**U. S. Environmental Protection Agency**
**E-Clips**
**Prepared by the Office of Public Affairs**

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**ADMINISTRATOR JACKSON**

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Tuesday, December 15, 2009 4:52:36 PM

**Enzi: Copenhagen and EPA Announcement have Double Disaster Potential (*American Chronicle*)**

Congressional Desk
December 15, 2009
Washington, D.C. – While climate change discussions continued at the United Nations Climate Change Conference in Copenhagen, Denmark, U.S. Senator Mike Enzi, R-Wyo., expressed concern about a sweeping announcement by the Environmental Protection Agency that could suffocate the economy and kill jobs and business production in the United States.

"Administrator Jackson´s announcement comes at a bad time for Americans who are struggling to keep their families afloat this holiday season. It is not a good idea to pressure Congress into passing climate change legislation that will kill jobs, raise energy prices, and make goods and services more expensive. Unelected bureaucrats at the EPA should not be making decisions of this magnitude and it is wrong for the Administration to use this backdoor method to implement their radical environmental agenda."

"This finding could lead to federal regulations affecting everything from vehicles to coal-fired power plants," said Enzi. "While the Senate needs to approve any treaty or agreement that could come out of the Copenhagen Conference, the EPA could have free reign over carbon emissions from now on, without Senate approval. This is not the role the EPA was ever intended to play."

EPA Administrator Lisa Jackson announced that carbon dioxide and seven other greenhouse gas emissions pose a danger to the public´s health and welfare. This announcement allows the EPA to use authority from the Clean Air Act to implement a nation-wide carbon emissions cap if Congress fails to enact climate legislation.

In 2007 the Supreme Court ordered the EPA to determine whether greenhouse gases qualify as a pollutant under the Clean Air Act.

**Midterm elections can't come soon enough (*Cape Cod Times*)**

December 15, 2009 2:00 AM
On Dec. 7, EPA administrator Lisa Jackson labeled carbon dioxide a danger to public health. But as most of us already know, this has been the "consensus" of like-minded people for generations.

And no, I'm not referring to $CO_2$ as a contributor to man-made climate change, but something more troubling.
As most of us know, every time a politician opens his or her mouth and emits forth hot $CO_2$ gas, we all lose something — a job, money and, worst of all, our freedom.

The avalanche of new regulations that are sure to be coming will only speed the outsourcing of manufacturing jobs to China, make us pay more to heat or cool our homes and limit our choice of products we can buy. Bad SUV, good Prius. Bad mercury-filled thermometer, good mercury-filled CFL light bulb.

But not to worry; we'll all have government (welfare) jobs soon. So pay no attention to that Climate Research Unit "scientist" behind the EPA curtain.

I can't wait for the midterm elections. Anyone else?

Chris Howell

Sandwich

**The Ebony Power 150 Government (*Ebony Magazine*)**

Ebony December 2009/January 2010
Ebony
December 2009/January 2010 EDITION

THE EBONY POWER 150 GOVERNMENT; Pg. 73 Vol. LXV No. 2

**MICHELLE OBAMA**

First Lady of the United States

So much for the angry Black woman. It didn't take long for America to discover what Black America already knew: That the first lady is not only smart and glamorous, but has a heart as big as any of her predecessors. Kudos for bringing awareness to nutrition and service to those less fortunate.

3. **ERIC HOLDER**

U.S. Attorney General

Here's to you, Mr. Holder--for not biting your tongue and for speaking up for what's right. Finally, the Justice Department may actually carry out real justice. Holder has already rolled back the Bush administration's policies on torture, disparities in sentencing and racial-profiling laws.

4. **VALERIE JARRETT**

Senior Advisor to President Obama

The true "power" behind the power. Jarrett has gone from Chicago's power elite to White House point person on health care reform and the economy, to women's issues and even the Windy City's failed--but respectable--Olympic bid.

5. **SUSAN RICE**

U.S. Ambassador to the United Nations

The Sister knows the intricacies of foreign policy possibly better than anyone in the Obama administration. She's talking tough to Iran, defending Obama's Afghanistan strategy and crafting U.S. policy toward Darfur, Rwanda and other African hot spots.

6. **LISA JACKSON**

Administrator, **Environmental Protection Agency**

Call her "The Cleanup Woman." Jackson is already tackling environmental justice issues in regard to water, air and soil in Black communities. As one of the president's point persons for his green agenda, she has been outspoken in her criticism of the Bush administration for showing little regard to environmental issues.

7. **RON KIRK**

U.S. Trade Representative

He travels the world promoting U.S. trade, particularly pushing for global opportunities for small and minority-owned businesses. When he's in D.C., he can usually be found on the golf course with the president. How cool is that?

8. **REP. JAMES CLYBURN**

Majority Whip, House of Representatives

**REP. CHARLES RANGEL**

Chair, House Ways & Means Committee

**REP. BARBARA LEE**

Chair, Congressional Black Caucus (CBC)

"The Stim' Pack." They are three members of the increasingly powerful 42-member CBC, who teamed up to craft a plan steering billions of dollars in stimulus money to African-American communities. They also worked with their CBC colleagues to make sure the health care bill addresses disparities between Blacks and Whites.

**9. MELODY BARNES**

Director, White House Domestic Policy Council

Finally, a policy wonk who's easy on the eyes. Barnes is the brains behind virtually every domestic policy initiative that comes out of the White House.

10. **DESIREE ROGERS**

White House Social Secretary

She's the ultimate socialite. Because of her, possibly more Blacks have been invited to the White House in the past year than during the entire first term of President George W. Bush. She also gets kudos for opening up the White House to disadvantaged students.

**GOVERNMENT FACT:**

Five states (Florida, Georgia, Maryland, Texas and Virginia) have African-American supreme court chief justices, and the D.C. Court of Appeals has a Black chief judge.

**EDITORIAL / COMMENTARY / OP ED /LETTERS**
**==========**
Dec. 16, 2009

**Water, water everywhere (*Las Vegas Review-Journal*)**

And federal bureaucrats want control
In the past, the U.S. Supreme Court has tended to "split the baby" in deciding how far the Environmental Protection Agency and the Corps of Engineers can go in enforcing the Clean Water Act.

Trying to hew at least reasonably close to the Constitution, the 1972 law stipulates the federal agencies can restrict states or private landowners from dredging, draining, channeling or doing anything else that might inconvenience any weed, bug and minnow in and around only those waters which comprise "navigable waterways."

Predictably, government regulators have attempted to stretch the definition of that authority -- which can be found only by implication in the Constitution -- to include inland wetlands and streams up which you could barely drag an empty canoe, on the theory that these waters "feed" some navigable waterway far downstream.

But two recent Supreme Court decisions, in 2001 and 2006, partially reined in these excesses.

Those who want to see the federal government regulate every inch of land in the nation were not pleased, and in reply they now offer up the Clean Water Restoration Act, which simply removes the word "navigable" from the law.

"So for ranchers and farmers who have mud puddles, prairie potholes -- anything from snow melting on their land -- all of that water will now come under the regulation of the Army Corps of Engineers and the Environmental Protection Agency," points out Sen. John Barrasso, R-Wyo., chairman of the Senate Western Caucus. "The government wants control of all water -- that also means that they want control over all of our land."

Such an expansion of federal authority could put farmers in "regulatory quicksand," protests Charlie Kruse, president of the Missouri Farm Bureau. But Jan Goldman-Carter of the National Wildlife Foundation, predictably, says the concerns of ranchers and farmers are unfounded.

"That amended language is very clear that it preserves long standing exemptions for ongoing agricultural practices, forest roads. There are a number of very generous exemptions in there particularly for ranchers and farmers that I know have been worried about the effect of this legislation, but in fact those worries are largely unfounded," she said.

So in leaving private land owners a few "grandfathered-in" rights -- while effectively barring any new land use or development -- these voracious feeders on our remaining property rights are being "generous"!

Ms. Goldman-Carter added that the United States has long regulated streams and other waterways that aren't "navigable," anyway.

Ah. So a law intended to vastly expand federal authority isn't anything to worry about, since the regulators have been vastly exceeding their authority for decades, already -- until the court found enough teeth to start drawing the line?

Aside from striking "navigable," it turns out the bill defines U.S. water as "all waters subject to the ebb and flow of the tide, the territorial seas and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds and all impoundments of the foregoing."

It adds that any "activities affecting these waters are subject to the legislative power of Congress under the Constitution." Sounds a bit like a constitutional amendment.

In fact, it's the Constitution that delegates -- and limits -- congressional powers, not the congressmen who would vote on this bill. If they want their regulatory reach expanded, let them seek the approval of the states, and of the people, for such an amendment.

**Congress or the EPA? (*Newsday*)**

(New York)
December 16, 2009 Wednesday
ALL EDITIONS
OPINION; Pg. A31
Congress or the EPA?;
Someone must act on climate change
More than the melting of glaciers or the rising of seas, the prospect of tough bureaucratic regulation may be what it takes to get Congress really moving on climate change. And the Environmental Protection Agency is only too happy to play that cue-the-scary-music role.

The agency has made a landmark decision that six greenhouse gases endanger the health and welfare of Americans. A key step was a 2007 Supreme Court decision declaring that the gases fit the Clean Air Act definition of pollutants. That led to an EPA study of the science and, last week, to the announcement of the endangerment finding.

Now the question is: How far will the EPA go in regulating these gases, including carbon dioxide from burning fossil fuels? In passing the Clean Air Act in 1972, Congress gave the EPA broad discretion to follow the science. In a report this year, the Institute for Policy Integrity at the NYU School of Law found that the EPA can go very far, up to imposing a cap-and-trade system, like the one Congress is considering.

The House passed its bill in June, but the Senate is bogged down. Meanwhile, the EPA is moving forward. But even its administrator, Lisa Jackson, says it would be much better if Congress acted. Both lawmakers and industry would rather see Congress, not the EPA, making the broad decisions. Fine, but the legislators must act, or leave it to unelected bureaucrats. That choice should scare them into motion.

**Congress should clarify EPA role (*Lincoln Journal Star*)**

Posted: Tuesday, December 15, 2009 11:45 pm
The decision by the Environmental Protection Agency to begin regulating greenhouse gases puts the country on the road to bedlam.

The move will open fertile grounds for lawsuits, which in turn could produce a variety of court rulings.

These circumstances are likely to spawn continuing confusion. Businesses and consumers will be unable to determine with clarity what is legal. The uncertainty could persist for years.

An important turn in the chain of events came in 2007 when the Bush administration lost a lawsuit to states and environmental groups that were pushing the EPA to regulate greenhouse gas emission, primarily those from automobiles.

The U.S. Supreme Court ruled in a split 5-4 decision that greenhouse gases were pollutants subject to EPA regulation.

Since then, EPA officials have been dithering. Some observers speculated that last week's announcement came because the Obama administration wanted to demonstrate U.S. support for efforts to combat global warming in advance of the international conference on the topic in Copenhagen, which started last week.

An indication of the complexity of the situation is the statement by Rep. John Dingell, D-Mich., about the law on which the EPA authority purportedly is based.

"The Clean Air Act was not designed to regulate greenhouse gases. As the then-Chairman of the House Energy and Commerce Committee, I know what was intended when we wrote the legislation. I have said from the beginning that such regulation will result in a glorious mess and regulation of greenhouse gas emissions should be left to Congress."

Even those who are receptive to efforts to control greenhouse gases are unenthusiastic about the EPA move. John Hansen of the Nebraska Farmers Union, for example, said that "everyone in the ag community believes that EPA regulation of [greenhouse gases], including carbon, would be the worst-case scenario for agriculture."

Initially, EPA officials said, new rules would cover power plants, factories, refineries and other facilities emitted more than 25,000 tons of carbon dioxide a year.

Meanwhile, federal lawmakers apparently have lost enthusiasm for legislation on greenhouse gases. A proposed "cap-and-trade" system to control carbon emission has stalled in Washington.

That leaves the grim prospect that EPA officials may muddle along for years without real direction. Congress should step in to clarify national policy one way or the other. The longer Congress delays, the more costly and convoluted the situation will become.

**Ethanol questionable (*Kansas City Star*)**

In reference to the Dec. 2 article concerning the **Environmental Protection Agency** raising the current limit of 10 percent ethanol in gasoline to a 15 percent mandate, I find this proposal deplorable.

So what if the ethanol industry is struggling in this recession? So are the rest of us, and we are trying to get by without a dictate by the government to use a product that is harmful to car engines, the environment and food supplies. All this tells me is that the ethanol industry and its agricultural allies have bought and paid for this program from Congress.

H. Jonathan Pratt
Kansas City

**Ailing Bay needs new protections (*Norfolk Virginian-Pilot*)**

The Virginian-Pilot
December 15, 2009

The good news is that Hampton Roads has received so much rain that it has replenished water stores for the winter and the summer to come.

The bad news is that Hampton Roads has received so much rain that it has washed a toxic soup of contaminants and nutrients into the water, where it will wreak all kinds of havoc in the winter and summer to come.

That is the inevitable result of hard rains on hard surfaces - on the parking lots, roofs and roads of our modern life. Add to that stormwater runoff from heavily fertilized lawns where our animals do their business, along with the farms and feedlots in the watershed, and you have a recipe for the dead zones that have marked the Chesapeake Bay each summer.

According to a story by The Pilot's Cindy Clayton and Lauren King, 2009 is the sixth-wettest year on record for Hampton Roads, with total rainfall of more than 60 inches. As each drop of rain travels from cloud to ocean, it bumps into chemicals and nutrients and silt, some of which it picks up.

Sometimes stormwater carries that stuff directly into streams and rivers; sometimes it percolates into the groundwater. But the toxins don't disappear. They come back, in the water we drink, in the food we eat, in the water we swim in.

That's why it's important to keep stormwater from streaming directly into delicate waterways, or at least to slow the flow long enough that the worst contaminants have a chance to settle out.

A state panel has spent years coming up with new regulations designed to slow the flow of stormwater into the Chesapeake Bay. The rules would dictate how and where development and redevelopment occur, require the use of greener technologies, and force developers to minimize the environmental impact of their handiwork.

The Virginia Soil and Water Conservation Board has unanimously adopted the new rules, but their future remains unclear, according to a story by The Pilot's Scott Harper.

The reason? Builders, developers and others argue that the rules will make development too expensive, requiring new techniques and untested materials customers don't want. They also argue that the Environmental Protection Agency will be coming out with new limits on nutrients in the watershed, so the state might as well wait.

That probably sounds familiar. For decades now, the state and Washington said "wait" while the Chesapeake was slowly choked by fertilizer, while every fish in the region became fouled with mercury, while crabs disappeared, while beaches and oystering grounds were closed because of fecal bacteria.

At every effort to do something to ease damage to the watershed, somebody raised a hand: Stop. You will hurt me. And so the Bay got sicker. And sicker.

The EPA says - right now - that stormwater runoff is the fastest-growing source of pollution in the Bay.

The state's proposed regulations were deliberated over by builders, environmentalists and legislators for the past four years. The rules are necessary to the health of the Bay and - by extension - to this region. There's only one reason to stall further on implementation of the regulations, and it has nothing to do with the health of the Chesapeake Bay.

**AIR**

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**MPCA board approves haze-cutting rules (Associated Press)**

Story also appeared: Chicago Tribune
December 16, 2009
ST. PAUL, Minn.

The Minnesota Pollution Control Agency board has approved new regulations to curb haze over northern Minnesota.

The Duluth News Tribune reports the rules were approved 7-1 Tuesday. They still must be approved by the U.S. Environmental Protection Agency, which has ordered that air over national parks and wild lands should be haze-free by 2064.

The state rules are aimed at cutting 30,000 tons of emissions annually to reduce haze over areas such as Voyageurs Nation Park, Isle Royale National Park in Michigan and the Boundary waters Canoe Area that receive special protections under the federal Clean Air Act.

But critics, including federal land managers and environmental groups, say the state plan doesn't go far enough. They argued for tougher requirements on taconite and coal-burning power plants.

**Murkowski criticizes EPA greenhouse gas finding (*Fairbanks Daily News*-Miner)**

December 16, 2009
by Chris Freiberg / cfreiberg@newsminer.com
58 mins 31 secs ago
FAIRBANKS — Sen. Lisa Murkowski plans to file a disapproval resolution to stop the Environmental Protection Agency from regulating carbon dioxide emissions using the Clean Air Act.

Murkowski made the announcement Monday after the EPA made an "endangerment finding" earlier this month that greenhouse gases threaten humans.

"I remain committed to reducing emissions through a policy that will protect our environment and strengthen our economy, but EPA's backdoor climate regulations achieve neither of those goals," Murkowski said in a statement. "EPA regulation must be taken off the table so that we can focus on more responsible approaches to dealing with global climate change."

Murkowski, who has shown some support for a carbon tax, said EPA regulation of greenhouse gases could endanger future economic growth.

The disapproval resolution is somewhat like a congressional veto. The resolution, which is expected to be filed in the next few days, will go before the Environment and Public Works Committee, led by Sen. Barbara Boxer,

D-Calif.

If Boxer does not act on the resolution in 20 days, it can be brought before the full

Senate with 30 signatures. The resolution cannot be filibustered, but would have to be approved by a majority in the Senate and the House and President Obama. Despite the Democratic majority in the Senate, Murkowski energy spokesman Robert Dillon said, there could be bipartisan support for the resolution.

“It’s not hard to get a lot of Democrats to voice their support,” he said. “Nobody likes this.”

Dillon said Clean Air Act regulation of greenhouse gases would be a “bureaucratic nightmare” because the law does not allow any exceptions.

Murkowski has come under fire from the Center for Biological Diversity, a nonprofit conservation organization.

“It is a sad day when a United States senator attempts to stop a federal agency from enforcing one of our nation’s most successful and cost-effective laws — the Clean Air Act,” Kieran Suckling, director of the center, said in a statement. “We applaud the EPA for moving forward to implement the Clean Air Act to avert catastrophic runaway global warming and protect the air our children breathe. Unlike the current anemic Senate bills, the Clean Air Act is the only existing tool that can ensure that the United States develops a truly science-based greenhouse-pollution cap.”

Julie Hasquet, spokeswoman for Sen. Mark Begich, said the junior senator shares Murkowski’s goal of coming up with a bill in Congress to deal with greenhouse gas emissions but believes blocking the EPA would be premature.

“The EPA was told by the U.S. Supreme Court to have an endangerment finding, and that is what the agency has done,” Hasquet said. “The EPA’s finding does not in and of itself impose any emission reductions requirements, and we are a long, long way from the EPA regulating greenhouse gas emissions.”

Contact staff writer Chris Freiberg at 459-7545.

December 16, 2009

**Boston Tea Party reminder to President Obama on CO2 promises (*Times Online*)**

Philippe Naughton in Copenhagen
A group of American rightwingers led by the former House Speaker Newt Gingrich is to fire a shot across President Obama's bows with a full-page advert in a Danish newspaper warning him not to make carbon commitments he cannot live up to at the Copenhagen summit.

Mr Obama is flying into the UN summit on Friday and has already offered to cut US CO2 emissions by 17 per cent on 2005 levels by 2020 — although other developed nations which started cutting their emissions under the Kyoto Protocol use a more testing 1990 baseline and are demanding more.

Mr Gingrich's American Solutions group has booked space in the English-language *Copenhagen Post* tomorrow and on Friday to insist that the President would need the approval of Senate to raitify any agreement despite the recent decision by the Environmental Protection Agency (EPA) that CO2 and other greenhouse gases represented a health risk.

The advert has a large headline down one side declaring: "Message from America to American delegates in Copenhagen — and the Rest of the World."

"In America, We Have a Constitution," it says. "It begins: 'We the people.'

"Our President Does Not Have Support in our Senate for Binding Carbon Emissions Limits."

After dismissing the EPA's decision as "taxation without representation" and recalling Boston Tea Party of 1773 — America's most famous anti-tax protest — the group reminds Mr Obama that he is accountable to the American people.

"Unlike in Other Countries, We Do Not Have a Democracy Deficit," the advert says. "In America, Mesdames and Messieurs, We the People Govern."

**Residents Call for EPA Takeover of DuPont Site in NJ (*MyFOX NY*)**

**Contamination in Pompton Lakes Community**

Updated: Tuesday, 15 Dec 2009, 11:19 PM EST
Published : Tuesday, 15 Dec 2009, 11:19 PM EST

MYFOXNY.COM - Residents of Pompton Lakes, N.J., and some local officials are calling on the U.S. Environmental Protection Agency to step in and take charge of cleaning up their community after a state report said that the area has elevated rates of some cancers, possibly linked to contaminants.

Last week, New Jersey health officials **issued a report warning** residents of a Pompton Lakes neighborhood of the elevated cancer rates. The area is near pollution from an explosives manufacturing plant that had operated in the borough for more than a hundred years.

Officials with the **New Jersey Department of Health and Senior Serv ices** sent letters to neighborhood residents, urging them to install equipment that can remove potentially harmful vapors from their homes.

DuPont Pompton Lakes Works operated an explosives manufacturing plant at the site from the 1880s until 1994. Waste management practices at the plant lead to significant contamination of soils, surface water and ground water, both on and off the site, state officials have said.

At a public meeting there Tuesday, Citizens for a Clean Pompton Lakes released a 10-point plan for addressing the contamination. The group's plan calls on the EPA to list the DuPont site on the National Priority Superfund list.

Health officials examined rates for 13 types of cancer in the area from 1979 to 2006. The analysis revealed elevated rates of **kidney cancer** in women (but not in men) and **non-Hodgkin lymphoma** in men (but not in women) for 1994 to 2006.

**Business groups: EPA finding will choke growth (*The Journal of New England Technology*)**

Wednesday, December 16, 2009
Business groups criticized the Environmental Protection Agency's endangerment finding on greenhouse gases, a move that enables the agency to regulate carbon emissions from all sources.
The EPA, in response to a 2007 Supreme Court decision that ruled greenhouse gases are a pollutant subject to the Clean Air Act, found that carbon emissions pose a threat to public health and welfare. The finding initially will be used to justify regulations requiring emissions reductions for light-duty vehicles, but it opens the door for greenhouse gas limits on everything from factories to real estate development.

Business groups said Congress, not the EPA, should decide how carbon emissions are regulated.

The EPA's finding "could result in a top-down, command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project," said Tom Donohue, president and CEO of the U.S. Chamber of Commerce.

**Highway sound barriers block pollution, too (*Baltimore Sun*)**

December 15, 2009

It turns out those big concrete barriers put up along busy highways to shield neighboring residents from the roar of traffic also reduce how much air pollution they get from the passing vehicles.

That's what a new government study found, anyway. Researchers with the National Oceanic and Atmospheric Administration and the Environmental Protection

Agency released harmless "tracer" gases along highways to track how they were dispersed through the air - and by extension, indicate what happens to harmful pollutants such as carbon monoxide, soot and benzene that are emitted by cars and trucks going by.

The researchers found that in addition to blocking out sights and sounds of traffic, the barriers apparently channel air flow - and many of the pollutants - up and away from nearby residential areas.

"We also found that the barriers tend to trap pollutants in the area of the roadway itself, especially at night in low wind-speed conditions," said Dennis Finn, a NOAA meteorologist from Idaho, and lead author of the study, published in the journal *Atmospheric Environment*.

That ought to be an added relief to residents sleeping in homes shielded from highways by those barriers - though if you're on the highway you may not want to breathe too deeply or stay long if you find you have to stop your car on the shoulder in one of those concrete sound-barrier canyons.

Published December 16 2009

**Minnesota Pollution Control Agency board approves new air pollution haze rules (*Prairie Business*)**

PCA passes haze rules for northern parks The rules must be approved by the federal Environmental Protection Agency, which has ordered that air over national parks and wild lands should be haze-free by 2064. But critics say the state plan wouldn't clear the air for an additional 100 years. By: John Myers, Duluth News Tribune
By: John Myers, Duluth News Tribune
The Minnesota Pollution Control Agency board today approved new regulations to curb haze air pollution over northern Minnesota despite concerns from federal land managers and environmental groups that the rules don't go far enough.

The board's 7-1 vote, which followed testimony at their October meeting, is aimed at cleaning the elements of air pollution that cause haze, especially over pristine areas such as Voyageurs National Park, Isle Royale National Park and the Boundary Waters Canoe Area Wilderness that receive special protections under federal Clean Air Act rules.

Haze, while noticeable from higher elevations and vistas, can often go unnoticed over Minnesota lakes and forests, mistaken for thin clouds, fog or humidity in the air. It's

often caused when nitrogen oxide and sulfur dioxide meet in the atmosphere, forming a chemical reaction that creates particles.

The rules may eventually affect coal-burning power plants and taconite plants in Minnesota but also pulp and paper mills and other industry which may be required to install new haze-cutting pollution-control technology.

PCA officials say the new rules are the first step toward cleaner skies over northern Minnesota, cutting 30,000 tons of the haze-causing emissions annually. They also said that emerging regulations to cut carbon emissions at power plants and other factories will force industry to cut haze as well — but that companies don't want to make changes until new carbon regulations are clear.

"They don't want to have to buy something and then rip it out when new regulations" are enacted to cut carbon emissions to help slow global warming, David Thornton, deputy PCA commissioner, told the board at its St. Paul meeting Monday.

Thornton told board members today in St. Paul that the new rules are an effort to "balance the need to reduce haze with regional economic realities."

The rules must be approved by the federal Environmental Protection Agency, which has ordered that air over national parks and wild lands should be haze-free by 2064.

But critics say the state plan wouldn't clear the air for an additional 100 years.

In a rare public spat with their state counterparts, U.S. Forest Service and National Park Service officials have criticized the PCA rules as short of solving the problem. In October, Mike Ward, superintendent of Voyageurs National Park, and Jim Sanders, supervisor of the Superior National Forest, asked the Minnesota Pollution Control Agency board in St. Paul last month to toughen requirements on taconite and coal-burning power plants as the state develops new regulations to reduce haze.

Though he praised the MPCA's call for a 30 percent reduction in emissions in Northeastern Minnesota by 2018, Sanders said in October the agency's haze plan fails to require taconite plants to measure how much pollution they emit. It also fails to set standards for how much they need to cut, he said.

The Voyageurs National Park Association said Xcel Energy's modeling shows one central Minnesota power plant, Sherco, is responsible for haze over the BWCAW, violating federal Clean Air Act requirements about 227 days each year.

But Rick Rosvold, Xcel's air-quality manager, said his utility already is moving to reduce emissions at Sherco without BART regulation. That, he said, would raise costs tenfold with no noticeable improvement in visibility in Minnesota parks.

Utility officials said any tougher regulations would raise electric rates for consumers, while officials at taconite plants say it could raise their production costs and cost jobs.

**Ethanol blend generates more ozone than gasoline -- report (*Greenwire*)**

Colin Sullivan, E&E reporter
12/15/2009
SAN FRANCISCO -- Ethanol is more likely than gasoline to generate ozone and ozone-related health problems, researchers at Stanford University have found.

A commonly used blend of ethanol and gasoline, E85, produces more aldehydes when combusted than gasoline, scientists at Stanford said yesterday. Aldehydes are precursors to the creation of ozone.

That means ethanol, which is added to gasoline to make a cleaner-burning fuel, would likely cause more health problems related to ozone, especially in winter, the Stanford researchers say in a report.

"What we found is that at the warmer temperatures, with E85, there is a slight increase in ozone compared to what gasoline would produce," said Diana Ginnebaugh, a doctoral candidate in civil and environmental engineering at Stanford.

"Even a slight increase is a concern," Ginnebaugh added, "especially in a place like Los Angeles, because you already have episodes of high ozone that you have to be concerned about, so you don't want any increase."

At colder temperatures, the problem is more pronounced. Ginnebaugh said ozone is generally lower in cold-temperature conditions, but use of E85 in a place like Denver, for instance, could create a health issue where ozone is not currently an issue.

"If you switched to E85, suddenly you could have a place like Denver exceeding ozone health-effects limits, and then they would have a health concern that they don't have now," she said.

Ginnebaugh is scheduled to present the results of her study today at the American Geophysical Union's annual meeting here. To compile the report, Ginnebaugh worked with Stanford professor Mark Jacobson and used research he had conducted previously on pollution in the Los Angeles region.

Ozone exposure has been linked to asthma, bronchitis, heart attack and other cardiopulmonary diseases. Ground-level ozone is regulated by the Clean Air Act at 75 parts per billion.

According to the Stanford research, at warm temperatures, E85 raised ozone concentration by up to 7 parts per billion (ppb) over the level generated by gasoline. At colder temperatures, from 32 degrees Fahrenheit to minus 35 degrees, E85 raised ozone by up to 39 ppb.

**Ethanol lobby hits back**

Matt Hartwig, communications director at the Renewable Fuels Association, dismissed the report and called it a "rehash" of a paper Jacobson did two years ago.

"Professor Jacobson has long held a bias against ethanol," Hartwig said in an e-mail. "His faith is the elusive electric car."

In a detailed response to Jacobson's previous study issued in 2007, RFA said the findings conflicted with analyses completed by U.S. EPA, the California Air Resources Board, the National Renewable Energy Laboratory and the South Coast Air Quality Management District. The group said the model used by Jacobson assumed "that E85 will completely replace gasoline as the predominant motor fuel by 2020."

"While perhaps an interesting and important scenario to run, it is misleading to imply that more people will perish from this one scenario," the group's response said.

The group added that Jacobson had refused to include data on greenhouse gas reductions brought by ethanol use. On the current study, Hartwig noted ARB's participation and implied that the agency was trying to push results that would favor new regulations aimed at carbon intensity of transportation fuels.

"ARB is set to move forward on a low-carbon fuels policy that threatens to eliminate the only low carbon alternative to gasoline from the market: ethanol," Hartwig said. "Our opposition to the flawed science ARB has used is well documented and this, apparently, seems to be yet another example."

The air board is in the process of putting the finishing touches on its low carbon fuel policy. The ethanol lobby is opposed to the ARB rule because it would subject biofuels to a lifecycle analysis that would consider what effect ethanol has on agriculture and land use, in addition to its carbon output.

The Stanford research was funded by NASA, U.S. EPA and the Energy Department.

**Black lung back on the rise (*Greenwire*)**

12/15/2009
The number of mineworkers testing positive for black lung has roughly doubled in the past 10 years, leading the federal Mine Safety and Health Administration to consider new safety regulations for the industry.

According to the National Institute for Occupational Safety and Health, about 9 percent of mineworkers with at least 25 years of experience tested positive in 2005-2006, the most recent year with published data, up from about 4 percent 10 years ago. Deaths from the disease totaled about 10,000 over the past decade.

The federal government first addressed black lung in 1969 by passing the Coal Mine Health and Safety Act, which imposed dust standards and offered compensation for those afflicted by the disease. The Black Lung Disability Trust, funded by coal industry taxes, has paid about $44 billion to disabled miners or their widows since its inception.

The MSHA is now considering proposing new regulations that would cut the allowed coal dust level in half and require that mineworkers wear dust monitors to prevent excessive exposure.

Officials say the recent resurgence in black lung is likely the result of longer work hours and changes in mining practices. Because most easily accessible coal has already been extracted, miners today must often reach new seams by cutting through rock, which produces more dust.

"Back in the old days those guys suffered through a lot, but we're generating a lot of coal," said Chuck Knisell, 29, a mine worker in Waynesburg, Pa. "There's a lot of dust in the air" (Kris Maher, *Wall Street Journal* [subscription required], Dec. 15). **-- GN**

**CLIMATE CHANGE/GLOBAL WARMING**
**==========**

**At Copenhagen, key decisions unresolved (*Washington Post*)**

December 16, 2009 Wednesday
Suburban Edition

A-SECTION; Pg. A06
Maryland
At Copenhagen, key decisions unresolved;
Funding, compliance are sticking points in climate talks
By Juliet Eilperin
COPENHAGEN
As world leaders begin gathering here to hammer out a climate deal in two days, some key decisions still haven't been made.

It's unclear how to fund a deal that could involve the transfer of billions of dollars from industrialized countries to the developing world; delegates remain at loggerheads over which mechanisms should be employed to reduce emissions; and there is continuing debate about how to monitor compliance with a treaty.

The uncertainty over the talks' direction raises questions about the next step: what sort of binding treaty policymakers will be able to produce next year, the new deadline they have set.

A new version of the overall negotiating text came out early Wednesday with little changed from last week's draft.

The lack of visible progress has frustrated activists, who have staged attention-grabbing stunts to convey their dissatisfaction. Some, dressed as police officers, handed out cards titled "Climate Crime Scene: Can You Help?" with lines such as: "Climate change could push sub-Saharan Africans into poverty by 2020 if global leaders do not act now to reach a fair climate deal." Others unfurled bright yellow banners declaring "Do Not Nuke the Climate."

Former vice president Al Gore urged a crowd of hundreds inside the Bella Center on Tuesday to continue pressing for a meaningful agreement. "My plea to you is: Realize what is at stake and reach a result that gives momentum to the process," he said in a nearly hour-long speech.

The question of funding -- which stalled the talks earlier this week when a group of poor nations protested that they stood to lose even the protections they had won with the Kyoto Protocol 12 years ago -- remains intractable. Delegates from poorer countries and from major emerging economies such as China have charged that wealthy nations have not put enough money on the table to persuade developing nations to sign on to any deal that would force them to curb their greenhouse gas emissions; industrialized nations counter that they cannot embrace any agreement that does not bind major emerging economies to emissions-monitoring procedures that can be verified from outside the country.

Elliot Diringer, vice president for international strategies at the Pew Center on Global Climate Change, said this dynamic may mean that "Copenhagen may deliver both more and less than we anticipated."

"More, in terms of explicit pledges from all of the major powers that I couldn't have predicted just a few weeks ago," he said, referring to emissions cuts. "Less, in terms of building the framework to turn these pledges into legal commitments."

'Clogging the process'

The question of long-term financing is critical, because many developing countries see little incentive to sign off on an agreement that does not provide them with significant new money to deal with the effects of global warming.

"That issue is clogging the process right now," said Jonathan Lash, president of the World Resources Institute. "The U.S. is asking for a lot but hasn't been able to bring very much."

President Obama and his representatives held a series of talks with key nations over the past two days aimed at determining exactly how much money vulnerable nations would need to endorse a deal.

Obama called Ethiopian Prime Minister Meles Zenawi, who represents the group of African nations, and Bangladesh's prime minister, Sheikh Hasina Wazed, and Tuesday held a videoconference with British Prime Minister Gordon Brown, French President Nicolas Sarkozy and German Chancellor Angela Merkel.

White House spokesman Robert Gibbs, who told reporters Tuesday that "the president believes that we can get an operational agreement that makes sense in Copenhagen," later wrote in an e-mail that the administration is still exploring what funding it could offer to address poor nations' concerns.

"We are working with our developed and developing country friends on financing needs for adaptation for both the short and long terms," Gibbs wrote.

Pushing for transparency

At the same time, the United States continued to press major developing countries such as China and India to agree to independent verification of the emissions reductions they have pledged.

Indian environment minister Jairam Ramesh has announced that his nation would be willing to report on its emissions reductions and plans as part of an existing "national communication" that countries submit to the United Nations, but he said he wants the United States to explain why it is demanding more transparency from countries like his.

"You need to be transparent about what 'transparency' means," Ramesh said. "Are you worried China and India will make up our figures?"

Sergio Serra, Brazil's climate change ambassador, said it is unreasonable for the United States and other industrialized countries to make such demands when every major emerging economy has already taken on a voluntary climate target for the next decade.

"We have done our homework, and we are stepping up our efforts," Serra said. "But we don't see comparable moves on the other side, on the financial package, for example. . . . I don't think the ball is in our court."

A range of disputes

Serra added that the ministers who began high-level talks Tuesday will have to work out an array of disputes if they expect the more than 110 leaders headed to Copenhagen at the end of the week to sign off on a deal.

"You don't expect leaders to really go down to commas and semicolons and drafting paragraphs," he said.

Even the most significant advance in the talks Tuesday -- completion of the technical text that would allow developing nations to receive financial compensation for preserving their tropical forests -- left central issues unresolved, such as where this funding would come from and how much avoided deforestation the world would aim for.

Becky Chacko, director of climate policy for Conservation International, said she was pleased that the technical negotiators had narrowed down the key questions on what is known as Reducing Emissions From Deforestation in Developing Countries.

"They really need to bring in the big guns to resolve those," Chacko said, adding that the critical question remains how to establish a mechanism that will allow money to flow to impoverished nations that now have more incentive to cut down forests. "This isn't anything more than a paper agreement if the financing isn't there to back it up."

Staff writer Scott Wilson and staff researcher Magda Jean-Louis in Washington contributed to this report.

**'Disneyland' of climate change policy draws hundreds of activists, politicians, nonprofits and green-tech gurus (*Los Angeles Times*)**

December 16, 2009 Wednesday
Home Edition
SECTION: MAIN NEWS; Metro Desk; Part A; Pg. 9
CALIFORNIA;
Californians flock to Copenhagen;
'Disneyland' of climate change policy draws hundreds of activists, politicians, nonprofits and green-tech gurus.
BYLINE: Margot Roosevelt

COPENHAGEN
Jake Mackenzie, a city councilman from Rohnert Park, Calif., is looking forward to telling the world about Sonoma County's efforts to combat climate change -- he even has an appointment with a Scottish official to talk about harnessing energy from waves.

So what if a few local critics have raised eyebrows about the $22,500 cost of sending a seven-person delegation from Sonoma County to Copenhagen?

"Our message is, 'Hey U.N., we deserve a place at the table,' " Mackenzie said.

No final treaty is likely to emerge from the frenzied negotiations between 190 nations at the two-week global climate conference. And the U.S. will be unable to commit to signing a treaty until Congress makes up its mind on climate legislation.

But that hasn't dampened the enthusiasm of the hundreds -- if not thousands -- of Californians at the conference, including Gov. Arnold Schwarzenegger and Los Angeles Mayor Antonio Villaraigosa as well as academic superstars, green-tech gurus, environmentalists and college students.

Along with 40,000 climate policy junkies from around the world, they have flocked to Copenhagen to schmooze, show off, pontificate on policy panels and, in some cases, lobby for a better climate treaty.

As the world's seventh-largest economy, California attracts attention. But what Golden Staters are boasting about here is our first-in-the-nation comprehensive climate legislation, our first-in-the-world low-carbon-fuel standard, and our highest-in-the nation renewable energy requirements.

"Why do we put so many hopes and eggs into the big international agreement basket?" Schwarzenegger asked some 600 journalists and delegates in a speech Tuesday at the conference's Bella Center headquarters. "According to the U.N. itself, up to 80% of greenhouse-gas mitigation will be done at the subnational level."

To drive home the point, he announced a new "coalition to fast-track the results" of the U.N. Climate Change Conference, joining with regional officials from 20 nations including Algeria, Canada, France and Nigeria.

None of the Californians are involved in the actual negotiations, which are led by diplomats behind closed doors. "Interacting with a delegate is about as likely as a comet colliding with a planet," said Margaret Bruce, director of the Center for Climate Action, a California-based nonprofit.

But that's not the idea. At hundreds of side panels, conferences, receptions and exhibits, everyone who is anyone in the world of carbon control gets a chance to rub shoulders with other players.

"This is Disneyland for policy wonks," said Gary Gero, president of the Los Angeles-based Climate Action Reserve, a nonprofit that designs protocols for greenhouse gas offsets.

But "climateland" isn't all amusement. On a snowy Monday, a breakdown in credentialing left more than 1,000 delegates from nonprofit groups shivering in line outside the Bella Center for nine hours, only to be turned away as logistics broke down.

Tuesday was hardly better, with lines extending seven hours.

Mike Chrisman, California's secretary for natural resources and one of three Schwarzenegger cabinet officials attending the conference, arrived at the center promptly at 9 a.m. Monday, but soon left, discouraged by the long lines. The cabinet members were able to enter the center at least for a few hours on Tuesday, as part of Schwarzenegger's entourage.

Nonetheless, the California cabinet heads spent a busy few days meeting with U.S. Agriculture Secretary Tom Vilsack and other federal officials, serving on panels on sea-level rise, climate adaptation, subnational cooperation and, in the case of state Food and Agriculture Secretary A. G. Kawamura, blogging about the experience.

Linda Adams, environmental protection secretary, found time to sign an agreement with the Danish environment minister to collaborate on green chemistry.

California businesses were also out in force, from Patagonia to Hewlett-Packard to Pacific Gas & Electric. Solazyme, a San Francisco firm, squired around 200 delegates from Mexico, South Africa, Nigeria and India in a fleet of cars fueled with algae-derived biodiesel.

"We need clear market signals from governments on the future cost of carbon," said Solazyme President Harrison Dillon, who favors a strong climate treaty.

Villaraigosa arrived Monday night with a retinue of seven, including Board of Water and Power Commissioner Thomas Sayles and Port of Los Angeles Executive Director Geraldine Knatz. The $120,000 trip, which includes stops for some officials in London and Berlin to promote trade, will be paid for by the port and the DWP, said Villaraigosa spokeswoman Sarah Hamilton.

The mayor's schedule included a reception with Danish Crown Prince Frederik, a spot on a panel on public-private partnerships with the flamboyant entrepreneur and Virgin Group founder Richard Branson, and a private get-together with officials from Maersk shipping line, a major player in California's port politics.

Among those stranded without credentials Monday was Assemblywoman Nancy Skinner (D-Berkeley), who blogged about her experience. "It's not looking good for those of us without badges to get in," she wrote, adding, "I'm a bit sad" to miss events at

the center with fellow politicians.

But later she was off to dinner at the U.S. Embassy with U.S. Energy Secretary Steven Chu, Schwarzenegger and other officials, wearing a Danish-made furry hat. "I look like a wookie but my head and ears are warm," she wrote.

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**Developing nations are seen as holding the key to a climate agreement (*Los Angeles Times*)**

December 16, 2009 Wednesday
Home Edition
MAIN NEWS; Foreign Desk; Part A; Pg. 22
THE WORLD;
Copenhagen talks at crucial stage;
Developing nations are seen as holding the key to a climate agreement
By Jim Tankersley
COPENHAGEN
The world's poorest and fastest-growing developing nations appear, increasingly, to hold the fate of a new climate agreement in their hands. The choice they face is, deal or no deal?

As the Copenhagen climate summit barreled into its penultimate phase Tuesday, wealthy countries ramped up pressure on emerging economies China and India, as well as African and island nations, to compromise and drop near-daily procedural tactics and protests that have slowed the negotiations.

Rich nations still hold some bargaining chips, chiefly how much money they're willing to commit to help developing countries adapt to **climate change** and shift their energy sources over the long term.

A collapse in negotiations would trigger a blame game in which developing nations brand the United States and the West in general as the villains. Still, many negotiators and observers here say most of the key decisions that will seal or scuttle an agreement rest with poor and emerging nations.

China and India, whose booming economies are projected to account for much of the world's emissions growth in coming decades, must decide whether they can accept the two conditions the U.S. calls fundamental to an agreement: that all nations make their carbon dioxide emissions reduction pledges clear and that they allow the world to verify that the pledges in fact are met.

Africans and island nations, for their part, must choose whether to accept greenhouse gas reductions for the developed world that are far weaker than the poor countries

would like; scientists warn that the reductions proposed by wealthy nations might not be enough to spare the world's poorest nations from flood, famine and other devastating effects of **climate change.**

Inside the Bella Center, the venue for the negotiations, summit attendees with deep ties to the developing world diverged sharply on whether those nations would ultimately strike an agreement or walk away.

"Only a fool will tell you definitely they know what China's midnight position will be," said Peter Goldmark, who directs the climate and air program for the Environmental Defense Fund, a group that works closely with China.

Goldmark thinks China will ultimately hold its line and reject international emissions-pledge monitoring in any form, a move U.S. officials insist would kill hopes for a deal. Other groups say China, the world's largest emitter, does not want to risk blame if the talks fall through.

"They really want a deal," Keya Chatterjee, director of the U.S. **climate change** program for the World Wildlife Fund, said of the Chinese. "They really care what the world thinks of them."

American negotiators sided with the optimists Tuesday. "I actually think we're going to get there with China," Todd Stern, the U.S. special climate envoy, told reporters. "But you know, I don't know for sure yet."

Leaders of the Copenhagen negotiations are aiming for a framework agreement, including costs and emissions reduction commitments, that would pave the way for a new international **global warming** treaty to be signed later, probably next year. If major emitters don't reach agreement in Copenhagen, observers say, international talks could be set back indefinitely, along with the Obama administration's climate bill in Congress.

Some environmental groups say the United States and its allies have given developing nations ample reason to shoot down an accord, by proposing emission cuts too light to avert the worst effects of warming; by failing to provide fiscal details of a long-term climate aid package to the developing world; and, in the case of Europe and many other economic powers, by not moving aggressively to extend the Kyoto Protocol, which sets emissions reduction targets with a process that gives developing nations a strong voice. (The U.S. never ratified the Kyoto treaty, which a Copenhagen pact would replace.)

Developed nations "are trying to bully around the poorest countries in the world, who will be most impacted by **climate change,**" said Erich Pica, president of the environmental group Friends of the Earth.

Pica's group and others also criticized wealthy countries for what they called a pressure campaign to bring developing nations on board, including President Obama's calls Monday to the prime ministers of Ethiopia and Bangladesh to enlist their help in the

climate negotiations.

One of the sharpest critiques came from Desmond Tutu, the South African archbishop and Nobel Peace Prize laureate, who said Tuesday in a letter to African heads of state that the emission cuts on the table would "condemn Africa to incineration and no modern development."

It appears unlikely, though, that wealthy nations will boost their carbon emission commitments significantly.

In his news conference, Stern reiterated that the Obama administration was unwilling to go beyond its pledge "in the range" of 17% below 2005 levels by 2020, which is roughly the size of the cut laid out in the climate bill the House passed last month. He also said the total reductions spurred by climate legislation, which is pending in the Senate, could still end up being much higher than 17%.

Large sums of financial aid could help bridge the gap and bring African and island-nation delegates to an agreement, said environmentalists who spent the day talking with diplomats. "They want to find a way forward" with a financing package, said Heather Allen, an international advocate for the Natural Resources Defense Council.

Chinese officials offered similar signals in Beijing. "We still maintain that developed countries have the obligation to provide financial support," Foreign Ministry spokeswoman Jiang Yu said, adding that that was "the key condition for the success of the Copenhagen conference."

In Copenhagen, optimism reigned in the pronouncements of conference leaders as the negotiations shifted to a ministerial level. Dignitaries such as Britain's Prince Charles and former Vice President Al Gore called for action, and security workers began preparing for the arrival this week of more than 110 heads of state and government, including Obama and Chinese Premier Wen Jiabao.

"The deal is clearly visible," Danish Prime Minister Lars Lokke Rasmussen said, "and not just any deal, but a deal that can be . . . a real turning point."

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**Delegates at Talks Scramble as Gulf on Issues Remains (*New York Times*)**

December 16, 2009 Wednesday
The New York Times on the Web
Section ; Column 0; Foreign Desk; Pg.
By TOM ZELLER Jr.; John M. Broder, James Kanter, Andrew C. Revkin and Elisabeth Rosenthal contributed reporting.
COPENHAGEN

Impatience was clearly rising Tuesday at global climate negotiations here as delegates struggled without success to surmount disputes over issues like emissions targets and financial aid for developing countries.

With less than four days left in the two-week conference, a new draft negotiating text circulating among delegates reflected the wide gulf over those issues and others like monitoring emissions of heat-trapping gases. The United States and China remained at a tense impasse over China's refusal to accept international monitoring on its turf.

Yvo De Boer, the chief United Nations official running climate talks, warned that talks were moving too slowly. Carrying an orange-and-white life ring to his midday news conference to make his point, he nodded to the challenge of balancing the needs of the nearly 200 countries involved.

"This process is not about ramming the interests of the few down the throats of the many," he said. "This process is about many trying to address all interests."

Mr. De Boer cited disputes between large and small, rich and poor, vulnerable and resilient, on layered issues ranging from protecting forests to paying to bring more energy choices to places that hardly have any.

Todd Stern, the chief climate negotiator for the United States, also warned that was "a great deal left to do."

"The parties are still far apart on a fair number of issues," he said.

As world leaders began making their way to Copenhagen for an uncertain conclusion to the two-week talks, protesters and police also clashed on the streets. For the first time since the two-week conference began, law enforcement officers used tear gas to disperse crowds of rioters, who were reportedly lobbing small firebombs, a police spokesman said Tuesday.

Nearly 200 more arrests were made Monday night as the protesters, angered by the lack of progress in negotiations, set fire to makeshift barricades in Copenhagen's Christiania neighborhood.

Prime Minister Gordon Brown of Britain was expected to arrive Tuesday afternoon, two days ahead of schedule, in an effort to move the talks forward. The Danish presidency of the conference asked nations to pair up -- one from a developing country, and one from an industrialized nation-- and seek jointly to push other countries to make progress on some of the most difficult issues that still must be resolved.

Ed Miliband, Britain's secretary of state for climate change, for example, will team up with the Ghanaian environment minister, Hani Sherry Ayittey, to lead group talks aimed at ensuring that enough money is put on the table for poor countries. Poorer nations say they need a robust long-term financing commitment from developed nations to cope

with climate changes they did not cause, like rising seas.

Mr. Miliband and Ms. Ayittey "will be undertaking intensive consultations aimed at breaking through the deadlock on one of the toughest issues on the table in Copenhagen," the British government said.

At his midday news conference, Mr. De Boer said, "What makes this process complicated is that you have small island nations who are about to disappear because of sea level rise, you have oil producers who are legitimately concerned about the future of their economy, you have major industrialized nations who are afraid they will lose jobs and you have major developing countries whose overriding concern is economic growth and poverty eradication."

Speaking at the conference, Al Gore, the former vice president and climate campaigner, called on President Obama and the United States Senate to set a deadline of April 22 -- the 40th anniversary of the first Earth Day -- for passage of a climate change bill to improve the chances of a binding global treaty next year.

When contacted, a senior administration official refused to be pinned down to a date but said, "We'll do everything in our power to move it as quickly as possible."

Mr. Gore also called for a climate summit meeting next July in Mexico City -- six months before a meeting already planned there -- to advance efforts toward a treaty on climate change, Bloomberg News reported.

On Tuesday morning, lines of government delegates and representatives of environmental organizations seeking access to the conference already stretched several hundred yards outside the venue's main entrance.

The United Nations, which is sponsoring the talks, said in an e-mail statement on Tuesday that more than 45,000 people had applied to attend the conference -- three times the capacity of the building

"An overwhelming number of those who applied arrived on Monday, causing congestion in the area outside the U.N. venue, which is under the control of the Danish police," the statement said.

**Weather Device Also Tracks Greenhouse Gas (New York Times)**

December 16, 2009 Wednesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 31
By KENNETH CHANG
A satellite instrument designed to improve weather forecasts has provided a wealth of

data on the flow of heat-trapping carbon dioxide in the atmosphere, scientists said Tuesday.

The data also verified a mechanism in which rising temperatures increase the rate of ocean evaporation, and the increased water vapor, also a potent greenhouse gas, raises the earth's temperatures further.

The Atmospheric Infrared Sounder -- called AIRS for short -- aboard NASA's orbiting Aqua spacecraft measures temperature and cloud cover by recording infrared emissions across the entire globe twice a day. The data helps meteorologists predict major storms.

More careful analysis of the data, collected since the satellite's launching in 2002, has also revealed levels of carbon dioxide, methane, ozone and other gases in the midtroposphere -- the atmosphere between 3 and 7 miles above the earth's surface.

"In essence, we're videotaping the atmosphere and its constituents," Thomas Pagano, the instrument's project manager, said at a news conference in San Francisco during a meeting of the American Geophysical Union.

Carbon dioxide does not mix evenly in the troposphere, the scientists said. This allows them to track movement of the gas to see where it ends up, and predict whether oceans can continue to absorb much of it.

Carbon dioxide from factories, car travel and other human activity is believed by most scientists to be driving the warming of the planet. Levels of carbon dioxide in the air are currently approaching 390 parts per million, up from roughly 280 in the preindustrial age.

But the carbon dioxide itself only accounts for about a third of the increased trapping of heat on earth.

Using the AIRS data, Andrew Dessler, a professor of atmospheric sciences at Texas A&M University, looked at the El Nino cycle of warming and cooling waters in the tropical Pacific.

As expected, water vapor increased when waters were warm and fell when temperatures cooled, and the measurements fit closely with climate models previously developed by scientists.

Thus, warming from rising carbon dioxide should also lead to increased water vapor and additional warming, doubling the warming effect of the carbon dioxide.

"Water vapor is really not much of an uncertainty anymore," Dr. Dessler said.

Other heat-trapping gases like methane and ozone, also measured by AIRS, are known to contribute to global warming as well.

**Deal seen near for payments to save forests (*New York Times*)**

December 16, 2009 Wednesday
Late Edition - Final
Section A; Column 0; Foreign Desk; Pg. 1
DEAL SEEN NEAR FOR PAYMENTS TO SAVE FORESTS
By ELISABETH ROSENTHAL; John M. Broder contributed reporting.
COPENHAGEN
Negotiators have all but completed a sweeping deal that would compensate countries for preserving forests, and in some cases, other natural landscapes like peat soils, swamps and fields that play a crucial role in curbing climate change.

Environmental groups have long advocated such a compensation program because forests are efficient absorbers of carbon dioxide, the primary heat-trapping gas linked to global warming. Rain forest destruction, which releases the carbon dioxide stored in trees, is estimated to account for 20 percent of greenhouse gas emissions globally.

The agreement for the program, if signed as expected, may turn out to be the most significant achievement to come out of the Copenhagen climate talks, providing a system through which countries can be paid for conserving disappearing natural assets based on their contribution to reducing emissions.

A final draft of the agreement for the compensation program, called Reducing Emissions From Deforestation and Forest Degradation, or REDD, is to be given on Wednesday to ministers of the nearly 200 countries represented here to hammer out a framework for a global climate treaty. Negotiators and other participants said that though some details remained to be worked out, all major points of disagreement -- how to address the rights of indigenous people living on forest land and what is defined as forest, for example -- had been resolved through compromise.

A final agreement on the program may not be announced until the end of the week, when President Obama and other world leaders arrive -- in part because there has been so little progress on other issues at the climate summit meeting, sponsored by the United Nations.

"It is likely to be the most concrete thing that comes out of Copenhagen -- and it is a very big thing," said Fred Krupp, head of the Environmental Defense Fund.

For poorer countries, the payments will provide a much-needed new income stream. For richer nations, the lure of the program is not cash but carbon credits that can be used to cancel out, in part, their industrial emissions under a carbon trading system, like the cap-and-trade plan currently under consideration by Congress.

Forests "have become a pot of money or a get out of jail free card," said Peg Putt, a consultant to the Wilderness Society. "Either way, there's the prospect of financial benefit now, as opposed to just being told, 'Do the right thing,' like it was two years ago."

The new plan represents an important shift from earlier United Nations climate programs, like the 1997 Kyoto Protocol, in which countries committed to curbing their industrial emissions but got no credit for reducing emissions through changes in land use.

The agreement is also being closely watched in Congress, where climate legislation passed the House in June and is currently stalled in the Senate.

Under the cap-and-trade system preferred by Democratic leaders and the Obama administration, companies that cannot meet their greenhouse gas pollution limit could buy extra permits by investing in carbon-reduction programs abroad. Plans to preserve forests under REDD would presumably qualify.

The forest program "offers the opportunities for U.S. companies to reduce emissions at lower cost, which is very important politically," Mr. Krupp said.

Under the final draft of agreement, other habitats that absorb carbon dioxide -- like peat bogs, which store large amounts of carbon dioxide in their soil -- could be eligible for payments. This prospect has environmentalists scrambling to calculate the carbon storage capacity of other resources like swamps and fields, not for the sake of preserving beauty or biodiversity, but for their potential financial benefit.

"Why is everyone thinking about forest and peat land while overlooking oceans, the biggest carbon store on the planet?" said Dan Lafolley, marine vice chairman for the World Commission on Protected Areas of the Swiss-based International Union for the Conservation of Nature. "It would be a travesty if Copenhagen addressed forests but not other carbon stocks."

The potential for payments has even pitted advocates for some types of forest against advocates for other types.

"Were not sure in Copenhagen there will be a definitive mechanism for monetizing forests, but if there is we think all forests should be included," Steve Kallick, director of the Boreal Conservation Pew Environment Group, who studies northern forest stocks and noted that by some measures, boreal forests store twice as much carbon dioxide per unit as tropical forests.

Even if the ministers pass the agreement, as it is predicted they will, it will take some time before the money starts flowing. Many details remain to be worked out, including the exact level of emissions reduction the REDD program should aim for and by what

date, and what system should be used to measure the carbon storage of various habitats.

Meanwhile, scientists and conservationists have flocked to Copenhagen to make their case.

"We've seen the idea of REDD start in forestry, but expand to other land use sectors," Ms. Putt said.

Cary Fowler of the Global Crop Diversity Trust said he decided to come to Copenhagen when he saw no mention of crop diversity or agriculture in an earlier climate proposal.

"I thought I'd better come," he said. "This negotiation will help decide what's on the table -- which issues are legitimate and which not."

While progress was made on the forest program, little else was achieved at the bargaining tables here on Tuesday. A top United Nations official, asked to characterize the state of the talks, said simply, "Terrible."

A new draft of a proposed global accord leaves critical questions unanswered: how deeply nations will cut their greenhouse gas emissions, how much money will flow to help poor nations adapt to global warming and how any environmental program will be monitored and verified.

"There's a great deal yet to do," said Todd Stern, the chief climate change envoy for the United States.

Mr. Stern also said that President Obama would not consider changing the American commitment to reducing greenhouse gas emissions in the United States by about 17 percent below 2005 levels by 2020.

"It's tied to legislation," he said. "We don't want to promise something we don't have."

Leaders have already abandoned hope of completing a binding international treaty here and say they will continue the work next year. Trying to infuse a sense of urgency, former Vice President Al Gore pressed the negotiators in an afternoon speech to speed up next year's sessions with an eye toward completing a treaty in July. He also asked Mr. Obama and Senate leaders to set an April deadline for completing a Senate climate and energy bill.

Mr. Obama has been talking with a number of foreign officials in advance of his arrival here on Friday, the last scheduled day of the conference. He has spoken with the leaders of Britain, France, Germany, Ethiopia and Bangladesh since Monday, hoping to find a way to bridge the differences between the developed and developing countries that have divided this effort for years.

Secretary of State Hillary Rodham Clinton will arrive in Copenhagen on Thursday to help provide a final push toward agreement, a State Department official confirmed. She will stay until Mr. Obama departs, the official said.

Ban Ki-moon, secretary general of the United Nations, addressed the delegates Tuesday night as they moved into the final days of negotiations.

"We do not have another year to deliberate," he said. "Nature does not negotiate."

**The price of going green is justified (*Kansas City Star*)**

December 16, 2009 Wednesday
A; Pg. 25
The price of going green is justified;
AS I SEE IT

By RACHEL CLEETUS and JIMMY ADEGOKE; The Kansas City Star
December 15 2009
University of Missouri President Gary Forsee made headlines when he urged the state's congressional delegation to either oppose a climate and energy bill or exempt his university from compliance. It turns out that the legislation would not apply to the university's smaller, non-commercial coal plant, and even if it did, Forsee's estimates overstated the cost.

News coverage of the story, however, ignored why we need this bill, and why it is good for Missouri.

For years, the U.S. has been emitting too much carbon into the atmosphere by burning fossil fuels to power our cars, homes and businesses. Carbon traps heat and causes **global warming.**

All major scientific institutions and professional societies worldwide have concluded that human activity is driving **global warming.** Research by several University of Missouri system professors supports this conclusion.

Midwest temperatures have increased in the last 50 years, and a recent report by 13 federal agencies concluded that Missouri was likely to experience 60 to 90 days every summer with temperatures above 100 by the end of the century if nothing is done. Missouri could also expect longer-lasting heat waves and increasingly powerful storms and flooding.

Fortunately, there's still time to avoid the worst of **climate change** by quickly shifting from fossil fuels to cleaner power. In 2008, two-thirds of Missouri voters approved a state standard requiring utilities to obtain at least 15 percent of their electricity from

renewable sources, such as wind and bioenergy, by 2021. There are now three wind projects on line and a fourth in development.

Last year, Kansas City adopted a plan to cut city operations emissions 30 percent from 2000 levels by 2030 and reduce communitywide emissions 80 percent from 2000 levels by mid-century. UMKC faculty and students helped develop the plan and are working with community partners to make Kansas City emissions-neutral.

To ensure that we cut enough carbon emissions to avoid the worst of **global warming,** we need a national climate bill that caps emissions and offers incentives for businesses to support new clean technologies. The **Environmental Protection Agency** and the Energy Department's Energy Information Administration analyzed the cost of the House-passed climate bill and found that the average annual cost per household would range from $80 to $111 between 2012 and 2030, a mere 22 to 30 cents a day.

Even if the bill had covered MU's power plant, Forsee assumed an improbably high price for permits.

In fact, the initial annual cost to comply would be about half of what Forsee calculated, according to the federal agencies' price projections.

Additionally, Forsee's assertion that the university's energy prices would increase 50 percent is way off. The **EPA** estimated that electricity rates would rise only 0.2 percent. The agency also projected that consumer monthly electricity bills could fall 7 percent given the legislation's provisions for energy efficiency investments.

We are at a crossroads. **Global warming** is a serious threat to Missouri and the rest of the planet, and we're very close to enacting smart policies that would deploy the solutions.

Our civic leaders — from university presidents to federal lawmakers — need to show real leadership instead of backpedaling. Forsee should retract his opposition, and Missouri's congressional delegation should act quickly to enact climate legislation.

Rachel Cleetus is a climate economist with the Union of Concerned Scientists. She lives in Arlington, Mass. Jimmy Adegoke is a climate scientist and chair of the Department of Geosciences at the University of Missouri-Kansas City. He lives in Shawnee.

**Alaska Sen. Murkowski gives limiting EPA greenhouse gas rules another try (*Miami Herald*)**

Erika Bolstad
McClatchy Newspapers
Posted on Tuesday, 12.15.09

WASHINTON — Her first attempt failed, but on Monday Sen. Lisa Murkowski, R-Alaska, moved again to try to halt the Environmental Protection Agency's movement toward regulating the emission of greenhouse gases.

The federal agency last week announced that global warming pollution endangers public health, and announced plans to move forward with regulations that will limit emissions by large producers of greenhouse gases.

It could be years before any EPA regulations take effect, and the White House has said it would prefer that Congress write the guidelines. But if Congress doesn't act, the EPA's rules could set the standard for greenhouse gas emissions on the part of large emitters such as power plants, factories and other stationary sources of pollution.

Monday, Murkowski took to the Senate floor to express her concerns about an executive branch agency writing such regulations rather than Congress. She announced her intention to file a "disapproval resolution," a rare move that prohibits rules written by executive branch agencies from taking effect.

"This finding is supposedly rooted in concerns about the public health and public welfare," Murkowski said. "But what it really endangers are jobs, economic recovery and American competitiveness."

Murkowski is the top Republican on the Senate Energy and Natural Resources Committee, and she said Monday she remains committed to taking "meaningful action to reduce our nation's greenhouse gas emissions." But she also took a shot at the timing of the "endangerment finding" by the EPA, which made its announcement last week even as thousands of people from 192 countries gathered in Copenhagen for the U.N. climate summit.

"I am not interested in trying to embarrass the president, either here at home or on the international stage," Murkowski said, but added that "it's safe to say that I didn't choose to release the endangerment finding on the opening day of the Copenhagen climate conference. That was the EPA's decision."

In September, Senate Democrats blocked Murkowski's effort to limit for a year the EPA's ability to regulate greenhouse gases. Murkowski argued then that it would give Congress time to work on its own climate legislation so that what she called "the worst of our options, EPA regulation," didn't take effect before lawmakers completed their work. Since then, Murkowski has sparred with the EPA, which mounted a vigorous defense of the Alaska senator's effort to curtail its power to write the emissions rules.

The EPA's spokeswoman, Adora Andy, said Monday that the agency was complying with a Supreme Court decision. In 2007, the court ordered the Bush administration to determine whether greenhouse gases endanger the country's health and welfare. If the agency found that such emissions are indeed dangerous, the court instructed the EPA to address the problem.

"The United States Supreme Court ordered EPA two-and-a-half years ago to answer the endangerment question," Andy said. "For EPA to have answered it any other way than in the affirmative would have been to deny, with no basis whatsoever, a fact that is recognized by overwhelming scientific consensus and that is increasingly playing out before our very eyes."

The disapproval resolution will now be referred to the Senate Environment and Public Works Committee, Murkowski's office said. If the committee doesn't move it within 20 calendar days, it can go before the full Senate with the signatures of 30 senators.

**Nations play hardball as Hillary Clinton heads to summit (*Greenwire*)**

Darren Samuelsohn and Lisa Friedman, E&E reporters
12/15/2009
COPENHAGEN -- The United States is putting on a charm offensive as U.N. climate negotiations enter the home stretch despite new battle lines between rich and poor countries over core features of a new emissions agreement.

Yesterday, President Obama worked the phones with leaders of some of the world's most vulnerable countries, ahead of his scheduled trip to Denmark on Friday. Also, the State Department confirmed that Secretary of State Hillary Rodham Clinton would arrive here Thursday for a day of meetings ahead of Obama's arrival.

Luminaries already are trickling in. By late afternoon, both Britain's Prince Charles and U.N. chief Ban Ki-Moon had arrived for welcoming ceremonies.

In the back rooms of the Bella Center, where negotiators are frantically trying to come to agreement on major issues before more than 117 presidents and prime ministers start to arrive tomorrow, delegates privately said the outlook for success was grim. Publicly, they insisted upon optimism -- though they warned that the clock is ticking.

"We do only have 48 hours," said Connie Hedegaard, the Danish president of the conference, who fittingly once hosted a television news program called "Deadline." Before heads of state arrive, she said, "we must have finished the overall obstacles. That's the reality."

Yet the obstacles appeared to grow, not diminish, today. In a major show of force, top officials from China, India, Brazil and South Africa announced that they will collectively reduce global warming emissions 2.1 gigatons by 2020, but they will do it voluntarily. Meanwhile, they insisted that industrialized countries ramp up their targets significantly and sign an agreement that preserves the 1997 Kyoto Protocol, currently the only legally binding climate change agreement.

"Developing countries are taking their actions, and we are calling for developed countries to take their historical responsibilities squarely," said Xie Zhenhua, China's top climate envoy. "We demand developed countries cut emissions seriously."

Jairam Ramesh, India's environment minister, said the four major emerging countries -- which also are among the world's top greenhouse gas-emitting nations -- are united.

"We are coordinating our positions almost on an hourly basis," Ramesh said. "We will resist in a united manner any manipulation or any attempt to hijack the mandate of Copenhagen."

Both China and India have agreed to cut carbon emissions relative to economic growth in the coming decade. Brazil has announced major emission cuts tied largely to avoiding deforestation, and South Africa has pledged to peak emissions between 2020 and 2025. The group did not announce new targets today but made a powerful combined statement of its members' intentions to, as a representative from South Africa said, "take our responsibilities seriously."

Yet the refusal to be bound to those targets in an international agreement is a major problem for industrialized countries and the United States in particular.

**Clinton's role**

In an **op-ed** published today in the *International Herald Tribune*, Clinton stressed that international verification is key.

"A successful agreement depends upon a number of core elements, but two are shaping up to be essential: first, that all major economies set forth strong national actions and resolve to implement them; and second, that they agree to a system that enables full transparency and creates confidence that national actions are in fact being implemented," Clinton wrote.

Clinton also stressed a critical component to the climate accord sought by key moderate Senate Democrats and Republicans in Washington. "Transparency, in particular, is what will ensure that this agreement becomes operational, not just aspirational," she added. "We all need to take our share of responsibility, stand behind our commitments, and mean what we say in order for an international agreement to be credible."

Clinton's role is also increasingly growing in the closing hours before a critical deadline for the high-level environmental ministers who are trying to get as much accomplished as possible before their bosses arrive.

Jennifer Morgan, climate director at the World Resources Institute noted that six months ago that many of the countries offering targets would have been dead set against doing so. She and others suggested that a compromise exists on transparency issues, though likely not by the time Copenhagen talks conclude.

"There's still nothing on the table for them to move one more step," Morgan said of the developing countries. "They're putting out a very clear negotiating position right now."

**Obama calls Bangladesh, Ethiopia**

Meanwhile, the poorest and most vulnerable countries received assurances from Obama that the White House wants to see a strong agreement reached.

The White House said Obama called Prime Minister Sheikh Hasina of Bangladesh and Prime Minister Meles Zenawi of Ethiopia and "emphasized his desire to reach a pragmatic solution that encompasses action by all countries" in Copenhagen.

In the phone calls, Obama recited U.S. efforts to curb emissions and talked about the different roles both countries are playing in the two-week-long negotiation session.

Hasina, in return, highlighted how 80 percent of Bangladesh's 150 million people will be especially affected by global warming. And Meles, whose country has a critical role in the African Union, underscored the need for the Copenhagen talks to "make suitable progress" on emission cuts, adaptation and financing to help the world's poorest countries cope with climate change.

**'A lot of positioning'**

As of press time, negotiators remained squirreled away in closed-door talks on a number of critical fronts, from long-term emission reduction plans to how to finance developing nation efforts. Draft proposals have been circulating in the Bella Center, too, but they all remain very tentative and filled with the ubiquitous brackets that mean multiple proposals are still on the table.

"Time is running away," said Sweden's environment minister, Andreas Carlgren. "Within 48 hours, or less than 48 hours, actually, we're going to finalize this agreement."

U.N. climate chief Yvo de Boer said the U.N. talks have reached a "very distinct and important moment" that will need to be resolved by the world leaders.

"There's a saying in English, 'You can lead the horse to water, but you can't make it drink,'" de Boer said, noting that the Danish conference's hosts have been working for two years "bringing 192 horses to water. But you can't, at the end of the day, make the horse drink. Now it is the job of world leaders to make sure we get a result here."

The U.N. talks have broken down several times already over the last nine days of the conference, most recently yesterday, when African nations blocked the entire process because they were not in the room for critical parts of the negotiations.

But Hedegaard downplayed the delays. "There's a lot of signaling out there, a lot of positioning, and that's not necessarily reflecting the spirit when the doors are closed," she said.

**Gore urges Senate to pass bill by Earth Day (*Greenwire*)**

Darren Samuelsohn, E&E senior reporter
12/15/2009
COPENHAGEN -- President Obama and Democratic leaders on Capitol Hill should set an April 22 deadline for the Senate to pass economywide global warming and energy legislation, which would mark the 40th anniversary of Earth Day, former Vice President Al Gore said today.

Gore, speaking on the sidelines of the international negotiations here, also urged world leaders to plan on a U.N. meeting in Mexico City in July to finalize an international agreement on climate change.

"We cannot wait until next November," Gore said, referring to the next annual U.N. summit, which has been scheduled for Nov. 8-19, 2010.

The former vice president's speech came as negotiations here remain bogged down over a deep divide between rich and poor nations over just how much both sides should do. The first of some 117 world leaders start arriving tomorrow amid considerable uncertainty over whether a deal can be reached in Copenhagen, Denmark.

"We have three days to avoid a failure here that would delay the actions necessary to save their prospects," Gore said. "A delay at this point could call into question the viability of this undertaking, we cannot allow Copenhagen to become Doha."

To help the United States build credibility, Gore said he would urge Obama and Senate Democratic leaders to pass a climate bill in a little more than four months. To date, Majority Leader Harry Reid (D-Nev.) has said he has saved floor time for the spring, but he has given no additional information about his plans.

Sens. John Kerry (D-Mass.), Linsdey Graham (R-S.C.) and Joe Lieberman (I-Conn.) are working on crafting a Senate bill capable of winning 60 votes.

**EPA notice sets stage for regulation writing, lawsuits (*Greenwire*)**

Robin Bravender, E&E reporter
12/15/2009

U.S. EPA published its finding that greenhouse gases threaten public health in the Federal Register today, setting a stage for a series of rules to begin regulating the heat-trapping emissions.
The endangerment finding takes effect on Jan. 14, the notice says. And EPA is expected to roll out its first round of greenhouse gas rules by March, the first-ever federal tailpipe standards for greenhouse gases.

The tailpipe standards would automatically trigger requirements that stationary sources install "best available control technology," or BACT, according to EPA. The agency has proposed a separate rule to shield smaller facilities from those requirements, the "tailoring rule," which is also expected to be in place by March.

Today's formal publication of the endangerment finding also opens the door to litigation. Some opponents of EPA regulations are vowing lawsuits. Challengers to the endangerment finding have until Feb. 16 to file petitions in the U.S. Circuit Court of Appeals for the District of Columbia.

Meanwhile, the Obama administration continues to press Congress for a legislative solution.

Beyond the tailpipe standards, EPA's long-term plans to require new pollution-control technologies and expand greenhouse gas limits to the sectors regulated under the Clean Air Act are murky.

A major unknown is how EPA will define BACT for stationary sources. The agency is expected to soon issue guidance for state and regional permitting authorities about what steps new and modified industrial facilities should take to limit their greenhouse gas emissions.

"It's probably going to be generic at the outset," said Roger Martella, former EPA general counsel during the George W. Bush administration. He predicted the agency would offer general themes about how permitting agencies should approach BACT across multiple sectors. Ultimately, the agency will have to get more specific about what the BACT for each industry is.

Ideally, EPA would issue guidance before the tailpipe rule is finalized or the agency otherwise triggers the permitting requirements, Martella said.

Experts say the agency could pick from a host of options ranging from efficiency standards or fuel-switching to carbon capture and storage (CCS) technologies.

Bill Bumpers, an industry attorney at the Washington law firm Baker Botts LLP, said BACT for power plants will most likely be set in the form of an energy efficiency standard.

BACT is unlikely to entail CCS technologies, Bumpers said, because it is too expensive. When determining BACT for individual facilities, permitting authorities must consider the energy and environmental effects in addition to the costs of requiring controls.

To require CCS, "it also would have to be commercially available, and currently, it's not," Bumpers said.

David Bookbinder, chief climate counsel at the Sierra Club, expects that EPA will require facilities to consider switching from coal to natural gas.

Ultimately, it will be up to the states, and there will likely be a patchwork of how permitting authorities interpret EPA's advice, Bookbinder said. "It's merely guidance, and states are free to use or ignore it," he added, although they would have to explain themselves to courts if they opted for the latter.

**Industry-specific limits**

Further down the line, EPA is expected to set industry-specific "new source performance standards," or NSPS, which requires facilities that significantly contribute to dangerous pollution levels to cut their emissions. Importantly, the standards would require states to set emissions requirements for existing sources, which could involve requirements to retrofit some of the oldest, dirtiest stationary sources.

Now that EPA has issued its endangerment finding, the agency will probably take the position that any future NSPS rules must address greenhouse gases, Martella said.

Before tackling specific industries, experts say EPA will need to issue findings that source categories are significant contributors to the greenhouse gas emissions that endanger health and welfare. The endangerment finding issued last week determined only that cars and light trucks added to the mix of greenhouse gases in the atmosphere.

But that should be a relatively simple legal maneuver, Bookbinder said. For the big industrial sources, "EPA can do that now, or they can do it when they propose a CO2 limit," he said.

Bookbinder expects that the first NSPS to include greenhouse gas limits will be issued in June for cement plants. The agency is under a consent decree to finalize an NSPS for the industry by June 6, and Bookbinder said the agency will likely issue draft CO2 limits along with the final rule.

EPA is also facing court deadlines to finalize performance standards for electric utilities, petroleum refineries, nitric acid plants, and oil and gas drilling operations.

Bookbinder said the agency could issue CO2 limits for the electric utility sector in March 2011, when it faces a court deadline to require strict plant-specific controls for mercury and other hazardous air pollutants (*Greenwire*, Oct. 23).

EPA air chief Gina McCarthy has repeatedly stated that EPA wants to implement a more industry-friendly approach to rulemaking that will allow companies to invest in controls that curb multiple pollutants at once rather than using a more expensive piecemeal strategy. Many observers have interpreted her comments as a signal that the agency plans to integrate rules so companies can streamline their pollution upgrades (*Greenwire*, Oct. 27).

But Martella predicted that a draft performance standard for electric utilities will likely be issued in 2010 -- before the mercury rule is proposed. Rolling out the mercury rule and NSPS together "would be a lot to bite off at once," he said.

**Mobile source petitions**

EPA is also facing a raft of petitions from states and environmental groups urging the agency to begin to regulate greenhouse gas emissions from a variety of nonroad mobile sources, including aircraft, marine engines and equipment like farm and construction machinery.

"Once they finalize the car rule, we're going to start to see EPA come out with proposed regulations for those sectors," perhaps by the end of next year, Martella said.

EPA also got a nudge from Congress that it ought to move forward on regulating those sectors, Bookbinder said. Both the House-passed energy and climate bill and the legislation that cleared the Senate Environment and Public Works Committee give EPA the authority to regulate nonroad vehicles and engines.

"Clearly, Congress has said, 'Go ahead, do that,'" Bookbinder said, adding that the agency's schedule remains unclear.

**Legal challenges**

It appears certain that opponents of EPA's efforts will take the agency to court.

"No matter what EPA does, there are going to be challenges," said Grant Nakayama, the former EPA enforcement chief under President George W. Bush. "The more they are going to be able to bolster their legal position, the faster you'll see motion."

A conservative think tank has already threatened to sue the agency over the final endangerment finding, and observers predict that opponents will also challenge the tailoring rule and individual states' permitting decisions.

The Competitive Enterprise Institute said it plans to challenge EPA's finding over concerns that have arisen after a series of e-mails were hacked from the University of East Anglia's Climatic Research Unit, a prominent research institute whose studies help form the basis of internationally recognized climate data. Some lawmakers and global

warming skeptics say the e-mails show that researchers intentionally withheld climate data and sought to stifle competing theories (*E&ENews PM*, Dec. 7).

But John Walke, clean air director at the Natural Resources Defense Council, said it is unclear whether groups that challenge the finding would have a viable lawsuit. Under the Clean Air Act, third-party groups can only challenge EPA rules or other final agency actions, he said. And because the endangerment finding is a scientific finding that doesn't bind anyone to do anything or prevent anyone from doing anything, he said, "I don't think they will have a legal leg to stand on."

Industry and environmental groups alike are questioning whether the tailoring rule will stand up to legal scrutiny.

The proposal seeks to shield industrial sources that emit less than 25,000 tons per year of greenhouse gas emissions from EPA's New Source Review and operating permit requirements. But some observers argue that the rule violates the language of the Clean Air Act, which applies the requirements to sources that emit 100 or 250 tons or more of a pollutant per year.

"The tailoring rule could very well be struck down," Bumpers said. If it is struck down, it would lead to burdensome and expensive requirements for even small facilities, he added.

EPA air chief McCarthy has defended the rule's legal foundations. "We made, we think, a very strong legal argument," she said in October. "We also made, I think, a very strong common-sense argument on why we would want to have PSD apply to the larger facilities, why it makes the most sense there, why it's not the most appropriate tool for smaller facilities."

**Capitol Hill**

EPA's entire regulatory landscape could be upended by action in Congress.

"There is an infinite number of possibilities to what Congress could do," Nakayama said, depending on lawmakers' political will.

Martella laid out several possible scenarios for congressional action. The most likely option would be to allow EPA to regulate mobile sources using the Clean Air Act but pre-empt the automatic trigger for stationary sources, he said. "That's the potential win-win for everybody," because EPA would be fulfilling the Supreme Court's mandate but would avoid some of adverse consequences of stationary source permitting rules.

Sen. Lisa Murkowski (R-Alaska), ranking member of the Energy and Natural Resources Committee, introduced an amendment earlier this year to the 2010 EPA spending bill that would have blocked the agency from regulating greenhouse gas emissions from stationary sources like power plants and industrial facilities for one year. That proposal

was quashed when Senate leadership decided not to allow Murkowski to offer it on the floor under a unanimous consent agreement (*Greenwire*, Sept. 24).

Alternatively, Martella said, Congress could advance efforts to pre-empt agency regulations entirely, or completely endorse EPA actions and codify the tailoring rule, or stay silent while the agency moves forward with regulations.

Murkowski yesterday announced plans to introduce a resolution to retroactively veto the endangerment finding, but she acknowledged that she would face an "uphill battle" to get the needed votes (*E&ENews PM*, Dec. 14).

And while Congress could write a blank check to EPA to move forward on regulations, Nakayama called that scenario "highly unlikely." Congress believes it has a role, and it does have a role, he said.

"I think there is a fairly good chance that either the administration or Congress will need to find a way to push back the implementation of the CO2 rules for stationary sources, just because there's no infrastructure for dealing with them," said Jeff Holmstead, former EPA air chief during the George W. Bush administration and now an industry attorney.

Both the House-passed energy and climate legislation and the version that cleared the Environment and Public Works Committee include exemptions for many of EPA's regulatory programs.

But Bookbinder said he does not anticipate broad congressional pre-emptions in the absence of a comprehensive climate change bill. "I do not see Barack Obama going to Copenhagen, asserting U.S. leadership on climate, and coming back to the United States saying, 'Congress has not signed a climate bill, and now I'm going to acquiesce all my authority on dealing with climate, as well.'"

Bookbinder said Congress could take limited action to block EPA from setting nationwide limits for greenhouse gas concentrations and to codify the tailoring rule to avoid legal challenges. "I don't think there would be much of a problem with Congress doing either of those," he said, adding that lawmakers may simply do nothing and let EPA retain its regulatory authorities.

Two environmental groups petitioned EPA early this month to regulate greenhouse gases under a section of the Clean Air Act that requires EPA to set national allowable concentrations for harmful pollutants, but EPA Administrator Lisa Jackson last week signaled that her agency would oppose such limits (*Greenwire*, Dec. 8).

Jackson said last week that she anticipates that EPA regulations and legislation can work hand in hand. "I do not believe that this is an either-or proposition," she said. "I actually see this is a both-and. I believe the Clean Air Act can complement legislative efforts."

**USDA, dairy farmers sign agreement to reduce emissions (*Greenwire*)**

Allison Winter, E&E reporter
Agriculture Secretary Tom Vilsack today announced a plan to ramp up federal investment in projects that convert cow waste into electricity -- part of the Obama administration's effort during international climate talks to demonstrate a commitment to curb greenhouse gas emissions.
Vilsack signed a memorandum of understanding with U.S. dairy producers today in Copenhagen, Denmark, where he also released a report highlighting some of the potential dangers climate change could pose for farmers.

The public-private partnership aims to reduce greenhouse gas emissions from the dairy industry by 25 percent by 2020.

Vilsack signed the agreement with Dairy Management Inc., which represents 56,000 U.S. dairy producers and includes the American Dairy Association, the National Dairy Council and the U.S. Dairy Export Council.

As part of the agreement, USDA will ramp up its investment in anaerobic digesters under existing farm bill programs that assist farmers with financing for the waste-to-energy projects. The department will also try to streamline some of the current requirements for farmers who want to enter the program, Vilsack said.

Anaerobic or methane digesters collect animal waste, capture methane from the manure and allow it be used for gas or converted into electricity. There are already hundreds of the projects in operation on farms in the United States.

USDA will also undertake new research initiatives on other ways to reduce emissions from dairy farms, including possibilities to change feed in an effort to reduce flatulence, thought to be one of the cows' major sources of emissions.

Dairy farms are estimated to create less than 2 percent of total greenhouse gas emissions. The dairy industry plans to reduce that by about a quarter and will make estimates of current and future emissions from a lifecycle assessment still in development at the University of Arkansas, according to Erin Fitzgerald of Dairy Management Inc.

The group's Innovation Center for U.S. Dairy will work in partnership with USDA to research and promote emissions reduction schemes for U.S. farmers.

"This historic agreement, the first of its kind, will help us achieve the ambitious goal of drastically reducing greenhouse gas emissions while benefiting dairy farmers," Vilsack said.

The USDA chief said the industry will look for ways to reduce emissions in all aspects of its operations -- from the farms to shipping to storage. But the digesters are likely to be one of the largest investments to help reduce emissions on the farm.

Farmers have traditionally deposited manure in holding lagoons or used it for fertilizer. The lagoons promote methane emissions, and putting manure on fields allows nitrogen, phosphorous and other pollutants to wash into rivers, lakes and bays.

Digesters shortcut that process by gathering waste in enclosed tanks to generate electricity. Today, digesters cost between $150,000 and $1 million, depending on their size and the type of energy they produce.

EPA, the Agriculture Department and the Energy Department have for years had a voluntary program to promote digesters to reduce methane emissions (*Greenwire*, July 18, 2007). The growing use of digesters has already lowered methane emissions more than fourfold since 2003, according to EPA.

Environmentalists agree that digesters are an excellent way to cut down on carbon emissions in the air but note that the technology is not the panacea for animal waste. Different forms of nitrogen remain in the material left behind in the process, and environmentalists say farmers still must use caution in handling and storing those potential fertilizers.

**Mayors urge ambitious deal on CO2 cuts (*Greenwire*)**

12/15/2009
Mayors from some of the world's largest and wealthiest cities urged politicians to strike "an ambitious and empowering deal" on carbon dioxide cuts today in Copenhagen. More than 80 mayors, including New York's Michael Bloomberg, are meeting this week at the Danish capital to exchange experiences adopting green methods in talks held in parallel to the U.N. climate summit. Cities are home to half of the world's population and consume as much as 75 percent of its energy, the mayors noted.

"The battle against climate change will be won or lost in cities," said David Miller, mayor of Toronto and head of the C40, representing the world's largest municipalities. "While nations talk, cities are acting to fight climate change."

There is a demand from residents to act, Bloomberg said.

"We can't sit around and wait for federal governments to act when our constituencies really want something changed," he said. "Recessions are when we need to be more environmentally friendly."

Recessions also allow for cheaper labor and materials that can be used for green projects, he added, pointing out that the construction of the Empire State Building and the reconstruction of Central Park took place during the Great Depression (Christian Wienberg, Bloomberg, Dec. 15). **-- PV**

**GRANTS**

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Published: December 16, 2009 05:45 am

**Grant will help turn tannery lot into public park (*Salem News*)**

By Jennesa Regios
Correspondent
PEABODY — The city has been awarded a $329,419 state grant to help turn a vacant lot into a public park.
The grant, from the Executive Office of Energy and Environmental Affairs, will pay for design work on a 1.3-acre lot at 45 Walnut St., a former tannery site that has been vacant for 20 years. The city purchased the property last spring.
Construction isn't slated to begin until next fall. The park will also need a grant from the federal Environmental Protection Agency's brownfields program to clean up the site, which may have contaminates in the soil from the tannery. Brownfields grants are not typically awarded until the spring.
But this initial grant has at least "got the ball rolling," City Planner Brendan Callahan said.
The park, which is close to the downtown area, will be an open green space with paths and plazas. There will be no sports fields.
"We're hoping it will be a foot-traffic generator," Callahan said.
The grant is a 60-40 grant, which means the city must provide 40 percent of the funding for the project. The grant also stipulates that the money be used by June 2011.
Callahan is optimistic about getting the brownfields grant.
"We've been highly successful with all of our grants for this lot," he said.

**HAZARDOUS WASTES**

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**Industry Seeks To Expand EPA Cleanup Funding To Offset Auto Losses (*Inside EPA*)**

Tuesday, December 15, 2009

Industry representatives say the government's role in helping bankrupt automakers shed their cleanup liability should lead EPA to revise its policy so that the government, not the other companies liable at contaminated sites, must pay for the portion of an estimated $2 billion in cleanup costs that may be "orphaned," or abandoned, by the auto companies.

But even without revisions to EPA's so-called orphan share policy, industry will seek to limit any increase in their liability by arguing in court that a recent Supreme Court ruling that allows liable parties to apportion any joint-and-several liability early in the litigation process frees them of liability that can be assigned to the automakers.

Both the policy and legal avenues should lead the agency to ask Congress for money to cover the bankrupt companies' cleanup obligations, industry sources say. But some sources fear that Congress could reinstate the expired Superfund taxes or limit liability apportionment in response to any effort to have the government cover the automakers' costs. An EPA spokeswoman did not respond to a request for comment by press time.

At issue is the slew of sites that were contaminated in part by General Motors (GM) and Chrysler before the companies went bankrupt. During their government-facilitated restructuring the companies were split, allowing GM and Chrysler to emerge and leaving Motors Liquidation Company and Old Carco, respectively, to deal with the former companies' liability, including their cleanup liability.

The U.S. Attorney's Office submitted liability claims ahead of a Nov. 30 deadline in the bankruptcy cases showing that the entities are at least partially liable for $98 million in past cleanup costs and $1.9 billion in future cleanup costs. Senior agency officials say the bankruptcy proceedings may be the only way to obtain cleanup funds for some of the sites, although EPA and others have said the proceedings are unlikely to adequately cover those expenses.

Some of the sites where cleanup is expected to be most expensive are industrial landfills or other multi-party sites. Industry fears that if bankruptcy proceedings do not provide sufficient funds for the cleanup that they will be stuck with the automakers' cleanup costs under Superfund requirements that hold other potentially responsible parties (PRPs) jointly and severally liable for all of the cleanup costs.

**Industry Hopes For Revised Policy**

In light of this prospect, industry source says EPA should revise its policy for dealing with cleanup shares that have been orphaned through government-facilitated bankruptcies such as the automakers' cases.

Under EPA's current orphan share policy, the agency will compensate the remaining PRPs that clean up sites for the orphan share up to 25 percent of either the response costs or the total past and future oversight costs, whichever is less. Adopted in 1995, EPA says the policy "provides a major incentive for responsible parties to perform

cleanups and settle claims quickly without litigation, and reduces transaction costs by wholly or partly resolving the question of who should bear the burden of orphan shares," according to the agency's Web site.

But one industry source says that EPA should amend its orphan share policy to fully compensate PRPs for orphan shares that arise out of bankruptcy proceedings in which the government has intervened. Industry believes it should not have to pay for another company that the government has let off the hook, the source says. "At some point I think there needs to be some kind of accountability for some rough justice within the Superfund program," the source says.

A revised orphan share policy would likely require the agency to ask Congress for more money for the cleanups, the source says. But EPA could also ask lawmakers for new funds independently of any policy changes as early as the fiscal year 2011 appropriations process, the source says.

A second industry source is supportive of the idea of a new orphan share policy, but says industry may also be able to avoid taking over the liability of automakers and other bankrupt companies through the courts. Either way, industry should not be held liable for contamination that is not theirs, the source says. "I don't think the government is going to get a whole lot of money out of the baFnkruptcies, but our view is that's [the government's] problem, not ours," the source says.

**Precedent For Lower Liability**

Industry will also use the precedent set by the Supreme Court's May decision in the case *Burlington Northern and Santa Fe Railway Co. V. United States,* which found that lower courts can apportion liability amongst PRPs early in the litigation process, to try to insulate themselves from the liability of the automakers and other bankrupt companies, the source says. At complex sites it may take several years to determine a remedy and the amount of cleanup costs each party must pay, but the sums of money at stake will make it worth it for industry to push the *Burlington* arguments, the source says.

For example, GM is one a number of parties that contributed to contamination of the Passaic River at the complex Diamond Alkali Superfund Site in New Jersey. It will likely take a long time for EPA to determine a remedy at the site, but the agency has suggested it is considering capping eight miles of the river, which could cost up to $1 billion, the source says. While GM may only end up being liable for a single digit percentage of the total cleanup, that is still a hefty sum that other PRPs will not want to pay, the source says.

One attorney working on Superfund issues notes that the threat of *Burlington* arguments may be a driver for EPA to revise its orphan share policy as a "carrot" to encourage PRPs to settle liability cases rather than seek apportionment.

But if industry is successful and the government must foot the bill for the orphaned cleanups, the second industry source says it will likely inadvertently lead to calls for Congress to reform Superfund law to reinstate strict joint and several liability -- as New Jersey has done -- or boost efforts to reinstate a Superfund tax on industry, as advocates are already pushing in light of the auto bankruptcies.

But the first industry source, who also says *Burlington* will help PRPs avoid automakers' orphans shares, says such reforms would anger industries who have not benefited from government intervention. "It would be an insult to injury if the tax got renewed because of this sweetheart deal with one company," the source says.

Tuesday, December 15, 2009
Last updated 2:59 p.m. PT

**Companies fined for illegally exporting hazardous wastes (*Seattle Post Intelligencer*)**

By JOHN STANG
SEATTLEPI.COM STAFF
A Lakewood recycling firm and a Texas-based business partner have agreed to pay a $21,650 fine for improperly disposing of old computer gear.
The U.S. Environmental Protection Agency announced Tuesday the fine against SM Metals LLC -- currently doing business as Better PC Recycle in Lakewood -- and W&E International Trading of Texas.
The companies also agreed to dismantle more than 500 color computer monitors that were shipped as wastes to Hong Kong in April, and were rejected by that port as illegal wastes.
The violations included improperly packing, labeling and marking dangerous wastes, and failing to notify the EPA of the intent to export the material, an EPA news release said.
Also Hong Kong's consent had not been obtained to send the wastes there.
SM Metals sold the monitors to W&E International Trading, the EPA said.
The Hong Kong Environmental Protection Department ordered that the monitors be returned to the Port of Tacoma.
The cathode ray tubes in monitors contain an average of 4 pounds of lead, plus arsenic, mercury and cadmium, the EPA said.
John Stang can be reached at 206-448-8030 or johnstang@seattlepi.com.

**SUPERFUND**
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**Southington, Companies Settle On Dump-Pollution Payments (*Hartford Courant*)**

By JOSH KOVNER
December 16, 2009
Runoff from the former Southington dump on Old Turnpike Road once polluted the area, and now the town and 90 companies that dumped there are going to have to pay for the environmental damage and the cleanup.

The 12-acre landfill closed in 1967 and was named to the federal government's Superfund list of hazardous sites in 1984. In a settlement with the U.S. Environmental Protection Agency, announced Tuesday, the town and the four largest companies to dump at the site — United Technologies Corp., Kraft Foods, Shell Oil Co., and GenCorp Inc. — have agreed to pay a total of $3,787,000.

The payment breaks down this way: a lump sum of $500,000 to cover the EPA's "future oversight costs"; $537,000 to the U.S. Department of Interior for damage to federal natural resources; and a $2.75 million payment to the state for additional natural-resource damage.

A statement from the EPA did not specify what Southington's share would be of the payments. Town Manager John Weichsel said that he wasn't certain of the amount but that it would be covered by a trust fund that contains at least $627,000.

"There won't be any out-of-pocket payments from the town on this," Weichsel said Tuesday, adding that he expects to learn more today about the town's obligation.

In a second settlement with the EPA, 86 companies and entities that dumped smaller amounts of material at the former landfill will pay a total of $4,248,000 into a trust fund that will be managed by the town and the four larger companies. That money will be used to help pay the first settlement, as well as continued environmental testing and cleanup.

In the 1970s, after the landfill was closed and capped, the land was sold and several commercial buildings and houses were built on and around the site. In 1979, contaminants were found in a nearby municipal well, and the well was closed. After that, the buildings had to be relocated, contaminated areas were further encapsulated, and equipment was installed to capture vapors under the soil.

The EPA said in 2006 that ground-water monitoring and other tests would continue for at least 30 years.

**EPA to Meet about Contaminated Site Clean-up (*First Coast News*)**

Dave Wax ▪ 1 hr ago

JACKSONVILLE, Fla. -- The federal government wants to talk to residents about upcoming clean-ups at two contaminated sites in the city.
The Brown's Dump and Jacksonville Ash sites are both on the Environmental Protection Agency's Superfund list. Superfund is a program designed to get the nation's most contaminated sites cleaned up.
The Brown's Dump Superfund Alternative Site is an 80-acre area with a JEA substation and many residences.
It was a landfill for the city's ash until the mid-1950s, and housed a school (Mary Mcleod Bethune Elementary) from 1955 until 2001.
In 1999, the EPA identified the city of Jacksonville, the Duval County School Board and JEA as potentially responsible parties, for lead, arsenic, pesticides and other contaminants have been found in the soil.
The plan to clean up the site was introduced in 2006, and provided for the removal of a shallow layer off the top, to be replaced by new soil, which would require temporary relocation of residents if the residents so request.
The Jacksonville Ash Site actually consists of three sites: the Forest Street Incinerator, the Fifth and Cleveland Incinerator and Lonnie C. Miller Sr. Park.
The Forest Street Incinerator is a 460-acre site where municipal solid waste was handled until the 1960s. Ash and ash residue was disposed of around the property and on the land that is now Lonnie C. Miller Sr. Park.
The city of Jacksonville has found "significantly elevated" levels of lead in the soil and ground water in the area from the ash, and elevated levels of arsenic, dioxins and other toxins in the soil, sediment, surface water and ground water in all three sites.
The cleanup effort will consist of similar measures as the Brown's Dump. The first step taken by the city was to erect a fence around the most affected areas.
At both the Ash Site and Brown's Dump, cleanup is set to begin in 2010.
The EPA will be meeting with the community about both cleanup sites.
At 6 p.m. today, the meeting will be at the Emmett Reed Center, 1093 W. 6th St.
Wednesday at 6 p.m., the meeting will be at A. Philiip Randolph Academies, 1157 Golfair Blvd.
The meetings will run about an hour, and there will be an opportunity for questions afterward.
There are also information repositories at several sites around town where residents can go to read any related documents.
For Brown's Dump:
Clanzel T. Brown Center
4415 Moncrief Road
For Jacksonville Ash:
Jacksonville Urban League
903 W. Union St.
Bradham Brooks Public Library
1755 W. Edgewood Ave.
For both sites:
Project New Ground Community Information Center
1605-8 N. Myrtle Ave.

As new documents are created for either site, they will be added to the relevant locations.
First Coast News

**TOXICS**
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**Industry Fears Peer Review Of EPA Cyanide Risk Study Ignores Key Data (*Inside EPA*)**

Tuesday, December 15, 2009
Peer reviewers for EPA's draft risk assessment of hydrogen cyanide (HCN) are largely endorsing the analysis, prompting industry concern that the agency and the peer review panel are ignoring key data from international studies that they say suggest the chemical is not as harmful as stated in EPA's draft assessment.

At a Dec. 14 review session in Arlington, VA, peer reviewers gave EPA mostly positive feedback on the agency's new Integrated Risk Information System (IRIS) assessment for cyanide salts and HCN, a feedstock chemical used in numerous industrial processes and a contaminant at dozens of waste sites. The draft released Sept. 23 suggests the substance is more harmful at lower exposure levels than the agency states in its current policy.

Industry representatives recently urged EPA to scale back its proposal to significantly strengthen the risk-based levels for HCN, a position they reiterated at the meeting by citing international studies backing their position.

At the peer review meeting, industry representatives cited data from tropical populations that consume cyanide regularly and clinical data pertaining to a form of cyanide used to regulate blood pressure as evidence that the chemical is not toxic. Some of the officials reiterated a suggestion that EPA should look at a 2007 study of hydrogen cyanide conducted by an industry-funded group of scientists known as the European Centre of Ecotoxicology and Toxicology of Chemicals that relies heavily on data on people who eat cassava, a tropical plant that naturally contains cyanide.

However, members of the peer review panel gave EPA largely positive feedback, and one panelist suggested that relying on studies of people in tropical areas who eat cassava might not be appropriate for EPA's purposes.

Panelist George Daston, of the Procter & Gamble Company, questioned industry representatives who spoke during the public comment portion of the the Dec. 14 session in support of using the studies of tropical populations, noting that the intended target audience of the agency's assessment is the U.S. population. "Cavassa

consumption is not big in the U.S.," Datson said. Datson also noted that no one is suggesting there is "any physiological benefit" to consuming HCN.

While the panelists suggested some areas where EPA could improve the draft assessment by including data from additional studies, they overall offered mostly positive feedback on the document and the underlying studies the agency chose to rely upon. There was little discussion of the international studies the industry officials are touting outside of the public comment period, prompting concern from some industry sources.

The draft assessment would make EPA's non-cancer standard for oral exposure, or reference dose (RfD), 31 times more stringent than the current level established in 1985. It would also make the safe daily inhalation exposure standard, or reference concentration (RfC), four times more stringent than the current level established in 1994. The new RfD would be 0.00063 milligrams per kilogram of body weight per day (mg/kg/day), compared to the current value of 0.02 mg/kg/day. The RfC would be 0.00083 milligrams per cubic meter (mg/m3), as opposed to the current value of 0.003 mg/m3.

Members of an industry coalition known as the CN Council are arguing for an RfD of 0.345 mg/kg/day -- a level that is less stringent than both the current standard and EPA's new proposed standard. Similarly, the representatives are arguing for an RfC of 3.77 mg/m3, which is also weaker than the agency's current existing standard.

"I'm disappointed they didn't take a broader look at the available data," one industry source said after the review session, describing the discussion as "very narrowly focused." Another industry source said after the review that other countries and international organizations such as the World Health Organization recognize the value of the studies on tropical populations and other data, and called EPA's decision to exclude them "ludicrous."

The average person already has levels of cyanide in their bodies as a result of dietary and other background sources of exposure that are above the thresholds the agency is suggesting in the new assessment, the second industry source said.

The peer review panel is expected to finalize its recommendations to the agency in approximately two weeks.

**WATER**

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**Sacramento cleans up in U.S. municipal clean-water rankings (*Sacramento Bee*)**

(California)
December 16, 2009 Wednesday
B; Pg. 1
BY: Matt Weiser; mweiser@sacbee.com
December 16 2009
Do you drink the water?

If you live in the city of Sacramento, you probably should, according to a new report on municipal water quality.

Sacramento has the best tap water among large cities west of the Rockies, according to the nonprofit Environmental Working Group. The capital city even beat San Francisco, long fabled for the purity of its source water in Yosemite National Park.

Sacramento's drinking water also comes from the sacred snows of the Sierra Nevada, a fact that seems lost on residents who prefer bottled water, despite its higher cost and less-certain quality.

City Councilman Kevin McCarty drinks the water. He confessed that as a child growing up in Sacramento, he drank it mostly from a garden hose.

"We have great water," said McCarty. "With this news, I would think even more people would say it certainly is a smart choice as far as your health and your pocketbook."

The report is based on a review of five years of water-quality tests by municipal water utilities serving at least 250,000 people. The U.S. **Environmental Protection Agency** requires the data, but doesn't report them.

Environmental Working Group ranked cities according to the results. Sacramento ranked No. 1 in California, 18th nationally.

It's not a taste test. It's a summary of contaminants in tap water, as reported by the municipalities themselves.

San Francisco ranked 33rd in the top 50, while Oakland was 36th and Long Beach 40th.

"I want to give them props for being one of the highest rated utilities in the country," said Renee Sharp, California director of Environmental Working Group. "That is certainly something to be proud of."

About 60 percent of Sacramento's water comes from the Sacramento River, 25 percent from the American River and 15 percent from groundwater. The water is filtered and disinfected before being piped to customers.

Paul Towers drinks it. As state director of **Pesticide** Watch, his job is to help ensure the public has access to clean water, air and food.

"I think the water tastes fine and is fine," said Towers, a resident of Sacramento's Oak Park neighborhood. "I drink it straight from the tap. More local governments across the state should follow Sacramento's example."

None of this says, however, that Sacramento's tap water is perfect. Almost no water is.

The reports show that Sacramento detected eight chemicals in excess of health guidelines 17 times over five years – including **arsenic,** chloroform, trihalomethanes and lead.

Health guidelines describe a pollution limit that would exist "in an ideal world," Sharp said, where all the technology and money were available to eliminate contamination. In many cases, a health guideline is set at zero, a level unattainable in a practical sense.

More serious are health standards – usually a higher pollutant concentration where health hazards are clearer and regulation is mandatory. In the five years, Sacramento didn't exceed health standards for any chemical. San Francisco had one (involving manganese).

In Sacramento's case, results are based on 511 water tests over five years. That's about 20 percent more tests than the average for municipal water systems. The **EPA** requires results to be distributed to the public annually.

Water bottlers, regulated separately by the Food and Drug Administration, face less rigorous testing rules and no similar public disclosure requirement.

Bottlers seem to know Sacramento has good water: Nestlé, Alhambra, Coca-Cola and Dr Pepper Snapple have all opted to locate water bottling plants in Sacramento that draw from the municipal supply.

Consumers buy that water eagerly – including some in Sacramento who can get the same water from their kitchen sink or garden hose. They pay about one-tenth of a penny per gallon at home, versus $2 a gallon or more in bottles at the store.

The new Nestlé bottling plant generated significant controversy after the city approved its construction in September – without a public hearing – amid a three-year drought.

The amount of water Nestlé will divert is small compared with Sacramento's total consumption. But the project nonetheless prompted concern at a time when residents are being asked to heed new water conservation rules.

Nestlé officials could not be reached for comment Tuesday.

Because of the outcry, McCarty plans to introduce an ordinance to require special permits for water bottlers, and perhaps steeper fees for water they divert. As it stands, he said, they pay about the same as Sacramento homeowners, yet divert larger quantities.

Evan Tucker also drinks the water. Tucker helped launch Save Our Water Sacramento, a group seeking tighter regulations on bottlers in the city.

He and Sharp said consumers buy bottled water believing that it's purer than tap water. In reality, they have no way of knowing. And in Sacramento, at least, it would be hard to top the tap water.

"Instead of being more vigilant about demanding quality water in the place they live, people say, 'Oh, I'll just buy a case of (bottled water) instead,' " said Tucker. "That's something that concerns me. Because tap water is tested so much more rigorously than bottled water, we have the opportunity to know what faults it has or how good it is so much more than we do with bottled water."

Chesapeake bay

**EPA officials discuss new Chesapeake Bay cleanup goals (*Daily Press*)**

By Cory Nealon
247-4760
10:17 PM EST, December 15, 2009
CHESAPEAKE
— There is less pollution entering the Chesapeake Bay now than two decades ago.

Nevertheless, stiffer regulations are required to help the nation's largest estuary rebound from decades of abuse.

That was the message delivered by federal and state regulators, who discussed revamped efforts to restore the bay during two public forums in Hampton Roads on Tuesday.

"We've got a lot of work to get done," said Jeff Corbin, Virginia's assistant secretary of natural resources. "This is the next phase of the bay restoration."

He was joined by representatives of the Environmental Protection Agency, which announced in September that it would further limit bay pollution and hold states accountable if they fail to assist.

Excessive amounts of nutrients, such as nitrogen and phosphorus, contribute to dead zones, algae blooms and other problems. Nitrogen levels dropped nearly 29 percent from 1985 to 2008, according to EPA estimates. Phosphorus levels declined almost 43

percent during the same time period.

But the bay still has myriad problems, including a ravaged fishery and the decline of ecologically important wetlands.

Accordingly, the EPA plans to crack down on the most egregious polluters, such as large farms, wastewater treatment plants, and runoff from suburban and urban areas. The move is being challenged by home builders and farmers, who say their industries already face significant regulations that bring questionable results.

Many of the 100 or so people who attended an afternoon hearing in Chesapeake applauded the EPA, saying the plan is long overdue.

Bob Koroncai, an EPA administrator leading the nutrient-reduction effort, said the agency will continue to solicit public comment before presenting more detailed plans in August.

The final report on how the EPA will administer the cleanup effort is due next December.

**Bay pollutants**

*NITROGEN*

*1985:* 397 million pounds

*2008:* 283 million pounds

*Goal:* 200 million pounds

*PHOSPHORUS*

*1985:* 28.4 million pounds

*2008:* 16.3 million pounds

*Goal:* 15 million pounds

**Nevada officials defend water after low ranking (*Associated Press*)**

**Story also appeared: *San Jose Mercury News***

The Associated Press
Posted: 12/15/2009 04:58:16 PM PST
Updated: 12/15/2009 04:58:16 PM PST

RENO, Nev.—Three of Nevada's largest cities dispute a report from an environmental advocacy group that concluded they have among the worst water in the nation.
Washington, D.C.-based Environmental Working Group ranked Las Vegas at No. 98 of 100, Reno at No. 96 and North Las Vegas at No. 93 in the report. Receiving the worst rankings were Pensacola, Fla. and Riverside, Calif.
The group concluded that tap water in many metropolitan areas is fouled by a "cocktail of chemical contaminants."
Environmental Working Group said it based its report on an analysis of 20 million water quality tests performed by utilities between 2004 and 2009, the Reno Gazette-Journal reported.
Nevada Department of Conservation and Natural Resources Director Allen Biaggi countered that drinking water in the Reno and Las Vegas areas meets and is "significantly better than (the) federal Environmental Protection Agency's water standards."
"We take our role in protecting drinking water quality very seriously and water suppliers follow state and EPA regulations, which are some of the most stringent in the world," Biaggi said Tuesday in a statement. "Nevadans can be assured their drinking water is safe to drink."
Most Las Vegas drinking water comes from the Lake Mead reservoir behind Hoover Dam on the Colorado River.
The Las Vegas ranking was based on the Las Vegas Valley Water District's own water quality data, which show trace levels of 30 different
chemicals, including arsenic, lead and radon.
"I don't know if we can say Las Vegas' water is unsafe based on this data," Leeann Brown, spokeswoman for the Environmental Working Group, told the Las Vegas Review-Journal. "We're certainly safe in saying it's not in good condition."
Las Vegas Valley Water District spokesman J.C. Davis told the Review-Journal the rankings are sensational and misleading. The district supplies tap water to about 1.3 million valley residents.
"We just don't happen to have the standards they (the working group) would like us to," he told the newspaper.
North Las Vegas gets its treated drinking water from the same place as the water district—Lake Mead.
The group said one of its top concerns about water consumed by residents of Reno-Sparks is arsenic. It reported average arsenic concentrations of about 7 parts per billion (ppb).
"We are finding actually quite a lot of arsenic. We are really concerned about that," researcher Olga Naidenko told the Gazette-Journal. "In terms of lifelong exposure, that's where I would be concerned."
But Truckee Meadows Water Authority Water Quality Chief Paul Miller told the newspaper arsenic levels average less than 3 ppb and none of the utility's customers have water with average yearlong arsenic levels exceeding the EPA's drinking water standards of 10 ppb.

The Truckee Meadows Water Authority in northern Nevada serves about 93,000 homes and businesses. It draws 85 percent of its water from the Truckee River and taps groundwater wells as backup during the peak summer demand.
"We honestly have some of the best drinking water in the nation," Miller said. "I'm offended when I hear someone say we have near the worst. It's not true."

**Residents' pleas keep new sewer plan tabled (*Newark Advocate*)**

December 15, 2009
By CHAD KLIMACK
Advocate Reporter
PATASKALA -- Pleas from residents prompted Pataskala City Council on Monday to delay a project to construct new sewers in their subdivision.

A Columbus attorney who said she was retained by residents of the Oaks, a long-standing subdivision just north of Broad Street and east of Ohio 310, made the appeal on the residents' behalf.

Attorney April Bott asked council to keep the legislation tabled -- it has been tabled since June -- so city officials could answer several technical, engineering and design questions. The city recently fulfilled a public records request from the Oaks that included 734 pages and three CDs.

In addition, Bott argued there is no urgency to fast-track the project.

The council agreed to keep the needed legislation tabled after listening to City Administrator Tim Boland, who agreed the city has time to complete the project. All told, it has 48 months.

Still, Boland warned the residents the city wanted to start the project in order to lock in construction costs, which could rise in the future.

"I think we run a high probability of cost increases," Boland said.

The city has spent most of the year working with the subdivision's residents on the project.

The Environmental Protection Agency mandated the city undertake the project after testing revealed fecal coliform in waterways in the Oaks. The presence of the coliform indicated the subdivision's on-lot septic systems were failing.

City officials have pegged the total cost of installing new sewers in the subdivision at just more than $520,000. As many as 33 property owners will have to split the cost, which the city picking up just more than $10,000 of the total cost.

The council attempted to extend a peace offering to the residents in October by voting to waive the $3,150 capacity fees associated with the project. That move led two Oaks residents who had connected on their own to the city's sewer system to decry the fact they were not included in the legislation waiving the fees.

Although council did not approve the legislation kicking off the project on Monday, it did approve a resolution exempting the two residents from the capacity fees.

Councilman Bernard Brush cast the lone vote against the move. Brush said the city should not make a "special exemption" for the two property owners.

Before the vote, Law Director Rufus Hurst asked the city to consult with the Oaks residents to ensure there is a consensus with holding up the project, considering the delay could inflate costs.

**Chad Klimack can be reached at (740) 927-3738 or cklimack@nncogannett.com.**

**Group rejects Klamath settlement deal (*Greenwire*)**

12/15/2009
The Northcoast Environmental Center yesterday announced that it would not support an agreement to destroy four dams on the Klamath River to restore salmon and steelhead runs that have been partially blocked for the better part of the past century on the California-Oregon border.

The draft agreement is the product of years of often bitter negotiations among electric utilities, government officials, commercial fishers, farmers, native tribes and environmental groups. It calls for the breaching and removal of four Klamath River hydroelectric plants owned and operated by PacifiCorp (*Greenwire*, Oct. 1).

Klamath Campaign coordinator Jay Wright said the deal did not adequately entice PacifiCorp, the states of Oregon and California or the federal government to commit to dam removal.

He added that the group was also displeased by a related deal that allowed farming to continue on Klamath wildlife refuges (Associated Press, Dec. 14). **-- JK**

**EPA to spend $13M to halt invasive carp (*Greenwire*)**

Taryn Luntz, E&E reporter
12/15/2009

The federal government will spend $13 million to halt the advance of Asian carp into the Great Lakes, U.S. EPA said yesterday.

Experts fear that the invasive carp, which have been traveling up the Mississippi and Illinois rivers for decades, will devastate the ecology and fisheries of the world's largest surface freshwater system. The fish can grow up to 100 pounds, and their voracious appetites and rapid reproduction rate could threaten native species in the lakes, according to EPA.

DNA testing last month showed the carp may have crossed an electric fish barrier on the Chicago Sanitary and Ship Canal that is meant to stall them, putting them within 6 miles of Lake Michigan.

Most of the money announced yesterday will be used to shore up low-lying land between waterways where the carp already lurk and the Chicago Sanitary and Ship Canal, which leads to Lake Michigan.

The projects will create physical barriers to prevent the carp from traveling overland to the canal during floods -- a measure recommended by the Army Corps of Engineers in a report released earlier this month.

"The challenge at hand requires the immediate action we're taking today," said EPA Administrator Lisa Jackson. "EPA and its partners are stepping up to prevent the environmental and economic destruction that can come from invasive Asian carp."

The money for the projects will come from a $475 million Great Lakes restoration fund approved by Congress this year.

Thom Cmar, an attorney with the National Resources Defense Council, commended federal officials for taking immediate action but said they are dealing with an old problem, not the new one.

"We think it's great that EPA is engaged and that the Army Corps is trying to come up with short-term solutions," Cmar said. "But that doesn't directly deal with the issue of Asian carp already being detected in those waters past the barriers."

NRDC and other environmental groups advocate closing three shipping locks near Chicago and permanently shutting down man-made connections between the Great Lakes and the Mississippi River -- steps opposed by the shipping industry.

Earlier this month, officials poisoned a 6-mile stretch of the Chicago Sanitary and Ship Canal to kill off the carp while the electrical barrier was down for routine maintenance.

The operation netted one Asian carp, discovered Dec. 3 just above the Lockport Lock and Dam, below the electric barrier.

A subsequent weeklong netting project above the barrier yielded no Asian carp.

**Pataskala residents' pleas keep new sewer plan tabled (*Newark Advocate*)**

**BY CHAD KLIMACK • ADVOCATE REPORTER • DECEMBER 16, 2009**

PATASKALA -- Pleas from residents prompted Pataskala City Council on Monday to delay a project to construct new sewers in their subdivision.

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In addition, Bott argued there is no urgency to fast-track the project.

The council agreed to keep the legislation tabled after listening to City Administrator Tim Boland, who agreed the city has time to complete the project. All told, it has 48 months.

Still, Boland warned the residents the city wanted to start the project in order to lock in construction costs, which could rise in the future.

"I think we run a high probability of cost increases," Boland said.

The city has spent most of the year working with the subdivision's residents on the project.

The Environmental Protection Agency mandated the city undertake the project after testing revealed fecal coliform in waterways in the Oaks. The presence of the coliform indicated the subdivision's on-lot septic systems were failing.

City officials have pegged the total cost of installing new sewers in the subdivision at just more than $520,000. As many as 33 property owners will have to split the cost, which the city picking up just more than $10,000 of the total cost.

The council attempted to extend a peace offering to the residents in October by voting to waive the $3,150 capacity fees associated with the project. That move led two Oaks residents who had connected on their own to the city's sewer system to decry the fact they were not included in the legislation waiving the fees.

Although council did not approve the legislation kicking off the project on Monday, it did approve a resolution exempting the two residents from the capacity fees.

Councilman Bernard Brush cast the lone vote against the move. Brush said the city should not make a "special exemption" for the two property owners.

Before the vote, Law Director Rufus Hurst asked the city to consult with the Oaks residents to ensure there is a consensus with holding up the project, considering the delay could inflate costs.

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**West Virginia DEP Seeks Advice from EPA on CONSOL Order (*WBOY-TV*)**

Posted Tuesday, December 15, 2009 ; 05:05 PM |
Updated Tuesday, December 15, 2009; 07:27 PM
The DEP is considering allowing the Blacksville No. 2 mine to discharge into Dunkard Creek.
Story by Jessika Lewis
MORGANTOWN -- The West Virginia Department of Environmental protection has issued an order that would allow CONSOL to once again discharge water from the Blacksville No. 2 mine into Dunkard Creek.

DEP officials have written the order, but are still waiting to get input from the Environmental Protection Agency, said Kathy Cosco, DEP spokeswoman.

The DEP has worked with the EPA throughout the course of the investigation into the fish kill that occurred in the creek at the beginning of September, and wants to make sure that both agencies are on the same page, according to Cosco.

What happens if the EPA disagrees with the order?

“It’s likely we would make adjustments because this is something that we want to make sure everyone is on board with,” Cosco stated.

CONSOL asked that the DEP allow them to discharge from the mine, because the company was concerned that water backing up in the mine could be dangerous for miners working there, according to Joe Cerenzia, director of Ppublic relations for CONSOL.

The backup is reaching a critical stage, said Cerenzia, and CONSOL is hoping the matter will be resolved quickly.

Although CONSOL is not legally required to seek the DEP's approval to discharge, Cerenzia said they want to be sure they keep a good relationship with the agency.

In mid-September, CONSOL voluntarily stopped discharging from the mine, as environmental agencies began to investigate what was killing the fish and other wildlife in the creek.

Reports have pointed to the mine as the source for heightened levels of total dissolved solids (TDS) in the water, which is believed to have been the source for the growth of golden algae in the waterway.

The algae release a toxin that is harmful to gill-breathing organisms.

The Pennsylvania Fish and Boat Commission is looking into the criminal aspect of the fish kill, and said it cannot comment on the matter because it is still under investigation.

**Environmentalists want TVA prosecuted in ash spill (*Associated Press*)**

By BILL POOVEY (AP) – 21 hours ago

CHATTANOOGA, Tenn. — Environmental groups said Monday they want the Tennessee Valley Authority to be prosecuted for its huge coal ash spill in Tennessee and not shielded from penalties for polluting.

In response, officials with the nation's largest public utility said they are already subject to penalties and lawsuits filed by the Environmental Protection Agency and it's working to change the way it stores its coal ash.

The groups argue that TVA should not be protected from prosecution or penalties by a long-standing federal rule that limits how the Justice Department can prosecute federal agencies.

The Dec. 22, 2008, spill is considered one of the largest environmental disasters in TVA history. About 5.4 million cubic yards of metals-laden ash spilled when an earthen dike failed at the coal-powered plant and a cleanup is ongoing.

Representatives of the Environmental Integrity Project, Sierra Club and other groups said a report by TVA's own inspector general shows the Knoxville-based utility's spill at the Kingston plant is only its "latest and most dramatic example of environmental mismanagement."

Eric Schaeffer, the Environmental Integrity Project's director, said the groups sent a letter to President Barack Obama, urging him to have the Justice Department stop protecting TVA from penalties for the spill and the utility's record of violating air and water pollution laws.

The White House press office and a spokesman for the Justice Department did not answer an e-mail message seeking comment.

Schaeffer declined to say Monday if he believes there has been criminal wrongdoing by TVA, but "the IG report suggests that the misconduct was either intentional or what we would call pretty bad negligence."

TVA spokeswoman Barbara Martocci released an e-mail statement saying the utility is already subject to federal penalties by the Environmental Protection Agency and others "under the statutes they have the authority to enforce. TVA, like all federal agencies, and consistent with the Department of Justice's position on the issue, is not subject to civil penalties in suits brought by citizen groups under some federal environmental statutes."

The TVA statement said the utility agrees that courts "have already ruled that EPA is free to sue TVA and we have never disputed this."

The Environmental Integrity Project made a few more recommendations in a report, saying TVA uses some of the worst practices in utility industry, but it could offer the Obama administration an opportunity to transform it into a "model of clean energy production and environmental stewardship."

The project recommends Obama appoint new directors to TVA's governing board, that the utility produce a timeline for its plan to convert all wet coal waste storage to dry, zero-discharge systems and that it phase out old coal-fired plants.

The utility said it has committed to change its wet coal ash storage to a dry system within 10 years, at a cost of up to $2 billion.

Two congressional panels held hearings last week on TVA's Kingston spill that an EPA official said has left pollutants at elevated but acceptable levels in treated drinking water around the site on the Emory River about 40 miles west of Knoxville.

Tom Kilgore, TVA's chief executive and president, said in a hearing that the utility has removed about two-thirds of the ash that spilled into the river and is on schedule to

complete the river clean up by next spring. Kilgore said it will probably take until 2013 to clean up remaining ash on nearby land.

TVA is the nation's largest public utility serving nearly 9 million customers in Tennessee, Alabama, Mississippi, Kentucky, Georgia, North Carolina and Virginia.

12/15/2009

**EPA Releases Final Specification For Watersense New Homes (*Lawn & Landscape Magazine)***

Homeowners will save on utility bills and increase water efficiency.
WASHINGTON — The U.S. Environmental Protection Agency (EPA) released its final WaterSense single-family new homes specification, creating the first national, voluntary, water-efficiency specification for an entire new home.
“Home builders can now partner with EPA and earn the WaterSense label for their newly built homes, helping to create livable communities and quality homes that are easy to maintain,” said Peter S. Silva, assistant administrator for EPA’s Office of Water. “These homes will save homeowners as much as $200 a year on utility bills compared to their current homes.”

EPA worked with hundreds of stakeholders the past three years to develop this specification, which was designed to complement existing green building programs. WaterSense labeled new homes, which will be 20 percent more efficient than typical new homes, must be independently inspected and certified by an EPA licensed certification provider to meet the WaterSense criteria for water efficiency and performance.

The new homes will feature WaterSense labeled plumbing fixtures, Energy Star qualified appliances (if installed), water-efficient landscaping, and hot water delivery systems that deliver hot water faster, so homeowners don’t waste water—or energy—waiting at the tap.

By investing in WaterSense labeled homes, American home buyers can reduce their water usage by more than 10,000 gallons per year—enough to fill a backyard swimming pool—and save enough energy annually to power a television for four years.

If the approximately 1.27 million new homes built in the United States each year were WaterSense labeled, it would save more than 12 billion gallons of water.

With this announcement, EPA is inviting home builders to join the WaterSense program and commit to building water-efficient new homes.

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