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

AIR

EPA undertakes overdue review on oil, gas rules (*Huffington Post*)

DENVER — The Environmental Protection Agency is reviewing four air emission rules for oil and natural gas operations, albeit many years later than it should have done so.

The EPA is supposed to review the standards every eight years under the Clean Air Act, but some of the regulations in question haven't been updated since 1985, while others were last fully reviewed in 1999.

WildEarth Guardians and the San Juan Citizens Alliance noticed and sued the EPA to force a review.

"That's kind of a slam dunk. It's hard to win a case like that," said Bruce Moore, senior technical adviser with the EPA's Office of Air Quality, Planning and Standards.

The EPA reached a settlement in which it agreed to propose any changes by Jan. 31 and take final action by Nov. 30, 2011.

The agency is going a step further, though. It also will take a broad look at the oil and gas industry to identify and quantify sources of air pollutants, consider strategies for reducing them, and determine the environmental and economic effects of those strategies.

The EPA held public meetings in Arlington, Texas, on Monday and in Denver on Tuesday to get information from the public and industry representatives to help with its review.

Two regulations the EPA is reviewing cover new gas processing plants. One involves leak detection of volatile organic compounds, and the other involves sulfur dioxide emissions.

The EPA also is reviewing national emissions standards for hazardous air pollutants in oil and gas production, and in natural gas transmission and storage operations.

Regulators have lagged in updating rules, even as new strategies like horizontal drilling and hydraulic fracturing have boosted the amount of natural gas that is considered recoverable.

Elevated ozone levels in the winter in the West have been attributed to volatile organic compounds from the oil and gas industry, Moore said.

While the EPA has rules for some aspects of oil and gas operations, other areas are not covered by current regulations.

Kathleen Sgamma of Western Energy Alliance, a trade group, said at the EPA meeting Tuesday that onerous regulations would make it more difficult to produce energy domestically and lead to more importation. She noted other sources of air pollution and said regulators should focus on industries with higher emissions.

Environmental groups noted that industry has undertaken some voluntary measures to mitigate pollution but said those efforts were insufficient. They also said natural gas is cleaner than coal but that they want to ensure industry makes use of modern technology to reduce emissions.

August 5, 2010

The FCC's Dangerous 'Let's Make A Deal'(Huffington Post)

For whatever reason, the Federal Communications Commission (FCC) continues its misguided game of "Let's Make A Deal" with the big telecom empires. Since the end of June, FCC Chief of Staff Edward Lazarus has convened representatives from AT&T, Verizon, the National Cable Telecommunications Association, Google, Skype and the Open Internet Coalition in an effort to try to have those negotiators do what FCC Chairman Julius Genachowski apparently won't do - make a decision about the future of broadband and the Internet in this country.

As far apart as the parties are, it's increasingly unlikely that any overarching deal will be reached, even though negotiating sessions are scheduled for today (Aug. 4) and tomorrow (Aug. 5), following a marathon Saturday session on July 31. The Empire is stuck in 2005, giving nothing up and expecting surrender from the other side.

The rumors are rampant that Verizon will make some type of voluntary agreement with Google to have some consumer transparency with wireless services. Whatever agreement these two big companies reach, however, is no substitute for a legally binding, comprehensive agreement in the public interest that covers not only network management but universal service and the other issues rolled up in the larger question whether the FCC even has the authority over broadband. The authority question also looms over any action the FCC might take if there is an agreement among all the parties.

(Of course, such a deal would require Google Chairman Eric Schmidt to tell the politicians he advises, President Obama and House Speaker Nancy Pelosi, that he is bailing on one of their top tech issues.)

What the FCC (and Google) need to understand, however, is that over decades, the Bell companies have had a history of not keeping the official promises they have made, and the Commission itself has not shown any inclination to enforce them.

The Commission would find that making a deal as ephemeral as the one under consideration is only asking for trouble. After all, if the Bells can break legally binding agreements, they should

have no problem sweeping aside an unenforceable piece of cotton candy - voluntary interim agreements that might look good, even taste sweet, but melt immediately upon being eaten.

Sorry History of Agreements

Whether the agreements are to complete mergers, or to settle cases at the state level, the set up is the same, and the results are the same. Big promises are made, precious few are kept. We know this from the meticulous research of Bruce Kushnick, who has tracked the mergers and cases before state regulators.

For example, the former SBC (now AT&T) agreed in 1999 to offer competition in 30 markets outside its service territory by 2002 as a condition for buying Ameritech. The company also promised to spend $6 billion to move customers to a new fiber network. Originally, the company signed a deal to pay a $40 million fine for each market it didn't enter. The company got away cheap with a $40 million total fine for noncompliance. (Of course, the FCC only required three customers in a market to be counted as "competitive.)

Bell Atlantic promised to spend $500 million to provide competitive local services around the country when it bought GTE in 1997 to form today's Verizon, in order to provision 250,000 customer lines outside of its service territory. No enforcers on the beat have made them pay a dime for this.

You can go back farther, as SBC created the empire that is the mostly reconstituted AT&T of today. It promised as part of purchase agreements network upgrades in California and Connecticut that never panned out. Bell Atlantic and Nynex promised a big fiber upgrade by 2000 for their combination. That promise wasn't fulfilled, either.

Even without the prompting of a merger, promises were made about network upgrades. Ameritech (now part of AT&T), Nynex (now part of Verizon), Pacific Telesis (now part of AT&T) and U S West (now Qwest) all promised big upgrades in the early 1990s back when the FCC was pushing companies to install "video dial tone" services - the first effort to get competition to cable. The projects didn't come to fruition. Bell Atlantic has a long history of promising New Jersey that it would upgrade the state, in exchange for massive rate increases. The rate increases came first, the deployment, much slower, if ever.

Aggressive Bell Tactics Effective If Misguided

There is a simple reason that the FCC leadership feels it has been forced into this no-win negotiation scenario. The Telecom Empire has persuaded them that it has them surrounded and the Commission is desperately looking for a way out of what they see as a tightening circle of enemies. Of course, most of those enemies are controlled by the Telecom Empire - those members of Congress beholden to the Empire for financial sustenance. And there are many, including quite a few in the President's own party who would take Telecom Empire coin and sell out from greed, or who go along with the Empire out of sheer ignorance by not taking the time to realize the harm they are doing.

Rep. Alan Grayson (D-FL), for example, says he favors Net Neutrality but wants Congress to decide the issue of whether the Bush-era mistake moving broadband Internet service into an unregulated service basket should be corrected. Now Grayson, a feisty liberal in most circumstances, along with another Democrat, Ben Chandler (D-KY) are being lauded by the right-wing Americans for Tax Reform as joining to fight the government's "Internet takeover." They are doing no such thing in part, because there is no government "Internet takeover." And they don't realize that without some action on the FCC's part to give the agency some jurisdiction, their favored policy of Net Neutrality will never be enacted. Whether out of ignorance or confusion, Grayson and Chandler have effectively shot themselves in their feet for not realizing what they got themselves into.

The Telecom Empire is a very persuasive group, and it proves every day. Chandler is a perfect example of how powerful the Empire really is. He signed the letter the Empire wanted him to sign, not realizing that allowing Congress to decide on the status of broadband Internet service is to do the Empire's bidding. At the same time, he slams the financial reform package as not strong enough. What does he think will happen when the Telecom Empire gets its bill on the floor?

In fact, there are many members of Congress who voted to restrain big banks and financial institutions, yet shy away from the Empire. A Public Knowledge analysis of those Democrats who signed the May letter from Rep. Gene Green (D-ATT) opposing FCC Chairman Julius Genachowski's modest "Third Way" proposal to put a cop on the Telecom beat shows that most of them voted for the financial reforms, however modest. Yet these same representatives will sign a letter asking the FCC not to act, knowing, as Chandler and Grayson should know, that Congress will do nothing to protect consumers or to make meaningful reforms in the telecom world that would offend the Empire.

And so, Genachowski and his team sit desperately trying to avoid what, exactly? Being criticized by the captive Congress? Having the right wing gin up the Noise Machine against a "government takeover of the Internet?" The only consequence here is that failure to act means failure of the promised Obama policies.

The EPA Shows The Way

There is another way, and another example in Washington. Just as the Telecom Empire uses the "leave it to Congress" dodge, so do their cousins, the Utilities, in trying to force the Environmental Protection Agency (EPA) not to regulate greenhouse gases. The Utilities follow the same playbook - letters, resolutions, bills, all generated to pressure a captive and craven Congress. And it works, in large measure, as a climate bill was pulled from Senate consideration.

Except that EPA Administrator Lisa Jackson decided to go ahead with her rulemaking to control those pollutants anyway. She proposed a more modest rule than might otherwise have been preferred, the EPA version of the Third Way, and went ahead with it despite the harrumphing form the Hill. The EPA didn't screw around with silly, backroom negotiations. It carried out its public interest mandate.

It can be done. It just takes some gumption, which is evident in some agencies, if not in others.

BP SPILL

Dispersants and Oil Spills. Tradeoffs and a Lesson in Risk Perception. (*Huffington Post*)

The EPA says Corexit 9500A, the chemical dispersants used to break up the oil from the Gulf of Mexico spill, are indeed toxic, but no more so than the oil itself. They're not something you'd put in the water if you didn't have to, but by breaking up the thick gooey oil, the dispersants reduce the mechanical/physical mechanism by which the oil suffocates or harms some wildlife. So, as is the case with so many environmental threats that trigger a knee-jerk "AAAIIIGGGH!", this one involves tradeoffs, and is more complicated than it seems at first, or than many environmentalists would like to admit.

The list of these, of course, is long. In fact, it's rare the environmental bogeyman that is only a threat.

DDT harms reproduction in some bird species but is an effective anti-mosquito agent against malaria.

Nuclear radiation can cause cancer, but the tradeoff of avoiding the risk of nuclear power is the harm that comes from burning fossil fuels.

Maybe the best example of all is mercury. Eating too much of some species of seafood raises exposure to mercury, which at high levels can impair the healthy neural development of a fetus. But the fatty acids you get by eating those fish are great for... ready... the healthy neural development of a fetus.

So how are we to make sense of these risks? And why does the scary side always

seem to grab our attention more than the benefit side? Wouldn't weighing the tradeoffs be a smarter way to make a fully informed healthy decision?

Well, sure. But that's not how our risk perception system evolved. It's designed to keep us alive, not get straight A's in school. It developed to be on the lookout for danger, not benefit. When something potentially perilous comes along, we instinctively assess it for the harm it might do, not the gain. And the system is set on a hair-wire trigger that sounds the alarm instantly if there even might be a threat. Subconsciously, before our thinking brain has even gotten the raw data to thoughtfully analyze the tradeoffs and complexities, which takes time, the animal instinct/self-preservation parts of the brain do a quick initial scan of information and if there is even the hint of peril... "AAAAIIIGGGGH."

The problem is, the perils of the modern information/technology age are more complicated than the simple dangers our risk perception system evolved to cope with. We didn't have to think about tradeoffs when the wolf was howling, or the bad guys with clubs were attacking, or it got dark. It's not so easy to figure out how to deal with climate change, or nanotechnology, or genetically modified food. There are certainly lots of 'cons' involved in the products and processes of modern life, but there are often pros too, and if we don't consider the whole picture, the ways we choose to protect ourselves may make us feel good, but leave us at greater peril.

That moderate reasoned approach is easier proposed than accomplished, however, because as thoughtful as we humans like to think we are, the risk perception system is not a simple matter of factual analysis. It's a just what we think, but also how we feel, and we know from decades of research into the psychology of risk that not only do we tend to over focus on the negative, but also;

Human-made risks innately feel scarier than natural ones.

Risks produced by industries we rightly don't trust feel scarier than they might actually be, just because of where they come from.

Whole classes of substances and categories of things can be stigmatized as dangerous when only some of them are.

Risks associated with a single catastrophic event feel scarier than risks that might be much bigger but which are chronic and spread out in space and time.

Risks getting a lot of attention feel scarier than bigger ones lurking in the background.

Do all those characteristics fit the use of chemical dispersants in the Gulf of Mexico oil spill? You bet. I'm not for a minute diminishing the catastrophe of this oil spill or the toxicity of Corexit 9500A, nor saying we shouldn't worry about DDT, or nuclear radiation, or mercury in seafood, hazards all. I am suggesting that all these issues teach us that sometimes, despite our best instincts, those instincts can cause us to get risk wrong, to over-react to some threats and under-react to others, and fail to consider tradeoffs, and end up making things worse. In the name of public and environmental health, we should look to the risk sciences not only of chemistry and biology, but also psychology, to help ourselves think more carefully about the complex hazards of our modern world, so we can figure out responses that not only feel right, but also maximize how safe we really are.

Follow David Ropeik on Twitter: www.twitter.com/dropeik

The Death Gyre in the Gulf: What BP Didn't Want People to See (*Daily KOS*)

News OCR Text: There was a concerted effort to keep the media out of the area when the spill came about, we were kept from seeing the ROV photos, told they didn't exist and told that there was no live feed.

There have been a lot of corrections over what was available to the public, there were disturbing limitations to the media.

But it's starting to unfold just as BP and NOA are declaring victory, which for me, would be great, I would love that this nightmare be over as easily as they make it seem. But, it's not I who is saying it's not that simple.

I wrote yesterday about concerns regarding the use of corexit on the oil, a choice that many felt, including the EPA was inevitable. Corexit and the Oil That's Left, the Worst is Yet to Come.

The Crime of the Century: What BP and the US Government Don't Want You to Know, Part I is a piece that went up this morning that has some exstensive information but what caught my eye was the following... (Which some are saying has been debunked as CT, so I have included other information the diary)

In May, Mother Nature Network blogger Karl Burkart received a tip from an anonymous fisherman-turned-BP contractor in the form of a distressed text message, describing a near-apocalyptic sight near the location of the sunken Deepwater Horizon -- fish, dolphins, rays, squid, whales, and thousands of birds -- "as far as the eye can see," dead and dying. According to his statement, which was later confirmed by another report from an individual working in the Gulf, whale carcasses were being shipped to a highly guarded location where they were processed for disposal.

CitizenGlobal Gulf News Desk received photos that matched the report and are being published on Karl's blog today. Local fisherman in Alabama report sighting tremendous numbers of dolphins, sharks, and fish moving in towards shore as the initial waves of oil and dispersant approached in June. Many third- and fourth-generation fisherman declared emphatically that they had never seen or heard of any similar event in the past. Scores of animals were fleeing the leading edge of toxic dispersant mixed with oil. Those not either caught in the toxic mixture and killed out at sea, or fortunate enough to be out in safe water beyond the Source, died as the water closed in, and they were left no safe harbor. The numbers of birds, fish, turtles, and mammals killed by the use of Corexit will never be known as the evidence strongly suggests that BP worked with the Coast Guard, the Department of Homeland Security, the FAA, private security contractors, and local law enforcement, all of which cooperated to conceal the operations disposing of the animals from the media and the public.

I know many noted, where are the animals? There were so few photos of dead animals, so few photos of what was happening, although there were reports of many fish, dolphins and sharks swimming much closer to shore than usual in mid June.

GULF SHORES, Ala. (AP) - Dolphins and sharks are showing up in surprisingly shallow water just off the Florida coast. Mullets, crabs, rays and small fish congregate by the thousands off an Alabama pier. Birds covered in oil are crawling deep into marshes, never to be seen again.

Marine scientists studying the effects of the BP disaster are seeing some strange phenomena.

Day by day, scientists in boats tally up dead birds, sea turtles and other animals, but the toll is surprisingly small given the size of the disaster. The latest figures show that 783 birds, 353 turtles and 41 mammals have died - numbers that pale in comparison to what happened after the Exxon Valdez disaster in Alaska in 1989, when 250,000 birds and 2,800 otters are believed to have died.

There is an extensive interview with Rikki Ott as well as video, who has been on the scene and who I believe to be a very credible source about this spill from her experience with the Exxon Valdez.

Because of fair use, I can't most of it, I encourage you to go read it.

Dauphin Island was one of the sites where carcasses of sperm whales were destroyed. The operational end of the island was closed to unauthorized personnel and the airspace closed. The U.S. Coast Guard closed off all access from the Gulf. This picture shows the area as it was prepped to receive the whale carcasses for disposal.

JC: There has been a great deal of discussion about the disappearance of the animals and the life in the ocean which seem to have vanished since this incident has occurred. What do you know about this?

RO: Well I have been down in the Gulf since May 3rd. It's pretty consistent what I have heard. First I heard from the offshore workers and the boat captains that were coming in and they would see windrows of dead things piled up on the barrier islands; turtles and birds and dolphins... whales...

JC: Whales?

RO: And whales. There would be stories from boat captains of offshore, we started calling death gyres, where the rips all the different currents sweep the oceans surface, that would be the collection points for hundreds of dolphins and sea turtles and birds and even whales floating. So we got four different times latitudes/longitude coordinates where (this was happening) but by the time we got to these lat/longs which is always a couple of days later there was nothing there.

So people offshore were reporting this first and then carcasses started making it onshore. Then I started hearing from people in Alabama a lot and the western half of Florida - a little bit in Mississippi - but mostly what was going on then there was an attempt to keep people off the beaches, cameras off the beaches. I was literally flying in a plane and the FAA boundary changed. It was offshore first with the barrier islands and all of a sudden it just hopped right to shore to Alabama that's where we were flying over and the pilot was just like - he couldn't

believe it - he was like look at that and I didn't know what he was looking but then he points at the little red line which had all of sudden grown and he just looked at me and said the only reason that they have done this is so people can't see what is going on. And what that little red line meant was no cameras on shore and three days later the oil came onshore and the carcasses came onshore into Alabama.

JC: That immediately preceded the first wave coming onshore?

RO: Pretty much. That preceded the first wave. It was June 2nd when the line changed and the FAA boundaries increased. Then people would -- I mean you walk beaches here at night it's hot so people walk beaches -- and they would see carcasses like sea turtles, a bird, a little baby dolphin, and immediately they would go over to it and immediately people would approach them, don't touch that if you touch it you will be arrested and within fifteen minutes there would be a white unmarked van that would just come out of nowhere and in would go the carcass and off it would go.

They were white unmarked vans at first. We've since heard many other stories from truckers who are trucking carcasses in refrigerated vans to Mexico. Carcasses are just not showing up where they need to which is as body counts for essentially this war on the gulf.

The Huffington Post mentions a post entitled 'Death Gyre' in the Gulf where there are photos of processing facility supposedly for dead animals. But there is not one dead animal in sight. There is an interview and a debunked text that was removed from this diary because it was suspect, I took it out until there is evidence it is authentic.

What's most alarming about this is not just the cover up, the fact that the media was kept out from a no fly zone. When something this horrific happens, we expect to see such awful things.

This has kept people from getting as upset as they should be, maybe it's kept people from getting more angry, from crying as much as they should have. Maybe it's made them think, "it could have been much worse."

Well it was much worse than we could have imagined.

But what this has done is it's hurt the ecologists and biologists who want to actually protect these animals from knowing the population numbers harmed in this catastrophe. How can we know how the sperm whale's viability if we have no idea how many perished in this nightmare?

How can we know the impact on the endangered sea turtles if we can't get a grasp on how many died.

It's not just about liability, it's about our responsibility as conservationists to understand the absolutely vastness of the situation. It just makes everyone's job harder in the long run and as this gets out, it deepens the general mistrust people have for corporate behemoths like BP and their agenda.

Protect their image rather than protect the environment, the people and the species that live there as well.

And about the corexit, that's coming next from the Huffington Post and the effects on human beings. But the fact that it's gone and not to be found, Tests suggest oil dispersant washing up on Alabama beaches.

The stained, brown water seen washing up in pockets along Alabama beaches for the last two weeks appears to contain the dispersant widely used on oil from the Deepwater Horizon spill, according to a preliminary analysis.

While heavy oil sheen was visible in the areas where the material was collected, little if any oil was found to be present in the samples, said Overton, who is analyzing oil samples for the federal government.

"We didn't see oil in the analysis we do, but I passed some of these water samples to a colleague who does fluorescence analysis," Overton said. "We saw some preliminary indications that there was a dispersant signal in the sample."

It has yet to be confirmed 100%, they will be doing further testing.

That's where I am now, waiting, further testing, watching the Gulf and hoping for the best, but we must hold BP accountable for what has happened. Just because we haven't seen it, doesn't mean it didn't happen or it is not there.