**U. S. Environmental Protection Agency**
**E-Clips**
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# AIR

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## U.S. Takes a Gamble With Test of Carbon Caps on Car Makers (*Wall Street Journal*)

By **STEPHEN POWER**

APRIL 13, 2009, 3:30 A.M. ET

The Obama administration is preparing to test whether capping greenhouse gas emissions will push the economy into higher gear, or deeper into a rut. The likely subject of the experiment is the ailing auto industry.

Later this month, Environmental Protection Agency Administrator Lisa Jackson is expected to declare that carbon dioxide emissions from automobiles endanger health and welfare because of their impact on the climate.

That finding will be a trigger for the EPA to regulate greenhouse-gas emissions under the 1970 Clean Air Act -- independent of any congressional action on broader climate-change measures. A senior administration official familiar with the EPA's plans says the agency will likely confine its rule-making efforts on greenhouse gases this year to autos.

Business groups are sounding the alarm over the prospect of expanded EPA power. The U.S. Chamber of Commerce has warned that more than one million businesses involved in manufacturing, operating buildings and services, and farming could eventually become subject to costly new emissions regulations.

Ms. Jackson, in a recent speech, said it is "a myth...that right now we are at this horrible fork in the road...and EPA will regulate cows, Dunkin' Donuts, Pizza Huts, your lawnmower and baby bottles."

Still, what the EPA wants to do with the auto industry is ambitious -- and risky given the industry's weakened condition amid the worst sales slump since the Great Depression. Chrysler LLC has fewer than 30 days to conclude a deal with its creditors, unions and prospective partner Fiat SpA or it could be forced to seek bankruptcy protection. General Motors Corp. has fewer than 60 days to satisfy the Obama administration that it can be viable without a trip through bankruptcy court.

The EPA is trying to craft new federal emissions standards that would match California's still-to-be-implemented state-level greenhouse-gas standards for vehicles and federal automobile fuel economy regulations now being developed by the Transportation Department. Figuring out how to do this won't be easy, or cheap.

The Obama administration inherited a congressional mandate for auto makers to boost the average fuel economy of their vehicle fleets to at least 35 miles per gallon by 2020, a 40% increase from the roughly 25 mpg standard for the current fleet. California estimates its standards would require auto makers to achieve 35 mpg by 2017. And unlike the federal government, which gives auto makers compliance credits for churning out "flex-fuel" vehicles capable of running on high levels of ethanol, California requires auto makers to prove motorists are actually filling up on those high-level blends in order to claim credit.

Just meeting the federal standards will require huge investments by auto makers. Last summer, the Transportation Department estimated its proposal to require auto makers to achieve 31.6 mpg by 2015 would cost them $46.7 billion, a sum the agency said would make it among the most expensive rule makings in U.S. history.

How the EPA handles automotive greenhouse gases could influence the broader debate in Congress over climate change.

Some Democrats are betting that fears of the EPA's growing regulatory reach will galvanize Congress to pass Mr. Obama's preferred approach to tackling climate change: legislation that set an overall limit on greenhouse-gas emissions and allows companies to buy and sell the right to pollute within that limit.

EPA regulation "wasn't a threat that existed during the Bush administration," says Rep. Edward Markey (D., Mass.). Now that the EPA is poised to act, he says, "I think that will become a realization that drives the political process."

A less welcome scenario for businesses is that environmentalists and ordinary citizens will use the EPA's endangerment finding to go to court to force the administration to widen the scope of its rule making.

Under one portion of the Clean Air Act, facilities that could be major sources of air pollution can be built or significantly modified only if they are equipped with "the best available control technology." The law generally applies to power plants, refineries, steel mills or other facilities if they emit at least 100 tons per year of any regulated air pollutant.

But the law also covers "any building, structure, facility or installation" that emits at least 250 tons per year of any regulated air pollutant -- a threshold low enough to cover roughly one million midsize to large commercial-sector sources, including restaurants, hospitals, schools and office buildings, based on estimates by the U.S. Chamber of Commerce.

"There may be some fringe thinkers out there, but not one of the major environmental groups has any desire" to go after facilities that emit less than 10,000 tons of CO2 a year, says David Bookbinder, a lawyer for the Sierra Club.

Opponents of EPA-crafted regulation say those assurances aren't good enough. "Our neighbors would challenge Costco [under the Clean Air Act] if they had the chance," says Roger Martella, who was the EPA's general counsel under President George W. Bush and now represents utilities, manufacturers, and other groups worried about EPA regulation. "The Sierra Club can't stop them."

Mr. Obama declared in his inaugural address that "the stale political arguments that have consumed us for so long no longer apply." The response to the EPA's first steps toward attacking climate change will test whether he spoke too soon.

**Write to** Stephen Power at stephen.power@wsj.com

# CLIMATE CHANGE/GLOBAL WARMING

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## Don't Expect Much From The Next Kyoto (*Forbes*)

Andy Stone and Brian Wingfield

04.13.09, 12:01 AM ET

The Copenhagen Climate Convention is still eight months off, but it already looks likely that the follow-up to the Kyoto Climate Protocol will end without agreement on dramatic new action to curb global greenhouse gas emissions. The reason? American politics.

In December representatives from 170 countries will attempt to craft a global policy to reduce the emission of carbon dioxide and other greenhouse gasses. A Copenhagen agreement would replace the Kyoto Protocol, the current global climate pact that entered in effect in 2005 and expires in 2012. It calls for countries to reduce their greenhouse gas emissions through means such as Europe's carbon cap-and-trade market, which began in 2005.

But despite promises to the contrary from President Obama and congressional Democrats, expect something of a repeat from the U.S. Congress, which crippled Kyoto by refusing to ratify it. Without American leadership, the new treaty will also be weakened from the start.

It won't be for lack of effort. Rep. Edward Markey, D-Mass., who heads the Select Committee on Energy Independence and Global Warming, says he's "working day and night to pass a clean energy bill in the House by the end of this year."

He and House Energy and Commerce Committee Chairman Henry Waxman, D-Calif., hope to have the American Clean Energy and Security Act ready for debate by Memorial Day. It includes requirements for power companies to use more renewable energy, promotes energy efficiency and establishes a so-called cap-and-trade mechanism to curb carbon emissions.

Moving it past that point will be tough, though. Rep. James Sensenbrenner, R-Wis., Markey's counterpart on the energy independence committee, calls the bill the "American Comprehensive Economic Suicide Act," adding that a cap-and-trade mechanism amounts to little more than a tax increase. It's more than just bluster: Despite the Democrats' majority, Republicans have the upper hand for a number of reasons.

The first is the dismal state of the economy. Even the possibility of higher energy prices is enough to prevent many lawmakers from voting for an environmental bill at present. According to Rep. Joe Barton, R-Texas, the cap-and-trade plan "is so proudly ignorant of the daily economic reality faced by working people that I do not believe it could survive a vote in either the House or Senate just now."

Second, even if the economy were operating on all cylinders, climate change legislation is one of the most divisive issues to be considered on Capitol Hill in years--and that problem has not vanished. Energy and environmental legislation is often not decided upon party lines because natural resources vary so widely across the country. (For example, in the South, where wind resources are scarce, there's not much momentum for a renewable-energy mandate.)

Perhaps the most difficult hurdle for climate change legislation this year may be the Senate, which typically works at a much slower pace than the House. More than a quarter into the year, Boxer's committee has not held a single hearing on comprehensive environmental legislation to curb carbon emissions. As such, a cap-and-trade bill hasn't been introduced in that chamber.

Late last year, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman, D-N.M., said "it might take more than the first year" of the new administration to put in place a mechanism for capping carbon emissions.

"I don't believe that view has changed," says a spokesman for Bingaman, adding that the economic situation "has kind of put the brakes on some of this."

Skepticism with cap and trade is understandable. Europe's experiment, now four years old, has floundered. Initially too many credits were made available, causing their price to plummet and removing the financial incentive for companies to limit pollutants. More recently, Europe has been confronted with "carbon leakage," whereby companies move manufacturing away from the continent to avoid paying higher energy prices that result from a cap-and-trade system.

"In the context of a global economy, multinational businesses would naturally invest in China or the United States," says Yda Schreuder of the of the University of Delaware's Center for Energy and Environmental policy. Europe has avoided directly burdening energy-intensive industries such as steel, aluminum and cement companies, "but by doing so cap-and-trade loses much of its environmental benefits," she adds.

The continent's hopes for improvement and reform--a more robust cap-and-trade market and the emergence of a global mandate--ultimately lie on the success of Copenhagen--and the U.S. Congress. "If the U.S. does not come on board it would seem almost impossible that the European Union would steam forward with its own cap-and-trade system," says Schreuder.

The U.S. Environmental Protection Agency may be a cause for hope. Thanks to a 2007 Supreme Court decision, the EPA is obligated to regulate carbon emissions. In March the agency produced a draft report suggesting that carbon emissions are detrimental to human health. If the report is approved by the Office of Budget and Management, the EPA could have sweeping authority to regulate auto emissions and, later, industrial carbon emissions as well. The findings could also quell public debate on the danger of carbon dioxide.

"The EPA could step in if Congress fails, says Elise Zoli, as Boston lawyer who has worked with companies such as Louisiana utility Entergy in favor of carbon regulation. The EPA's findings could also move Congress to act. "If the EPA finds that the pollutants are a risk, it makes it easier to get a cap-and-trade bill since we have technical support from the agency."

That's why, despite the odds, she's optimistic. "My sense is that the administration understands that leadership in climate change matters and that there are risks," she says. "Traditional industry is not America's future, but cleantech is an entire sector that we could grow afresh. It's something that most people say we should invest in."

## Green jobs blossom in this climate (*Worcester Telegram*)

Saving planet is hot career track

By Lisa D. Welsh TELEGRAM & GAZETTE STAFF

Apr 13, 2009

**WORCESTER** — Once restricted to crunchy-granola types, green careers are becoming increasingly attractive to number crunchers.

That’s because green innovations, driven in the past by environmental activism, are now being

fueled by tax incentives, rebates and high-paying salaries.

“Initially integrating green thinking into real life practices was thought of as a hippie thing, but times have changed,” said John Orr, Worcester Polytechnic Institute provost. “Now the thinking is ‘Save the planet to save a buck.’ ”

Two energy crises ago, Mr. Orr was an electrical engineer designing car engines that ran on electricity. Industry has been slow to take green solutions seriously, he says, because of past unreadiness in technology and political will.

But President Barack Obama’s New Energy for America plan, as outlined in the American Recovery Act, has changed political will with a jolt. The plan would invest $150 billion during the next 10 years to help create five million new green jobs; it calls for 10 percent of electricity to come from renewable energy sources by 2012 and 25 percent by 2025.

“People who are true believers in green technology have been sort of waiting for this era to begin,” said Cliff Ageloff, a certified energy manager and consultant who received his bachelor’s degree in science and technology, and master’s degree in environment and technology from Clark University 25 years ago.

As a consultant with Second Generation Energy, Mr. Ageloff is working on installation of a 6.4 kilowatt solar photovoltaic array on the roof of O’Connor’s Restaurant in Worcester. Thirty-two solar modules will interconnect with the restaurant’s electrical system to produce power.

But according to Mr. Ageloff, green careers don’t have to be so specialized.

“There are the super green jobs like sustainable agriculture on one end of the spectrum, but there are also jobs on the ‘gray-green’ spectrum,” he said. “Those are the jobs of gray collar workers — the plumbers, electricians and pipe fitters who can transfer their skills from other industries to new green technologies.”

As the dean of interdisciplinary and global studies at WPI, Richard F. Vaz oversees 500 students in the school’s Global Perspective Program at 24 project centers worldwide with emphasis on understanding the impact of technology and science on real world problems.

“There are a lot of different entry points into the green economy,” Mr. Vaz said. “This generation of students has the opportunity to solve a lot of big, messy problems that earlier generations have made.”

Civil and environmental engineering majors such as Jake Cabrera develop sustainable designs in all aspects of engineering activities, including selection of material and energy resources, building design, construction methods and environmental control technologies.

“We didn’t have the resources to do studies about how much damage we were doing on Earth but now that we have that analysis, we hit ourselves in the head and say, ‘Those tree huggers had a point,’ ” he said.

Mr. Cabrera was one of the WPI students who focused on a sustainable design for a recently opened student residence hall and came up with a green roof solution.

“In this day and age, environmental sustainability is very important to offset global warming and the impacts humans have on the planet, which is not going to be suitable to inhabit if we don’t watch what we are doing,” he said.

Along with energy-saving features throughout the 232-bed, apartment-style East Hall, its green roof covered with 5,000 square feet of sedum, chives and other plants is a living-learning laboratory for storm water quality and flow rate monitoring.

East Hall was recently recognized a Green Building of America Award winner by Real Estate & Construction Review. East Hall was designed by Boston-based CannonDesign, and the general contractor was Gilbane Building Co. CannonDesign nominated East Hall for the award.

After 13 years as a regional planner, Suzanne LePage returned to WPI as an adjunct professor and master’s student studying the green roof’s storm water management and control. Such problems are another driving force for green careers as communities address more strict Environmental Protection Agency regulations.

“What was needed first was policy change, but once that happened, we needed good solutions to put that policy in place,” she said.

Ms. LePage says her green roof monitoring research is a sign that the environmental movement is no longer in protest mode or politically incorrect.

“If we want to keep our water sources clean and have water in the future, we have to protect it,” she said. “But we’re getting better at that as a civilization.”

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# EDITORIAL/COMMENTARY/OP ED/LETTERS

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## The Greening of American Homes (*New York Times*)

April 13, 2009

To the Editor:
Re "This Old Wasteful House" (Op-Ed, April 6):
Richard Moe's advice on making homes more energy efficient is well meaning, but it's a little like telling the children to eat their spinach.
Americans are not interested — or as Steven Chu, the energy secretary, said last year when agreeing that spending $1,000 on energy efficiency was a good idea, "But the American consumer would rather have a granite countertop."
Improving insulation is a good example. It's Mr. Moe's first suggestion, and the best. You get the greatest improvement for the least expense. Yet it's invasive, dirty and time-consuming work, and in the end the buyer has nothing to show for it (that is, it's in the walls) the way he would with his beautiful new countertop.
The only way to get Americans to pay attention to energy efficiency is to make the cost of energy so high they can't ignore it.
Barry Rehfeld
New York, April 6, 2009
The writer is the editor of Zero Energy Intelligence.com.
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To the Editor:
Richard Moe suggests that existing housing (which accounts for 21 percent of carbon dioxide emissions in the United States) can cut energy use by 20 to 50 percent, but this sets the bar too low.
To meet the steep carbon dioxide reductions needed to combat global warming, more dramatic energy reductions must and can be achieved.
Housing rehabilitation experts have developed superinsulation strategies for deep energy reduction of 70 to 90 percent in existing homes, dramatically lowering their carbon dioxide contribution. The initial cost is high, but will be offset by long-term utility savings. A phased approach is also possible.
Raising the bar on home weatherization has broad societal benefits that justify a large public subsidy to bring it to scale, especially for low-income housing. Led by Affordable Comfort, a coalition of organizations has issued a 1,000-home challenge to demonstrate the feasibility of the approach.
Stuart Greenberg
Mandy Metcalf
Cleveland, April 7, 2009

The writers are, respectively, executive director of Environmental Health Watch and the director of its Affordable Green Housing Center.

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To the Editor:

As Richard Moe asserts, weatherization can greatly reduce energy consumption and carbon emissions.

Homes are responsible for 21 percent of greenhouse gas emissions in the United States — and not only aging middle-class homes. I have observed energy audits of luxury homes built in the last 20 years that show serious deficiencies in thermal protection.

Air-sealing and insulation can pay for themselves in as little as two years, and continue to pay dividends in the form of lower fuel bills.

Another advantage of upgrading our aging housing stock is that unlike the vast tracts of suburban sprawl that characterize new residential construction, older homes are often located in compact, walkable communities.

Revitalizing such neighborhoods strengthens a pattern of development that is far less dependent on the automobile and is therefore more sustainable.

Barry Katz

Westport, Conn., April 6, 2009

The writer is president of Greenworks Consulting, which helps businesses and homeowners improve energy efficiency.

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To the Editor:

I agree with Richard Moe, president of the National Trust for Historic Preservation, that saving and fixing up old houses is meritorious. But the National Trust has done much to discourage this pursuit.

The National Trust has prompted cities to adopt stringent historic preservation codes that mandate costly materials and architectural features that can make rehabbing old buildings prohibitively expensive. And these strictures commonly apply not only to buildings of genuine historical merit, but also to all properties in the numerous and broadly inclusive districts that the National Trust has encouraged cities to set up even in neighborhoods of no real historical significance. John L. Gann Jr.

Glen Ellyn, Ill., April 7, 2009

The writer, an urban development consultant, is the author of a book about living in older urban neighborhoods.

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To the Editor:

Richard Moe recommends intensive weatherization that involves restoration, insulation and pressurizing homes to detect air leaks. While effective, these services are costly, and there aren't enough energy auditors.

Clean-energy corps are emerging as a complementary model. They employ young people to perform effective yet less technical retrofits — compact fluorescent light bulbs, low-flow showerheads, programmable thermostats and weatherstripping.

In Detroit, the Interfaith Youth Energy Squad is planning to employ 100 young people to retrofit 4,000 homes this summer. With total expenses at less than $300 per home, low-income families could collectively save nearly $2 million a year in energy costs while substantially reducing greenhouse gas emissions.

Replicated around the country, clean-energy corps could empower "at risk" young people to pursue green careers and help usher in Mr. Moe's vision.

We're doing our part in Michigan.

Justin Schott

Southfield, Mich., April 6, 2009

The writer is the director of the Interfaith Youth Energy Squad program at Voices for Earth Justice.

# FUEL

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## Oil Industry Braces for Drop in U.S. Thirst for Gasoline (*Wall Street Journal*)

**By RUSSELL GOLD and ANA CAMPOY**

APRIL 13, 2009, 3:30 A.M. ET

DALLAS -- Since Henry Ford began mass production of the Model T nearly a century ago, car-loving Americans have gulped ever-increasing volumes of gasoline. A growing number of industry players believe that era is over.

Among those who say U.S. consumption of gasoline has peaked are executives at the world's biggest publicly traded oil company, Exxon Mobil Corp., as well as many private analysts and government energy forecasters.

The reasons include changes in the way Americans live and the transportation they choose, along with a growing emphasis on alternative fuels. The result could be profound transformations not only for the companies that refine gasoline from crude oil but also for state and federal budgets and for consumers. Much of contemporary America, from the design of its cities to its tax code and its foreign policy, is predicated on a growing thirst for gasoline.

As Americans commute less, use more fuel efficient cars and take more public transportation, gas stations have shut down. There are 11% fewer places to pump gas in the U.S. today than there were a little over a decade ago.

In the vast market for crude oil, American gasoline consumption matters. One of every 10 barrels of crude ends up in U.S. gasoline tanks, more than is used by the entire Chinese economy.

Right now, the recession is curbing U.S. gasoline consumption, as laid-off workers stop commuting and budget-conscious families forgo long road trips. Drivers filled their cars with 371.2 million gallons of petroleum-based gasoline every day in 2007, according to the U.S. Energy Information Administration. It expects that to fall 6.9% to 345.7 million gallons in 2009, as demand at the pump declines and the use of plant-based ethanol increases. Even if usage climbs after the recession ends, it won't exceed 2007 levels, according to EIA forecasts.

Demand for all petroleum-based transportation fuels -- gasoline, diesel and jet fuel -- fell 7.1% last year, according to the EIA. This is the steepest one-year decline since at least 1950, as far back as the federal government has reliable data.

Many industry observers have become convinced the drop in consumption won't reverse even when economic growth resumes. In December, the EIA said gasoline consumption by U.S. drivers had peaked, in part because of growing consumer interest in fuel efficiency.

Exxon believes U.S. fuel demand to keep cars, SUVs and pickups moving will shrink 22% between now and 2030. "We are probably at or very near a peak in terms of light-duty gasoline demand," says Scott Nauman, Exxon's head of energy forecasting.

If Exxon is right, the full impact of falling demand for fuel would take years to be felt. But some deep changes are under way.

**Impact on Local Funds**

Declining gasoline-tax revenue is forcing local and federal governments to search for new sources of funding. Oil refiners, which for decades focused on bringing U.S. drivers more gallons of gasoline, are retooling their businesses. Some have said they could

shut down some of their refineries entirely, along with thousands of small gas stations. Oil companies are beginning to invest in biofuels and battery technology.

Diverse trends are adding up to a steady drain on gasoline demand. Gasoline engines are being designed to burn fuel more efficiently. Hybrid and other advanced-technology vehicles that minimize gasoline usage are joining the nation's fleet. Tanks of gasoline and diesel fuel are being leavened with increasing amounts of biofuel, now made mostly from corn but in the future also from perennial grasses and municipal waste. President Barack Obama's pledge to end the "tyranny of oil," and a push for energy efficiency and biofuels in recent legislation, could accelerate these trends.

Skeptics of the notion that gasoline demand has peaked point to a population that is likely to keep growing as Americans have children at roughly the same pace and the flow of immigrants increases. "Anyone who looks at population must think there is going to be some big bird flu if they think we've peaked," says Tom Kloza, chief analyst at Oil Price Information Service, a firm in Wall, N.J., that tracks prices and consumption.

Lower gasoline prices are back after a multiyear spike in prices. That could reignite consumers' desire for big, fuel-guzzling SUVs and tolerance of long commutes, especially when the economy strengthens. After the 1979 spike in crude-oil prices, U.S. gasoline consumption dropped for four years, but then rose again when fuel prices plummeted in the mid- to late-1980s.

This time, the forces suppressing gasoline usage are formidable. The 2007 Energy Independence and Security Act toughened requirements for both efficiency and biofuels use. By 2020, vehicles sold in the U.S. must average 35 miles a gallon, versus 27.5 for cars now and 23.5 for light trucks. The Obama administration is working on proposals to further increase the standard. Makers of U.S. transportation fuel must blend in 36 billion gallons of biofuels a year by 2022, compared with about 11 billion this year.

High corn prices last year, combined with low gasoline demand from consumers, decimated ethanol producers' margins, forcing several into bankruptcy. But government mandates requiring refiners to blend ethanol into gasoline aren't expected to change. The 2009 economic-stimulus law includes large new loan guarantees to help renewable-energy businesses get financing -- and provides huge incentives for oil companies to dive in, too. Most big oil companies declined to discuss their views on the direction of demand for petroleum-based gasoline for this article, but most are expanding their push into alternative fuels.

U.S. government policy is pushing gasoline consumption "down, down, down," says Ed Feo, a partner with law firm Milbank, Tweed, Hadley & McCloy LLP, who advises clients on renewable-energy policy. "There isn't a single policy I can think of that supports increasing gasoline use."

Americans are changing, too. Demographic shifts that once spurred higher gasoline consumption have run their course, such as more women joining the work force and the flight to the suburbs.

More people are minimizing their commutes by living closer to their jobs. Inner cities and surrounding suburbs are growing denser, shortening trips to work and to the mall. Between the early 1990s and 2007, the majority of metropolitan areas in the U.S. saw an increase in the share of residential permits granted near or in their downtown centers, according to the Environmental Protection Agency. One quarter of new homes constructed in the Denver area in 2007, for example, were in the central city, up from 5% in the early 1990s. In Chicago, that figure rose to 40% from 7% in the same period.

A growing number of Americans are commuting by bus or train or working from home. And even as the population continues to rise, the rate of gasoline consumption appears to be slowing. From 1960 to 1970, the U.S. population grew 13% while vehicle miles rose 54% and gasoline demand 45%, according to government data. Between 1990 and 2000, the population grew at the same 13% rate, but miles driven rose only 28% and gasoline demand by 17%.

A very different scenario is playing out in China and other parts of the developing world. Exxon expects China's passenger-vehicle fuel demand to triple by 2030, as the number of cars per capita grows along with its economy. The company is starting up a giant refinery complex in China that will feed a network of 750 gas stations.

In the U.S., Exxon is getting out of the business of gasoline retailing, where profits are shrinking, and leaving it to others to own and operate Exxon stations.

In contrast to China, the number of miles Americans drive started falling in December 2007. There have been a few other declines, but this one is longer and steeper than any other since 1971, the year that the government began tracking monthly data.

These trends are reflected in Seattle resident John Scroggs's odometer. A decade ago, the information-technology specialist logged 10,000 miles a year in his Jeep Grand Cherokee. Today he drives only about 6,000 miles a year in a Toyota Prius hybrid, using only a quarter as much gasoline. Mr. Scroggs, 43 years old, works from home one day a week and commutes to his job downtown by bus to avoid traffic snarls and expensive parking.

"We go for relatively long stretches not going anywhere beyond five miles away," he says.

**Road Repair**

As people like Mr. Scroggs pump fewer gallons, government has less money available for one of its most basic functions: keeping roads in working order.

Federal gasoline-tax revenue fell 3% last year, according to the Department of Transportation. That plus other tax shortfalls left Congress having to plug an $8 billion hole last year in the Highway Trust Fund, previously kept flush by growing gasoline use.

Localities have begun facing their own gas-tax gaps. Neon-lit Las Vegas offers a glimpse of a possible future of transportation-budget squeezes. To save money, local officials are building some new roads without street lights, curbs or traffic lights. They've cut two bus routes in the suburbs.

One remedy proposed by a commission Congress formed to study the problem: Base taxes on the number of miles people drive, rather than on how many gallons they pump. The aim is to continue raising money as biofuels and other fuels displace oil-based gasoline. Oregon is considering the idea. More than a dozen states are considering an increase in their own gasoline taxes.

Refiners must adjust not only for less driving but for a higher biofuels component in what they sell. Last year, plant-based fuel made up about 7% of the gasoline Americans pumped into their tanks, according to an analysis of government data by researchers at the University of Texas's Center for International Energy and Environmental Policy. The federal EIA forecasts a doubling of that percentage over the next decade as mandates to use more biofuels kick in.

The lost business from falling gasoline demand has contributed to the demise of at least one oil refiner. Flying J Inc. filed for bankruptcy reorganization in December. It closed its refinery in Bakersfield, Calif., and hasn't said when or if it will restart production. Larger Sunoco Inc. says if it can't sell a refinery in Tulsa, Okla., by the end of the year, it will shut it down entirely.

The recession is curbing U.S. gasoline consumption, as laid-off workers stop commuting and budget-conscious families forgo long road trips.

Other crude-oil refiners are moving in to the biofuel business as new fuels grab market share. Big refiner Valero Energy Corp. started a renewable-fuels division last year. In March, Valero won a bid to buy a group of ethanol plants for $477 million out of the Chapter 11 bankruptcy of VeraSun Energy Corp.

Numerous start-up companies are building "biorefineries" to turn plants into ethanol or diesel, a response to mandates that say these fuels can't all be made from corn. One concern is that if too much corn is grown for fuel it could result in higher prices for corn-based food products. A Colorado company called Range Fuels Inc. is building a facility in Georgia to turn lumber-industry waste into ethanol, initially at 10 million gallons a year.

Gas stations are also feeling squeezed. There are 11% fewer in the U.S. than a decade ago, according to trade publication NPN Magazine. The trend, partly a result of retail consolidation, accelerated last year due to weak gasoline demand.

In Springfield, N.J., a 99-year-old Exxon station attached to a small auto-repair shop may not make it to 100. Exxon told the owner last year that it was "uneconomical" to keep supplying the station with gasoline and the oil giant wanted to remove its tanks, says Jeff Pinkava, the owner and a great-grandson of the station's founder. He filed a suit in an effort to keep the tanks, because the pumps attract customers for oil changes and other garage work. The case is pending. Exxon declined to comment.

The station has provided for the family for four generations, said Mr. Pinkava. Now, he says, Exxon is "kicking us to the curb."

**Write to** Russell Gold at russell.gold@wsj.com and Ana Campoy at ana.campoy@dowjones.com

# Pennridge may be going green with a brand new yellow school bus (*News Herald*)

By: Megan Blank , Staff Writer

04/13/2009

**If they get a grant, Pennridge School District transportation is going green.**

On Friday April 3, a demonstration was held of a hybrid bus that the school district has had on the road for a three-week trial.

"We've been looking at the needs of the community, and going green," Pennridge Director of Transportation, Denise McCue, said. "We believe the hybrid bus is the best way to go."

The bus is expected to increase up to 40 to 60 percent fuel savings, which come from the bus's unique technology.

The plug-in bus runs on a parallel system that utilizes electric and diesel power. It also uses regenerative breaking, which means the bus's batteries are charged while the pedal is being pressed to slow it down, as the driver motor also acts as a generator, with some energy being sent back into the batteries.

This provides additional power for acceleration, a handy trait due to a bus's frequent stopping and starting.

McCue said not all the buses utilized by the school district would be hybrids. Fuel and energy savings vary depending on the route, since with different routes drivers experience different characteristics, such as number of stops, distance, average speed, and terrain.

"We looked at different routes and drivers to see who, and which, would work with us," McCue said.

The bus is built by the International Corporation (IC), the nation's largest school bus manufacturer. The local IC dealer, Wolfington Body Company, Inc. of Exton, had loaned the bus to the school district for the trial run.

"Wolfington saw we were interested," School District Business Administrator Robert Reinhart said, "That Denise had been doing research, and showed enthusiasm, so they allowed this."

Nationwide, there are about 18 to 20 hybrid buses currently in use. Nazareth School District became the first to use a hybrid bus in Pennsylvania in 2007.

Though McCue said she hopes the school district will be able to eventually house several hybrid buses, the cost of the hybrid is double a standard bus. Before grants or savings, the sticker price for a hybrid is $240,000.

McCue said the district is looking to finance the bus using grants from the Federal Recovery and Reinvestment Act and the U.S. Environmental Protection Agency support for idle reduction technology, low rolling resistance tires and hybrid bus purchases. The district is also looking at state grants.

"It all comes down to price," McCue said, adding that the district wants to avoid burdening the tax payers.

"We're looking into this technology, but there will be no premium on the taxpayers," Reinhart said.

The school district will find out from the first set of grants in July, and McCue is already looking to apply for others.

"We're talking to other school districts, which gives us a better chance for the grant," McCue said. "It is dependent on the grants."

The bus's battery is the biggest cost, but it will last 5 to 7 years. McCue said she also expects the cost to go down as more school districts take advantage of hybrid technology.

The Pennridge school district fleet currently contains 134 buses. On a given day 101 are traveling a total of 8,469 miles. The budgeted cost for diesel fuel for the 2008-09 school year is $4.3297 per gallon, totaling $1,081,675.

Parents and students have been reacting positively to the district's newest visitor.

"Many have been calling and checking the bus out," McCue said.

Head Mechanic Carl Duke took those present at the demonstration for a quick spin around East Rockhill Township in the bus.

"It's very comfortable, smooth, and quiet," State Representative Paul Clymer said during the ride. "I think it's relaxing for the passengers. I'd think the students would like it."

# HAZARDOUS WASTES

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## Changing ownerships complicates PCB cleanup project (*Green Bay Press Gazette*)

Companies still negotiating how much to pay

*By Tony Walter*
*twalter@greenbaypressgazette.com*

April 13, 2009

Eight companies pinpointed by the federal government as the primary polluters of the Fox River have been through corporate makeovers since the danger of PCBs was realized and the cleanup started.

Ownership of most of the companies is outside Wisconsin, which has made it difficult for the public and government agencies to get information about their level of commitment to the ongoing project.

Their distant locations also didn't help advance the pace of the cleanup process because federal and state enforcement officials found themselves working with different company representatives.

So, with dredging on the major portions of the Lower Fox River set to begin in a little more than two weeks, a few significant issues remain.

The companies still are fighting in court over who is going to pay how much for the cleanup. The protracted fight is making the Wisconsin Department of Natural Resources and the U.S. Environmental Protection Agency officials nervous because no money has been set aside to complete the nine-year project.

Tetra Tech Inc., the company hired on a month-to-month basis by three paper companies as general contractor for the cleanup, doesn't have a signed contract beyond the end of this month, although serious negotiations continue. The companies expect a resolution, but a failure to agree on a long-term deal could threaten the project this year.

Officials from the environmental enforcement agencies say they expect the issue to be resolved soon, but the issue adds uncertainty to the $585 million cleanup project that already has taken decades to line up.

"As soon as the environmental staffs were eliminated at those companies or located in another state, we no longer had the core group in Wisconsin to move to the next stage," said Bruce Baker, deputy administrator for the DNR's Division of Water. "There was a lot of momentum built up, good working relationships. It didn't help" that ownership changed hands, Baker said.

Fifty years have passed since the paper companies used PCBs in the production of carbonless paper as a cost-saving measure. Non-carbon copy paper is used to make a copy of an original, handwritten document without using electronics. It includes sheets of paper coated on the bottom or the top with dye or ink that produces very accurate copies.

The PCB waste from the paper production and use of recycled paper was pumped into the Fox River.

It's been 30 years since the government banned production of the toxin because it was proven to damage human and wildlife health.

Despite the long period of time, many questions still exist about river pollution.

It's unclear how much of the estimated 250 tons of the polychlorinated biphenyls now in the river came from each of the paper mills.

That's part of the reason the papers companies are locked in three lengthy legal battles — two in Brown County Circuit Court and one in U.S. District Court in Green Bay.

The courts are trying to decide how much financial liability each of the paper companies' new owners assumed when they took over. The companies continue to argue over who will pay how much for river cleanup and restoration.

··The DNR attempted in 1999 to determine how much toxic waste each of the eight companies discharged into the river when it first worked on designing the cleanup process.

The estimates were determined by sediment and water tests on the entire Lower Fox River, matching the location of the PCBs in the waterbed with their likely source.

The DNR estimated that Appleton Papers and NCR Corp. discharged 40 percent, P.H. Glatfelter discharged 27 percent, Fort James West (now Georgia-Pacific) discharged 22 percent, Wisconsin Tissue Mills (now Chesapeake Products) discharged 10 percent, and the other companies discharged 1 percent.

But DNR officials didn't include U.S. Paper Co. (now Sonoco) of De Pere in the study, saying the department had sufficient data to move forward with a design plan.

While financial liability of the paper mills' parent companies still is undecided, the economic health of some of them is public knowledge.

Most of the parent companies of the polluting companies continue to make money as they debate their financial share of the cleanup cost.

However, Chesapeake, which purchased Wisconsin Tissue Mills of Menasha in 1985, filed for bankruptcy last year and was sold for $485 million in January to a group of investors. The issue of liability in the Fox River project is expected to be part of the bankruptcy proceedings.

Appleton Papers Inc., headquartered in Appleton, reported net sales in 2008 of $964 million but a net loss of $97.4 million. Employees purchased one of the company's two mills in 2001, agreeing to pay the first $25 million of river cleanup costs assigned to the company, with the rest assumed by the parent company, London-based Arjo Wiggins.

NCR Corp. reported fourth-quarter 2008 income of $95 million, down from $119 million in the fourth quarter of 2007. Georgia-Pacific, formerly Fort James Operating Co., was purchased by Koch Industries of Wichita, Kan., for $21 billion in 2005. Koch is not a publicly traded firm so financial statements are not available.

P.H. Glatfelter, which closed its Neenah plant in 2006, reported record revenues of $1.3 billion in 2008.

Menasha Corp. reported 2008 operation costs down 1 percent and earnings down 33 percent.

Riverside Paper Corp. is now called CBC Coating Inc., but its financial records are not available.

Sonoco, which owns the former U.S. Paper Mill, reported $4.1 billion in sales in 2008, with a net income of $164 million.

# Plans aired for cleaning up contaminated Wrentham land (*Attleboro Sun Chronicle*)

BY STEPHEN PETERSON SUN CHRONICLE STAFF

MONDAY APRIL 13, 2009

**WRENTHAM** - The town is moving along with the cleanup of contamination of town land off South Street near Wampum Corner.

The 18 acres of former Marra land, taken by the town for nonpayment of back taxes, was used for years for storage of old vehicles, construction debris and pesticides.

One of the latter, dieldrin, is a highly toxic and long-lasting insecticide that had been restricted to nonagricultural use and which has since been banned. It is considered a regulated substance under Massachusetts environmental regulations.

Plans are for about 200 to 300 cubic yards of contaminated dirt where the substance has been detected to be excavated, and sent to a hazardous waste site, representatives of a consultant told selectmen during a public hearing.

The pollutant is about 5 feet deep in the ground and on a stretch of land about 100 feet long.

"It is a small volume," said Brian Kortz, senior hydrogeologist with consultant Fuss & O'Neill of Providence.

From 20 to 30 truckloads of material will be trucked off the site for one to two weeks. "This is a very low-impact activity" on the neighborhood that includes a mix of homes and businesses, said David Foss, senior project manager with Fuss & O'Neill.

A $200,000 grant is paying for the work. The town has to match the grant 20 percent but that can be with town services.

It is hoped that removal of the earth will be conducted in late summer, early fall.

"The goal is to have the remediation done this year, and wrap up about this time next year," Kortz said, adding the federal Environmental Protection Agency gives three years to complete the work. There will be some followup monitoring.

Monitoring wells on the site had shown levels of metals such as lead and chromium but the last several checks showed none in the groundwater.

The excavation and off-site disposal of the dirt was one of five alternatives considered. "It is the most feasible way to get remediation done," Kortz said. "There will be no restrictions" on land use afterward.

The work also should be able to be done within the budget, he added.

"This is not an inexpensive cost to dispose of," said Foss, adding a gravel road needs to be improved for the trucks.

Other alternatives included capping the contaminated area, just monitoring and using a chemical treatment.

A 30-day public comment period on the plans will expire April 29.

The town's Department of Public Works removed old trailers and other debris last year from the land.

Selectmen have advertised for bids for organizations interested in developing 35 to 48 units of affordable housing for disabled veterans on five acres of the site. Those plans are not concrete and what to do with the remaining land remains up in the air.

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# PESTICIDES

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# US wages war on bugs afflicting troops (*Associated Press*) This story also appeared: *Cape Cod Times*

By JANET McCONNAUGHEY
Associated Press Writer
April 13, 2009 6:20 AM

NEW ORLEANS -- Fluorescent rodent feces, a promising new mosquito repellant and a better flytrap are all part of a war on bugs designed to protect U.S. troops around the world.

Researchers in the Pentagon's Deployed Warfighter Protection Research Program highlighted pest-fighting innovations this week at the American Mosquito Control Association convention attended by some 800 scientists and insect control experts. Their aim: to take no prisoners among disease-carrying flies, mosquitoes and other bugs that threaten Americans in uniform abroad.

Even the common fly is counted among the enemy.

"When you're deployed, I would say 90 percent of all soldiers, service members, are going to have issues with filth flies," said Army Lt. Col. Jason Pike, executive officer of the 65th Medical Brigade's Force Health Protection and Preventive Medicine program headquartered in South Korea.

"Filth flies carry many organisms which cause diarrhea ... It might not be fatal, but one soldier out of commission affects a lot of other people," he said.

Begun in 2004, the Deployed Warfighter Protection Research Program dispenses $5 million a year to find new ways to combat disease-carrying insects that threaten the troops - applications that ultimately could protect the public at large.

Military-driven research has produced past innovations against malaria and dengue and helped develop DEET, a key ingredient in most modern repellants. It even has led to chemical-treated fabrics that ward off ticks and mosquitoes.

Fighting bugs is a "global perpetual need," said program coordinator Graham B. White of the Armed Forces Pest Management Board. "Even if nobody went to war for a long time, these things would still need to be developed."

He said small insecticide sprayers developed through the program are now in use. The program also backed testing that secured recent Environmental Protection Agency approval of an insecticide spray that is highly toxic at low doses to adult mosquitoes but safe for mammals.

Now Navy Corpsman Joe Diclaro II is taking aim at the housefly. "I like to think of it as a death device," Diclaro said of a fold-up flytrap designed to ship flat and be rolled into bug-catching tubes in the field.

For starters, he changed the color of the trap.

"Almost everything on the market is yellow," said Diclaro, who is working on a doctorate in medical entomology at the University of Florida in conjunction with the Agriculture Department's Mosquito and Fly Research Unit.

When Diclaro released house flies in a dark tunnel between boxes lit in different colors, he found flies prefer blue or white over yellow.

So his trap is made of blue signboard. Tests show it has killed about 3,000 flies in 24 hours. Diclaro said his university's technology office has applied for a patent.

The research is among nearly three dozen studies funded by the Pentagon program since 2004.

Stephen Duke, of the National Center for Natural Products Research in Oxford, Miss., described possible bug repellents derived from American beautyberry, a shrub common to the Gulf coast. Duke said work began after a botanist remarked that relatives had rubbed farm mules with beautyberry leaves for bug protection.

Two colorless, odorless compounds in the leaves - callicarpenal and intermedeol - seem about as good as DEET against mosquitoes and repel black-leg ticks and fire ants, Duke said. He said a decision on possible commercial uses is still a few years away.

The fluorescent feces are being used at Louisiana State University to learn whether sandflies can be killed by feeding sand rats a chemical harmless to the rodents but lethal to larvae that eat their feces.

Leishmaniasis, which causes disfiguring open sores and is spread by sandfly bites, is an enormous concern in the Middle East, White said. The disease infects an estimated 2 million people a year, according to the World Health Organization.

More than 2,000 U.S. troops in Iraq and Afghanistan have suffered from the disease, said Kenneth Linthicum, director of the Agriculture Department's Center for Medical, Agricultural and Veterinary Entomology.

To show that something eaten by a rodent could affect a sandfly, LSU researchers fed hamsters a dye that glows hot pink under fluorescent light. Sandfly larvae that ate the rodents' feces glowed, too.

They then fed hamsters two different chemicals known to kill sandfly larvae. Larvae ate their feces and died.

The fluorescent bait is being tested in Kenya and more work is planned on it, said researcher Thomas Mascari, a postdoctoral student in entomology at the LSU AgCenter.

"In 2010, we'll be going to Egypt to work with the Navy," he said.

# Farm Bureau, NCC and Others Asking for Review of Pesticide Rule (*Farm Futures*)

*Groups are stepping in where the EPA won't.*

(4/13/2009)

**Farm Futures Staff**

Disappointed with an Environmental Protection Agency decision not to act, the American Farm Bureau Federation is asking the full Sixth Circuit Court of Appeals to review a ruling that would require permits for pesticide uses even when applied in compliance with pesticide labeling laws. Farm Bureau President Bob Stallman says farmers shouldn't need a permit under another law when they're following the existing law.

"We are disappointed that EPA has decided not to seek a legal remedy for this situation. The decision made by the three-judge panel in January will complicate farmers' ability to farm, and raise their expenses without improving the environment."

The Farm Bureau petition was filed jointly with the American Forest and Paper Association, National Cotton Council, Croplife and others. It asks that the court reverse or clarify the decision that reversed an EPA rule that would have exempted certain pesticide applications in, near or around water from Clean Water Act permit requirements. EPA's decision not to seek a rehearing of the decision was not favored by many in the Obama Administration. U.S. Ag Secretary Tom Vilsack stated support for a full rehearing in a recent letter.

EPA has filed a motion asking the court to delay enforcement of the ruling for two years. But regardless of the timing Stallman says the ruling can complicate the effective use of important crop protection tools and impede the effective and time-sensitive use of pesticides to combat disease and insects that can destroy crops. Keith Menchy, Manager of Science and Environmental Issues for NCC agrees with Stallman.

"The permitting costs money, there is a public hearing involved, there's reporting involved, and there's monitoring involved," Menchy said. "One of the worst aspects is it allows for citizen suits."

# TOXICS

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## Study digs for health effects of plentiful ND rock (*Associated Press*)

## This story also appeared: *Washington Post*

By JAMES MacPHERSON
The Associated Press
Monday, April 13, 2009; 4:10 AM

BISMARCK, N.D. -- Scientists want to study the health effects of an asbestos-like mineral used widely in western North Dakota and linked to cancer elsewhere, but they're having a hard time finding volunteers for testing.

The state's top rock researcher and the state's chief fossil finder have signed up to find out if they've been harmed by long-term exposure to erionite, which can collect in the lungs of people who breathe it.

But not many others are biting in a part of the state where many of the roads are covered with erionite gravel mined from the nearby Killdeer Mountains.

State health officials and the Environmental Protection Agency are looking for about 50 test subjects to get chest X-rays and CT scans that will be sent to researchers at the University of Cincinnati. Volunteers will be paid $100 each.

Fewer than 10 people have signed up, said Mark Dihle, a scientist with the state Health Department's air quality division.

"We haven't had quite the response we're looking for," he said. The department has now extended the sign-up deadline from April 17 to June 12.

Eric Kehr, owner of the Buckskin Bar & Grill in Killdeer, predicts the government will have a tough time finding enough volunteers.

"Maybe we'd rather not know we have cancer, and if we stick our head in the sand maybe it will go away," he said. "What can anybody do about it anyway? There is no way to blacktop all these gravel roads, so practically speaking, it's an unsolvable problem."

State geologist Ed Murphy notified the EPA of the erionite in the region about three years ago, after he found that in Turkey, the mineral was linked to mesothelioma, an incurable form of lung cancer.

Erionite found in North Dakota differs slightly than the mineral found in Turkey, where it's a known carcinogen, Murphy said. Erionite found in North Dakota is more calcium-based; the mineral in Turkey is sodium-based.

The EPA says erionite is found in at least a dozen states in the West, but not at the levels in western North Dakota, where it's used on many rural roads. The EPA says U.S. studies also have shown that erionite causes cancer in lab rats, though the mineral is not regulated by the agency.

"I've been under cliff faces chipping out fossilized mammal bones with this stuff falling in my face, so of course I'm pretty curious to see what it's done to me," said John Hoganson, the state paleontologist.

State Rep. Shirley Meyer of Dickinson believes the fears over erionite are overblown.

"I grew up playing in that gravel pit, and if there is anyone that has been exposed to it, it would certainly be me," Meyer said.

Still, Meyer said she would sign up for the study and encourage residents to do the same. She said she hoped the tests would halt the fears that have led Killdeer's Dunn County to stop using free erionite gravel until the study is complete.

"I think they (the EPA and the Health Department) are making it a concern, but most people around here think it's silly," Meyer said.

Murphy said he's taking part in the study more for others than for himself.

"This is the best thing we can do to see the effects on those of us that have had exposure, so that we can prevent this from happening to the children," Murphy said.

# WATER

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# EPA grant to help clean groundwater (*Baltimore Sun*)

By Timothy B. Wheeler

April 13, 2009

Maryland

The state has received $3.7 million from the Environmental Protection Agency to clean up soil and groundwater contamination from leaking underground fuel tanks in 70 sites across Maryland - about half of them in the Baltimore area.

Horacio Tablada, chief of waste management for the Maryland Department of the Environment, called the EPA funds "a shot in the arm" for his agency's efforts to clean up contamination caused by leaking underground fuel tanks at some 800 locations around the state.

The contaminated sites targeted for cleanup with the federal funds are mostly small, Tablada said, but have not been remediated yet because those responsible for the leaks cannot be found. Any wells fouled by the leaks have been equipped with filters or replaced by public water hookups, so no one is drinking contaminated water, the official said.

"None of them is like ExxonMobil in Jacksonville," Tablada said, referring to the state's largest underground gasoline leak, discovered three years ago at a service station in Baltimore County. State officials hope to be able to complete work on all these sites in the next two years, whereas the Jacksonville cleanup has been estimated to take another five to seven years. It has cost the oil company $38 million for cleanup, plus $4 million in fines and a $150 million civil verdict recently announced. Estimated costs for dealing with the new sites range from $3,000 for some well sampling to $200,000 to find and take care of an unknown source of contamination.

The funds, announced last week by EPA, are part of $197 million being distributed nationwide to deal with underground fuel leaks. The money is part of the economic stimulus spending bill passed by Congress.

# Fish stocking ban looms at Wash. national park (*Associated Press*) This story also appeared: *Washington Post*

By PHUONG LE
The Associated Press
Monday, April 13, 2009; 3:12 AM

SEATTLE -- Every summer, Sandy McKean and volunteers lug plastic jugs full of baby trout into the rugged wilderness of North Cascades National Park and plant them in alpine lakes for anglers to catch.

This year, reversing a practice that's been around longer than the park itself, park officials say they'll no longer allow fish stocking in those mountain lakes _ and will kill remaining fish _ unless Congress tells them otherwise.

It's the latest twist in a long, often contentious debate over what it means to be "natural" when it comes to national parks and wilderness.

Park officials say stocking fish in lakes that never had them in the first place runs counter to the park's mission to maintain and preserve ecosystems in their natural state.

"We feel fish stocking is inappropriate without legislative authority," said Roy Zipp, the park's environmental protection specialist. "It was envisioned as wilderness from its inception."

Anglers like McKean and the volunteer group Trail Blazers say there's a historical case for it and the park doesn't need Congressional approval. They also question how trout in a lake is any less compatible with wilderness than a man-made trail.

North Cascades, a vast wilderness area about the size of Rhode Island with jagged high peaks and more than 300 glaciers, is the only U.S. national park where stocking nonnative fish still occurs for recreation purposes, Park Superintendent Chip Jenkins said.

Yellowstone, Mount Rainier, and Sequoia and Kings Canyon parks no longer do it, Zipp said.

Park officials have tried for decades _ without much success _ to phase it out and bring the North Cascades in line with national park policy.

After a long review, including a 12-year scientific study, the National Park Service decided in January to end fish stocking if it doesn't get Congressional approval by July 1. It would remove fish from some lakes, using gill nets or a pesticide that has been used in other parks.

If Congress allows it, the park will continue to stock up to 42 mountain lakes with species of rainbow, cutthroat and other trout that can't reproduce. The lakes are all in designated wilderness areas within the park complex.

It's unclear whether Congressional approval could come this summer.

A spokesman for U.S. Rep. Doc Hastings, R-Wash., said he plans to reintroduce a bill giving the park that authority. Hastings' 2008 bill, which five Washington representatives co-sponsored, passed the House last summer but didn't get a Senate hearing.

Congress didn't directly mention fish stocking when it created the North Cascades National Park complex in 1968, leaving plenty open to interpretation.

McKean said the park's director promised during a Congressional hearing at the time that fish stocking would continue.

"There's a historic interest in providing angler recreation in high mountain areas. It's as valid a recreational activity as hiking," said Bob Everitt, regional director for the Washington Department of Fish and Wildlife, which relies on volunteers like McKean to stock alpine lakes.

The state has had a fish stocking program in the North Cascades for over 40 years, and stocking took place even in the late 1800s, Everitt said.

"The fact that it's been going on for a long time is not a reason for it to continue," said David Fluharty, a board member with the North Cascades Conservation Council. "We'd like to see restoration of those lakes through fish removal. ... We're talking about lakes that never had fish."

The park estimates about 1,000 people fish these alpine lakes each year, but McKean believes those numbers are low.

While national parks had fish stocking programs in the past, North Cascades was created at a time when people's perception of parks was shifting toward conservation, Jenkins said.

"This tension still exists today between preserving ecosystems and the public's desire for recreational activities in those places," Jenkins said.

Disagreements between the park and state over fish management have been legendary over the years.

Tempers flared in the late 1980s, when the head of the Washington Department of Fish and Wildlife threatened to "bomb" 12 park lakes with trout by helicopter if stocking didn't continue, while a park official threatened to kill any planted fish, according an account by park historian David Louter.

The Department of Interior intervened. What followed was an agreement in 1988 that stocking would continue but the park would research how it affected other plants and wildlife.

Researchers found that nonnative fish that reproduce can harm native aquatic organisms such as salamanders, insects and zooplankton.

But the study also found that in lakes where fish are stocked in low numbers and cannot reproduce, there weren't detectable ecological effects to native aquatic life.

Both Fluharty and McKean think the park shouldn't have punted the decision to Congress.

Come July, when snow typically begins to melt in the Cascades, McKean isn't sure whether he'll hike as many as 12 hours into alpine lakes with plastic containers of trout.

"We'll have the fish in hand," said Everitt, whose agency works with McKean's group to stock lakes. "We'll have to see as we approach the summer."

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