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

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Posted: 1:00 AM
Updated: 2:51 AM

**Casey wants EPA to probe well contamination linked to gas drilling (*Wilkes Barre Times-Leader*)**

By Steve Mocarsky smocarsky@timesleader.com
Staff Writer

SCRANTON – U.S. Sen. Robert Casey wants the U.S. Environmental Protection Agency to investigate and respond to groundwater contamination that the state has linked to a natural gas well in Susquehanna County.

Read Sen. Robert Casey's letter to the EPA at www.timesleader.com.

In a letter to EPA administrator Lisa Jackson, Casey noted that natural gas drilling in the Marcellus Shale region has led to job creation, strengthened the state economy and reduced dependence on foreign oil.

However, Casey writes, "the highly variable and unpredictable nature" of hydraulic fracturing (fracking) "that can lead to the contamination of drinking water is of great concern." He noted the gas and oil industry is exempt from complying with the federal Safe Drinking Water Act.

Casey said there are many reasons for requesting EPA involvement, including recent incidents in the state that "raise the question of whether the necessary steps have been taken to protect Pennsylvania families and communities against the detrimental side effects of drilling."

He pointed to methane gas infiltration into private water wells in Dimock Township and noted that several wells have exploded because of a suspected buildup of natural gas.

Casey said the state Department of Environmental Protection fined Cabot Oil & Gas Corp. $240,000, ordered the plugging of three natural gas wells believed to be the source of the contamination, prohibited Cabot from drilling in the vicinity for one year and required Cabot to install permanent water treatment systems in affected homes.

Casey also noted that, according to DEP, between 6,000 and 8,000 gallons of fracking fluid leaked from a pipe at a drill site and contaminated the surrounding area and a wetland in Susquehanna County in two separate spills on the same day in September 2009 – one in the afternoon that leaked 25 to 50 barrels of fluid, another in the evening that leaked 140 barrels.

“I commend DEP for taking action, but I remain concerned that the current status of federal and state oversight of gas drilling may be inadequate” to protect families living near drilling sites, Casey wrote.

The senator asked for a meeting with appropriate EPA officials to discuss natural gas drilling and whether the agency could investigate water and environmental contamination. He said he hopes Science Advisory Board officials would also attend the meeting to discuss the scope, timing and methodology of a congressionally mandated study the EPA has launched on hydraulic fracturing.

An EPA spokeswoman said officials are reviewing Casey’s letter and expect to respond in the near future.

*Steve Mocarsky*, a Times Leader staff writer, may be reached at 970-7311.

**EPA chief won't take comedian's bait on Graham (*Greenwire*)**

(04/27/2010)
Robin Bravender, E&E reporter
U.S. EPA Administrator Lisa Jackson deflected suggestions from "Daily Show" host Jon Stewart that Republican Lindsey Graham is a "big, fat baby" for backing away from Senate climate bill negotiations.

During an interview that aired last night on Comedy Central, Stewart pressed Jackson to address how the South Carolina lawmaker's threat to walk away from climate talks has affected the Obama administration's push for a sweeping climate and energy bill.

"Do you feel like Senator Graham is a big fat baby, and would you like to say to him right now on the show, 'Waah, waah waah? Waah, Lindsey Graham'?" Stewart said.

Jackson's response: "No, listen. I think, you know, Senator Graham is looking at a changing political landscape, and I do think that at this point it's in all of our interest to invite him back in, tell him how important his work will be to success ultimately on the bill."

But Stewart wouldn't relent. "Have you thought about candy, or a pacifier, for Senator Graham?" he asked. Then he added, "You don't have to answer that."

Graham has been crafting a climate and energy bill with Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.), but he has threatened to abandon the talks because of the Democratic leadership's push to simultaneously overhaul federal immigration policies. The trio was slated to unveil the bill yesterday, but the release was stalled after Graham's announcement.

"We were pretty close to having the discussion start to move in the U.S. Senate for the first time in a long time in a meaningful way," Jackson told Stewart. "The support of Senator Graham shouldn't be underestimated, because he's worked a long time to make it a bipartisan, actually a tripartisan effort if you count Senator Lieberman."

Graham insisted yesterday that he wants to work on the climate bill but doubts it has any chance of success this year so long as Senate Majority Leader Harry Reid (D-Nev.) continues forward with an immigration overhaul (*E&E Daily*, April 27).

"You all are talking about energy and climate," Graham told reporters after a meeting with Kerry and Lieberman in the Capitol. "Well, Lindsey Graham is part of both. And I'm not going to be a party to bringing up immigration in this Congress, I mean in this year, in a way that will destroy the issue. I'm not going to have my fingerprints on a political maneuver that could wind up breaking this country apart. So how much clearer can I be? Immigration brought up this year is nothing but a political stunt. It will divide the country."

A Graham spokeswoman did not respond to a request for a comment.

**EDITORIAL / OP-ED / COMMENTARY / LETTERS**

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**... And Sewage, Too (*New York Times*)**

April 28, 2010 Wednesday
Late Edition - Final
SectiOn A; Column 0; Editorial Desk; OP-ED CONTRIBUTOR; Pg. 25By ROSE GEORGE.
Rose George is the author of "The Big Necessity: The Unmentionable World of Human Waste and Why It Matters."
Leeds, England

ON several quiet streets in Sheffield, a northern English city an hour from here, are street lamps that look like ordinary gas lamps, but do not burn ordinary gas. Instead, their light comes from gas released from the sewers that run beneath them. Thus, they are both relics of the past, when gas lamps lighted our streets, and of the future, when excrement and wastewater will again be seen as a resource, not a waste.

"Wastewater" has always been recognized to have some value. In 1860, as waterborne sewer systems were becoming the norm, an alderman named Mechi told Farmer's Magazine that "if the money value of our sewers could be shown to the British farmer in bright and glittering heaps of sovereigns, he would gasp at the enormous wealth, and make great efforts to obtain the treasure." Mechi was talking about the fertilizing

nutrients in human "waste," which he thought were needlessly ruined by mixing excrement with water, but he might also have been talking about its wasted energy potential.

Sludge, the solids that remain after sewage has been cleaned into effluent, has a high B.T.U. content (a measurement of fuel's energy); it burns efficiently and well. Other aspects of wastewater treatment can also reap energy: anaerobic digestion (whereby bacteria munch on the organic contents) produces methane, which with turbines can become combined heat or power. Microbial fuel cells can use bacteria to get electricity from sewage, while gasification, a high-temperature process, can reap fuel-ready gas from sludge.

When it comes to harnessing energy from wastewater treatment, it sounds as if we are spoiled for choice. Then you look at the numbers. Of the 16,000 wastewater treatment plants in the United States, about 1,000 process enough gallons (five million daily) to be able to generate cost-effective energy using anaerobic digestion. Yet only 544 use anaerobic digestion, and only 106 of those do anything more with the gas produced than to flare it.

If those 544 treatment plants generated energy from their sewage, the **E.P.A**. concluded in a 2007 report, they could provide 340 megawatts of electricity (enough to power 340,000 homes), and offset 2.3 million tons of carbon dioxide that would be produced through traditional electricity generation. In the effort to reduce greenhouse gases, the **E.P.A**. said, this would be equivalent to planting 640,000 acres of forest or taking some 430,000 cars off the road.

Gasification, like anaerobic digestion, is an age-old process. It used to supply gas lamps in some American towns, too, before piped gas became the norm. The process -- a thermal conversion at high temperatures -- could probably be done in a garbage can. But the utilities haven't been eager to push the technology. The sewage treatment process -- essentially, filter, settle, digest -- hasn't changed much since the early 1900s, because it works. And drying out sludge enough to make it burnable takes money and energy. Pilot projects may take several years to pay for themselves, which can clash with short-term budget cycles.

Other factors may force the industry's hand. It takes considerable energy to clean sewage, and energy costs have risen along with global temperatures. Now isolated pioneers are showing how investing in "waste" can pay off: London's Thames Water utility now generates 14 percent of the power it needs from burning sludge or methane, saving $23 million a year in electricity bills.

Also, it's green to burn the brown stuff. Resource recovery from wastewater counts as renewable energy, which makes sense: we're hardly likely to stop providing the raw material anytime soon. So why continue to flush away a resource whose value, even under the dim light of a sewer gas lamp, should be blindingly obvious?

**Return to limited governance (*Washington Times*)**

April 28, 2010 Wednesday
B, LETTERS; Pg. 2
Return to limited governance
President Obama's push for a financial overhaul of the United States is yet another goal of his grow-government, anti-free-market agenda to take over the lives of the people under his protection ("Dodd pushes to get bill on derivatives to floor," Nation, Thursday).

Indeed, this, along with health care, welfare, housing and Environmental Protection Agency control of energy, water and the environment, is simply a fast and furious scheme to force protection upon us whether we like it or not.

To pay for it, this president and Congress undoubtedly will pass a value-added tax (VAT) on all goods and services, which will cause hyperinflation and reduce us to a giant underclass.

As if America were not steeped in enough fear, anxiety and uncertainty, there is a real danger of Mr. Obama reducing and compromising our defenses, forcing the American people to take on enormous debt, risking a total market collapse, making us vulnerable to further terrorist attacks and generally using the economic crisis to enhance the power of his office.

DANIEL B. JEFFS

Apple Valley, Calif.

**AIR**

**Graham's bipartisan efforts bog down (*Los Angeles Times*)**

April 28, 2010 Wednesday
Home Edition

MAIN NEWS; National Desk; Part A; Pg. 9
THE NATION;
Graham's bipartisan efforts bog down;
The Republican is backing off his push to cooperate on issues including immigration.

By Jim Tankersley, Richard Simon
WASHINGTON
For months, Sen. Lindsey Graham of South Carolina was one of the few Republicans willing to cross the aisle to work with the Obama administration on controversial issues. Now, he may be the showcase example of why bipartisanship is all but dead in Washington.

In the beginning, Graham's attempts to find compromises with Obama and Senate Democrats on immigration, energy and closing Guantanamo Bay looked like the best chance for a thaw in Washington's icy partisan environment. But now, under attack from colleagues and activists in both parties, Graham is threatening to chuck the whole effort.

That potentially dooms prospects for congressional action this year on energy and immigration, as well as the likelihood of widespread cooperation across party lines on most other issues.

From the right, Republican activists in Graham's home state have heaped scorn and censure on him. Fellow Senate Republicans, including party leaders, have left him to deal with Democrats on his own.

Meanwhile, from the other side, White House officials have criticized Graham's push to include what would have amounted to a new gasoline tax in the energy bill. Liberals have griped that Graham packed the bill with giveaways to industry; moderates say he hasn't delivered Republican support for the bill anyway.

Perhaps most important, Graham suddenly finds himself wrestling with the Senate's top Democrat, Harry Reid of Nevada, over a plan to fast-track the immigration bill. Graham says that by pushing the bill when it isn't ready and can't pass, Reid has jeopardized good-faith negotiations on immigration and energy in hopes of scoring cheap political points against Republicans.

So last weekend Graham stepped away from the bargaining table.

Graham's fellow South Carolinian Republican Sen. Jim DeMint puts it: "No one can deny that Lindsey Graham works in good faith with the other side ... if they turn their back on Lindsey, that just shows they're going to try to do it without us."

For his part, Graham in a recent interview lamented that both parties' bases "are getting less and less tolerant of people trying to find common ground."

"I don't deserve the praise or the criticism to the extent I get it," he said. "I'm as frustrated as the average person with why things don't work better."

Later, he added: "I enjoy my job. The only reason I enjoy it -- the lifestyle of a senator sucks -- is the wonderful opportunity for a conservative, right now, to have a say on big issues.... As long as you're willing to let the other side get something, you can have a real say."

It's a long-held philosophy that Graham says he applies only to big issues.

Well before the 2008 election, Graham met with a group of South Carolina utility executives. He told them that regardless of who won the White House, the next president would push to limit greenhouse gas emissions because the U.S. Supreme Court had just ruled that the **Environmental Protection Agency** could regulate those emissions under the **Clean Air Act.**

Graham told the executives that he planned to work on an emissions-limiting bill in the Senate, and he asked the executives what they needed from such a bill to protect their customers and their bottom lines.

During the '08 presidential campaign, Graham served as a top surrogate for Sen. John McCain (R-Ariz.), a close Graham friend and an aisle-crossing role model of sorts.

On talk shows, Graham often squared off with Sen. John F. Kerry (D-Mass.), a top Obama surrogate. After the election, they teamed up, along with Sen. Joe Lieberman (I-Conn.), to draft a bipartisan energy and climate bill.

In months of negotiations, Graham has pushed the bill steadily to the right, adding provisions to boost nuclear energy and offshore drilling, and reaching out aggressively to oil companies and other business groups.

The approach has won cautious admiration from many industry groups and praise from many Democrats, including White House Chief of Staff Rahm Emanuel, who is close to Graham.

"Lindsey Graham is hugely helpful," Kerry said in a recent interview. "He's hugely articulate. He's a very smart guy."

One thing Graham hadn't brought, before he stepped away from the bargaining table

last weekend, was additional Republican support for the climate bill. The same appears to be true of his work with Sen. Charles E. Schumer (D-N.Y.) on immigration -- even though Graham voted with his GOP colleagues 94% of the time last year on party-line votes, according to a Congressional Quarterly analysis.

At a time when partisan fights have held up a major Wall Street regulation bill, most parties involved in immigration and climate negotiations say neither bill has a chance this year without Graham's support. Reid seemed to concede as much on Tuesday, telling reporters an energy bill would move before immigration, as Graham has insisted.

It may not be enough. After months of prodding Democrats to move on immigration, Graham now wants Reid to put that bill off until next year.

Asked about that position, Reid replied: "I don't know why Sen. Graham has decided that he wants out of what he's doing."

With that, the situation in Washington returned to normal.

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**Save money by buying a green lawn mower (*WTOP Com*)**

April 28, 2010 - 6:50am
UNDATED - Nothing is closer to the green, green grass of home than your trusty old lawn mower. Now, you could save some green by purchasing a state of the art green lawn mower.

Communities across the U.S. are offering vouchers and discounts to trade in your gas-powered mowers for electric or non-motorized mowers.

The carbon dioxide your gas mower spews out may not seem like much, but multiply it by 44 million mowers nationwide, and it's becoming an air quality issue.

Bill Becker, executive director of the National Association of Clean Air Agencies, tells USA TODAY that operating a typical 3.5-horsepower, gas-powered lawn mower for one hour creates as much pollution as driving a newer sedan from D.C., to Boston.

The discounts are being offered now because next year Environmental Protection Agency standards for mowers go into effect. They'll call for a 35 percent reduction in emissions

One company offering discounts of up to $200 on electric and reel mowers is Neuton.

Neuton is offering "virtual" exchanges, where you recycle your gas mower locally, then then call to order an electric mower.

The deal is available in Maryland, California, Florida, Idaho, Illinois, Iowa, Massachusetts, Missouri, New Jersey, North Carolina, Ohio, South Carolina, Texas and Washington, says Allison Cranmer, sales manager for Neuton.

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**Cities offer discounts on green mowers (*USA TODAY*)**

By Ron Barnett, USA TODAY
When a gasoline-powered mower rumbles along a lawn, the tiny puff of carbon monoxide it coughs up is barely noticeable.

But multiply that puff by 44 million — the number of gasoline-powered push mowers the U.S. Environmental Protection Agency estimates are in use in the USA — and it's an air quality issue, especially in areas facing the likelihood of violating clean air standards that will take effect Aug. 31, EPA spokesman Dave Ryan says.

More than 300 counties are in violation of federal air quality standards now, and that number is likely to double when new standards go into effect, Ryan says. Plus, additional EPA standards specifically for mowers will go into effect next year that call for a 35% reduction in emissions, he says.

To help improve air quality, communities across the USA are offering residents vouchers and discounts toward purchase of electric or non-motorized mowers when they turn in their gas-powered mowers, says Bill Becker, executive director of the National Association of Clean Air Agencies, which represents air pollution agencies in most states.

**GREEN HOUSE:** Small victories... greener life

"These have not been your traditional methods of reducing air pollution, but they have been very successful when implemented," he says. "We are seeing more examples of these types of programs, ranging from lawn mowers to wood stoves to other high-polluting consumer-owned activities."

Riding mowers are accepted as well as push-mowers, but few have been offered for exchange, he says.

Operating a typical 3.5-horsepower, gas-powered lawn mower for one hour that's not equipped with a pollution-control catalyst creates as much pollution as driving a newer sedan from Washington, D.C., to Boston, Becker says. Newer model mowers have catalytic converters that help turn pollutants such as carbon monoxide and nitrogen oxides into "normal atmospheric gases" such as nitrogen, carbon dioxide and water, according to the EPA's Ryan.

Mower exchange programs going on this spring include:

•**Denver:** In a city where testing shows lawn equipment contributes up to 10% of the emissions in the area, there will be at least 500 environmentally friendly mowers available on May 1 in an exchange program, says Sarah Anderson of the Regional Air Quality Council. People who exchange a gas-powered mower will get a discount toward the purchase of a battery powered or non-motorized mower, which will be immediately available at the site.

•**Boise:** On May 1, the city will offer 150 electric mowers at a $110 discount for people who trade in their gas mowers. Also, a drawing will be held, and 50 people will get an additional $125 discount, and one mower will be given away, says Aimee Hughes, environmental specialist for the city's public works department.

•**Sacramento:** Residents last month sent nearly 1,300 gas-powered lawn mowers for recycling and received discounts on the purchase of electric or non-motorized push mowers, says Carol Novak of the Sacramento Municipal Utility District. The discounts reflected a savings of more than over $220 off the regular retail price, she says.

That agency has teamed up with the Sacramento Metropolitan Air Quality District on this program since 1997. On-site exchange events also are being held in South Carolina, Texas, Vermont and Washington, according to Allison Cranmer, sales manager for Neuton, a battery-powered mower manufacturer offering discounts ranging from $10 to $200 on its electric and non-motorized reel mowers.

The company also is offering "virtual" exchanges, in which participants recycle their gas mower locally, then call to order an electric mower at a discount for delivery, she says. That's available in California, Florida, Idaho, Illinois, Iowa, Maryland, Massachusetts, Missouri, New Jersey, North Carolina, Ohio, South Carolina, Texas and Washington, she says.

Some programs don't even require gas mower trade-ins, she says. First-time mower buyers can, in some cases, also receive discounts to buy battery-powered mowers through programs sponsored by local governments or environmental agencies, Cranmer says.

Mowers that are turned in are usually sent to the local recycling center or solid waste collector and destroyed, Cranmer says.

"One of the big incentives from the residents' point of view is that there's low maintenance involved," says Channell Webster, program coordinator for the South Carolina Department of Health and Environmental Control. "It doesn't require oil, it doesn't require gas. There's also less noise pollution."

Miriam Mills of West Columbia, S.C., is a testimonial to the popularity of the program.

She and her neighbor, Thelma Weathersby, showed up at the trade-in site in Columbia at 4 a.m. on April 10 to make sure they were first in line when the electric mowers came off the truck five hours later.

Mills has a small lawn but says she is "for keeping the environment clean" and will share the mower with Weathersby.

"I just think it's fantastic that they do this program and I hope that they keep it up," she says.

*Barnett reports for The Greenville (S.C.) News*

**Smog in L.A. is still tops in nation (*Los Angeles Times)***

April 28, 2010 Wednesday
Home Edition
LATEXTRA; Metro Desk; Part AA; Pg. 1
SMOG IN L.A. IS STILL TOPS IN NATION;
The metropolitan area averages more than 140 days a year with dangerous ozone.

By Margot Roosevelt
Metropolitan Los Angeles, extending to Riverside and Long Beach, remains the smoggiest city in the United States, with an average of more than 140 days a year of dangerous ozone levels, the American Lung Assn. reported Wednesday in its annual assessment.

All of the nation's 10 smoggiest counties are in California, with San Bernardino, Riverside, Kern, Tulare and Los Angeles leading the pack. And the state's cities and counties, with their ports, refineries, power plants and crowded freeways, rank near the top for particle pollution.

"This is not just a nuisance or a bother," said Bonnie Holmes-Gen, the lung association's California policy director. "Thousands of people are being rushed to emergency rooms. Thousands of people are dying early as a result of air pollution. . . . It is a crisis."

The report comes at a time of conflict over the state's efforts to slash emissions. Citing the recession-battered economy, trucking and construction firms are seeking to delay California's rules to limit diesel pollution from operating big-rigs, forklifts and other equipment.

A proposed ballot initiative, sponsored by oil companies and conservative activists, would suspend the state's climate law, which targets carbon dioxide and other greenhouse gases but could effectively curb traditional air pollutants such as ozone and particles.

Jane Warner, president and chief executive of the California branch of the lung association, urged state officials to maintain proposed curbs on diesel emissions and to step up efforts to promote electric cars. "We also call on Californians to reject the Texas oil companies' attempt to undo California's clean air and clean energy laws," Warner said.

The ballot initiative to delay AB 32, the Global Warming Solutions Act, is spearheaded by San Antonio-based Valero Energy Corp. and Tesoro Corp., which operate major refineries and hundreds of gas stations in California.

Despite its grim overall statistics, the report took note of remarkable progress in some areas: The number of high-ozone days has dropped by 25% in metropolitan Los Angeles and by 57% in metropolitan San Francisco, which includes Oakland and San Jose, since 2000.

Ground-level ozone, or smog, forms when nitrogen oxide gases and volatile organic compounds, such as gasoline vapors, react in the sunlight and heat. Inhaling ozone, which is colorless and odorless, can cause asthma and shorten lives.

Particle pollution, also known as fine particulate matter, combines soot, dust and aerosols and often contains mercury and other **toxic substances.** It causes respiratory disease, heart attacks and premature deaths.

The report found that high air pollution levels threaten the health of 175 million people, about 58% of the population. But in California, the proportion is far higher: 91% of state residents, more than 33 million people, live in counties with poor air quality, especially in Southern California and the Central Valley.

Annually, California's dirty air is estimated to cause 19,000 premature deaths, 9,400 hospitalizations and 300,000 respiratory illnesses.

The U.S. **Environmental Protection Agency** is weighing tighter limits on ozone and particles, and Congress is considering **Clean Air Act** amendments to further cut emissions from coal-fired power plants. Other issues under consideration: whether federal construction projects should use only clean-diesel equipment and whether the federal government should finance retrofits of operating diesel trucks, as California has.

Only two cities appear on all three of the lung association's lists of cleanest cities -- for ozone, for year-round particles and for short-term measures of particles: metropolitan Fargo, N.D., which also includes Wahpeton, Minn.; and Lincoln, Neb.

The report is interactive: readers can go to www.state

oftheair.org, type in ZIP Codes and find out how neighborhoods rank.

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margot.roosevelt@latimes.com

**Ludlum, Harsco near settlement with EPA (*Terentum Valley News Dispatch*)**

By Michael Aubele
VALLEY NEWS DISPATCH
Tuesday, April 27, 2010

The federal Environmental Protection Agency and Allegheny County Health Department want a federal judge to sign off on an agreement with Allegheny Ludlum Corp. and Harsco Corp. intended to control slag dust at the Ludlum steel mill in Natrona.

In a motion filed Friday in federal court, the EPA and health department say the court should approve the agreement reached in November. The EPA and health department had sued the companies, claiming the slag-dumping process at the mill violates the federal Clean Air Act.

The settlement would require Ludlum and Harsco to install a fan-driven fog system to dampen slag dust and to pave dirt roads at the facility to reduce pollution — work that's been completed, according to Ken Julian, Harsco spokesman.

"We've addressed these issues head-on, and probably have gotten a bit ahead of the game, given that the (settlement) is still awaiting finalization," Julian said.

The settlement would require the companies to pay a civil penalty of nearly $185,000, although they wouldn't admit violating the Clean Air Act.

Ludlum contracts with Harsco to dump the slag. Multiserv, a division of Harsco, does the work at the Natrona steel mill under a permit from the county health department.

Health department spokesman Guillermo Cole has said residents living near the mill complained of slag dust collecting on their properties.

The settlement underwent a 30-day public comment period after being reached last year. According to court documents, Citizens for Pennsylvania's Future (PennFuture) and a Wilkins Township resident objected.

Among other things, PennFuture argued an enclosure should be built around the slag-dumping operation to further reduce the amount of dust released during the process.

The EPA and a health department official say such a measure could be dangerous. There have been explosions inside an enclosed facility at a plant in Kentucky, according to the EPA.

Michael Boyd of Wilkins Township argued the settlement doesn't go far enough. He wrote, "I feel strongly that the penalties weighed against Allegheny Ludlum/Harsco are far too light a response given their significant environmental and public health violations."

Boyd suggested the companies should face criminal charges.

The EPA countered that its penalties are consistent with its policies, and that it reserves the right under the agreement to file criminal charges.

The EPA and health department contend the settlement amounts to the most reasonable solution.

A Ludlum spokesman declined to comment.

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**EPA sends draft CAIR replacement to White House (*Greenwire*)**

(04/27/2010)
Robin Bravender, E&E reporter
U.S. EPA sent its draft replacement for the Bush-era Clean Air Interstate Rule (CAIR) yesterday to the White House Office of Management and Budget for review.

The proposal comes after a federal appeals court ordered the agency in 2008 to revise the cap-and-trade CAIR rule aimed at slashing soot-forming sulfur dioxide (SO2) and smog-forming nitrogen oxide (NOx) emissions from electric utilities. The court left the rule in place temporarily but ordered EPA to swiftly craft a replacement after deeming parts of the program illegal under the Clean Air Act.

Top EPA officials have said the agency would work to ensure that the CAIR replacement would withstand possible litigation.

EPA is planning to issue the draft rule in June, according to a website that tracks federal rulemaking. The date for a final rule is to be determined, the website says, although EPA officials have said they expect to roll out the final regulation by early next year.

Meanwhile, a bipartisan group of senators led by Sens. Tom Carper (D-Del.) and Lamar Alexander (R-Tenn.) is pressing forward with a multipollutant bill to cut SO2, NOx and mercury from power plants. That bill aims to cut SO2 by 80 percent by 2018, NO2 by 50 percent by 2015 and mercury by 90 percent by 2015. Carper said last week that he will not mark up his bill until EPA rolls out the draft CAIR bill and its modeling of his legislation (*E&ENews PM*, March 20).

EPA air chief Gina McCarthy told a Senate panel last month that the Carper-Alexander bill can "align very well" with pending EPA air rules (*Greenwire*, March 4).

"I think we're totally in line in terms of the direction we're taking," McCarthy said at the March hearing. "We very much appreciate the standards and the timelines that were set."

EPA is working on a separate rule to limit power plants' mercury emissions after the federal appeals court also tossed out the George W. Bush administration's Clean Air Mercury Rule in 2008.

**Peoria County gets a 'D' for ozone (*Peoria Journal Star*)**

Lung association report finds six in 10 Americans live in places that score 'F'
By Terry Bibo (tbibo@pjstar.com)
of the Journal Star
Posted Apr 28, 2010 @ 03:00 AM
PEORIA —
It's better than last year's "F" for ozone.
But central Illinois is just like the rest of the nation, which has room to improve, according to the American Lung Association's 11th annual air quality report card.

The Peoria County 2010 ozone score is "D."

"We found great improvement in some areas," said ALA president and CEO Charles D. Connor during a teleconference Tuesday. "But we still find 175 million people are living in areas with air too dirty to breathe."

Over the last decade, cleanup measures such as reducing the emissions from coal-fired power plants and cleaner fuels and engines have paid off, according to the "State of the Air 2010" report. Especially in the Midwest and on the East Coast, scores have improved. Twenty of the 25 most-polluted cities have better air than last year, and 16 of them have their best scores to date. Life expectancies may have increased by five months, thanks to better air quality.

"It's proof how and why we must continue, and improve, those efforts," Connor said.

The ALA report is based on the most recent federal air pollution data, which covers 2006 to 2008. It tracks the levels of ozone, which is sometimes called smog, and particulate matter in the air. The particulates are measured in two ways: for the times the level was too high in a 24-hour period, and for the annual averages.

But even though the scores are better nationwide, nearly six out of 10 Americans live in counties that get straight "Fs" for air quality. Some counties, particularly in California, did worse on the 2010 report card than they did in 2009. And the most recent research shows that air pollution has more severe health effects than previously believed.

"Ozone is really 'super oxygen,' " said ALA chief medical officer Dr. Norman Edelman. "It really burns, and it burns all of the tissue it's exposed to . . . so the health effect is substantial."

Children, adults older than 65 and people with lung disease, diabetes or heart problems are at higher risk for health problems from air pollution. Such complications include chest pains, asthma, shortness of breath and early death. California recently tripled its estimates of the human toll from particulate matter to 18,000 deaths a year.

"With increased study, the health impact of particulate pollution is much greater than we previously thought," Edelman said.

The ALA advocates the U.S. Environmental Protection Agency tighten limits on ozone, which is under federal review. It also asks Congress to ensure clean diesel equipment is used in federally funded construction projects, and provide money to clean up existing diesel engines. And it recommends steps every American can take to help: Drive less. Don't burn. Use less electricity. Ask your local school district to get clean-running school buses and institute no-idling policies.

You can check **www.lungusa.org** to search local air quality grades by Zip code, or **www.stateoftheair.org** for the complete 2010 report.

**N.J. still flunks federal air pollution standards, despite improvements (*Star Ledger*)**

By Brian T. Murray/The Star-Ledger
April 28, 2010, 5:31AM
Paul J. LioyA photo of the air pollution in Newark, circa 1950s.
Walk outside and take a deep breath: The air is getting cleaner, although exactly how clean depends upon whom you ask.

In its annual "State of the Air" report card being released today, the American Lung Association concludes "the air quality in many places has improved," and notes pollution in some cities dropped to the lowest levels since the group began monitoring state and federal air data 11 years ago.

The association even dropped the Newark, New York City and Bridgeport, Conn. region from its list of 25 cities with the worst levels of "year-round particle pollution."

But the group again flunked New Jersey's overall air quality on a number of levels and said air pollution grew worse in some of the U.S., mostly in California, and half the nation continues to suffer from pollution levels "that are too often dangerous to breathe."

"Nearly six out of 10 Americans lived in areas where the air could be dirty enough to send people to the emergency room, dirty enough to shape how kids' lungs develop and even dirty enough to kill," said Charles Connor, president of the association.

The association’s annual reports are too negative and "cloud" the fact people in New Jersey and elsewhere are breathing easier today than they did 40 or 20 years ago, according to the author of a separate study released last month through Rutgers University, the University of Medicine and Dentistry of New Jersey and the state Department of Environmental Protection.

In that report, Paul Lioy, director of the Exposure Science Division of the Environmental and Occupational Health Sciences Institute at Rutgers and UMDNJ, cited historical data showing major types of air pollution declined significantly as federal regulations have tightened pollution standards.

"People should know ... that the air quality has improved to a point where we are actually trying now to improve the lives of people who are sensitive subgroups — people with asthma and the elderly whereas, in the 1970s, the poor air quality had everyone suffering," Lioy said.

Lioy cited research published in the New England Journal of Medicine last year that linked a 15 percent overall increase in life expectancy in the United States to the reduction of "ambient fine-particulate pollution," the dirty air that once billowed from industry smokestacks and now stems from diesel engines and coal-burning facilities.

While more still needs to be done, overstating the air pollution problem leads to knee-jerk, misguided efforts to fix it, Lioy said.

For example, he said, New Jersey and other states rushed to embrace corn-based ethanol more than a decade ago as a clean bio-fuel, adding it to gasoline sold at the pumps before realizing it was inefficient and a larger cause of ozone pollution than traditional fuels.

The American Lung Association said its report reflects the fact that, despite improved federal standards, people still suffer health problems even when briefly exposed to high levels of ozone and particle pollution.

"Breathing these levels of pollution in just a very short time can be lethal," said Janice Nolen of the Lung Association.

The Newark, New York City and Bridgeport, Conn. region, as well as the Camden, Vineland and Philadelphia area remained among the Top 25 cities with the most 24-hour periods when particle pollution exceeded federal limits. But both regions had less days of excessive ozone levels.

**Hudson Valley air cleaner, but not healthier (*Journal News*)**

Everyone around here can breathe easier — air quality in the New York metropolitan area is getting better.

The American Lung Association's 11th annual report card for the nation's air, "State of the Air
2010," continues to hand out failing grades to the Lower Hudson Valley, but experts say things are not as bad as they've been.

"It's a good report for the New York City area," said Janice Nolen, a top policy official with the lung association. "We still have a long way to go, but we are seeing improvement."

New York City's data showed enough change for the better, Nolen said, that it dropped off the list of the nation's 25 most polluted cities for year-round particle pollution, a first since the group began analyzing state and federal data. Los Angeles continued its hold on the top spot.

Two factors are credited for the healthier air — cleaning up of coal-fired power plants and cleaning up of diesel fuels and engines.

Since the data include Environmental Protection Agency and states' statistics for 2006, 2007 and
2008, locals have more good news to look forward to, thanks to the 2008 shutdown of Lovett
generating station in Stony Point.

Westchester, Putnam and Rockland residents continue to breathe air that fails the healthy test too
many days a year. Westchester and Putnam counties have air monitors that provide that data; Rockland gets lumped in with the Lower Hudson Valley, which

only saw Dutchess County rise out of the dunce-cap group.

"While most of the Hudson Valley is still receiving failing grades, it's trending upward," said Michael Seilback of the lung association's New York chapter. "At least not everything's gloomy."

For the past few years, all the counties surrounding New York City have pulled in scores that should have resulted in trips to the woodshed, to the point that some have wondered how local efforts could haveany results when Midwestern power plants were continuing to belch toxic pollutants that ride a jet stream to the Northeast.

Seilback said the next few years should show the northern suburbs to be improving

even more,
thanks to Lovett closing. That plant routinely landed on the list of worst polluters in New York and the nation, according to the state Department of Environmental Conservation and the EPA.

"We're expecting fewer days when the ozone levels are hitting highs, fewer times when we have to be careful going outside," Seilback said. "It's not often that you have a region with almost all failing grades and still feel hopeful."

The number of days with high levels of ozone — an extremely reactive gas molecule composed of three oxygen atoms that is the primary ingredient of smog — is a key factor in the report's grading system.

That's also the case with short-term particle pollution. The national air quality standard is set to
allow 2 percent — roughly 21 days in three years — to exceed 35 micrograms per cubic meter.

To receive a failing grade, a county had to hit 27 such days in a three-year period.

Dr. Norman Edelman, the lung association's chief medical officer, said there's no mistaking what the unhealthy days do to those with compromised lungs or other medical problems such as heart disease.

Recent research shows that the effect on healthy people who exercise or work outside is greater than originally thought, Edelman said.

"If you're in a city with constant levels of air pollution, you're at increased risk of lung disease
and heart disease," Edelman said. "It's like a sunburn inside your lung."

Children and people over the age of 65 are at special risk among those exposed to air pollution
every day.

Port Chester resident Francess Cepeda knows the risks. She keeps an eye on her 9-year-old daughter, Marleyna George, knowing that a dirty-air day can trigger the child's asthma.

"On a bad day, she'll wake up and need her nebulizer," Cepeda said. "She has a harder time
breathing and will feel uncomfortable most of the day."

Cepeda said she has seen an improvement in her daughter's condition, though it's not clear if cleaner air is the reason.

"I do check (the clean-air index) when I'm checking the weather," Cepeda said. "That way I know whether she's going to have a good day or a bad day."

Nolen said that in the 40th year of the Clean Air Act, the nation has cut 40 percent of air emissions, but there have been ups and downs. The 1990s, she said, showed little change after a couple decades of real improvement.

"You can't just assume that it's going to get better," she said. "You have to keep pushing. The air's not going to get better on its own. You have to have controls. We're very far away from air that is safe to breathe."

**State of the Air report reveals Western New Yorkers still at risk (*Buffalo News*)**

By Gene Warner
NEWS STAFF REPORTER
Updated: April 28, 2010, 7:14 am /
Published: April 28, 2010, 12:30 am

If Western New York were a student being tested on its air quality, it no doubt would be battling to keep from flunking out of school.

The report card for the three local counties whose air quality has been monitored — Erie, Niagara and Chautauqua — contains two B's, a D and three F's, according to the American Lung Association's State of the Air 2010 report being released today.

That's the dirty news for Western New York, but there is a little bit of clean air in the report.

All three counties that have been monitored here at least improved their grades for short-term particle pollution from last year.

Erie County went from an F to a D, Niagara from a D to a B and Chautauqua from a C to a B. Only those three counties have Environmental Protection Agency air-quality monitors for ozone and particle pollution.

Not exactly grades that will earn anyone a spot on the Dean's List.

"While many portions of this year's report are encouraging, far too many residents in the western part of the state are breathing air that puts their health at risk," stated Scott T. Santarella, president and CEO of the American Lung Association in New York.

"While in many parts of the state, we can see reduced emissions from sources including power plants and diesel engines, Western New York's dirty air illustrates . . . that air pollution is not just a downstate problem," he added.

The annual report, the association's 11th, covers air quality across the nation for the three-year period 2006 to 2008. Last year's report detailed the results from 2005 through 2007.

The bad news for the region is that all three counties again receive F's for ozone quality.

Yet, American Lung Association officials pointed out that each of the three counties measured significantly fewer unhealthy ozone days for sensitive groups of people.

"No parent is going to be happy with a child coming home with an F grade," said Michael Seilback, vice president for public policy with the New York association. "But the difference between a 64 and a 40 is very significant. At least we're going in the right direction."

Western New York's pollution comes from a variety of sources, including old dirty power plants, traffic and industry corridors — including the bridges to Canada — and coal-powered plants from the Midwest.

Nationally, the association presented a similarly mixed picture of unhealthy air quality tempered by progress in addressing the problem.

"Air pollution still remains widespread and dangerous," said Janice Nolen, assistant vice president for national policy with the association. "More than 175 million people live in areas where air pollution levels put their lives at risk."

The American Lung Association listed the usual populations that remain at risk from air pollution, including children, older people with weak immune systems, diabetics and people with heart disease.

But the association also listed two new populations at risk, according to Dr. Norman H. Edelman, chief medical officer for the American Lung Association:

• Healthy adults who spend a lot of time working or exercising outdoors, including people who work with or near diesel engines, dock workers and railroad workers.

• People with lower incomes, because they have generally poorer health and are more likely to live in more polluted areas.

The report can be found at www.alany.org.

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**Pittsburgh region loses title of worst air in U.S. (*Pittsburgh Post Gazette*)**

Wednesday, April 28, 2010
By Don Hopey, Pittsburgh Post-Gazette
There will not be a three-peat.
After holding the title of worst air in the nation for two years, the Pittsburgh metropolitan area has fallen to third place for daily soot pollution, behind Bakersfield and Fresno, Calif., according to the American Lung Association's "State of the Air 2010" report.
The Pittsburgh area also dropped from second to fifth place for year-round soot pollution, behind Phoenix, Ariz., and Bakersfield, Los Angeles and Visalia, all in California.
But despite measurable improvements in air quality noted in the Lung Association's 11th annual report released this morning, the Pittsburgh region still received failing grades for both short-term and annual fine particle soot pollution and ozone smog.
Short-term pollution measures fine particulates in the air over a 24-hour period in micrograms per cubic meter. The long-term rankings use annual averages calculated and reported by the U.S. Environmental Protection Agency
"People in Allegheny County breathe air that is too often dangerous, a public health issue that impacts even healthy, vibrant individuals as well as those most at risk -- children, the elderly and people with chronic health conditions like diabetes, heart and lung disease," said Deborah Brown, acting chief executive officer at the American Lung Association of the Mid-Atlantic.
Guillermo Cole, a spokesman for the Allegheny County Health Department, said air quality in the region is improving, but objected again to the Lung Association's use of soot readings from the Liberty monitor -- usually the highest in the county -- to characterize the whole region.
Mr. Cole said the annual particulate level at the Liberty monitor was 17 micrograms per cubic meter in 2008, an improvement from the 18.9 micrograms per cubic meter reading for 2007 and the 19.1 reading in 2006, but still higher than the annual federal standard of 15 micrograms per cubic meter.
He said the county was below that soot standard at all other monitoring sites in 2008 and 2009, and the 2009 annual reading for the Liberty monitor was 15, due in large part to significant reductions in emissions by U.S. Steel Corp.'s Clairton Coke Works, which has shut down three batteries and finished a major rehabilitation and maintenance project on another.
In 2008, according to the county's Emissions Inventory report, the Clairton Coke Works emitted a total of 1,893 tons of particulates, more than 45 percent of the total particulate emissions from all sources in Allegheny County. Idling the three cokemaking batteries and upgrading another reduced emissions by 421 tons in 2009.
Kevin Stewart, an environmental scientist for the regional American Lung Association, said the annual report uses the worst monitor readings in all its rankings because people within a metropolitan area move into and out of those areas to work, shop, visit and travel.
"We use those monitors because we recognize the right of everyone to breathe clean air," Mr. Stewart said. "We want the whole metropolitan area to meet the highest standards."

He said numerous scientific studies show spikes in short-term particulate levels and exposures to high day-to-day levels exposures can damage the health of people with heart and lung disease, children and older adults, and even cause premature death.
Philadelphia ranks 12th nationwide for short-term particle pollution and Harrisburg ranks 22nd.
Pennsylvania counties ranking in the top 25 for short-term particle pollution are Allegheny (third), Philadelphia (14th) and Washington and Dauphin (tied for 25th), according to the report, which is based on air monitoring data collected by federal and state agencies from 2006 through 2008, the most recent three-year period for which data is available. Beaver County ranked 24th nationally for year-round particle pollution.
Cities with the cleanest air are Fargo, N.D., and Lincoln, Neb., which had no bad air days for ozone or airborne particles in the three years studied. Cheyenne, Wyo.; Santa Fe, N.M; Honolulu; Anchorage, Alaska; and Great Falls, Mont., had the most soot-free air year-round.
According to the report, reductions in emissions from coal-fired power plants and the start of truck and bus fleet changeovers to cleaner diesel engines and fuels have helped cut particle and ozone pollution significantly, especially in eastern and midwestern cities. But despite those improvements, more than half of the nation's residents still live in areas where pollution levels often climb to unhealthy levels.
Joe Osborne, legal director for the Group Against Smog and Pollution, said the improvement in the ranking is nice but cautioned against celebrating prematurely.
"Let's make sure this is a sustainable trend rather than a short-term variation," Mr. Osborne said. "We're improving but so is almost every other area. We're going in the right direction but are we going as fast as other places?"
The answer is no, he said, citing the county health department's approval last month of a federally mandated air pollution control plan for the Liberty-Clairton area that, according to the department's own calculations, fails to reduce airborne particle pollution below federal health standards for part of that area.
"All the other parts of the nation have plans to reduce pollution but the one prepared for the Liberty-Clairton area will not do enough to meet ambient air standards," Mr. Osborne said. "If it's not strengthened we could be number one again ... bringing all the bad press that goes along with that."
Don Hopey: dhopey@post-gazette.com or 412-263-1983.

**AWARDS**

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**Green Needham wins EPA award (*Boston Globe*)**

Posted April 27, 2010 09:30 AM
The Green Needham Collaborative has received a 2010 EPA Environmental Merit Award for its contributions to making Needham a more sustainable community.

The award recognizes individuals and organizations for outstanding efforts in preserving New England's environment, and EPA officials presented it to the Green Needham Collaborative during an Earth Day ceremony at Faneuil Hall in Boston.

In the three years it has existed, Green Needham has worked with groups across the community and helped launch the 10 percent Energy Challenge, which pushed to reduce Needham's energy use by 10 percent.

In 2010, the group is planning projects including a wind power feasibility study at Needham's capped landfill and a further rollout of Home Energy Efficiency Improvement seminars, which help homeowners make energy improvements

**CLIMATE CHANGE / GLOBAL WARMING**

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**Oil Rig Blast Complicates Push for Energy and Climate Bill (*New York Times)***

April 28, 2010 Wednesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 16
Oil Rig Blast Complicates Push for Energy and Climate Bill
By JOHN M. BRODER
WASHINGTON -- The loss of life and the looming ecological catastrophe from the oil rig explosion in the Gulf of Mexico have piled political complications onto the push for energy and climate change legislation here, officials and interest groups say.

Expanded offshore oil and gas drilling is a central component to the compromise plan being written in the Senate to address the nation's energy needs and the emissions of the gases that contribute to global warming. The plan, which still does not exist in legislative form, would also include multibillion-dollar incentives for nuclear power and so-called clean-coal research.

The energy initiative is already in trouble because a crucial sponsor, Senator Lindsey Graham, Republican of South Carolina, has walked away from negotiations as a result of a dispute with the White House and Senate Democratic leaders over immigration policy.

The oil spill may have added to its distress. Several senators said they were troubled by the accident and might not support broad climate and energy legislation if it contains expanding drilling without adequate safeguards.

Senator Robert Menendez, Democrat of New Jersey, said he had many concerns about the energy bill that appears to be taking shape, chief among them the aggressive pursuit of offshore oil.

"I have been an advocate of climate change legislation, but I'm going to have a real problem if we have drilling as I've heard it," Mr. Menendez said in an interview. "Unless there is the ability for neighboring states to have some type of veto in the process, unless there's some serious environmental consideration before any drilling takes place, unless there are very significant buffer zones, I'm going to have a hard time at the end of the day supporting this legislation."

Several other coastal-state senators whose votes could be crucial to passage of climate legislation have expressed concerns about the safety and environmental impacts of offshore drilling. They include Sheldon Whitehouse, Democrat of Rhode Island; Frank R. Lautenberg, Democrat of New Jersey; Benjamin L. Cardin and Barbara A. Mikulski, Democrats of Maryland; Mark Warner, Democrat of Virginia; Kay Hagan, Democrat of North Carolina; and George LeMieux, Republican of Florida.

Last month, President Obamaproposed a significant expansion of offshore drilling, including new areas along the Eastern Seaboard from Delaware to Florida, a section of the eastern Gulf of Mexico and parts of the Arctic coast of Alaska.

The proposal was part of a deal to attract Republican support for the climate change bill. The proposal drew strong criticism from environmental groups and some coastal-state governors and representatives.

The White House said Tuesday in a statement that Mr. Obama was sticking with his drilling plan despite the accident. It said that the proposal was based on careful scientific and environmental reviews and that before any drilling was permitted, there would be "a careful examination of the potential risks and spill response capabilities in the area involved."

But the administration also sought to contain the environmental and political damage with an announcement that the Departments of Interior and Homeland Security would conduct a broad investigation of the accident and the response to it.

The spill has also scrambled politics in Florida, where beaches may be fouled by the growing oil slick oozing from beneath the Deepwater Horizon rig off Louisiana.

Gov. Charlie Crist of Florida, a Republican who is facing a tough campaign for the Senate and has supported expanded drilling off the state's coastlines, said Tuesday that he was rethinking his position in light of the accident.

"If this doesn't give somebody pause, there's something wrong," Mr. Crist told reporters before heading out on a helicopter to view the spreading slick.

"This is, as I understand it, a pretty new rig with modern technology. As I've always said, it would need to be far enough, clean enough and safe enough. I'm not sure this was far enough. I'm pretty sure it was not clean enough. And it doesn't sound like it was safe enough. It's not a great situation."

Senator Bill Nelson, Democrat of Florida, called for a thorough investigation of the industry's safety practices. Mr. Nelson pressured the Obama administration to extend the coastal buffer zone off Florida to 125 miles from 75. Now he said he was not certain that even that was enough margin for safety.

"The tragedy off the coast of Louisiana shows we need to be asking a lot more tough questions of Big Oil," Mr. Nelson said. "I think we need to look back over 10 years or so to see if the record denies the industry's claims about safety and technology."

URL: http://www.nytimes.com

**Sen. Kerry says EPA to start climate bill analysis (*Reuters*)**

**Story also appeared: *Washington Post***

April 27, 2010
12:58pm EDT
By Richard Cowan
WASHINGTON (Reuters) - The Environmental Protection Agency will begin analyzing a compromise climate change bill Senator John Kerry hopes to move through the Senate this year, despite a significant setback his effort has suffered, Kerry said on Tuesday.

The EPA will examine the economic impact the bill would have from provisions aimed at reducing pollution blamed for global warming.

"We are sending the bill to be modeled now with Lindsey Graham's consent," the Democratic senator told reporters.

On Saturday, Republican Senator Graham announced that he was dropping out of the effort with Kerry and Independent Senator Joseph Lieberman to craft a climate change bill, which would also encourage U.S. production of nuclear energy and offshore oil.

Graham said he was angered by Senate Democratic leaders and the White House talking up the possibility of tackling immigration reform prematurely, complaining it could take away time in the Senate for a climate debate.

On Monday, Graham, speaking to reporters, seemed to go further by saying that any discussion of immigration reform this year, even if it is after passage of a climate bill, would be "breaking faith with me."

Kerry did not respond directly when asked whether he would go ahead with a public unveiling of climate change bill without Graham's support.

"We're working to get this back on track, that's my goal, that's other people's goal and we're sticking by that," Kerry said.

The EPA analysis is an important step in the legislative process. The Congressional Budget Office also is likely to conduct its own analysis, and the oil industry wants the Energy Department's Energy Information Administration to take an independent look.

JUNE DEBATE IN THE SENATE

Over the past six months, Kerry, Graham and Lieberman have been writing a bill aimed at reducing U.S. emissions of carbon dioxide and other greenhouse gases by 17 percent by 2020, from 2005 levels.

That goal is in line with commitments President Barack Obama made in Copenhagen last December during an international summit that attempted to set new global goals for tackling environmental problems associated with climate change.

The EPA analysis of their bill could take more than a month to complete and legislation could not be queued up for a full Senate debate until the results are disseminated.

That would put the climate bill on the Senate floor in June at the earliest, but more likely in July. But that assumes that political divisions, of which there are many in addition to Graham's concerns, get resolved.

Last week, the National Research Council reported that the chemistry of the world's oceans was changing at "an unprecedented rate," rapidly becoming more acidic, because of carbon dioxide pollution.

That change threatens coral reefs and some fish species.

Other looming global warming problems, according to scientists, include more severe droughts, flooding of island nations and coastal cities as sea levels rise from ice melt, and worsening refugee problems.

Kerry also has been casting the climate debate in national security tones. He joined veterans of the Iraq war to unveil a clock that counted U.S. revenues Iran would be deprived of as the United States lowers carbon emissions from burning imported oil and from fostering energy independence.

The clock, adorned with Iranian President Mahmoud Ahmadinejad's picture, is measuring $100 million a day in potential lost revenues to Tehran, which has been engaged in a war of words with Washington over its suspected nuclear weapons program and its alleged human rights violations.

(Editing by Philip Barbara)

**No bill until resolution of immigration issue – Kerry (*Greenwire*)**

(04/27/2010)
Darren Samuelsohn, E&E reporter

The Senate climate bill won't be unveiled until Democratic leaders and a key Republican ally of the Obama administration resolve their differences over whether there should be a separate floor debate this year on immigration, one of the bill's authors, Sen. John Kerry (D-Mass.), said today.

Kerry and Sens. Joe Lieberman (I-Conn.) and Lindsey Graham (R-S.C.) had planned to release their long-awaited global warming legislation yesterday during a press conference featuring business, religious and military leaders. But the bill's rollout has been postponed indefinitely as Graham tangles with Majority Leader Harry Reid (D-Nev.) and the White House over plans to also tackle immigration ahead of November's midterm elections.

"You all understand the dynamic that has to be resolved, and I'm hopeful it'll be resolved as soon as possible," Kerry told reporters today in his Senate office. "I'm very hopeful about that. But it obviously has to be resolved before we can make the announcement. But we're poised, as soon as possible."

Kerry said he has spoken several times with Reid and Graham since the weekend in a bid to end the debate over the timing on immigration and get back to the Senate energy bill that has been more than six months in the making. "I think he's working in good faith, and he's working diligently and appropriately to try to help find resolution," Kerry said of Reid. "As is Lindsey Graham."

Kerry, Graham and Lieberman plan to send their bill to U.S. EPA as soon as today to begin what is expected to be a six-week economic analysis of the proposal that caps greenhouse gas emissions across multiple economic sectors, as well as expands domestic production of oil, gas and nuclear power, he said.

"We're not stopping, not one moment," Kerry said. "We're meeting. We're talking. We continue to work on certain issues. ... We're full speed ahead notwithstanding this moment of public stall. And we hope that the issue can be resolved soon."

The three senators met yesterday in the Capitol for about 45 minutes, their first chance to meet in person since Graham threatened over the weekend to leave the negotiations over immigration. "It was a love fest," Kerry joked. "We had a good time."

After that meeting, Graham bemoaned Reid's decision to add immigration to the Senate calendar this year, a hot-button issue that he warned would "divide the country" while helping the Nevada Democrat increase voter turnout among Hispanics in the midterm elections.

"I thought there was one last chance in this Congress to do something serious, and it was energy and climate," Graham said yesterday. "Guys, I would have never spent all this time and effort working on energy and climate if I thought on the day of the rollout you were going to be asking me, 'What do you think about immigration now that it's coming up?'"

Graham said he would not participate in an introduction ceremony on the climate bill so long as Reid holds on to his plans to move immigration. "I think energy and climate is tough," Graham said. "Under the best of circumstances, it'd be tough. I've got a heavy lift here. So does John and Joe. So if you took the best of circumstances and you made it crap, there's a point in time between being courageous and stupid."

Reid spokesman Jim Manley said yesterday his boss wants to take up both issues -- immigration and climate -- this year. Manley also pointed to past statements from Graham that he wanted Democrats to address immigration this year.

"As far as breaking faith goes, Senator Graham has been demanding Democratic leadership on immigration for months, so it's difficult to understand why we have gotten this reaction to Reid demonstrating his commitment to the issue," Manley said. "There is no reason why we can't do both."

The Graham-Reid dispute appears to be at an impasse, with both sides digging in deeper on their positions. But Kerry insisted there is more going on than meets the eye.

"You're seeing the public piece, which is stalemate," he said. "I understand that. But behind the scenes, there are different parties and people working to try to see if we can find a sensible way through this thicket. And I'm confident there is one, and we'll get there."

**Groups push for action**

Concerned about the potential demise of their top-tier legislative request, environmental groups and a military veterans group working on energy issues increased the pressure today on the Senate to get back to work on comprehensive energy and climate legislation even as the bill languishes on its sick bed.

Leaders from 31 top green organizations sent a letter to every senator urging action on the climate bill.

"The United States Senate stands at a moment in history in which decisions made today will have a lasting impact on generations of Americans to come," wrote the Alliance for

Climate Protection, the Sierra Club, the League of Conservation Voters and Oceana. "The Senate faces a choice between leading America forward in a new clean energy economy or holding America back by preserving the failed energy policies of the past."

Also today, Operation Free, a group of military veterans, unveiled an "oil profit counter" that will be displayed in Kerry's office. According to the group, the device shows how much money Kerry's climate bill would prevent going each year to Iran if the legislation became law, and U.S. dependence on foreign oil decreased. The digital counter read just under $100 million after being turned on just before noon yesterday, the time Kerry's press conference was scheduled to have happened.

On and off Capitol Hill, the guessing game has begun over whether a climate bill without Graham has any chance of notching 60 votes.

Sen. Carl Levin (D-Mich.) said yesterday he would not declare the legislation dead. "I think it's likely that it'll come back," he said. But he also bemoaned chances if Graham stays out. "I think it makes it less likely," he said. "I think he's a key part."

Maine Republican Susan Collins nudged the Obama administration to keep an open mind when it comes to Graham's demands on immigration and energy.

"Certainly Senator Graham has played a key role on both issues," Collins said. "I'd think the administration would listen to his preferences. But it's really not my fight."

Outside observers said that while the bill appears to be in trouble, they would not rule out its return to life.

"The lesson of health care is major legislation has more lives than a cat," said Scott Segal, an industry attorney for electric utilities and petroleum refiners at Bracewell & Giuliani. "And even in the case of climate change, it's been pronounced dead on several occasions. I'm not willing to say we're done for. Senators can be mercurial. They can decide what was unacceptable one day can be repackaged and be acceptable the next."

**UPDATE 2-Sen. Kerry says EPA to start climate bill analysis (*Reuters*)**

Tue Apr 27, 2010 6:31pm EDT
Tue, Apr 27 2010
EPA analysis important step toward U.S. Senate debate
Bonds | Global Markets
* Senator Reid does not back away from immigration reform
* Obama optimistic of consensus on global warming bill (Adds EPA climate report, paragraph 8)

By Richard Cowan
WASHINGTON, April 27 (Reuters) - The U.S. Environmental Protection Agency will begin analyzing a compromise climate change bill Senator John Kerry hopes to move through the Senate this year, despite a significant setback his effort has suffered, Kerry said on Tuesday.

The EPA will examine the economic impact the bill would have from provisions aimed at reducing pollution blamed for global warming.

"We are sending the bill to be modeled now with Lindsey Graham's consent," the Democratic senator told reporters.

On Saturday, Republican Senator Graham announced that he was dropping out of the effort with Kerry and Independent Senator Joseph Lieberman to craft a climate change bill, which would also encourage U.S. production of nuclear energy and offshore oil.

Graham said he was angered by Senate Democratic leaders and the White House talking up the possibility of tackling immigration reform prematurely, complaining it could take away time for a climate debate in the Senate.

On Monday, Graham, speaking to reporters, seemed to go further by saying that any discussion of immigration reform this year, even if it is after passage of a climate bill, would be "breaking faith with me."

Senate Majority Leader Harry Reid on Tuesday showed no sign of acceding to Graham, when he told reporters he was committed to passing the climate change and immigration bills this year.

The analysis by the EPA, which released a report on Tuesday that climate change is having measurable impacts on indicators like heat waves, rain and storms, is an important step in the legislative process. [ID:nN27627944]

The Congressional Budget Office also is likely to conduct its own analysis, and the oil industry wants the Energy Department's Energy Information Administration to take an independent look.

Previously, the government has found the impact of climate change bills on consumers to be negligible. An EPA study of a bill passed last year by the House of Representatives estimated it could cost between $80 and $111 per year for households. But legislation also could include provisions to help consumers, especially low-income families.

The climate control initiative got a boost from President Barack Obama on Tuesday, when he told wind-power industry workers in Iowa: "I believe that we can come together around this issue and pass comprehensive energy and climate legislation that will ignite

new industries, spark new jobs and ... make America more energy independent. Our security, our economy, and the future of our planet all depend on it."

JUNE OR JULY DEBATE IN THE SENATE?

Over the past six months, Kerry, Graham and Lieberman have been writing a bill aimed at reducing U.S. emissions of carbon dioxide and other greenhouse gases by 17 percent by 2020 from 2005 levels.

That goal is in line with commitments Obama made in Copenhagen last December during an international summit that attempted to set new global goals for tackling environmental problems associated with climate change.

Lieberman, asked by reporters whether he and Kerry might unveil their legislation without Graham, said, "We're not even thinking about that.

The EPA analysis of their bill could take more than a month to complete and legislation could not be queued up for a full Senate debate until the results are disseminated.

That would put the climate bill on the Senate floor in June at the earliest, but more likely in July. But that assumes that political divisions, of which there are many in addition to Graham's concerns, get resolved.

Last week, the National Research Council reported that the chemistry of the world's oceans was changing at "an unprecedented rate," rapidly becoming more acidic, because of carbon dioxide pollution.

That change threatens coral reefs and some fish species. (Additional reporting by Timothy Gardner; editing by Mohammad Zargham)

**CORRECTIONS**

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**Corrections and clarifications for April 28, 2010 (*Chicago Tribune*)**

April 28, 2010
•An item in Tuesday's briefs about the recent coal mine explosion in West Virginia misspelled the name of the city of Charleston.
•A timeline that accompanied an article on Sunday about frozen fish referred to a 2004 warning by the FDA and the U.S. Environmental Protection Agency that advised consumers to limit seafood consumption. However, it was not a broad warning to all

consumers. The agencies advised women of childbearing age, nursing mothers and young children to limit seafood consumption.
The Tribune regrets the errors.

Published Tue, Apr 27, 2010 03:48 PM
Modified Tue, Apr 27, 2010 03:49 PM

**Correction: Hovnanian-EPA (*News & Observer*)**

WASHINGTON In a story April 21 about an EPA settlement with Hovnanian, The Associated Press reported erroneously that the agreement would remove more than 366,000 pounds of sediment from runoff nationwide, and more than 81,000 pounds in the Chesapeake Bay watershed. The correct figures are 366 million pounds nationwide and 81 million pounds in the bay watershed.

**ENERGY**

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**Natural gas supply, jobs and technique debate booming (*USA TODAY*)**

April 28, 2010
Robert Myers spends a lot of time hiking and fishing in state forests, "places where my grandfather went hunting," he says.

But the hiking grounds for this Lock Haven, Pa., English professor and local activist are changing with what some critics say is the threat to the environment that comes as part of the latest boom: the hunt for natural gas. And Myers hates what it's doing to the Eastern forests. "It sickens me what the gas wells are doing to the places I love."

Energy companies increasingly are drilling into the Marcellus Shale, a mile-or-so-deep layer of methane-rich black rock stretching from Tennessee to New York. The layers of shale are being tapped for natural-gas deposits, which in turn has led to a boost in U.S. natural-gas supplies, lower energy prices for consumers and jobs in areas hit hard by unemployment.

But the supply boom has arrived with new concerns about the potential environmental damage from techniques used to retrieve the gas.

The debate highlights the choices the USA faces as it pursues a greener economy: If burning natural gas in place of some coal can cut carbon dioxide emissions, what environmental risks are we willing to tolerate?

In March, the Environmental Protection Agency announced that a science panel would examine the safety of hydraulic fracturing, a decades-old but much-improved drilling technology behind the boom.

Hydraulic fracturing cracks shale with water mixed with chemicals and fills the cracks with sandy grit, allowing gas trapped in the shale to bubble out. But among the environmental concerns raised by the process: chemical leaks, wear and tear on forests and roads and even minor earthquakes.

Once the sands of an inland sea, about 20 such deposits lie in North America, filled with methane produced by the decay from the bugs, plants and animals that ended up in the ancient ooze. The U.S. Geological Survey estimates that 200 trillion cubic feet of natural gas may be recoverable from these shales in a country that consumes about 23 trillion cubic feet a year.

But that may be a conservative estimate: The actual amount of natural gas in the "Big Seven" deposits, which includes Marcellus and shales in Texas, Arkansas and elsewhere, may be even bigger. In 2008, Penn State geoscientist Terry Englander estimated that the Marcellus alone might have more than 516 trillion cubic feet.

"It's a boom," says environmental engineer JeanneVan-Briesen of Carnegie Mellon University in Pittsburgh. "That means a lot of choices, a lot of consequences good and bad."

Pittsburgh, for example, is where the Monongahela and Allegheny rivers meet to start the Ohio River. And two years ago, the Monongahela River's salt levels reached excessive amounts, probably in part because of the "flowback" water from new hydraulic fracturing wells draining into the river, adding to acid-laced leaks from coal mines, VanBriesen and colleagues find.

Power plant operators along the river, who need the water for cooling, were first to detect the problem when they spotted corrosion on scrubbing equipment. Fish have died in rivers near Myers' hiking trails, which he blames on the wells.

A risk of runoffs

"Energy and water mix hand in hand," says environmental biophysicist Susan Riha of Cornell University in Ithaca, N.Y. With hydraulic fracturing, she says, potential risks range from the chance of chemicals such as benzene leaking into local drinking water to landscape damage to questions about who benefits from a new energy boom.

"I started out worried about what was happening in state forests," Myers says. "But now I see much wider effects, in streams and public safety."

Alongside private landowners, Myers' state leases well sites on public lands to energy

companies near Lock Haven. Digging a well at such sites requires clearing a 5-acre patch of forest and digging a sludge pit for the flowback water, which is often laced with salt and proprietary chemicals from the fracturing process. By 2008, more than 450 wells had been dug in Pennsylvania in three years, according to the Pennsylvania Department of Conservation and Natural Resources.

In 2005, the Bush administration exempted gas wells from storm water discharge permits, a decision the EPA may revisit when the science review is completed. "Any time you have an open pit, you have the risk of runoffs," Riha says.

Most prominently, the non-profit news organization ProPublica reported in a 2008 investigation more than 1,000 cases in which hydraulic-fracturing-related wells have been tied to leaks or accidents, including fires.

Adding to debate over hydraulic fracturing, Riha says, the risks and benefits of the boom aren't doled out evenly: Landowners who lease to well drillers see financial gains, while their neighbors worry about their drinking water wells suffering methane and chemical contamination. They also have to drive on crumbling roads crowded with oversized fracturing-water trucks.

And some of the risks might be more exotic. In March, a Leading Edge journal study led by seismologist Brian Stump of Southern Methodist University in Dallas suggested hydraulic fracturing had triggered small earthquakes in Texas in 2008 and 2009, when flowback water was "deep-injected" onto an earthquake fault, one method of getting rid of wastewater that doesn't let it flow into streams.

"The history of the region is people exploiting the resources, ruining the wilderness, and then leaving the mess behind," says Myers, an English professor at Lock Haven (Pa.) University.

But that's a tough argument in a region eager for jobs. "I've attended county meetings to discuss gas wells where the crowd has been pretty hostile," Myers says. "The last thing they want is a tree-hugging English professor saying they might endanger their neighbors with their lease."

Indeed, the head of the Clinton County Economic Partnership where Lock Haven is based says the drilling has brought jobs and "new wealth" to an area with 9.5% unemployment.

"It's like someone dropped a new bag of money" on the region, says Michael Flanagan, president and CEO of the Clinton County group. "That said, we also understand the environmental concerns" but believe they're "controllable."

The bigger picture

Assuming the safety of drinking water remains the central question, "there's no reason

to think EPA's current study will render results that differ a whole lot from the various other studies that have been done on the subject," says Chris Tucker of Energy in Depth, a natural-gas industry group based in Washington. He notes a 2004 EPA report that found the technology "safe and well-regulated."

Climate change makes the hydraulic fracturing debate a bigger one than just another row pitting energy companies against environmentalists. "The story in all this is how we deal with thinking through the water and climate impacts of our energy choices," VanBriesen says.

On the climate side, natural gas produces only about half of the carbon-dioxide emissions of coal burned to produce electricity, according to the Energy Information Administration. In January, a Congressional Research Service report suggested that doubling the nation's electric power generation from gas, with a corresponding drop in coal, would reduce current coal-plant carbon dioxide emissions by 19%, lowering total U.S greenhouse gas emissions by about 6% overall.

"We could, today, simply through the increased use of existing natural-gas fired power plants, meaningfully reduce the CO? emissions of the power sector," natural gas plant chief Jack Fusco of the Calpine Corp. told senators in October. Former senator Timothy Wirth, D-Colo., head of the United Nations Foundation, has called natural gas a "bridge fuel" for switching from fossil fuels to renewable, climate-friendly-ones in this century.

"Any changes in how we get energy are going to be disruptive," Riha says. Even wind turbines, prime examples of renewable energy, have faced opposition from landowners in New York state and Pennsylvania who are worried about their mountain views.

"People think it is some sort of minor change switching to a green economy, but no energy system is a seamless solution without environmental impacts," Riha says. "People need to start coming to grips with the future."

APRIL 27, 2010

**Encouraging Business to Turn Off the Lights (*Wall Street Journal*)**

By GWENDOLYN BOUNDS

The struggle to dial down energy consumption in the nation's 4.8 million commercial buildings can be framed with this simple question: Who turns off the escalators each night?

In homes, training family members to lower thermostats or turn off lights is critical to lowering energy bills. In business, efforts to go green and boost profits can test harried managers, who must ensure broad eco-directives from corporate are followed. Sears Holdings Corp., which operates some 3,900 stores including its namesake brand and Kmart, launched a "Dark at Night" order, which dials down lighting when stores are

closed. Good in theory—except cleaning and restocking must somehow now fit into daytime hours amid a flurry of shoppers. Motion detecting sensors for new efficient lighting? Swell, until a sensor malfunctions and no one thinks to fix it. As for escalators, well, someone's got to remember to flip the "on" switch to "off" before going home.

"There's a human element in that you can do a store energy retrofit and the next day something breaks and suddenly you are wasting energy again," says Michael E. Brown, Sears's director of sustainability. Adds Mary Tortorice, Sears' deputy general counsel: "It's a process that is sometimes difficult to get the field staff on board with."

In an effort to highlight the challenges, the Environmental Protection Agency through its Energy Star program will launch on Tuesday its first National Building Competition called "Working off the Waste"—a spin on NBC's weight loss show the "The Biggest Loser." The goal: lower energy usage and climate impact of U.S. commercial buildings, where the agency says some 30% of energy is used inefficiently or unnecessarily.

Fourteen buildings ranging from the Sears in Glen Burnie, Md., and a J.C. Penney in Los Angeles to the Maplewood Mall in St. Paul, Minn., and the large student Morrison Residence Hall at the University of North Carolina at Chapel Hill will turn over to EPA their fuel-usage data from Sept. 1, 2009 to Aug. 31. The winner will be the one with the largest percentage drop in energy usage. (The EPA's prize: bragging rights.)

The contest comes at a time when the Energy Star program is striving to buff its credibility. The program's reputation recently took a hit after the U.S. Government Accountability Office found loose verification standards for claims made by manufacturers of products bearing the Energy Star label. Rules are being tightened, and new applicants' claims soon must be verified by a third-party accredited lab starting at year's end. To ensure contestants in its building competition don't "fudge," the EPA is requiring 24 months of their utility-bill statements.

While large-scale, pricey energy investments can pay off long term—and some entrants may benefit from such technology—the outcome in large part may hinge on the people running operations in each building. For instance, contest team leaders at dormitories, such as Morrison at UNC, are tasked with policing students so they don't leave all their gadgets—iPods, cellphones, BlackBerrys—plugged in constantly, a drain on electricity.

"We didn't want the competition to be about large capital purchases and buying expensive solar panels and boilers," says Maura Beard, spokeswoman for the Energy Star Buildings program. "We wanted to do it through behavior and operational changes."

That's not always easy—particularly when it comes to balancing customers' comfort with energy-savings goals. Sears, for instance, has altered temperatures in stores to reduce heating and cooling costs, but only by a few degrees to ensure shoppers don't complain.

Write to Gwendolyn Bounds at wendy.bounds@wsj.com

April 27, 2010

**EPA Considers Energy Efficiency as Part of BACT Rules (*Environmental Leader*)**

As the Environmental Protection Agency gets ready to issue guidance on how it will define best available control technology (BACT) for greenhouse gases from stationary sources, the EPA's air chief is requesting feedback from agency advisors on how the government promotes energy efficiency and innovative technology, reports the New York Times.

The EPA will not require pollution permits until January 2011 for power plants, industrial plants and other large stationary greenhouse gas sources.

State regulators will determine what constitutes BACT on a case-by-case basis, reports the New York Times.

Assistant Administrator Gina McCarthy said in the article that the agency is seeking advice on how the BACT process can be used to encourage energy efficiency and how a waiver to temporarily exempt companies from BACT requirements can be used to promote the development of new pollution controls.

Business groups and state regulators told the New York Times that they are encouraged by EPA's focus on energy efficiency under BACT guidelines, although there are some industry groups that are concerned that the guidance would include switching fuels and use of emerging technologies such as carbon capture and sequestration.

There have been earlier reports that some industry groups would file lawsuits against the EPA depending on the agency's guidance that will require large new stationary sources and other facilities to install BACT to obtain pollution permits.

The report should be finalized by the EPA's next clean air advisory committee meeting set for May 26-27.

**FUEL**

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**Fuel economy war heats up; Society of Automotive Engineers World Congress 2010 (*Canwest News Service*)**

April 28, 2010 Wednesday 04:02 PM EST
Fuel economy war heats up; Society of Automotive Engineers World Congress 2010
By: Todd Green, Canwest News Service
This year's Society of Automotive Engineers World Congress may not have grabbed as many headlines as Motown's Detroit Red Wings or Tigers -- the former fighting it out in the playoffs, and the latter just getting up to speed -- but the wheels continue to turn on the technology front and some fascinating developments have occurred.

The big news in the automotive world this year was the announcement of new fuel economy standards for the 2016 model year.

In the United States, 2016 will require cars to achieve a minimum of 6 litres per 100 km, with trucks at 8 litres per 100 km.

If a manufacturer does not meet these fuel economy standards, fines must be paid. The corporate average fuel economy (CAFE) standards are set by the Environmental Protection Agency in the U.S. The Canadian equivalent is the Company Average Fuel Consumption (CAFC) standards, which for the most part mirrors the U.S. standards.

The new fuel economy standards will result in a natural decrease in carbon dioxide emissions as a bonus.

Ford has been moving to smaller displacement, more powerful line of engines called Ecoboost. This engine lineup provides "good fuel (economy) and good performance," according to Barb Samardzich, VP powertrain engineering for Ford. A start-stop system (like a golf cart) will be "tangible for the customer that they are saving fuel" states Samardzich.

The newly forged relationship between Chrysler and Fiat is sure to yield some good results in the fuel economy war. Six-speed, wide-ratio dry clutch transmissions should be good for at least a 5 per cent benefit. Improvements in axle assemblies should yield yet another 2-4 per cent decrease in fuel consumption.

Also back on the table for discussion at Chrysler was compressed natural gas (CNG) powered vehicles.

As stated by Paolo Ferrero Senior vice-president of Chrysler Powertrain, the CNG vehicles could yield a 25 per cent reduction in carbon dioxide emissions, with no evaporative emissions created or released during the fuel refilling process. CNG looks promising in my eyes. Perhaps an at-home fill station will be considered just another appliance in the future.

John Juriga, director of powertrain, Hyundai-Kia America Tech Center, offered a

glimpse at his company's strategies.

Juriga's team is also considering downsizing engines and continuing with gasoline direct injection and turbo charging.

The Korean manufacturer will put the full roster on a weight reduction program, supplemented by reduced aerodynamic drag.

In the quest for yet lower friction from the powertrain, engines might see roller bearings and increased use of low-friction coatings on various components.

Hyundai-Kia offers an interesting line of products, from small economy cars and minivans to sport utility and crossover vehicles.

The quality I see in these vehicles rivals any of the other manufacturers. If Hyundai-Kia doesn't fall into the trap of wanting to be the biggest auto manufacturer in the world, then I would speculate that Korea could be at the top in terms of reliability and customer satisfaction.

As further proof of Hyundai-Kia's reaching for the golden ring, watch for the soon-to-be-released 2011 Sonata hybrid.

Toshihiro Mibe, general manager, Honda research and development, sees the company continuing with improvements in the gasoline hybrid lineup. Reduced rolling resistance, lower vehicle weights, cylinder deactivation and onboard real-time route guidance systems are also part of the plan to reduce overall fuel consumption.

Honda vehicles are already efficient, so why not help the customer avoid traffic to save time and fuel? I thought the real-time traffic guidance system was a great idea, and a different strategy from the other manufacturers.

So what does all this technology mean for the consumer?

I don't expect any change in overall usefulness of these vehicles because of the changes to increase fuel economy. 2016 cars will be every bit as smooth-running and powerful as today's vehicles.

Does increased fuel economy mean an increased price? Probably, but perhaps as a function of inflation, and not as a result of increased technology.

The technologies for decreased fuel consumption exist -- it is just a matter of packaging.

Todd Green is a Journeyman Automotive Technician and a member of the Society of Automotive Engineers (SAE ). Send your questions and comments to

grumpymechanic@shaw.ca

## GENERAL

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**Martin fills post of EPA Region 8 administrator (*Western News*)**

Posted: Tuesday, April 27, 2010 11:53 am

The Western News

The Environmental Protection Agency announced last week the Obama administration's appointment of James B. Martin to the post of Region 8 administrator.

Region 8 includes Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and 27 tribal nations.

Martin most recently worked as the executive director of Colorado's Department of Natural Resources. Prior to that job, Martin headed up the Colorado Department of Public Health and Environment. His resume also includes former state director for then-U.S. Sen. Tim Wirth, also previously ran the Natural Resources Law Center at the University of Colorado College of Law.

## HAZARDOUS WASTE

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Posted: Wednesday, Apr 28, 2010 - 05:09:51 am CDT

**EPA to review polluted sites for cleanup (*Jefferson City News Tribune*)**

KANSAS CITY, Mo. (AP) -- The Environmental Protection Agency will reassess a federal complex in Kansas City, Mo., that includes several polluted sites to determine whether it should become a cleanup priority, officials said Monday.
The reassessment of the Bannister Federal Complex will allow the EPA to decide whether to include it on the National Priorities List, said David Bryan, spokesman for the agency's regional office in Kansas City, Kan. The list includes the most serious hazardous waste sites in need of long-term cleanup.

The EPA determined in 1989 that the 310-acre Bannister site, which houses facilities for the General Services Administration and the Department of Energy, should not be on the list.

The Sierra Club environmental group and Physicians for Social Responsibility asked the EPA to reinvestigate the complex earlier this month after reports of employee illnesses possibly linked to pollution.

Dr. Peter Wilk, executive director of Physicians for Social Responsibility, called the reassessment a "step towards healing this wrong."

"This is an obvious example of how public policy and public health intersect," he said in an e-mailed statement. "The health and safety of our citizens has been harmed by the discharge of hazardous pollutants."

Bryan would not specify Monday what led to the decision to reassess. He said the EPA recently had discussed the complex with the General Services Administration and found reassessment "prudent at this point."

"The first, initial thing is to do the screening, and see if it's eligible," Bryan said.

The federal complex has housed various facilities, including a Department of Defense landfill and manufacturing sites for weapons parts and aircraft, and has been the subject of several environmental inquiries over the years.

The complex has about 5,000 employees and includes a Department of Energy plant where non-nuclear components for nuclear weapons are made. The GSA also has offices there, as do the U.S. Department of Agriculture and the Federal Emergency Management Agency.

Recent air tests detected trichloroethylene, or TCE, an industrial solvent and possible carcinogen. Other tests have shown a plume of TCE in groundwater under the complex.

The EPA said the air monitoring tests showed the chemical vapors within federal limits. But the agency said it would conduct additional tests to rule out possible health problems. Bryan said those test results were not available Monday.

Tests also have shown the presence of PCE, a dry cleaning agent.

Bryan said it was unclear how long the reassessment would take. But he said the EPA already has begun reviewing data and reports on the complex, which is a step in the reassessment.

GSA spokesman Charlie Cook said the GSA looked forward to "moving forward" with the EPA's reassessment.

Kevin Smith, acting site manager for the National Nuclear Security Administration, a division of DOE at the complex, said his agency and the Kansas City plant "take our commitment to the health and safety of both our workers and the community very seriously."

"We look forward to supporting the review, and are confident that the results will show that we have been good stewards of the environment," he said.

**PESTICIDES**

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APRIL 28, 2010

**Biotech Firms Seek Speedier Reviews of Seeds (*Wall Street Journal*)**

Approval Time for Genetically Modified Crops Doubles under Obama as Some Fear Tougher Stance; Feds Blame Logjam
By SCOTT KILMAN
The crop-biotechnology industry, growing frustrated as it watches the approval time for new seeds almost double under the Obama administration, is pressuring Washington to clear inventions more quickly.

The logjam at the U.S. Department of Agriculture, which must clear genetically modified seeds, is slowing the launch of products that could give farmers more alternatives to seeds from crop biotech giant Monsanto Co.

Also, some biotech-industry executives worry the delays signal that the Obama administration, which has painted itself as pro-biotech, is gearing up for a far tougher analysis of the potential environmental impact of these crops, which could make it harder for inventions to reach the marketplace.

On average, a genetically modified seed takes 1,188 days to pass federal scrutiny, almost twice as long as in 2008, the last year of the Bush administration, according to the Biotechnology Industry Organization, a Washington, D.C., trade group.

"There is concern we might see other countries move ahead of the U.S.," said Sharon Bomer Lauritsen, executive vice president of food and agriculture at BIO, who added that the delays "might stifle investment in what has been a very dynamic part of the U.S. economy." BIO's members include hundreds of companies such as DuPont Co., Syngenta AG and Monsanto, as well as academic institutions.

Members of BIO and industry leaders are meeting with Obama officials and supporters in Congress to press their issue, hoping to speed the process.

Officials at the USDA said its biotechnology-regulation office is coping with a soaring number of comments from the public and a flood of new seed inventions, some of which will likely require more-rigorous environmental reviews than past plants because they

would grow in new places, such as drought-tolerant corn, or use food crops to make industrial products.

Companies submitted nine genetically modified crops for review last year to the USDA, which has typically received three or four petitions annually. The USDA signed off on three genetically modified crops last year compared with the five-a-year rate it had averaged since the 1990s.

The agency, long a cheerleader for U.S. crop biotechnology, has never turned down a genetically modified crop, although inventors have withdrawn some candidates.

Caleb Weaver, USDA press secretary, said the department is "looking into both immediate and long-term solutions to increase the efficiency and effectiveness of the review process."

Among other things, the USDA is asking Congress to increase its annual biotechnology oversight budget by 46% to $19 million.

The slowdown comes as regulators in rising agricultural powers such as Brazil, Argentina and China are showing more enthusiasm for genetically modified crops. Brazil approved nine genetically modified crops in 2009 compared with five in 2008, while Argentina approved two crops for commercialization.

The crop-biotechnology market has grown rapidly since Monsanto's weed killer-immune soybean was introduced in 1996. Nearly 90% of the corn, soybeans and cotton grown in the U.S. is produced from plants that have been given foreign traits through gene splicing, such as the ability to make a natural insecticide. Farmers world-wide are paying roughly $9 billion annually for genetically modified seed.

The vast majority of genetically modified crops grown in the U.S. are equipped with Monsanto genes, which has put the St. Louis company in the sights of the Justice Department's antitrust enforcers. Monsanto has said its practices are legal and promote competition.

The federal government must review a genetically modified crop before it can be commercialized. The Food and Drug Administration must sign off on food safety, the Environmental Protection Agency looks at any pesticides that crops have been given the genetic blueprints to make and the USDA is charged with making sure that any genetically modified crop couldn't morph into a plant pest.

Despite the regulatory back-up, industry executives are leery of criticizing the USDA, partly because they count Agriculture Secretary Tom Vilsack as a crucial supporter. Mr. Vilsack received BIO's Governor of the Year award in 2001 for his support of the industry while he was Iowa's top elected official.

The USDA has cleared 80 genetically modified crops for commercialization since the 1990s, a process that involves a federally mandated environmental analysis.

So far, only three genetically modified crops have been targeted for an "environmental impact statement," the most thorough form of the environmental review required by law. In two of the cases federal judges concluded the USDA was obligated to conduct the time-consuming studies.

Meantime, a variety of corn genetically modified by Syngenta has been in regulatory limbo since 2005. The seed makes an enzyme used in the production of ethanol fuel. Syngenta, which has invested a few hundred million dollars to develop the corn, figures ethanol producers would pay U.S. farmers a premium to grow it.

The USDA is wading through public comments on Syngenta's petition this spring, which means that the seed has missed another Midwest planting season.

"We see no reason why deregulation of this important product should be delayed any further," said Paul Minehart, a Syngenta spokesman.

Write to Scott Kilman at scott.kilman@wsj.com

**TOXICS**

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**EPA cites Bokoshe ash disposal site (*NewsOK.com*)**

BY Michael Baker
Published: April 28, 2010
BOKOSHE — The U.S. Environmental Protection Agency on Tuesday ordered the operator of a fly ash disposal pit to stop discharging toxic waste into a local waterway near this eastern Oklahoma town.

The EPA issued the administrative order to Making Money Having Fun of Bokoshe, for alleged violations of the federal Clean Water Act.

Company owner Daryl Jackson said the company is working with all government agencies to make sure they are in compliance with environmental regulations.

A Feb. 22 inspection of the company's operations in Le Flore County found an unauthorized discharge of pollutants into a tributary of Doe Creek, according to the EPA.

Samples of the waste stream were taken during the inspection and were found to be toxic and in violation of Oklahoma water quality standards.

The EPA ordered the company immediately eliminate the unauthorized discharge of toxic waste and provide a plan on how future waste streams will be managed.

Making Money Having Fun takes in fly ash, a by-product of coal combustion, from the AES Shady Point coal-fired power plant in eastern Oklahoma

Read more: http://newsok.com/epa-cites-bokoshe-ash-disposal-to-site/article/3457280#ixzz0mNp4FwN7

**Industry Fears TSCA 'Concern' List Could Drive Liability Over Export Notices (*Inside EPA*)**

Industry officials are raising concerns that EPA's forthcoming list of chemicals of concern could require companies producing the listed substances to file export notifications under the Toxic Substances Control Act (TSCA), which could open industry to lawsuits and other consequences if they fail to file the notifications.

EPA is developing the first-time list under TSCA section 5(b)(4), which says the agency can list substances that "may present an unreasonable risk of injury to human health or the environment." The list will include chemicals such as polybrominated diphenyl ethers, the plastic ingredient bisphenol-A and certain phthalates that EPA is also targeting through "action plans" to use TSCA authority to address risks from chemicals of concern.

But Lynn Bergeson of the law firm Bergeson & Campbell said April 16 that the concern list could have "broad compliance implications" depending on whether EPA requires companies who produce chemicals on the list to file export notifications. Under TSCA section 12, companies that export chemicals must notify EPA of their exports if the substances are subject to various provisions of the law, including being identified on a TSCA section 5 list.

"An anticipated debate is whether a rule proposing to list a substance under section 5(b)(4) would make the substance subject to export notification requirements under section 12(b)," Bergeson said in a presentation to an American Law Institute-American Bar Association (ALI-ABA) event in Washington, DC.

Bergeson said the uncertainty could lead to companies not being in compliance, which would put them in "legal jeopardy" and even put certain companies at a competitive

disadvantage if they are seen as not being in compliance with the legal requirements to file the notices with EPA.

EPA's website indicates that "anyone who exports or intends to export a chemical substance that is the subject of a proposed TSCA section 5(b)(4) rule are subject to the export notification provisions," which sources suggest means the agency will require the 12(b) notifications for substances on the section 5 list, according to a presentation. An EPA spokesperson was not able to respond by press time.

But Bergeson said, "It is arguable, however, that export notifications for section 5(b)(4) listed chemicals should only be established by section 12(b)(1), which specifically references section 5(b), and would trigger export notification requirements only by issuing a final section 5(b)(4) rule seeking the submission of data."

At the ALI-ABA event, former EPA toxics official Charlie Auer, now affiliated with Bergeson & Campbell, said a listing on the section 5(b)(4) list could also have "a potentially significant effect on the way that listed chemicals are perceived and treated." These impacts include the list becoming a "blacklist" for manufacturers; downstream commercial users utilizing the list as providing information for formulations; activist groups highlighting "problem chemicals" on the list; and states using the list as the basis for restrictions and bans, Auer said.

**Upcoming EPA Proposal**

EPA said earlier this year that it will develop a notice of proposed rulemaking for the list of chemicals of concern, and that it anticipates having the proposal ready within 12 months or less.

The agency's website says a list created under TSCA section 5(b)(4) "is to be compiled and kept current through rulemaking proceedings with opportunity for notice and comment," including "oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions."

Sources have said the list could have other significant non-regulatory impacts. For example, the list could reduce a listed chemical's popularity in the marketplace, a legal source said at the time the rulemaking was announced. And unlike EPA's Chemical Assessment and Management Program, also known as ChAMP -- a Bush-era voluntary plan to assess thousands of chemicals that was scrapped by the Obama EPA -- the section 5(b)(4) list is "a fairly finite list," which could increase its sway in the marketplace, the source said.

Further, "there will be some continuity" with the list, because it could be hard for the next administration to ignore the fact that the agency has found the listed substances to be of concern, the source said. -- *Aaron Lovell*

**Getting the lead out EPA mandate sends renovators to class on lead paint safety Builders, others face strict regs (*Worcester Telegram*)**

By Karen Nugent TELEGRAM & GAZETTE STAFF

Mary L. Chabot has been filling classes and hiring trainers as fast as she can.

Still, she has been booked all month, six days a week at her centers in Webster and Greenfield, where daylong classes on how to safely handle lead paint removal are given.

Similar scenarios are playing out across the country as builders, painters, electricians, plumbers and anyone else who gets paid for building repairs and renovations on older structures scramble to meet the qualifications of a new federal lead paint regulation that took effect Thursday.

The new mandate, from the U.S. Environmental Protection Agency, requires that anyone working on property with lead paint (most such properties were built before 1978) become trained on proper handling and be certified by an EPA-approved program that costs $100 to $200 — plus pay another $300 to register with the EPA once certified. A business's foreman or owner can take the class, and then teach his workers, but each company must now be EPA-certified or face stiff fines.

The new rule, which was adopted in 2008, applies to any repairs or renovations that disturb lead paint and are larger than 6 square feet for interiors or 20 square feet for exteriors.

Its purpose is to make sure contractors take proper precautions when working around lead paint and in cleaning it up. When work is completed, a final test must be performed to make sure there is no lead dust remaining.

Lead dust from paint is invisible and odorless, but ingestion can result in a range of health problems from the well-documented neurological damage in children, to adult hearing and memory loss, reproductive problems and hypotension. Even small amounts of lead exposure can be harmful to children.

Ms. Chabot, of Webster, said her eight-hour certification classes usually consist of six hours of class time and two hours of hands-on learning with painted surfaces, doorways and other work situations likely to be encountered. Students are also required to learn how to work wearing disposable protective suits, and must pass a certification test.

Ms. Chabot's classes cost $200 per person, she said, and there have been approximately 25 students per class, consisting of plumbers, painters, electricians, heating contractors and builders. She pointed out that landlords are also subject to the regulation, because they receive compensation in rent. The rule also encompasses anyone doing repairs or work at federally subsidized property, such as Section 8

housing, or any place where there could be children, such as day care programs in old churches or community buildings.

“Anyone working in a house or building that could have lead in it is subject,” said Ms. Chabot, a former adult education teacher who decided to become a certified EPA instructor after dealing with de-leading her own home.

“The real intent of it is to not make lead dust — to protect children,” she said.

Steven B. Curtis, president of Old Time Restoration in Winchendon, has done detailed restoration work on old homes and churches for 30 years. He welcomes the new regulation.

“I think it’s great,” Mr. Curtis said.

“It’s a problem that so many renovators do not take into consideration,” he said. “You really need to be careful around lead dust. You need to let the homeowner know — you need to sit down and talk with the homeowner, especially if there are kids around.”

Mr. Curtis and his son have signed up to take an EPA course in Waltham on June 22 — the earliest and closest program they could find. That program is run by Sherwin-Williams and costs $100 per student, he said. There are just a handful of EPA-certified programs around the state, including ones in Agawam, Andover, Georgetown, Springfield, Wilmington and Webster.

Not everyone is thrilled about the law.

“This is such overkill; it’s like taking a sledge hammer to an ant,” said an outraged John F. Hogan, a real estate broker from Clinton.

The housing market is hurting, he said, and the new rule just makes home improvements — everything from additions to window replacement — more expensive because the cost for training and EPA registration will be passed on to homeowners.

“A $300 window replacement is now going to probably cost you around $3,000,” he said. “The tradesmen are not happy, and the homeowners are not happy.”

Mr. Hogan said lead contamination is no longer the problem it once was, as public awareness has greatly increased since the 1980s.

Mr. Curtis of Old Time Restoration acknowledged that the rule will be difficult for building inspectors to enforce.

**WATER**

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**'Bridge fuel' ignites a debate (*USA TODAY*)**

April 28, 2010 Wednesday
FIRST EDITION
LIFE; Pg. 1D
'Bridge fuel' ignites a debate;
Natural-gas boom brings new techniques, concerns
By Dan Vergano
Robert Myers spends a lot of time hiking and fishing in state forests, "places where my grandfather went hunting," he says.

But the hiking grounds for this Lock Haven, Pa., English professor and local activist are changing with what some critics say is the threat to the environment that comes as part of the latest boom: the hunt for natural gas. And Myers hates what it's doing to the Eastern forests. "It sickens me what the gas wells are doing to the places I love."

Energy companies increasingly are drilling into the Marcellus Shale, a mile-or-so-deep layer of methane-rich black rock stretching from Tennessee to New York. The layers of shale are being tapped for natural-gas deposits, which in turn has led to a boost in U.S. natural-gas supplies, lower energy prices for consumers and jobs in areas hit hard by unemployment.

But the supply boom has arrived with new concerns about the potential environmental damage from techniques used to retrieve the gas.

The debate highlights the choices the USA faces as it pursues a greener economy: If burning natural gas in place of some coal can cut carbon dioxide emissions, what environmental risks are we willing to tolerate?

In March, the Environmental Protection Agency announced that a science panel would examine the safety of hydraulic fracturing, a decades-old but much-improved drilling technology behind the boom.

Hydraulic fracturing cracks shale with water mixed with chemicals and fills the cracks with sandy grit, allowing gas trapped in the shale to bubble out. But among the environmental concerns raised by the process: chemical leaks, wear and tear on forests and roads and even minor earthquakes.

Once the sands of an inland sea, about 20 such deposits lie in North America, filled with methane produced by the decay from the bugs, plants and animals that ended up in the ancient ooze. The U.S. Geological Survey estimates that 200 trillion cubic feet of natural gas may be recoverable from these shales in a country that consumes about 23 trillion

cubic feet a year.

But that may be a conservative estimate: The actual amount of natural gas in the "Big Seven" deposits, which includes Marcellus and shales in Texas, Arkansas and elsewhere, may be even bigger. In 2008, Penn State geoscientist Terry Englander estimated that the Marcellus alone might have more than 516 trillion cubic feet.

"It's a boom," says environmental engineer JeanneVan-Briesen of Carnegie Mellon University in Pittsburgh. "That means a lot of choices, a lot of consequences good and bad."

Pittsburgh, for example, is where the Monongahela and Allegheny rivers meet to start the Ohio River. And two years ago, the Monongahela River's salt levels reached excessive amounts, probably in part because of the "flowback" water from new hydraulic fracturing wells draining into the river, adding to acid-laced leaks from coal mines, VanBriesen and colleagues find.

Power plant operators along the river, who need the water for cooling, were first to detect the problem when they spotted corrosion on scrubbing equipment. Fish have died in rivers near Myers' hiking trails, which he blames on the wells.

A risk of runoffs

"Energy and water mix hand in hand," says environmental biophysicist Susan Riha of Cornell University in Ithaca, N.Y. With hydraulic fracturing, she says, potential risks range from the chance of chemicals such as benzene leaking into local drinking water to landscape damage to questions about who benefits from a new energy boom.

"I started out worried about what was happening in state forests," Myers says. "But now I see much wider effects, in streams and public safety."

Alongside private landowners, Myers' state leases well sites on public lands to energy companies near Lock Haven. Digging a well at such sites requires clearing a 5-acre patch of forest and digging a sludge pit for the flowback water, which is often laced with salt and proprietary chemicals from the fracturing process. By 2008, more than 450 wells had been dug in Pennsylvania in three years, according to the Pennsylvania Department of Conservation and Natural Resources.

In 2005, the Bush administration exempted gas wells from storm water discharge permits, a decision the EPA may revisit when the science review is completed. "Any time you have an open pit, you have the risk of runoffs," Riha says.

Most prominently, the non-profit news organization ProPublica reported in a 2008 investigation more than 1,000 cases in which hydraulic-fracturing-related wells have been tied to leaks or accidents, including fires.

Adding to debate over hydraulic fracturing, Riha says, the risks and benefits of the boom aren't doled out evenly: Landowners who lease to well drillers see financial gains, while their neighbors worry about their drinking water wells suffering methane and chemical contamination. They also have to drive on crumbling roads crowded with oversized fracturing-water trucks.

And some of the risks might be more exotic. In March, a Leading Edge journal study led by seismologist Brian Stump of Southern Methodist University in Dallas suggested hydraulic fracturing had triggered small earthquakes in Texas in 2008 and 2009, when flowback water was "deep-injected" onto an earthquake fault, one method of getting rid of wastewater that doesn't let it flow into streams.

"The history of the region is people exploiting the resources, ruining the wilderness, and then leaving the mess behind," says Myers, an English professor at Lock Haven (Pa.) University.

But that's a tough argument in a region eager for jobs. "I've attended county meetings to discuss gas wells where the crowd has been pretty hostile," Myers says. "The last thing they want is a tree-hugging English professor saying they might endanger their neighbors with their lease."

Indeed, the head of the Clinton County Economic Partnership where Lock Haven is based says the drilling has brought jobs and "new wealth" to an area with 9.5% unemployment.

"It's like someone dropped a new bag of money" on the region, says Michael Flanagan, president and CEO of the Clinton County group. "That said, we also understand the environmental concerns" but believe they're "controllable."

The bigger picture

Assuming the safety of drinking water remains the central question, "there's no reason to think EPA's current study will render results that differ a whole lot from the various other studies that have been done on the subject," says Chris Tucker of Energy in Depth, a natural-gas industry group based in Washington. He notes a 2004 EPA report that found the technology "safe and well-regulated."

Climate change makes the hydraulic fracturing debate a bigger one than just another row pitting energy companies against environmentalists. "The story in all this is how we deal with thinking through the water and climate impacts of our energy choices," VanBriesen says.

On the climate side, natural gas produces only about half of the carbon-dioxide emissions of coal burned to produce electricity, according to the Energy Information Administration. In January, a Congressional Research Service report suggested that doubling the nation's electric power generation from gas, with a corresponding drop in

coal, would reduce current coal-plant carbon dioxide emissions by 19%, lowering total U.S greenhouse gas emissions by about 6% overall.

"We could, today, simply through the increased use of existing natural-gas fired power plants, meaningfully reduce the $CO^2$ emissions of the power sector," natural gas plant chief Jack Fusco of the Calpine Corp. told senators in October. Former senator Timothy Wirth, D-Colo., head of the United Nations Foundation, has called natural gas a "bridge fuel" for switching from fossil fuels to renewable, climate-friendly-ones in this century.

"Any changes in how we get energy are going to be disruptive," Riha says. Even wind turbines, prime examples of renewable energy, have faced opposition from landowners in New York state and Pennsylvania who are worried about their mountain views.

"People think it is some sort of minor change switching to a green economy, but no energy system is a seamless solution without environmental impacts," Riha says. "People need to start coming to grips with the future."

**City grapples with wastewater upgrades @Drop head:Says EPA requirement is moving target (*Foster Daily Democrat*)**

By Geoff Cunningham Jr.
gcunningham@fosters.com
**Wednesday, April 28, 2010**

PORTSMOUTH — Residents joined city officials in expressing frustration that the Environmental Protection Agency is ordering the City of Portsmouth to bolster its storm-water treatment capabilities without providing guidance as to what exact standards they want met.

City planners and consultants are weighing a number of options, but Deputy Public Works Director Dave Allen told a Tuesday audience that upgrades could result in the tripling of sewer bills for the average household from roughly $600 to $2,000.

As the city approaches a June deadline to submit a preliminary storm-water treatment upgrade plan to the EPA, officials in charge of the project remain without a set number on the allowed milligram per liter nitrogen levels that will be permitted in wastewater — a factor that will play a huge role in determining the cost of a project.

Lee Roberts — a local resident — said the moving target from the EPA seems unfair for those trying to choose the best option for handling wastewater being discharged into the Piscataqua River.

"They are putting us under the gun and giving us different scenarios. Then they give us

deadlines ... it seems over the top," Roberts said.

Officials say potential upgrades to the wastewater system could cost anywhere from $71 million to $103 million depending on the allowable nitrogen release limits.

On Tuesday approximately 40 residents gathered at the Portsmouth Public Library for an informational session that saw city officials and consultants reviewing a situation that has the EPA pressuring the city to comply with enhanced treatment requirements.

Portsmouth operates two wastewater treatment facilities with one on Peirce Island and the other located at Pease.

Officials were forced toward a more aggressive approach to upgrading treatment facilities in 2007 when the EPA altered their permit, thus ordering further treatment of wastewater.

The city is working under a "consent decree" with the EPA that requires officials to come up with a draft plan by June for how they will upgrade to "secondary" treatment of wastewater with a final plan due in September 2010.

The decree spells out the time limits for the decision and establishes an agreed upon $500 to $1,000 a day penalties if the city fails to comply with water quality requirements, compliance milestones and reporting obligations.

Peter Goodwin of Weston and Sampson — a consulting firm working with the city on wastewater treatment — said officials are weighing options that would enhance treatment operations at either Peirce Island or Pease.

City officials told Tuesday's audience a big challenge has revolved around the EPA's failure to inform them of what exact level of treatment they are mandating.

One guideline revolves around the amount of nitrogen that is being discharged in each liter of wastewater.

Officials say some discussion has revolved around restrictions calling for an 8 milligram of nitrogen per liter standard with others seek more enhanced treatment calling for 5 milligrams or even 3 milligrams per liter.

"We've been working with a framework that is constantly changing," Goodwin said.

Nitrogen has the possibility of negatively impacting the environment as a result of algae blooms that can degrade water quality thus impacting numerous species ranging from shell fish to other marine creatures.

Allen confirmed differing treatment requirements with respect to nitrogen could result in a $20 million difference in the cost of a upgrade project.

Officials said they were blown away recently when the New Hampshire Department of Environmental Services suggested they might also soon see restrictions with regards to phosphorus levels in discharged water.

Glen Normandeau, a local resident, suggested the EPA "get off the pot" and decide on the treatment requirements before they press the city to draft a treatment solution.

"I think it's time to apply some reverse pressure," Normandeau said.

City Manager John Bohenko said Portsmouth is among several Seacoast communities currently grappling with the possible financial ramifications of the EPA's treatment requirements.

He indicated city officials are committed to meeting expectations, but will be keeping a close eye on their options with regard to the affordability of upgrades required by the EPA — the entity that will have final authority on selecting the desired treatment upgrade project.

Some residents expressed concern about how the upgrades would impact their sewer bills, while others stated their opposition to any option calling for expansion of the treatment plant on Peirce Island, which sits adjacent to the historic Fort Washington.

Local resident Jack Kelly got a laugh from the audience when he suggested that further expansion of the Peirce Island facility might warrant the changing of the name of the historic landmark to "castle poo plant."

**Casey reacts to Dimock disaster (*Water Technology Online*)**

**Story also appeared: *Morning Times***

Senator calls for more oversight of natural gas drilling
By Morning Times
Published:
Tuesday, April 27, 2010 10:40 AM EDT
SCRANTON — U.S. Senator Bob Casey, D-Pa., on Monday was joined by residents in the Dimock area whose wells were contaminated by drilling conducted by Texas-based Cabot Oil and Gas Corp. as he called for additional oversight of natural gas drilling.

Also on Monday, Casey sent a letter to the Environmental Protection Agency urging them to examine its current authority to determine whether it can take additional steps in Pennsylvania to investigate and respond to groundwater contamination and other potentially harmful consequences of drilling.

“Natural gas drilling can provide an economic boost to Pennsylvania, but we must

protect ground water," said Casey. "We will not allow an out-of-state company to come to Pennsylvania and contaminate the groundwater of our residents. Three million Pennsylvanians rely on wells for their drinking water. We must ensure adequate safeguards are in place to protect this most basic necessity for Pennsylvanians."

In the letter, Casey wrote: "I urge EPA to examine its authority to determine whether it can take additional steps in Pennsylvania to investigate and respond to groundwater contamination and other potentially harmful consequences of drilling. I request a meeting with you and appropriate EPA officials to discuss natural gas drilling and whether EPA could launch an investigation into water and environmental contamination."

**In D.C., the right questions about water safety (*Washington Post*)**

By George S. Hawkins
Washington
Tuesday, April 27, 2010;

I want to thank Rose Overbey ["Smelling trouble in D.C.'s water," Local Opinions, April 25] for raising issues that should be on the mind of every consumer of drinking water in the District, in surrounding jurisdictions and throughout the United States.

Ms. Overbey is correct about the need to replace aging infrastructure. The average age of water mains in the nation's capital is 76 years. The latest proposed budget of the D.C. Water and Sewer Authority (WASA) would replace mains at twice the national average, but even at this accelerated pace, it will still take 100 years to completely replace the system. The authority plans to spend $650 million on water infrastructure over the next 10 years but $3.2 billion on capital projects related to wastewater treatment because of environmental mandates. To question whether this is the right balance is absolutely fair. Further, absent a large, much-needed federal investment in both areas, WASA will rely on ratepayers to fund these projects.

This raises the question: What is a fair price for a life-giving resource, a resource that is largely invisible unless a problem occurs? Our proposed 2011 rates will add less than $9 to the average residential customer's bill -- not an insubstantial amount but one that still leaves the average bill at a quarter of an electricity bill, a third of a cell phone bill and half a cable bill. An interruption in these other services is generally inconvenient; an interruption in water supply could be catastrophic.

Ms. Overbey also rightly pointed out the challenges that arise from a bifurcated drinking-water system. The Washington Aqueduct collects and treats water for the District. WASA purchases the treated water and pumps it through our infrastructure into homes and businesses in the city. Though we must meet federal water-quality standards and do so through a vigorous compliance and testing program, WASA does not control the chemistry of the water -- only the pipes that carry it. The U.S. Army Corps of Engineers,

which operates the Aqueduct, has had an excellent working relationship with WASA over the years. But the Corps has no elected or appointed officials on a board of directors to listen to public concerns about quality.

Finally, I want to point out that WASA did not exceed any regulatory standards for chlorine levels on April 20. Working closely with Region III of the U.S. Environmental Protection Agency, we notified customers in Upper Northwest of the chlorine spike at Fort Reno out of an abundance of caution. We anticipated no public health impacts but decided to provide as much precautionary information as we could, as quickly as possible. An open, accountable, straightforward water agency benefits us all.

Beginning this week, WASA is co-hosting a series of town hall meetings in every ward with various members of the D.C. Council. More details are available at www.dcwasa.com/rates. We hope to see many of our customers and to hear any concern, such as Ms. Overbey's, that helps in our work to protect public health and provide safe, clean and affordable water services to D.C. residents.

*The writer is general manager of the D.C. Water and Sewer Authority.*

**EPA completes groundwater testing in Lower Yakima Valley (*Water Technology Online*)**

Tuesday, April 27, 2010
YAKIMA, WASH. — The US Environmental Protection Agency (EPA) has completed a second round of sampling in the Lower Yakima Valley in an attempt to link the high nitrate levels in groundwater and private wells to possible sources of contamination, according to a press release.

In the first round of testing, which took place between Feb. 22 and March 6, EPA found 21 percent of the 330 residential wells tested had nitrate levels greater than the EPA drinking water standard of 10 parts per million, the release stated.

EPA used the results from the first round of testing to identify locations for the second, more focused round of sampling, which was completed on April 22, according to the release.

The second round included taking water from 29 wells to test for a wide array of contaminants including nitrate, isotopes of nitrogen, bacteria, pesticides, general chemistry parameters and a variety of pharmaceuticals and hormones.

Over the next few months, EPA will analyze and evaluate these samples, which may help link the high nitrate levels in the valley's groundwater with possible sources of contamination, the release stated.

The results should be available in late summer 2010.

“The families and business owners participating in the study have performed a valuable public service,” said Tom Eaton, director of EPA’s Washington State Office. “We appreciate the community’s continued support of our efforts.”

**EPA Eyes New Perchlorate Safety Method, Complicating Regulatory Push (*Inside EPA*)**

EPA’s Office of Water (OW) is considering an alternative approach -- recommended by the agency’s Office of Inspector General (OIG) -- for limiting the risks of perchlorate exposure, a move that complicates efforts by activists and Senate environment committee Chair Barbara Boxer (D-CA) to push EPA to craft drinking water rules for the chemical.

Several sources say water chief Peter Silva told industry representatives at a brown bag meeting recently that the agency is considering alternative ways to limit iodine deficiency -- a harm that results from exposure to perchlorate and other so-called sodium iodide symporters (NIS) -- than the narrow drinking water rules that Boxer and environmentalists have long pushed.

Silva told attendees that the agency is “taking a close look at the issue of iodine deficiency,” says one industry source familiar with the meeting.

Industry groups and the OIG say the alternative approaches -- which seek to boost iodine levels in those facing harm by increasing their intake of the micronutrient -- is a more effective way of addressing risks posed by exposure to NISs than regulating perchlorate, which accounts for a relatively small impact on iodine levels.

In a 2008 draft report made final April 20, the OIG reiterated that risks posed by perchlorate and other NISs are better reduced by increasing maternal iodide intake and “correcting moderate and mild iodide deficiency occurring in about 29 percent of the U.S. pregnant and nursing population is the most effective approach for reducing risk.” Such actions, however, are not under EPA’s jurisdiction -- and they are opposed by activists.

The report -- *Office of Inspector General Scientific Analysis of Perchlorate*-- also reiterates its original arguments that the agency needs to conduct a cumulative assessment of perchlorate and other compounds that have similar harmful effects on the human thyroid -- an approach the OIG suggests EPA should apply to all chemical risk assessments.

Using this approach, the OIG found that reducing the risk of perchlorate beyond EPA's safety standard and related cleanup target of 15 parts per billion (15 ppb) -- as would likely result from a Safe Drinking Water Act rule that Boxer and others are seeking -- "does not effectively reduce risk." The OIG suggests other approaches would be more effective at lowering risk, such as boosting consumption of substances that would counteract perchlorate and the other compounds' harmful effects.

"The [OIG] independently confirmed that EPA's [non-enforceable cleanup target ] is conservative and protects human health, but limiting perchlorate exposure does not effectively address this public health issue. Potentially lowering the perchlorate drinking water limit . . . to 6 ppb [as California requires] does not provide a meaningful opportunity to lower the public's risk," the report concludes.

**EPA Decision Pending**

An EPA spokeswoman says the water office is "considering" the IG's report "and all other information as we move ahead in making a . . . determination [whether to regulate the chemical under SDWA]."

The spokewoman said the agency plans to decide whether to regulate perchlorate "in 2010," a response that suggests the agency may have delayed its earlier commitment to make a decision by June.

Boxer's staff did not return calls seeking comment but a source with the environmental group Clean Water Action strongly reiterated calls for EPA to regulate the chemical. "We utterly oppose a strategy of putting the onus on the public to take something to" protect against the harmful effects of a water contaminant, says a source with Clean Water Action. "Holding polluters accountable is the way to go." The source argues that EPA should set a national drinking water standard no weaker than 1 part per billion (ppb), significantly stricter than EPA's cleanup target of 15 ppb.

Perchlorate -- which is present in drinking water sources in dozens of states -- is one of several substances that inhibits the thyroid's uptake of iodine, a deficiency that can lead to goiter, or swollen neck, and developmental delays and reduced IQ among the children of women who were iodine deficient during pregnancy.

EPA is under pressure from Boxer and environmentalists to regulate the chemical under SDWA, which would create an enforceable cleanup limit and would likely result in stricter cleanup requirements than EPA's current cleanup target.

Boxer and her supporters have long sought to strictly regulate the chemical under the drinking water law in part due to its prevalence in California drinking water systems. Together with Sen. Dianne Feinstein (D-CA), she introduced bills in the last Congress requiring EPA to set a drinking water standard and perform monitoring, but the bills never came to the floor for a vote.

More recently, the Senate Environment & Public Works Committee requested a Government Accountability Office (GAO) study updating the office's 2005 report identifying national occurrences of perchlorate. It should be released this fall, a GAO source said last month.

But EPA's water office has been struggling to determine whether it will regulate the chemical, a common groundwater contaminant at dozens of waste sites and in drinking water.

Under the Bush administration, OW indicated that it would not regulate perchlorate. But last August, OW released a document based on the research office's single chemical risk assessment approach and indicated risks to infants and children from perchlorate exposure in drinking water that suggested the agency may seek to set enforceable drinking water cleanup rules.

**Science Versus Regulation**

But a utility industry source says the science on perchlorate risks is now overtaking efforts to regulate the chemical. OW staff have "found themselves in a predicament because the science doesn't jibe with the politics on the Hill," says one water utility source, who argues that OW's analyses do not show public health benefit from regulating perchlorate in drinking water nationally. "We can regulate . . . perchlorate, but it's not going to change iodine deficiency."

The dichotomy is one of the reasons that the utility source finds the newly finalized OIG report "intriguing." The Obama administration, "clearly not of the Bush mold, is concurring with the Bush EPA's assessment," the source says. "They could have totally buried it."

In its final report, the IG includes its own risk assessment of perchlorate, which differs from EPA's existing assessment by considering the risks posed by perchlorate and other stressors -- or NISs -- on the human thyroid using an *in vitro* model. In addition to perchlorate, other stressors include thiocyanate, nitrate and lack of iodine.

"Single chemical risk assessment of perchlorate is not sufficient to assess and characterize the combined human health risk from all four NIS stressors," the OIG says, faulting both EPA's approach as well as a study conducted by the National Research Council (NRC) in 2005, "Our cumulative risk assessment better characterizes the nature and sources of risk affecting this public health issue," the OIG says.

Though based on different risk assessments, the OIG report and the Bush administration reached the same conclusion -- that there is not sufficient benefit to be gained by regulating perchlorate in drinking water.

The final version of the OIG's report does not alter this assessment. "Our analysis implemented a cumulative risk assessment that found the following: 1) the risk from

each of the four NIS stressors is not equal; 2) EPA's perchlorate [safe daily ingestion dose, or reference dose (RfD)] is conservative and protective of human health, and further reducing the perchlorate exposure below the RfD does not effectively lower risk," according to the OIG's report.

The OIG report also chides EPA's research office for continuing to produce single chemical assessments rather than cumulative assessments, which it says would "reduce the uncertainty in characterizing the public health risk posed by perchlorate." OIG argues that such assessments are "cumulative state-of-the-art" science.

Yet ORD and OW have harshly criticized the OIG's approach. "[M]uch of the interpretation of these data and policy inputs deviates significantly from standard application or extends the data beyond its practical limits," OW Deputy Administrator Michael Shapiro wrote Deputy IG Bill Roderick in comments last year.

OIG also faults the agency for not advancing the use of cumulative risk assessments, despite instructions to do so from NRC. "Although a cumulative risk assessment represents a revolutionary advancement in the science of toxicology, ORD leadership has neither embraced the concept nor aggressively sought the development and validation of cumulative risk assessments," OIG writes. "Over the last 18 years, ORD has not developed or implemented a cumulative risk assessment. Furthermore, ORD has not published Agency-wide guidance to implement cumulative risk assessments." -- *Maria Hegstad*

**EPA to cover incurred water costs (*Troy Record*)**

Tuesday, April 27, 2010

By Emily Donohue
Special to The Record

FORT EDWARD — The Environmental Protection Agency said Monday it will pay for the increased cost of purchasing water from Troy incurred by Halfmoon and Waterford as a result of the Hudson River dredging project.

The announcement is a turnaround from the previous arrangement the agency had with the towns. Under that arrangement, the EPA only covered the increased cost when PCB levels spiked beyond the drinking water standard in the river. When that occurred, the EPA would contact town officials and instruct them to switch from their own water source to Troy's water.

A huge PCB spike last month, and the ensuing delays in notification to town officials, prompted Halfmoon supervisor Mindy Wormuth to travel to New York City to visit EPA Regional Administrator Judith Enck and again plead her case.

Monday's decision is "a very big relief" she said. Troy charges Halfmoon about 50 cents more per 1,000 gallons of water than it costs the town to produce its own.

Wormuth said she was pleasantly surprised by Enck's response. "This is really the first time I felt that EPA was willing to listen," she said.

Jack Lawler, Waterford supervisor, echoed Wormuth's comments: "We're very happy that EPA has finally listened and agreed to do the right thing," he said.

The EPA has agreed to cover both towns' increased costs year-round through November 2012. Wormuth said that will give the agency time to re-evaluate its testing protocol and when that date comes, she hopes to revisit the plan with the agency.

EPA also said it will pay the extra costs during dredging seasons until the end of the project.

"Our decision … will eliminate any cause for concern about drinking water in these towns," Enck said in a press release. "We are taking this step in order to err on the side of caution."

EPA says it is concerned about General Electric's testing procedures. According to a press release, EPA officials discovered five of the sampling intake stations used to measure PCB levels were covered in mud and vegetation, which could compromise the results.

The village of Stillwater also uses the Hudson River as its drinking water source. A carbon treatment system was installed to eliminate PCB contamination, which the EPA calls a temporary measure until the village connects with the Saratoga County water system. According to the EPA, they are in talks with GE about who will cover the cost of that connection.

GE, whose Fort Edward and Hudson Falls capacitor manufacturing plants legally dumped PCBs into the river between 1944 and 1977, was ordered by the EPA in 2002 to clean up the river and properly dispose of the chemicals, which are suspected human carcinogens. PCBs, polychlorinated biphenyls, were used as insulation material in GE's plants. The first dredging season lasted from May to November of 2009. All of 2010 will be spent reviewing that phase's results before dredging resumes in 2012. It is scheduled to continue through at least 2016.

Published Tuesday April 27, 2010

**Plattsmouth gets sewer grant (*Omaha World Herald*)**

The EPA has awarded $1,164,000 to Plattsmouth, Neb., for a multi-phased sewer separation project. Water quality will be improved by removing the sanitary sewage flow from the storm water currently being discharged to the Missouri River during storm events.

EPA Region 7 Administrator Karl Brooks said, “Awarding these water infrastructure funds will help to protect water quality and extend the useful life of the existing system.”

The purpose of the project is to separate the sanitary flow from the existing combined sewer. A new sanitary sewer will be constructed to carry sanitary sewage flow to the existing wastewater treatment facility.

EPA oversees the protection of water quality and public health. The Agency is working with community leaders and the public to meet the growing needs and demands of our limited water resources. EPA remains committed to developing innovative and sustainable solutions for managing and financing infrastructure with public and private partners.

**US lawmakers resist call for natgas drilling rules (*Reuters*)**

Tue, Apr 27 2010
* Federal oversight of fracking called too burdensome
* Lawmakers say don't regulate until EPA study finished
By Tom Doggett
WASHINGTON, April 27 (Reuters) - Two U.S. lawmakers on Tuesday urged Congress to resist calls to pass federal regulations limiting a drilling technique that extracts natural gas from rock formations but has been blamed for contaminating drinking water supplies.

State governments, not the federal government, are now responsible for regulating the drilling technique called hydraulic fracturing. Natural gas producers are worried that federal regulation could hinder extraction of gas from shale rock formations, which account for 15 percent to 20 percent of U.S. output of natural gas.

Demand for natural gas has grown as electric utilities build gas-fired power plants that emit much less carbon dioxide than coal generators.

The House Energy and Commerce Committee is investigating hydraulic fracturing, also known as fracking, and some lawmakers are pushing legislation to regulate the practice.

Two committee members, Representatives John Sullivan, a Republican from Oklahoma, and Arkansas Democrat Mike Ross, said the panel would be short-sighted to pass a bill putting fracking under U.S. safe drinking water law before the Environmental Protection Agency completes a study of the drilling technique which is expected to take two years.

Allowing the EPA to oversee fracking "would add burdensome and unnecessary regulatory requirements to the drilling and completion of oil and gas wells which could result in increasing costs of producing domestic natural gas resources," the lawmakers said in a letter to Representative Henry Waxman, the energy committee's chairman.

"We believe that state regulatory agencies are the most appropriate regulatory bodies to provide oversight and protection of hydrologically and environmentally sensitive localities as they relate to hydraulic fracturing," they said.

Fracking injects a mixture of water, sand and chemicals into rock fomations to stimulate oil and natural gas production. Some environmental groups claim the technique can contaminate ground water and want the government to regulate it.

However, energy companies say improved fracking technology allows them to drill for oil and gas in an environmentally safe manner. They also say there is no evidence fracking has contaminated water supplies. (Reporting by Tom Doggett; Editing by David Gregorio)

**EPA Scientist Says East Coast Beaches Threatened by Sea Level, But Nobody's Listening (*Wired Science*)**

By Josh Harkinson
April 27, 2010 |
2:26 pm |
For most of the 20th century, Chesapeake Beach, Maryland, was known for its boardwalk, amusement park and wide, sandy beaches, popular with daytrippers from Washington, D.C. "The bathing beach has a frontage of three miles," boasted a tourist brochure from about 1900, "and is equal, if not superior, to any beach on the Atlantic Coast."

Today, on a cloudless spring afternoon, the resort town's sweeping view of Chesapeake Bay is no less stunning. But there's no longer any beach in Chesapeake Beach. Where there once was sand, water now laps against a seven-foot-high wall of boulders protecting a strip of pricey homes marked with "No Trespassing" signs.

Surveying the armored shoreline, Jim Titus explains how the natural sinking of the shoreline and slow but steady sea-level rise, mostly due to climate change, have driven the bay's water more than a foot higher over the past century. Reinforcing the eroding shore with a sea wall held the water back, but it also choked off the natural supply of

sand that had replenished the beach. What sand remained gradually sank beneath the rising water.

Titus, the Environmental Protection Agency's resident expert on sea-level rise, first happened upon Maryland's disappearing beaches 15 years ago while looking for a place to windsurf. "Having the name *beach*," he discovered, "is not a very good predictor of having a beach." Since then, he's kept an eye out for other beach towns that have lost their namesakes—Maryland's Masons Beach and Tolchester Beach, North Carolina's Pamlico Beach, and many more. (See a map of Maryland's phantom beach towns here.)

A 54-year old with a thick shock of hair and sturdy build, Titus could pass for a vacationer in his Panama hat, khakis and polo shirt. But as he picks his way over the rocky shore, he's anything but relaxed.

For nearly 30 years, Titus has been sounding the alarm about our rising oceans. Global warming is melting polar ice, adding to the volume of the oceans, as well as warming up seawater, causing it to expand. Most climatologists expect oceans around the world to rise between 1.5 and 5 feet this century.

Some of the hardest-hit areas could be in our own backyard: Erosion and a shift in ocean currents could cause water to rise 4 feet or more along much of the East Coast. Titus, who contributed to the Intergovernmental Panel on Climate Change's Nobel Prize-winning 2007 report, has done more than anyone to determine how those rising seas will affect us and what can be done about them.

Like his occasional collaborator, NASA climatologist James Hansen, Titus has decided to speak out. He's crisscrossed the country to meet with state and local officials in coastal areas, urging them to start planning now for the slow-motion flood. Yet his warnings have mostly fallen on deaf ears. "We were often told by midlevel officials that their bosses did not want to plan for anything past the next election," he says.

Neither, it seems, does the federal government. Over the past decade, Titus and a team of contractors combined reams of data to construct a remarkably detailed model of how sea-level rise will impact the eastern seaboard.

It was the largest such study ever undertaken, and its findings were alarming: Over the next 90 years, 1,000 square miles of inhabited land on the east coast could be flooded, and most of the wetlands between Massachusetts and Florida could be lost.

The favorably peer-reviewed study was scheduled for publication in early 2008 as part of a Bush Administration report on sea-level rise, but it never saw the light of day — an omission criticized by the EPA's own scientific advisory committee. Titus has urged the more science-friendly Obama administration to publish his work, but so far, it hasn't — and won't say why.

So Titus recently launched a personal website, risingsea.net, to publish his work. “I decided to do my best to prevent the taxpayer investment from being wasted,” he says. The site includes “When the North Pole Melts,” a prescient holiday ditty recorded by his musical alter ego, Captain Sea Level, in the late ’80s.

Titus gazes at Chesapeake Beach’s jagged shoreline, where two children scramble over the barrier of large gray boulders known as a revetment. “The children of 21st-century Chesapeake Beach, what do they do?” he asks. “They play on revetments.” A generation ago, these kids might have been skipping through the waves. A generation from now, many of the rocks they’re playing on will almost certainly be underwater.

Living near the ocean has always come with the risk of getting wet. Yet coastal dwellers whose homes got swamped by the occasional storm surge could rely on the water to eventually recede. That certainty is gone.

Titus has calculated that a 3-foot rise in sea level will push back East Coast shorelines an average of 300 to 600 feet in the next 90 years, threatening to submerge densely developed areas inhabited by some 3 million people, including large parts of New York City, Philadelphia, and Washington, D.C. As Margaret Davidson, director of the National Oceanic and Atmospheric Administration’s Coastal Services Center in Charleston, South Carolina, puts it, “Today’s flood is tomorrow’s high tide.”

The rising waters can be kept at bay by constructing dikes and bulkheads, pumping sand to fill out receding beaches, and elevating existing buildings and roads on embankments or pylons. But such efforts may prove prohibitively expensive: Titus says that in the lower 48 states alone, they could cost as much as $1 trillion over the next century. He estimates that in the process, 60 to 90 percent of the east coast’s wetlands could be destroyed as bulkheads and other defensive measures restrict the movement of estuaries and marshes, drowning them when the ocean rises.

So are developers getting ready for the water? The National Association of Home Builders, the housing industry’s largest trade group, has no policy on adapting coastal projects to account for rising sea levels.

“While sea-level rise may be a real issue in some areas,” Susan Asmus, NAHB’s senior vice president of regulatory and environmental affairs, told me in an e-mail, “it is but one of many considerations that are likely already taken into account during the planning process.”

*Mother Jones* contacted the nation’s 10 largest homebuilders, including D.R. Horton, Pulte Homes, and Lennar. None would say how they are responding to sea-level rise.

Nor is there any evidence that the issue has much traction with homeowners — and why should it? Property insurance is readily available in most coastal areas, if not through private insurers, then through state governments and FEMA’s National Flood Insurance Program.

Though the NFIP requires policyholders to live above the 100-year high-water mark, it doesn't account for how that line may creep inland in the future. Besides, most people would plan to resell their beach houses long before they expect them to be swallowed by encroaching waves.

What about government? Most coastal states have done little or nothing to regulate shoreline development, often from fear of litigation. In 1988, South Carolina's Beachfront Management Act required new beach homes to be set back far enough from the water to be protected from at least 40 years of erosion.

A property owner named David Lucas sued, and the U.S. Supreme Court eventually ruled that the construction ban had deprived him of any "economically viable use" of his coastal properties, a "taking" that required the state to compensate him. "After Lucas, fewer people spoke seriously about stopping development," Titus says.

A few state and local governments have taken more constructive action. Several states limit development near tidal waters (Maine and Rhode Island have done this specifically in response to sea-level rise). Chatham, Massachusetts, cites sea-level rise as one reason why it prohibits new homes, even elevated ones, below 100-year flood lines. (State courts have upheld those limits in Chatham and Maine because they still allow property to be used for recreation, farming, and other profitable activities.)

In California, where erosion and winter storms routinely knock multimillion-dollar homes off seaside cliffs, the state's Coastal Commission has long required anyone who builds on coastal bluffs to submit a geotechnical report proving that their home won't fall into the ocean.

Three years ago, it began requiring the reports to account for sea-level rise. And in a groundbreaking 2008 executive order, Governor Arnold Schwarzenegger directed state agencies to plan for sea-level rise in their construction projects.

A handful of developers have also started to seriously grapple with sea-level rise. A residential high-rise project on Treasure Island, a former naval base in San Francisco Bay, is being built far from the shoreline and is reserving funds for a protective berm if the water rises even higher than the 3 feet that's anticipated.

And in the wake of Hurricane Katrina, the insurance industry drew up standards to fortify houses for stronger hurricanes and higher waves. So far, though, only 200 houses nationwide have been built to comply with the standards.

Most coastal dwellers are focused on riding out the next surge, not the next century. You can't really blame them — nobody really wants to hear that their days on the beach are numbered.

Case in point: Beyoncé's dad. Matthew Knowles has been locked in a bitter struggle to save his beach house in Galveston, Texas, which now sits on top of the high-tide line thanks to Hurricane Ike.

In most states, Knowles would be allowed to shore up his home, but not in Texas, which is known for one of the most progressive laws in the country on beach access. The state's Open Beaches Act provides that beach is a public resource that must be protected from "erosion or reduction caused by development."

Last year, after Knowles started reinforcing his property with tons of cement, the Texas General Land Office informed him that paving over the beach is illegal. Even so, he continued and then surrounded his home with sod, planters, and sandbags. In March, the agency notified Knowles that it was preparing to fine him up to $2,000 a day for violating the Texas Open Beaches Act by interfering with "the right of the public to use the beach." Knowles did not respond to a request for comment.

Historically, the 51-year-old law has been used to prevent property owners from walling off the beach in front of their homes. But officials say the law clearly applies even when the beach comes to the houses, rather than vice versa. "Even if you make $80 million a year, we don't care," says Jim Suydam, a spokesman for the Texas General Land Office. "The beach is the public's."

Incorporated into the state constitution last year and vigorously supported by the state's conservative, gun-packing land commissioner, the Open Beaches Act is remarkably popular, in part because it can guarantee beach access for ATVs.

Titus views the Texas Open Beaches Act as one of the more promising tools for preparing for higher water. It has unintended environmental benefits, ensuring that beaches can migrate inland instead of being walled off and at the same time, it sidesteps any debate over climate change.

"Developers who deny that the sea will rise would view the policy as costing them nothing," because it wouldn't prevent them from building near the shore, he notes. Only the diehard beach dwellers would stand to get soaked.

*Kate Sheppard contributed to this report.*

*This piece was produced by Mother Jones as part of the Climate Desk collaboration.*

*Image: Elevations of land close to sea level in upper Chesapeake Bay. Elevations are above spring water, which is the average high tide during the new and full moons, and approximately the inland boundary of tidal wetlands.*
*J.G. Titus and J. Wang/EPA (2008)*

Read More http://www.wired.com/wiredscience/2010/04/climate-desk-sea-

level/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+wired%2Findex+%28Wired%3A+Index+3+%28Top+Stories+2%29%29#ixzz0mNvbw1dW

LAKE OF THE OZARKS

**Grant to improve sewage system (*Kansas City Star*)**

The **Environmental Protection Agency** has awarded almost a million dollars to Gravois Mills at Lake of the Ozarks to improve its sewer system.

The project will eliminate individual septic tanks, which pollute surface and ground water, inadequately treat sewage and leave excessive phosphorous and nitrogen, according to the **EPA**.

The $970,000 grant should provide sewer service to 360 households, said Karl Brooks, a regional **EPA** administrator.

KANSAS CITY, KAN. | Closing Lowell Preschool approved

The school board on Tuesday approved a plan to close Lowell Preschool at the end of the academic year and put the building up for sale.

The 100 students at the small school at 1030 Orville Ave. will be dispersed to the three remaining preschools in the district.

The school was built in 1959 as an annex to “Old” Lowell school, which was sold in 2006.

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**Plattsmouth gets money for sewer project (Associated Press)**

**Story also appeared: Action 3 News**

*Associated Press - April 28, 2010 6:25 AM ET*

LINCOLN, Neb. (AP) - The U.S. Environmental Protection Agency has awarded $1.16 million to Plattsmouth for a sewer project.

Federal officials say the project will improve water quality by separating the flow of sanitary sewage from storm water currently being discharged into the Missouri River during storms.

A new sanitary sewer will be built to carry sanitary sewage to the existing wastewater treatment facility.

Money for the project was granted by Region 7 of the EPA, which includes Iowa, Kansas, Missouri, Nebraska, and nine tribal nations.

On the Net:

EPA: http://www.epa.gov/

**Cheyenne sends oil refinery waste to North Weld Landfill (*Coloradoan.com*)**

BY BOBBY MAGILL • BobbyMagill@coloradoan.
com • April 28, 2010

AULT - Michael O'Keefe looks out at U.S. Highway 85 from behind the counter of the State Line Oasis store nearly every day as traffic speeds into Colorado from Cheyenne.

There are always a lot of trucks on U.S. 85, but about two weeks ago, he said, the number of those trucks seemed to multiply dramatically.

"It's hard to miss those trucks; there are so many of them," said O'Keefe, the store's owner.

All the new trucks - about 100 each day - are going to be traveling U.S. 85 between Cheyenne and Ault at least through June as they transport dirt that once collected a Cheyenne oil refinery's effluent to the North Weld Landfill about 8 miles east of Fort Collins and Interstate 25 near Ault.

The dirt once formed the bed of Porter Draw near Cheyenne, which Frontier Refining Inc., used as an evaporation pond for effluent coming from its nearby oil refinery. The refinery sits just north of Interstate 80 in east Cheyenne.

"What we've done is quit leasing that facility, and part of that agreement for termination of that lease out there was cleanup of that facility to near-original condition," said refinery manager Kevin Burke. "We're scraping a thin layer of dirt. That's what we're sending down (to Ault). It's
nonhazardous."

U.S. 85 in the last 18 months has become a busy corridor for trash and other waste from Wyoming. The city of Cheyenne began trucking all its municipal trash to the North Weld Landfill in 2008 after the city discovered its own landfill on Happy Jack Road couldn't handle much additional waste.

"We're currently under contract for five years," Cheyenne Solid Waste Director Dennis Pino said. "It's unlimited. As long as they want to accept our stuff, we'll bring it to them."

The landfill is owned and operated by Waste Management and was once briefly considered by the city of Laramie as a possible place to dump its trash, too.

Waste Management spokeswoman Tiffiany Moehring said the landfill cannot accept toxic waste, and all material coming in from the Frontier evaporation pond is nonhazardous.

Burke said the Porter Draw remediation project is unrelated to a clean-up project required by the U.S. Environmental Protection Agency after the EPA fined Frontier $6.8 million last September for illegal storage of hazardous waste in a wastewater pond near the refinery.

The EPA claims Frontier stored hazardous waste in a pond that had not been designed to prevent leaks. The agency ordered Frontier to shut down the pond and remove its sludge and contaminated soil.

Frontier is fighting the violation. EPA Denver-area legal enforcement director Michael Risner declined to comment about the violation because it is being contested.

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