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
June 15, 2010

ROUND-UP OF MAJOR BLOGS 2
AIR 2
EPA goes to industry to fix faulty Texas permits (*Huffington Post*) 2
Texas asks court to intervene in fight with EPA (*Huffington Post*) 3
BP SPILL 5
Time to get tought with BP on dispersants (*Grist*) 5
GRANTS 8
SOLID WASTE 10
Tennessee Coal Ash: TVA Fined $11.5 Million for 'Unprecedented' Spill (*Huffington Post*) 10

ROUND-UP OF MAJOR BLOGS

AIR

EPA goes to industry to fix faulty Texas permits (*Huffington Post*)

RAMIT PLUSHNICK-MASTI | June 10, 2010 06:51 PM EST

HOUSTON — The U.S. Environmental Protection Agency offered on Thursday to work directly with Texas' petrochemical industry in an effort to fix permits it says have long violated the Clean Air Act.

The EPA's offer is the latest in a drawn-out, public and politicized battle between the federal agency and Texas. The dispute evolved last month from a debate over pollution permitting into a pitched battle over states' rights, reaching the tipping point when the EPA threatened to remove Texas' permitting authority – a role traditionally filled by states.

The EPA made public on Thursday a proposed voluntary program that would allow the nation's largest refineries to hire independent auditors to correct the problem permits while guaranteeing them legal forgiveness should violations be found. The auditors would determine what the required emission limits should be in each unit of a facility. After the EPA approved the findings, Texas would be asked to include the limits in air and operating permits. A 10-day public comment period on the program began Thursday.

While the program aims to correct a complicated problem by allowing industry to work directly with the EPA, the program gives Texas a rubber stamp status, with the state simply approving requirements after they receive a federal nod.

The Texas Commission on Environmental Quality indicated it was not satisfied with the proposal.

"While we support innovative approaches, we do have concerns with the efficiency of the audit concept and how it would overlap the state's permitting processes," the state agency said in a statement, but declined to comment further.

Al Armendariz, the EPA's regional director, said the EPA discussed the program with state officials before going public. He said the concept was also intensively discussed with some of the country's largest petrochemical companies, who "don't like the uncertainty" of operating with permits the EPA believes violate federal law.

"We are going to work with industry to identify what the legally appropriate requirements should be and should have been all along," Armendariz said.

The EPA, he added, would welcome Texas' input in the program, including in reviewing the audits.

The crux of the debate is over Texas' so-called flexible permits, which set a general limit on how much pollutant an entire facility can release. The federal Clean Air Act requires state-issued permits to set limits on each of the dozens of individual production units inside a plant. The EPA says Texas' system masks pollution and makes it impossible to regulate emissions and protect public health.

In meetings and telephone calls held in the last two weeks, it appeared Texas was finally moving to bring its program in line with federal regulation, Armendariz said.

Still, the EPA will likely officially disapprove the state's flexible permit program at the end of this month, and could still strip its permitting authority completely if it fails to comply with the Clean Air Act.

"To date, I still have not seen a single permit which addresses the major grounds for our objections," Armendariz said. "The final proof that the state of Texas is serious is when the state issues permits that are consisted with the Clean Air Act and they haven't done so yet."

Texas asks court to intervene in fight with EPA (*Huffington Post*)

JUAN A. LOZANO | June 14, 2010 08:53 PM EST |
HOUSTON — Texas asked a federal court on Monday to intervene in its fight with the Environmental Protection Agency over how the state regulates emissions from oil refineries and other petrochemicals plants.

Texas Attorney General Greg Abbott asked the 5th U.S. Circuit Court of Appeals in New Orleans to review the EPA's rejection in March of a 1995 state law that allows refineries to be

modified without being subject to additional regulation, provided the changes don't increase a facility's overall emissions.

The issue is part of an ongoing disagreement Texas and the EPA have over how pollution is regulated in the state, said Terry Clawson, a spokesman for the Texas Commission on Environmental Quality. In recent weeks, debate has focused on the state's use of so-called flexible permits, which sets a general limit on how much pollutants an entire facility can release.

In a news release, Abbott's office criticized the EPA for taking more than a decade before deciding to reject the law and said it filed the legal challenge "in an effort to defend the state's legal rights and challenge improper overreach by the federal government."

An EPA spokesman did not immediately return a telephone call seeking comment Monday.

When the EPA rejected the law in March, the agency said the rule allows companies that have Texas-issued air permits to avoid certain federal clean-air requirements, including public review, when they modify their plants.

"EPA has determined that this regulation does not meet several federal Clean Air Act requirements," the agency said in a March news release.

Story continues below

The disagreement has become politicized in recent weeks as Gov. Rick Perry called a threat by the EPA's regional director to remove Texas' regulatory authority by midsummer if the state fails to comply with the federal Clean Air Act a challenge to states' rights.

The federal Clean Air Act requires state-issued permits to set limits on each of the dozens of individual production units inside a plant. The EPA says Texas' permitting system masks pollution, allows industry to emit too many pollutants and makes it impossible to regulate emissions and protect public health.

Abbott's office said the EPA's rejection of the 1995 law threatens a state regulatory program that has successfully reduced harmful emissions, including a 22 percent reduction in ozone levels and a 46 percent reduction of nitrogen oxide levels since 2000. This outpaces the eight percent ozone reduction and 27 percent nitrogen oxide reduction that were recorded nationally during this same time period, Abbott's office said.

"The EPA's decision not only imposes significant uncertainty on entities that employ thousands of Texans, but it threatens the livelihood of their employees – who depend upon those facilities for their jobs," the press release said.

In a statement, the TCEQ said it "will continue to defend its air permitting program while proactively working with EPA to resolve its concerns to provide legal certainty to regulated entities and the public."

Last week, the EPA offered to work directly with Texas' petrochemical industry in an effort to fix permits it says have long violated the Clean Air Act.

The TCEQ has said it was not satisfied with this proposal.

BP SPILL

Corrects What?

Time to get tought with BP on dispersants (*Grist*)

by Tom Philpott
15 Jun 2010 4:00 AM
As of June 9, BP had applied at least 1.1 million gallons of toxic chemical dispersants to address its ongoing oil leak in the Gulf. That's the most that has been used in one place since 1979, when the Mexican government dropped between 1 million and 2.5 million gallons on a leak off the coast of Vera Cruz, the EPA reports.

As I reported in early May, the dispersant products, branded Corexit 9527A and Corexit 9500A, were made exclusively by a former Exxon subsidiary now owned by a company called Nalco. Exxon researchers had already acknowledged that they were significantly toxic for aquatic life. But just how toxic was mysterious -- particularly for humans. The publicly available data sheets for both products revealed that they have the "potential to bioconcentrate," but added this stunner: "No toxicity studies have been conducted on this product."

Information about their precise composition was also vague, clouded by a veil of secrecy based on "proprietary" concerns. I found the information scarcity outrageous. A private company fouls a vast public resource and then dumps hundreds of thousands of gallons of a toxic chemical potion into it. Doesn't the public have the right to know precisely what's in that potion?

To me, the real culprit in the dispersants story wasn't BP or Nalco. Those companies are beholden to their shareholders to maximize profit. BP is working frantically to limit its liability from an ecological snafu of nearly bottomless proportions. Keeping as much oil off of shorelines and underwater, where its damage is hard to quantify, serves the company's economic interests. As for Nalco, its chief interest is to move product. Releasing precise information about its dispersants evidently works against that goal.

The real culprits in the dispersants affair, I argued, were the federal agencies overseeing the spill response: NOAA and EPA. They are duty-bound to protect the public and the Gulf ecosystem. Rather than cowering to the side, fretting about "proprietary" considerations, they should have been demanding Corexit samples and performing or commissioning studies. And if Nalco refused to hand over samples, the federal watchdogs should have bared their teeth and sued.

Even if the companies managed to fight off the challenges in court, they'd be exposing themselves to a potential PR firestorm -- and likely be shamed into behaving decently.

After my initial burst of reporting, I spent a week in California at the end of May, got immersed in other things, and lost track of the story. Honestly, I assumed that with increasing media attention, the EPA and NOAA would wrestle control over dispersant use from BP and impose a rational policy.

Memo to self: Don't be so naive ever again. The Public Radio International show "Living on Earth" reports that Nalco still won't release Corexit samples to independent researchers. LOE staff talked to no fewer than five university-based scientists who have been denied access to Corexit. These people are trying to answer critical questions: When you combine Corexit with crude oil in a seawater medium, how does the resulting mixture behave? How quickly does it dissipate? How much oxygen does its decomposition tie up, potentially making life inhospitable to marine life? How does the toxicity of the oil/Corexit mixture compare to that of the individual components? And so on.

University of Georgia marine sciences professor Samantha Joye had this to say:

In terms of understanding the impacts of dispersants on microbial activity I and many others are still trying to get samples of the various dispersants that are being used. I've been unable to secure any so far.

Added toxicology professor Ron Kendall, who directs the Institute of Environmental and Human Health at Texas Tech University:

We attempted to acquire the Corexit from the manufacturer and basically were given a roadblock and have not been able to obtain it.

Meanwhile, as Nalco stonewalls independent researchers, the EPA is evidently getting quite worried about the toxicity of the dispersants -- and BP is brazenly ignoring the agency's requests on their use.

First, back on May 20, there was this widely reported EPA "directive" for BP to "identify and use a less toxic and more effective dispersant from the list of EPA authorized dispersants." BP responded like a spoiled teenager shurgging off an empty parental threat. The answer, in a word: no.

And now, according to Brad Johnson of the Wonk Room, BP is brazenly ignoring explicit EPA requests on dispersant use. Johnson points to yet another EPA directive, this one demanding that the company "eliminate the surface application of dispersants" and limit subsea applications to "not more than 15,000 gallons in a single calendar day," with a goal to reducing daily use to 75 percent of that low rate.

In other words, the EPA is calling for the near elimination of dispersants as a tool for addressing the spill -- evidence that the agency is highly skeptical of their benefits. And BP's response? Wonk Room's Johnson reports:

A Wonk Room analysis of information released by the oil disaster command center found that the May 26 directive has not been followed -- 120,000 gallons of dispersant have been used at the surface, total use is only down by 25 percent, and on Sunday, June 6, BP used 33,000 gallons of subsea dispersant, more than twice the allowed amount.

Confronted about the disobedience, Johnson reports, the EPA responded that BP personnel "blamed ‘mechanical difficulties' but do not expect it to happen again.'"

"Mechanical difficulties"? Sorry, that's hollow. It might have made sense a week after the "directive." Two weeks after, not so much.

As Tim Dickinson's Rolling Stone exposé (summarized here) shows in depressing detail, the Obama administration has proved unable to stand up to the oil industry on matters of substance both before and after the Deepwater blowout. (The administration's craven acceptance of BP's policy of passing on clearly false "estimates" of the leak rate are just one example.) In addition to the ConocoPhillips director now co-leading the administration's investigation of the disaster, the administration last year plucked no fewer than two execs from longtime perches at BP and gave them high positions in the Department of Energy and the Mineral Mining Services.

If Obama wants to credibly declare independence from the industry and show he's serious about shifting from oil to cleaner sources, wresting control over the dispersants issue from BP would make a good start.

Rumor watch: Obama has a ‘secret’ plan to redirect the Mississippi River 12 Obama compares oil spill to 9/11 3 Oil execs lined up for Washington grilling 2 « prevnext »
Post a Comment

To comment please log in or register an account, or:

Here in the US, we consume 378 million gallons of oil…

Chris McMasters commented on

Retrofitting 75,000 houses…

Aren't these light bulbs going to be illegal shortly?…

Glenn Hurowitz commented on

2010's most annoying fad:…

Stop whinging. If you invested in any oil company,…

Trollwacker commented on

Brits mad, and worried, about…

@greentopia: Let's see, maybe for the name: "Mellow…

Tyme commented on

Ask Umbra wipes up the confusion…

@bikechess and everyone--ACEEE has a very detailed…

Peter Troast commented on

Energy politics in the Senate:…

GRANTS

June 15, 2010
John AtlasPosted: June 15, 2010 02:41 AM

ACORN Vindicated of Wrongdoing by the Congressional Watchdog Office (Huffington Post)

diggfacebook Twitter stumble reddit del.ico.us
Read More: Acorn , Acorn Community Organizing , ACORN Funding , ACORN Home Defenders , Acorn Housing , Acorn Investigation , Acorn Scandal , Acorn Voter Fraud , Acorn Voter Registration , Association Of Community Organizers For Reform Now , Breaking Media News , Brian Beutler , Congress Acorn , Fox News , Glenn Beck , John Atlas , Politics News , Politics News Acorn Attacks , Rush Limbaugh , Politics News
On Monday, June 14, a preliminary probe by the U.S. Government Accountability Office (GAO)of ACORN, has found no evidence the association or related organizations mishandled the $40 million in federal money they received in recent years.

A review of grants by nine federal agencies found no problems with ACORN's grants. In my book Seeds of Change I document how ACORN, the largest most successful national anti poverty organization in America, was forced to close its door.

The GAO interviewed and obtained documentation from grant program managers and staff from nine agencies; NeighborWorks, the Election Assistance Commission (EAC), the Corporation for Public Broadcasting (CPB), the Environmental Protection Agency (EPA), the Department of the Treasury (Treasury), and the National Endowment for the Arts (NEA), Department of Homeland Security and (DHS), the Department of Justice (DOJ), and the Department of Housing and Urban Development (HUD). Most of the grants were for housing-related purposes during fiscal years 2005 through 2009.

The GAO, an independent, nonpartisan agency that works for Congress, is often called the "congressional watchdog." It investigates how the federal government spends taxpayer dollars.

Nearly two dozen members of Congress requested an investigation after a series of complaints against ACORN and its affiliates, including an embezzlement matter, several cases of voter registration fraud, and the release of edited and misleading videotapes secretly made by conservative activists that appeared to implicate ACORN workers in several offices facilitating prostitution. In fact the staff in most of ACORN's offices turned the pair away, reported the couple to the police, refused to provide them any aid, and in one case tried to convince the phony prostitute to get counseling. In no ACORN office did employees file any paperwork or do anything illegal on the duo's behalf.

But Fox News broadcast the deceptive tapes nearly around the clock for several days defaming ACORN.

While Republicans in Congress, who for years had accused ACORN of corruption, used the phony tapes to lead an effort to successfully strip the group of federal funding in 2009. Months later the group was exonerated from any wrongdoing by every official and independent investigation.

After the broadcast of the videotapes on Fox and CNN, the New York Times and Washington Post inaccurately reported that the ACORN workers in several offices facilitated prostitution. The papers also reported that O'Keefe was dressed up in a cartoonish pimp garb when he entered the ACORN offices, when he actually wore a dress shirt and slacks and identified himself as a student or friend of the phony prostitute. As a result of the conservative's smear campaign and the media's erroneous reporting of the smears as true, the U. S. Congress defunded ACORN, which led to many of its funders and allies to withdraw their support.

An independent investigation by the Brooklyn District Attorney's office and the Attorney General of California vindicated ACORN of any wrongdoing. A federal judge ruled that the law barring the group's receipt of federal funds was unconstitutional. I capture the story of this incident as well as the history ACORN, in my recent book, Seeds of Change, The Story of ACORN, America's most controversial anti-poverty community organizing group.

One of the activists, James O'Keefe recently pleaded guilty to charges of entering federal property under false pretenses when he attempted to embarrass Senator Mary Landrieu because of her support for national health care legislation.

SOLID WASTE

June 15, 2010

Tennessee Coal Ash: TVA Fined $11.5 Million for 'Unprecedented' Spill (*Huffington Post*)

BILL POOVEY | 06/14/10 05:22 PM |
Green News, Tennessee Coal Ash, Tennessee Coal Spill, Tennessee Valley Authority, Tva, TVA Coal, TVA Coal Ash, TVA Coal Ash Pond Disaster, TVA Disaster, TVA Spill, Green News
CHATTANOOGA, Tenn. — The Tennessee Valley Authority has been hit with penalties totaling $11.5 million for the December 2008 coal ash spill at one of the utility's plants, partly to pay for oversight of the cleanup.

Tennessee Department of Environment and Conservation officials announced the first penalties against the utility for the spill in an order Monday. It said the company violated the Tennessee Water Quality Control Act and the Tennessee Solid Waste Disposal Act.

The order also said the department still can assess future natural resource damages. A breach in an earthen dam at TVA's Kingston plant 40 miles west of Knoxville sent 5.4 million cubic yards of toxic muck into the Emory River and surrounding landscape.

Environmental department Commissioner Jim Fyke said in a statement that the spill was an "unprecedented event."

TVA said in a statement that the utility will obey and remains "fully committed to a complete cleanup of the Kingston ash spill."

The Environmental Protection Agency did not immediately answer an e-mail message seeking comment about the possibility of other federal penalties. State environmental department spokeswoman Tisha Calabrese-Benton said she was unsure if there could be federal penalties.

The EPA is slowly deciding how to regulate coal plant ash that contains arsenic, selenium, mercury and other substances that are defined as hazardous.

"The recovery work has progressed around-the-the-clock for more than 17 months since the event occurred, and the progress is on schedule," TVA's e-mail statement said.

In the first phase of cleanup that is near completion, the utility has dredged about 3 million cubic yards of ash from the river, much of it shipped by rail to a landfill in Alabama.

The penalty order says TVA must pay $2.5 million to the state by July 15 and must propose at least $2 million in supplemental environmental projects to benefit the environment, to be approved by Dec. 31. Another $2 million must be paid annually in 2011 and 2012. Another $3 million has been paid to reimburse the department's oversight costs, as required by a January 2009 emergency order TVA must pay any overrun.

TVA is battling federal lawsuits seeking damages from the spill and has bought more than 100 properties.

TVA has nearly 9 million consumers in Tennessee, Alabama, Mississippi, Kentucky, Georgia, North Carolina and Virginia.