers, which allows Arch Coal to go forth with its mountaintop removal operation, after making changes to its application that will affect only 22% of the damage--which means, 78 % of the estimated 14,000 feet of critical streams will be destroyed.

In his letter, Pomponio lauds Arch Coal's efforts to create artificial ditches as replacements for natural headwaters, a bogus "mitigating" effort that Dr. Margaret Palmer decried as too ineffective to support the native aquatic community in the same historic Senate hearing last year.

"This is a devastating first decision under guidelines that had offered so much hope for Appalachian residents who thought the EPA was standing up for their health and water quality in the face of a horrific mining practice," said Amanda Starbuck of the Rainforest Action Network. "The grand words being spoken by Administrator Jackson in Washington are simply not being reflected in the EPA's actions on-the-ground. This continues the inconsistent and contradictory decisions that have plagued the EPA's process on mountaintop removal coal mining all along."

For West Virginia coal miner's widow Lorelei Scarbro and leader with the Alliance for Appalachia, who has met numerous times with the EPA, the decision is nothing less than an act of betrayal to the Appalachian people. In a personal letter to EPA administrator Lisa Jackson yesterday, Scarbro wrote:

I just finished reading what amounts to a green light by Region 3 EPA on the Pine Creek permit in Logan County, WV. I have to say that this disturbs me. I have been involved in the battle to stop, not regulate, mountaintop removal coal mining since the coal mine moved in next door to my home at the base of Coal River Mountain in Rock Creek, WV. I watched my husband die of black lung after 35 years as an underground union coal miner. I watch as people I love get sicker each day from contaminated water after raising their family in Prenter Hollow, WV.

I have left my very peaceful home 3 miles up in Rock Creek and traveled to DC many times in the past 2 years to help the powers that be to really see the face of coal. I hope that by telling the people on Capitol Hill how the decisions they make affect the lives of the people in the mountain communities they might begin to see us as valuable. Too often we are treated like collateral damage or just the price of doing business. I have been in many meetings with David Evans, Brian Fraizer and many others at EPA in DC and Region 3. I have met with CEQ, OSMRE and many other regulatory agencies and countless numbers of Senators and Congressmen trying to make a difference.

I was on the call on April 1 when you released the guidance for conductivity levels and I was very excited when I heard you say " You're talking about no or very few valley fills that are going to be able to meet standards like this." The release of this guidance and your words brought hope to many people that long ago lost it.

I have been very thankful for all of the steps this EPA has taken to improve life in the mountain communities of Appalachia, but I was heartbroken when I saw the decision on Pine Creek. Although I live about 1 ½ hours from this area I stand with the citizens there and I fear that this is just the beginning of many more permit releases. We believed you when you spoke about "zeroing out valley fills". Where I am from, sometimes all you have is your word. People here have historically made life altering decisions on nothing more than a handshake and their word.

I am a 54 year old widow of a coal miner and the most important thing to me is clean drinking water for my grandchildren. I don't believe that is possible if we continue to destroy and cover head water streams in Appalachia. Once again, I have lost hope. Please don't let this be the final word on Pine Creek Surface Mine.

The EPA's pander is a wakeup call that nothing less than an act to abolish mountaintop removal operations, such as the Clean Water Protection Act, will bring this egregious human rights and environmental violation to an end.

To this end, the Alliance for Appalachia needs your help--they need donations to get this important ad on national TV to bring home the cost of the catastrophe of mountaintop removal and strip mining to coal-fired consumers--including Lisa Jackson and the EPA--across the nation.

WATER

Natural Gas Drilling: 80 Chemicals Possibly Contaminating Water Systems (*Huffington Post*)

HARRISBURG, Pa. (AP) -- More than two years after the start of a natural gas drilling boom, Pennsylvania is making public a complete list of the chemicals used to extract the gas from deep underground amid rising public fears of potential water contamination and increased scrutiny of the fast-growing industry.

Compounds associated with neurological problems, cancer and other serious health effects are among the chemicals being used to drill the wells, although state and industry officials say there is no evidence that the activity is polluting drinking water.

The Associated Press obtained the list from the state Department of Environmental Protection, which assembled what is believed to be the first complete catalog of chemicals being used to drill in Pennsylvania's gas-rich Marcellus Shale. The department hopes to post it online soon.

It counts more than 80 chemicals being used by the industry in a process called hydraulic fracturing, or "fracking," as it pursues the gas in the mile-deep shale.

Many of the compounds are present in consumer products, such as salt, cosmetics, gasoline, pesticides, solvents, glues, paints and tobacco smoke.

Environmental advocates worry the chemicals are poisoning underground drinking water sources. However, environmental officials say they know of no examples in Pennsylvania or elsewhere.

"If we thought there was any frack fluid getting into fresh drinking water ... I think we'd have to have a very serious conversation about prohibiting the activity completely," said Scott Perry, the director of the department's Bureau of Oil and Gas Management.

Story continues below

Conrad Volz, who directs the University of Pittsburgh's Department of Environmental and Occupational Health, said state and federal agencies haven't done enough research to come to that conclusion.

A decades-old technology, hydraulic fracturing was coming under increased scrutiny even before the Gulf of Mexico oil spill.

Its spread from states such as Texas, Colorado and Wyoming to heavily populated watersheds on the East Coast has led to worries about water contamination and calls for federal regulation.

Hydraulic fracturing is exempt from the federal Safe Drinking Water Act, leaving states to regulate the activity. In New York state, regulators have effectively held up drilling on the Marcellus Shale while they consider new regulations. Last year, they published a list of more than 250 chemicals that could potentially be used there.

In Pennsylvania, where approximately 1,500 Marcellus Shale wells have been drilled and many thousands more are expected in the coming years, the state is working to buttress its regulations even as rigs poke holes in large swaths of the state.

Last week, HBO aired a documentary called "Gasland" that portrayed the natural gas industry as an environmental menace that spoils water, air and lives. The industry has challenged the film's veracity, saying it botches facts, exaggerates evidence and spotlights citizens whose claims already have been investigated and debunked.

Pennsylvania assembled the list in recent months from information the industry is required to disclose and decided to prepare it for the public as public interest grew, Perry said.

Industry officials say the chemicals pose no threat because they are handled safely and are heavily diluted when they are injected under heavy pressure with water and sand into a well. Industry officials say the chemicals account for less than 1 percent of the fluid that is blasted underground.

The mixture breaks up the shale some 5,000 to 8,000 feet down and props open the cracks to allow the gas trapped inside to flow up the well to the surface.

One compound, naphthalene, is classified by the federal Environmental Protection Agency as a possible human carcinogen.

The EPA said central nervous system depression has been reported in people who get high levels of toluene by deliberately inhaling paint or glue.

In its online guidelines on xylene, the U.S. Occupational Safety and Health Administration cites an industrial hygiene and toxicology text that says chronic exposure to xylene may cause central nervous system depression, anemia, liver damage and more.

The chemicals are used to reduce friction, kill algae and break down mineral deposits in the well. Various well services firms make different proprietary blends of the solutions and supply them to the drilling companies, which blend them with water at the well site before pumping them underground.

In recent years, some makers of the solutions have sought to replace toxic ingredients with "green" or food-based additives. For instance, Range Resources Corp., one of the most active drilling companies in Pennsylvania, is close to rolling out a 100 percent biodegradable friction reducer, spokesman Matt Pitzarella said Monday.