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

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**ADMINISTRATOR JACKSON**
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**Rural concerns are focus of federal EPA chief's Alaska visit (*Anchorage Daily News*)**

VISIT: Sanitation and the Pebble project lead topics to be discussed.
By ELIZABETH BLUEMINK
ebluemink@adn.com
(07/27/10 20:33:28)
The head of the federal Environmental Protection Agency is meeting this week with Alaska village residents on matters ranging from the controversial Pebble mine project to federal spending on rural sanitation projects and coastal village erosion.

EPA administrator Lisa Jackson was scheduled on Tuesday to visit four Southwest villages on Thursday: Kasigluk, Napakiak, Chefornak and Bethel.

Today, she is expected in Dillingham to meet with Bristol Bay region tribal governments, Native corporations and other local organizations to get their views on the proposed Pebble project. Jackson is also meeting with the Pebble Partnership, the consortium of mining companies hoping to develop the massive copper and gold prospect.

EPA has a critical role in the Pebble project: If the proposed mine's backers apply for development permits, EPA will be in charge of the proposed mine's environmental impact study. The companies have signaled that they might start applying for permits next year. "I think that part of the reason she's coming up to hear about Pebble is because the whole permit application process (is) getting closer and closer," said Ralph Anderson, chief executive of the Bristol Bay Native Association.

Jackson also faces some pressing concerns in the Yukon-Kuskokwim region.

Last week, two Bethel- area Native leaders sent a position paper to Jackson detailing some of the region's problems. The leaders, Myron Naneng of the Association of Village Council Presidents and Matthew Nicolai of Calista Corp., requested more federal funding for village sanitation and drinking water projects in their paper.

State officials said this week they are also concerned about the current level of federal funding for village water projects.

The state runs a village safe-water program but receives 75 percent of the money from the federal government. Federal spending on the program has declined 40 percent in the past seven years though the projects have become more costly, according to Larry Hartig, commissioner of the Alaska Department of Environmental Conservation.

Hartig said he planned to travel with Jackson to the four Western Alaska villages to look at their sanitation -- everything from honey buckets to water treatment systems -- and other problems such as coastal erosion.

"All of us are asking ourselves what to do to meet these still unmet needs," Hartig said.

On Monday, Jackson arrived in Anchorage and met with reporters, EPA staffers, the Coast Guard, DEC and business and environmental groups.

Find Elizabeth Bluemink online at adn.com/contact/ebluemink or call 257-4317.

**EPA administrator visits Alaska (*Associated Press*)**

**Story also appeared: *KTUU***

Associated Press - July 27, 2010 1:24 PM ET
ANCHORAGE, Alaska (AP) - Environmental Protection Agency Administrator Lisa Jackson is visiting Alaska for the first time.

She is in the state to find out how decisions made in Washington, D.C. affect industry and the environment in Alaska.

Jackson will be spending three days in the state. She will spend the next few days in Bethel and Dillingham. Issues expected to come up range from community sanitation to erosion to the proposed Pebble Mine.

Jackson also has met with industry groups, including the Alaska Oil and Gas Association and the Resource Development Council, as well as a collection of environmental groups.

**EPA administrator Lisa Jackson speaks at the Aspen Institute Environment Forum (*Examiner*)**

July 27, 3:58 PM · Leslee Schmitt - Denver Environmental News Examiner
Administrator of the Environmental Protection Agency Lisa Jackson reaffirmed that she believes the Obama administration responded appropriately and in the best way possible in handling the Gulf oil spill. Ms. Jackson took part in a panel discussion moderated by Tulane University President Scott Cowen at the opening session of the Aspen Environment Forum Sunday evening.

Ms. Jackson characterized her agency as a guardpost and protector of the American public and emphasized that preparedness is a most important consideration for both oil companies and the government. She told the audience that the only way to prevent similar disasters is to wean the American public from its fossil-fuel addiction.

Former Shell Oil president John Hofmeister, also on the panel, agreed that government oversight needs to be improved, but insisted that Shell adheres to their own rigorous safety guidelines and would not have drilled a well in the same way as BP drilled the failed well.

Panelist Joel Bourne, an environmental reporter for National Geographic, fears that the attention span of the American public is too short to demand the needed strengthening of the rules. Most people will lose interest and move on to other scandals and catastrophes long before the effects of the spill are mitigated. “As soon as they don't see oil, it's all good”, said Mr. Bourne.

**EPA reviewing its dust regulations (*McPherson Sentinel*)**

By Katie Stockstill, managing editor
The McPherson Sentinel
Posted Jul 27, 2010 @ 09:56 AM
McPherson, Kan. — Dust is part of summer in Kansas. It trails trucks on dirt roads, settles near tractors in the field and kicks up under the feet of cattle moving through the pasture. But the Environmental Protection Agency, through its Clean Air Act, is taking a second look at dust and how it affects human health.
The Clean Air Act requires the EPA to set National Ambient Air Quality Standards every five years. The standards were last established in 2006 and the EPA is beginning the review and testing process for the 2011 standards.
Earlier this month, the EPA released a report saying that while the science of measuring dust- coarse particulate matter – is still uncertain, but that the agency would be justified in either retaining the current standards or tightening allowable levels.

The EPA regulates all sizes and types of particulate matter as a way to minimize the matter’s impact on human health.
The EPA has concluded that matter smaller than 10 micrometers in diameter- dust included- is directly linked to potential health problems.
“Small particulates less than 10 micrometers in diameter post the greatest problems because they can get deep into your lungs and some may even get into your bloodstream,” the EPA states on its website. “Exposure to such particles can affect both your lungs and your heart.”
The 2006 standards allow for 150 micrograms per cubic meter in a 24-hour period.
More than 85 state and national agriculture organizations have written the National Governor’s Association explaining the situation and urging the governors to express

their concern with the situation, including economic benefits of reducing the number of allowed particulates.
A group of Senators, including Kansas Senators Sam Brownback and Pat Roberts, have also signed a letter to EPA administrator Lisa Jackson urging her and the EPA to consider rural America when setting new particulate guidelines.
“Producers could potentially be fined for not meeting the PM standards while still practicing good management practices on their soils,” the letter to Jackson states. “Considering the Administration’s focus on rural America and rural economic development, a proposal such as this could have a negative effect on those very goals. If the EPA publishes a rule that regulates dust at these low levels, excessive dust control measures could be imposed which could slow economic development and impose significant costs to farmers and businesses. Since EPA would be justified in retaining the current standard, then the current standard should be retained.”
The EPA advisory committee met Monday and is set to meet again Aug. 16. While the EPA has not outlined possible changes, some agriculture groups believe the particulate matter standards could be tightened to half the current allowable levels.

**EDITORIAL / OP-ED / COMMENTARY / LETTERS**
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**A positive sign (*Observer Reporter*)**

7/27/2010
If there were any doubts that residents had a keen interest in the gas boom transforming this region, they went out the window Thursday night when more than 1,000 showed up at the Hilton Garden Inn at Southpointe for a hearing held by the federal Environmental Protection Agency. The crowd was there to voice opinions about drilling into the Marcellus Shale formation, about both the benefits to the economy of the region and the possible environmental consequences of the chemicals used in the process of "fracking," or fracturing the shale deep underground with a mixture of water, sand and chemicals.

The opportunity for jobs and money and all the collateral growth that goes along with a booming industry is real and is happening now. But so is the possibility of damage to our water supply and environment that could affect life in this area for generations to come.

That the EPA is hearing so much opinion from so many concerned people - on all sides of the issue - is a good thing. The Marcellus and other eastern shale formations are not restricted to Pennsylvania, and federal oversight of the industry is important.

We have stated often that gas development here is a good thing for our region and our nation, but it must be strictly monitored and regulated to ensure the protection of our

health and vital resources. And so the vigilance and interest of the thousand or more who attended that hearing is a positive sign.

**Drilling protection act deserves federal approval (*Allentown Morning Call*)**

5:26 PM EDT, **July 26, 2010**
The natural gas drilling in the Marcellus Shale of western, central and northeastern Pennsylvania is laying the groundwork for another disaster. The hydrofracturing process being used is putting known carcinogens like benzene into the ground not knowing how this will affect our water, air and wildlife in the future. Already 21 wells in the Dimmock area of Susquehanna County have been ruined with methane gas and chemicals, and then there was the incident in Clearfield County where a well blowout shot chemicals 75 feet into the air for 16 hours, polluting a wetland and stream.

It's time to hold the gas drillers accountable to the U.S. Environmental Protection Agency like other big companies in other industries to protect our water and our environment before it's too late. It's time to pass the Fracturing Responsibility and Awareness of Chemicals Act to repeal the 2005 Bush-Cheney Energy Act provision that exempts drillers from the U.S. Clean Water Act.

All concerned Pennsylvanians should learn more about natural gas drilling dangers and call their senators and congressmen and say "slow down" to irresponsible gas-drilling companies and their practices. Slow down until we have more inspectors so there is no cutting corners that leads to another disaster like we have in the Gulf of Mexico.

-- Ronald L. Reinert, Upper Milford Township

**Climate change scarier than taxes (*Atlanta Journal-Constitution*)**

July 28, 2010 Wednesday
Main Edition
OPINION; Pg. 12A
By Cynthia Tucker; Staff
WASHINGTON --- Following a furious thunderstorm on Sunday, the temperature here dropped more than 10 degrees, allowing residents of the capital city to go outdoors again. After several brutal days with the thermostat hovering near triple digits, temps in the mid- to high 80s felt downright balmy.

From what I've been reading about climate change, though, we'd better get used to miserable, scorching summers. We can stop using the term "heat wave" to describe what will become a routine pattern of high temperatures, overtaxed electricity grids and

epidemics of heat strokes.

According to NASA, all but one of the 10 hottest years on record were since 1999. The agency expects this year to be the planet's hottest.

Still, the fierce heat wasn't enough to coax a vote on pricing carbon emissions through the Senate. While right-wingers like Sen. James Inhofe (R-Okla.) used the blizzards that blanketed the city last winter to claim global warming is a hoax, Republicans just ignored the summer heat wave --- preferring to cast a price on carbon emissions as a job-killing "tax."

The legislation was abandoned by even Lindsay Graham and John McCain, who had once supported putting a price on carbon emissions. There were Democrats as well who had no enthusiasm for legislation that would force producers of dirty energy to pay for their carbon emissions. Sen. Jay Rockefeller (D-W.Va.), for example, wanted to protect his state's coal mines.

The "tax" argument had also surfaced in the House, although a cap-and-trade bill passed there last June, largely along party lines. Rep. Paul Broun (R-Ga.) was still raging against the bill last month, claiming that it would boost electric rates to the detriment of the elderly.

"A lot of old people in Georgia and Florida and all out throughout the Southeast and the Southwest are dependent on air conditioning just to live. And if their electricity bills go sky high ... people are gonna die because of that," Broun, a physician, said.

So has the death of cap-and-trade relieved Broun of his worry about the elderly and hypothermia? It shouldn't. According to The Washington Post, high temperatures claim more lives in the United States than tornadoes, hurricanes, floods and lightning combined --- about 700 a year.

Unlike Inhofe and Broun, thinking conservatives don't dismiss climate change as junk science or a liberal conspiracy. Instead, many of them prefer to cast a preferred solution --- pricing carbon emissions --- as worse than the changes wrought by global warming.

Some of them even contend that a warmer Earth will produce an agricultural bounty that will result in increased global prosperity.

The Pentagon doesn't think so. The nation's military leaders now list climate change as a national security threat. The CNA Corp., a Pentagon-funded think tank, warned in 2007 that global warming will spark wars over water, crop failures and massive movements of refugees across borders.

The industrial West may suffer those forces only indirectly, but less pleasant summers won't be the only consequence for Americans. Climatologists predict more severe weather --- more powerful and more dangerous hurricanes, more severe rainstorms,

and both floods and more droughts.

Fiscal conservatives have tended to cast the battle against government debt as a crusade to save their children and grandchildren from crushing taxes. They're right to worry about rising red ink.

But we ought to worry at least as much about a warming planet's effects on the lives of children and grandchildren. The consequences could be much more severe than higher taxes.

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Blog with Cynthia Tucker at ajc.com/opinion.

Cynthia Tucker an Opinion columnist, writes Wednesday and Sunday. Reach her at cynthia@ajc.com

**AIR**

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**Fairfax aims to ban smoking at bus stops (*Washington Post*)**

Fairfax County officials moved Tuesday to ban smoking at all public bus shelters, eight months after Virginia's restaurant-and-bar smoking ban went into effect.

The ban would address the "health implications of breathing secondhand smoke," said Fairfax Supervisor Jeff C. McKay (D-Lee), the board's transportation committee chairman. Virginia's no-smoking law was approved by the General Assembly in February 2009 and went into effect in December.

The District and Maryland have similar laws regarding smoking in restaurants and bars.

The Virginia Clean Air Act allows localities to institute "reasonable no-smoking areas" at publicly owned or leased facilities, and bus shelters qualify as buildings under Virginia's building code. The Board of Supervisors voted unanimously to draft an ordinance for final adoption.

**EPA to hold air-quality-standards hearing in Denver (*Denver Post*)**

By Rita Wold
The Denver Post
Posted: 07/28/2010 01:00:00 AM MDT
The U.S. Environmental Protection Agency will hold public hearings in Denver on Aug. 3 as part of a court-ordered review of air-quality standards related to oil and gas drilling.

Two environmental groups — WildEarth Guardians and the San Juan Citizens Alliance — sued the EPA in January 2009. They alleged that the agency failed to review and update the National Ambient Air Quality Standards, which are part of the 20-year-old Clean Air Act. The standards were intended to ensure that new advances and technology are incorporated into regulations for the oil and gas industry.

The federal district court has ordered the EPA to issue proposals by Jan. 31, 2011, and to take final action by Nov. 30, 2011. Changes must be approved by the court.

The Aug. 3 hearings will take place from 12 p.m. to 4 p.m. and 6 p.m. to 10 p.m in the ballroom of the Holiday Inn Denver East-Stapleton, 333 Quebec St.

"We are just going to call for some common sense here," said Jeremy Nichols, director of climate and energy at WildEarth Guardians.

The Colorado Oil & Gas Association said the industry strives to improve air quality and environmental performance.

"We are committed to working with all stakeholders to develop and implement strategies, based on sound science and technology," said Doug Flanders, policy director for the group.

EPA said in a news release Tuesday that it will review air-toxics standards for natural-gas transmission and storage facilities; air-toxics standards for oil and gas production facilities; and two new source performance standards for onshore natural-gas processing plants, one focused on emissions from equipment leaks of volatile organic compounds and the other for sulfur-dioxide emissions.

Speakers at the hearing have until Friday to register by e-mailing Nick Parsons at parsons.nick@epa.gov or calling 919-541-5372.

Rita Wold: 303-954-1488 or at rwold@denverpost.com

**EPA issues air quality alert for parts of New England due to elevated ground-level ozone (*Examiner*)**

July 27, 11:26 PM · Sharon Gilley - Portland Environmental News Examiner
The EPA has released an air quality alert for Wednesday, July 28, 2010. Parts of New England, including Maine, will have elevated ground-level ozone due to the hot summer temperatures combined with the air pollution in the atmosphere.

Southern Maine up the coastline to Boothbay Harbor will have unhealthy levels. While interior Maine and central coastal areas will have moderate ozone levels.

During this time, the EPA urges people with asthma, or anyone suffering from reduced lung function, to avoid strenuous outdoor activity during the hottest time of the day and to stay indoors, preferably in an air conditioned environment with the windows closed. For people at risk, and possibly healthy adults, poor air quality due to unhealthy ozone levels has the potential to lead to “serious breathing problems and make people more susceptible to respiratory infections.”

At times when the air quality remains poor due to elevated levels of ozone, the following public action is urged by the EPA:

1. if you have to drive - carpool
2. stay in a well air-conditioned environment
3. do not pump gas until evening
5. do not use aerosol sprays
6. do not mow the lawn or use any type of gas-powered equipment

According to HealthCMI.com and the EPA, “ground-level ozone is created by the interaction of volatile organic compounds and oxides of nitrogen with sunlight. The majority of this pollution is created by cars, trucks, buses and fossil fuel electric power plants. Other contributors include gasoline stations, prints shops, paints and cleaners, and lawn & garden equipment. “

Therefore, “the EPA has requested that the public take action by using public transportation, car pooling, refueling cars at night to reduce escaping gasoline vapors coming into contact with sunlight, and avoiding the use of small gasoline engine equipment such as lawn mowers, chain saws, and leaf blowers.“

For more information regarding air quality alerts for New England, please go to http://www.epa.gov/ne/aqi/ where you will find real-time ozone data and air quality forecasts.

**NWF representative says Kearl project needs study like oil pipeline (*Missoulian*)**

By KIM BRIGGEMAN of the Missoulian | Posted: Tuesday, July 27, 2010 10:30 pm
Potential impacts of the Kearl Module Transportation Project through Montana compare to those of the controversial Keystone XL pipeline project and should be treated as such, a National Wildlife Federation representative said Tuesday.

Tom France of Missoula, regional executive director of the wildlife federation, called on the Montana Department of Transportation and Director Jim Lynch to recognize the environmental issues inherent to the two massive oil transport projects.

In a letter to Lynch dated July 23, France re-emphasized the federation's claim that Imperial Oil/ExxonMobil's proposal to move 207 massive modules of oil sands

extraction equipment to Canada over Montana's highways be subjected to an environmental impact study.

The U.S. Department of State said Tuesday it would postpone for 90 days its decision to issue a permit for the proposed Keystone XL pipeline, which would clip a part of eastern Montana on its route from oil fields in Canada to the upper Great Plains and, eventually, to the Gulf of Mexico.

The State Department's decision comes in the face of fresh criticism by the U.S. Environmental Protection Agency. EPA found a draft Environmental Impact Statement for the Keystone project inadequate, in part because it failed to consider the effects associated with increased greenhouse gas emissions of expanded oil/tar sands extraction.

The criticism is just as true for the less-intensive environmental assessment required for the Kearl project by Montana's transportation department, France claimed.

MDT has stated that the question of issuing 32-J permits for the Kearl project is limited to whether the roads and bridges along the Montana route can accommodate loads that will be up to 24 feet wide, nearly 30 feet high, will weigh as much as 168 tons and require Montana Highway Patrol escorts.

The EPA panned the Keystone pipeline study, which addressed a similar narrow scope of transport.

"While the EPA recognized that the stated objective of TransCanada's proposal is to construct a pipeline to transport oil sands from Canada to the Gulf Coast refineries in the United States, the agency believed that the purpose and need to which (the State Department) was responding is broader," France's letter to Lynch read. "Specifically, and similar to the (Kearl transport project), the broader purpose and need of the Keystone XL Pipeline Project is the facilitation of increased tar sands development in Canada."

EPA recommended discussion in the Keystone study be expanded "to include, in particular, an estimate of the extraction-related greenhouse gas emissions associated with long-term importation of large quantities of oil sands crude from a dedicated source," France wrote.

"Much like the causal relationship identified by EPA between a cross-border permit for a pipeline project and increased extraction of oil sands crude in Canada, a permit for over-dimension loads carrying essential components of tar sands equipment is clearly related to, and indeed is a necessary precondition for, increased extraction of Canadian oil sands crude."

He added that the fact that MDT recognizes that issuing 32-J load permits beyond the Kearl project is "reasonably foreseeable" only serves to strengthen the relationship between the transport and more extraction in the oil sands.

"Because of this relationship, and in order to fully inform decision makers and the public," his letter concludes, "MDT must consider the increased extraction related GHG emissions that will inevitably result from granting over-dimension load permits for the transportation of modules used in the tar sand production process."

Lynch didn't respond Tuesday to a request for comment on France's letter. An MDT official said in mid-July the department is considering Imperial/Exxon's responses to concerns raised during the environmental assessment process.

France noted in an interview that Lynch, as deciding officer, "has to make the decision that his environmental analysis has been adequate."

The National Wildlife Federation's is one of a number of voices that claim it hasn't been. It's been joined by, among others, the Missoula City Council, Missoula County Commissioners and assorted conservation groups calling for the more intensive Environmental Impact Statement as provided for by the National Environmental Policy Act.

"I've been a bit surprised at just how upset people are about this," France said. "I've seldom seen in western Montana more letters to the editor and more of an outcry, and I think it's backed MDT off a little bit."

So have the legal arguments that his group and others have made, he said.

"With the EPA letter on the pipeline, Director Lynch now has analogous precedent, I think, that he can look at and say, ‘Geez, we should be looking at this the same way,' " said France.

"Whether MDT will go over the hurdle and say the public's right, the lawyers are right, the politicians are right, that we need to do an EIS on this, that's a pretty big decision and I'm sure Jim Lynch is wrestling with it," said France. "I think he can be legally compelled to do that. I think litigation is certainly a possibility here."

Reporter Kim Briggeman can be reached at 523-5266 or at kbriggeman@missoulian.com.

**ASBESTOS**

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Home Local/State News

**Cabinet View Golf Course's original 9 receives upgrade (*Western News*)**

Brad Fuqua/The Western News
A Cabinet View Golf Club groundskeeper mows Friday morning on what is now referred to as the Cabinet 9.

Posted: Tuesday, July 27, 2010 10:11 am

By Brad Fuqua, The Western News

The turtleback greens are now gone, the tee boxes and bunkers have changed and the new grass is coming in nicely. In short, a project to redesign Cabinet View Golf Club's original nine holes has gone very well.

Dann Rohrer, a member of the Cabinet View Golf Club's board of directors who basically served in the role of project manager, said last week that folks are going to enjoy the new course.

"One statement that sticks in my mind is 'we maintained the integrity of the old Cabinet View.' We didn't build a brand new golf course because that was a great golf course," Rohrer said. "We upgraded it, we brought it up to speed and now it's a better golf course."

Cabinet View originally opened in 1957 as a nine-hole course. The newer nine-hole section opened toward the end of the 2007 golf season. To eliminate confusion identifying each nine-hole section, the original nine are now known as the "Cabinet 9." The other nine holes that opened three years ago are now called the "Wilderness 9."

The Cabinet 9 was torn up last August when the Environmental Protection Agency began a cleanup project. Asbestos-laced vermiculite was removed from the original golf course's tees, greens and sand traps. The exteriors around cart sheds, the greenskeeper's shop and surrounding structures were also cleaned.

"We really did it in 10 months, that's pretty amazing," Rohrer said. "It was unbelievable just trying to coodinate it all. It came out well."

The EPA and the golf course reached a settlement before the cleanup project began. Like any other project, the agency was responsible for tearing out contaminated materials and replacing it with clean soil materials. Rohrer said the EPA provided an estimate to the golf club on the cost to replace what had been taken out. Cabinet View then got its own estimates on a rebuild and accepted the EPA's offer.

"We took sole responsibility for rebuilding it, hiring architects, builders and the like," Rohrer said. "And the deal was we had to put it back into the golf course."

Money paid out to the project was done through a trustee with a complete record of bills and how funds were used.

The timing of the golf course project seemed perfect, Rohrer said. In 2009, only one U.S. Golf Association course was constructed.

“Just because of the economy, it worked out well for us,” he said. “We had a lot of people interested in bidding it and we were able to get a lot of quality work for a reasonable fee.”

Many golfers are waiting to hear when the full 18-hole course will be open for play. Rohrer was hesitant to give an exact date because he really doesn’t know. But as of Thursday afternoon, it appeared that the Cabinet 9 would not open until next spring.

“At this point in time with the information we’ve got, it says you should wait for next spring. At this point in time, that’s the way we’re going,” said Rohrer, who then added, “Between now and September, a lot of things can happen.”

Golf course architect John Steidel, who is based out of Kennewick, Wash., did the design work.

“John does a lot of work in the valley,” Rohrer said. “He’s had a hand in most of the golf courses from Polson to Whitefish.”

The work done on the Cabinet 9 was extensive.

“We re-did every tee and every green on the entire golf course,” Rohrer said. “It took them below surface and any dirt that you see sticking above the ground on any green or tee is all brand new.”

Local golf pro Jeff Dooley is excited about the change.

“The greens have been redesigned for more playability and enjoyment for everybody,” Dooley, said. “From my standpoint, the new designs of the greens are great. I don’t see how you couldn’t like them.”

One component of the Cabinet 9 that needed an upgrade involved the par-5 first hole. The previous yardage on the hole was 465.

“That’s just not a legitimate par-5 … 485 is considered the minimum,” Rohrer said. “It was moved back and we were able to add a few more yards … 465 might be fun for players to play but it’s not really legitimate.”

Tee boxes are now included on each hole to match the Wilderness 9. Blue is back the furthest, then white, gold and red to give golfers four tee options.

Jim Gibson shaped the greens and all tee boxes were leveled through the use of lasers. Gibson has an exceptional reputation in the business and has shaped greens for Jack Nicklaus.

All greens were enlarged and constructed with complete drainage. The old design featured sloped greens so water would drain toward the front.

“It makes it wet in the front and hard in the middle,” Rohrer said of the old sloped design. “By putting drainage under them, you can put contours in them and subtle breaks. All around, the greens are more mounded now as opposed to sloped back to the front.”

Another goal of the project was to bring together the two sets of nine holes with a common design.

“Now it looks like a continuous 18-hole golf course,” Rohrer said.

Rohrer also said a lot of new bunkering was completed.

“We took some out, moved some in using good white sand,” Rohrer said. “We were able to strike a deal down at Hamilton and it’s beautiful golf sand.”

The golf course is even safer thanks to an overlay technique that identifies possible problem areas.

“There’s a template that you can use to overlay a golf course with what makes it safer,” Rohrer said. “So, some of the greens were moved and some of the tee boxes were moved even 20 feet to the right or left to take out dangerous situations.”

For example, modifications were made because of conflicts between No. 2 and No. 6, as well as No. 1 and No. 9.

“That kind of technology wasn’t around when we built it,” Rohrer said. “That was one of the first steps before the redesign.”

In addition, the putting green was improved.

“We put some humps and bumps in it for practice reasons,” Rohrer said. “I think the people will really like what we did.”

All in all, Rohrer said the project went well with the available funds.

“We did a lot of things right. We didn’t have a lot of money to go helter skelter but what we did have, we used efficiently,” Rohrer said. “The members really ended up with a fine golf course.”

Besides the full 18-hole course and putting green, the facility also features a driving range and complete PGA pro shop.

**Mesothelioma-Causing Asbestos May be Banned in the United States (*Asbestos.com*)**

Tuesday, July 27th, 2010

According to a recent report, the Environmental Protection Agency (EPA) has plans to phase out the use of asbestos within the next decade.

Lin Chien-hui, director of the EPA's Department of Environmental Sanitation and Toxic Substance Management, said the ban on asbestos will be enforced through two stages.

On July 1, 2015, regulations will be in place to make sure asbestos is no longer used as a sealing material in construction projects. On July 1, 2020, asbestos will be banned for all uses in tiles, linings and extruded cement panels.

The plan to ban asbestos in the United States marks a big step towards lowering the risk of developing asbestos-related diseases. One of these conditions is malignant mesothelioma, a rare form of cancer almost exclusively caused by asbestos exposure. As with other asbestos-related diseases, there is no cure for mesothelioma and patients often find it difficult to live more than two years after being diagnosed.

This is not the first time the EPA has attempted to ban asbestos. In 1989, the EPA issued a ban on most asbestos-containing products. However, in 1991, the ban was overturned by the Fifth Circuit Court of Appeals in New Orleans. The new ruling prevented all but six asbestos products from being banned.

Within the last few years, several organizations have collaborated on introducing legislative bills to ban asbestos. While none of these bills have been issued into effect, the continuing push for a ban has kept the campaign alive.

Additional information on mesothelioma and asbestos exposure may be found through the Mesothelioma Center.

**BP SPILL**

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**'BP squad' assembles to probe oil spill (*Washington Post*)**

July 28, 2010 Wednesday
Met 2 Edition
A-SECTION; Pg. A01
Maryland
'BP squad' assembles to probe oil spill;
Criminal inquiry to focus on three firms and their ties to regulators
By Jerry Markon
A team of federal investigators known as the "BP squad" is assembling in New Orleans to conduct a wide-ranging criminal probe that will focus on at least three companies and examine whether their cozy relations with federal regulators contributed to the oil disaster in the Gulf of Mexico, according to law enforcement and other sources.

The squad at the FBI offices includes investigators from the **Environmental Protection Agency,** the U.S. Coast Guard and other federal agencies, the sources said. In addition to BP, the firms at the center of the inquiry are Transocean, which leased the Deepwater Horizon rig to BP, and engineering giant Halliburton, which had finished cementing the well only 20 hours before the rig exploded April 20, sources said.

While it was known that investigators are examining potential violations of environmental laws, it is now clear that they are also looking into whether company officials made false statements to regulators, obstructed justice or falsified test results for devices such as the rig's failed blowout preventer. It is unclear whether any such evidence has surfaced.

One emerging line of inquiry, sources said, is whether inspectors for the Minerals Management Service, the federal agency charged with regulating the oil industry -- which is itself investigating the disaster -- went easy on the companies in exchange for money or other inducements. A series of federal audits has documented the MMS's close relationship with the industry.

"The net is wide," said one federal official who spoke on the condition of anonymity because he was not authorized to speak publicly.

The Justice Department investigation -- announced in June by Attorney General Eric H. Holder Jr. and accompanied by parallel state criminal probes in Louisiana, Mississippi and Alabama -- is one of at least nine investigations into the worst oil spill in U.S. history.

Unlike the public hearings held last week in Kenner, La., by a federal investigatory panel, the criminal probe has operated in the shadows. But it could lead to large fines for the companies and jail time for executives if the government files charges and proves its case.

Justice Department officials declined to comment Tuesday. Holder, in an interview with

CBS News this month, confirmed that investigators are conducting a broad probe. "There are a variety of entities and a variety of people who are the subjects of that investigation," Holder said.

In an additional avenue of inquiry, BP disclosed in a regulatory filing Tuesday that the Justice Department and the Securities and Exchange Commission are looking into "securities matters" relating to the spill, although no more details were included.

Scott Dean, a spokesman for London-based BP, said the company "will cooperate with any inquiry the Justice Department undertakes, just as we are doing in response to other inquiries that are ongoing."

Brian Kennedy, a spokesman for Transocean, a former U.S. firm now based in Switzerland, declined to comment, as did Teresa Wong, a spokeswoman for Houston-based Halliburton.

Halliburton informed its shareholders about the Justice Department probe in its July 23 quarterly report to securities regulators. It also noted that the department warned the company not to make "substantial" transfers of assets while the matter is under scrutiny.

The probe is in its early stages, with investigators digging through tens of thousands of documents turned over by the companies, beginning to interview company officials and trying to determine the basics of who was responsible for various operations on the rig.

Although lawyers familiar with the case expect that environmental-related charges -- which have a low burden of proof -- will be filed, some doubted that investigators can prove more serious violations such as lying or falsifying test results.

"That's hard to prove," said one lawyer, who spoke on the condition of anonymity because details of the investigation are not public. "It's hard to show that somebody who could have died on the rig was malicious and reckless and intentionally did something that jeopardized their own life."

The emerging focus creates potentially awkward interactions on several levels. Investigators are probing companies, especially BP, which the government has been forced to work with in cleaning up the oil that cascaded into the gulf. And the former Minerals Management Service, which sources said has attracted the attention of criminal investigators, is helping to lead the federal panel that conducted last week's hearings in Louisiana.

Federal auditors have in recent years documented a culture at the MMS in which inspectors improperly accepted gifts from oil and gas companies, moved freely between industry and government and, in one instance, negotiated for a job with a company under inspection.

After the most recent investigation was released in May, Interior Secretary Ken Salazar

said he had asked his department's acting inspector general, Mary Kendall, to expand her inquiry to include whether MMS failed to adequately inspect the Deepwater Horizon rig or enforce federal standards.

One law enforcement official said criminal investigators will look for evidence that MMS inspectors were bribed or promised industry jobs in exchange for lenient treatment. "Every instinct I have tells me there ought to be numerous indictable cases in that connection between MMS and the industry," said this official, who spoke on the condition of anonymity because the investigation is unfolding.

Melissa Schwartz, a spokeswoman for the former MMS (now called the Bureau of Ocean Energy Management, Regulation and Enforcement), declined to comment.

FBI agents and other investigators are working with prosecutors from the environmental crimes section of the Justice Department, along with local U.S. attorney's offices. Officials would not provide details about the new squad starting in the FBI's New Orleans office. Sources said it is known internally as "the BP squad," though it will examine all companies involved with the Deepwater rig.

After learning what is in the thousands of documents, investigators plan to "start trying to turn one witness against the other, get insider information," said the law enforcement official.

The official said that no decisions on criminal charges are imminent and that "you can bet on it being more than a year before any kind of indictment comes down."

JULY 27, 2010, 12:14 P.M. ET UPDATE:

**BP: SEC,DoJ Probe Securities Matter Around Gulf Spill (*Wall Street Journal)***

By James Herron Of DOW JONES NEWSWIRES LONDON (Dow Jones)--The U.S. Securities & Exchange Commission and Department of Justice have launched an informal probe into matters related to BP PLC (BP) securities and the Gulf of Mexico oil spill, BP said in a statement Tuesday.

This is just one of the many probes launched by U.S. authorities into the circumstances of the Deepwater Horizon disaster and subsequent oil spill, BP said.

The Department of Justice is conducting a separate investigation into the cause of the incident and the Environmental Protection Agency is expected to seek penalties for violation of the Clean Water Act, BP said.

U.S. Attorney General Eric Holder June 1 said that the Justice Department was launching civil and criminal probes into the spill. Holder said federal clean air and pollution laws gave him the power to open the investigations.

The SEC Tuesday declined to comment.

-By James Herron, Dow Jones Newswires; +44 (0)20 7842 9317; james.herron@dowjones.com

**Oil-damaged grass in marshes could affect gulf's rebound (*Washington Post*)**

Tuesday, July 27, 2010
By David A. Fahrenthold, The Washington Post
Pat Sullivan/Associated Press
A trio of Kemp's ridley turtle hatchlings makes its way through the surf after being released Monday into the Gulf of Mexico. Federal biologists hope by the time the tiny critters get as far as the BP spill, the toxic oil will largely be gone.

ON TAMBOUR BAY, La. -- In the next act of the drama of the Gulf of Mexico oil spill, two of the most important heroes don't look like heroes. They are just thin green stalks, sticking out of grass too wet to stand on.

They are cordgrass and wiregrass, common species that wave in the winds in south Louisiana's coastal marshes. But in some places, they aren't waving anymore; where oil has sloshed into the marshes, their stalks are matted and gooey and on their way to death.

What happens next -- whether these two grasses rebound or vanish -- will be a very important piece of the gulf's larger environmental story. The next question is whether marsh and marine ecosystems can shrug off the oil's damage, or whether it will leave them with lasting wounds.

"Many of us are much more worried about the marsh than we are about fish and shrimp and all that," said University of New Orleans wetlands expert Denise Reed. "If those plants die, they don't come back. And the marsh is gone."

Louisiana's coastal marshes are vital to ecosystems that extend far into deep, open water. They shelter "juvenile" shrimp, crabs and fish until these creatures are large enough to venture into open water.

For these places, marsh grasses are as vital as water. Their roots hold the land together, giving support to loose, wet sediment that would otherwise erode.

"They are the marsh, basically," said Andy Nyman, an associate professor of wetland and wildlife ecology at Louisiana State University's School of Renewable Natural Resources. "Once they die, ... it just floats away."

Humans, too, depend on the grasses, since the marshes are a natural barrier against storm surges headed toward New Orleans.

Already, there are about 200 square miles of oiled coastline in Louisiana alone, said Robert Barham, secretary of the state's Department of Wildlife and Fisheries. He said most of that is marshland, which means around 5 percent of the state's 3,900 square miles of marsh is oily.

That number may not seem overwhelming, but Louisiana is already losing 24 square miles of wetlands to erosion every year. Scientists say the state cannot afford to lose another large chunk all at once. The question now is: How much will die?

Humans will play some role in determining the answer. On a recent boat ride through the marshes south of Cocodrie, La., some workers could be seen trying the delicate approach to marsh cleaning, using a long stick with a plastic mop on the end to dab oil out of grass.

Some could be seen trying another approach. One crew was throwing white absorbent "boom" down onto a heavily oiled patch, then stomping it down to sop up the oil.

There were also reports of damage from the boom itself, driven in by the most recent storm. Scientists say it is hard to get all the oil out of an oiled patch, and that trying too aggressively could just mash oil deeper into the plants' roots.

**Governor sounds alarm about oil spill in Michigan river(*CNN*)**

By the CNN Wire Staff
(CNN) -- Michigan Gov. Jennifer Granholm is calling on the Environmental Protection Agency and a Canada-based energy company to step up efforts to contain an oil spill in the Kalamazoo River, after more than 840,000 gallons of oil leaked from a pipeline since Monday.

"There needs to be a lot more done," the governor said Tuesday, after touring the river area in a helicopter. "We don't have enough resources right now for containing the spill to the level where we can feel comfortable."

"The last thing any of us want is to see a smaller version of what has happened in the Gulf," she said, referring to the BP oil spill in the Gulf of Mexico.

Oil began leaking from the 30-inch line Monday, moving from Talmadge Creek into the Kalamazoo River, which flows from near the city of Battle Creek into Lake Michigan.

The pipeline normally carries 190,000 barrels of oil per day from Griffith, Indiana, to Sarnia, Ontario.

Officials do not know what caused the oil to leak, but the pipeline now has been shut down. It is owned by Enbridge Energy Partners, based in Canada.

The slick spans some 16 miles, and the governor is worried it could reach popular Morrow Lake, between Battle Creek and the city of Kalamazoo.

Crews staffed by Enbridge are using booms to try to contain the oil and vacuum trucks to clean it up. The effort is being supervised by the EPA.

But Granholm fears the slick may spreading faster than it can be contained.

"Clearly this is a significant incident," she said. "It cannot be taken lightly. We need all hands on deck."

The river right now is close to flood stage, complicating efforts to contain the slick.

Two homes near the spill site have been evacuated, and 25 people worried about health issues have been relocated, according to Jim Rutherford, health officer with the Calhoun County Health Department.

Officials say there's no immediate danger to drinking water.

Wildlife has been affected, with some fish and birds coated in oil. The energy company is preparing a wildlife rehabilitation center for treating the animals.

People are being urged to avoid swimming or fishing near the affected areas.

CNN'sScott Thompson contributed to this report.

**Air quality unaffected by oil spill, EPA official says (*Pensacola News Journal*)**

Travis Griggs • tgriggs@pnj.com • July 28, 2010
The Environmental Protection Agency said Tuesday that daily testing has not detected air pollution from the Deepwater Horizon spill at any of its Gulf Coast test sites.

EPA Air Chief Gina McCarthy spoke with reporters Tuesday at the agency's recently upgraded air quality monitoring facility near Ely Road in Ferry Pass.

"There could be some minor impact, but at this time we're not seeing anything we can attribute to the spill," McCarthy said.

The station has continuously monitored air quality since the late 1970s, but since the oil spill, it has been upgraded with new equipment to test for a wider range of pollutants.

The EPA operates a dozen similar stations from Mississippi to St. Marks, Fla., EPA officials said. Since the spill, five have been upgraded with equipment to monitor for oil air pollution.

So far, none of the stations has detected air pollution above normal background levels, McCarthy said.

Gulf Coast residents from Louisiana to Florida have reported smelling oily odors since the spill. McCarthy said the sense of smell is far more sensitive than testing equipment, but the presence of an odor does not necessarily indicate a health risk.

"It's not beyond reason that people are smelling things, especially at the coast. The issue for us is, 'Is it a health concern?' " McCarthy said. "You can smell something at levels far below what would pose a health concern."

Prior to the spill, the Ferry Pass station performed 24-hour monitoring of ozone, sulphur dioxide and particulate levels. The new equipment allows the agency to test for volatile and semi-volatile organic compounds, such as benzene and phenol, that could come from the spill or chemical dispersants.

Air quality results from the station's ozone, sulphur dioxide and particulate sensors are monitored and posted to the EPA's website, but tests for oil-related chemicals must be sent to a laboratory for analysis — a process which takes several days.

The EPA has faced criticism since the spill from some university researchers and public safety officials who claim the agency has been slow to release results of air and water testing.

McCarthy said the agency publishes test results online as soon as they are complete, but she admitted it can be difficult for average people to make sense of the test results.

"We're trying to make it more meaningful to people, but that's quite the task because that's a lot of data," McCarthy said.

The EPA air testing information is available at http://www.epa.gov/bpspill.

July 27, 2010

**U.S. Decision on Pipeline Is Delayed (*New York Times*)**

By TOM ZELLER Jr.

The State Department said it would delay its decision on a permit for a contentious $7 billion pipeline project intended to deliver crude oil from the oil sands of the province of Alberta in Canada, to refineries on the Texas Gulf Coast.

A public comment period on the department's draft environmental impact statement for the project, called Keystone XL, ended on July 2, and officials had planned to consult other federal agencies through Sept. 15. On Monday, however, the department said it would wait to complete a full environmental impact assessment and then allow for an additional 90 days of interagency consultation.

The department provided no timeline for completion of the environmental assessment, but at the least, a decision on the permit would be delayed until the end of this year.

Two weeks ago, a variety of concerns were raised by the Environmental Protection Agency in a letter to the department.

Among the issues highlighted, the E.P.A. questioned whether the department's draft analysis had adequately accounted for the project's impact on air quality and climate change, whether enough planning was in place for oil spills, and whether the effect on wetlands and birds had been thoroughly researched.

In a statement, the department said no decision would be made "until all necessary steps of the environmental review and interagency consultation process have been completed."

The 2,000-mile pipeline is part of a wider network being developed by the Calgary-based energy company TransCanada. It would tap into the 178 billion barrels of proven reserves percolating through northern Alberta's oil sands — a gooey mixture of earth and oil that has long been difficult to develop profitably.

If fully developed, the Keystone system would allow Canada to export as much as 1.1 million barrels of oil a day.

A TransCanada spokesman, Terry Cunha, said his company disagreed with the E.P.A.'s critique but welcomed the added scrutiny of the project.

**BP, NOAA, EPA Cover-Up: Neurotoxin Pesticide Dispersant Corexit's Lethal Effects (*Gerson Lehrman Group*)**

Tuesday, July 27, 2010
* Analysis by: Simon Atkins
* Analysis of: EPA Whistleblower Accuses Agency of Covering Up Effects of Dispersant in BP Oil Spill Cleanup | blog.alexanderhiggins.com
* Source: www.glgroup.com

Summary:

BP has poured nearly two million gallons of the dispersant known as Corexit (banned in the UK and 17 other countries) into the Gulf, and many lawmakers and advocacy groups say the Federal Government is not being candid about the lethal effects of dispersants. At a recent Senate subcommittee, Maryland Senator, Barbara Mikulski, grilled administrators from the EPA about Corexit and said she didn't want dispersants to be the Agent Orange of this oil spill.

Analysis:

First note that it was Senators Markey, Nadler and Mikulski that made British Petroleum and the government put cameras five-thousand feet below the water to show the oil geyser volcano to the American public and the world. And when they did that, experts saw that the amount of oil being released was many orders of magnitudes greater than what BP, NOAA and the EPA were saying.

The EPA Lies Under Oath

It might come as some big shock but there is increasing evidence to show that the EPA has lied ... yet again. Without mincing words, Federal Government agencies have literally allowed tens of thousands of Americans to be poisoned during the Exxon Valdez disaster, during 9/11, and now, history is once again repeating itself in the Gulf of Mexico, except for one change: we now have a top EPA official warning us that the Government is allowing us to be poisoned.

Hugh Kaufman, a senior policy analyst at the EPA's Office of Solid Waste and Emergency Response, a leading critic of the decision to use Corexit, and now EPA whistleblower, says that government agencies are doing inadequate and improper testing of Gulf waters.

First, remember that at Ground Zero, the EPA made statements about the safety of the air, which has since been proven to be false. Now, independent water tests in the Gulf performed by a local news station directly contradicted EPA test results. Then the director of the EPA lied under oath in a congressional hearing about water samples taken from the Dauphin Island Alabama area. Independent water tests performed by Project Gulf Impact showed high levels of Corexit in the waters around Grand Isle, Louisiana, while EPA data showed no such contamination. Test results of all of the water samples that the EPA has done up until mid-July shows dozens of instances where the EPA is lying. In all likelihood, enough oil and toxic dispersants have been released into the Gulf of Mexico to contaminate the food chain: even NOAA has admitted that may have already happened. It's all out there, folks, you just have to go digging to get the truth, and question everything that the controlled / controlling Mainstream Media want you to believe: http://www.floridaoilspilllaw.com/dispersants-hearing-noaa-admits-gulf-seafood-not-tested-yet-says-toxins-may-bioaccumulate.

So why is the EPA lying? Answer (and I agree with the EPA whistleblower, Mr. Kaufman): to protect the profits of the largest corporations from having to pay out

billions of liability claims and fines. The Federal Government says it cannot reveal such data (of the contamination) to the public because of current litigation with BP. What a load of hogwash. Who comes first, and who are we protecting here first -- the public and our children -- or BP?

Corexit -- The Neurotoxin Pesticide Dispersant -- The Cause Of Our Future Problems

Corexit, one of a number of dispersants, is four times the toxicity level of crude oil, and is used to atomize the oil and force it down the water column so that it's invisible to the eye. The National Academy of Science has done work on it to show that Corexit is very dangerous. And toxicologists from Exxon have published on it.

A simple equation goes like this: less oil seen ... less fines to BP. In following the money trail, when you look and see who owns BP, you find that the majority ownership, a billion shares, is a company called BlackRock that was created, owned and run by Larry Fink. And Vanity Fair just recently wrote an article about Mr. Fink and his connections with Mr. Geithner, Mr. Summers and others in the Obama Administration.

When will we finally act and do something about this health disaster waiting in the wings? When tens of thousands of Gulf Coast residents end up with cancer, genetic mutations or some other mysterious unexplained illnesses (labeled in the future as "Gulf of Mexico Syndrome")?

So what else do we have?

* There is a now a massive dead-zone off the coast of Alabama.
* Geochemist expert and University of California Santa Barbara scientist, Dr. David Valentine, reports that hydrocarbon remnants are raining down near the oil disaster and are pushing onto land.
* BP is already paying-off scientists and universities (that want to join in receiving payouts), in order to keep the truth of the contamination out of the public eye.

No, I'm not some conspiracy theorist. I am fortunately just another scientist just spreading the truth, and one who does not have to rely on some crooked relationship with a lying government sponsor, and who gets to put you, the reader here, more "in the know" for your own investment and health benefit, and for the benefit of our children.

**House Opens Door To Novel Review Of 'Human Factors' In Spill Risk Studies (*Inside EPA*)**

Posted: July 27, 2010
The House has passed legislation that will require EPA and other agencies to "identify" data on "human factors and decisionmaking" when assessing the risks of oil spills

occurring, a first-time requirement that Republican critics say will shift the agencies' focus from researching spill cleanup and prevention technologies to risk assessment.

But key Democrats have argued since the BP spill that there needs to be increased focus on the likelihood of oil spills after regulators and industry determined that there was no risk of a spill occurring in the Gulf of Mexico. Democrats say that such an approach is necessary to drive development of safer drilling and cleanup technologies.

The legislation also gives sole authority to EPA to develop cleanup technologies that are more effective and less toxic than chemical dispersants that have caused controversy during the BP spill, despite efforts by GOP lawmakers to force EPA to share the responsibility with other agencies.

Lawmakers by voice vote July 21 approved H.R. 2693, a bill to revise the 20-year-old federal oil pollution research program created by the Oil Pollution Act (OPA) and fill research gaps brought to light by the BP spill. Among other things, the bill ramps up funding for research efforts, creates a new committee comprised of EPA and three other agencies to oversee the research program and puts a new emphasis on research to contain spilled oil.

The bill is one of several oil-spill related measures that lawmakers are developing but the bill's next steps are not clear as the Senate is still crafting its legislation on the issue. Senate Majority Leader Harry Reid (D-NV) plans to take up the Senate's spill bills before lawmakers adjourn for their August recess.

Rep. Lynn Woolsey (D-CA) introduced the original version of the House bill in 2009 in response to a 58,000-gallon oil spill in the San Francisco Bay. The original bill's main goal, Woolsey says, was to "better streamline and align" the research program by whittling down the 15-17 agencies that OPA lists to conduct spill research because the 2007 spill in her district highlighted a big question of "who's in charge."

To that end, the bill creates a new interagency committee -- headed by the U.S. Coast Guard with EPA, the Department of Interior and the National Oceanic & Atmospheric Administration (NOAA) as members -- to develop a plan for Congress to review on how the committee plans to implement future spill research priorities.

During committee markup of the bill, Rep. Brian Baird (D-WA), who chairs the committee's energy and environment subcommittee, attached an amendment that requires, as part of the implementation plan submitted to Congress, the agencies to "identify the information needed to conduct risk assessment and risk analysis research to effectively prevent oil discharges, including information on human factors and decisionmaking, and to protect the environment."

"We know decisions along the line that led up to this disaster in the Gulf had to do with communications, with decision making, with a host of factors," Baird said at the markup.

“Scientific analysis that tells us how to do it better and it’s apparently been largely neglected in this industry.”

**Echoing Markey**

His comments echo earlier remarks from Rep. Edward Markey (D-MA) who argued in the wake of the BP spill that there needs to be greater focus on the risks of catastrophic oil spills occurring after industry determined that “there was a zero percent chance that a catastrophic accident could occur.”

“So if you believe no accident can occur, then why invest in safety technologies? Why invest in modern response capabilities, since not only the oil company but the government agency accepted the probabilistic risk assessment that the chances of an accident was zero?” Markey said in an interview.

But Rep. Ralph Hall (R-TX), the ranking member on the science committee, criticized Baird’s amendment, calling it unnecessary because risk assessment would be addressed by the committee in their total research assessment, and saying that an examination of decision making in the industry was “not a research necessity.”

“It’s too specific a provision; it will heavily shift the focus from research and development to assessing risk of human factors and decision making,” Hall said.

But Baird argued that the intent of the amendment was not a major shift in focus of the bill, and that disasters in other industries, such as aviation, had resulted in similar legislation to address human error. “If we’re going to make this industry more safe, we absolutely have to attend to human factors.”

The bill calls for all of the agencies named as contributors to the research program to hold a meeting after the legislation is enacted to determine the role each will play, and at that meeting it will likely be decided whether to assign the task of conducting the risk assessment to one or more of the agencies or to award a grant to an independent laboratory or university.

The legislation also gives EPA new authority to develop technologies with “maximum effectiveness . . . and minimum toxicity to natural resources” -- language intended to develop alternatives to chemical dispersants. EPA has been widely criticized during the spill for approving the use of chemical dispersants to break up the spill but that are highly toxic to the marine environment.

Rep. Dana Rohrabacher (R-CA) sought to attach an amendment during the committee markup to include other non-regulatory agencies in the effort. Rohrabacher argued that the amendment was necessary because the intent of the bill was promoting research, not regulation. “EPA would still be the lead sled dog in the effort,” Rohrabacher said.

**Strip EPA Authority**

Hall went even further, arguing that EPA should be stripped of any new authority. “I think EPA is the very worst entity to give any rights to, any additional rights, because I have gone through about 30 years here with them when they wouldn’t give a decision, and when you don’t give a decision, there is no appeal from it,” he said.

ButWoolsey opposed the amendment, which the committee voted down, saying that the language in the bill was intended to give EPA a “kick in the butt” to focus their research efforts on minimum risk technology. “EPA is the best agency to analyze and monitor the toxicity of technology such as dispersants. It’s their mandate as an agency.”

Baird said he supported the intent of Rohrabacher’s amendment but feared if the task wasn’t given to one agency, then “nobody would be in charge,” and that EPA had the most regulatory authority and the “most horsepower.” -- *Bridget DiCosmo*

**CLIMATE CHANGE / GLOBAL WARMING**
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**U.S. Decision On Pipeline Is Delayed (*New York Times*)**

July 28, 2010 Wednesday
Late Edition - Final
Section B; Column 0; Business/Financial Desk; Pg. 7
By TOM ZELLER Jr.
The State Department said it would delay its decision on a permit for a contentious $7 billion pipeline project intended to deliver crude oil from the oil sands of the province of Alberta in Canada, to refineries on the Texas Gulf Coast.

A public comment period on the department's draft environmental impact statement for the project, called Keystone XL, ended on July 2, and officials had planned to consult other federal agencies through Sept. 15. On Monday, however, the department said it would wait to complete a full environmental impact assessment and then allow for an additional 90 days of interagency consultation.

The department provided no timeline for completion of the environmental assessment, but at the least, a decision on the permit would be delayed until the end of this year.

Two weeks ago, a variety of concerns were raised by the Environmental Protection Agency in a letter to the department.

Among the issues highlighted, the E.P.A. questioned whether the department's draft analysis had adequately accounted for the project's impact on air quality and climate change, whether enough planning was in place for oil spills, and whether the effect on wetlands and birds had been thoroughly researched.

In a statement, the department said no decision would be made "until all necessary steps of the environmental review and interagency consultation process have been completed."

The 2,000-mile pipeline is part of a wider network being developed by the Calgary-based energy company TransCanada. It would tap into the 178 billion barrels of proven reserves percolating through northern Alberta's oil sands -- a gooey mixture of earth and oil that has long been difficult to develop profitably.

If fully developed, the Keystone system would allow Canada to export as much as 1.1 million barrels of oil a day.

A TransCanada spokesman, Terry Cunha, said his company disagreed with the E.P.A.'s critique but welcomed the added scrutiny of the project.

**ENERGY**

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**Biomass plant a possibility for North Lake Tahoe (*The Union*)**

By Matthew Renda
The Union News Service,
KINGS BEACH, Calif. — Jennifer Montgomery calls the prospect of a biomass plant on Lake Tahoe's North Shore “a real possibility.”

Placer County is working in conjunction with federal agency representatives and NV Energy to identify a piece of property in Kings Beach capable of housing a biomass plant, said Montgomery, a Placer County supervisor and member of the Tahoe Regional Planning Agency governing board.

A parcel owned by NV Energy on Speckled Avenue in Kings Beach has emerged as the most likely candidate to host the plant. The parcel is already zoned for energy production and currently houses diesel power generators.

The biomass plant will use pine needles, wood chips, logs, branches and trees collected as part of the basin-wide defensible space procedures to produce 1 to 3 megawatts of electricity and possibly provide heat to local public institutions, said Brett Storey, project manager for Placer County.

Creating a plant in the Lake Tahoe Basin is crucial because to be financially sustainable, a biomass plant must be close to the fuel it will consume.

Biomass plants in Loyalton, Calif., and Carson City have had financial troubles due to the trucking costs associated with hauling the plant matter from basin forests to the plant locations.

“Green technology is already expensive,” Storey said. “When you add trucking, it nearly doubles the cost.”

Despite the costs, Montgomery believes a biomass plant “creates partial solutions to a lot of the problems in the basin.”

“It provides an effective use of a lot of the leftover materials collected in the forest as part of defensible space projects,” said Montgomery, who also pointed to job creation as another benefit of the plant.

The plant would also reduce the amount of pile burning, Montgomery said. Pile burning is a controversial practice conducted by various basin-wide fire and forest management agencies. Essentially, workers collect flammable materials which could serve as fodder for a wildland fire and organize them into piles, which are then burnt in a controlled manner helping to prevent catastrophic fires.

Some residents complain that pile burning detrimentally impacts air quality while others point to the particulate matter which emits from the piles, makes its way into the lake and compromises Tahoe's famed clarity.

**What's next?**
Placer County will undertake a comprehensive Environmental Impact Review to gauge potential impacts resulting from the plant.

“Biomass plants do release pollution into the air,” Storey said. “But, the plant will be under the allowable amounts dictated by the Environmental Protection Agency.”

The county is also conducting financial feasibility studies.

“We need to think about all angles of the project,” Montgomery said. “We don't want to come out with a project we can't accomplish.”

A biomass plant in Carson City recently closed due costs of hauling materials and the fact the plant was not fitted to accept a variety of plant matter or wood of varying sizes, Storey said.

“The biomass plant in Kings Beach would accept pine needles, wood chips and branches of varying diameters,” Storey said.

Pending the outcome of the EIR and approval by assorted basin agencies, the project could break ground as early as 2012, Montgomery said.

**FUEL**

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7/27/2010

**SmartWay Adds Double Coin Steer Tire to Verified List (*Truckinginfo*)**

Double Coin Holdings' FR605 steer position tire has been added to the Environmental Protection Agency's list of SmartWay-verified technologies.
The FR605 steer position is part of Double Coin's fuel-efficient tire lineup, which consists of a series of tires including the FT105 trailer position tire, verified by SmartWay in March, as well as the FD405 drive position tire verified in June. Each tire is made with advanced tread compounds and highly developed internal construction to provide lower rolling resistance and longer mileage. This helps each tire run cooler and reduce fuel consumption. The FR605 steer position tire features a 5-rib tread design and extensive siping and side shoulder decoupling grooves for even wear and traction.

"Customers who participate in the EPA SmartWay programs, at either the OEM or aftermarket level, have a SmartWay verified option from Double Coin to maintain their lower operating costs," said Aaron Murphy, vice president of CMA.

Double Coin is actively working to reduce the rolling resistance values on all branded tires to meet potential future government regulations.

**Republicans to EPA: Leave ‘frac'ing' to the state (*Grand Junction Free Press*)**

Agency is collecting comments on its study of hydraulic fracturing
John Colson
Free Press Correspondent,
Colorado House and Senate Republicans, including Randy Baumgardner of District 57, on Monday sent a letter to the U.S. Environmental Protection Agency, demanding that regulation of the oil and gas industry be left in the hands of the states and not turned over to federal authorities.

Baumgardner's district covers the western half of Garfield County.

The EPA currently is collecting comments concerning its study of hydraulic fracturing, or frac'ing, a practice used in natural gas extraction that involves injection of large quantities of water, particulates and chemicals into the ground to enable hydrocarbons to flow to the surface.

A number of observers of the industry, including individuals and groups in Garfield County, have been calling for more openness concerning industry practices, particularly in the disclosure of exactly what chemicals are being injected into the ground.

The industry maintains it already discloses sufficient information, and that the recipes of its “frac'ing fluids” is proprietary.

The study is being conducted, at least in part, due to proposed legislation introduced last year that would have mandated complete disclosure of such chemicals.

Under current regulations, disclosure of the chemicals is different in different states.

Colorado, which rewrote its regulations governing gas drilling issues in 2008, is believed to have one of the strictest set of regulations in the U.S.

Critics of the industry, however, say the rules still do not go far enough in terms of identifying the chemicals involved.

“The EPA shouldn't stick its nose into the regulation of frac'ing or other oil and gas industry practices in states,” said Sen. Scott Renfroe, R-Greeley, in the letter, dated July 26, 2010. “Once the EPA completes its study, states should maintain jurisdiction over oil and gas operations.”

“Oil and gas employers have already been barraged by new regulations in Colorado, making it harder for them to do business in the state, particularly during these tough economic times,” Renfroe added.

The letter urges the EPA to consult with state regulatory agencies in conducting the study, arguing that in Colorado the state's Oil and Gas Conservation Commission already has sufficient regulations concerning disclosure of potentially harmful chemicals.

The representatives' letter scorns “one-size-fits-all” regulations as “ill-advised,” and declares, “Regardless of the results of the EPA study, states should retain regulatory control over the oil and gas industry.”

The letter is signed by 18 Republican state legislators.

**Obama pledges swift response after Battle Creek oil spill (*Detroit News*)**

July 28, 2010
Marshall Township -- President Barack Obama has pledged a swift response to requests for help in dealing with a spill that dumped more than 800,000 gallons of oil into waterways in southern Michigan.

White House spokesman Matt Lehrich says U.S. Rep. Mark Schauer, D- Battle Creek updated the president about the spill Tuesday. Lehrich says Obama asked what the U.S. government could do to provide additional help.

Schauer told reporters on a conference call that the spill is a "public health crisis."

The cause of spill is under investigation.

"According to EPA officials, this is the largest oil spill ever in the Midwest," said Schauer. "The EPA is estimating 1 million gallons (spilled). ... This feels like déjÀ vu all over again with regard to what happened in the Gulf."

The oil spilled into Talmadge Creek, which flows northwest into the Kalamazoo River. The site is in Calhoun County's Marshall Township near Battle Creek and about 60 miles southeast of Grand Rapids. The pipe may have been leaking for many hours before it was originally reported to have burst Monday morning. Marshall Township fire officials responded to complaints of an oily smell from residents.

More than 20 homes have been evacuated

EPA officials in Chicago's regional office declined to say it is the largest spill. "It certainly is one of the largest in recent memory in the Midwest," EPA Spokesman Mick Hans said.

Schauer also took issue with the handling of the pipeline rupture by the company that owns the line, Enbridge Liquid Pipelines.

"I want to find out how the hell this happened," he said. "I am especially concerned about the response of the company and whether their estimates are accurate."

Early estimates of the amount of oil that have spilled from an underground pipeline hovered around 840,000 gallons. Schauer said the spill is now being investigated by the EPA as well as the National Transportation Safety Board.

**GRANT**

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**EPA grant to reduce air pollution in US port (*PortWorld News*)**

27th July 2010 15:42 GMT
Three rivers converge in PittsburghThe United States Environmental Protection Agency (EPA) has announced it will present a grant to "help green the Port of Pittsburgh".

The grant of $1.15 million will be given to the Port of Pittsburgh Commission to help fund the repowering of four marine towing vessels with new, more efficient diesel engines and generators.

New engines "will reduce air pollution, improve air quality and lessen overall environmental impacts," the EPA said.

The Port of Pittsburgh Commission and three participating companies will provide $1.9 million for the repowering project.

David Arnold, Air Protection deputy director, EPA mid-Atlantic Region, will present the grant to the Port of Pittsburgh Commission on Wednesday, July 28.

Pittsburgh, Pennsylvania is the second-largest inland port in the US, and moves more than 44 million metric tonnes (mt) of cargo annually along its three major waterways – the Allegheny, Monongahela and Ohio Rivers.

The city sits at the northeastern end of the nation's 9,000-mile inland waterway system, giving access to markets as far west as Sioux City and as far south as New Orleans.

**EPA Awards $5.6M to Spur New Clean Diesel Technologies**
**(*SustainableBusiness.com*)**

07/27/2010
SustainableBusiness.com News
The U.S. Environmental Protection Agency (EPA) has awarded $5.6 million for emerging technologies projects as part of a summer-long roll out of $120 million in clean diesel grants.

The awards will provide opportunities to advance cutting-edge technologies in the marketplace, and support both environmental innovation and green jobs to reduce diesel emissions. Diesel pollution is linked to thousands of premature deaths, hundreds of thousands of asthma attacks and millions of lost work days, EPA said.

Most clean diesel grants involve widely used strategies such as retrofits or replacements. However, the emerging technologies program promotes deployment of innovative approaches that have not yet been verified or certified by EPA or the California Air Resources Board. Instead, the program enables evaluation of these promising technologies in the field while providing air quality benefits to the surrounding area. Diesel engines emit approximately 7.3 million tons of nitrogen oxides (NOx) and 333,000 tons of soot annually.

Recipients of the emerging technologies grants are:

City of Los Angeles Harbor Department for $731,000 for a hybrid crane with a small diesel generator combined with a battery to be used at ports.
California Air Resources Board for nearly $1.2 million for a NOx reducing device for locomotive engines.
University of Houston for $1 million for NOx reducing technologies installed on school buses.
Puget Sound Clean Air Agency for nearly $1.2 million to use a seawater scrubber, which removes pollution from large ship engines.
South Coast Air Quality Management District for $1.5 million for an exhaust capturing mechanism used on a variety of ships while at port.
Throughout this summer, EPA is awarding a total of $120 million under the diesel emissions reduction program (often known as DERA) to help lower exhaust from the existing fleet of 11 million diesel engines in communities nationwide. Grants included under DERA, in addition to the emerging technologies grants, are:

SmartWay Finance Program grants
National Funding Assistance Program grants
Direct grants to all states for clean diesel programs
First-ever clean diesel tribal grants
EPA's new heavy-duty highway and non-road diesel engine standards taking effect over the next decade will significantly reduce emissions from new engines. However, these standards apply only to engines manufactured in the year 2007 and beyond. The 11 million diesel engines in use today will continue to pollute unless emissions are controlled with technology and/or cleaner fuels. EPA's National Clean Diesel Campaign and the SmartWay Partnership assist fleets with controlling diesel emissions through financial and technical assistance.

Website: www.epa.gov/cleandiesel

## MINING

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### National Mining Association Sues EPA over Limits on Mountaintop Mining (*OMB Watch*)

Posted on July 27, 2010
The National Mining Association (NMA) filed a lawsuit on July 20 against the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) claiming that new enforcement guidelines issued by EPA in April unlawfully obstruct permitting of coal mining operations. NMA claims the new guidelines effectively prohibit

certain types of surface mining and that EPA denied NMA the opportunity to review and comment on the guidelines before they became final.

The lawsuit arises out of the controversial practice of mountaintop removal mining, which involves blasting off the tops of mountains to access coal seams hidden below. After the coal has been mined, the leftover waste is discarded in the surrounding valleys. EPA issued the new guidance after extensive scientific research showed that this "valley fill" method causes pollution in downstream drinking water sources and endangers the health and safety of surrounding communities.

The guidelines are part of an effort to undo a Bush administration "midnight regulation" that allowed mining companies to dump waste from mountaintop mining into rivers and streams. EPA Administrator Lisa Jackson made reducing the harm caused by this rule a top priority, especially after the late Sen. Robert Byrd (D-WV) urged EPA to crack down on unsafe mining practices. Byrd, an unlikely critic of mountaintop mining due to his coal country constituency, explained in a Dec. 3, 2009, commentary that mountaintop mining led to job loss and unknown effects on the health of surrounding communities. Byrd also defended EPA's regulatory actions and called for a safer alternative to mountaintop mining, stating that "the greatest threats to the future of coal do not come from possible constraints on mountaintop removal mining or other environmental regulations, but rather from rigid mindsets, depleting coal reserves, and the declining demand for coal as more power plants begin shifting to biomass and natural gas as a way to reduce emissions."

The new guidance requires greater scrutiny in evaluating Clean Water Act (CWA) permits for valley fill operations, which has led to many of the permits being denied or held up for review. Although EPA does not claim to be issuing a ban on all valley fills, the guidance states that "generally, it will be easier for projects with no or few valley fills to demonstrate that they comply with the requirements of the CWA and the 404(b)(1) Guidelines. Conversely, projects with multiple valley fills will generally raise serious questions about their compliance with CWA requirements and may require permit objection under 402 or elevation and possible veto under 404." Although EPA describes the guidelines as clarifying how CWA requirements apply to valley fills, and not as creating any new policy or rule, Jackson explained in the April 1 press conference announcing the guidelines that the standard was so strict that few, if any, valley fill permits would be issued.

NMA's lawsuit calls this heightened scrutiny a "de facto moratorium" on permitting for valley fill coal mining. NMA claims EPA and the Corps purposefully circumvented standard rulemaking procedures by issuing the new policy as a "guideline," thus avoiding the long notice and comment period required by federal law whenever an agency creates a rule. NMA also argues that the guidelines violate the CWA by allowing EPA to control the permit review process for valley fills. The authority to issue permits for the discharge of dredged and fill material under the CWA is traditionally delegated to the Corps.

However, EPA's guidance summary states that the CWA gives EPA authority to deny a permit for discharge of dredged or fill material if it would cause or contribute to significant degradation of state or federal water quality. EPA's scientific findings show that valley fills have a substantial impact on both aquatic life and surface waters that feed into public drinking water. The summary cites two federal studies that found that waters downstream of valley fills show elevated levels of highly toxic and bioaccumulative selenium, and that nine out of ten streams downstream of valley fills show significant impacts to aquatic life. Such degradation to water quality could lead to significant impacts on the health of surrounding communities, warranting EPA review under the CWA.

In June 2009, EPA and the Corps entered into a Memorandum of Understanding (MOU), which established enhanced coordination procedures between the two agencies. The MOU allows EPA to conduct additional review with veto power over all permitting actions made by the Corps in regard to valley fills. EPA has stated that it properly entered into the MOU under its authority to issue guidelines to ensure that permitting decisions made by the Corps are in compliance with CWA.

Jackson has repeatedly stated that the guidelines are one step in a long process toward reducing coal mining pollution. EPA's main goal in issuing the guidance is to make an immediate impact in the quality of streams used for drinking water, fishing, and swimming. "Coal communities should not have to sacrifice their environment, or their health, or their economic future to mountaintop mining," Jackson said in the April 1 press conference. "They deserve the full protection of our Clean Water laws."

The National Mining Association filed its lawsuit in the U.S. District Court for the District of Columbia. Neither EPA nor the Corps has issued comments or a response to the lawsuit at this time.

**PESTICIDES**

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Published July 27 2010

**EPA plan could create more problems than it solves (*AG Week*)**

WEST FARGO, N.D. — The EPA has released a draft proposal for a National Pollutant Discharge Elimination System permit process for pesticide applications on or in water. This is a result of the 6th Circuit Court’s decision regarding National Cotton Council of America v. EPA.

By: Stanley Wolf,

WEST FARGO, N.D. — The EPA has released a draft proposal for a National Pollutant Discharge Elimination System permit process for pesticide applications on or in water. This is a result of the 6th Circuit Court's decision regarding National Cotton Council of America v. EPA.

Upon reviewing the draft proposal, the North Dakota Weed Control Association has several major concerns with the NPDES process and how the permit and subsequent regulations may affect noxious weed control. Some of the concerns are: will road rights of way require a permit, control of financing and control of decision within a treatment area and size of threshold areas just to name a few.

The permit documentation states that agricultural land is exempt from needing a permit, unless residue of a pesticide may enter the waters of the United States. Road ditches are designed to channel storm waters away from the road surface toward a collection point, usually a pothole, lake, stream or river. Does this mean that the county weed boards will need to apply for a permit for all road rights of way?

Another major issue is that the permit holder (county weed board) needs to have "control of financing" or "control of decision." Weed control boards offer private landowners a partial reimbursement of control costs through the Landowner Assistance Program. Also the weed control officer may issue a control order to the landowner to control their noxious weeds. Does the weed control board apply for a permit for all lands in the county? Also, all applicators need to be hired by the permit holder. Does that mean the weed control board had to "hire" all private landowners to apply herbicides on their own land?

Notice of intent

Once a permit is secured, a Notice of Intent needs to be filed if the area to be treated exceeds a threshold level. Now the fun begins. The NOI is basically a dissertation of everything that a weed control program is doing from identifying the target, describing the equipment used, how it is maintained, how it is calibrated, how the operators are trained to the types of control used from cultural, biological to pesticide. This NOI then will be posted by the EPA for public review for 10 days. If accepted, then the pesticide may then be applied. During the review period, anyone who thinks that the NOI is incomplete could challenge the permit.

This kind of oversight will be costly to weed control programs that operate on limited funds. The permit process offers no additional safeguards to the environment or additional instructions to the operators. All pesticide applications conducted by weed control pro-grams are highly regulated. All applicators need to be certified, pesticides must be approved by the EPA and registered with state agencies. Instructions on the pesticides label (approved by the EPA) are the law.

We ask the EPA to exempt noxious weed control programs from needing a permit for terrestrial noxious weeds in road rights of way. If not, the county weed control programs

may be reduced, meaning noxious weeds may increase their expansion on the Dakota prairies.

Information:www.ndweeds.homestead.com .

Editor's Note: Wolf is the North Dakota Weed Control Association president.

## SUPERFUND

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### Nuclear Waste Blending Proposal Could Violate Superfund Cleanup Policy (*Inside EPA*)

Posted: July 27, 2010
Activists are raising concerns that an industry proposal to blend two classes of radioactive waste to form a less potent mixture that could be disposed at facilities subject to less stringent regulation could create new opportunities for human exposures and might violate an EPA Superfund policy that discourages dilution of waste as a means of meeting regulatory requirements.

EnergySolutions Inc., the operators of a Utah disposal facility for Class A low level radioactive waste (LLRW) -- the least potent class of LLRW -- are urging the Nuclear Regulatory Commission (NRC) to allow them to blend Class B and C LLRW -- two more potent classes of LLRW -- in order to form a Class A mixture that could be disposed at their facility. The company is offering the proposal as a potential solution to a lack of available disposal space for Class B and C LLRW caused by a recent decision to allow only states belonging to the Atlantic Nuclear Waste Compact to send such waste to its disposal facility in Barnwell, SC.

NRC staffer James Kennedy explained during a July 20 meeting of the National Academies of Sciences' Nuclear and Radiation Studies Board that under the EnergySolutions proposal, the company would blend the Class B and C waste to create the Class A mixture at a Tennessee facility before shipping it to the Utah facility for disposal. NRC staff recently drafted an analysis of the proposal, which the commission is evaluating as it weighs whether to propose a rulemaking that would allow the blending, Kennedy said.

Not everyone in industry is supportive of the proposal however. Waste Control Specialists LLC, the owner of a proposed disposal facility for Class B and C waste in Texas that could potentially lose business if the waste is allowed to be blended and sent to Utah, is opposed to the proposal, Kennedy said.

During the public comment portion of the July 20 meeting, Diane D'Arrigo, of the activist group Nuclear Information & Resource Service, said activists are concerned that shipping the waste to the Tennessee blending facility before sending it to the separate disposal facility in Utah adds an additional step to the disposal process and therefore could open the possibility of additional human exposures to radioactivity, both near the Tennessee facility and along any relevant transportation routes.

D'Arrigo also argued that the blending proposal violates the spirit of Utah's agreement to accept Class A, but not more potent forms of radioactive waste. NRC should not propose a new rule to address what activists view as a business dispute between competing companies, D'Arrigo argued. "NRC should not change its rules to take sides in a business model debate," D'Arrigo said.

In addition, activists are concerned that allowing the waste to be blended so that it can be legally disposed as Class A waste at the Utah facility could violate an EPA Superfund policy discouraging the dilution of contaminated materials with other materials as a means of achieving a less-concentrated level of contamination called for by environmental regulations, one activist says.

**Environmental Assessment**

The blending dispute comes comes as activists are also monitoring a Department of Energy (DOE) plan to prepare an environmental impact statement (EIS) for the disposal of greater-than-Class C LLRW and urging that the EIS call for stringent disposal requirements.

DOE staffer Arnie Edelman said during the July 20 meeting that the EIS will evaluate several possible DOE sites at which to dispose the waste, including Hanford, WA, the Idaho National Laboratory, the Los Alamos National Laboratory in New Mexico, the Nevada Test Site, the Oak Ridge Reservation in Tennessee, Savannah River, SC ,and the Waste Isolation Pilot Plant in New Mexico. Potential disposal methods include enhanced near surface disposal, intermediate depth borehole disposal and disposal in a geologic depository, Edelman said.

But activists are concerned that under current NRC regulations, DOE could potentially elect to dispose of the waste in unlined trenches that activists believe are unprotective of the environment, the activist source says. In addition, activists are concerned that moisture at some of the disposal sites being considered -- such as Oak Ridge and Savannah River -- could cause the waste to leach into the environment. "Even [radioactive waste disposed in] Beatty, NV, leaked to the aquifer," the source says.

According to DOE's website, EPA will participate in the preparation of the EIS as a cooperating agency and the NRC will participate as a commenting agency. -- *Douglas P. Guarino*

**Town supports renewable energy venture (*Davidson News.net*)**

Posted By Karen Wilson On July 27, 2010 @ 12:13 pm In Beyond Davidson,Environment,Neighborhoods,Public works,Town Hall | No Comments

By KAREN CIMINO WILSON
DavidsonNews.net

A company called ReVenture wants to change the way communities across the country deal with waste, starting with plans for a renewable energy business park on 667 acres on the Catawba River in northwest Mecklenburg County. In approving changes in the county solid waste management plan this month, the town has thrown its support behind the idea.

At its July 13 meeting, Davidson's Town Board unanimously approved proposed changes to the county's solid waste management plan that would allow the county to contract with ReVenture for the recycling of yard waste. Town officials call the proposal exciting. Representatives from Mecklenburg County Solid Waste are meeting with cities throughout the county to ask for approval of the changes.

"I'm coming before you for a simple amendment to the solid waste management plan, but it has significant impact to how we manage solid waste in Mecklenburg County," Mecklenburg County Solid Waste Director Bruce Gledhill said before the board's vote on July 13. (See our coverage of the July 13 meeting [1].)

The ReVenture project would redevelop an existing hazardous-waste site that formerly belonged to Southern Dye Stuff. Chemicals seeped into the ground when the site belonged to Southern Dye Stuff, landing it on the Environmental Protection Agency's Superfund list of contaminated sites.

ReVenture would take up to 50,000 tons of county yard waste per year and use it to create fuel in a biomass power plant. Biomass encompasses the diverse fuels that can be made from timber, agricultural and food processing wastes or from fuel crops grown specifically for electricity generation. Most biomass power plants burn lumber, agricultural or construction and demolition wood waste.

Last year, Mecklenburg County handled 92,000 tons of yard waste.

"They would produce a fuel from that material," Mr. Gledhill said. "That is consistent with what we do now. About 40 percent can be processed. A year from now ReVenture would take 50,000 tons of our yard waste."

ReVenture also would take 370,000 tons of solid waste the cities and the county.

“The prospective agreement would take the waste from the county once the agreement with the landfill behind the Charlotte Motor Speedway expires,” Gledhill said, adding that the landfill by the speedway is owned by Republic.

Waste would start moving to ReVenture in 2012 at a cost of $25 per ton. Currently, the cost is $26.50 per ton.

“This is a 20-year relationship we would go forward with,” Mr. Gledhill said.

Tom McKittrick, president of ReVenture developer Forsite Development, told the town board the 667-acre site is zoned industrial and is located about 1.4 miles off Catawba River.

“It is currently listed as a Superfund site. We’ve been working with the EPA for a year to remove it from that list,” Mr. McKittrick said.

The company is also working to get a “brownfield” agreement with the state. “Our redevelopment plan is to create a renewable energy industrial park,” Mr. McKittrick said.

He said the biomass power plant would be the anchor. Plans also may include a water treatment plan, a 4-megawatt solar plant on a closed landfill and alternative fueling stations.

“The country is littered with large-scale industrial tracts. We think this a viable plan to use what’s there and promote renewable energy,” he said. “This is the largest project of its type in the country. We’re making extensive progress.”

Part of the plan includes acquiring the closed landfill, a 150-acre piece of property on Statesville Road. That landfill closed in 1970.

“This is the largest project of its type in the country,” McKittrick said. “We’re making extensive progress.”

Some environmental groups have voiced concerns about the proposed project.

Last week, the Central Piedmont Sierra Club and Sustain Charlotte launched a campaign against construction of the proposed incinerator.

Individuals from the Central Piedmont Sierra Club, SustainCharlotte and the Catawba Riverkeeper raised concerns that the waste will be incinerated and regarding the proposed wastewater treatment plant. Sustain Charlotte and the Sierra Club concerns included the documented public health and environmental impacts of incinerating garbage as well as the increased cost of incineration to taxpayers compared to waste reduction through increased reuse and recycling.

Mr. McKittrick told the Town Board the group has been working with the environmental groups to address their concerns.

“We’re working really hard with all the environmental groups to make sure we’re addressing all of their concerns,” he said. “Concerns are air emissions and recycling. Are we competing with recycling?”

Mr. McKittrick said the ReVenture project would complement the county’s recycling program. He added that the project is looking at gasification.

“We’re looking at a gasification concept. We’re not proposing an incinerator,” he said. “We think this is a great use of this site.”

Any property not used in the project would be put into a conservation easement, McKittrick said.

“It’s an exciting prospect of turning waste into energy,” Davidson Mayor John Woods said about the project.

Mr. McKittrick said the project is focused on turning waste streams into fuel or energy.

“We’re in a paradigm shift on how waste streams are handled,” he said.

**TOXICS**

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**EPA Faces Rash Of Data Quality Petitions Over Key Chemicals Issues (*Inside EPA*)**

Posted: July 27, 2010
EPA is facing a spate of petitions from the chemicals industry asking the agency to review and justify under the Data Quality Act (DQA) the science supporting recent agency risk assessments and management plans for key chemicals like methanol, arsenic and phthalates -- the first of what could be a number of petitions questioning agency decisions.

Recent petitions include a July 9 request for correction (RFC) from the Methanol Institute asking EPA to remove key documents relating to the agency’s methanol risk assessment because of concerns over data from a controversial Italian lab; a June 14 RFC from the Organic Arsenical Products Task Force and Wood Preservative Science Council questioning the scientific literature used in EPA’s arsenic risk assessment; and a May 10 petition from a leading chemical trade group raising issues with the scientific underpinnigs of the agency’s chemical management plan for phthalates.

The DQA generally requires EPA and other federal agencies to ensure that scientific and other data used to develop policy stances are objective, reproducible and peer-reviewed. The law requires agencies to accept and respond to petitions to correct allegedly flawed data used in rulemakings and other decisions.

In addition to the chemicals petitions, industry and other groups have also filed petitions questioning data-based decisions about the insinuations in a lead safety advertising campaign and the greenhouse gas impacts of coal ash reuse.

The petitions could also receive a boost from a recent court decision potentially paving the way for judicial review of the claims (*see related story*).

But absent judicial review, the pace of DQA petitions has slowed. Prior to the most recent RFCs, the last petition filed was one from the National Association of Manufacturers in 2009, which challenged the science behind EPA's nitrogen dioxide air quality standard.

According to the letter from the Methanol Institute, EPA in its Integrated Risk Information System (IRIS) assessment of methanol relied on a "flawed study" conducted by the Italy-based Ramazzini Institute. EPA has already put six high-profile studies, including methanol, on hiatus to further determine whether revisions are needed for the IRIS assessments that were based on studies done by the lab.

But the group says the draft assessment including the Ramazzini data violates "EPA's criteria for objectivity and utility of disseminated information," as set out in the agency's guidelines for data quality, and asks EPA to remove the draft study, a charge to external reviewers and supporting files from the agency's website, the IRIS website and the public docket. "The further dissemination of such a flawed data is inappropriate and would be highly problematic for those that rely on the information," the group says.

The arsenic groups in their petition argue that the draft arsenic risk assessment violates the agency's data quality guidelines, particularly because of "EPA's astonishing insistence to over-rely on study data from Taiwan that are over 50 years old and lacking in relevant exposure data," according to the letter.

**SAB Review**

EPA's long-delayed arsenic IRIS assessment is currently undergoing review by the Science Advisory Board (SAB). The arsenic groups also raised many of the issues in the DQA petition with the SAB in public comments earlier this spring.

The arsenic groups also argue that EPA has failed to consider some 73 scientific studies published since 2007, the cutoff for studies in the assessment, the letter says. "Not only does this omission run counter to the 'best available science' standard [in the EPA guidelines], but it fails to take into account research conducted with specific reference to questions raised by the SAB in 2007."

Further, the groups raise questions about some 212 studies from 1999-2007 not taken into consideration in the assessment; the fact the assessment does not consider all relevant information on mode of action (MOA) "rather than . . . summarily adhering to the notion of 'multiple MOAs'"; and the need for a meta-analysis to estimate the risk from low exposures to arsenic, among other data issues.

Industry is also raising DQA-related questions about EPA's chemical action plans, which seek to use existing authority under the Toxic Substances Control Act to better regulate chemicals of concern. To this end, the American Chemistry Council (ACC) recently filed a petition asking EPA to correct a number of "factual errors" in the agency's chemical action plan for phthalates, which was issued last December. The plans outline actions the agency plans to take, including rulemakings, to deal with chemicals of concern.

In the request, the ACC questions EPA's discussion of "phthalate syndrome," or effects on the reproductive system; references to other adverse effects, such as shortened pregnancy and lower sperm quality; and the explanation of the six phthalate bans included in the Consumer Product Safety Commission Improvement Act. ACC says EPA did not distinguish between the three phthalates the law banned in children's products and three phthalates subject to a provisional ban pending a new risk assessment.

"The accuracy of the information presented in the plan is commensurate to the scientific integrity of EPA's potential subsequent actions and the regulatory message these actions convey to the market place and general public," according to the ACC petition.

But the Center for Progressive Reform, which supports stronger regulatory protections, says in a July 1 blog post that petitions like the ACC request "are just tools for slowing the regulatory process and creating disincentives for federal agencies to release information that might help the public make its own decisions about risks," rather than accuracy. "Someone at EPA . . . will have to spend a few days or weeks rebutting ACC's arguments and dealing with the inevitable appeal when the [request] is rejected," the post says.

According to the EPA website, the agency has notified all the petitioners of the receipt of the RFCs. The agency tries to respond to DQA petitions within 90 days, according to the website. -- *Aaron Lovell*

**WATER**

**==========**

**Officials pledge improved data access (*Wilmington News Journal*)**

Suppliers confident of water quality, safety
By MIKE CHALMERS • The News Journal • July 27, 2010

State and federal agencies are working to improve public access to water-quality data in the wake of The News Journal's report showing little has been done to tell Delaware residents about pollution threats to their drinking water.

Water tests showing high levels of pollution at several industrial sites have been either not reported to the public or posted on obscure pages of the state's website, the newspaper found.

"A lot of the information is available in some form, but as far as making it more accessible, we could do a better job with that," said Collin P. O'Mara, secretary of the Department of Natural Resources and Environmental Control.

"It needs to be presented in a way a lay person can understand," O'Mara said.

The News Journal found, for example, that a 2006 test of the Potomac Aquifer west of Delaware City found levels of benzene and a now-banned gasoline additive that were 160 times greater than the federal standard for safe drinking water.

DNREC, though, never reported that finding.

The newspaper's series also concerned Marianne Roken, of Mill Creek. While caring for her 3-month-old son Monday morning, she gave a second look to her under-sink filtration system because it doesn't remove the troubling chemicals highlighted in The News Journal's report.

"This morning, I'm mixing his formula with tap water and thinking, 'I don't know what's in this,' " Roken said.

Roken said she will press legislators and the state to address the pollution of the region's deep-water aquifers.

"When I moved to Delaware, I found out from neighbors that everyone drinks bottled water or filters their tap water," Roken said. "But I always thought there were government regulations to handle all this."

Roken said she was frustrated that Artesian Water Co., which supplies her tap water, did not address The News Journal's findings on its website Monday. The company has posted only its annual water- quality report, she said.

"I'd like to know if they're aware of the problem and what they're doing about it," Roken said.

Joe DiNunzio, executive vice president for Artesian Water, said the company knows about the problem and tests its water constantly to make sure it is safe to drink.

"The articles, appropriately, are raising the alarm about what's happening to the sources of water," DiNunzio said. "But the article didn't raise concerns about what's reaching the tap."

He said a website response might be necessary if more people express concerns, but as of Monday afternoon, only two customers had called.

Thomas Hubbard, spokesman for United Water Co., said his company received two calls from concerned customers Monday. They were told that the company's water meets or exceeds federal safety standards, he said.

Water-quality regulations are too weak to prevent water pollution, said Leeann Brown of the
Environmental Working Group, a nonprofit advocacy organization based in Washington, D.C.

"Human health has taken a back seat to industry interest far too long, and unfortunately, the damage is not easily, if ever, going to be undone," Brown wrote in a statement. "To add insult to injury, the victims are having to pay the price for the heinous crimes of neglect in northern Delaware."

O'Mara said his agency is working with the state Division of Public Health and the federal
Environmental Protection Agency to get more information to the public about water quality and
the progress of cleanup projects. He said Delaware would go beyond the requirements of federal law for public notifications.

Gov. Jack Markell ordered state agencies to improve their efforts, spokesman Brian Selander said.

"Delawareans should have easier access to test results concerning the quality of our groundwater," Selander said.

EPA spokesman Roy Seneca said the federal agency is always looking at improving its website to provide more information to the public.

O'Mara also said the state agency is looking for ways to clean up pollution sites more quickly.

"A lot of this work is ongoing, but we wish it could go faster," he said.

Dover City Manager Tony DePrima said city officials have long been aware of water-quality issues in the region, including the underground plume of cleaning solvents and hydrocarbons from a defunct coal-gas plant and former dry-cleaning plant.

"We've never had any report that this pollution near the surface is any threat at all to our deep-water supplies," DePrima said.

The EPA did send a letter to DNREC three months ago warning that a drilling project in Dover could allow "extensive" contamination to leak into "deeper water-bearing zones used by the City of Dover for drinking water."

Three or four people called Atlantic Coast Laboratories on Monday about getting their water
tested, including at least one from the Delaware City area, said Ruth Pyle, customer-services manager for the Newark-area company.

"I'm surprised there weren't more," Pyle said. "There will probably be more as the week goes on."

Tests range from simple ones to detect bacteria or nitrates, which cost about $20, to those finding
more serious volatile organic compounds, which can cost a few hundred dollars, Pyle said.

Contact Mike Chalmers at 324-2790 or mchalmers@delawareonline.com.

**Long-term spill effects concern health officials (*Battle Creek Enquirer*)**

Spill thought to be among state's worst
Elizabeth Willis • The Enquirer • July 27, 2010
An oil spill considered one of the largest in Michigan history is expected to have lasting consequences for underground water contamination, Health Officer Jim Rutherford of the
Calhoun County Public Health Department said this morning.

“It's not going to show up right now, but over time there is a real possibility that it will leach into the water supply,” Rutherford said. “I think it’s inevitable that, with as much as has leaked, that it will get into the water supply.”

“This is something that we will be monitoring for a long time.”

It is possible that because the original source of the contamination was in a wetland, which has a natural clay barrier that prevents water from seeping deeper into the ground, that groundwater in the worst-hit area will be somewhat protected, Rutherford said.

Officials are telling people to stay away from the river and its tributaries which have a pungent smell and are highly flammable.

“We don’t want residents to take any chances,” he said. “That is a very toxic environment right now.”

Groundwater supplies have not been tested yet, because the more immediate threat has been to air quality, he said. Throughout the county residents have complained of unpleasant odors.

Environmental Protection Agency officials have set up a mobile laboratory to quickly sample air quality for volatile organic compounds including benzene. No confirmed reports of higher-than-acceptable levels have been reported yet, although two homes were evacuated yesterday as a precaution.

Rutherford said the spill could reach the Kalamazoo County line by this afternoon.

**Contaminated groundwater threatening Potomac Aquifer (*WaterTech Online*)**

7/27/2010 12:04:24 PM
WILIMINGTON, DEL. — Plumes of dangerous chemicals are spreading through groundwater in Northern Delaware, posing a serious threat to the Potomac Aquifer, which supplies drinking water to thousands of residents in Delaware, Maryland and New Jersey, The News Journal reported.

High concentrations of industrial byproducts — such as benzene, vinyl chloride and chlorinated benzenes — have been found in areas near Delaware City and New Castle, the article stated.

State regulators and the U.S. Environmental Protection Agency (EPA) previously claimed that deep layers of clay protected the aquifer, but scientists now say the protective layer is full of holes, according to the story.

“We’ve not studied nearly as much the link between water pollution and various health outcomes,” said Collin P. O'Mara, state secretary of Natural Resources and Environmental Control. “Water is probably the greatest environmental challenge facing the state right now.”

**Gift for North Pole: Say it with sewers (*Washington Post*)**

By Al Kamen
Wednesday, July 28, 2010; A13
Christmas in July for Santa? Tucked away in the fiscal 2011 appropriations bill for the Interior Department and the Environmental Protection Agency is a $1 million earmark, inserted by Rep. Don Young (R-Alaska), to be given to the "City of North Pole for industrial force sewer main."

The sewers-for-Santa earmark apparently comes after years of complaints about plumbing problems by Mr. and Mrs. Claus and the Elves' Union Local 63 to the Occupational Safety and Health Administration.

Actually, as it turns out, North Pole, Alaska, is a town (population 2,200) about 1,700 miles south of the real North Pole. Some developers, hoping to induce toy manufacturers to come in, gave the town its name. The toymakers never showed up, but if the hot weather and power outages have you thinking about getting out of Washington, you should know that the Fairbanks suburb boasts the famous Santa Claus gift shop and -- drum roll -- the world's largest fiberglass statue of Santa.

Even though no toy factories ever got there (most having ended up in China and other countries), the town was still in need of improvements to the sewer system. Earlier this year the residents got nearly $3 million in stimulus funds -- including $300,000 for a truck to clean out the sewage pipes and something called a "sewer lift station," which lifts the pipes at certain points to enhance flow so things don't get backed up.

That money was part of the $40 million in federal aid that Alaska got for water and wastewater projects. Sixteen other Alaska towns got money for water and sewer projects, including now-famous Wasilla, home of former governor Sarah Palin, which got $1.2 million for a sewer-cleaning truck, reservoir insulation and other improvements.

Well, waste not, want not. Certainly more useful than the Bridge to Nowhere.

Tales from the C-list

Britain's panel investigating that country's role in the Iraq war is looking to wrap up its work maybe at the end of this year or, more likely, in January.

The panel has discovered some interesting nuggets that made news over there, such as one from former Iraq viceroy and now landscape artist L. Paul "Jerry" Bremer about how the Brits were totally on board with the controversial dismantling, or "de-Baathification," of the Iraqi army after the 2003 invasion. None of the top British officials involved "expressed the view" that the former Iraqi army should be reconstituted, Bremer told the panel.

Last week, the former head of MI5 (the British equivalent of the FBI), Baroness Eliza Manningham-Buller, made some news with her testimony that "there was no credible intelligence to suggest [a] connection" between Saddam Hussein and 9/11, "and that was the judgment, I might say, of the CIA."

Problem is, former CIA director George Tenet, who was probably on the invite list to appear before the panel when it came to Washington in May, did not talk to the commission, so there will be no response from him.

The British are not saying who declined to chat, but it's pretty easy to figure it would be the usual suspects. They didn't talk with any of the senior-most pre-invasion planners, such as George W. Bush, Dick Cheney, Colin Powell, Condoleezza Rice, Donald Rumsfeld, Stephen Hadley, Scooter Libby, Paul Wolfowitz, David Addington or Douglas Feith.

Those folks, and others likely to have been invited, declined, as we reported in March, because they felt it would be time-consuming and because of the precedent that would be set of being questioned by a foreign investigative body. As a result, the report may not, at least from the American perspective, provide as full and accurate a picture as the panel might have wanted.

Still, the British group did meet with, in addition to Bremer, 15 mostly post-invasion U.S. officials, including retired Gen. David McKiernan, top Bremer adviser Walter Slocombe, former National Security Council senior director Frank Miller and former ambassador Ryan Crocker.

Those sessions, unlike the ones in Britain, were informal and private, so there is no public transcript of what was said.

Not the leakiest of leaks

The International Broadcasting Bureau apparently responded Monday to WikiLeaks' massive dump of classified documents with this e-mailed instruction to Voice of America employees.

"It has come to the attention of the IT Directorate and the IBB Office of Security, that some agency employees would like to download material related to the story that appeared on the front page of the Washington Post regarding leaked classified material about the US efforts in Afghanistan and Pakistan. There are a number of documents currently available on the Internet that are classified as secret or higher. While this material has been leaked, it has not been officially de-classified and, for our purposes, is still considered classified material. Our agency network, storage systems, and e-mail are not classified systems and cannot have classified material stored on them. Please do not download, browse, or email any of these files from agency computers."

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The Gaddafi files

Speaking of witnesses and panels, the Senate Foreign Relations Committee had scheduled a hearing for Thursday afternoon titled "The Al-Megrahi Release: One Year Later."

This apparently was to look into reports that BP, now facing a serious economic hit for that massive oil spill in the Gulf of Mexico, lobbied the British government to release Abdel Basset Ali al-Megrahi, the Libyan intelligence agent convicted in the bombing of Pan Am Flight 103. The company, so the story goes, was hoping to smooth its oil-exploration talks with the government of dictator and fashion trendsetter Moammar Gaddafi.

As of Tuesday afternoon, however, the only word on the lineup for the hearing was a note that said "witnesses to be announced." The problem may be that some of the people the committee most wanted to talk to -- folks from BP and the British government, for example -- were a bit reluctant to appear.

Maybe the Libyans would send someone? Apparently not; the hearing was canceled.

The final days

Hurry on down. Sorry for the late notice, but Wednesday is your last chance to go after Office of Management and Budget Director Peter Orszag over the federal deficit, budget outrages and the like. Orszag, whose last day is Friday, is headed, at least temporarily, to the Council on Foreign Relations as he probably ponders a more lucrative post.

Orszag will be at the Brookings Institution at 10:30 a.m. "to discuss the economic and fiscal accomplishments of the Obama administration." Should be interesting. It's a press briefing, but he'll take questions from the audience, the announcement says. To paraphrase President Richard M. Nixon, after Friday you won't have Orszag to kick around anymore.

**Toyland receives a rather practical gift (*Washington Post*)**

July 28, 2010 Wednesday
Suburban Edition
A-SECTION; Pg. A13
Maryland
By Al Kamen
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**Pennsylvania towns get more time to develop storm-water plans (*Philadelphia Inquirer*)**

July 28, 2010 Wednesday
CITY-C Edition
NATIONAL; P-com News for PC Home Page; Pg. A01
By Sandy Bauers; Inquirer Staff Writer
After months of trying to impose tough new rules for how towns should manage their storm water, Pennsylvania regulators on Tuesday backed off and granted municipalities a nine-month extension for measures some had termed "draconian."

Towns were to have submitted plans by Sept. 10 detailing how they would comply with new rules to handle the gushers of rain that often flow through culverts directly into streams, carrying with them road oil, fertilizer, trash, and other pollutants.

But anxious local officials pushed back, calling it an unfunded mandate and worse.

The way they read an initial ordinance floated earlier this year, they would be forced to spend millions of dollars sweeping salt off roads after storms, installing storm-sewer retrofits, and even requiring residents to submit storm-water plans for patios.

The state Department of Environmental Protection originally resisted an extension. But in an interview Tuesday, John Hines, the department's deputy secretary for water management, said that one would be granted after all. He said he expected a formal announcement by mid-August.

"We have heard their concerns," Hines said. "But in this extension period, we all have a lot of work to do, and we need to do it together."

Pennsylvania - like other states - is trying to solve one of the thorniest environmental problems involving the nation's waterways.

Since the passage of the **Clean Water Act** in 1972, environmental officials have made strides in dealing with the pollution that comes from industrial pipes and other identifiable sources, called point-source pollution.

But as suburbs have grown, storm water - non-point-source pollution because it originates everywhere - has become "a bigger portion of the pollution equation," said Jon Capacasa, director of the water protection division for the **Environmental Protection Agency's** Mid-Atlantic region.

While many states have regional storm-water authorities, Pennsylvania must corral a host of smaller towns, each with a limited purview and, especially, limited funds.

Decades ago, most close-in suburban towns dealt with storm water as a flooding concern, installing large pipes to drain it into waterways as fast as possible.

But erosion became a problem. With algae blooms caused by an excess of fertilizers and other nutrients, populations of fish and other aquatic organisms suffered.

So, beginning in the 1980s, the preferred method was to dig a large hole - a detention basin - that would capture the initial sluice of rain, releasing it gradually.

Surveys have shown that many no longer work. They have become clogged with silt, their pipes corroded and their berms collapsed.

"If we're going to . . . have clean streams, we have to deal with the non-point-source pollution," said Robert G. Traver, director of Villanova University's Urban Stormwater Partnership. "There is not a question there."

This year, the noose began tightening.

As he learned more about the state's proposal, Michael Fox, vice chair of the Montgomery Township Board of Supervisors, became worried.

He eventually called the state's approach "draconian." He and others thought they were being asked to undo 150 years of industrialization in one five-year permit cycle.

In a township with a $12 million annual budget, the engineer told Fox it would likely cost $6 million to retrofit its 2,000 storm drains.

The way Fox understood it, anyone building a patio larger than 250 square feet - 25 feet by 10 feet - would have to hire an expert to devise a storm-water plan, adding "thousands of dollars to a project that has been a fairly humble home improvement all these years."

In addition, the township would have to inspect it regularly, and who has staff for that?

Seeking strength in numbers, Fox formed a storm-water coalition. Last week, more than two dozen municipal officials attended a coalition meeting. By then, 30 towns had passed resolutions to join the group and pledge funds, based on population.

The coalition planned to use the money for engineering expertise and, if necessary, legal fees.

Told of the extension, Fox said he was encouraged.

In New Jersey, permits issued in 2004 required 457 urban municipalities to institute a checklist of activities.

By 2008, 99 percent of the municipalities had adopted storm-water control ordinances, and 300,660 tons of trash had been removed from New Jersey streets, 1.27 million miles of roads had been swept, and so on.

But Bill Wolfe, director of the environmental nonprofit group NJ PEER, said that despite progressive components, oversight had been poor and implementation "spotty, at best."

Experts predict storm water will be at the top of the list of issues municipalities must deal with in the next few years.

"Everybody agrees on the end result," said Elam Herr, an official with the Pennsylvania State Association of Township Supervisors. The question is how to get there.

"All we know is that things are going to. . . cost more money," Herr added.

Trouble is, there isn't any.

During the era of point-source pollution, facilities got "all kinds of money" from federal

and state agencies, said Jeffrey Featherstone, a regional planning professor at Temple University. Now, "the municipalities consider this an unfunded mandate."

Ed McBride, vice chair of the Upper Merion commissioners, said his township had been all but ready to lay off employees in the last budget cycle. He said the storm-water mandate would make the situation far worse.

Meanwhile, the science of storm water has changed dramatically.

It's not just pipes and holes in the ground, but streamside "buffering" with trees and other plantings to retard and absorb the runoff. Or "rain gardens" in developments to do the same thing. Or porous pavement to let rainwater soak back into the ground.

Town officials and others say they want broader fixes with more flexibility, not one-size-fits-all regulations.

A rural upstream town with more open space, for instance, could install a large infiltration area, with financial help from a downstream community with no land to do likewise.

The DEP's Hines said his agency wants to look at more options like these, focusing on results.

Last year, the nonprofit Pennsylvania Environmental Council hired Temple researchers to fan out across the Wissahickon Creek watershed and identify storm-water improvements. They came up with about 300.

"These could be bartered by the municipalities as part of a trading system," Featherstone said. "But in order to do effective trading, you have to have a good plan."

Contact staff writer Sandy Bauers at 215-854-5147 or sbauers@phillynews.com.

Visit her blog at http://go.philly.com/greenspace.

**Toxic algae prompts YMCA to close lake in Logan County (*Columbus Dispatch*)**

Concern about toxic algae has spread to yet another Ohio waterway this summer, this time prompting officials to close a lake at a Logan County summer camp.

The YMCA of Central Ohio closed the 60-acre Silver Lake at Camp Willson near Bellefontaine after workers noticed a bloom of cyanobacteria, more commonly called blue-green algae, in the water on July 14.

Two water samples taken at the lake contained microcystin, a liver toxin caused by the

algae, said John Bickley, the YMCA's president and CEO. One sample showed the toxin at a level 50 times higher than a World Health Organization safety standard for swimmers.

Bickley said 19 campers developed rashes, but no one is sure whether the lake water was to blame.

"This caught us way off guard," he said.

Heavy rainfall and high temperatures this summer have combined to create big problems with toxic algae across the state.

The issue emerged in June at Grand Lake St. Marys in western Ohio, when blue-green algae grew so dense that it created a crust littered with dead fish. The state is warning people not to touch the lake's water, boat in it or eat fish caught in it.

Algae blooms that plague the shallow western basin of Lake Erie popped up this year about a month earlier than normal. This week, researchers said they recorded high concentrations of phosphorus in two tributaries that feed the lake.

Algae feed on phosphorus from manure and fertilizers that run off farm fields. Algae also feed on phosphorus from untreated sewage.

Officials are monitoring Buckeye Lake and are considering additional tests at Burr Oak State Park's lake, where an algae bloom was first noticed July 15.

Test results released last week found no microcystin in the Burr Oak water. Ohio Environmental Protection Agency officials said today that they identified the type of blue-green algae, a species called anabaena.

The state is warning Burr Oak visitors to "minimize contact" with any algae they see in the lake.

"Our staff has not seen a bloom at the lake in about a week," said Mike Shelton, a spokesman with the Ohio Department of Natural Resources.

State officials are not involved with the testing at Silver Lake, which is privately owned.

EPA spokeswoman Heather Lauer said the agency has received about a half-dozen calls this summer from people reporting green water or potential algae blooms at other privately owned lakes.

"We've suggested that people draw their own samples or have a private contractor draw the samples for them," she said.

Bickley said a second round of tests found no microcystin at Silver Lake. He said the

lake might reopen this week if a third test comes back negative for the toxin.

"We need to have two 'no detection' results before we can reopen the lake," he said.

shunt@dispatch.com

**Towns won't get grant for stormwater study (*Milford Daily News*)**

By Melanie Graham/Daily News staff
Milford Daily News
Posted Jul 27, 2010 @ 11:52 PM
The federal Environmental Protection Agency has announced it will not award a $300,000 grant that would have funded research aimed at creating a utility agency to deal with stormwater runoff in Franklin, Bellingham and Milford.

While local lawmakers and town officials have expressed disappointment in the decision, the EPA has vowed it will continue to seek funding sources to research the possibility of a stormwater utility in the three communities.

"We were very surprised when we got the notification," Milford Town Engineer Mike Santora said. "After all, (the EPA) encouraged us to apply for it."

Ken Moraff, deputy director for the office of ecosystem protection at the New England chapter of the EPA, said the study would have looked into different management structures the three towns could set up to help facilitate proposed new stormwater regulations facing the three towns.

A stormwater utility, which would function much like a sewer or water utility, would provide a funding source for more efficient stormwater systems that could serve a whole community rather than individual properties, Moraff said.

Santora said the three towns joined to apply for the grant to split the cost of hiring a professional consultant from Bay State Environmental, who assisted with the application process.

Although the town only pitched in a few thousand dollars, Santora said it was disappointing to learn the grant preparation was a "wasted effort."

"In these tight (economic) times, a few thousand dollars is a few thousand dollars," Santora said. "If we didn't think we could get the grant, we wouldn't have bothered doing it."

Franklin DPW Director Robert "Brutus" Cantoreggi said each town contributed $5,000 for the application, money he said he could have used to make stormwater improvements around town.

"I'm dumbfounded by (the denied request)," Cantoreggi said.

The new federal stormwater rules are being handed down through a Residual Designation Authority permit, which is an EPA pilot program. It looks to reduce phosphorous in the Charles River by regulating stormwater runoff from properties in Milford, Bellingham and Franklin.

The Charles River Watershed Association says stormwater runoff is the largest source of pollution for Massachusetts waters.

The EPA has told local officials that businesses in town will spend an estimated $6,000 to $120,000 per acre on new systems to control the runoff.

But the watershed association disagrees with those numbers. It estimates the cost to be somewhere between $10,000 and $28,000 per acre.

Along with the draft permit for businesses, towns across the watershed will be asked to change their stormwater regulations through a separate, municipal permit. Milford has estimated it will spend $35 million to $60 million for the changes.

Reducing phosphorous in the Charles River is crucial to both the health of the river's ecosystem and the health of its users, environmental groups say.

Increased phosphorous leads to overgrowth of vegetation in the river, which throws off the balance of the river's ecosystem.

Increased growth of certain types of algae creates health hazards for people and pets swimming in the river or the lakes and ponds connected to it, groups say.

Santora said it is possible the town will conduct a similar study through the Metropolitan Area Planning Council, but it will not be as comprehensive as the one planned by the EPA.

State Rep. John Fernandes, D-Milford, echoed the feelings of Santora and Cantoreggi.

He said that although the grant would not fund the actual stormwater systems, it would help the towns research funding solutions for the costly mandate.

"It's disappointing when you get told to try something and then you are turned down," Fernandes said.

David Deegan, a spokesman for the EPA's New England region, said yesterday the grant sought by the three towns was a national competitive grant funded through a wetlands program. Each application is assessed by a review panel, and the highest-ranked proposals are awarded the funding.

"We're still aggressively looking into different funding possibilities, and we're optimistic that we'll be able to find something for the towns," Deegan said.

Deegan said everyone in the regional office is committed to working with the towns and finding funding sources for research.

The EPA is looking at other regional and national grant opportunities as well as room in its own budget to help the three towns, Deegan said.

At Monday night's Milford Board of Selectmen meeting, Milford Town Administrator Louis Celozzi said Franklin Town Administrator Jeffrey Nutting plans to hold a meeting next week with Celozzi, the EPA and other officials from the three communities to discuss more options for funding.

"We want to do what we can to help this project," Deegan said. "We want to relieve some of the burden on the communities, and at the same time, put the communities in a situation where (the project) will have a positive result for them."

Environmental groups have said the improved quality of Charles River water will help drinking water resources as well as property values for the communities along the river.

U.S. Rep. Richard Neal, D-2nd, said yesterday he has made the stormwater regulations a top priority and is looking to continue discussions about funding sources.

"While this most recent request for funding was denied, I will continue to work closely with town officials and the EPA to secure the federal resources necessary to solve this environmental problem," Neal said in an e-mailed statement. "I am confident that progress will be made soon."

Earlier this month, Neal held a meeting with the EPA at which he, along with local and state officials, requested the permit's public comment period be extended by six months.

The EPA agreed to extend the comment period three months, with local residents, officials and businesses allowed to submit opinions and suggestions to the EPA until Sept. 30.

Melanie Graham can be reached at 508-634-7582 or mgraham@cnc.com.

**Swimming advisory posted in Corolla, N.C (*Virginia Pilot*)**

COROLLA, N.C.
A swimming advisory was posted in Currituck County at an ocean site where North Carolina environmental health officials found bacteria levels that exceed water quality

standards.

The advisory was posted at a beach access at Corolla Village Road, a news release from the state Division of Environmental Health said.

State officials will continue testing the site and remove the sign when bacteria levels decrease to levels below state and Environmental Protection Agency recreational water quality standards.

Environmental health officials sample 240 sites throughout the coastal region – most on a weekly basis – from April to October.

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