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**E-Clips**
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## ADMINISTRATOR JACKSON

### EPA Study Shows Gains in Auto Fuel Economy (*International Oil Daily*)

Over the last five years, US vehicle fuel economy has gradually improved as auto manufacturers meet consumer demand for cars that squeeze more miles out of a gallon of gasoline. So says the US Environmental Protection Agency (EPA) in a new analysis of vehicle purchasing trends.

That marks a reversal of the decline in the average fuel economy of vehicles sold in the US between the late 1980s and the early years of the present decade.

"For both carbon dioxide emissions and fuel economy, the last five years reverse a longer-term trend over the period 1987 through 2004 and essentially return carbon dioxide emissions and fuel economy levels to those of the early 1980s," EPA said.

"The projected model year 2009 value of 21.1 miles per gallon (mpg) represents a 1.8 mpg, or 9%, increase over the 19.3 mpg value for 2004 -- which was the lowest fuel economy value since 1980," the agency added.

Meanwhile, carbon dioxide emissions for vehicles sold this year are expected to average 422 grams per mile (g/m), down from 461 g/m in 2004.

EPA also pointed out that the average fuel economy of vehicles sold in 2008 exceeded initial expectations because auto makers likely adjusted their business plans as oil prices hit a record $147 a gallon. The spike caused retail gasoline prices to reach $4 a gallon and higher in many US regions.

EPA had been anticipating average fuel economy of 20.8 mpg fuel for vehicles sold that year based on production data submitted by manufacturers, but the actual result amounted to 21 mpg.

"Cleaner, more efficient vehicles can help reduce our dangerous dependence on foreign oil, cut harmful pollution, and save people money -- and it’s clear that’s what the American car buyer wants," said EPA Administrator Lisa Jackson. “American drivers are increasingly looking for cars that burn cleaner, burn less gas and won’t burn a hole in their wallets."

Independent analyses of US vehicle sales show similar trends. According to Autodata, small passenger car sales have declined by only 5% this year. In contrast, consumers

have purchased 24% fewer large cars, 35% fewer small SUVs and 45% fewer large SUVs year-on-year.

In an effort to accelerate the increase in fuel economy, the Obama administration announced in May that it will require an average of 35 mpg by 2016 -- four years earlier than originally planned.

The recent improvements in fuel economy have occurred despite a steady increase in sales of heavy-duty vehicles. Truck sales rose from 45% of sales in 1998 to an estimated 49% of sales this year. Similarly, average vehicle weight has increased from 3,700 pounds 10 years ago to 4,100 this year.

Sales of those large vehicles have been "primarily driven by the explosive increase in the market share of sport utility vehicles (SUVs)," the agency said.

"The SUV market share increased from 6% of the overall new light-duty vehicle market in 1990 to about 30% of vehicles built each year since 2004," officials added.

Honda continues to lead the US in sales of fuel-efficient vehicles, with the company's fleet expected to average 23.6 miles per gallon this year, up from 23.3 mpg in 2007.

Hyundai-Kia and Toyota fall just behind Honda in the 23 mpg range after raising the fuel economy of their vehicles in recent years.

**EPA Weighs Going After Big Carbon Polluters (*Reuters*)**

Mon Nov 23, 2009 7:20pm EST
By Timothy Hurst
With the Senate caught up in an intense health care debate, it is becoming increasingly likely that the upper chamber will not take up a climate bill for full consideration before the upcoming UN climate talks in Copenhagen, let alone before the end of the year. But the country's biggest emitters of carbon dioxide will start tracking their emission levels on January 1 and begin reporting them to the United States Government if a rule currently being considered by the Environmental Protection Agency wins approval.

Last week, the EPA held public hearings in Washington and Chicago on the proposed rule that would require 10,000 industrial sites and suppliers of petroleum products to submit the data beginning in 2011. The EPA has said the reporting would cover roughly 85 percent of the greenhouse-gas emissions in the United States linked to global warming.

"The American public, and industry itself, will finally gain critically important knowledge and with this information we can determine how best to reduce those emissions," Lisa P. Jackson, the agency's administrator, said in a statement earlier this fall.

The Supreme Court has ruled that the EPA can and should regulate carbon dioxide, yet it hasn't been entirely clear what that regulation would look like. With the EPA moving forward on this Big Polluters rule, that question is at least partially addressed. And like Senator John Kerry's suggestion that CO2 should be treated as a pollution problem the EPA rule would focus on a pollution paradigm, the same paradigm that was used to frame and regulate the environmental problems of the late 1960s and 1970s.

As we approach the 40th anniversary of the Clean Air Act, the Sierra Club-and others using the pollution frame-argue that is appropriate for the EPA to use this law for the agency's challenging task of tackling climate change.

"Like soot, smog and mercury, we should be working to limit the amount of global warming pollution released into our air," said Sierra Club Executive Director Carl Pope a last week's hearing in Virginia.

"We support EPA's decision to efficiently and effectively get us on track toward a cleaner future. The Big Polluters rule, by focusing on the major emitters first, brings the most bang for the buck. It will result in real pollution reductions while spurring the growth of clean energy industries," added Pope.

The EPA will likely move forward with the rule unless they are hemmed-in by language in the House climate bill (Waxman-Markey) that prohibits the EPA from being involved in CO2 regulation. Tyson Slocum of Public Citizen writes at Common Dreams:

*"Most unsettling is the fact that climate legislation passed by the House of Representatives would end the ability of the EPA to regulate greenhouse gas emissions under the Clean Air Act. Public Citizen understands why polluters' lobbyists have tried to eviscerate the EPA's authority: Because they know that the agency now is largely shielded from the influence of corporate special interests and can therefore concentrate on formulating the regulatory solutions to climate change based on science, not politics."The Senate bill currently being considered would, however, allow the EPA to move forward with carbon regulation. The important question is what the final bill that is reconciled out of committee will look like.*

Regulation-making can be an excruciatingly long process. So the fact that the EPA held two public hearings to gather input on a new rule that would limit global warming emissions from the nation's biggest polluters doesn't mean you should expect an EPA final rule to be published in the Federal Register any time soon.

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

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

**Hiding evidence of global cooling (*Washington Times*)**

Junk science exposed among climate-change believers
BY: THE WASHINGTON TIMES
Scientific progress depends on accurate and complete data. It also relies on replication. The past couple of days have uncovered some shocking revelations about the baloney practices that pass as sound science about climate change.

It was announced Thursday afternoon that computer hackers had obtained 160 megabytes of e-mails from the Climate Research Unit (CRU) at the University of East Anglia (UEA) in England. Those e-mails involved communication among many scientific researchers and policy advocates with similar ideological positions all across the world. Those purported authorities were brazenly discussing the destruction and hiding of data that did not support global-warming claims.

Professor Phil Jones, the head of the Climate Research Unit, and professor Michael E. Mann at Pennsylvania State University, who has been an important scientist in the climate debate, have come under particular scrutiny. Among his e-mails, Mr. Jones talked to Mr. Mann about the "trick of adding in the real temps to each series ... to hide the decline [in temperature]."

Mr. Mann admitted that he was party to this conversation and lamely explained to the New York Times that "scientists often used the word 'trick' to refer to a good way to solve a problem 'and not something secret.' " Though the liberal New York newspaper apparently buys this explanation, we have seen no benign explanation that justifies efforts by researchers to skew data on so-called global-warming "to hide the decline." Given the controversies over the accuracy of Mr. Mann's past research, it is surprising his current explanations are accepted so readily.

There is a lot of damning evidence about these researchers concealing information that counters their bias. In another exchange, Mr. Jones told Mr. Mann: "If they ever hear there is a Freedom of Information Act now in the UK, I think I'll delete the file rather than send to anyone" and, "We also have a data protection act, which I will hide behind." Mr. Jones further urged Mr. Mann to join him in deleting e-mail exchanges about the Intergovernmental Panel on Climate Change's (IPCC) controversial assessment report (ARA): "Can you delete any emails you may have had with Keith re [the IPCC's Fourth Assessment Report]?"

In another e-mail, Mr. Jones told Mr. Mann, professor Malcolm K. Hughes of the University of Arizona and professor Raymond S. Bradley of the University of Massachusetts at Amherst: "I'm getting hassled by a couple of people to release the CRU station temperature data. Don't any of you three tell anybody that the UK has a Freedom of Information Act!"

At one point, Mr. Jones complained to another academic, "I did get an email from the [Freedom of Information] person here early yesterday to tell me I shouldn't be deleting

emails." He also offered up more dubious tricks of his trade, specifically that "IPCC is an international organization, so is above any national FOI. Even if UEA holds anything about IPCC, we are not obliged to pass it on." Another professor at the Climate Research Unit, Tim Osborn, discussed in e-mails how truncating a data series can hide a cooling trend that otherwise would be seen in the results. Mr. Mann sent Mr. Osborn an e-mail saying that the results he was sending shouldn't be shown to others because the data support critics of global warming.

Repeatedly throughout the e-mails that have been made public, proponents of global-warming theories refer to data that has been hidden or destroyed. Only e-mails from Mr. Jones' institution have been made public, and with his obvious approach to deleting sensitive files, it's difficult to determine exactly how much more information has been lost that could be damaging to the global-warming theocracy and its doomsday forecasts.

We don't condone e-mail theft by hackers, though these e-mails were covered by Britain's Freedom of Information Act and should have been released. The content of these e-mails raises extremely serious questions that could end the academic careers of many prominent professors. Academics who have purposely hidden data, destroyed information and doctored their results have committed scientific fraud. We can only hope respected academic institutions such as Pennsylvania State University, the University of Arizona and the University of Massachusetts at Amherst conduct proper investigative inquiries.

Most important, however, these revelations of fudged science should have a cooling effect on global-warming hysteria and the panicked policies that are being pushed forward to address the unproven theory.

## New York keeps PACE with green power (*Albany Times Union*)

By **STEVE ISRAEL**
First published: Monday, November 23, 2009

Tired of reading bad news out of Albany? Well, Albany brought New Yorkers some very good news last week as the Senate, Assembly and Gov. David Paterson came to a deal and passed legislation that will give New Yorkers a chance to access $454 million in federal funding for clean energy.

By passing this little noticed bill on the special session agenda, the Legislature voted to empower New York municipalities to launch clean energy loan programs. This one small bill could make a big impact on New York's burgeoning clean energy industry.

Last month, Vice President Joe Biden and Secretary of Energy Steven Chu announced the "Recovery Through Retrofit" program. A cornerstone of their plan, designed to

create new green jobs and jump-start the economy with clean energy investments, is something called Property Assessed Clean Energy bonds. The "Recovery Through Retrofit" plan commits $454 million in recovery funds from the Department of Energy to funding PACE bond pilot programs.

A PACE bond is a small municipal bond where the proceeds are loaned to commercial and residential property owners to finance energy retrofits. The loans are repaid over 20 years through an annual assessment on their property tax bill.

The bonus for property owners is that the energy savings is immediate and the usually prohibitive costs of the retrofits -- a geothermal heat pump, weatherization, or solar panels for the roof, to name a few -- are paid slowly over time. The lien is tied to the property, not the owner, and transfers with property ownership, making it even easier for owners to take the leap on such an investment.

I've been working with Governor Paterson and Secretary Chu to expand PACE bond programs across New York and nationally. When the new funding was announced, New York wasn't in a position to compete effectively. State law didn't allow municipalities to add the additional property tax assessment to owners' bills. With applications for the pilot programs due in December, it was critical that the Legislature pass this bill now or risk losing up to $75 million in Recovery Act funds. The governor should be commended for his leadership in drafting this bill and fast-tracking it for the special session agenda so the Senate and the Assembly could take quick action.

PACE bond programs have already demonstrated success across the country and New York is uniquely poised to take advantage of this opportunity.

Our energy costs rank among the highest in the country. With energy-efficiency upgrades from a PACE bond loan, most property owners will see an immediate 20 to 40 percent decline in their energy costs.

Most importantly, PACE bonds present a true opportunity for clean technology and green building companies to expand and hire in New York. The economic downturn has hit all of our communities hard. Tapping into our nation's growing green energy industry is a key step to wrenching us out of this recession.

Now that the Legislature has done its work, it's up to New York's municipalities and the New York State Energy Research and Development Authority to work together on a

pilot program to ensure New Yorkers get their fair share of the federal dollars. If we can do that, we will reduce energy costs for property owners, cut carbon emissions, decrease our dependence on foreign oil, expand our local clean energy economy and create new sustainable clean energy careers for New Yorkers.

U.S. Rep. Steve Israel is a Democrat from Huntington, Suffolk County.

**The White House's climate conundrum (*Politico*)**

By: Gary Andres and Patrick J. Griffin
November 23, 2009 04:34 AM EST

Health care reform remains the focal point of legislative policymaking in Washington. And that may not change for a while. Nobody thought the current debate would be easy or fast. But everyone agrees it has extracted nearly all the oxygen out of the Capitol and taken longer than expected.

The extended debate about health care has inflicted collateral damage on other initiatives. Climate change is one of the most obvious. It's a major White House and Democratic priority. Yet, like health care, it's also proved equally contentious and partisan.

The House passed its version of the legislation in June by a razor-thin 219-212 vote. Forty-four Democrats voted against the measure. Now the action has turned to the Senate, but momentum has stalled. Sen. Barbara Boxer — the chairwoman of the Senate Environment and Public Works Committee that has jurisdiction over the bill — has no Republican support among her colleagues. Several other senators, including John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.), have been trying to find bipartisan common ground. But those efforts — to date — have not gained a lot of altitude, either.

Whatever the legislation's future path, it's hard to imagine breaking the logjam on the issue without aggressive White House involvement. President Barack Obama and his team have three distinct options. They can dramatically scale back the bill passed by the House and craft a "climate change lite" or "enhanced energy" package, focusing more on energy exploration, nuclear power expansion and alternative energy incentives than the more controversial cap-and-trade regulations. Or they can just let the Senate efforts die on the vine, and let the Environmental Protection Agency continue to pursue an aggressive regulatory approach. Finally, Obama can double down and try to lobby the Senate for something closer to the House bill.

Each approach includes advantages and disadvantages. A climate change lite/enhanced energy package has a certain appeal. It would demonstrate progress on an important White House initiative while burnishing its bipartisan credentials, assuming

compromise is possible. Yet reaching such a deal might also touch off a civil war among factions of the Democratic Party. Moreover, it's unclear that Republicans see a political upside to providing the White House with a legislative victory of any kind. Presuming a health reform bill passes early next year, enacting a climate change compromise might only strengthen Obama's hand against the Republicans as the midterm elections approach.

On the surface, the "die on the vine" approach doesn't possess a lot of positive appeal. Republicans and liberal Democrats might both — for different reasons — use a setback like this to bludgeon the White House. Failure might serve to "mobilize" Republicans, who visualize an Obama failure as a rallying cry. It could also "demobilize" liberal Democrats, angry that the president couldn't deliver — or worse, gave up on a key domestic policy initiative.

But postponing legislative action for a year or two might also include some benefits. Nervous Democrats, hearing ominous political footsteps after the Virginia and New Jersey governors' races — as well as a long and contentious health debate — might welcome a legislative timeout on another risky undertaking. Vulnerable House Democrats have already cast two contentious votes — health care and climate change — with less than a year before an election. Senate Democrats may not have the same political fortitude.

Doubling down is the final option. And while some in the White House may see this strategy as a way to maintain momentum and energize Democratic voters, it also seems unlikely given the timing and political toll of the hard-fought health care battle. Many believe the president may be able to muscle one — but not two — highly partisan measures through the Senate. It looks like heath care stands in the front of the legislative line.
From a public relations perspective, the White House needs to solve the climate conundrum early next year. Their approach will depend on how the health care debate concludes. If the effort collapses, so does climate change. However, whether health care finishes in a sprint or a crawl, it will present a trickier set of options, respectively. In any event, from a legislative perspective, the White House needs to weigh its options now. Obama may never formally announce the death of a broad climate change bill, but as his political standing falters, health care drags on and the jobs picture doesn't improve, the White House will most likely focus on other urgent matters next year.

*Gary Andres, vice chairman for research and policy at Dutko Worldwide, was deputy assistant to President George H.W. Bush and Senate confirmation coordinator for President George W. Bush. Patrick J. Griffin, a partner at Griffin Williams Critical Point Management, served as assistant to President Bill Clinton and director of congressional affairs.*

**Oil shale opponents aren't evil — they're just wrong (*Denver Post*)**

By Ann McElhinney and Phelim McAleer
Posted: 11/23/2009 01:00:00 AM MST

Colorado is sitting on a bounty of oil shale that could make energy cheaper in America and free it from the whims of Middle Eastern oil barons. Unfortunately, it looks like oil companies can't do the work necessary to extract the fuel because of political roadblocks.

And this attitude seems to go all the way to the top.

Interior Secretary Ken Salazar, one of Colorado's two U.S. senators until he joined the Obama administration this year, tossed the latest obstacle into the path to progress in February when he canceled leases for oil-shale development in Colorado, Utah and Wyoming.

Salazar's backward thinking is typical of the politicians who embrace environmental hysteria. They seem to despise fossil fuels and want to stop Americans from using them.

As Europeans, we can't understand such contempt. This country is blessed with an abundance of natural resources that produce cheap energy and foster economic progress. Forsaking those natural resources in reaction to the kind of global warming hysteria we expose in our documentary "Not Evil Just Wrong" jeopardizes the American dream for millions of people.

We know because we have seen the consequences of alarmism in Europe. Spain believed the hype about environmental regulation creating "green jobs" and boosting the economy, and now 18 percent of Spaniards are unemployed. Every green job cost the government $800,000 to create and killed two other real jobs.

Two studies released in August show just how destructive the cap-and-trade regime would be for Colorado. The Heritage Foundation predicted the House-passed bill could kill nearly 29,000 jobs in 2012; the National Association of Manufacturers said the number could reach 36,000 by 2030.

Electricity prices in the state would jump $809 a year, and gas would cost $1.31 more per gallon, according to Heritage. And NAM said disposable household income would drop $537 to $991 a year by 2030 because of costly electricity.

Colorado won't take the only hit, as the economic impact of cap-and- trade will be felt nationally. The Obama administration admitted as much in September — albeit grudgingly, after a Freedom of Information Act request by the Competitive Enterprise Institute.

By the Treasury Department's estimate, the regulations would cost the average American $1,761 a year. That's a rosy prediction, according to Heritage. Its analysis pegs the cost at an average of $2,979 a year and as much as $4,600 a year by 2035.

"You can't just say, 'OK, we'll do everything with solar panels and windmills,' " Greenpeace co-founder Patrick Moore says in the film. "That would bring civilization crashing down to its knees, and hundreds of millions of people would die."

That's why it is vital for America to find a cost-effective way to extract the oil from shale in Western states. Colorado alone has 700 billion to 900 billion barrels of oil in its shale, which is more than the proven oil reserves in Saudi Arabia. The Green River Basin in Colorado, Utah and Wyoming could produce 1.7 trillion to 2.1 trillion barrels.

Environmental alarmists are determined to scare Americans away from fossil fuels with horror stories about dying polar bears and melting Arctic ice, but don't believe their lies. Global warming hysteria ignores the fact it has been warmer in the past — a past without SUVs and mass industry — and the globe has not warmed in 13 years.

Colorado and the rest of the United States cannot afford to repeat Europe's mistakes in a misguided quest to protect a planet that is not in danger.

*Phelim McAleer and Ann McElhinney are co-producers of the documentary "Not Evil Just Wrong," which premiered last month as part of what the filmmakers call "America's first cinematic tea party."*

November 23, 2009

**Letters: 'Cap and trade is a toxin' (*Argus Leader*)**

It's been a remarkably contentious few months in our nation's capital. But one thing is clear from the flurry of bills, amendments and stump speeches on climate change: Cap and trade will fail Americans, especially in the lower and middle classes, and bring higher fuel costs across the board.

The fuels that individuals and businesses use every day - gasoline, diesel and jet fuel - will increase dramatically in price under this legislation. Despite the number of bells and whistles attached, from green-power subsidies or weak nuclear power amendments to minor offshore-drilling concessions, cap and trade is a toxin that will spread to every corner of our economy.

According to a study by the American Petroleum Institute, South Dakotans will experience a 3.6 percent drop in per capita disposable income, 6,000 jobs lost and $23 billion in lost state revenue.

Though the White House and its allies in Congress relentlessly have marketed cap and trade as the ticket for a "green economy" and "green jobs", many Americans are catching on that these do not exist without massive taxpayer subsidies and exponentially higher energy rates.

South Dakotans must stay on guard. This issue is far from dead.

I hope you'll join us in continuing to urge Sens. Tim Johnson and John Thune to stop cap-and-trade legislation and keep America moving on the transportation fuels it needs.

Peter J. Sepp
Vice president for policy and communications
National Taxpayers Union
Alexandria, Va.

**No logic behind global warming (*Aiken Standard*)**

In reference to Lester Welch's Nov. 19 letter talking about global warming, I beg to differ with his assessment.

Omitting certain facts, he uses circular reasoning to arrive at a nonexistent place. Based on faulty computer models, some so-called experts have determined that the Earth is warming up, the ice caps are melting, and the Earth will become uninhabitable. It's an opinion, nothing else.

Back in the 1960-70s, the "crisis" was a belief, again based on faulty studies, that the Earth would soon undergo an ice age. Didn't happen. It is obvious that the "more we learn, the less we know."

Here are some facts:

n Our government has determined that carbon dioxide (CO2) is a pollutant and we produce too much of it. Now it's called the "carbon footprint."

n Simply, carbon dioxide is a necessary part of life; to get rid of it, all humans and animals would have to stop breathing and all plants would die as they require absorption of carbon dioxide to produce oxygen.

In Greenhouse gases, carbon dioxide, along with oxygen, argon and others, make up less than 5 percent of the Earth's atmosphere; the other 95 percent is water vapor.

Our government has declared what is natural as unnatural - breathing.

Yes, the industrial revolution spewed much into Earth's atmosphere adding an

infinitesimal amount of water vapor-gases to our atmosphere.

But to jump to such an extreme position that the "sky is falling" and demand that we do something is incredulous. Their claim that the carbon footprint is more powerful than the sun, cosmic rays, clouds and many other intertwined factors that make up the Earth's climate and atmosphere is beyond belief. Then there's the "we only have seven years or 20 years left" crowd who claim we must do something now - it's a crisis - or else we're doomed.

Al Gore and all the other extremists who are pulling for U.S. cap and trade are scammers of the worst kind. They exploit without evidence - just to grow their own wealth, to the detriment of the masses.

No head in the sand here. I don't believe any of the polluted hot air coming from them or from the Congress and White House.

Bonnie Alba
Aiken

## AIR

### EPA to Regulate Your Farm Dust (*California Farmer*)

Posted on November 23, 2009 at 11:03 AM
EPA is in the middle of a process which appears to be laying the groundwork for setting air standards for what it calls "coarse particulate matter," or PM10. You and I call it farm dust. After you read the next few paragraphs, I am sure you will be shaking your head!

EPA may be proposing to literally tell you on what days you can be in the field engaged in tillage agriculture…i.e. "no till" days for farmers. It seems EPA wants to control the water running off our farms, control spray drift from leaving fields, and now may be proposing to control farm dust from tillage and harvesting activities.

EPA may be proposing a dust standard which would regulate dust below naturally occurring levels in much of the West. How does this happen? The Clean Air Act (CAA) mandates EPA to periodically review the scientific foundation for setting National Ambient Air Quality Standards (NAAQS). EPA sets national air standards for pollutants such as ozone, sulfur oxides, and particulate matter. In all, EPA reviews six major ambient air pollutants every five years.

In 2006, EPA set a (PM coarse) dust standard at 150 ug/m3. Many groups in agriculture claimed they could not meet this particulate or dust standard and as a result, the American Farm Bureau, the National Cattlemen's Beef Association (NCBA), and the

Agricultural Retailers Association (where I serve as General Counsel) challenged this EPA rule and lost in the United States Court of Appeals in the District of Columbia.

A standard of 150 ug/m3 needs to be put in perspective. A human hair is about 70-90 ug/m3 in size. A single grain of talcum powder is approximately 15 ug/m3. The combustion particles from the exhaust of our cars, trucks, and tractors are generally under 2.5 ug/m3. Now it appears EPA may set a new standard that may be 1/10 of the present 150 microgram dust standard and would be at 12-15 ug/m3.

EPA's Draft Proposed Integrated Science Assessment (ISA) for particulate matter, docket no. EPA-HQ-ORD-2007-0517, is composed of hundreds of pages of scientific studies and analyses. Those who review this document will see that at least a couple hundred people with doctorate degrees are urging EPA to lower the dust levels in this country, and they are doing it on shaky data.

**Feedlots on notice** One major agricultural group warning producers about the dangers of EPA's proposal is the NCBA. It points out that the current EPA dust standard is a major problem for agriculture, feedlots and mining. It also provides comments showing that EPA is using flawed health data. NCBA is attempting to keep EPA from setting the dust standard that many in the West and even in the Midwest simply cannot meet.

The December, 2008, first draft of EPA's integrated science assessment stated: "Evidence of biological plausibility for cardiovascular morbidity effects following PM10-2.5 exposure is sparse. Limited evidence exists for short-term PM10-2.5 exposures and cardiovascular morbidity. In its entirety, the literature shows that evidence is inadequate to determine if a causal relationship exists between PM10-2.5 exposures and cardiovascular morbidity."

The second draft of the ISA relies on a new study which claims that there are "suggestive" health effects from our farm and mining dust. It is hard to imagine EPA would lower the present dust standard relying on this type of data!

I can't tell you which study is correct. I can only tell you that it appears EPA is going to propose a new dust standard in 2010, and it is critical that EPA hear from those agricultural entities which will be affected.

The NCBA and other farm groups need your help to stop EPA from further regulating farm dust. Farmers do not need EPA telling them on what days they can farm or how many animals can be in a feed lot!

**EPA Certifies Volvo, Mack Engines for 2010 (*Transport Topics*)**

Volvo Trucks North America and Mack Trucks announced that the Environmental Protection Agency has certified their engines as meeting the 2010 diesel emissions standards.

VTNA said that the D11 and D13 engines were certified by both the EPA and the California Air Resources Board. Volvo is the first truck manufacturer to have its heavy duty diesel engines certified by both agencies, Volvo said in a statement.

Mack, which along with VTNA is a part of Swedish manufacturer Volvo AB, had its MP7 and MP8 engines certified by both boards as well, the company said in a statement.

The EPA and CARB standards are the strictest standards for diesel emissions in the world, both brands said. The standards require cuts in the levels of both nitrogen oxide and particulate matter emitted.

VTNA and Mack both use selective catalytic reduction technology to reduce emissions. All engines produced after Jan. 1 must meet the EPA standards.

*By Light & Medium Truck*

**EPA fines excavator for burning during ban (*Yakima Herald-Republic*)**

The federal Environmental Protection Agency has fined a excavator who conducted outdoor burning in Wapato during a burn ban nearly a year ago.

Robert Meyer, who operates the Toppenish-based FMF Excavation, agreed to pay a $2,470 penalty for burning agricultural waste last December within the Yakama Indian Reservation after being told that a burn ban was in effect, according to an EPA news release.

Meyer was hired to do the work for Green Acre Farms in Wapato, authorities said.

The EPA enforces clean air law on Indian reservations by regulating open burning, agricultural and forestry burning, control of particulate matter, registration and reporting of emissions from air pollution sources.

**U.S. to offer target for emission cuts (*Washington Post*)**

November 24, 2009 Tuesday
Suburban Edition
A-SECTION; Pg. A07
Maryland
By Juliet Eilperin
The United States will identify a near-term emission reduction target as part of an effort to reach a comprehensive climate agreement in Copenhagen next month, senior administration officials said Monday.

The administration officials, who briefed a group of reporters on the condition they not be identified, said that this target would reflect the fact that Congress has yet to finalize climate legislation.

"There will be a submission that takes cognizance of where we are in the legislative process," an official said.

President Obama will make a decision "in the coming days" on whether to attend the Copenhagen talks, according to the official. World leaders who have said they will attend include French President Nicolas Sarkozy, Australian Prime Minister Kevin Rudd, German Chancellor Angela Merkel and British Prime Minister Gordon Brown.

"The president has always said if it looks as though negotiations have proceeded sufficiently that going to Copenhagen would give a final impetus or push to the process, that he would be willing to go," the official said.

The House has passed a bill calling for a 17 percent reduction from 2005 levels by 2020 and an 80 percent cut by 2050, which the official described as "one data point" for a target. The Senate Environment and Public Works Committee has passed legislation with a 20 percent reduction by 2020, but that number is expected to drop as more centrist lawmakers weigh in on the bill. Both of these numbers are more modest cuts than the European Union and developing countries have called on the United States to make as part of a global pact.

Todd Stern, the U.S. special envoy for **climate change,** has said that any emission target the administration identifies during the international talks starting Dec. 7 would be contingent on the adoption of domestic legislation.

Paul Bledsoe, a spokesman for the bipartisan National Commission on Energy Policy, said the administration should be careful not to jeopardize the chances for a U.S. climate bill in order to meet international expectations at the U.N.-sponsored talks.

"The U.S. cannot negotiate at Copenhagen above the targets in domestic legislation without risking support for that legislation in the Senate," he said. "If the E.U. demands continue above the U.S. domestic targets, they set up an impossible dynamic for the administration."

Also Monday, the World Meteorological Organization reported that greenhouse gases in the atmosphere reached record highs in 2008, with carbon dioxide levels increasing faster than before. Levels of greenhouse gases, which are produced in part by natural sources such as forest fires and human activities such as fuel combustion, have been rising every year since detailed records started being kept in 1998, the Meteorological Organization said.

**Emissions bill up in the air (*Times Daily*)**

By Dennis Sherer
Staff Writer
Published: Monday, November 23, 2009 at 3:30 a.m.
How the United States will respond to calls to reduce carbon dioxide emissions from coal-fired power plants remains up in the air.
A bill that is making its way through Congress would require utilities and industries that emit carbon dioxide to reduce emissions or purchase credits allowing them to exceed maximum levels established under the new law. Colbert Fossil Plant, a Tennessee Valley Authority-owned coal-fired power plant in Barton, would be affected by the legislation.

The House of Representatives passed the legislation in June. U.S. Rep. Parker Griffith, D-Huntsville, voted against the bill, in part because it did not recognize TVA's efforts to reduce carbon dioxide emission by using nuclear energy and hydroelectric dams, including Wheeler and Wilson.

Carbon dioxide, an odorless and colorless gas, is blamed for contributing to the warming of the Earth's climate by trapping heat in the atmosphere. Carbon dioxide is produced by coal-fired power plants, automobiles, industries and other consumers of carbon-based fuels. It is also produced by humans and other animals as they breathe.

The Senate has yet to vote on the bill. Griffith said he hopes it will fail to make it out of the Senate.

"Under this bill, power companies in Alabama would be required to generate a certain percentage of the electricity they sell from a rigid definition of 'renewable' resources included in this legislation," Griffith said. "Unfortunately, nuclear power and existing hydroelectricity - two resources from which Alabama benefits greatly - are not included in this definition. This legislation would cripple Alabama utilities with high and swift taxes, forcing them to choose between going out of business or passing the cost on to Tennessee Valley consumers."

David Robertson, president of the Birmingham-based Alabama Coal Association, said the legislation would be harmful to the state's coal industry.

"For Alabama, I would really hate to see the bill pass in its current form," he said. "Maybe they can come up with something better in the Senate."

The bill is not yet on the Senate calendar.

"We don't expect it to be placed on the calendar anytime soon," said Jonathan Graffeo, a spokesman for U.S. Sen. Richard Shelby, R-Tuscaloosa.

Shelby opposes the bill, citing concerns that it would drive up the cost of electricity and be harmful to the already fragile economy.

"The mechanism for capping greenhouse gases under this legislation requires emitters to acquire federally created permits for each ton of greenhouse gas emitted," Shelby wrote in a statement about his opposition to the bill. "These permits will be costly because 85 percent of the United States' energy needs come from carbon-emitting fossil fuels. The result will be a significant tax on the American people with catastrophic impacts increasing energy costs, job loss and a decrease in economic

activity."

U.S. Sen. Jeff Sessions, R-Mobile, also opposes the bill.

"The cap-and-trade legislation now pending before the Senate has a worthwhile goal, but, in my best judgment, it will not work," Sessions wrote. "It is effectively a complex tax that increases the cost of energy."

Stephen Smith, executive director of the Knoxville-based Southern Alliance for Clean Energy, contends lawmakers who predict sharp increases in utility bills if the clean air legislation becomes law are off base.

"The Congressional Budget office and EPA predict the cost of electricity for most households will increase about $2 per month," Smith said. "This is not going to break the bank, but it is going to clean the air. A lot of people are running around trying to scare people by predicting huge increases in the price of energy."

Smith said he had hoped the United States would have new clean air laws in place by the time world leaders meet in Denmark in December to set worldwide targets for reducing greenhouse gas emissions.

Smith contends that instead of sending manufacturers fleeing from the United States to countries with less-stringent clean air laws, the Clean Energy and Security Act would create new jobs for Americans who produce the equipment needed to help industries and utilities meet the new guidelines.

Griffith is among those who contend the clean air bill would cause job losses in the United States.

"We should be focused on creating new jobs and keeping the jobs we have now, but this bill would have the opposite effect and make us less competitive as a region and as a nation," Griffith said. "I support the development of renewable energy to make us more energy independent, but unfortunately this bill tries to accomplish these goals in all the wrong ways."

Smith admits that some Tennessee Valley Authority coal-fired power plants would have to be closed if the clean air bill becomes law, but doubts that Colbert Fossil would be among those closed initially. He said Colbert Fossil is not among the highest emitters of carbon dioxide among TVA's coal-burning plants. Plus, the plant is near major natural gas pipelines and could possibly be converted to a gas-fired facility or one that uses coal and natural gas.

TVA spokesman Jim Allen said the federal utility has no plans for closing any of its coal-fired power plants if the new clean air proposals become law. He said TVA officials are unsure how the legislation will affect the utility.

Colbert Fossil Plant has 217 employees.

"Since there are so many versions of legislative bills regarding carbon reduction, we do not know what our cost impact would be," Allen said. "As a federal agency, TVA will of course support whatever regulations are put in place and evaluate our generation sources accordingly. TVA is preparing for carbon legislation going forward with the TVA board's approval of our environmental policy that calls for TVA's generation to be 50 percent near-zero or zero-carbon emitting by 2020."

Allen said TVA will meet its self-imposed goals for reducing carbon dioxide emissions by increasing the amount of electricity produced at nuclear-powered plants, improving the efficiency of its hydro-electric plants and purchasing more electricity made from renewable sources such as wind and solar.

*Dennis Sherer can be reached at 740-5746 or dennis.sherer@TimesDaily.com.*

**EPA Air Chief Open To Halting Cuts To Regional Visibility Organizations (*Inside EPA*)**

Monday, November 23, 2009
EPA air chief Regina McCarthy is telling state air officials she is willing to reassess the role of multi-state regional planning organizations (RPOs), which help states conduct modeling and planning for meeting visibility requirements, a move that may help states in their push to reverse a Bush-era effort to eliminate funding for the RPOs.

One state air official, however, cautions that restoring funding for the organizations is a “zero-sum game” because any new money for the RPOs would likely be taken from existing money for other vital air programs. RPOs are supported through state funds and federal dollars as part of EPA’s broader state and tribal grants fund.

In an Oct. 23 letter to the National Association of Clean Air Agencies, McCarthy says in response to states’ concerns about budget cuts to RPOs, “the agency is willing to reassess the future role of regional organizations in helping to carry out the national air

program. . . . EPA supports regional planning and cooperation in addressing air quality issues throughout the nation."

There are currently five RPOs, originally established to help states develop regional strategies to reduce particulate matter and other pollutants that contribute to visibility impairments in national parks and wilderness areas. The Bush administration in its last few years in office planned to phase out all federal funding for the groups in coming years as the states complete their plans for meeting the agency's regulations for visibility.

State and local air officials opposed the planned cuts and said RPOs play a key role in coordinating interstate visibility efforts and helping states meet air quality standards for ozone and other pollutants that contribute to haze. Now, it appears the Obama EPA is open to reversing the Bush administration's position.

McCarthy's letter also tries to ease state and local air officials' concerns about an effort launched several years ago and still ongoing to revise EPA's formula for distributing air grant money to states.

EPA has been working on a new formula for assigning grants under sections 105 and 103 of the Clean Air Act, which fund the implementation of air programs and air pollution research. The new formula will be based on a number of measures, including population, the number of areas out of attainment with EPA air standards, diesel emissions, the number of regulated sources and cancer-risk to the population.

While the new formula could lead to more funding for some regions, states have raised concern that the shift will lead to major cuts in areas such as Region I, which includes states in the Northeast and Region X, which includes Alaska, Idaho, Oregon and Washington. States have urged EPA to provide a large enough boost to overall air grant funding levels to prevent these regions from seeing cuts even under the new formula, but EPA's guidance so far has not addressed the issue of uneven funding through the new formula.

McCarthy's letter says the agency is still open to suggestions about how to allocate the funds through a possible revision to the formula without hurting state programs. "EPA does not intend to move forward on the revised method in a way that would cause disruptions, particularly in these difficult financial times. Th agency does however, urge that you work with us to find a way to ensure equitable funding in the future," McCarthy says.

But the state official says the letter still does not resolve the issue of how the funds will be allocated. "The letter expressed a sense that Gina McCarthy gets it, she understands, but it doesn't really settle the issue," the source says.

**CLIMATE CHANGE / GLOBAL WARMING**
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**Nuclear power regains support (*Washington Post*)**

November 24, 2009 Tuesday
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Maryland
TOOL AGAINST CLIMATE CHANGE Even green groups see it as 'part of the answer'
BY: Anthony Faiola
LONDON
Nuclear power -- long considered environmentally hazardous -- is emerging as perhaps the world's most unlikely weapon against climate change, with the backing of even some green activists who once campaigned against it.

It has been 13 years since the last new nuclear power plant opened in the United States. But around the world, nations under pressure to reduce the production of climate-warming gases are turning to low-emission nuclear energy as never before. The Obama administration and leading Democrats, in an effort to win greater support for climate change legislation, are eyeing federal tax incentives and loan guarantees to fund a new crop of nuclear power plants across the United States that could eventually help drive down carbon emissions.

From China to Brazil, 53 plants are now under construction worldwide, with Poland, the United Arab Emirates and Indonesia seeking to build their first reactors, according to global watchdog groups and industry associations. The number of plants being built is double the total of just five years ago.

Rather than deride the emphasis on nuclear power, some environmentalists are embracing it. Stephen Tindale typifies the shift.

When a brigade of Greenpeace activists stormed a nuclear power plant on the shores of the North Sea a few years ago, scrawling "danger" on its reactor, Tindale was their commander. Then head of the group's British office, he remembers, he stood outside the plant just east of London telling TV crews all the reasons "why nuclear power was evil."

The construction of nuclear plants was banned in Britain for years after the 1986 Chernobyl disaster in what was then the Soviet Union. But now the British are weighing the idea of new nuclear plants as part of the battle against climate change, and Tindale is among several environmentalists who are backing the plan.

"It really is a question about the greater evil -- nuclear waste or climate change," Tindale said. "But there is no contest anymore. Climate change is the bigger threat, and nuclear is part of the answer."

A number of roadblocks may yet stall nuclear's comeback -- in particular, its expense. Two next-generation plants under construction in Finland and France are billions of dollars over budget and seriously behind schedule, raising longer-term questions about the feasibility of new plants without major government support. Costs may be so high that energy companies find financing hard to secure even with government backing.

But experts also point to a host of improvements in nuclear technology since the Chernobyl accident and the partial meltdown of the Three Mile Island plant in Pennsylvania in 1979. Most notable is an 80 percent drop in industrial accidents at the world's 436 nuclear plants since the late 1980s, according to the World Association of Nuclear Operators.

A 'pragmatic' approach

So far at least, the start of what many are calling "a new nuclear age" is unfolding with only muted opposition -- nothing like the protests and plant invasions that helped define the green movement in the United States and Europe during the 1960s and 1970s.

As opposition recedes, even nations that had long vowed never to build another nuclear plant -- such as Sweden, Belgium and Italy -- have recently done an about-face as they see the benefits of a nearly zero-emission energy overriding the dangers of radioactive waste disposal and nuclear proliferation.

In the United States, leading environmental groups have backed climate change bills moving through Congress that envision new American nuclear plants. An Environmental Protection Agency analysis of the Waxman-Markey bill passed by the House, for instance, shows nuclear energy generation more than doubling in the United States by 2050 if the legislation is made law. The U.S. Nuclear Regulatory Commission is reviewing applications for 22 new nuclear plants from coast to coast.

To be sure, many green groups remain opposed to nuclear energy, and some, such as Greenpeace, have refused to back U.S. climate change legislation. Groups that support the bills, such as the Sierra Club, say they are doing so because the legislation would also usher in the increased use of renewable energies like wind and solar as well as billions of dollars in investment for new technologies. They do not say they think nuclear energy is the solution in and of itself.

"Our base is as opposed to nuclear as ever," said David Hamilton, director of the Global Warming and Energy Program for the Sierra Club in Washington. "You have to recognize that nuclear is only one small part of this."

But Steve Cochran, director of the National Climate Campaign at the Environmental Defense Fund -- a group that opposed new nuclear plants in the United States as recently as 2005 -- also described a new and evolving "pragmatic" approach coming from environmental camps. "I guess you could call it 'grudging acceptance,' " he said.

"If we are really serious about dealing with climate change, we are going to have to be willing to look at a range of options and not just rule things off the table," he said. "We may not like it, but that's the way it is."

That position, observers say, marks a significant departure. "Because of global warming, most of the big groups have become less active on their nuclear campaign, and almost all of us are taking another look at our internal policies," said Mike Childs, head of climate change issues for Friends of the Earth in Britain. "We've decided not to officially endorse it, in part because we feel the nuclear lobby is already strong enough. But we are also no longer focusing our energies on opposing it."

Some leading environmental figures, including former vice president Al Gore, remain skeptical of nuclear's promise, largely because of the high cost of building plants and the threat of proliferation, illustrated by Iran's recent attempts to blur the lines between energy production and a weapons program. Other countries seeking to build their first nuclear plants would probably purchase fuel from secure market sources in Europe and the United States, rather than enrich their own. And experts remain cautious about the prospect of seeing so much nuclear fuel in global circulation.

"I'm assuming the waste and safety problems get resolved, but cost and proliferation still loom as very serious problems" with nuclear energy, Gore told The Washington Post's editorial board this month. "I am not anti-nuclear, but the costs of the present generation of reactors is nearly prohibitive."

Meeting tough goals

Yet for nations such as Britain -- home of the world's first commercial nuclear plant -- a return to nuclear is seen as essential to the goal of meeting aggressive targets for reducing carbon emissions.

As reserves of natural gas from the North Sea dwindle, Britain also is betting on nuclear to help maintain a measure of energy independence.

After years of resisting new plants after the Chernobyl meltdown, the government did an initial about-face in 2007, calling for a list of possible sites for reactors. This month, British officials announced plans to fast-track construction of 10 plants. They will also push for more wind and solar energy, but those technologies are still seen by many to have limitations because of problems with transmission and scale, while "clean coal" plants are years from commercial viability.

As may happen in the United States, the plants in Britain are expected to go up in communities with existing nuclear complexes where support for them is already high.

Tindale, 46, publicly switched his position less than a year after leaving his job as head of Greenpeace here. But his opinion began to change earlier, he said. Rather than

being vilified by environmentalists, his public shift has sparked a thoughtful debate here among opponents, supporters and those on the fence.

"Like many of us, I began to slowly realize we don't have the luxury anymore of excluding nuclear energy," he said. "We need all the help we can get."

NOVEMBER 24, 2009

**Lawmakers Probe Climate Emails (*Wall Street Journal*)**

By KEITH JOHNSON and GAUTAM NAIK
Congressional Republicans have started investigating climate scientists whose hacked emails suggest they tried to squelch dissenting views about global warming.
An aide to Rep. Darrell Issa (R., Calif.), the ranking member of the House Committee on Oversight and Government Reform, said investigators are studying the documents, which unknown hackers stole last week from the computer of a prominent British climate-research center.

Investigators are focusing on the correspondence of White House Science Adviser John Holdren, he said. Dr. Holdren, a point man for the Obama administration on climate change, sent one of the hacked emails. In the 2003 email, Dr. Holdren, then at the Woods Hole Research Center in Woods Hole, Mass., defended research by Michael Mann of Pennsylvania State University, a scientist who believes global warming is man-made and who also sent some of the hacked emails.

On Monday, Dr. Holden said: "I'm happy to stand by my contribution to this exchange. I think anybody who reads what I wrote in its entirety will find it a serious and balanced treatment of the question of 'burden of proof' in situations where science germane to public policy is in dispute."

The aide said investigators are also probing the contributions of dozens of climate scientists to reports published by the United Nations' Intergovernmental Panel on Climate Change. The Environmental Protection Agency, in its recent move to boost regulation of greenhouse gases, based its conclusions on IPCC reports.

The IPCC has said the climate is heating up and humans are almost certainly to blame. Those who disagree that the globe is warming, or on the cause or extent of any warming, complain that their views have been excluded.

The documents, hacked from the Climatic Research Unit at East Anglia University in the U.K., show that some climate researchers declined to share their data with fellow scientists, and sought to keep researchers with dissenting views from publishing in leading scientific journals.

Separately, Sen. James Inhofe (R., Okla.), an outspoken critic of the view that humans are causing global warming, said that in light of the emails, he will call for an investigation into the state of climate science if the Senate Committee on Environment and Public Works doesn't act soon.

Amid the furor over the released documents, more than two dozen climate scientists will release a report Tuesday arguing that the effects of man-made global warming have intensified in recent years.

One of them is Dr. Mann, director of the Earth System Science Center at Penn State. In a 2003 response to an email complaining about a paper in the journal "Climate Research" which questioned assertions that the 20th century was abnormally warm, Dr. Mann wrote, "I think we have to stop considering 'Climate Research' as a legitimate peer-reviewed journal. Perhaps we should encourage our colleagues in the climate research community to no longer submit to, or cite papers in, this journal."

Dr. Mann said Monday that he didn't think there was anything wrong in telling his colleagues that "we shouldn't be publishing in a journal that's activist."

Police in the U.K. are continuing to investigate the attack, and the university there said Monday that it is conducting its own review.

Hans von Storch, editor at the time of "Climate Research," had his own objections to the paper mentioned by Dr. Mann, and resigned shortly after it was published, citing a breakdown in the peer-review process. But Dr. von Storch, now at the University of Hamburg's Meteorological Institute, said Monday that the behavior outlined in the hacked emails went too far.

East Anglia researchers "violated a fundamental principle of science," he said, by refusing to share data with other researchers. "They built a group to do gatekeeping, which is also totally unacceptable," he added. "They play science as a power game."

—Guy Chazan contributed to this article.

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**Global warming cuts have a price (*USA TODAY*)**

November 24, 2009 Tuesday
FIRST EDITION
LIFE; Pg. 8B
Global warming cuts have a price;
That's why there will be no treaty out of U.N. Climate Change Conference

By Dan Vergano, USA TODAY
How much would you pay to save the world from the threat of global warming? We might find out soon.

"Everything we do is tied to energy and climate," says climate economist Graciela Chichilnisky of Columbia University. "Not just the electric bill -- that's a minuscule part of it. Not just the food bill. Everything."

Come Dec. 7-18, representatives of 192 nations are set to meet in Copenhagen at the United Nations **Climate Change** Conference. It's by far the most significant attempt at changing the course of **global warming** since world leaders met in 1997 in Japan to craft the Kyoto Protocol, which aimed 37 industrialized nations at cutting emissions of six greenhouse gases (such as the carbon dioxide emitted from burning coal, oil and natural gas, aka fossil fuels) by 5.2% from 1990 levels. It was never ratified by the U.S. Senate and expires in 2012.

But despite predictions that time is running out to corral greenhouse gases, expectations already have been dashed that the Copenhagen sessions will produce a successful replacement for the Kyoto Protocol.

One reason: Technologies to cut back carbon dioxide emissions from factories and vehicles that feed the global economy add costs to fuel, food and more, an option that appeals neither to industrial nations struggling with the global economic meltdown or developing nations trying to ramp up economic growth.

President Obama and China's Hu Jintao signaled as much when they spoke Nov. 17. Obama endorsed a "two-step" plan for Copenhagen -- agree to emissions limits there and worry about a legal treaty next year -- and neither leader stated his limits.

"Copenhagen does not need to come up with the fine print of a **climate-change** deal," Yvo de Boer, head of the United Nations Framework Convention on **Climate Change,** said Nov. 4 in Barcelona. "But it needs to ensure that the heart of an agreed outcome is functional and the implementation can begin swiftly."

Still, many observers feel pressure to act sooner than later. Global temperatures have increased about 1.3 degrees Fahrenheit since 1906, according to the 2007 Intergovernmental Panel on **Climate Change.** Without a new treaty to halt carbon dioxide emissions, world temperatures could rise an additional 7.2 degrees by 2100, raising fears of widespread crop failures, climate "refugees," rising seas and desertification for regions such as the Southwest.

Greenhouse gases trap heat and warm the atmosphere. A United Nations Environment Programme report in September found effects such as drought, melting sea ice and ocean acidification arriving ahead of, and looking worse than, the IPCC's 2007 projections.

"Business as usual" leads to an increase of more than 8 degrees, "truly a catastrophic world," says Alden Meyer of the Union of Concerned Scientists in Washington, D.C. "We've spent two decades putting this off. We won't get a second chance."

Such forecasts, though, met renewed skepticism this week with the disclosure of e-mails stolen from England's University of East Anglia, including climate researchers privately bad-mouthing critics and struggling to explain if **global warming** is real, why recent years' temperatures didn't exceed 1998 and 2005 levels, the warmest on record. Sen. James Inhofe, R-Okla., says the e-mails show scientists "cooked the science" and has called for an investigation. Climatologist Gavin Schmidt of NASA's Goddard Institute for Space Studies, however, said on the RealClimate website that the e-mails contain "no evidence of any worldwide conspiracy," just "a peek into how scientists actually interact."

Now vs. the future

Still, what is at stake at Copenhagen, Meyer and other observers say, is the world's choice for the future: one where nations hedge now against the foreseeable risks of warming or gamble today that they won't happen tomorrow, and keep on burning coal and oil.

So what would a good Copenhagen deal look like? The United Nations' de Boer says it would hold:

*Greenhouse-gas emission goals for industrialized nations.

*Emission-free energy goals for developing nations.

*Promises of money and machinery from industrialized nations to meet those goals.

*Agreement on how to meet those goals and commitments.

"The issue is not whether you are for or against **climate change,** but rather how much are you willing to sacrifice to slow **climate change,"** says Yale economist Robert Mendelsohn.

The U.S. Senate is contemplating bills that might lead to a 17% to 20% cut in U.S. emissions by 2020. In June, the Congressional Budget Office estimated the costs of creating a carbon "market" to achieve such cuts would be about $175 a year by then for the average household. With efficiency measures added, the **Environmental Protection Agency** says the bill proposal would actually lower energy costs for households but cause huge changes in the energy business -- with fossil fuels falling from about 85% of U.S. electricity generation today to 30% by 2050 -- costing jobs at coal plants while adding them in solar, wind and nuclear energy.

A flurry of meetings have led up to Copenhagen, starting with the 2007 session in Bali, where the Bush administration committed the nation to taking part in Copenhagen. The road to Copenhagen really started, however, in 1992, when the USA signed on to the United Nations Framework Convention on **Climate Change,** agreeing to keep **global warming** effects below "dangerous levels."

So what's dangerous? In March, a Proceedings of the National Academy of Sciences report updating earlier danger estimates found nothing but negative consequences should global temperatures rise more than 3.6 degrees Fahrenheit.

The present concentration of carbon dioxide, the biggest player in **global warming** greenhouse gases, in the atmosphere stands at about 388 parts per million, compared with roughly 270 ppm prior to the Industrial Revolution. At the atmospheric equivalent of 450 ppm concentrations, the world faces a 50% chance of seeing global temperatures rise more than 3.6 degrees.

"The meeting's challenge is to get developed nations on line to economies that are low-carbon, and get developing nations investing in energy technologies that allow them to grow without entering the carbon-emitting trap," says Frances Beinecke, author of Clean Energy Common Sense: An American Call to Action on Global **Climate Change.** "Copenhagen has to send them a signal that we are serious."

In the U.S. Senate, that signal, a clean-energy bill, looks unlikely to pass this year as legislators look at the details, says Sen. John Kerry, D-Mass., a sponsor of one leading proposal. The bills all center on creation of a national "cap-and-trade" system, where rights to emit greenhouse gases are capped, and then sold and traded among industries.

Meanwhile, de Boer says, industrialized nations would more likely have to cut emissions about 80% to not cross the 450 ppm danger line. In 2007, the IPCC estimated such a cut would trigger a 3% reduction of the global economy, an impossible proposition amid a global recession, says David Victor of the University of California-San Diego.

"As soon as we put a price on carbon, the increased price will pass all the way down (to consumers)," says Jae Edmonds of the Joint Global Change Research Institute at the University of Maryland. "When I consider my home heating-oil bill, my natural-gas bill in the winter, the prices will drive decisions."

A practical approach

Doing nothing costs, too. In October, for example, a National Research Council panel estimated that burning fossil fuels costs $120 billion in health expenses nationwide every year, mostly from at least 18,000 premature deaths caused by pollution, with a "middle ground" estimate of climate damages of $350 billion from storms, drought, wildfire and related effects.

"President Obama was just stating the obvious. There is no use in pretending that a full and final treaty will be ready by Copenhagen," Victor says. Expecting 192 nations to agree on anything realistic, he adds, seems like a bad strategy.

Instead, he suggests the major nations releasing greenhouse gases, particularly China and the United States, cut direct deals to save time.

"I just think that is the most practical approach," he says.

Chichilnisky says this idea won't work, because poor nations will then barrel down the fossil fuel path to industrialization without a global treaty that gives them a reason to invest in low-emission power.

In 2006, a British government report, the "Stern Review," estimated that addressing **climate change** through efficiency, low-emission technologies and a cap-and-trade system for greenhouse gases, among other steps, would subtract about 1% from global Gross Domestic Product in 2050, as opposed to a roughly 5% to 20% cost to global GDP if nothing were done. Mendelsohn and other economists criticized this high cost estimate and its all-or-nothing response to **climate change,** rather than a step-by-step one.

"People seeking such a stringent policy that ensures **global warming** will not be harmful will demand such an expensive strategy that no one will agree to do anything," Mendelsohn says. "In contrast, if we sought a moderate policy that will eventually lead to substantial reductions of greenhouse gases, it is very likely one could get global agreement in Copenhagen."

**Draft Baucus Amendments Show Finance Chairman's Climate Bill Priorities (*Inside EPA*)**

Monday, November 23, 2009
Sen. Max Baucus (D-MT), chairman of the powerful Finance Committee and a key player in the climate debate, drafted 19 amendments to cap-and-trade legislation outlining his priorities for the bill, including lowering mitigation targets, curtailing EPA authority to regulate greenhouse gases (GHGs) under the Clean Air Act and other changes.

The amendments were never considered by the Senate Environment & Public Works Committee, of which Baucus also is a member, because Republicans boycotted the panel's markup of the climate bill sponsored by Sens. John Kerry (D-MA) and Barbara Boxer (D-CA), resulting in the panel approving an unmodified bill on Nov. 5.

Baucus's finance committee is expected to mark up its contribution to the climate package sometime early next year, and the draft amendments provide new insight into

the changes he wants made to the legislation that could be addressed either by his committee or in subsequent behind-the-scenes negotiations with Senate leaders.

Sources caution that jurisdictional lines between the Finance and Environment & Public Works committees may prevent Baucus from making all of his preferred changes in his committee. The Agriculture, Nutrition & Forestry Committee, of which Baucus also is a member, may have jurisdiction over some of the provisions outlined in the amendments, although it remains unclear whether that panel plans to markup climate legislation.

Any concerns Baucus is unable to address in the Finance Committee could be worked out in negotiations over the bill with Senate Majority Leader Harry Reid (D-NV), who plans to cobble together a bill to take to the floor that would combine input from the six committees of jurisdiction and other key lawmakers--such as Sens. Joe Lieberman (I-CT) and Lindsey Graham (R-SC), who are working with Kerry to craft a bipartisan deal.

**Republican Protests**

Because Republicans refused to attend any of the markup sessions, in protest of what they said was inadequate analysis of the legislation by EPA, procedural rules prohibited the environment committee from considering any of the 80 amendments that Democrats had offered, and Boxer decided to proceed with a Nov. 5 vote to send the bill out of committee. Baucus was the lone dissenter in that 11-1 vote.

Baucus's staff circulated the amendments to outside stakeholders over the week prior to the environment committee vote and sought support in particular for proposals to lower the 2020 target to 14 percent below 2005 emission levels, rather than the 20 percent target in the bill, and to curtail EPA authority to regulate agriculture emissions or apply Clean Air Act authorities to GHGs from other sources.

Another pair of amendments Baucus had planned to introduce would create a two-tiered system to set the mid-term target; it would start at 17 percent (the figure in House-passed legislation) but rise to 20 percent if a set of conditions had been met by 2012.

To raise the target, the president would have to certify that other industrialized countries had committed to a similar target in an international agreement and were making progress towards those goals and that "major emerging economies" had committed in an international agreement "to implement actions reflecting a substantial, quantifiable reduction from the business-as-usual emission pathways" and were carrying out those actions. Both amendments would have allowed Congress to vote not to raise the target, and one carried an additional caveat that would have prevented emerging economies that were not meeting their goals from receiving bilateral aid under the International Clean Energy Deployment Program the bill would create.

Baucus also prepared to offer two amendments that would have delayed the cap-and-trade program's start to 2013, instead of 2012, and would have eliminated the 3 percent emission reduction that Kerry-Boxer calls for in the program's first year.

The Finance Committee's contribution to the climate bill is expected to include a re-working of the allowance-allocation formulas in the Kerry-Boxer bill, although it remains unclear whether the committee's jurisdiction over distribution of allowances to various affected industries would allow it to also re-set the target that determines how many allowances exist. A committee spokesman did not respond to several calls and e-mail messages this week.

Other draft Baucus amendments seem to fall more clearly outside the finance panel's jurisdiction, especially the half-dozen amendments he was set to offer to curtail EPA authority under the Clean Air Act.

Two of the amendments focus on agriculture emissions, with one declaring that no emissions from the sector could be regulated under the air act and another clarifying that emissions from livestock digestion and manure would not fall under the new stationary source performance standards that the bill would establish for un-capped emission sources.

The other air act amendments would either eliminate new source performance standards and new source review requirements of the air act for GHGs from either all sources or just those sources that emit less than 25,000 tons per year (tpy) of carbon dioxide-equivalent.

**Environment Committee Revisions**

In the version of the bill passed by committee, which was released a week before the vote, Boxer revised some of the air act language in an attempt to find a compromise with senators like Baucus who had sought full preemption of air act authority to regulate GHGs. The revised bill includes the 25,000 tpy threshhold and bars EPA from regulating GHGs as criteria pollutants solely based on their contribution to climate change. Observers say more adjustments could be made and that whatever arrives on the Senate floor may more closely mirror the broad air act preemption that was included in the Waxman-Markey bill that passed the House.

Another draft Baucus amendment sought to strengthen the bill's preemption of state and regional cap-and-trade programs, which are barred for the first five years of the federal system's operation. The amendment aimed to require state legislatures to approve any effort to implement more stringent emission limits after the federal preemption expires in 2017.

Three amendments aimed to streamline the approval process for offset projects and ensure that early offsets purchased on state, regional or voluntary markets prior to passage of the climate bill would be eligible to receive credit in the federal program. Many of the issues raised in those amendments are addressed in separate legislation offered by Sen. Debbie Stabenow (D-MI) and co-sponsored by Baucus. That legislation is expected to be included in some form in the overall climate bill.

Most of the amendments were intended to be offered by Baucus alone, although he did co-sponsor three amendments with Sen. Amy Klobuchar (D-MN) that would redefine renewable biomass using the definition established by the 2008 farm bill (*see related story*).

**Obama preparing GHG limits, financing figures for Copenhagen (*Greenwire*)**

Darren Samuelsohn, E&E senior reporter
11/23/2009
President Obama "in the coming days" will outline key parameters to the U.S. negotiation position headed into next month's global warming negotiations in Copenhagen, Denmark, including a near-term greenhouse gas emissions target and a small financial commitment to help developing countries deal with the immediate affects of climate change, two senior administration officials said today.

In a background briefing with reporters in the Old Executive Office Building, the Obama advisers said the president will soon propose a U.S. emissions target for 2020 that hews closely to the ongoing legislative efforts on Capitol Hill -- currently between 17 percent and 20 percent below 2005 levels.

"Obviously, a bill has passed the House," one administration official said. "It has a number in it that will be a data point. And we're in close consultation, bipartisan consultation, with members of Congress to determine what we can put on the table that would be consistent with the legislative process."

Asked if Obama would propose a single figure for curbing emissions, rather than a range that encompasses both the House and Senate bills, the administration official replied, "It's possible."

The United States also will pitch a small financing figure that developing countries can expect will go toward helping them obtain low-carbon energy technologies to reduce their own greenhouse gas emissions, as well as for adaptation efforts.

Without giving a firm number, the administration official explained that Obama will cull from funding sources already moving through the congressional appropriations process, rather than relying on the larger numbers still at play in the Capitol Hill climate and energy bills.

"Obviously, over the long run, legislation may include other mechanisms, other financing mechanisms that provide for medium-term financing, but in the short run, it'll have to be through the budgetary process," the official said.

"There's money in FY '10 on climate," the aide added. "My guess is there will be money for climate in each of the subsequent budgets. The question will be the scaling up of that money to be consistent with the overall agreement."

Jake Werksman, a program director at the World Resources Institute, told reporters Friday that he expects the United States to propose a "two digit"-billion-dollar financing figure at the Copenhagen negotiations, which run Dec. 7-18 -- with considerable debate still ahead over what institutions will be in charge of distributing the funds, as well as the ground rules.

The release of both a U.S. emission target and the short-term financing figures are seen as critical in the diplomatic dance for major developing countries who are weighing what to propose headed into Copenhagen. Leaders from Brazil, Indonesia, Mexico and South Korea in recent weeks have already outlined what many observers say are surprisingly aggressive emission targets. But China still has not articulated specifics for how it plans to reduce greenhouse gases over the next several decades.

Obama also will be making a decision before Copenhagen about whether he will stop off in the Danish capital to participate directly in the climate negotiations. As many as 65 other world leaders are expected during the high-level segments that take place in the closing days of the talks, and Obama already will be in the region to accept his Nobel Peace Prize in Oslo.

"What the president has always said is that if it looks as though the negotiations have proceeded sufficiently, that going to Copenhagen would give a final impetus or push to the process, that he'd be willing to go," the administration official said. "Each of these steps along the way, progress being made bilaterally, multilaterally, and cooperation and coordination with the Danes. ... We're making that judgment. He's making that judgment on whether it makes sense to go."

"One way or another, we'll be making a decision before the meeting starts," the administration official added.

Obama officials have come under fire on the world stage headed into Copenhagen for not taking a more aggressive stance on the climate issue, including pushing more forcefully to pass U.S. climate legislation ahead of the negotiations.

"U.S. President Barack Obama came to office promising hope and change," Christian Schwägerl, an editor at the German magazine *Der Spiegel*, wrote last week in a widely circulated **editorial**. "But on climate change, he had followed in the footsteps of his predecessor, George W. Bush. Now, should the climate summit in Copenhagen fail, the blame will lie squarely with Obama."

Mindful of the potential for more criticism, the Obama aides countered by citing the legislative progress on Capitol Hill, as well as a series of administrative and regulatory

moves on energy and climate. And they also made several backhand slaps at the George W. Bush administration.

"He was turning around an ocean liner," one aide said.

**More than 60 heads of state to attend Copenhagen (*Greenwire*)**

11/23/2009
More than 60 heads of state will attend the U.N. climate talks in Copenhagen next month, Danish Prime Minister Lars Løkke Rasmussen, the meeting's host, said yesterday.
Many more leaders have shown interest in attending, he added.

British Prime Minister Gordon Brown, who will attend the summit, said a new deal will be more likely if presidents and prime ministers put their own reputations at stake.

Australian Prime Minister Kevin Rudd, whose nation is currently wrestling over climate legislation, said that he believes the summit will reach a binding political agreement, with details codified next year.

"I believe there is a strong and high degree of political resolve from many of the leaders around the world to land a Copenhagen agreement," he said.

Still, a deal is not inevitable and negotiation will be "very tough," he said (BBC News, Nov. 23). **– PV**

**Warming's impact since Kyoto worse than feared (*Greenwire*)**

11/23/2009
Since the Kyoto Protocol was agreed upon in 1997, the level of carbon dioxide in the air has increased 6.5 percent -- far worse than originally predicted.

"The latest science is telling us we are in more trouble than we thought," said Janos Pasztor, climate adviser to U.N. Secretary General Ban Ki-moon.

From 1997 through 2008, world carbon dioxide emissions from the burning of fossil fuels have increased more than 30 percent and U.S. emissions of CO2 rose 3.7 percent. Moreover, emissions from China, now the biggest producer of this pollution, have more than doubled in that time period.

The U.S., China and India did not take part in the pact's emission reductions. And developing countries were not covered by the Kyoto Protocol.

"We've come from a time in 1997 where this was some abstract problem working its way around scientific circles to now when the problem is in everyone's face," said Andrew Weaver, a University of Victoria climate scientist (Seth Borenstein, Associated Press, Nov. 23). **-- JK**

**ENERGY**

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November 23, 2009

**Energy-Wise Appliances Save More Than Time & Money (*Associated Press*)**

**Story also appeared: *New York Times***

By THE ASSOCIATED PRESS
Filed at 1:33 p.m. ET

Imagine washing a full load of dishes with less than two gallons of water or having a burner on a stove or cooktop automatically turn off or reduce the heat to keep a dish warm when the cooking is done.

A new generation of highly efficient appliances can do all this and more. Many exceed the standards for energy and water usage established by the U. S. Department of Energy (DOE) through the Energy Star program. Reducing energy consumption is only part of their value, since many create efficiencies by streamlining everyday tasks such as cooking or drying clothes.

Appliance manufacturers are "pulling out the stops to create a high-end part of their brand," but consumers in general also benefit from a wider selection and more competition that is lowering prices, according to Barbara Barton, a certified kitchen and bath designer from Highlands Ranch, Colo.

Typically, Energy Star-rated appliances do not cost more and increasingly major manufacturers are devoting larger portions of their product lines to models that conserve energy and water.

Last year, 24 percent of clothes washers sold were Energy Star-rated, 67 percent of dishwashers and 30 percent of refrigerators, according to the Environmental Protection Agency.

Replacing a 1980s refrigerator, for example, with a basic energy-star rated model saves a $100 a year, or about $1,700 over the life of the appliance.

To encourage consumers to replace older machines, the DOE recently rolled out a rebate program for purchases of Energy-Star rated appliances. The program is

administered by individual states, so the size of the rebate and eligible appliances vary by state.

Rather than water or time, consumers' top priority remains energy consumption, according to research conducted by Whirlpool. And despite recent questions about the accuracy of some cost savings reported by manufacturers, Energy Star does give consumers a baseline to gauge energy usage and compare costs between models. Additionally, the DOE and EPA who administer Energy Star are considering ways to improve the program. Since a number of appliances exceed energy star requirements by 10 percent or more, one proposal suggests creating a new classification for those with the highest efficiency.

The goal of Energy Star is to identify the most efficient products -- the top 25 percent. "We are constantly raising the bar," says Maria Tickoff Vargas, spokesperson for Energy Star.

--Saving in the Kitchen

New standards for dishwashers went into effect this year and an even more stringent set will be introduced in 2011. Under the new guidelines, Energy-Star qualified dishwashers use no more than 5.8 gallons of water per cycle. On the other hand, the most energy- and water-wise models use three gallons or less. In 1994, the average dishwasher consumed almost 14 gallons of water per load.

Today's models operate so differently compared to 10 years ago that most consumers need to be educated on the changes. For example, washing cycles, particularly for heavy loads, may be longer than years ago. Prewashing has become a relic. Both changes may require some new users to completely adjust their dishwasher paradigm.

The most efficient dishwasher today, which Bosch introduced this year, uses 1.5 gallons of water per cycle, 70 percent less than the average dishwasher, and meets the 2011 standards. The savings are, in part, created by sensors that detect the amount of soil in the water as well as the type and quantity of dishes and adjust the washing time, amount of detergent and water accordingly. Additionally consumers can opt to only wash the top rack.

Refrigerators manufactured before 1993 use twice the energy of an Energy-Star rated model today. Operating costs were reduced with better insulation, more efficient motors, separate compressors for freezing and refrigeration and improved seals.

Although Energy Star doesn't rate stoves, cooktops and ovens, innovations in cooking appliances offer alternatives to traditional models that save energy and/or improve performance. Convection, which cooks faster using hot air circulated around the food, continues to be incorporated into more ovens.

Induction elements on cooktops are 30 percent more efficient than electric. They use electromagnetism to heat iron-based cookware, leaving the cooktop surface and the element relatively cool. The cooking temperature can be adjusted precisely and instantly. GE, Thermador and Kenmore along with a majority of manufacturers offer stoves with induction cook tops often combining induction and electric elements.
Jenn-Air recently introduced an oven with a touch screen control that asks users a series of questions regarding the food and the container. It tells them what rack to use and automatically programs all the cooking.
--In the Laundry
High efficiency is a moniker that is especially applicable to washers. The most efficient use as much as 70 percent less water per load than the industry average.
High efficiency machines, which can be either top or front loading, use different types of washing action than a machine with a central agitator. Front loaders tumble clothes through a small amount of water. Advanced top loaders flip or spin clothes through a stream of water. For example, the newest Kenmore products have five washing actions, including swinging and dropping.
Whirlpools Duet washers can wash up to 18 pairs of jeans at once in about 17 minutes. Rather than submersing clothes in water, high efficiency front- and top-loaders use a high-pressure spray to rinse. More efficient motors spin clothes two- or three-times faster to extract more water and reduce drying time. These washers are also equipped with sensors that adapt the water, washing times, and amount of detergent to the amount of soil in the water.
--Looking Ahead
Whirlpool is one of several manufacturers leading innovation in the appliance industry particularly regarding smart appliances. As part of the DOE Smart Grid Investment grant program, which uses stimulus dollars, Whirlpool plans to produce one million smart energy clothes dryers by the end of 2011.
The company has already conducted Smart Grid pilot projects in which appliances reduce energy use in response to signals from the power grid during times of high demand.

Ultimately, according to Mike Todman, president of Whirlpool, consumers will save on energy costs by shifting more consumption to off-peak hours.
The Smart Grid is still being developed and many questions need to be answered, such as the role of consumers and incentives to encourage their participation.

While the Smart Grid is several years or more in the future, real savings await anyone who buys a high efficiency appliance.

**GRANTS**

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Monday, November 23, 2009, 1:11pm CST

**State agriculture department awarded EPA grant (*San Antonio Business Journal*)**

The Environmental Protection Agency has awarded the Texas Department of Agriculture a $300,000 grant to help roll out a comprehensive and effective pesticides program in the state. In addition to the Texas Department of Agriculture's regulatory and enforcement programs, the pesticides program will include applicator certification and training, worker protection standards, surface and groundwater quality, endangered species information and the implementation of the new container/containment rule.

This new rule requires that pesticides must be removed before a container can be properly disposed. The money will help farmers, ranchers and others who handle pesticides learn about how to follow the new regulations.

**University of Missouri gets anti-pollution grant (*Associated Press*)**

**Story also appeared: *Nebraska TV***

Associated Press - November 24, 2009 5:04 AM ET
KANSAS CITY, Kan. (AP) - The U.S. Environmental Protection Agency is giving the University of Missouri $112,500 to increase its anti-pollution efforts.

The grant was announced Monday by the EPA's regional office in Kansas City, Kan.

The university will match the grant, providing a total of $225,270.

The money will go toward creating a minor degree aimed at reducing pollution. It will also be used to expand an internship program in which students helping Missouri businesses reduce release of toxic chemicals and increase conservation. The university will also boost existing pollution prevention programs that work with state industries.

Officials estimate the program will reduce greenhouse gases by 4,500 metric tons, cut hazardous waste by 200,000 pounds and save 1 million gallons of water.

## HAZARDOUS WASTES

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### NEI seeks delay in Yucca licensing hearings (*Greenwire*)

11/23/2009
The lobbying arm of the nuclear power industry is seeking to suspend hearings on a license to bury high-level radioactive waste at Nevada's Yucca Mountain, saying that for now only technical studies should be completed for the site.

Lawyers from Nevada urged the Nuclear Regulatory Commission not to act on the request from the Nuclear Energy Institute, made earlier this month. Yucca opponents argue that suspending the hearings would deny them the opportunity to offer evidence that the repository site is fatally flawed.

The Nevada lawyers "missed the point" of NEI's letter, said Steven Kraft, the institute's senior director of used fuel management.

"We're saying, 'Why don't you hold up on the hearings for now?' ... There's absolutely no hint in our letter about denying anybody" due process, Kraft said. "We think there is value in completing the technical review."

Energy Secretary Steven Chu said earlier this year that Yucca is not an option for disposing nuclear waste. Chu is expected to launch a panel next year that will look at how to deal with the country's waste stockpile (Keith Rogers, *Las Vegas Review-Journal*, Nov. 23). **-- PV**

### Regulators to examine recent Three Mile Island leak (*Greenwire*)

11/23/2009
During a maintenance operation at Three Mile Island, a leak on Saturday exposed 20 workers to increased levels of radiation.

"It happened when workers were cutting through pipes and also using a vacuum type device that may have blown radioactive particles up into the air," Exelon Energy spokesman Ralph DeSantis said.

The nuclear power plant was shut down and some 150 employees were sent home. Twenty of them have tested positive for exposure to radiation, with the worst exposure

measured at the equivalent of about three X-rays. Officials said that employees could be back at work as early as today.

Members of the Nuclear Regulatory Commission will be investigating what caused the minor leak in the Unit 1 reactor on site today.

Thirty years ago, the Unit 2 reactor had a partial meltdown that was considered the worst accident in U.S. power plant history (Muir/Netter, ABC News, Nov. 23) **-- DFM**

## SUPERFUND

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**Final phase of Mansfield Superfund site cleanup starts (*Associated Press*)**

**Story also appeared: *Boston Herald***

By Associated Press | Tuesday, November 24, 2009
MANSFIELD — Federal and state officials are gathering in Mansfield to mark the start of the final phase of a massive hazardous waste cleanup in the town.

U.S. Rep. Barney Frank, Environmental Protection Agency regional administrator Ira Leighton and state Sen. James Timilty are among those scheduled to attend the ceremony Tuesday at the Hatheway and Patterson Co. federal Superfund site.

Work at the site, started more than a decade ago, will be expedited by an infusion of federal stimulus funds. The goal is to clean the site, create jobs and allow future redevelopment of the area.

The EPA says the company began wood treating operations at the 40-acre property in 1953, using toxic chemicals. In 1984, the company filed for bankruptcy and ceased operations in April 1993.

## TOXICS

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**New Chinese drywall report boosts connection to health problems (*The Virginian-Pilot*)**

By Josh Brown
The Virginian-Pilot
November 23, 2009
A government study released today of homes built with Chinese-made drywall found a "strong association" between the wallboard and levels of hydrogen sulfide and metal corrosion.
The Consumer Product Safety Commission, which is leading a $3.5 million, multi-agency investigation into the imported drywall, studied indoor air quality in 51 homes built with the tainted drywall, including several homes in Virginia.
Last month, the commission reported that the Chinese-made drywall emits higher levels of volatile sulfur gases than typical U.S.-made drywall, but stopped short of connecting the building material to reports of health problems. Today's report went one step further, but the agency said it is still investing the link between the drywall and the reported health problems.

"While hydrogen sulfide and formaldehyde levels detected in homes containing the problem drywall were at concentrations below irritant levels, it is possible that additive or synergistic effects of these and other compounds in the subject homes could cause irritant effects," the report stated.

For the study, scientists placed small copper and metal strips in the homes to test the relationship between the drywall and the corrosion. Investigators found that the strips showed "significantly higher" corrosion in homes that were built with the Chinese-made drywall.

Earlier this year, scientists with the Environmental Protection Agency reported that the imported drywall contains higher levels of compounds of sulfur and strontium.

At least 150,000 sheets of Chinese-made drywall were imported by a Norfolk construction supplier. That's enough to build more than 300 homes. The drywall since has been found in housing developments in Norfolk, Virginia Beach, Newport News, Chesapeake, Williamsburg and northeastern North Carolina.

More than 2,000 homeowners from 32 states have complained to the agency about the drywall, saying it emits a corrosive gas that damages household electrical systems and causes respiratory problems.

**WATER**
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**Six years later, gender-bending fish in our water supply remain a mystery**
**(*Washington Post*)**

November 24, 2009 Tuesday
Every Edition
HEALTH; Pg. HE01
District-Maryland
By: David A. Fahrenthold
KEARNEYSVILLE, W.VA.
What's the problem with the Potomac River -- and could whatever it is spell problems for those of us who drink its water?

In 2003, scientists discovered something startling in the Potomac, from which at least 3 million Washington area residents get their drinking water: Male fish were growing eggs. But six years later, a government-led research effort still hasn't answered those two questions. Scientists say they still aren't sure which pollutants are altering the fish, or whether the discovery poses any threat to people's health.

The job is not easy: Scientists are looking for wisps of hormone-mimicking pollutants in the Potomac's vast, moving soup.

But the effort has also been held back, according to environmentalists and a federal researcher, by sparse funding and a lack of government focus.

The most tangible sign of the slow progress might be a frost-lined freezer at a government lab here in West Virginia. Inside are hundreds of samples of fish tissue collected from the Potomac in recent years, potential evidence that a federal scientist says she hasn't yet found the money to test.

"We'd be a couple years ahead" if the tissue had been tested, said Vicki S. Blazer, a biologist with the U.S. Geological Survey, who helped discover the Potomac's intersex fish.

There is still no evidence that whatever's affecting the Potomac's fish is a threat to humans who drink the river's tap water, which drinking-water authorities in the area say is filtered and safe.

Environmental activists have said they're surprised that such an attention-grabbing mystery -- gender-bending fish in the capital's water supply -- has languished so long without answers. On Wednesday, the nonprofit Potomac Conservancy spotlighted concerns about the fish in its annual "State of the Nation's River" report, saying the river held a "toxic stew" of chemicals that could mimic natural hormones.

"There's been some work done, but the pace of the research has been too slow," said Hedrick Belin, the group's president. "This canary in the coal mine, meaning the intersex fish, tells us that something isn't right with the water."

Which is exactly the kind of thing activists said after the first abnormal smallmouth bass were discovered in a West Virginia tributary in 2003. These fish don't look different on the outside, so the first ones were found by accident, as researchers investigated massive fish kills.

Under a microscope, they found that some male fish had nonfertile eggs inside their testes.

Since then, similar fish have been found all around the Potomac watershed. They have also been found across the United States. In a survey of nine other rivers this year, an average of 33 percent of male smallmouths were abnormal.

On the Potomac, the number is 82 percent.

Tests on Potomac water found it is contaminated with all kinds of chemicals that might be "endocrine disruptors," similar enough to natural hormones that they could confuse an animal's -- or a person's -- system of chemical signals. Some of them come into the river with treated sewage: human hormones, birth-control pills, chemicals in antibacterial soap.

Others wash off farm fields, such as the herbicide atrazine, the pesticide dieldrin, and cow and chicken hormones excreted in manure.

Blazer, the Geological Survey researcher, has a suspicion: that some of these pollutants accumulate in the tiny yolk sacs that are a baby fish's first food. If that's true, then male fish might be taking in chemicals similar to female hormones at a crucial time in their development.

But Blazer has not been able to test hundreds of pieces of dissected fish in the freezer to see whether pollutants, or mixtures of them, show up in crucial organs.

"It's $400 a tissue" to analyze them, she said, and so only about a third have been submitted for testing.

The Senate appropriated money specifically for this work in fiscal 2008, but it was dropped in conference committee, Geological Survey officials said. Last fiscal year, $400,000 was budgeted by the Geological Survey for analyzing intersex fish in the Potomac. One-third of that money went to Blazer; two-thirds went to other parts of the country, where scientists were doing research on similar problems with intersex fish in laboratories.

"To imply that the money is not being spent on issues related to the Potomac would be inaccurate," said Patti Bright, an official at the Geological Survey.

But Rep. James P. Moran Jr. (D-Va.) said the Potomac has been shortchanged. He is

pushing for a doubling in Blazer's funding for the next fiscal year.

"It's kind of a Catch-22. Until we can have the resources to determine where it's coming from and how dangerous it is, it kind of stays on the back of the shelf," Moran said.

Until the mystery of the fish is solved, what -- if anything -- this problem means for people seems certain to remain uncertain.

Water from the Potomac is filtered and used for drinking in the District, Arlington County and Falls Church, and it provides at least some of the water in areas served by Fairfax Water, the Washington Suburban Sanitary Commission and the Frederick County water utility. These agencies say their treatment methods remove many potential endocrine disruptors. But a study of District tap water has found minute traces of some, including atrazine.

Water agencies say they don't think their customers need to filter their tap water.

"At Fairfax Water, we already have that filter in place for you" with treatment at the utility's plant, spokeswoman Jeanne Bailey said. "I drink our water every day." No home water filter has been certified to remove endocrine disruptors, but a spokesman for a national certifying organization has said reverse-osmosis and activated-carbon filters seem "promising."

One problem, water utilities say, is that the Environmental Protection Agency hasn't told them which chemicals might be endocrine disruptors or how much of them is enough to cause effects in humans.

The EPA has been charged with doing this since 1996. But the agency says it was slowed by the difficulty of the science: These chemicals are not as simple as poisons, since they might be harmful in very tiny quantities and their effects on a human body might not show up for months or years.

This fall, the EPA took a key step, describing for the first time how chemicals should be tested for endocrine-disrupting effects. But it might be two years before the first results come back.

**Toward clean water (*St. Petersburg Times*)**

Florida
November 24, 2009 Tuesday
A; Pg. 8A

A federal judge was right to step in last week and clear the way for the U.S. Environmental Protection Agency to establish limits on pollution in Florida's lakes, rivers and bays. The state has sat on its hands for 11 years while runoff from farms, sewer

plants, golf courses and homes has put the environment, public health and the tourist economy at risk. State officials should be embarrassed for sticking by such major polluters as paper, pulp and phosphate manufacturers and for tarring the cleanup as a back-door tax. The deal should help reverse the deterioration of Florida waters and prod the state and private industry to adopt sustainable business practices.

U.S. District Judge Robert Hinkle said he would approve an agreement environmental groups reached with the **EPA** to limit the amount of nutrient pollution in Florida's waterways. These groups sued the **EPA** last year in an effort to compel the federal government to intervene in Florida under the **Clean Water Act. The EPA** told the states in 1998 to limit nutrient pollution in surface waters, and warned it would do it for them if no action was taken by 2004. But the state left its rules vague. With the judge's ruling, the **EPA** can impose specific limits for such nutrients as phosphorous and nitrogen. The goal is to reduce the levels of sewage, fertilizer and manure in the waters. The pollution triggers toxic algae, kills fish and causes infections and respiratory problems for swimmers, boaters and beachgoers.

Predictably, the polluters and the state bureaucracy that enables them oppose the **EPA's** involvement, saying it will lead to arbitrary pollution limits and require a back-door "federal water tax" to clean up what's now flowing into public waterways. Both arguments are ridiculous. The pollution limits are arbitrary now; if anything, quantifying the pollution caps into actual levels for specific waterways will give industrial polluters more clarity . And industries have no way of knowing what costs consumers might face until the **EPA** establishes the pollution limits. That process will continue through October. The opponents, including two former state environmental secretaries, are seeking a reprieve from Congress. That shouldn't happen.

Public waterways should not be dumping grounds for industrial waste. Clean water has a cost - but so do polluted springs, closed beaches, toxic rivers and tainted drinking water supplies. An analysis of state waterways last year found poor water quality in 28 percent of river miles, 25 percent of the lake acreage and 59 percent of the square miles of estuaries. The state Department of Environmental Protection also reported that after trending downward for 20 years, levels of phosphorous pollution began rising again in 2000, likely due to new development.

The **EPA** would set pollution limits for freshwater next year and for saltwater bodies in 2011. They cannot come too soon. The state's waterways are vital to its people, its fishing and tourist industries and its ability to grow. Florida's 12,000 square miles of surface water rank it third in the nation in total water area. The nutrient limits should help reduce pollution in the short term and force regulators and manufacturers to rethink how Florida farms, builds and disposes of its sewage and industrial waste.

**EPA Weighs Revised Water Rules To Address Stalemate Over New Permits (*Inside EPA*)**

Monday, November 23, 2009
EPA officials are considering new Clean Water Act rules to address what industry sources say is a permitting "stalemate" created by a landmark appellate ruling that effectively blocks issuance of new permits for discharges into impaired waters while also barring regulatory approval of projects to "offset" discharges that may result.
The new rule could be a mixed bag for industry, sources say, allowing regulated facilities to trade pollution reductions from offset projects, such as nonpoint source cleanups, as a way to win permits, but also broadening the scope of EPA's regulations by subjecting permits for facility expansions to strict compliance requirements previously reserved for new facilities.

"Not surprisingly, [EPA permit requirements] will get both narrower and broader [under the new rule]," Fred Andes, a lawyer with Barnes & Thornburg, told wastewater treatment industry officials at a Nov. 12 meeting. Andes says there are still a number of unknown elements in the agency's strategy for addressing the problem, including how to verify and quantify the pollution coming into a waterbody from nonpoint sources in order to allow offsets -- a key dilemma presented by the ruling.

An agency spokeswoman says officials are now "considering the possibility of rulemaking" to revise agency rules governing prohibitions on new permits and other issues raised in the appellate ruling, *Friends of Pinto Creek et al. v. EPA*.

Agency officials have already said the new approach could be tested in the Chesapeake Bay, where officials have signaled they plan to limit issuance of new permits without offsets. EPA water chief Peter Silva also told *Inside EPA* recently that he is interested in applying the approach nationally for both new and expanded facilities.

But this is the first time the agency has said it is considering a rulemaking.

**Driven By Court Ruling**

Driving agency consideration of the new rule is the 2007 ruling from the U.S. Court of Appeals for the 9th Circuit. The case revolved around EPA's 1998 approval of a discharge permit for a new copper mine and processing facility operated by the Carlota Copper Company near Miami, AZ. As part of the permit, EPA required Carlota to remediate an inactive mine site upriver that was leaching dissolved copper into Pinto Creek, which the agency said would more than offset the additional copper effluent from the new facility.

But local environmentalists challenged the permit to both the Environmental Appeals Board and eventually the 9th Circuit, which in 2007 backed the plaintiffs' challenge. The court held that EPA regulations -- contained in 40 CFR 122.4(i) -- generally bar issuance of permits for new sources into impaired waters unless existing dischargers --

both point and nonpoint -- are subject to compliance schedules designed to bring the water segment into compliance with applicable water quality standards.

At the same time, the court also cast doubt on EPA and industry claims that either the water act or agency regulations allow dischargers to conduct projects to remediate pollution as a way to “offset” their releases. “There is nothing in the Clean Water Act or the regulation that provides an exception [to the permit prohibition] for an offset when the waters remain impaired and the new source is discharging pollution into that impaired water,” the court said.

While industry sought to have the Supreme Court overturn the ruling, EPA opposed high court review, saying it could address the issue by amending its regulations. The high court Jan. 16 declined to review it, leaving it to EPA to make regulatory changes.

But Andes and other industry officials say the ruling has created a permitting stalemate, stymieing regulators’ ability to issue new permits at all because there is no uniform means in the statute for determining that nonpoint sources -- which are often responsible for significant impairments to some waterbodies -- are complying with pollution load limits set under impaired waters’ total maximum daily load (TMDL).

**Industry Raises Concerns**

One industry source says the ruling has effectively hamstrung the issuance of any new permits, because many impaired waterbodies contain large numbers of nonpoint sources that are not in compliance with CWA.

Prior to *Friends of Pinto Creek*, EPA’s position had been that, if a point source is looking to expand or create a new discharge, it should be able to do so in such a way that does not increase its overall pollutant load, and the ruling has hampered its ability to do that, the source says. “[Section 122.4(i) applies] in a situation where somebody wants to newly expand or create a new discharge, and you need to make sure the impairment doesn’t get worse,” the source says. “The interpretation had been, it doesn’t matter what everyone else does, and what EPA is saying is they need to reinterpret the rule to get that result.”

Another industry source says the potential incorporation of offsets or trades is a welcome advancement in the rule, but that opportunity poses a problem because EPA does not have a uniform regulatory structure for assessing, quantifying and trading nonpoint reductions, because nonpoint source management is left to the states. Furthermore, EPA has not elucidated how or whether it will simultaneously address the nonpoint compliance schedule issue at all, only that it will explicitly allow offsets, and it is not clear how they would be able to solve one problem without solving the other, the source says.

“I think they have to, but no one has said they will,” the source says. “I think they would need to, that’s part of the main problem. They need to clarify the compliance schedule.”

The first source adds that, because the duty falls to the states to implement TMDLs and enforce them, if EPA is planning to revise its section 122.4(i) rule it would need state environmental agencies on board for it to have the desired effect. Based on the agency's willingness to develop an approach for pressuring states into compliance in the Chesapeake Bay watershed, EPA may use measures similar to those outlined in the Chesapeake Bay strategy -- including withholding federal funding, revising TMDLs to make them more stringent or the rejection of National Pollution Discharge Elimination System permits -- to bring the states into line.

"The other aspect of this is, the implementation falls to states, not EPA," the source says. "If EPA says they want [to address nonpoint sources] they may lean on the states to get them to be in compliance." -- *John Heltman*

**EPA Weighing New Community Engagement Plan For All Waste Programs (*Inside EPA*)**

Monday, November 23, 2009
EPA's waste office is weighing how to improve community engagement at Superfund sites and create new ways of involving communities at other types of waste sites without raising public expectations that the agency will always cede to community requests for cleanup changes.
The push for greater community engagement is one of EPA waste chief Mathy Stanislaus' key initiatives, drawing on his experience as an environmental justice advocate in New York City and EPA Administrator Lisa Jackson's emphasis on addressing environmental justice.

"Can we do a better job of risk communication?" Stanislaus asked state waste officials Oct. 29 at the annual meeting of the Association of State & Territorial Solid Waste Management Officials in Bethesda, MD. He said it is important to have informed participation from communities around waste sites.

EPA staff late last month began circulating a "straw proposal" for the new approach, outlining goals and several possible actions to increase community engagement, Ellen Manges of the EPA Office of Solid Waste & Emergency Response said Oct. 30. EPA plans to send the proposal to states in mid-November, Stanislaus and Manges said.

"Mathy sees it as a working document" that will evolve over time, Manges said. Some EPA waste programs are already doing a good job of community involvement, so "we know we're starting from a good base. But he wants to take it to another level" and draw in people who previously have not been involved in waste cleanups, she said.

The straw proposal has 10 action areas that fall into one of three goals, Manges said. The first goal includes examining existing processes and programs to determine how to

get early involvement in cleanup decisions. EPA is recommitting to drawing folks in during the development of cleanup decisions, she said.

A second goal focuses around how EPA communicates with the public and includes expanding tools used in the Superfund program to other areas, including underground storage tanks and Resource Conservation & Recovery Act (RCRA) corrective actions, she said.

An EPA regional official at the meeting said risk communication will be a key issue and that it will be difficult to apply the Superfund techniques to RCRA and the leaking underground storage tanks programs, although the official did not elaborate.

The third goal is internally focused and includes providing better education to EPA staff to shift the agency's culture in order to make community engagement a priority, she said. It also includes figuring out how the agency measures success in terms of community engagement.

Manges said the initial reaction from EPA regions has included several comments along the lines of "beware of the unintended consequences." By pushing for increased community involvement, the new policy might insinuate that EPA has been doing a poor job of involving the public, or that EPA can take more actions than resources allow, Manges said, explaining the concerns.

A California regulator at the meeting noted his state has been active for some time in encouraging participation from environmental justice communities and is finding that increased participation leads to enhanced expectations. For instance, the community thinks that it can change the state's well-established cleanup process simply because the community has become involved, the state official said.

The state official also said that community engagement does not necessarily lead to community acceptance of cleanup decisions, noting that many environmental justice communities are opposed to some so-called green remediation approaches because they see it as leaving contamination in place.

"Mathy has realistic expectations," Manges said in response.

**Sewer overflow problems widespread (*Greenwire*)**

11/23/2009
A rainfall in late October sent a rising tide of industrial waste and untreated feces surging from emergency relief valves into the Upper New York Bay and Gowanus Canal.

"It happens anytime you get a hard rainfall," said Bob Connaughton, one of the engineers at the Owls Head Water Pollution Control Plant in Brooklyn. "Sometimes all it takes is 20 minutes of rain, and you've got overflows across Brooklyn."

The plant's inability to deal with increasing levels of runoff of rainwater and waste is part of a more wide-scale trend, according to an analysis by the *New York Times*. Though the Clean Water Act aimed to help upgrade the nation's sewer systems and respond to population increases, more than 9,400 of the nation's 25,000 sewage systems have reported illegally using local water sources and other areas as dumping grounds for untreated or partially treated feces, chemicals and other hazardous materials in the past three years.

But fewer than one in five of these cases led to fines or other governmental sanctions, according to the *Times*. To help address the problems, some communities have supported sewer-friendly development such as zoning laws for parking lots that include green spaces to absorb rainwater, but environmentalists say such solutions are only temporary. And estimates indicate that illnesses associated with exposure to the runoff may number as high as 20 million. Last month, U.S. EPA Administrator Lisa P. Jackson announced she was overhauling how the Clean Water Act is enforced.

Fixing the nation's sewer problems would cost as much as $400 billion over the next decade, according to estimates by EPA and the Government Accountability Office (Charles Duhigg, *New York Times*, Nov. 23) **-- DFM**

**Critics seek to block EPA pollution limits in Fla. (*Greenwire*)**

11/23/2009
Opponents of U.S. EPA's plan to set Florida's water pollution standards are lobbying state lawmakers to block the action.

The move follows last week's federal district court decision upholding a consent decree to set numerical limits on freshwater pollution in Florida lakes and rivers by October 2010.

The ruling was a defeat for critics including agricultural interests, power companies, fertilizer manufacturers, the South Florida Water Management District and the Florida Department of Agriculture and Consumers Services (*Greenwire*, Nov. 17).

Meanwhile, environmentalists contend that critics are exaggerating potential threats to the state's economy.

"Asking for clean water is not a stretch," said St. Johns Riverkeeper Neil Armingeon. "There are algae blooms even today in the St. Johns River. Moving forward quickly is an imperative" (Curtis Morgan, *Miami Herald*, Nov. 22). **-- JK**

**EPA finds uranium from polluted mine in Nev. wells (*Greenwire*)**

11/23/2009
U.S. EPA tests have found that nearly 80 percent of the wells tested north of a Yerington, Nev., copper mine have dangerous levels of uranium or arsenic or both that make the water unsafe to drink.

Moreover, agency tests revealed that the source of the pollution is a groundwater plume that has slowly migrated from the mine site.

"Prior to this, we didn't really have an understanding of where water was moving," said Steve Acree, a hydrogeologist for EPA in Oklahoma who was brought in to examine the test results. "My interpretation at this stage of the process is yes, you now have evidence of mine-impacted groundwater."

At the site of the mine, wells tested as high as 3.4 miligrams per liter -- more than 100 times the legal drinking water standard.

Officials for BP, which inherited the site, and its subsidiary Atlantic Richfield have maintained up until now that the uranium could not be linked to the mine.

Area residents are calling on EPA to declare the mine a Superfund site (Associated Press, Nov. 21). **-- JK**

Published November 23, 2009

**Idaho city will pay to settle EPA allegations (*The Olympian*)**

A northcentral Idaho city accused by federal regulators of illegally polluting the Potlatch River for four years is paying $3,500 to settle the case.

Kendrick agreed to the pact with the U.S. Environmental Protection Agency for alleged Clean Water Act violations at the city's wastewater treatment plant.

James Werntz, head of the EPA's Idaho office, said on Monday, "Cities like Kendrick provide a valuable community service by treating wastewater, but they must strictly follow their permit limits."

EPA alleged the city's plant had over 1,400 permit limit violations from April 2005 through March 2009, including for E. Coli and total suspended solids.

To address the effluent permit violations, the city improved its chlorination system and is removing the sludge buildup in its sewage lagoons.

**EPA Issues New Rule to Curb Construction-Site Pollution (*Dow Jones*)**

**Story also appeared: *Wall Street Journal***

WASHINGTON -(Dow Jones)- The U.S. Environmental Protection Agency issued a final rule Monday aimed at reducing pollution from construction sites, saying that will significantly improve the quality of water nationwide.

The rule will be phased in over four years, starting in February, and when it is fully in effect, the EPA estimates there will be four billion fewer pounds of sediment discharged from construction sites each year.

Nearly 82,000 home builders, commercial and industrial building contractors and civil engineering companies are expected to be covered by the rule, which the EPA estimates will impose about $953 million of annual costs.

Such costs could raise home prices and cause a small number of builders to go out of business, resulting in some job losses, the EPA said in a draft version of the final rule. It said job losses may be temporary given the relatively high turnover in the construction industry, and acknowledged that the new rule is being introduced at a time when construction has fallen off sharply.

"However, the four year phasing process is expected to give the industry sufficient time to experience several years of growth before all the rule requirements are in effect," the EPA draft said.

Construction site owners and operators covered by the rule will have to use best management practices, including soil stabilization and erosion control, to ensure that soil that is excavated, moved or otherwise disturbed by construction activity does not pollute nearby bodies of water. In addition, owners and operators at larger construction sites will be subject for the first time to federal monitoring requirements and limits on storm water discharges. The monitoring requirements will take effect first at sites that disturb 20 or more acres and eventually at sites of 10 or more acres.

The EPA said the rule, which will establish minimum national standards, is intended to work in concert with existing state and local regulations that may be more stringent.

Adoption of the rule came in response to a court order in a lawsuit brought by a handful of states and non-profit environmental groups alleging that the agency had failed to issue regulations required under the Clean Water Act. A U.S. district court ordered the EPA to issue the rule no later than Dec. 1, 2009.

A spokesman for the National Association of Home Builders could not be reached immediately for comment. A spokesman for Associated Builders and Contractors Inc. said the group wouldn't be able to comment until the final rule is published in the Federal Register.

-By Judith Burns, Dow Jones Newswires, 202-862-6692; Judith.Burns@dowjones.com

**EPA looks into road project (*Tuscaloosa News*)**

A road is shown off of Buttermilk Road just off Interstate 20/59 at exit 77 in Tuscaloosa, Ala., Tuesday afternoon.
By Jason Morton Staff Writer
Published: Tuesday, November 24, 2009 at 3:30 a.m.
Last Modified: Monday, November 23, 2009 at 11:21 p.m.
TUSCALOOSA | Environmental agencies are investigating a complaint that the Buttermilk Road widening project is taking a toll on the environment.
STAFF GRAPHIC | ANTHONY BRATINA
Contractors for the Alabama Department of Transportation are working on the 2.27-mile project to widen Buttermilk Road to five lanes from between Bradford Boulevard and Interstate 20/59.
Earlier this month, Tuscaloosa environmental activist John Wathen photographed what he claimed were violations of erosion control regulations, among other offenses.

“I’m filing complaints because there are some pretty egregious violations,” Wathen said. “Granted, we had a lot of rain that day, but it wasn’t anything exceptional. ALDOT simply did not prepare the silt fences right.”

Wathen forwarded photos that he snapped on Nov. 10, the day an approaching tropical storm dumped about 3 inches of rain across the region, to the Alabama Department of Environmental Management and the U.S. Environmental Protection Agency.

Officials for both agencies confirmed that they were aware of the complaint and were looking into it. ADEM said the EPA was taking the lead in the probe.

Laura Niles, a spokeswoman for the EPA’s Region 4, said the region’s storm water action team was currently examining the damage.

“They are definitely evaluating whether enforcement action needs to be taken at this time,” Niles said.

Officials for ALDOT said that while sediment and soil did escape the confines of the silt fences along the construction area, it was not the result of poor planning or lack of concern, it was because of the storm.

“What you saw (two weeks ago) is something we cannot prepare for,” said ALDOT spokesman Tony Harris.

Barry Fagan, assistant construction engineer for ALDOT, said the 2 to 6 inches of sedimentary runoff covered an area about 600 feet long with an average width of 5 to 6 feet.

Crews will clean this up, he said.

“When we lose sediment, it’s our policy and our plan to mitigate that sediment loss,” Fagan said.

Within days of being notified of the complaints filed by Wathen, ALDOT officials met with him and a member of the board of directors for the Friends of Hurricane Creek, the Tuscaloosa-

based environmental group that Wathen heads.

Fagan and Harris said protecting the environment in the midst of road construction is a priority for ALDOT.

“It’s not just this particular job,” Harris said, “any job that we’re notified we have issues ... we get involved.”

Wathen, however, said he fears it’s a sign of things to come.

Part of the Eastern Bypass, a large-scale road project that’s being overseen by ALDOT, is still slated to go through Hurricane Creek and the famed M-bend, a popular canoeing and recreation area known for its rare wildlife and rock formations, as well as a swimming area that residents have used for decades.

Wathen is concerned that

ALDOT’s inability to control erosion on Buttermilk Road, which he said allowed dirt and mud to wash into tributaries that feed Hurricane Creek, is a sign that the M-bend could be harmed if plans for the four-lane highway go unchanged.

“It’s a clear indication of what’s going to happen if they get the bypass to go through,” Wathen said. “Every tributary I saw leaving that (Buttermilk Road) site was heavily impacted with silt and construction debris. They can’t do that in this watershed. If they’re going to build the Eastern Bypass ..., then obeying part of the law part of the time isn’t good enough.”

Fagan said that he and ALDOT are aware of the environmental significance of Hurricane Creek and although he stopped short of guaranteeing that the creek will not be disturbed in any way, he said that ALDOT is sensitive to the issue.

“We recognize, and have recognized for several years, that we’re going into a sensitive area,” Fagan said. “We understand that it’s supersensitive and we’re recognizing that early enough in the process that we will take extraordinary efforts to minimize the damage to that area.

“But we work in a world of dirt and water.”

Reach Jason Morton at jason.morton@tuscaloosanews.com or 205-722-0200.

**US EPA issues rule to reduce water pollution from building sites (*Working With Water.net*)**

24 November 2009
The rule, which will be phased in over the next four years, from February 2010, is expected to significantly improve the quality of water nationwide.
Building site activities such as excavating and clearing a site significantly disturbs soil and sediment which can easily be washed into nearby water bodies if not managed properly.
The rule from the US EPA requires building site owners and operators who are working across one or more acres to use best management practices to ensure that soil disturbed during building activity does not pollute nearby water bodies.
Owners and operators of building sites which impact ten or more acres of land at one time will be required to monitor discharges and ensure they comply with specific limits on discharges to minimize the impact on nearby water bodies. This is the first time that EPA has imposed national monitoring requirements and enforceable numeric limitations on building site stormwater discharges.

**St Kilda beach a winner (*Herald Sun*)**

Aaron Langmaid
From: Herald Sun
November 25, 2009 12:00AM
BRIGHTON beach has topped a list of Melbourne's best patches of sand this summer despite bayside beaches failing to impress judges in the hunt for Victoria's best.
St Kilda's West Beach was the only stretch of sand within Port Phillip Bay that rated a mention in the Keep Australia Beautiful Victoria Clean Beaches awards.
The beach - a hot spot for kiteboarders - was a finalist as one of the state's "friendliest".
But in an unofficial poll, Tourism Victoria yesterday declared Brighton and Sandringham beaches the best option for city residents.

It also gave the nod to other beaches around the bay, including Ricketts Point, Queenscliff, Sorrento and Portsea.

Keep Australia Beautiful chairman Don Chambers said Melbourne's inner-city beaches had a long way to go before they could be considered among the best.

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"There is a challenge but it's not a completely lost cause," Mr Chambers said. "Within the Melbourne metropolitan area there are problems because a lot of people have no regard for the way they dispose of their litter.

"Cigarette butts and rain events are real issues for the inner-city beaches because of stuff that comes down the various drains."

An EPA spokeswoman said historical data indicated that beaches such as Rye, St Kilda and Altona were most likely to be affected by stormwater issues.

The EPA's beach report program from next month will give updates on water quality at 36 Port Phillip Bay beaches.

EPA director Stuart McConnell said the beaches were generally in great condition: "But the program allows people to make an informed decision about where and when they go swimming in the bay."

Mr Chambers said seeing West Beach voted a finalist in the friendliest category proved councils could enter the awards and make improvements based on the judges' feedback.

Balnarring Beach, south of Hastings, was yesterday scrutinised by an awards judge in the lead-up to next year's national clean beach awards.

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