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ADMINISTRATOR JACKSON
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Obama Establishes America's First National Oceans Policy (*Environment News Service*)

WASHINGTON, DC, July 20, 2010 (ENS) - President Barack Obama has established a national ocean policy that will for the first time create a coordinated system for managing America's oceans, coasts and Great Lakes.

In an Executive Order issued Monday, President Obama adopted the final recommendations of the Interagency Ocean Policy Task Force that has been gathering facts and drafting the policy since June 2009.

The order creates a National Ocean Council to implement the new policy.

Marine management under this policy will be "ecosystem-based," which means that regulation of specific activities, such as oil and gas development, will take into account impacts on the broader ecosystems that could be affected.

For the first time, it provides for the development of coastal and marine spatial plans that build upon and improve existing federal, state, tribal, local, and regional decisionmaking and planning processes.

Marine spatial planning is intended to protect ocean ecosystems and minimize conflicts between new and existing ocean uses through science-based decision making and the involvement of stakeholders and the public.

EPA Administrator Lisa Jackson said, "The new national policy provides a clear road map for all federal agencies to work together, with local partners, to protect our vital waters for future generations."

The regional plans "will enable a more integrated, comprehensive, ecosystem-based, flexible, and proactive approach to planning and managing sustainable multiple uses across sectors and improve the conservation of the ocean, our coasts, and the Great Lakes," Obama states in the Executive Order.

"President Obama recognized that our uses of the ocean are expanding at a rate that challenges our ability to manage significant and often competing demands," said Nancy

Sutley, chair of the White House Council on Environmental Quality, who led the task force that included 24 senior-level policy officials from across the federal government.

"With a growing number of recreational, scientific, energy, and security activities," said Sutley, "we need a national policy that sets the United States on a new path for the conservation and sustainable use of these critical natural resources."

"As we witness the gut-wrenching devastation in the Gulf of Mexico, this announcement is welcome news for the future health of our oceans," said Bill Eichbaum, WWF vice president for marine policy. "We commend President Obama for his leadership in convening the task force and heeding its recommendations."

In 2003 and 2004, reports issued by the Pew Oceans Commission and the U.S. Commission on Ocean Policy, respectively, warned that poor management and lack of coordination among federal agencies were threatening the health and economic productivity of our oceans, coasts, and Great Lakes.

"This first-of-its kind framework will help our nation plan wisely for the future of our oceans and coastlines, so that we can continue to experience their beauty and bounty for generations to come," said Secretary of the Interior Ken Salazar.

"Today, possibly more so than any point in our nation's history, we appreciate that healthy oceans matter," said Dr. Jane Lubchenco, administrator of the National Oceanic and Atmospheric Administration.

"The Task Force's Final Recommendations provide a balance between protecting and preserving the marine environment, and promoting economic progress," said said Admiral Bob Papp, Commandant of the U.S. Coast Guard. "The framework protects the interests of all users, improves ocean stewardship, and provides the foundation for improving maritime governance at the international, regional, state, and local levels."

"The Department of the Navy strongly supports the principles and framework laid out in this new Executive Order," said Donald Schregardus, deputy assistant secretary of the Navy for environment. "Strengthening the vital link between our global maritime mission and our responsibility to safeguard the environment is a key component to our environmental strategy. The establishment of the National Ocean Council will be important in advancing this strategic priority."

California Governor Arnold Schwarzenegger applauded the move, saying, "The Deepwater Horizon spill has emphasized what a vital role our oceans play in our environment, economy and overall well-being. California has long demonstrated leadership with ocean and coastal protection and we stand ready to continue assisting President Obama at all levels of government to ensure that we safeguard our treasured natural resources."

The National Ocean Council will plan to hold its first meeting later this summer to begin implementing the national policy.

July 20, 2010

House Approps Chairman Supports Funding for 'Civic Activism' on Climate (*New York Times*)

By GABRIEL NELSON of Greenwire
The leader of the House appropriations panel that oversees U.S. EPA's budget said he would support additional funding for efforts to spur "civic activism" on environmental issues, including climate change.

Rep. Jim Moran (D-Va.), chairman of the House Interior and Environment Appropriations Subcommittee, met with EPA Administrator Lisa Jackson and other agency leaders today to discuss the Gulf spill response, outreach programs and other agency initiatives. Moran also hosted a town hall session at EPA headquarters, where he said authoritative science and outreach efforts are key to environmental protection.

The Obama administration has recommended $10 billion for EPA in fiscal 2011, a $300 million cut. House and Senate appropriators have not moved on budgets for the agency, which received about $2.7 billion more this year than it did at the end of President George W. Bush's presidency.

"We want to see that increase continue, and as long as EPA stands up and speaks out on behalf of the American public, it will increase," Moran said. "One of the things we were talking about with Administrator Jackson, who said she feels very strongly about this, is EPA needs to have the ability -- to be given the ability -- to outreach more to communities."

Moran said he does not expect a price on carbon to emerge from energy and climate legislation on Capitol Hill this year, making it more urgent that the public understand EPA's work on greenhouse gas regulations.

He referred in particular to the agency's "tailoring" rule, which would limit the number of stationary sources that would be subject to regulations on greenhouse gas emissions. Moran said the recently finalized rule, which would affect the "worst sources of pollution" rather than small businesses, would have wide public support if people knew about it.

"A lot of Congress doesn't even have any idea. They don't realize that it's a very substantial compromise," Moran said. "That kind of information needs to get out, and you have that information. You need to be empowered to get it out, and we have a receptive leadership now that hopefully will give you the means to do so. I don't think the American people wholly understand what's at stake."

Just as health-focused campaigns against smoking led to a steep decline in cigarette use, outreach efforts could produce a new generation of voters who care more about issues such as polluted water, toxic chemicals or climate change, Moran said.

As an example, he pointed to a Northern Virginia program that enables elementary schools to test for for chemicals in nearby bodies of water, teaching students about pollution in the process.

"Even more than federal agencies committed to protecting and preserving our environment, what scares some of the big polluters and the big extraction industries, and so on, is civic activism," he said. "They'll pay millions to try to suppress that, but you can't suppress it, and there's no country in the world that has a stronger capability for civic activism than the United States. We just need to inform them and mobilize them."

Moran's visit was part of an effort to learn about the agencies within the purview of his subcommittee, spokeswoman Emily Blout said. Chosen as head of the panel in March after previous Chairman Norm Dicks (D-Wash.) moved to the Defense subcommittee, Moran intends to hold similar meetings with officials from the Interior Department.

A major fight over EPA regulations would likely arise during the appropriations process one way or the other, meaning the agency's budget may end up being folded into an omnibus package. The subcommittee may not mark up an appropriations bill this year, Moran has said.

Rep. Mike Simpson (R-Idaho), the subcommittee's ranking member, said last month that he was "not real optimistic" about the prospect of a markup (*E&E Daily*, June 10).

Outreach or 'propaganda'?

During the town hall meeting, Jackson pointed to several examples of outreach at EPA, referring in particular to the agency's "livability" and environmental justice initiatives. She said she also intends to expand outreach on the Emergency Planning and Community Right-to-Know Act, using the Internet and other technology to make more environmental information available at the local and neighborhood levels.

While those sorts of programs would face limited opposition, additional climate change outreach efforts would be a particularly hard sell. When the issue is a political minefield like climate change, political opponents often criticize outreach initiatives, claiming federal agencies should not spend taxpayer money on what are essentially advertising campaigns for the administration's chosen policy.

Marlo Lewis, a senior fellow at the Competitive Enterprise Institute, a free-market advocacy group, said education and outreach campaigns may be used to skirt restrictions on lobbying by federal agencies. On the issue of greenhouse gas regulations, EPA would be particularly prone to "scare tactics" and "propaganda," he said.

"There is some kind of line between simply explaining what you're doing so that the public you're trying to serve can see the benefit of what you're doing, and building a clientele and a constituency to put pressure on Congress," Lewis said. "Whatever opinion you may have on climate change, there is no shortage of information available to the public today. What is EPA going to say beyond what it's already said in its endangerment rule? I don't think you have to do things like scare kids in school so that they come home and lobby their parents."

At one point during the town hall meeting, Jackson interjected to remind officials in attendance about the Hatch Act, a 1939 statute that bars civil servants from taking part in partisan activity.

"As much as we care about those issues, because of the Hatch Act, you don't lobby on those issues," Jackson said.

"Oh yeah, the old Hatch Act. Oh yeah. I forgot to mention it," Moran replied.

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Clarkson professor to work with EPA on review of air quality standard (*North County Now*)

Tuesday, July 20, 2010 - 5:10 pm
POTSDAM -- Philip K. Hopke, Clarkson University professor, director of Clarkson's Institute for a Sustainable Environment (ISE), and director of Clarkson's Center for Air Resources Engineering & Science (CARES), will be working on the U.S. Environmental Protection Agency's (EPA) review of the National Ambient Air Quality Standard for lead.

Over the next three years, the panel will review and provide independent advice to EPA Administrator Lisa P. Jackson on EPA's technical and policy assessments that support the agency's review.

Hopke was named inaugural director of the ISE last month, when it was reorganized from Clarkson's Center for the Environment, which he had directed since December. Hopke has served for nearly a decade as director of CARES, which fosters research in air sampling and analysis, receptor modeling, atmospheric deposition, and the application of computational fluid dynamics to air pollution problems.

In December, Hopke was appointed to the Climate and Atmospheric Sciences Committee of the State of New Jersey Department of Environmental Protection's (NJDEP) Science Advisory Board and serves on the Residential, Commercial and Industrial Technical Working Group of the NYS Climate Action Plan development team.

Hopke has served at the U.S. Department of State, where he served as a Jefferson Science Fellow. He has also served on many other EPA and NRC committees.

EDITORIAL / OP-ED / COMMENTARY / LETTERS
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Out of sight (*Gainesville Sun*)

Published: Wednesday, July 21, 2010 at 6:01 a.m.

At first blush, the EPA's newly announced plan for "cleaning-up" Gainesville's only Superfund hazardous waste sight seems like a classic example of "out of sight, out of mind."

Instead of digging up the contaminated soil at the old Cabot-Koppers site and hauling it away, the EPA proposes that the soil be permanently contained in a roughly 32-acre concrete structure extending 65 feet into the ground and topped by an impermeable roof.

The EPA wants to turn Gainesville's only Superfund hazardous waste site into a permanent hazardous waste storage facility.

The chief virtue of this plan seems to be that it will save the responsible company, Beazer East, millions of dollars. The chief drawback is, well, Gainesville is stuck with tons of contaminated soil forever.

"They're leaving behind in Gainesville a long-term maintenance issue," Chris Bird, the county's environmental protection chief, told The Sun.

Frankly, we're not surprised. For more than a quarter of a century, the EPA's attitude toward the Koppers site has seemed, at best, to be one of benign neglect. After all these years, Gainesville residents deserve better from the nation's environmental "watchdog."

That's the message city and county officials, and residents and taxpayers, need to send loud and clear when the EPA holds its public hearing on Aug. 5 at 6 p.m. at Stephen Foster Elementary.

"For the community, we'd like to see them haul this stuff out of town," Bird said.

Out of sight, out of mind isn't good enough.

Letter to the editor:

Lead paint and NASA (*Tulsa World*)

Despite the probability that the entire payroll of the National Aeronautics and Space Administration was raised in homes that contained some lead-based paint, and probably cut their teeth on cribs coated with it, NASA put a man on the moon. This accomplishment argues that the IQs of this group were not significantly affected by lead paint as the EPA's propaganda might imply. On the other hand, many officials of the EPA, Housing and Urban Development and the Consumer Product Safety Commission who were instrumental in proposing lead paint regulations were also raised in homes containing it. If we are to believe that IQs can be adversely affected by lead paint, it may be reflected in the fruits of their labor. It also raises the proposition that those whose IQs were not adversely affected proceeded to NASA, and those who were found their calling at the other agencies. Regardless, lead-based paint is similar to many common household hazards: Its threat is diminished once it is recognized as a hazard. If reason prevails, unwarranted abatement protocols such as those associated with asbestos Â- can be avoided. Letters to the editor are encouraged. Each letter must be signed and include an address and a telephone number where the writer can be reached during business hours. Addresses and phone numbers will not be published. Letters should be a maximum of 250 words to be considered for publication and may be edited for length, style and grammar. Letters should be addressed to Letters to the Editor, Tulsa World, Box 1770, Tulsa, Okla., 74102, or send e-mail to letters@tulsaworld.com.

Missing the forest for the trees (*Mail Tribune*)

Biomass has a role to play in protecting forests — and limiting carbon emissions
July 21, 2010 2:00 AM
The Environmental Protection Agency has biomass operators — and Oregon members of Congress — steaming over the possibility that biomass plants might be regulated as though they were coal-fired power plants. So far, the EPA is merely planning to gather more information before deciding on the industry's future. But if the decision goes the wrong way, it would be bad for Oregon's economy and for rational forest management.

Biomass is woody material — small trees and brush cut to reduce fire danger, as well as debris from demolished buildings, fences and other structures. Burning this waste wood generates a small amount of power, but enough to earn some money and help pay for forest thinning projects.

The world is focused on greenhouse gases as the prime culprit in global climate change. Reducing carbon emissions is considered the most effective way to slow and, ultimately, stop global warming.

Biomass presents an interesting dilemma for carbon-reduction advocates.

Growing forests act as carbon "sinks" — absorbing carbon dioxide and giving off oxygen. When trees die, or when small trees and brush are cut to reduce fire danger, the woody debris contains stored carbon. Leaving wood to rot on the forest floor releases that carbon back into the atmosphere — part of the natural carbon cycle.

Burning the waste instead reduces the risk it will contribute fuel to a forest fire. Burning also releases less carbon than the decay process. The emissions, however, are higher than those for coal plants.

Coal-fired power plants, however, burn massive quantities of fossilized carbon. Coal is carbon that has been sequestered from the carbon cycle for millennia, until it is dug up by humans for fuel.

Regardless of the danger posed by biomass emissions, the industry contributes less than 1 percent of the nation's electricity production. Coal is a major energy source.

The EPA's dilemma is whether biomass plants should continue to be classified as "carbon-neutral" for the purpose of reducing greenhouse emissions.

Cutting down otherwise marketable timber to burn for electricity would not be carbon-neutral, and ought to be discouraged. But no one is suggesting that be done.

Reducing wildfire danger by thinning small trees and cutting brush is something nearly everyone agrees ought to be done. Wildfires pour far more carbon and pollutants into the atmosphere than biomass operations.

Sustaining human civilization on a planet with finite resources is an exercise in balancing what we take against what we preserve and put back.

Sustainable timber harvests and generating power by burning wood waste are examples of the kind of balance we ought to be looking for.

Breathing Problems (*E Magazine*)

The EPA is Behind Schedule on Reducing Toxic Air Pollution, Putting Americans at Risk
By Trip Van Noppen
The U.S. Environmental Protection Agency has fallen far behind in one of its most important responsibilities: to protect the American public from toxic air pollutants. Recently, the New York Times reported on a new study from the agency’s Inspector General which found that the EPA is currently violating federal law by failing to put these protections in place. Because of the EPA’s failures to set vital clean air standards,

millions of Americans still face appallingly high risks of cancer, birth defects and other devastating illness—all because of exposure to toxic air pollution that can and should be controlled.

This grim news does not result from an oversight or an accident. As the EPA recognized in its response to the report, the Bush administration intentionally cut the agency's budget for controlling toxic air emissions by 70%. Time was spent instead on reducing protections: a federal court observed in 2006 that the EPA under Bush was "devot[ing] substantial resources to discretionary rulemakings, many of which make existing regulations more congenial to industry, and several of which since have been found unlawful."

It is hardly surprising that when the Bush administration cut the budget for reducing toxic air emissions by more than half, the staff could not do their job. As a result, health protections that Congress required the EPA to issue years ago have never been put in place, the toxic pollution continues unabated, and people go on suffering unnecessarily. One key statistic on that suffering: the Inspector General reports that "1 in every 28,000 people could develop cancer from air toxics exposure."

Winds of Change

Fortunately, the current leadership at the EPA is turning the ship around. In response to the Inspector General report, the agency offers some hope: "[We] agree that much remains to be done to ensure healthy, clean air for all Americans, particularly those living in urban areas where emission sources can be more concentrated and those living in communities near facilities emitting [hazardous air pollutants]." And the agency is not offering just words; it already has rescinded some of the more egregious loopholes on which the Bush administration misspent the taxpayers' resources, and it has taken new steps to control some of the worst toxic polluters, such as cement kilns and medical waste incinerators.

The EPA has several upcoming opportunities to demonstrate its commitment to cutting toxic air pollution. It will reconsider a dangerous loophole, declared illegal by a federal court, that allowed major industrial polluters to violate emission standards with impunity by claiming that their equipment "malfunctioned." Toxic air pollution during these events could increase to as much as ten times allowable levels.

The agency will also continue its work to control emissions from power plants, the largest unregulated industrial source of toxic air pollution in the United States. After more than a decade of delay, a coalition of environmental groups secured an agreement from the EPA last year to issue strict new rules by November 2011. Following through on this undertaking in the face of mounting utility and coal industry opposition is a key test of the agency's renewed focus on protecting Americans from toxic air.

And the EPA will issue final rules later this summer to control toxic air pollution from cement kilns. The agency must maintain its commitment to strong reductions, which will prevent thousands of premature deaths every year and clean up 16,000 pounds of mercury annually from these polluters, a decrease of nearly 93%.

Building a Stronger EPA

But these measures alone are not enough. Controlling toxic air emissions is at the core of the EPA's mission, and it needs to be funded fully. The Bush administration's scheme to hold up pollution control efforts by starving them of funds needs to be reversed now. As the Inspector General's report makes clear, the EPA is still far behind on meeting its statutory obligations and still lacks the basic data it needs to assess and control the health hazards that toxic air emissions present.

As long as toxic air looms over communities nationwide, the EPA will have a responsibility to protect people from it. EPA Administrator Lisa Jackson has said that air quality and environmental justice are chief concerns for progress during her time at the EPA. To make this progress a reality for communities nationwide, we encourage her to do whatever is necessary to rectify the agency's past mistakes and build a robust program to clean up toxic air. Americans cannot afford to wait another decade or more for the EPA to fully control toxic air pollution and enact the basic health protections that Congress intended to take effect years ago.

TRIP VAN NOPPEN is the President of Earthjustice.

Krauthammer: 'A warning for Republicans —don't underestimate Barack Obama' (*Statesman Journal)*

By CHARLES KRAUTHAMMER • July 21, 2010
WASHINGTON — In the political marketplace, there's now a run on Obama shares.

The left is disappointed with the president. Independents are abandoning him in droves. And
the right is already dancing on his political grave, salivating about November when, his own press secretary admitted a week ago, Democrats might lose the House.

I have a warning for Republicans: Don't underestimate Barack Obama.

Consider what he has already achieved. Obamacare alone makes his presidency historic. It has
irrevocably changed one-sixth of the economy, put the country inexorably on the road to national

health care and, as acknowledged by Senate Finance Committee Chairman Max Baucus but few others, begun one of the most massive wealth redistributions in U.S. history.

Second, there is major financial reform, which passed Congress on Thursday. Economists argue
whether it will prevent meltdowns and bailouts as promised. But there is no argument that it will give the government unprecedented power in the financial marketplace. Its 2,300 pages will create at least 243 new regulations that will affect not only, as many assume, the big banks but just about everyone including, as noted in one summary (The Wall Street Journal), "storefront check cashiers, city governments, small manufacturers, homebuyers and credit bureaus."

Third is the near $1 trillion stimulus, the largest spending bill in U.S. history. And that's not even
counting nationalizing the student loan program, regulating carbon emissions by EPA fiat, and still-fitful attempts to pass cap-and-trade through Congress.

But Obama's most far-reaching accomplishment is his structural alteration of the U.S. budget. The stimulus, the vast expansion of domestic spending, the creation of ruinous deficits as far as the eye can see are not easily reversed.

These are not mere temporary countercyclical measures. They are structural deficits because, as
everyone from Obama on down admits, the real money is in entitlements, most specifically Medicare and Medicaid. But Obamacare freezes these out as a source of debt reduction. Obamacare's $500 billion in Medicare cuts and $600 billion in tax increases are siphoned away for a new entitlement — and no longer available for deficit reduction.

The result? There just isn't enough to cut elsewhere to prevent national insolvency. That will require massive tax increases — most likely a European-style value-added tax. Just as President Reagan cut taxes to starve the federal government and prevent massive growth in spending, Obama's wild spending — and quarantining health-care costs from providing possible relief — will necessitate huge tax increases.

The net effect of 18 months of Obamaism will be to undo much of Reaganism. Both presidencies were highly ideological, grandly ambitious and often underappreciated by their own side. In his early years, Reagan was bitterly attacked from his right. (Typical Washington Post headline: "For Reagan and the New Right, the Honeymoon Is Over" — and that was six months into his presidency!) Obama is attacked from his left for insufficient zeal on gay

AIR

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Gas driller faces eviction from Utah reservation (*Associated Press*)

Story also appeared: *Washington Post*

By PAUL FOY
The Associated Press
Tuesday, July 20, 2010; 2:24 PM
SALT LAKE CITY -- The Ute Indian tribe is threatening to kick a gas producer off an eastern Utah reservation in an escalating dispute that has the company questioning the tribe's sovereignty.

Ute Chairman Curtis R. Cesspooch made the threat after a federal judge in Salt Lake City declined to resolve the bitter dispute, opening Questar Corp. affiliates and a spin-off company to possible eviction from the Uintah-Ouray Reservation.

Judge Dale Kimball granted an injunction against tribal action July 1 but ruled Friday that the federal courts had no jurisdiction over a contract dispute. The dispute could be headed for arbitration, but a lawyer for Cesspooch said Tuesday that Questar-related companies could instead face eviction by a tribal court in 10 days.

At issue is an effort by a Questar spin-off company, QEP Resources Inc., to expand one of its five gas-producing plants on the reservation over the objections of the tribe and the U.S. Environmental Protection Agency.

Cesspooch issued a strongly worded statement after the tribe's victory Friday. He was angered by Questar's argument in court that part of the reservation where it operates ceased to exist as Indian Country a century ago. The EPA's position in court papers is that all of the company's gas-processing plants are on a reservation.

"We had invited Questar onto the reservation to develop our minerals, but instead of acting as our partners, they have harmed the tribe and told us we do not exist as a people in our own reservation," Cesspooch said.

The Ute tribe has stopped work on an expansion of one of QEP's gas processing plants. Cesspooch said the company refused to obtain the tribe's permission or permits for the expansion.

The dispute developed as the EPA filed a complaint in 2008 against Questar Gas Management Co. for violating the Clean Air Act at all of its gas processing plants on the reservation.

Questar Corp. spun off Questar Gas Management Co. into a separate company July 1 called QEP Resources Inc.

A spokeswoman for the Denver-based company, Emily K. Kelley, said Tuesday that QEP had no comment on the court fight.

"QEP strives to be a good neighbor in all of the communities where it operates and has done such since 1922," she said in an e-mail.

Cesspooch said QEP has been anything but a good neighbor.

"Questar was attempting to come onto our land unlawfully to build a huge gas processing plant expansion ... in direct violation of existing federal and tribal regulatory requirements governing use and access of tribal lands," he said in the statement.

Cesspooch added, "The tribe is also considering instituting a widespread eviction and banishment of Questar and its affiliates from all tribal lands if Questar continues to engage in unlawful activities resulting in trespass on the lands of the reservation that threaten the health, safety and welfare" of more than 3,100 tribal members.

The chairman didn't immediately return a message left by The Associated Press on Tuesday. The tribe's Denver lawyer, Thomas W. Fredericks, said no eviction was under way, but that if the tribe makes good on the threat, it could be ordered by a tribal court in as quickly as 10 days.

The EPA's lead attorney on the case, Michael J. Boydston of Denver, declined to comment Tuesday. A spokesman for the agency in Denver, Richard Mylott, didn't return a phone message.

7/21/2010

Cummins ISX11.9 Gets EPA, CARB Nod (*TruckingInfo*)

Cummins has received certification from the Environmental Protection Agency and the California Air Resources Board for its ISX11.9 diesel engine, which will go into full production in August.

With the certification, the ISX11.9 engine meets the EPA's emission standards for 2010, which involves cutting nitrogen oxides and particulate matter emissions.

The ISX11.9 builds upon the Cummins ISM engine and the ISX15. The Cummins ISX11.9 uses common components with the ISX15, including an enhanced cooled exhaust gas recirculation (EGR) system, a single VGT Turbocharger and the proprietary XPI fuel system. Like the lineup of on-highway heavy-duty and midrange engines, the

ISX11.9 will also use Cummins aftertreatment system with selective catalytic reduction (SCR) technology.

Featuring better pulling power, excellent driveability and stronger clutch engagement torque, the ISX11.9 is designed for rigorous duty cycles, including those for work trucks such as dump and mixer trucks, and refuse applications. Ratings range from 310-450 horsepower with a maximum 1,650 pounds-feet of torque.

"Cummins is excited about the expansion of the heavy-duty product line to include the ISX11.9, which is ideally suited for vocational and specialty vehicles," said Ed Pence, vice president and general manager for the heavy-duty engine business. "Customers can be confident that the ISX11.9 is the better choice for these applications, which require strength, performance and maximum uptime in their operations."

Cummins has invested over $63 million over the past two years to ready its heavy-duty manufacturing facility - Jamestown Engine Plant (JEP) - for the full production of the ISX11.9 engine line. Since mid-2009, the JEP has been producing 2010 heavy-duty engines, including the ISX15, and had shipped over 4,500 heavy-duty engines as of the end of June.

More info: cumminsengines.com

Car rentals face US government fines for airport idling (*Associated Press*)

Story also appeared: *Christian Science Monitor*

Car rentals and rental agency shuttle buses produce lots of emissions at airports around the US. One company could face stiff fines for excessive shuttle bus idling at two New England airports in particular.

By Associated Press
posted July 20, 2010 at 11:49 am EDT
Boston —
The Environmental Protection Agency says several companies affiliated with National Car Rental are expected to pay a $475,000 fine for alleged idling violations at Boston's Logan International Airport and Bradley International near Hartford, Conn.

The consent decree must be approved in federal court.

The EPA said Monday that in 2006 and 2007 investigators observed shuttle buses carrying passengers from airport terminals to the rental car locations idling excessively.

At the time, Vanguard Car Rental USA Inc operated the National Car Rental facilities at Logan and Bradley. The current owners and operators of these facilities are Enterprise Rent-A-Car Company of Boston, LLC, and CAMRAC, LLC.

Laura Bryant, a spokeswoman for Enterprise, said before acquiring National the company made sure all idling concerns were addressed and corrected.

July 20, 2010

Oregon Biomass Industry Questions EPA Tailoring Rule (*Environmental Leader*)

The biomass industry in Oregon is concerned that the U.S. Environmental Protection Agency's new 'tailoring' ruling could result in biomass losing its 'green' or carbon neutral status and be considered a greenhouse gas polluter just like coal-fired plants, reports OregonLive (via AP).

What's in question is the EPA's tailoring rule released in May (as reported by EL), which establishes thresholds for CO2 and other greenhouse gases for pollution permits under the Clean Air Act for large stationary sources.

The biomass industry is concerned because the EPA did not give all biomass combustion greenhouse gas (GHG) emissions a blanket exemption from complying with the act, according to four environmental groups, which recently filed a joint motion in federal court to help defend the EPA's decision, reports Common Dreams.

The Southern Environmental Law Center (SELC) and Clean Air Task Force (CATF) attorneys filed a motion to intervene in defense of the EPA's rule on behalf of Georgia ForestWatch and Wild Virginia, represented by SELC, and the Conservation Law Foundation and the Natural Resources Council of Maine, represented by CATF.

The environmental groups support the EPA's decision to count emissions from burning biomass when it begins regulating global warming pollution from large power plants and other large industrial facilities.

The environmental groups believe that burning woody materials, grasses and other biomass can help the U.S. by moving from fossil fuels but only if the biomass is sourced and accounted for properly so that the carbon emitted when biomass is burned equals or is less than the carbon taken up by new plant growth.

The EPA said it has not reversed its position that biomass combustion is carbon neutral, but the agency plans on evaluating the carbon impact of biomass and will decide whether its carbon neutral status is still justified, reports OregonLive.

Oregon legislators and the biomass industry believe that if the EPA decides that biomass is not carbon neutral the penalty cost for carbon could eliminate any profitability in the industry, along with its associated benefits, according to the article.

Bob Cleaves, president and CEO of the Biomass Power Association, which represents 80 facilities in 20 states, said in the article that “the industry would be stopped in its tracks if it is regulated like a coal plant.”

EPA’s endangerment finding is being challenged by industry groups and several state lawmakers.

Iowa Northern, EPA to exhibit environmentally friendly railroad slug (*Progressive Railroading.com*)

Tomorrow, the Iowa Northern Railway Co. and U.S. Environmental Protection Agency (EPA) plan to demonstrate a newly converted railroad slug in Waterloo, Iowa.

A slug is a locomotive accessory that’s designed to reduce air emissions and fuel usage while increasing a locomotive’s pulling and braking power. Slugs have no diesel engine and draw power generated by an attached locomotive to run their own set of traction motors.

Iowa Northern obtained $303,800 in federal funding last year from the American Recovery and Reinvestment Act’s Clean Diesel program to convert two locomotives into railroad slugs, which began operating this month.

“This project is expected to eliminate 220 tons of air pollutants, including 194 tons of nitrogen oxides, 10 tons of particulate matter and 14 tons of hydrocarbons,” said EPA Regional Administrator Karl Brooks in a prepared statement.

The EPA has awarded the Iowa Department of Natural Resources a total of $1.7 million in stimulus funds to support clean diesel projects, including the railroad slugs. Nationwide, the EPA has awarded $7 billion in stimulus funds for various environmental efforts, such as clean diesel projects that involve engine idling reduction and retrofit technologies, and engine and vehicle replacements.

Graham joins Democrats as Judiciary panel approves Kagan (*Inside EPA*)

(07/20/2010)
Gabriel Nelson, E&E reporter
The Senate Judiciary Committee voted today to advance Elena Kagan's nomination for the Supreme Court, one day after the nominee received the support of a 35-member coalition that includes some of the nation's largest environmental advocacy groups.

Sen. Lindsey Graham (R-S.C.) crossed the aisle to vote in favor of Kagan's nomination, which was approved by a 13-6 vote. Graham, who also voted for Justice Sonia

Sotomayor last year, said that while he disagreed with Kagan on a number of issues, President Obama "chose wisely" considering his own views.

"What's in Elena Kagan's heart is that of a good person I disagree with," Graham said, referring to Obama's statement that he would select judges based in part on their feelings. "The Constitution, in my view, puts a requirement on me as a senator to not replace my judgment for his, not to think of the hundred reasons I would pick somebody differently."

His "yes" vote, which followed four days of noncontroversial hearings before the Senate panel, will help Democratic leaders toward their goal of putting Kagan to a Senate floor vote before the August recess. Confirmed last year as solicitor general by a 62-31 margin, Kagan is expected to cruise to confirmation.

Onlookers both liberal and conservative have concluded that Kagan's confirmation would likely maintain the status quo after the retirement of Justice John Paul Stevens.

Among them are the 35 environmental organizations that backed her in a **letter** sent yesterday to Judiciary Chairman Patrick Leahy (D-Vt.) and Sen. Jeff Sessions (R-Ala.), the committee's ranking member.

Because Stevens was a reliable vote in favor of environmental protection, Kagan's confirmation would be unlikely to tilt the balance of the court toward environmentalists. Yesterday's letter, signed by groups such as the National Audubon Society, Greenpeace and the Sierra Club, indicates that Kagan's confirmation hearings assuaged worries among advocacy groups that she would move the high court away from their interests on those issues.

"The court is narrowly and deeply split on critical constitutional and statutory environmental protection issues," the letter says. "Kagan's record and her Supreme Court confirmation hearing testimony demonstrate an essential understanding of the importance of fair Court decisions that uphold, enforce and correctly interpret laws that protect people, wildlife, and the environment."

The Supreme Court has delivered recent victories to environmentalists in a number of cases, most notably *Massachusetts v. EPA*, in which the court ordered U.S. EPA to decide whether to regulate greenhouse gases as pollutants. But the justices have more frequently sided against environmentalists, often delivering 5-4 decisions with Justice Anthony Kennedy casting the deciding vote.

In their letter, environmental groups based their support of Kagan on her tenure as dean of Harvard Law School and her statements that the court should give deference to environmental laws passed by Congress.

At Harvard, she started an environmental law program and advocacy clinic, hiring high-profile law professors to lead them. And during her confirmation hearing, Kagan said

that Congress has "broad authority under the Constitution to enact legislation involving protection of the environment" (*Greenwire*, July 2).

Kagan also said during confirmation hearings that Congress has the authority to set rules for standing -- a key question for environmental lawsuits brought by citizens and advocacy groups -- and that a court should examine lawmakers' intent when determining whether the law is being followed. Both statements were praised by the environmental groups.

Sen. Ben Cardin (D-Md.) cited Kagan's statement on environmental regulations as one reason for his support, saying the Supreme Court's recent decisions on those issues have put big business ahead of citizens. He cited *Rapanos v. United States*, a 2007 opinion in which the court restricted the interpretation of the term "navigable waters" under the Clean Water Act, and *Exxon v. Baker*, a 2008 decision in which the court reduced Exxon Mobil Corp.'s penalty from the *Exxon Valdez* oil spill from $2.5 billion to $500 million.

With the court likely to have the opportunity to consider a case related to the Gulf of Mexico oil spill, Kagan could quickly be tested on a similar question if confirmed.

"I'm convinced that she will protect under the independence of the judiciary the interests of the people against special interests," Cardin said, referring to such a potential case.

W.Va. governor says he'll run for Byrd seat (*Greenwire*)

(07/20/2010)
Alex Kaplun, E&E reporter
West Virginia Gov. Joe Manchin announced today that he will run for the seat left vacant by the death of Sen. Robert Byrd (D-W.Va.), a long-anticipated move that makes the popular two-term Democrat the immediate favorite in the contest.

"If I am so fortunate and honored to have the support of the people of West Virginia," Manchin said at a news conference this morning in reference to Byrd, according to the Associated Press. "I can't fill his shoes; I can only hope to follow his footsteps and serve the people of West Virginia as best I can."

Byrd, the longest-serving senator in U.S. history, died June 28 at age 92.

Manchin's run was expected, but the governor waited until state officials had sorted out the schedule for the special election before formally tossing his hat into the ring. Manchin signed a bill into law last night that sets the special primary election for Aug. 28 and a special general election for Nov. 2.

The winner of the special election will take over immediately and would serve out the two years left on Byrd's term before potentially running for re-election in 2012. In the meantime, Manchin has appointed former aide Carte Goodwin to serve as interim senator. Goodwin has said he has no intention of running for the seat.

Manchin appears to start the race as the heavy front-runner. He won his second term in the governor's mansion in 2008 with 70 percent of the vote and continues to hold high approval ratings in West Virginia.

Democrats in Washington this morning rallied around Manchin, describing him as a fiscal conservative who has a history of job creation in West Virginia.

"Under Manchin's leadership, West Virginia has been praised for fiscal conservatism, all while he has cut taxes for West Virginia business and families," Sen. Bob Menendez (D-N.J.), chairman of the Democratic Senatorial Campaign Committee, said today. "Joe Manchin has a record of job creation and fiscal responsibility and will continue to be a strong independent voice for West Virginia in the U.S. Senate."

Manchin does break with President Obama and the Senate Democratic leadership on one major issue: cap and trade. The governor has been a vocal critic of the policy and has even backed the Senate resolution that would have curtailed U.S. EPA's ability to regulate greenhouse gas emissions.

Republicans, meanwhile, have made it clear that they do not intend to concede the seat and this morning went on the offensive against the governor.

"By breaking his promise to serve a full term as Governor even if a Senate vacancy existed, Joe Manchin has made clear that his own political self-interests are more important than keeping his word to the people of West Virginia," National Republican Senatorial Committee spokesman Brian Walsh said in a statement. "It's also clear that, if elected, Joe Manchin will be a loyal rubber stamp for President Obama's reckless spending agenda in Washington."

Even before Manchin announced he would run, the state GOP took out ads in local newspapers attacking Manchin for being closely linked to Obama and Senate Democratic leaders.

Republican hopes of capturing the seat may hang on Rep. Shelley Moore Capito, who has not yet announced whether she would run but who is regarded as the GOP's strongest potential candidate.

Republicans in the West Virginia Legislature forced a change in the special election law that would allow someone to run for both the Senate special election and the regularly scheduled election. West Virginia traditionally bans candidates from running for two offices at once.

The filing period for the special election ends in four days, so Capito will have to make her decision by the end of the week.

Democrats have held both West Virginia Senate seats for more than 50 years. The state's other senator, Jay Rockefeller, has held his seat since 1985.

ASBESTOS

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July 21, 2010

New York Increases Scrutiny of Asbestos Inspectors (*New York Times*)

By WILLIAM K. RASHBAUM

Three months after a safety inspector admitted to falsifying hundreds of reports concluding that buildings were free of cancer-causing asbestos, the city agency that licensed him — and still licenses nearly 550 others — says it has increased its oversight of inspectors who make critical assessments.

The agency, the Department of Environmental Protection, which certifies contractors and the private inspectors who test buildings and construction sites, says the new measures include sharing information with federal, state and city agencies, computerizing its filing system and substantially increasing the number of audits and spot checks of inspectors in the field.

The changes, the result of a two-month internal review, were outlined in a June 28 memorandum to Mayor Michael R. Bloomberg from the environmental agency's commissioner, Cas Holloway. The agency provided a copy of the five-page memorandum to The New York Times.

The review, an agency official said, was prompted by an article in The Times in late April about the inspector, Saverio F. Todaro, 68, who had admitted in federal court a month earlier that he falsified the reports. Mr. Todaro pleaded guilty to federal environmental crimes, fraud and making false statements; he faces as long as five years in prison when he appears next month before a judge for sentencing.

Mr. Todaro, who operated an environmental inspection and testing company, acknowledged that he had submitted clean asbestos and lead test results for at least a decade without performing any tests.

The scope and audacity of his crimes and the apparent ease with which he got away with them suggested that the agency's oversight was weak and raised questions about the integrity of the work of other inspectors.

A spokesman for the environmental agency, Farrell Sklerov, however, said that the two-month review, and a substantial increase in office audits and field visits since it began, found no indications that such conduct was widespread.

But the investigation that led to the charges against Mr. Todaro, by the federal Environmental Protection Agency's Criminal Investigation Division, the city Department of Investigation and federal prosecutors in Manhattan, is not over, and the authorities have suggested that more charges may be brought, though it is unclear whether they would focus on more inspectors.

The city environmental agency regulates private asbestos inspectors, who play an important role in what has long been viewed as one of the more corrupt sectors of the construction industry. The agency sets the procedures and establishes requirements for training and certification.

The inspectors, formally known as certified asbestos investigators, are hired by building owners and developers to assess apartments and buildings set to undergo renovation or demolition, because inhaling asbestos can cause lung disease and cancer. The assessments can have a major impact on the cost and duration of a project, since cleanup or abatement can be expensive and time consuming.

One of the surprising aspects of Mr. Todaro's case was that his certification had been suspended by the environmental agency in 2004; the agency cited poor building surveys and improper record keeping.

But because of a lack of communication between city agencies, he was able to keep performing asbestos assessments and avoid scrutiny. He continued to file assessments with the city's Buildings Department, enabling developers to obtain permits to demolish or renovate, because the Department of Environmental Protection had not notified the Buildings Department of his suspension.

"The fact that Mr. Todaro continued to conduct asbestos-related investigations following the suspension of his license raised concerns about whether there are sufficient

safeguards in place to ensure that only properly licensed C.A.I.'s conduct asbestos investigations in New York City," Mr. Holloway wrote in the memo.

The environmental agency also failed to notify the State Department of Labor, which licenses asbestos abatement companies, and the federal Environmental Protection Agency.

Mr. Holloway said that partly because of this lapse his agency had instituted a data-sharing and notification system with the federal E.P.A., the New York State Departments of Environmental Conservation, Labor and Health and several city agencies, including the Departments of Buildings, Design and Construction, Transportation, Housing Preservation and Development, Health and Mental Hygiene.

The new protocols, he wrote in the memo, also include an Internet-based filing system for asbestos. It is designed to automatically reject reports by any asbestos investigator whose certification has been suspended or revoked.

The agency, Mr. Holloway said in the memo, will nearly double the number of office audits it conducts each year, to 75, up from 40; the agency will check the records and activities of nearly 15 percent of the 543 asbestos investigators it certifies.

Also, the agency hired two additional inspection monitors in February, Mr. Sklerov said, bringing the number of staff members who, among other responsibilities, monitor asbestos investigators to 15. In addition to the office audits, the monitors will conduct 500 spot-check field inspections each year to verify the accuracy of the information asbestos investigators provided about the planned scope of work and to check for any evidence of asbestos, the memo said.

Despite the changes detailed in the memo, however, experts and law enforcement officials said that many questions remained about the case of Mr. Todaro, including how he was able to get away with what he did for so long, and how the city environmental agency's oversight practices had developed over the years.

Not the least of the questions center on the potential lingering effects of both Mr. Todaro's crimes and of the city's lapses in oversight.

Indeed, because Mr. Todaro falsified so many tests, it is impossible in most instances to determine if proper assessments would have revealed levels of asbestos that were

potentially dangerous — not only to workers, but also to neighbors and passers-by — because the buildings have been torn down and replaced with new ones, or gutted and renovated.

BP SPILL
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Messy cleanup of BP oil spill damages the Gulf (*Associated Press*)

Story also appeared: *Chicago Sun Times*

July 21, 2010 Wednesday 9:46 AM GMT
DOMESTIC NEWS
Messy cleanup of BP oil spill damages the Gulf
By CAIN BURDEAU, Associated Press Writer
FOURCHON BEACH La.
The 5,600 vessels taking part in the oil spill operation on the Gulf of Mexico make up the largest fleet assembled since the Allied invasion of Normandy, according to the Coast Guard.

Hordes of helicopters, bulldozers, Army trucks, ATVs, barges, dredges, airboats, workboats, cleanup crews, media, scientists and volunteers have descended on the beaches, blue waters and golden marshes of the Gulf Coast.

That's a lot of propellers, anchors, tires, and feet for a fragile ecosystem to take, and a tough truth is emerging: In many places, the oil cleanup itself is causing environmental damage.

Part of that is inevitable the oil has to get cleaned up somehow, and BP and the government will be subject to second-guessing no matter what.

"Absolutely nothing you do to respond to an oil spill is without impacts of its own," said Lisa Jackson, administrator of the Environmental Protection Agency.

Since the Deepwater Horizon rig exploded April 20, killing 11, and oil began gushing into the Gulf, federal, state and BP officials say they have been guided in their response by picking the less damaging cleanup method.

Still, environmentalists and veterans of other spills say the torrent of untested cleanup methods rushed into practice by panicked officials and unqualified experts is wreaking havoc and, at least in spots, may be unnecessary.

"The more you disperse (with chemicals), the more you bring in these big machines, the

more you bring in inexperienced people and the more sand berms you build, the less chance you have of letting Mother Nature and skimmers and booms do the job," said Mike Brewer of Buras, La., who ran an oil spill response company and is working on the BP cleanup.

For starters, the EPA allowed BP PLC to spray a chemical dispersant, a product called Corexit, to break up oil right as it came out of BP's broken well nearly a mile below the surface. The idea is to save shorelines from being clobbered with vast waves of crude.

In practice, the use of dispersants that had never been tested that far beneath the surface has made the oil much more difficult to track than it would have been in a single, massive slick. And environmentalists and marine biologists still aren't convinced the chemicals are safe for sea life.

The EPA halted underwater spraying while it tested samples collected by BP, then allowed it to resume once the results came back to the agency's satisfaction. Further tests are ongoing, and crews quit spraying dispersant once the well was contained this week, Jackson said.

"Basically, we conducted uncontrolled experiments in the open ocean that does not seem like a good idea to me," said John Hocevar, the oceans campaign director for Greenpeace USA.

Jackson said there was little evidence that the chemical dispersants had caused damage and called their effects "relatively mild."

Eager to be seen as taking charge, Gov. Bobby Jindal began building a series of untested sand islands and other barriers along the Louisiana coast, making construction of these berms a personal crusade. In theory, sand berms and jetties will stop the oil from entering sensitive estuaries.

But berms and jetties interrupt shrimp and fish migrations as well as tidal flows; the work can even undermine what little is left of Louisiana's gooey and sediment-layered shoreline.

"None of the coastal scientists have signed onto this thing," said Leonard Bahr, a former adviser to both Republican and Democratic governors in Louisiana on coastal restoration issues.

Fishermen and locals, however, almost unanimously agree with Jindal's unorthodox barrier plans.

"We know these (berms) stop the oil. It worked on Fourchon Beach," said Windell Curole, a levee manager in south Lafourche Parish, an area long struggling with erosion. "The people that are pushing for these things are more invested in it than the scientists."

In a move that put its compensation costs toward curtailing the spill's environmental effects, BP hired truckloads of inexperienced oil spill responders shrimpers, unemployed workers, college students, and migrant workers. The manpower is essential, but their footprint can be huge, especially if they're not used to watching their step.

"It was like the Wild West there for a while, and it still is to some degree," said Drew Wheelan, a wildlife biologist with the American Bird Association Inc., a conservation group.

Wheelan said cleanup crews trampled on numerous nesting bird colonies, including at least one batch of least tern eggs he saw. Wilson's plovers and endangered black skimmers on Louisiana's Grand Isle and East Grand Terre islands were threatened by intensive beach cleanups.

"The whole entire area in the past two weeks has been completely crisscrossed by tire tracks. The entire cleanup there has been entirely sickening," Wheelan said recently of East Grand Terre. "There are tire tracks from the low tide line all the way up into the dune vegetation. Not an inch of that frontal beach has been spared from traffic."

Out on the Gulf, BP brought in a super-sized skimmer from Taiwan the "A Whale" capable of sucking up 20 million gallons of water a day, aiming to corral huge quantities of oiled water at once. Like some of the other methods, it had never been tested and scientists worried that it could cause serious damage.

"It will suck in a lot of biology," said James Cowan, a Louisiana State University fisheries scientist.

Coast Guard officials questioned its effectiveness, noting that it would be better for attacking a single huge slick than for the countless smaller pools that the dispersant helped create. Authorities announced last week that the massive ship was dropping out of the spill operation.

Forrest Travirca has seen the cleanup's side effects up close as a land manager for the Wisner estate, a public land trust that includes Fourchon Beach and a large marsh area that has seen some of the heaviest oil so far.

On an airboat cruise through marsh, signs of the messy cleanup jumped out. Reddish-brown and sticky tar coated the blades of marsh grass behind a beach lined with sand baskets brought in by Army dump trucks. Absorbent boom lay washed up against shorelines. Crews had staked down shade tents every few hundred yards.

Almost as soon as he stepped onto the sand, Travirca saw something he didn't like: Two ATV tracks meandering carefree across the sands. Someone with the cleanup had strayed from designated traffic corridors.

"This really upsets me," Travirca said, standing over the fresh set of tracks. "They're not supposed to be driving back here. They've got to drive along the front of the beach. Birds nest back here."

He walked a few paces away and pointed out another set of ATV tracks he discovered a few days before. "This track here was inches from a tern nest with eggs."

At least now, more than three months after the spill, the cleanup is becoming more organized.

In the beginning, he said, the beach "looked like the autobahn."

How Has BP's Oily Waste Escaped 'Hazardous' Label? (*New York Times*)

After 92 days of disaster, images of Gulf Coast fishermen laying boom and workers sponging crude from the shore now border on iconic. But the next chapter in recovering from the historic gusher presents a task less often photographed: disposing of all that oil-soaked waste.

The transportation of cleanup debris is fraught with political and scientific hurdles, from residents' complaints over storage in Gulf-area landfills to the sampling of chemicals that could leach from the litter. While BP PLC is required to abide by federally approved waste management plans, no trash so far has been slapped with an official 'hazardous' designation that would require stricter controls on disposal.

The thousands of tons of waste must go somewhere, to be sure. Still, some Gulf locals and environmental advocates question the disconnect between the seemingly obvious public health risks of the lingering mess -- even after any usable oil is extracted from the waste -- and the inability to label BP's trash as hazardous. 'It might not be listed as hazardous material, [but] any oil is going to be hazardous,' said William Fontenot, who spent more than two decades as an environmental liaison for the Louisiana attorney general's office. 'I don't care what the regulations say.' A 1988 U.S. EPA regulation exempts oil exploration and production waste from hazardous handling standards created by the federal Resource Conservation and Recovery Act, or RCRA. That carve-out 'was a political decision' rather than a technical determination, recalled EPA veteran Hugh Kaufman, a senior policy analyst in the agency's Office of Solid Waste and Emergency Response.

In a later release on its move, EPA acknowledged that 'although [oiled debris] are relieved from regulation as hazardous wastes, the exemption does not mean these wastes could not present a hazard to human health and the environment if improperly managed.' Asked if the RCRA loophole for oil waste is being invoked to determine that

Gulf of Mexico trash is nonhazardous, an EPA spokeswoman said that BP's waste plans call for the company to test its trash weekly and that EPA is also conducting its own twice-monthly assessments. 'EPA's review of waste sampling data to date has found no samples that are hazardous,' the spokeswoman said via e-mail. 'If the waste is determined to be hazardous, it will be sent to a designated hazardous waste treatment, storage or disposal facility.' The Coast Guard and EPA followed up with a June 29 directive giving BP five days to produce a waste tracking plan that included the online release of its trash testing results. The only waste sampling data on the company's website, however, are a sample analysis (pdf) for 14 chemicals and a summary (pdf) of the volumes of trash generated in each category.

The EPA spokeswoman said 'BP has just submitted its initial response' to the June 29 edict and would have seven days to implement its final waste plan after federal and state agencies respond. EPA's twice-monthly waste tests are set for public release after undergoing an internal review.

That delay in disseminating waste test results concerned Rena Steinzor, a University of Maryland law professor who also advocates for stronger regulations as chief of the Center for Progressive Reform. 'It's ridiculous that the tests are not public and the opinions [underlying the nonhazardous designation] are not public,' Steinzor said. 'Any lack of transparency in this area is a huge mistake for EPA and the administration to make.' Natural Resources Defense Council senior scientist Allen Hershkowitz gave EPA a wide berth to send oil-spill trash to lined municipal landfills while the Gulf remains in crisis mode -- so long as that is not 'the last step of management.' 'Landfills ultimately leak,' Hershkowitz said. 'In the short term, they may be properly designed, but in the long term, liners break down.' Given the potential risk of 'liners designed for household waste being saturated with industrial waste,' he added, officials should consider processing spill waste through a hazardous combustor with controls on generated air pollution.

Subjecting oiled trash to hazardous disposal or storage standards 'would triple or quadruple the cost' of cleaning up the gusher, EPA's Kaufman estimated.

Community questions

At least one Gulf Coast county is resisting the prospect of oil-spill trash coming to its local landfill. Mississippi's Harrison County is conducting its own sampling of the litter slated for storage within its borders and has asked BP and EPA for their waste test results, according to Connie Rockco, president of the county board of supervisors. 'Why should BP use our valuable landfill space that we have set aside for our municipality and our residents for their oil, which is their responsibility?' Rocko said. 'That's a big issue for local people. Our constituents feel they have somewhat been dumped on out in the frontyard, in our beautiful Gulf ... [and] now they want to take it and put it in our backyard.' Harrison County has little recourse to fight the disposal of spill trash in its Pecan Grove landfill, whose private owner agreed to accept nonhazardous waste from BP. But Rockco is not the only voice urging federal officials to keep watch on the

environmental justice fears raised among Gulf residents coping with waste management.

The state-recognized Indian tribe United Houma Nation is concerned that oiled trash could make its way into an open pit site near its home in southeastern Louisiana, principal chief Brenda Dardar Robichaux told the House Natural Resources Committee last month. 'We do not want these materials disposed of in our communities, and we would respectfully request that this law be changed to protect all U.S. citizens from exposure to these harmful chemicals,' Robichaux testified.

One way to begin arming localities with better waste-management tools in the wake of spills, in the view of New Mexico environment secretary Ron Curry, would be rolling back the 1988 RCRA exemption for oil waste and another exemption for oil and gas from Superfund law. 'I'm not saying that if these exemptions were gone, the spill in the Gulf would have not occurred,' Curry said. 'But what it signifies is ... at the state and federal level, how strong the oil industry's input is.' If state officials want to take a firmer hand in protecting local groundwater from toxic trash, Curry added, 'these laws stand in your way.

Metro Washington, DC-Area Firm Mobilizes Resources to Assess Gulf Oil Spill from Land, Sea and Air (*Miami Herald*)

Posted on Tuesday, 07.20.10
Multidisciplinary workforce helping to monitor impact of spill and cleanup operations

FAIRFAX, Va., July 20 -- /PRNewswire/ -- Consolidated Safety Services, together with its subsidiary Dynamac Corporation, (CSS-Dynamac) today announced that it has deployed scientists, data analysts, IT specialists, and technicians to the Gulf coast in support of the U.S. Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA), and in coordination with the U.S. Coast Guard. Working under five separate contracts, CSS-Dynamac is assisting with assessment of air and water quality, spill reconnaissance, and shoreline cleanup in the Gulf States of Alabama, Florida, Louisiana, Mississippi and Texas. CSS-Dynamac began placing qualified personnel in the field within 24 hours of its first response request. The company continues to train new personnel, drawing from the Gulf community and those impacted by the spill, for rotation into the field and as standbys for new deployments. In support of EPA and NOAA's missions, CSS-Dynamac is now contributing to three critical oil spill response efforts:

Oil and Dispersant Detection and Measurement

For EPA's National Decontamination Team, CSS-Dynamac supports the Airborne Spectral Photometric Environmental Collection Technology (ASPECT) program, which is being flown to help determine the location and movement of the oil. This information

is then being utilized by the U.S. Coast Guard to position oil skimmer ships in the Gulf. Dr. Robert Kroutil, a scientist with CSS-Dynamac, modified the existing technology originally designed to detect chemical and radiological contamination to be used for detecting oil in water. Under another contract, CSS-Dynamac analytical chemists, operating mobile high-throughput analytical laboratories in support of EPA's Office of Emergency Management, are working to develop and implement new analytical procedures for detecting oil dispersant chemicals in seawater.

Data Management – Remote Sensing and Environmental Sampling

For NOAA, CSS-Dynamac personnel are working across the Gulf area on-board ships with mobile labs to collect and analyze subsurface oil and water chemistry samples in the deeper waters of the Gulf. The CSS-Dynamac personnel collect and analyze raw data from environmental samples and remote sensing (satellite) to create maps to better predict and respond to any threats that subsurface oil could pose to Gulf communities, fishing grounds, and ecosystems. For EPA, CSS-Dynamac also uploads the data collected from the ASPECT flights onto the Google Earth product, where it can be accessed by the public.

Shoreline Assessment

CSS-Dynamac personnel have undergone Shoreline Cleanup Assessment Teams (SCAT) training, and are trained in Emergency Response and hazardous waste operations. The SCAT assess and characterize affected beachfronts in terms of topography, beach type and surroundings. They record in detail where and what type of oil is present to help document the temporal and spatial changes in oil distribution and to develop cleanup recommendations that will have minimal impact to the environment. Each SCAT is comprised of a Federal representative, a State representative or responsible party and a field scientist. The CSS-Dynamac SCAT-trained field scientists are currently awaiting deployment.

"We take pride in our ability to mobilize qualified people and get them trained and deployed in situations such as this," says Doug Britt, President and COO of CSS-Dynamac, "Our entire corporate management team is trained in the Nation's Incident Command System and our strong science core and flexibility helps us get the right people to the right places as fast as possible."

Captain John Cardarelli II, US Public Health Service and EPA Work Assignment Manager, stated CSS-Dynamac's "willingness to get involved and pick up tasks outside their normal duties has helped the ASPECT Program and the Agency adjust to the many demands of the response. We continue to be impressed with their support to the Program and the National Decontamination Team."

About CSS-Dynamac

Consolidated Safety Services (CSS) and the Dynamac Corporation (Dynamac), two award-winning companies with long and interrelated histories, were formally united with the acquisition of Dynamac by CSS earlier this year. The combined resources and capabilities of CSS-Dynamac offer its customers extraordinary expertise in science programs support, environmental health & safety, environmental compliance & management, transportation safety & security, and emergency response & disaster recovery. CSS-Dynamac applies science and technology to create a healthier, safer and environmentally sustainable future. For more information about CSS-Dynamac services and solutions, call 703.691.4612 or visit the CSS-Dynamac web site at www.CSS-Dynamac.com.

Florida oil spill update: Charlie Crist reminds Floridians no plans to use dispersants in Florida (*Examiner.com*)

July 20, 8:37 PM · Charisse Van Horn - Tampa Gulf Oil Spill Examiner
Florida oil spill update: Charlie Crist reminds Floridians no plans to use dispersants in Florida
Florida Governor Charlie Crist reminded citizens that there are no plans to use dispersants in Florida regarding the oil spill. It has been 92 days since the oil spill catastrophe and those in the northern region of Florida have dealt with the impact of the oil as it washed ashore. Those in other areas of the state, including the Tampa Bay area, have felt the oil spill's impact through lost wages and a general halting of the fishing and seafood industry.

Governor Crist stated in a release, There are currently no plans to use dispersants in Florida. If dispersants are ever considered in state waters, the determination to use the chemical would be evaluated by DEP with input from the Florida Fish and Wildlife Conservation Commission's Florida Wildlife Research Institute and the U.S. Environmental Protection Agency (EPA).

Dispersants are a chemical used to break up oil into small droplets so that they are more easily degraded. This chemical is most effective against fresh oil, unlike the weathered oil impacts Florida has seen in its waters."

Though the EPA and the United States Coast Guard have authorized BP to use dispersants in federal waters, Governor Crist states that the amount of dispersants used has declined significantly since July 15, 2010. He also reminds Floridians that the EPA continues to aggressively monitor the use of chemical dispersants.

You may see the links below for more information regarding the EPA's monitoring of the use of dispersants.

Messy cleanup of BP oil spill damages the Gulf (*Associated Press*)

By CAIN BURDEAU (AP
FOURCHON BEACH, La. — The 5,600 vessels taking part in the oil spill operation on the Gulf of Mexico make up the largest fleet assembled since the Allied invasion of Normandy, according to the Coast Guard.

Hordes of helicopters, bulldozers, Army trucks, ATVs, barges, dredges, airboats, workboats, cleanup crews, media, scientists and volunteers have descended on the beaches, blue waters and golden marshes of the Gulf Coast.

That's a lot of propellers, anchors, tires, and feet for a fragile ecosystem to take, and a tough truth is emerging: In many places, the oil cleanup itself is causing environmental damage.

Part of that is inevitable — the oil has to get cleaned up somehow, and BP and the government will be subject to second-guessing no matter what.

"Absolutely nothing you do to respond to an oil spill is without impacts of its own," said Lisa Jackson, administrator of the Environmental Protection Agency.

Since the Deepwater Horizon rig exploded April 20, killing 11, and oil began gushing into the Gulf, federal, state and BP officials say they have been guided in their response by picking the less damaging cleanup method.

Still, environmentalists and veterans of other spills say the torrent of untested cleanup methods rushed into practice by panicked officials and unqualified experts is wreaking havoc and, at least in spots, may be unnecessary.

"The more you disperse (with chemicals), the more you bring in these big machines, the more you bring in inexperienced people and the more sand berms you build, the less chance you have of letting Mother Nature and skimmers and booms do the job," said Mike Brewer of Buras, La., who ran an oil spill response company and is working on the BP cleanup.

For starters, the EPA allowed BP PLC to spray a chemical dispersant, a product called Corexit, to break up oil right as it came out of BP's broken well nearly a mile below the surface. The idea is to save shorelines from being clobbered with vast waves of crude.

In practice, the use of dispersants that had never been tested that far beneath the surface has made the oil much more difficult to track than it would have been in a

single, massive slick. And environmentalists and marine biologists still aren't convinced the chemicals are safe for sea life.

The EPA halted underwater spraying while it tested samples collected by BP, then allowed it to resume once the results came back to the agency's satisfaction. Further tests are ongoing, and crews quit spraying dispersant once the well was contained this week, Jackson said.

"Basically, we conducted uncontrolled experiments in the open ocean — that does not seem like a good idea to me," said John Hocevar, the oceans campaign director for Greenpeace USA.

Jackson said there was little evidence that the chemical dispersants had caused damage and called their effects "relatively mild."

Eager to be seen as taking charge, Gov. Bobby Jindal began building a series of untested sand islands and other barriers along the Louisiana coast, making construction of these berms a personal crusade. In theory, sand berms and jetties will stop the oil from entering sensitive estuaries.

But berms and jetties interrupt shrimp and fish migrations as well as tidal flows; the work can even undermine what little is left of Louisiana's gooey and sediment-layered shoreline.

"None of the coastal scientists have signed onto this thing," said Leonard Bahr, a former adviser to both Republican and Democratic governors in Louisiana on coastal restoration issues.

Fishermen and locals, however, almost unanimously agree with Jindal's unorthodox barrier plans.

"We know these (berms) stop the oil. It worked on Fourchon Beach," said Windell Curole, a levee manager in south Lafourche Parish, an area long struggling with erosion. "The people that are pushing for these things are more invested in it than the scientists."

In a move that put its compensation costs toward curtailing the spill's environmental effects, BP hired truckloads of inexperienced oil spill responders — shrimpers, unemployed workers, college students, and migrant workers. The manpower is essential, but their footprint can be huge, especially if they're not used to watching their step.

"It was like the Wild West there for a while, and it still is to some degree," said Drew Wheelan, a wildlife biologist with the American Bird Association Inc., a conservation group.

Wheelan said cleanup crews trampled on numerous nesting bird colonies, including at least one batch of least tern eggs he saw. Wilson's plovers and endangered black skimmers on Louisiana's Grand Isle and East Grand Terre islands were threatened by intensive beach cleanups.

"The whole entire area in the past two weeks has been completely crisscrossed by tire tracks. The entire cleanup there has been entirely sickening," Wheelan said recently of East Grand Terre. "There are tire tracks from the low tide line all the way up into the dune vegetation. Not an inch of that frontal beach has been spared from traffic."

Out on the Gulf, BP brought in a super-sized skimmer from Taiwan — the "A Whale" — capable of sucking up 20 million gallons of water a day, aiming to corral huge quantities of oiled water at once. Like some of the other methods, it had never been tested and scientists worried that it could cause serious damage.

"It will suck in a lot of biology," said James Cowan, a Louisiana State University fisheries scientist.

Coast Guard officials questioned its effectiveness, noting that it would be better for attacking a single huge slick than for the countless smaller pools that the dispersant helped create. Authorities announced last week that the massive ship was dropping out of the spill operation.

Forrest Travirca has seen the cleanup's side effects up close as a land manager for the Wisner estate, a public land trust that includes Fourchon Beach and a large marsh area that has seen some of the heaviest oil so far.

On an airboat cruise through marsh, signs of the messy cleanup jumped out. Reddish-brown and sticky tar coated the blades of marsh grass behind a beach lined with sand baskets brought in by Army dump trucks. Absorbent boom lay washed up against shorelines. Crews had staked down shade tents every few hundred yards.

Almost as soon as he stepped onto the sand, Travirca saw something he didn't like: Two ATV tracks meandering carefree across the sands. Someone with the cleanup had strayed from designated traffic corridors.

"This really upsets me," Travirca said, standing over the fresh set of tracks. "They're not supposed to be driving back here. They've got to drive along the front of the beach. Birds nest back here."

He walked a few paces away and pointed out another set of ATV tracks he discovered a few days before. "This track here was inches from a tern nest with eggs."

At least now, more than three months after the spill, the cleanup is becoming more organized.

In the beginning, he said, the beach "looked like the autobahn."

Group Says EPA Air Tests Not Good Enough (*WDSUNew Orleans)*

Louisiana Bucket Brigade Finds Fault With Oil Spill Air Quality Tests
POSTED: 2:08 pm CDT July 20, 2010
UPDATED: 4:07 pm CDT July 20, 2010
NEW ORLEANS -- Since the oil spill disaster began on April 20, the Environmental Protection Agency has tested air samples on the Gulf Coast to ensure air quality for folks working and living around the spill.

But the Louisiana Bucket Brigade is now pointing out holes in their testing system.

"The Gulf Coast is a pretty vast area, and they are trying to sample across a thousand miles and they just don't have the capacity to do it," said Anne Rolfes of the Louisiana Bucket Brigade.

Most results from the EPA show air quality is good, with a few areas like Grand Isle testing as a moderate health risk.

But the Bucket Brigade said it has taken both health and odor complaints across the region, and many of those are coming from areas without an air quality monitor.

"There are lots of reasons for that. Wind direction is important and the placement of EPA monitors were for convenience, maybe where there was power," Rolfes said.

That's why the Bucket Brigade is asking the EPA to hire local people to sample the air in places where it can't go.

"It's important to expand the number of sites where monitoring can take place, especially when there's odor complaints. You can have monitoring done immediately after smelling the odor," said Dr. Earthea Nance with the University of New Orleans.

The EPA said it is already beefing up stationary and mobile command centers along with mobile laboratories that analyze air from various sources.

If you'd like to report a health or odor complaint to the Bucket Brigade, you can text it to 2727-OIL, or you can file a complaint at www.labucketbrigade.org/ or www.epa.gov/bpspill/air.html#datarep.

How has BP waste escaped 'hazardous' label? (*Greenwire*)

(07/20/2010)

Elana Schor, E&E reporter
After 92 days of disaster, images of Gulf Coast fishermen laying boom and workers sponging crude from the shore now border on iconic. But the next chapter in recovering from the historic gusher presents a task less often photographed: disposing of all that oil-soaked waste.

The transportation of cleanup debris is fraught with political and scientific hurdles, from residents' complaints over storage in Gulf-area landfills to the sampling of chemicals that could leach from the litter. While BP PLC is required to abide by federally approved waste management plans, no trash so far has been slapped with an official "hazardous" designation that would require stricter controls on disposal.

The thousands of tons of waste must go somewhere, to be sure. Still, some Gulf locals and environmental advocates question the disconnect between the seemingly obvious public health risks of the lingering mess -- even after any usable oil is extracted from the waste -- and the inability to label BP's trash as hazardous.

"It might not be listed as hazardous material, [but] any oil is going to be hazardous," said William Fontenot, who spent more than two decades as an environmental liaison for the Louisiana attorney general's office. "I don't care what the regulations say."

A 1988 U.S. EPA regulation exempts oil exploration and production waste from hazardous handling standards created by the federal Resource Conservation and Recovery Act, or RCRA. That carve-out "was a political decision" rather than a technical determination, recalled EPA veteran Hugh Kaufman, a senior policy analyst in the agency's Office of Solid Waste and Emergency Response.

In a later release on its move, EPA acknowledged that "although [oiled debris] are relieved from regulation as hazardous wastes, the exemption does not mean these wastes could not present a hazard to human health and the environment if improperly managed." Asked if the RCRA loophole for oil waste is being invoked to determine that Gulf of Mexico trash is nonhazardous, an EPA spokeswoman said that BP's waste plans call for the company to test its trash weekly and that EPA is also conducting its own twice-monthly assessments.

"EPA's review of waste sampling data to date has found no samples that are hazardous," the spokeswoman said via e-mail. "If the waste is determined to be hazardous, it will be sent to a designated hazardous waste treatment, storage or disposal facility."

The Coast Guard and EPA followed up with a June 29 directive giving BP five days to produce a waste tracking plan that included the online release of its trash testing results. The only waste sampling data on the company's website, however, are a **sample analysis** for 14 chemicals and a **summary** of the volumes of trash generated in each category.

The EPA spokeswoman said "BP has just submitted its initial response" to the June 29 edict and would have seven days to implement its final waste plan after federal and state agencies respond. EPA's twice-monthly waste tests are set for public release after undergoing an internal review.

That delay in disseminating waste test results concerned Rena Steinzor, a University of Maryland law professor who also advocates for stronger regulations as chief of the Center for Progressive Reform. "It's ridiculous that the tests are not public and the opinions [underlying the nonhazardous designation] are not public," Steinzor said. "Any lack of transparency in this area is a huge mistake for EPA and the administration to make."

Natural Resources Defense Council senior scientist Allen Hershkowitz gave EPA a wide berth to send oil-spill trash to lined municipal landfills while the Gulf remains in crisis mode -- so long as that is not "the last step of management."

"Landfills ultimately leak," Hershkowitz said. "In the short term, they may be properly designed, but in the long term, liners break down."

Given the potential risk of "liners designed for household waste being saturated with industrial waste," he added, officials should consider processing spill waste through a hazardous combustor with controls on generated air pollution.

Subjecting oiled trash to hazardous disposal or storage standards "would triple or quadruple the cost" of cleaning up the gusher, EPA's Kaufman estimated.

Community questions

At least one Gulf Coast county is resisting the prospect of oil-spill trash coming to its local landfill. Mississippi's Harrison County is conducting its own sampling of the litter slated for storage within its borders and has asked BP and EPA for their waste test results, according to Connie Rockco, president of the county board of supervisors.

"Why should BP use our valuable landfill space that we have set aside for our municipality and our residents for their oil, which is their responsibility?" Rocko said. "That's a big issue for local people. Our constituents feel they have somewhat been dumped on out in the frontyard, in our beautiful Gulf ... [and] now they want to take it and put it in our backyard."

Harrison County has little recourse to fight the disposal of spill trash in its Pecan Grove landfill, whose private owner agreed to accept nonhazardous waste from BP. But Rockco is not the only voice urging federal officials to keep watch on the environmental justice fears raised among Gulf residents coping with waste management.

The state-recognized Indian tribe United Houma Nation is concerned that oiled trash could make its way into an open pit site near its home in southeastern Louisiana,

principal chief Brenda Dardar Robichaux told the House Natural Resources Committee last month.

"We do not want these materials disposed of in our communities, and we would respectfully request that this law be changed to protect all U.S. citizens from exposure to these harmful chemicals," Robichaux testified.

One way to begin arming localities with better waste-management tools in the wake of spills, in the view of New Mexico environment secretary Ron Curry, would be rolling back the 1988 RCRA exemption for oil waste and another exemption for oil and gas from Superfund law.

"I'm not saying that if these exemptions were gone, the spill in the Gulf would have not occurred," Curry said. "But what it signifies is ... at the state and federal level, how strong the oil industry's input is."

If state officials want to take a firmer hand in protecting local groundwater from toxic trash, Curry added, "these laws stand in your way."

CLIMATE CHANGE

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U.Va. challenges Cuccinelli's motives in climate research case (*WSLS.com*)

RICHMOND TIMES DISPATCH
Published: July 21, 2010
Richmond—Attorney General Ken Cuccinelli's investigation of climate researcher Michael Mann is an effort to challenge the professor's conclusions about global warming rather than to find evidence of fraud, the University of Virginia said yesterday in a court brief.

The attorney general is using the state Fraud Against Taxpayers Act to target research with which he disagrees, the university said.

Further, the brief said, the rationale for the investigation would cut across disciplines, setting a precedent that any disagreement among academics could result in a similar probe.

"That the attorney general may not [yet] feel the need to 'investigate' the conclusions of, say, a history or medical school professor, as vigorously as the attorney general is going after Dr. Mann is of no comfort," the U.Va. brief says.

The brief is a reply to Cuccinelli's July 13 filing, which maintained that neither the First Amendment nor the principles of academic freedom protect the papers of the former U.Va. professor from scrutiny by the attorney general.

That filing included "a lengthy harangue" against earlier research by Mann, U.Va. said yesterday, and is "aimed squarely" at his scientific conclusions rather than potential fraud.

The university has petitioned Albemarle County Circuit Court to set aside Cuccinelli's civil investigative demands seeking Mann's research under the fraud act. The case is to be heard Aug. 20.

Cuccinelli's investigation centers on whether Mann defrauded Virginia taxpayers when he sought four federal research grants and one state grant totaling $466,000 while working at U.Va. from 1999 to 2005.

Mann has been cleared of any wrongdoing in his research practices by Pennsylvania State University, where he now works.

His research is among work that the federal Environmental Protection Agency used to issue regulations on greenhouse gases. Cuccinelli has filed suit against the EPA challenging those regulations.

U.Va. said in its brief that Cuccinelli does not dispute that the investigation has put a "severe chill" on academic freedom and scientific debate across the state, but rather treats those concerns dismissively.

The breadth of what Cuccinelli is seeking makes the civil investigative demands unenforceable, U.Va. said. The attorney general is seeking research, data and e-mails regardless of whether they are connected to the grants and fails to identify any connection between dozens of people mentioned in the civil investigative demands, the brief said.

Ingram Micro Joins EPA's Climate Leaders Program (*Channel Pro – SMB*)

by ChannelPro-SMB July 20, 2010 10:01 PM
Posted in: News Channel News Government Green IT
Ingram Micro Joins EPA's Climate Leaders Program
Program participants pledge to reduce greenhouse gas emissions, receiving assistance from the government agency for doing so.

Earlier this month, distributor Ingram Micro Inc. joined the U.S. Environmental Protection Agency (EPA) Climate Leaders program. The program aims to recognize and assist those U.S. companies exemplifying efforts curb greenhouse gas emisIngram Micro Joins EPA's Climate Leaders Programsions.

Through the Climate Leaders program, participating companies work closely with the EPA to develop climate change strategies. Partner companies commit to reduce greenhouse gas emissions through aggressive goal-setting, ongoing measurement, and regular progress reporting. The EPA provides benchmarking information, best-practice counsel, and technical assistance.

Ria Carlson, senior vice president and head of Ingram Micro's corporate social responsibility program, says that the EPA's Climate Leaders program fits in well with the company's environmental efforts.

"This partnership supports our goal of continuous improvement, helping us quantify our carbon footprint, develop new ideas, and set targets," she says. "Working in tandem with the EPA, we look forward to developing programs that will be beneficial to our business partners, our communities, and our company."

Climate Leaders partners represent a broad range of industry sectors including cement, forestry, pharmaceuticals, utilities, information technology, and retail. The program in is operation in all 50 states.

ENERGY

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Kohl's Department Stores reaches 500th Energy Star milestone (*Leaf Chronicle*)

THE LEAF-CHRONICLE • July 21, 2010

Kohl's Department Stores (NYSE: KSS) announced that its store in Menomonee Falls, Wis., is the company's 500th location to earn the Energy Star label from the U.S. Environmental Protection Agency and U.S. Department of Energy.

Kohl's said in a news release it has a longstanding commitment to energy management and estimates that the company prevented nearly $50 million in electricity costs through energy efficiency programs such as replacing 75 watt incandescent bulbs with 24 watt metal halide bulbs, implementing building automation systems and better controlling variable speed fans on commercial rooftop HVAC units. Over the last four years, accounting for rate variations, these and other proactive energy management initiatives have translated into an improvement in energy efficiency of more than 20 percent, primarily in stores, the company says.

Kohl's also announced that beginning in spring 2011, all newly constructed stores will pursue
Designed to Earn the Energy Star designation, which is awarded for building designs with an estimated energy performance that meets Energy Star criteria. Designed to

Earn-designated buildings will be eligible for the Energy Star after maintaining superior performance — rating 75 percent or better on a scale of 100 — for one year in operation.

A 2010 Energy Star Partner of the Year, Kohl's has been a member of Energy Star since 1998.

July 20, 2010

Kohl's Department Stores Awarded for Energy Efficiency (*Associated Press)*

Story also appeared: *FOX News*

MENOMONEE FALLS, Wis. (AP) -- A southeastern Wisconsin company is being honored for its energy efficiency.

Kohl's Department Stores says its Menomonee Falls store is its 500th location to earn the Energy Star label from the U.S. Environmental Protection Agency and U.S. Department of Energy.

Commercial buildings that earn the label rate in the top 25 percent of facilities in the nation for energy efficiency, use an average of 35 percent less energy than typical buildings and release 35 percent less carbon dioxide.

The Menomonee Falls-based company estimates it prevents nearly $50 million in electricity costs through its efforts. Kohl's first Energy Star store was in West Bend in 1998.

The company operates in more than 1,000 stores in 49 states.

Data Center earns high efficiency grade (*Consulting-Specifying Engineer*)

NetApp RTP Data Center Is First-Ever Data Center to Earn EPA's Energy Star for Superior Energy Efficiency.
07/20/2010
NetApp announced that its dynamic data center has earned the U.S. EPA's prestigious ENERGY STAR, the national symbol for protecting the environment through superior energy efficiency. The RTP data center is the first data center to achieve this distinction from the EPA.

EPA's ENERGY STAR energy performance scale helps organizations assess how efficiently their data centers use energy relative to similar data centers nationwide. A data center that scores a 75 or higher on EPA's 1-100 scale is eligible for the ENERGY STAR. The RTP data center achieved a near-perfect mark by scoring a 99.

The RTP data center is primarily used to further research initiatives and create and improve storage efficiency and shared infrastructure technologies for delivering cloud computing and IT on demand to help customers around the world accelerate their business. Due to its design and construction, the RTP data center also serves as a blueprint for organizations that are looking to design their own data centers. In the time that the RTP data center has been open, representatives from more than 500 organizations have toured the facility. The goal of these tours is to share NetApp practices and design efforts with customers and noncustomers alike so that the same sustainable and efficient design approach can be applied around the world to help lower overall data center power consumption. The RTP data center design has reduced CO2 emissions for NetApp by approximately 95,000 tons per year, which is equivalent to removing 16,000 cars per year from the road.

To earn the ENERGY STAR, NetApp implemented the following features in the RTP data center:

4 F average supply air temperature: Using a higher temperature threshold on supply air (74 sF instead of 55 to 60 F) allows NetApp to dramatically reduce cooling costs.
Airside economizer: The data center is cooled by using just outside air (free cooling) 67% of the time during the year.
Pressure-controlled room: Modulating fans, based on NetApp's proprietary technology, supply pressure-controlled rooms and regulate the volume of air to avoid oversupplying air and wasting energy.
Cold aisle containment: The cold room separates the cold and hot air streams to protect supply air temperatures from being affected by hot air returning from the racks.
Overhead air distribution: Instead of pumping cold air up through the floors (raised floors), overhead air distribution takes advantage of cold/hot air buoyancy and eliminates ductwork, reducing the energy needed for fans.

July 20, 2010

Nissan Joins Department of Energy in Global Effort to Improve Energy Efficiency (*Greentech Media*)

FRANKLIN, Tenn., July 20 /PRNewswire-FirstCall/—The Department of Energy announced today that Nissan will be among eight companies and one university chosen to pilot the Global Superior Energy Performance (GSEP) initiative that will accelerate energy efficiency improvements in commercial buildings and industrial facilities. U.S. Department of Energy Secretary, Steven Chu made the announcement during the

Clean Energy Ministerial in Washington, D.C. This event is attended by ministers from 24 governments and provides a forum for like-minded countries to announce high-ambition, high-potential initiatives related to clean energy.

“When governments, businesses and other entities join together in initiatives such as GSEP, great things can happen,” said Bill Krueger, senior vice president, Manufacturing, Purchasing, Supply Chain Management and Total Customer Satisfaction, Nissan Americas, who participated in the announcement. “We have a real opportunity to reduce the world’s energy consumption and reduce greenhouse gas emissions. This kind of collaboration is essential for lasting environmental progress.”

Nissan’s manufacturing plant in Oppama, Japan is planning to participate as a GSEP pilot. The program will consist of:

A framework for accelerated continual improvement in energy efficiency across global operations;
Energy efficiency decision tools and training to achieve cost-effective savings;
Global public recognition as an industry energy efficiency leader;
Developing policies and incentives to reward GSEP-certified facilities;
Potential incentives from utility energy efficiency programs;
A framework for supply chain partnerships to drive energy efficiency improvements up and down the supply chain; and
Carbon emissions reductions.

Nissan’s Oppama plant will begin production of the all-electric Nissan LEAF, the world’s first mass-marketed zero-emission vehicle, in the fall of 2010 followed by other Nissan plants around the globe. “Since Nissan is leading the world in promoting zero-emission mobility, participating in the GSEP pilot is a fitting complement,” said Krueger.

According to the Department of Energy, Nissan is a fit for GSEP due to its commitment to the Save Energy Now LEADER partnership. Nissan’s Smyrna, Tenn., plant is also participating as one of the demonstration sites for the U.S. Superior Energy Performance Program which will include certification to the new ISO 50001 Energy Management Standard in 2012. Nissan has improved its energy efficiency by more than 30 percent at its U.S. assembly plants, saving the company over $11.5 million per year. Nissan was also named as a 2010 ENERGY STAR® Partner of the Year by the US Environmental Protection Agency.

In North America, Nissan’s operations include automotive styling, engineering, consumer and corporate financing, sales and marketing, distribution and manufacturing. Nissan is dedicated to improving the environment under the Nissan Green Program 2010, whose key priorities are reducing CO2 emissions, cutting other emissions and increasing recycling. More information on Nissan in North America and the complete line of Nissan and Infiniti vehicles can be found online at www.NissanUSA.com and www.InfinitiUSA.com.

Navigating the Laws and Ecolabels for Energy Efficiency (*GreenBiz*)

By GreenBiz Staff
Created 2010-07-20 01:13
OAKLAND, CA — To be successful in the marketplace, manufacturers of any product using energy must be current on efficiency standards. And to be competitive, those companies should also consider third-party certification that their goods meet or exceed efficiency requirements.

That can be a tremendous challenge for businesses. Regulations differ across the globe and are subject to change.

As for ecolabels, there are at least 500 in existence and new ones continue to emerge. Sorting through them for credible third-party assessment systems can be like trying to find your way through a jungle, says Marcello Manca, vice president and general manager of UL Environment, the spinoff of safety testing giant Underwriters Laboratories that investigates and certifies the environmental claims of products.

The good news is there are ways to keep abreast of regulatory changes for energy efficiency and strategies for finding respected, reliable third-party certification programs. Manca and three fellow panelists shared their tips for doing so in a recent webinar presented by UL Environment, the U.S. Department of Commerce and GreenBiz.com.

The webinar has been archived and is available for free viewing at: http://tinyurl.com/ULEEnergyEfficiency.

With Manca, who is based in Milan, Italy; Sylvia Mohr, Commerce Department standards specialist for the U.S. mission to the European Union, based in Brussels; Karen Barnes, director of insight for the Shelton Group and an expert on consumer mindsets, based in Tennessee; and GreenBiz.com Executive Editor Joel Makower moderating from California, the panel provided viewpoints from the standards and certifications arena, the regulatory field and the marketplace, as well as international perspective.

"There is a growing need to sort out fact from fiction," said Makower, when it comes to product claims.

"Independent, third-party certification is a powerful resource against accusations of greenwashing," said Manca, whose presentation included an overview of energy efficiency standards in North America. "If you have a good third-party [program] by your side, this is going to be the best defense."

Increasingly, energy efficiency programs in North America want manufacturers to provide proof that their products meet the performance thresholds.

"In Canada, they've already come to the conclusion that all products should be tested by an accredited third-party entity," Manca said of Natural Resources Canada, the government ministry that sets the energy efficiency requirements for products.

In the U.S., the Department of Energy sets federal requirements for energy efficiency of products and the California Energy Commission maintains one of the more rigorous programs for state standards. Both require products to be tested by accredited laboratories (this is limited to certain categories on the federal level).

Energy Star, the voluntary program of the U.S. Environmental Protection Agency and the DOE that seeks to identify the most energy efficient products available, is moving from a system that permitted companies to declare that their products have met performance thresholds to one that requires proof of conformance, Manca noted.

The change in the 18-year-old program follows reports that some products bearing the famous label failed to meet Energy Star standards. The reports included one released by the U.S. Government Accountability Office in March that declared the process for products to obtain the label was "vulnerable to fraud and abuse."

The program's shift from a "self-declaration type of program to a pre-market testing and certification type of approach" is significant, Manca said. "I think they are heading in the right direction," he added.

Despite criticism of the program, Energy Star remains a widely recognized brand and continues to be perceived as a global leader. "What we see in the consumer pool is that Energy Star is by far the most trusted ecolabel," said Barnes of the Shelton Group.

Manca advised firms seeking certification of their product claims to "look for the science and ... for the expertise" when conducting due diligence reviews of prospective providers. "Make sure your trust is put in the right place," he said.

Manca also emphasized that product performance standards are not static, and that strong programs take into account the need for continuous improvement. "It's not sufficient to test a product today and expect that to be adequate for its shelf life," he said.

Next Page: Monitoring energy efficiency standards in the EU and a reality check from the consumer marketplace.

In the European Union, energy-elated products -- televisions, lighting, fans and other products that use energy -- will soon be subject to new energy efficiency requirements, and it's important for companies to be aware of those changes, said Mohr.

She provided more than a half-dozen websites as resources for firms that have, or wish to have, products in the European Union, where the regulatory approach and the framework for setting and revising safety, environmental and energy efficiency standards are different from the processes in the U.S.

The sites can help firms keep tabs on regulatory changes in the EU, she said, strongly urging that companies doing business internationally "monitor what's going on in the EU."

"It's always good to be prepared," Mohr said. "What you know today as a regulatory standard may change."

Barnes shared findings of consumer surveys conducted for her firm and provided a reality check for companies dealing in energy efficiency products and solutions. She also highlighted three key insights from her company's research:

1. Consumers know less than you think they do. Even though more companies are emphasizing energy efficiency, less seems to be registering among consumers surveyed. Fewer were able to name one or two green home features last year than those surveyed in 2008.

2. They've got high expectations (and it's up to you to manage them). Slightly more than half, 53.3 percent, of consumers who invested in energy efficiency products or home renovations said their utilities bills dropped as they had expected. But almost 33 percent said their bills hadn't dropped and their vocal disappointment has produced "a lot of backlash going around about this," Barnes said.

3. Importance doesn't always equal action. Seventy-three percent of consumers surveyed said saving energy is important or very important. But only 31 percent said they routinely place energy saving ahead of personal comfort by setting their heating or air conditioning to recommended levels.

What's the upshot? "Consumers are concerned about spending money right now and care about other things," said Barnes, who recommended that companies "perform an energy intervention" to get consumers' attention.

"You have to wake them up and tell them this is a personal problem and they need to take responsibility for it," she said.

More details about the Shelton Group consumer poll and the advice from Manca and Mohr are provided in the archived webinar, which will be available from GreenBiz.com until July 15, 2011.

See Melissa Schweisguth's article "10 Tips for Savvy Shopping in the Certification Marketplace" on GreenBiz.com for more advice about selecting the right ecolabel for your product.

FUEL
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U.S. ag secretary, governor visit ethanol plant (*Marion Star*)

BY KURT MOORE • The Marion Star • July 21,
2010
MARION - U.S. Agriculture Secretary Tom Vilsack, a promoter of the ethanol industry, and Gov. Ted Strickland visited Marion's POET biorefinery Tuesday as they discussed efforts to create green industry jobs.

The tour was one of three scheduled visits Tuesday. They also planned to visit NexTech Materials in Lewis Center before discussing rural Ohio's economy at a Lynchburg farm.

"I have a deep, deep concern about rural America," Vilsack said, referring to the income disparity of the region.

"I, for one, think that can be reversed," he said. "I think what's at stake is not just this company.
Biofuels are at the heart of how you can revitalize the economy of rural America."

Vilsack, talking to POET CEO Jeff Broin and other company officials, said he plans to meet with
President Barack Obama's top advisers Thursday to promote aggressive support for the biofuels
industry.

The agriculture secretary is calling for building 300 to 500 biorefinery facilities across the country, with centers in each region. He agreed with Broin that the nation needs more flexible-fuel vehicles, and said the biofuels industry could help reduce the nation's reliance on foreign oil.

"I will be very aggressive on pushing this agenda," Vilsack said.

Broin thanked Vilsack and suggested the industry's biggest concern is market access. He said one way to alleviate that concern is to boost the blend level, the U.S. Environmental Protection Agency's cap on how much ethanol can be mixed with gasoline for use in most cars.

There is a push to increase that from 10 percent to 15 percent as agricultural economists warn the
United States is reaching a "blend wall" in which ethanol production would surpass the capacity of the market. It would take an EPA decision to change that.

Broin said he supports advocacy group Growth Energy and its Fueling Freedom Plan. The plan calls for the redirection and eventual phasing out of government support for ethanol. Part of the plan is to redirect funds used to pay for the Volumetric Ethanol Excise Tax Credit, an incentive to blend ethanol into gasoline, and instead offer tax credits to retailers willing to install blender pumps.

The goal is to install 200,000 blender pumps, which enable consumers to choose between
different blends of ethanol.

Another part of the plan talks about requiring automobiles sold in the United States to be flex-fuel vehicles, which Growth Energy suggested could lead to the production of up to 120 million flex-fuel vehicles.

There is an opposite push by farm groups, such as the Marion-based Ohio Corn Growers Association, to pass the Renewable Fuels Reinvestment Act and extend ethanol tax incentives, including a 45-cent per gallon blenders credit for ethanol use, until 2015.

Corn growers association director Dwayne Siekman said many members of Congress believe "the need for market certainty is vital to job creation, and that the ethanol-blender's extension is in the best interests of America's rural economy, environment

From the August 2010 Issue

EPA releases data on canola biodiesel pathway (*Biodiesel Magazine*)

by Luke Geiver
Posted July 20, 2010

The U.S. EPA has released a Notice of Data Availability (NODA) for its recent modeling of the canola oil biodiesel pathway. As of March 26, when the EPA officially announced the final rule for the revised renewable fuel standard (RFS2), the canola pathway had not been analyzed as a biofuel feedstock capable of meeting the required greenhouse gas reduction standards set by the Energy Independence and Security Act of 2007. Using the same RFS2 lifecycle analysis modeling approach for other biofuels already approved, the EPA stated that the canola oil biodiesel pathway creates a 50 percent reduction in GHG emissions compared to the diesel fuel baseline.

“These results, if finalized, would justify authorizing the generation of biomass-based

diesel RINs for fuel produced by the canola oil biodiesel pathway modeled, assuming that the fuel meets the other definitional criteria for renewable fuel (e.g., produced from renewable biomass, and used to reduce or replace transportation fuel) specified in EISA," EPA said in the NODA memo.

EPA analyzed canola oil as a feedstock "assuming the same biodiesel production facility designs and conversion efficiencies as modeled for biodiesel produced from soybean oil." To assess the impact of producing biodiesel from canola oil, the EPA also created a control case projection estimating 200 million gallons of canola-based biodiesel per year by 2022. "While we recognize that some canola oil has historically been used to make biodiesel for domestic use," EPA said, "this range of production (zero to 200 million gallons) covers the range of production likely by 2022." To create the projection, the EPA used a number of factors including historical volumes, potential feedstock availability and competitive uses, potential increases in crop acreage and potential increases in crop and conversion yields.

"As with other EPA analyses of fuel pathways with a significant land use impact, the proposed analysis for canola oil biodiesel includes a best estimate as well as a range of possible lifecycle greenhouse gas emission results based on formal uncertainty analysis conducted by the agency," EPA also noted.

Higher yield improvements, which could show a greater reduction of land use impacts and improve projected GHG performance of canola-based biodiesel, were given by industry members to the EPA, but not used for the analysis. "As was the case for analyses of other crop-based biofuels," the agency noted, "EPA projected increases in canola crop yield based on long-term trends. Yield improvement rates recommended by industry were higher and were based on recent shorter term trends."

EPA's analysis included the Forestry and Agricultural Sector Optimization Model (FASOM) and the Food and Agricultural Policy and Research Institute international models maintained by the Center for Agricultural and Rural Development (FAPRI-CARD). For key model inputs and assumptions (e.g., crop yields, biofuel conversion yields, and agricultural engery use), EPA has also provided a docket of information accompanying the NODA. The information included in the docket was generated by peer-reviewed literature and reflects expert recommendations from the canola and biodiesel industries considered by EPA. For 30 days, effective from the publication date in the federal register, the EPA will accept comments on the proposed lifecycle assessment of canola oil biodiesel.

GENERAL

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Obama's bogus pro-business credentials (*Washington Times*)

Behind the rhetoric stands an array of job-killing policies
By Jeffrey H. Birnbaum SPECIAL TO THE WASHINGTON TIMES
The Obama administration wants Americans to think it is pro-business. Top aides to the president have made the case on television and elsewhere that major corporations are better off now because Obama policies saved the economy from a complete meltdown and that pro-trade policies going forward will keep things afloat.

No one can doubt that the combined policies of Presidents George W. Bush and Obama saved the day over the past couple of years. But any notion that Mr. Obama is a corporate advocate beyond that is ludicrous. Even the Business Roundtable - the most mild-mannered of Washington's corporate lobbies - recently wrote a letter that made clear at great length that the president is no friend of business.

The impact of new federal regulations on the economy "is enormous, and often harmful," the Roundtable wrote. In addition, it said, Obama proposals to increase taxes on multinational corporations would kill thousands of jobs here at home.

In addition, Obama aides may be the only people in the capital who think the administration's trade policies are opening barriers anywhere. "The administration's failure to move forward on pending free trade agreements and a more expansive presidential trade negotiating authority has emboldened foreign competitors while hurting our economic, global competitiveness and job creation," the Roundtable wrote.

In short, the Obama administration has been less business friendly than any administration in memory and is likely to become even less friendly as the months and years move along.

Sure, a few industry segments have been able to cut deals to protect themselves in the short run. Drug companies limited the damage that they could have suffered in the health reform law by compromising early and paying back the Obama folks by advertising mightily for the legislation. The same could be said in the Wall Street reform bill for small- to medium-sized banks, which were spared some of the strictest new costs and regulations.

But these are minor and temporary concessions. The overall thrust of the Obama administration is clearly hostile to profit-making ventures. Every once in a while, administration officials elaborately deny this, but the evidence strongly contradicts their view.

For example, the administration will try soon to make good on its unfulfilled promises to the organized labor movement. It has put off pushing the Employee Free Choice Act (also known as "card check") for a while, but that reticence will not last. Labor has poured hundreds of millions of dollars in recent years into trying to elect Democrats and will pay tens of millions this year for the same purpose. Card check will not languish on

the back burner for much longer.

More to the point, the White House's Middle Class Task Force, led by Vice President Joseph R. Biden Jr., is about to unleash a series of anti-business broadsides that, if enacted, will vastly increase the cost of doing business with government.

For instance, the task force, essentially a front for labor interests, is expected to demand that federal contracts go only to companies that "provide living wage, health care, retirement and paid sick leave" to their employees, according to the Roundtable. Government contractors also would have to be much friendlier to unions and unionization than they are now - a potentially enormous cost to companies and a boon to the labor movement.

The task force is even said to be considering mandating Davis-Bacon wage requirements and labor-union pacts for all federal construction projects - even from companies that are nonunion. That would be a power shift of epic proportions.

The Obama administration has already signaled its disdain for the oil and gas industry and surely will expand that line of attack. The White House would like to do away with subsidies, increase taxes and restrict drilling - just as a start. In addition, smokestack industries ranging from manufacturers to utilities are about to be socked with "cap-and-trade" restrictions that would increase their costs extravagantly.

If Congress doesn't get around to imposing some of these environmental changes, the Environmental Protection Agency is poised to do so on its own.

Another way to look at this is that the Obama administration has picked favorites among businesses. It likes the ones it can classify as green or, occasionally, small and dislikes almost all the others.

None of this can be categorized as pro-business in any meaningful sense. The small-business lobby, for example, is not much of an Obama fan.

A pro-business president would support lower taxes, not the higher ones Mr. Obama surely will propose soon. A pro-business chief executive would want to keep capital gains taxes low, but that is not likely to be Mr. Obama's position. The list goes on and on.

The Obama administration is not pro-business. Period.

Jeffrey H. Birnbaum is a Washington Times columnist, a Fox News contributor and president of BGR Public Relations. His firm represents a variety of corporations.

A long way from the Capitol steps (*Washington Post*)

July 21, 2010 Wednesday
Suburban Edition
A-SECTION; Pg. A17
Maryland
By Al Kamen
A Loop Fan called attention to an article Friday in the "Greater Homes" section of the New York Times that began:

"With a sweep of her manicured hand, Princess Rita Boncompagni Ludovisi draws 20 pairs of eyes upward to the salon ceiling, one of many treasures in the Villa Aurora, the family home in the heart of Rome."

The princess giving the tour, the article notes, "is an American formerly known as Rita Jenrette," married last year to Prince NicolÃ² Boncompagni Ludovisi.

Rita Jenrette? The young blonde once married to John Jenrette, the congressman who did 13 months in prison after being convicted of taking bribes in the FBI's 1980 Abscam sting?

The Rita Jenrette who posed in Playboy, where she revealed, among other things, that the couple had sex on the steps of the Capitol (discreetly behind a pillar, we recall) during a break in a late-night House session? (The acclaimed comedy group the Capitol Steps, formed in 1981, took its name from this historic moment.)

Indeed, the same one.

After her rise to fame and her appearance in Playboy -- plus another appearance in 1984 -- she did some acting, was a television journalist and ended up in Manhattan working in real estate. She also attended a Harvard Business School program -- three weeks a year each spring for three years for $93,000 -- finishing in 2003. (This has led to some incorrect references to her as having a Harvard MBA, even though her Web site's home page notes she's an alum of the school's summer program for executives.)

Jenrette, 60, was working a real estate deal in Italy when she met the prince in 2003, she told the Times, and soon moved into the villa. The couple married in a small ceremony last year. (It should be noted that there are thousands of folks in Italy who can call themselves princes, dukes, counts and so on.)

John Jenrette, meanwhile, was convicted in 1989 of shoplifting a tie and some shoes from a department store in Baileys Crossroads. And while he's gotten no peerage, he, too, seems to have sorted things out.

"I am very blessed," Jenrette, 74, told us Tuesday from his home in Myrtle Beach, where he was on the porch "looking at the heavenly bodies on the beach." Jenrette, who has been a lawyer and in the PR biz, is still working on a reduced schedule these days, helping longtime clients. He remarried years ago and spends six months of the year in South Carolina and the other six in Florida.

John Jenrette was in town last week -- "looking trim and fit," we were told -- to attend a reunion at the Cosmos Club of some 50 members plus spouses of the Democratic congressional class of 1974, the Watergate class. The group includes Reps. Henry Waxman and George Miller (Calif.) and Sens. Chris Dodd (Conn.), Max Baucus (Mont.) and Tom Harkin (Iowa).

"I'm very honored," Jenrette said, despite his "self-destructiveness" back then, "to have known them and served with that crowd."

Maybe he could be the Doge of Myrtle Beach?

What did Lew do?

The State Department, which rightly prides itself as one of the leaders, if not the leader, among federal agencies in the use of social media -- Facebook and Twitter and such -- is also determined to improve its efforts to be more transparent. To that end, it seems to have gradually expanded the daily schedule it puts out to reporters and the public to let them know when and where senior officials are traveling and what they are doing.

So we got this Monday regarding the outgoing deputy secretary, Jack Lew:

Deputy Secretary Lew, Dr. Slaughter and Ambassador Penavic Marshall meet with the Assistant Secretaries, at the Department of State.

Deputy Secretary Lew meets with Ambassador-Designate to Iraq James Jeffrey, at the Department of State.

Deputy Secretary Lew calls National Economic Council Director Lawrence Summers.

Not to be ungrateful, but transcripts of the call would be nice. Thanks.

Easy name to remember

Speaking of Lew, who's set to return to head the Office of Management and Budget, a job he held in the Clinton administration, Loop Fans sent in many suggestions of other folks who had opted to return to the senior, Senate-confirmed jobs they had once held in a prior administration.

Our informal survey of veterans of administrations past, focusing on Cabinet-level or senior White House staff appointees, could only come up with one Cabinet-level agency

head who'd returned for a similar second act: former defense secretary Donald Rumsfeld.

There was another: William D. Ruckelshaus, who was the first head of the Environmental Protection Agency from December 1970 until April 1973, when, as part of the Watergate-sparked Nixon administration shuffle, he was moved to the FBI. He then joined the Reagan administration in 1983 to take over the EPA after the controversial and chaotic reign of Anne Gorsuch Burford. He turns 78 on Saturday. (The EPA is actually not a Cabinet agency, but it has for a long time been treated as such in terms of a seat at the table.)

Virginia Democrat objects to federal pay freeze (*Government Executive*)

By Norah Swanson nswanson@govexec.com July 20, 2010
A Virginia lawmaker whose district is home to many federal employees said on Tuesday that he does not support a pay freeze for government workers.
Democratic Rep. Jim Moran, during a town hall meeting in Washington for employees of the Environmental Protection Agency, also admitted he doesn't believe parity between civilian and military pay can be accomplished this year in Congress, alluding to partisanship. In fiscal 2010, service members received a 3.4 percent pay raise while the civilian workforce received a 2 percent boost.

While President Obama has frozen the pay of White House personnel, federal workers so far have been spared. Some lawmakers have tried recently to push legislative proposals to freeze federal workers' salaries to help reduce the deficit and pay for the ongoing wars.

With federal retirements on the rise, Moran said the government might not be able to maintain the same quality of employees without salary increases. Competition, he added, is essential to attract a high-caliber federal workforce, and pay freezes only will make this task more difficult. But Moran told EPA employees that, "freezes will be difficult to avoid if unemployment stays this high."

Moran, who was thanked by one employee for being "a consistent supporter of federal workers," also spent time on Tuesday touring EPA, including the agency's emergency operations room. He praised employees for their commitment and hard work in dealing with the BP oil spill in the Gulf of Mexico: "I have an intense appreciation for civil service," said the congressman. In March, Moran assumed chairmanship of the House Appropriations Subcommittee on the Interior and Environment, the panel that oversees EPA funding.

He noted EPA scientists and employees were devalued in years past and it was time to change false perceptions. He called for greater agency outreach to the American people and their communities. "Give them the facts and let them make up their minds. We have a responsibility to inform our democracy," he said.

The lawmaker credited the EPA Emergency Operations Room as a model for crisis response among other federal agencies. The agency uses technology such as teleconference and monitoring capabilities that allow EPA employees in Washington to stay connected to the epicenter of the crisis. Deputy Administrator Bob Perciasepe said EPA is working closely with the Food and Drug Administration and the Fish and Wildlife Service on cleanup efforts.

"You are absolutely indispensible," Moran told employees. "The health of the country is on your shoulders.

HAZARDOUS WASTE

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July 20, 2010 9:24 a.m. PT

Hanford disposal problem: contaminated train (*Seattle Post Intelligencer*)

By ANNETTE CARY
TRI-CITY HERALD
TRI-CITIES, Wash. -- The Department of Energy is considering what to do with 14 contaminated railcars and two contaminated locomotives parked near central Hanford since at least 1997.

DOE favors disposing of them, likely at a central Hanford landfill for contaminated waste.

But it will consider whether one of the diesel locomotives and possibly a flatcar might be decontaminated and displayed at Hanford's historic B Reactor.

Discussions of a display are preliminary and the public would not be allowed on the locomotive or flatcar, said DOE spokesman Cameron Hardy.

B Reactor, which produced plutonium for the first nuclear explosion and the bomb dropped on Nagasaki, Japan, now is open for tours and the National Park Service is evaluating its possible role in its future.

Both locomotives and at least 11 of the railcars were acquired by Hanford in the 1940s through the 1960s.

When Hanford reactors were producing plutonium, cask cars were used to haul irradiated fuel from the reactors along the river inland to holding or processing areas. Eleven cask cars now are parked on a rail spur near the 212-R Building, which is just north of central Hanford's 200 West and East Areas.

During World War II and the earliest years of the Cold War, irradiated fuel remained in the cooling pools at reactors for only a few hours or a day before they were loaded into shielded rail cask cars and taken to the 212-N, 212-P and 212-R buildings.

There the fuel rods were stored underwater for a few weeks to as long as 50 days to allow the isotopes to decay before they were transferred to processing plants. The practice was stopped about 1951 and fuel was left in the reactor basins longer to reduce the emission of radioactive isotopes into the environment during chemical processing of the fuel rods to separate plutonium.

Irradiated fuel continued to be transported by rail car, but went to processing plants from the reactors, said Michele Gerber, a Richland historian.

Most of the cask cars, also called well cars, had three large depressions or wells to hold casks that were labeled A, B and C, she said.

The railcars parked on the 212-R rail spur include 10 of those cask cars and one labeled a "tall irradiated fuel cask" that stood on end. It may have been used for experimental materials taken to Hanford laboratories, Gerber said.

The casks are lined with lead and some also contain water used for radiation shielding and mineral oil used to minimize evaporation, according to DOE.

Also parked on the rail spur are two rail tank cars used to transport radioactive liquid waste and a flatbed railcar used to haul miscellaneous equipment.

DOE believes the railcars and locomotives are contaminated with substances that could include radionuclides, lead or PCBs. The flatcar and locomotives have surface contamination, while the fuel casks have internal radionuclide contamination.

If DOE moves ahead with a proposal to dispose of most of the railcars, decisions will be made on a car-by-car basis on how to decontaminate them.

The proposal, detailed in an engineering evaluation and cost analysis report, calls for evaluating whether portions of the railcars or locomotive could be recycled, including to be used for display at B Reactor.

The cask cars would be filled with grout and enclosed in grout using a form built around them. The report discusses shipping the cars to Hanford's Environmental Restoration Disposal Facility, but doesn't limit disposal options to Hanford if another facility to treat and dispose of the waste off-site is available and approved by the Environmental Protection Agency.

DOE is accepting comments until Aug. 13 by email at railcar(at)rl.gov or by mail to Paula Call, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, A7-75, Richland, 99352.

Online:
http://www.hanford.gov
Information from: Tri-City Herald, http://www.tri-cityherald.com

MINING
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Mine industry sues over Appalachian permits (*Associated Press*)

Story also appeared: *Washington Post*

By TIM HUBER
The Associated Press
Tuesday, July 20, 2010; 1:39 PM
CHARLESTON, W.Va. -- The coal industry filed a lawsuit Tuesday challenging the Obama administration's efforts to limit surface coal mining in Appalachia.

The National Mining Association's lawsuit accuses the Environmental Protection Agency and the Army Corps of Engineers of illegally preventing mines from obtaining water quality permits in the region. If successful, the NMA says the lawsuit would free a logjam of 235 pending permit applications that have been held up for additional scrutiny by the EPA since 2009.

"Members' efforts to navigate this unlawful process and obtain reasonable and predictable permit terms have been unsuccessful, leaving us no choice but to challenge the EPA and Corps policy in court," NMA President Hal Quinn said in a statement. "The agencies' continued abuse of the law to impose arbitrary standards on mining operations, state agencies and other federal regulatory bodies threatens the entire region with further economic misery and stagnant employment."

The EPA had no immediate comment. The corps referred questions to the U.S. Department of Justice, which also had no immediate comment.

The lawsuit is the latest skirmish in a series of court fights over mountaintop removal coal mining in West Virginia, Kentucky and other Appalachian states. Mine operators say the practice is highly efficient, supports tens of thousands of jobs and provides coal for electric power plants across much of the South and East. But opponents argue that surface mining is too damaging to the environment because it disposes of excess material such as rock by burying streams.

In this series of court battles, lawsuits by coal companies or industry groups have been rare. The companies typically find themselves fighting lawsuits by environmental groups that seek to stop individual permits.

The core of Tuesday's lawsuit is an attack on the new surface mining policy announced by the EPA on April 1. The policy tightened water quality standards solely for valley fills at surface coal mines in West Virginia, Kentucky, Pennsylvania, Ohio, Virginia and Tennessee. EPA Administrator Lisa Jackson said at the time the goal was a standard so strict that few, if any, permits would be issued for valley fills.

The lawsuit seeks to have that policy overturned as well as to eliminate the EPA's practice of offering to approve one valley fill permit at a time, which the NMA says oversteps the agency's authority.

Those decisions should be left to the federal Office of Surface Mining Reclamation and Enforcement, the lawsuit contends.

"EPA and the Corps have launched a moving target in coal mining permitting that is substantially and irreparably harming NMA's coal mining members," the lawsuit says.

Coal lobbying group sues US EPA, Army Corp over mining permits (*Platts*)

Galax, Virginia (Platts)--20Jul2010/557 pm EDT/2157 GMT

The National Mining Association filed suit Tuesday against the US Environmental Protection Agency and the Army Corps of Engineers, claiming the agencies are "unlawfully obstructing permitting of coal mining operations" in Central Appalachia.

The suit, filed with the US District Court for the District of Columbia, charges the agencies are "jeopardizing thousands of jobs and a vital supply of fuel to meet the nation's electric power needs."

"This civil action challenges a series of EPA and Corps actions that have unlawfully obstructed Clean Water Act [Section 404] permitting processes for coal mining," the industry trade group said.

The suit takes aim a June 2009 accord between EPA and the Corps in which the agencies agreed to an "enhanced" procedure to review 79 permit applications -- many tied to valley fills and large surface mining operations -- over concerns about potential harm to the environment, especially streams in the region.

NMA's lawsuit claims "EPA and the Corps have circumvented clear requirements for public notice and comment of a host of federal statutes and

ignored calls for peer-reviewed science as part of a deliberate policy to substitute agency 'guidance' for formal rulemaking."

Citing a May 21 report by the Senate Environment and Public Works Committee Republican staff, NMA said "nearly 18,000 new and existing jobs and more than 80 small businesses are jeopardized by the unlawful policy EPA and the Corps have applied to the 190 permits still awaiting action in mid-May."

Of the 79 permits that were held up by the June agreement, NMA said, 36 have been withdrawn, five permits have been issued and two are under review. The affected permits cover mining operations in Ohio, Pennsylvania, Tennessee, Virginia, Kentucky and West Virginia.

"NMA members' efforts to navigate this unlawful process and obtain reasonable and predictable permit terms have been unsuccessful, leaving us no choice but to challenge the EPA and Corps policy in court," NMA President and CEO Hal Quinn said in a statement. "Detailed agency guidance is not a valid substitute for lawful rulemaking based on public notice and comment. The agencies' continued abuse of the law to impose arbitrary standards on mining operations, state agencies and other federal regulatory bodies threatens the entire region with further economic misery and stagnant employment."

EPA officials did not immediately respond to requests for comment. Corps spokesman Chuck Minsker said that the agency doesn't comment on litigation and referred all inquiries to the Department of Justice. DOJ spokesman Charles Miller said his agency is still reviewing the suit and had no comment.

In the prayer for relief, NMA is requesting, among other remedies, that the court vacate the enhanced coordination process and order the Corps to process all pending permit applications.

--Steve Hooks, steve_hooks@platts.com

July 20, 2010

Coal industry sues EPA, Corps of Engineers over permit crackdown (*Charleston Gazette*)

By Ken Ward Jr.
CHARLESTON, W.Va. -- Coal industry lawyers on Tuesday sued the U.S. Environmental Protection Agency and the Army Corps of Engineers to try to slow down the Obama administration's efforts to more strictly regulate mountaintop removal mining.

The National Mining Association filed suit in federal court in Washington, D.C., over EPA's more detailed review of mining permit applications and a new set of recommended water quality guidelines for surface coal mining in Appalachia.

In the 42-page complaint, the association alleges EPA's permit reviews were an effort to "rob" other agencies of their regulatory role and charges that EPA Administrator Lisa P. Jackson ignored requirements for public involvement when she issued the new water pollution guidelines.

"NMA members' efforts to navigate this unlawful process and obtain reasonable and predictable permit terms have been unsuccessful, leaving us no choice but to challenge the EPA and Corps policy in court," said NMA President Hal Quinn. "Detailed agency guidance is not a valid substitute for lawful rulemaking based on public notice and comment."

EPA spokesman Brendan Gilfillan said the agency is reviewing the coal industry lawsuit.

"EPA's mining guidance is fully consistent with the law and the best available science and will help ensure that Americans living in coal country don't have to choose between a healthy environment for their families and the jobs they need to support them," Gilfillan said in a prepared statement.

While the coal industry favors mountaintop removal's efficiency, and local political leaders praise the jobs provided, there is a growing scientific consensus that the practice is causing widespread and irreversible damage to the region's forests, water quality and communities.

Shortly after taking office, the Obama administration announced it was taking "unprecedented steps" to reduce the environmental impacts of mountaintop removal.

EPA began much more rigorous reviews of valley fill permit applications being considered by the Corps of Engineers and threatened to exercise its Clean Water Act authority to block those permits if it believed the impacts were too great.

In its suit, the mining association alleges this process "adds significant additional time to the corps regulatory review" and is "dramatically altering timelines" for companies to receive new mining permits.

Industry lawyers also complain that, without public involvement, EPA wrongly put into place a detailed tool that grades the potential impacts of permits to help agency officials determine which mining permits need more rigorous reviews.

This April, EPA also announced a new guidance for its regional offices in reviewing water pollution permits for mining projects being considered for issuance by state agencies like West Virginia's Department of Environmental Protection. The new guidance calls for much tougher review, and perhaps rejection of permits, based on the

potential to increase the electrical conductivity of streams, which is a stronger measure of many harmful pollutants from mining and has been linked to damage of aquatic life.

EPA made its guidance effective immediately on an interim basis, but is also conducting an eight-month public comment period and subjecting the scientific reports the guidance is based upon to peer review.

In its suit, the mining association said the guidance constitutes a rulemaking that should have gone through a public comment before it was put into effect.

The suit asks for a court order to block the more detailed EPA permit reviews and the agency's conductivity guidance.

Reach Ken Ward Jr. at kw...@wvgazette.com or 304-348-1702.

Mine industry sues over Appalachian permits (*Ventura County Star*)

TIM HUBER
Tuesday, July 20, 2010
CHARLESTON, W.Va. — CHARLESTON, W.Va. (AP) - The National Mining Association is suing two federal agencies over the Obama administration's efforts to limit surface coal mining in Appalachia.

The trade association filed the lawsuit Tuesday in U.S. District Court for the District of Columbia. It names the Environmental Protection Agency and the Army Corps of Engineers as defendants.

The lawsuit centers on mountaintop removal coal mining. Coal companies like the highly efficient practice, while environmental groups contend it is devastating Appalachia.

The lawsuit accuses the agencies of illegally restricting water quality permits that allow mountaintop removal and other surface mines to bury streams with excess rock. EPA has held up all but a handful of so-called valley fill permits for greater scrutiny since 2009.

Neither agency had immediate comment.

Mining group sues U.S. over mountaintop permit 'guidance' (*Greenwire*)

(07/20/2010)
Patrick Reis, E&E reporter
The National Mining Association sued the Obama administration today over new water pollution "guidance" for coal companies seeking permits for surface mines in Central Appalachia.

The lawsuit accuses U.S. EPA and the Army Corps of Engineers of failing to follow federal procedures in issuing new permit requirements and asks the U.S. District Court for the District of Columbia to void the guidance until the agencies conduct a formal rulemaking, which would include a public comment period.

The EPA guidance includes the first-ever numeric pollution standard for "conductivity," a measure of a water body's ability to carry an electrical charge. The standard addresses levels of salt, sulfides and other pollutants in streams near surface coal mines.

To qualify for a permit, mining companies must show projects won't cause pollutant concentrations to climb past roughly five times the normal level, a limit the agency said would protect 95 percent of aquatic life. The guidance -- which applies only to surface mines in Pennsylvania, Ohio, West Virginia, Virginia, Kentucky and Tennessee -- became effective immediately after being announced on April 1.

At issue in the lawsuit is EPA's labeling the new standards a "guidance" -- not a formal rule. The agency developed the guidance with the Army Corps of Engineers and the Interior Department's Office of Surface Mining.

National Mining Association spokeswoman Carol Raulston said the policies "walk, talk and act like a rule" that has resulted in a "de facto" moratorium on coal mining permitting in the region.

"We had wanted to avoid legal action, and we hoped that our members could work with EPA to address their concerns," Raulston said. "Instead, we've really faced a moving target of more and more hurdles that companies have to go over."

EPA officials were unavailable for comment.

When announcing the rules in April, EPA Administrator Lisa Jackson insisted her agency was not trying to stop coal mining in the region.

"This is not about ending coal mining; it is about ending coal mining pollution," Jackson said. "The people of Appalachia shouldn't have to choose between a clean, healthy environment in which to raise their families and the jobs they need to support them."

The industry group successfully has used the rulemaking argument against other administration attempts to regulate mountaintop-removal mining, including Interior's bid to reverse changes to rules limiting mining made during the George W. Bush administration.

The group sued Interior over the attempt to void the Bush changes to the "stream buffer zone" rule, instead forcing the Obama administration to go through a formal rulemaking process of its own.

Interior has said it does not expect to finalize that rule before 2012 (*Greenwire*, April 13).

PESTICIDES

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Tuesday, July 20, 2010Last Update: 10:15 AM PT

Court Revives Rat Poison Maker's Suit Against EPA (*Courthouse News Service*)

By SONYA ANGELICA DIEHN

(CN) - The D.C. Circuit has reinstated a rat poison maker's challenge of the government's threat to deem its products "misbranded" unless it complies with new marketing restrictions.

The federal appeals court reversed a federal judge's dismissal of the case for lack of jurisdiction, saying the judge can review the case under the Federal Insecticide, Fungicide, and Rodenticide Act (FINRA).

The lawsuit targets the Environmental Protection Agency's interpretation of its FINRA authority to misbrand products -- "final agency action" that's reviewable in court, according to the D.C. Circuit.

In May 2008, the EPA sought to minimize the exposure of children and wildlife to rodent poisons by limiting how the products could be advertised and sold. Rat poison with one or more of 10 active ingredients had to be sold in bait stations and were subject to weight, labeling and distribution restrictions. Certain potent formulas could not be marketed to general consumers for residential use.

After issuing the regulations, the agency told Reckitt Benckiser Inc., which produces d-CON rat poison products, to change its formulas or face having the products misbranded.

Bensicker refused to comply, saying this threat deprived it of the ability to challenge a cancellation decision, as a product must first be canceled in order to be challenged.

Bensicker sought speedy cancellation proceedings so it could administratively appeal.

The D.C. Circuit said the EPA's misbranding threat can be considered final administrative action, as it was definitive, with direct and immediate effects on business. Bensicker claimed it would be forced to spend hundreds of thousands of dollars on research and development to meet the EPA's new demands.

The action puts the company between a rock and a hard place, the court noted, as it's faced with the choice to lose sales, engage in costly compliance or risk penalties for not complying.

The court directed the federal judge to address whether the EPA correctly interpreted its authority to misbrand Bensicker's products "before, or rather than, regulatory cancellation proceedings."

The D.C. Circuit also dismissed claims that the EPA's actions were arbitrary and capricious under the Administrative Procedure Act.

TOXICS

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State audit critical of Iowa DNR (*Sioux City Journal*)

By JASON CLAYWORTH The Des Moines Register | Posted: Tuesday, July 20, 2010 11:12 am

DES MOINES, Iowa (AP) — Iowa's Department of Natural Resources has not complied with 16 state laws dealing with issues such as treatment of infectious waste, an audit released this week shows.

An environmental activist called the findings alarming because laws such as one requiring creation of a toxic pollution prevention program were enacted to protect the public. The agency's failure to uphold state law jeopardizes the well-being of Iowans and represents a serious disconnect between lawmakers and agency leaders responsible for enforcement, the activist said.

Some of the laws have been on the books for nearly 20 years.

Two lawmakers — one Democrat and one Republican — called for Gov. Chet Culver to hold officials at the Department of Natural Resources accountable and to launch a major overhaul in its leadership.

"If in fact we've got state departments that are not complying with the law, that's illegal," said Sen. Dennis Black, D-Grinnell and vice chairman of the Agriculture and Natural Resources Appropriations Subcommittee. "If it's illegal, then someone has to pay."

DNR Director Richard Leopold said instances of inaction identified by the audit that was released Monday have never endangered public safety. In past audits, even more laws weren't enforced, he said, so he viewed Monday's audit as an improvement.

"I think having this short of a list actually speaks to progress," Leopold said. "This, to me, is a couple of pages of things we can work on. That's not to say that everything is perfect and we've got everything we need. There are always ways to improve."

State Auditor David Vaudt said it's common for the audits to find laws that various departments have ignored or failed to completely enforce. However, findings of the

DNR's audit are more serious than usual because many of the laws the department enforces directly affect the quality of life for thousands of Iowans, he said.

In addition, he said the number of laws the DNR has failed to enact or enforce is longer than for most other departments.

"Obviously, the Legislature put these requirements in place because of the concerns they had over these areas," said Vaudt, a Republican who is seeking re-election.

Neila Seaman, director of the Iowa chapter of the Sierra Club, said she was "in shock" about the department's inaction in enforcing state law.

"It's so hard to get legislation passed that's protective of the environment and when an agency just sort of ignores it? That's disconcerting," she said.

The DNR's written responses to the audit's findings called some of the laws "a low priority" and said that resources were unavailable for the department to move forward on some of the laws.

Black said the department's job is to implement the law, and if there are problems in doing so, it's the job of department administrators to notify the Legislature or the governor about those problems.

"The last thing I will accept is any state department telling me or telling the legislative branch is that it's our fault for passing laws," Black said. "It's time for an overhaul within the department. It's time to make sure that the Department of Natural Resources makes the decision to comply with the rules."

The law dealing with infectious waste treatment was passed in 1991 and was a key piece of legislation that year, according to House staff summaries. It required the state to adopt rules to require a person who owns or operates an infectious waste treatment or disposal facility to obtain a permit before operating the facility.

No rules have been adopted. The response from the DNR in the audit said: "Due to higher rule-making priorities, these rules have not been developed." The response went on to say that such rules would likely be undertaken in 2011, which is 20 years after the law was passed.

DNR employees said Monday that Iowa has a moratorium on infectious waste treatment facilities. Other than hospitals or clinics, the department can't issue more permits for infectious waste treatment. However, a DNR lawyer said at least one business had sought to begin operation and couldn't because of the moratorium.

Culver's staff said in a statement Monday that his office had received the audit and was "looking forward to reviewing it carefully with Director Leopold."

Aides did not directly answer questions about whether the governor was concerned about the audit's findings. The DNR director is appointed by the governor and confirmed by the Senate. Culver, a Democrat, appointed Leopold.

Senate Republican Leader Paul McKinley of Chariton also called for Culver to act, agreeing with Black that a DNR reorganization is needed.

"It just shows you that somebody's not manning the store, and it's quite a problem," McKinley said. "Government just isn't being properly managed. That's why we're spending so much and getting so little."

Some of the audit's findings appear to be more about paperwork than substantive issues. For instance, state law requires the DNR to adopt rules for certifying supervisory personnel and operators of hazardous waste treatment, storage or disposal facilities. No rules have been adopted. The DNR's response said the program was turned over to the U.S. Environmental Protection Agency in the 1980s. The department will recommend the requirement be rescinded from Iowa's laws in 2011.

Posted in Iowa on *Tuesday, July 20, 2010 11:12 am*

EPA Urged To Issue End-Of-Life Rules For Toxins In Recycled Coal Waste (*Inside EPA*)

Posted: July 20, 2010

EPA is facing calls from the whistleblower group Public Employees for Environmental Responsibility (PEER) to develop so-called end-of-life rules to curb the potential risk that toxins in coal waste used as components in products ranging from cement to wallboard could leach into the environment when the products are destroyed.

PEER will soon ask the agency to develop the rules as part of the group's comments on EPA's first-time proposed regulation for managing the disposal of coal combustion waste, a PEER source says. The group will first ask the agency to assess whether toxins in coal waste used in products remains sealed when the product reaches the end of its useful life. If the studies find the materials escape, then PEER will ask EPA to take steps to address that risk.

Industry officials, however, say PEER's push faces dim prospects, because it is impossible to tell which products contain coal combustion waste, frustrating any effort to regulate their ultimate disposal.

PEER plans to seek the end-of-life rules and will file early comments on the proposal, which will be submitted at the end of July in a pitch to garner debate on the issue, with the comment period not closing until Sept. 20.

PEER already filed a July 1 Data Quality Act challenge over EPA's claims on the environmental benefits of reuse on the agency's Coal Combustion Product Partnership (C2P2) website, a voluntary program with industry partners designed to promote reuse of coal waste (*see related story*).

EPA in its June 21 proposed Resource Conservation & Recovery Act (RCRA) coal waste rule intends to exempt from regulation most beneficial reuse of coal waste in products. EPA has proposed either hazardous waste or less stringent solid waste requirements for disposal of coal waste, but industry has long warned that a hazardous waste rule would create an insurmountable stigma against recycling coal waste.

EPA proposes to exempt most beneficial reuse from regulation under either solid or hazardous waste disposal rules so as not to harm the industry. But PEER will argue that the agency must address the risk of toxins leaching out of those products at the end of their life before granting any exemption in the final rule.

Transferring Toxins

PEER says many of the toxins in coal waste -- including mercury, selenium and arsenic -- are transferred to the products that coal waste is reused in, such as concrete, counter-tops, carpet backing and wallboard. PEER fears that many of those toxins are then released when the various products are eventually destroyed.

For example, the PEER source notes that cement and concrete are often crumbled and placed in waterbodies, as levee material or artificial reefs, meaning it could directly contaminate water. Additionally, carpet is often burned at its end of life, while wallboard and counter-top material can be placed in landfills.

Despite these risks, the source says there is an "absence of any kind of study by EPA of the environmental and public health effects of coal ash" when used in products.

"Often carpet is disposed of by burning, so will coal ash in a carpet be burned in an open air facility or an incinerator, and if so the result is that the most hazardous material that you've prevented from going up the smokestack of a coal-fired power plant through pollution controls would then be emitted elsewhere," the source says. Toxins from coal ash-containing concrete disposed of in a solid waste landfill could also leach into the water table, or the material may be broken up and placed directly in water to use as a levy, fill or artificial reef, the source notes.

PEER believes that the amount of toxins in coal waste is also set to increase under pending EPA air rules that will require installation of air emission controls for mercury and other air toxics at coal-fired facilities. While the controls prevent the toxins from entering the air, they instead become major components of waste produced from coal combustion, and those toxins remain when that ash is recycled in products.

"What happens when the mercury content of coal ash significantly increases?" as a result of stricter EPA air rules, the source asks. "That isn't the kind of thing you want to have in your kitchen counter."

Additionally, the source criticizes the fact that coal ash recyclers can receive "green building" credit for using coal waste in wallboard and counter-top material, even though the consequences are unknown. "People get green credit because they are using a recycled material, but they may be doing something that ultimately may be very brown."

The source notes that PEER is "arguing that beneficial use should be stigmatized," in contrast to other environmental groups that are trying to rebut industry's claims that hazardous coal waste rules would harm ash recycling. "[S]o for the most part we are acting by ourselves" by seeking reuse rules, the source adds.

Industry sources, meanwhile, downplay the prospects for PEER's request, saying it is unlikely that EPA will develop new end-of-life requirements for beneficially reused coal combustion waste.

Coal Ash In Discarded Products

One industry source says it is impossible to tell which discarded products contain coal ash. A second industry source says that EPA's coal waste proposal already requires the rules PEER seeks because it says that products containing coal waste will become a new waste subject to RCRA controls when they reach the end of their life. "This new waste would be subject to RCRA subtitle C if the waste exhibits a characteristic of hazardous waste (i.e. ignitability, corrosivity, reactivity or toxicity)," EPA says in the proposed coal waste rule.

But the first industry source says this requirement is nearly impossible to address because, "At the end of its life, you are not going to know whether concrete has fly ash in it, or whether wallboard was made with synthetic gypsum out of a scrubber or with natural rock gypsum. . . . Unless you are going to look at all the concrete that is coming out of service, you are stuck with the problem of not knowing which has fly ash."

The second source adds that the PEER effort singling out recycled materials made with coal ash makes no sense. "My reaction is what about al the other products in use right now that didn't come from coal ash and have low levels of metals in them too? Why don't we do an end-of-life for everything?"

However, the PEER source counters that separate rules are necessary, particularly if EPA finalizes a rule allowing beneficially recycled coal ash to shed a planned designation as a "special waste." "Large volumes of an otherwise listed 'special waste' could be shifted to the same solid waste management system as household garbage. There would also be no tracking system in place to gather data on whether these uses caused problems. . . . Also, household wastes are exempt from RCRA requirements, so the consumer applications are particularly troubling," the source says.

Additionally, the source says that because EPA is going to great lengths to seek to appease industry's "stigma" concerns, "EPA is certainly not going out of its way to raise any advisory that people who handle this material should make a RCRA determination at the point of disposal."

While the proposal includes language that suggests these products could be subject to RCRA rules, PEER says that the upshot will be that any recycled ash material will "just disappear from the regulatory framework altogether."

In a related matter, the U.S. Army Corps of Engineers is considering a plan to use coal waste to shore up dozens of miles of Mississippi River levees along a 200-mile stretch of the river near St. Louis, calling it the "cheapest, longest-lasting fix" of the options it weighed. The *Chicago Tribune* reports that the plan is drawing criticism from many environmentalists, who plan to air their concerns at a July 15 public hearing. -- *Dawn Reeves*

EPA cleared to clean up chemical containers (*Associated Press*)

Story also appeared: *KHQ News 6*

Associated Press - July 20, 2010 8:34 AM ET

REXBURG, Idaho (AP) - Federal environmental regulators have clearance to begin removing thousands of buckets and drums containing hazardous chemicals from a property in eastern Idaho.

The Environmental Protection Agency began investigating the property last week. On Monday, the agency obtained a warrant authorizing the removal of as many as 2,600 containers officials say were not properly stored.

So far, the agency has not declared if any of the containers found on property owned by Max Spatig were leaking.

But state and local environmental officials are concerned because containers were close to water wells and an irrigation canal.

Spatig says the buckets and drums at his site contain epoxies and urethanes for finishing floors. He also denies allegations any chemicals had leaked into the ground.

WATER

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EPA takes new look at gas drilling, water issues (*Associated Press*)

Story also appeared: *Texarkana Gazette*

By MARC LEVY and MARY ESCH (AP)
The Associated Press
Tuesday, July 20,2010; 7:49PM
HARRISBURG, Pa. — So vast is the wealth of natural gas locked into dense rock deep beneath Pennsylvania, New York, West Virginia and Ohio that some geologists estimate it's enough to supply the entire East Coast for 50 years.

But freeing it requires a powerful drilling process called hydraulic fracturing, or "fracking," using millions of gallons of water brewed with toxic chemicals, that some fear could pollute water above and below ground and deplete aquifers.

As gas drillers swarm to this lucrative Marcellus Shale region and blast into other shale reserves around the country, the U.S. Environmental Protection Agency is taking a new look at the controversial fracking technique, currently exempt from federal regulation. The $1.9 million study comes as the nation reels from the Deepwater Horizon environmental and economic disaster playing out in the Gulf of Mexico.

The oil and gas industry steadfastly defends the process as having been proven safe over many years as well as necessary to keep the nation on a path to energy independence.

Studies have "consistently shown that the risks are managed, it's safe, it's a technology that's essential ... it's also a technology that's well-regulated," said Lee Fuller, director of the industry coalition Energy In Depth.

"A fair study," Fuller added, "will show that the procedures that are there now are highly effective and do not need to be altered — the federal government does not need to be there."

But because of the oil spill, conservation groups say the drilling industry has lost it credibility and the rapid expansion of shale drilling needs to be scrutinized.

"People no longer trust the oil and gas industry to say, 'Trust us, we're not cutting corners,' " said Cathy Carlson, a policy adviser for Earthworks, which supports federal regulation and a moratorium on fracking in the Marcellus Shale.

Just six years ago, an EPA study declared the fracking process posed "little or no threat to underground sources of drinking water" and with that blessing, Congress a year later exempted hydraulic fracturing from federal regulation.

Now the agency, prodded by Congress even before the Gulf disaster and stung by criticism that its 2004 study was scientifically flawed and maybe politically tainted, will

bring the issues to the heart of the land lease rush in the Marcellus Shale: Canonsburg, Pa., on Thursday and Binghamton, N.Y., on Aug. 12.

EPA hearings earlier this month in Fort Worth, Texas, and Denver focused on issues including drilling in the Barnett Shale of Texas, and in Colorado and Wyoming, which have experienced similar natural gas booms. Natural gas is also being recovered from the Haynesville Shale in north Louisiana, the Fayetteville Shale in northern Arkansas and Woodford Shale in southern Oklahoma.

In Texas, where drillers have sunk more than 13,000 wells into the Barnett Shale in the past decade, fear of the cancer-causing chemical benzene in the air above gas fields from processing plants and equipment has spurred tests by environmental regulators and criticism of the state's safeguards. In Colorado, numerous residents contend gas drilling has spoiled their water wells.

Advancements in horizontal drilling and hydraulic fracturing technology in the late 1990s significantly increased the yield and economic viability of tapping shale gas wells and led to the current natural gas boom, starting in Texas with the Barnett Shale. Fracking is now considered the key to unlocking huge, untapped natural gas reserves across the United States at a time when natural gas is emerging as a greener energy alternative to coal or oil.

The Marcellus Shale is 10 times the size of the Barnett, spanning 50,000 square miles compared with the 5,000-square-mile Barnett. It is also three times thicker than the Barnett at up to 900 feet and is estimated to have a potential yield of 10 times as much gas (500 trillion cubic feet versus 50 trillion cubic feet).

At stake in the debate over how best to manage and regulate this enormous new natural resource is not just the safety of water supplies but also thousands of jobs, profits for the gas drilling and delivery industry and a bonanza of royalties for landowners.

"We've got to get it right," said Sen. Bob Casey, D-Pa., a sponsor of the so-called FRAC Act, which would repeal the 2005 exemption and require regulation of fracking by the EPA under the federal Safe Drinking Water Act.

"We allowed coal over many, many decades to be an industry that was so unregulated that it was allowed to do virtually whatever it wanted, and now we have numerous environmentally adverse impacts," he said.

Though the drilling rush into Pennsylvania is barely two years old, more than 3,500 permits have been issued and about 1,500 wells drilled, with thousands more expected. Environmental problems are already bubbling up: methane leaks contaminating private water wells, major spillage of diesel and fracking chemicals above ground, and fish kill in a creek.

A well blowout in north-central Pennsylvania last month spewed natural gas and toxic fracking water out of control for 16 hours. State regulators found EOG Resources Inc. of Houston had failed to install a proper blowout prevention system — taking cost shortcuts. The state fined EOG Resources and a contractor more than $400,000.

A wary New York state has had a virtual moratorium on drilling permits for the Marcellus Shale region for two years while it completes an environmental review.

Fear of water pollution is so high that a sweet spot of the Marcellus Shale — the Delaware River watershed in southern New York and northeastern Pennsylvania that provides drinking water for 17 million people from Philadelphia to New York City — is virtually off-limits to drilling for now.

The industry says there is no evidence that fracking chemicals — some of them suspected human carcinogens — contaminate drinking water, wells or aquifers once blasted deep underground.

EPA summarized numerous reports of "water quality incidents" in residential wells, homes, or streams in Alabama, Colorado, Montana, New Mexico, Virginia, West Virginia and Wyoming but said there was inconclusive evidence linking the incidents to fracking.

Hydraulic fracturing, first used commercially in 1949 by petroleum services giant Halliburton Co. of Houston, was developed to eke gas and oil from impermeable rock. Water mixed with chemicals and sand is injected at high pressure to fracture shale, the sand holding fractures open so gas can flow up the well.

Each frack job uses an average of 4 million gallons of water, delivered to a well site by hundreds of tanker trucks. Some of the "produced" wastewater remains in the well — estimates range from 20 percent to 90 percent. What comes back up the well — briny, chemical-laden and possibly radioactive from exposure to naturally existing radon underground — is usually stored in open pits until it's trucked to treatment plants or underground injection wells.

In the northeastern Pennsylvania town of Dimock, state regulators have repeatedly penalized Houston-based Cabot Oil & Gas Corp. for contaminating the drinking water wells of 14 homes with leaking methane and for numerous spills of diesel and chemical drilling additives, including one that contaminated a wetland and killed fish.

Even as Pennsylvania officials work to improve their regulation of drilling, the state's environmental protection secretary does not want to cede authority.

"I'm not ready to turn Pennsylvania's resources over to the federal government," said John Hanger. "Right now, Pennsylvania has just about the very best drilling oversight in the country and we continue to keep working at it every day."

Hanger is quick to criticize the regulatory debacle of the federal Minerals Management Service and its cozy relationship with oil and gas corporations before the Deepwater Horizon explosion on April 20.

"That agency was captured by the drilling industry," he said.

The industry says it believes state oversight is sufficient and worries the new EPA study will lead to new and costly safety and environmental rules that would rob them of decades of profits.

In West Virginia, however, state officials concede they're overwhelmed trying to regulate the Marcellus juggernaut that has added hundreds of Marcellus wells to tens of thousands of traditional, shallow gas wells.

If passed, the FRAC Act would remove what's widely known as the "Halliburton loophole" — which exempted fracking from the Safe Drinking Water Act when the 2005 energy bill was passed.

The EPA, in a statement to The Associated Press, did not criticize its previous study. But given the rapid expansion of the industry and "serious concerns" about the impact of hydraulic fracturing, the agency said it concluded it was necessary to conduct a peer-reviewed study that draws upon best available science, independent experts and the public.

Online:

EPA's hydraulic fracturing website:
http://www.epa.gov/safewater/uic/wells_hydrofrac.html

Posted on Tue, Jul. 20, 2010

U.S. EPA and American Water Wrap Up National 'We're for Water' Campaign in New Jersey (*Bradenton Herald*)

The national "We're for Water" campaign and cross-country tour wraps up in New Jersey on August 2, after visiting consumers in 16 states to promote the importance of wise water use. The U.S. Environmental Protection Agency's WaterSense program partnered with American Water (NYSE:AWK), the nation's largest publicly-traded water services provider, on the campaign kickoff on July 14 in Los Angeles and its conclusion on August 2, which features two New Jersey families participating in a water conservation competition.

Chatham Township residents Kenneth and Katherine Abbott, and their children, Joanie 16, Sarah, 11, and Meredith, 4, will compete against Chris Johnson, Ann Cavuoti-

Johnson and their children Mariana 18, Courtney, 16, and Carolyn, 12, to see which family can conserve the most water.

WaterSense partner American Water will monitor the two families' water use over the course of one week as they work to conserve water in their households – using tips they learned from the EPA's WaterSense website (www.epa.gov/watersense) – and compare it to their usage during a previous week this summer. On August 2, the families will compete in various competitions to demonstrate what they learned, and the family that reduced their weekly water usage the most will be revealed.

The families are encouraged to reduce their water consumption through three simple steps: "check, twist and replace." The WaterSense Web site recommends that people:

- Check toilets for silent leaks and replace worn parts if necessary
- Twist on a faucet aerator to reduce bathroom faucet water to use 30 percent less water without a noticeable difference in flow
- Replace older showerheads with a new WaterSense labeled model to save water and energy while still showering with power

The We're for Water campaign is a national effort to educate consumers about water-saving behaviors and WaterSense labeled products. The campaign, which occurs during "peak" water use season in many parts of the country, encourages consumers to adopt simple changes at home to start saving water. The two-week tour features Flo, the We're for Water "spokesgallon," a symbolic one gallon bottle of water saved up from the kickoff competition in Los Angeles, traveling the country stopping at national landmarks, taking photos with tourists, educating citizens about water efficiency and recording the trip via Facebook, Twitter, widgets, and the We're for Water Web site.

WaterSense is a partnership program sponsored by the U.S. EPA with the goal of protecting the future of the nation's water supply by promoting and enhancing the market for water-efficient products and services. There are currently 525 WaterSense labeled toilets, more than 1,800 labeled faucets and faucet accessories, 74 labeled showerheads, and more than 900 certified WaterSense irrigation partners. WaterSense labeled products are independently tested and certified meet EPA's criteria for both efficiency and performance. For more information, visit www.epa.gov/watersense or follow the tour at www.epa.gov/watersense/wereforwater.

American Water, a WaterSense Partner, is the largest publicly-traded U.S. water and wastewater utility company, providing drinking water, wastewater and other related services to approximately 16 million people in 35 states, as well as Ontario and Manitoba, Canada. New Jersey American Water, a wholly owned subsidiary of American Water, is the largest investor-owned water utility in the state, providing high-quality and reliable water and/or wastewater services to approximately 2.5 million people. More information can be found by visiting www.amwater.com.

Read more: http://www.bradenton.com/2010/07/20/v-print/2445304/us-epa-and-american-water-wrap.html#ixzz0uEuoKgFH

Published: July 19, 2010

Numbers don't add up in Louisa water report (*The Daily Progress*)

By Tasha Kates
Transposed numbers in monthly operating reports for the Louisa County Water Authority’s Zion Crossroads Wastewater Treatment Plant between 2007 and 2010 led to inaccuracies in its reports to the Virginia Department of Environmental Quality, according to Bar Delk, the authority’s general manager.

Transposed numbers in monthly operating reports for the Louisa County Water Authority's Zion Crossroads Wastewater Treatment Plant between 2007 and 2010 led to inaccuracies in its reports to the Virginia Department of Environmental Quality, according to Bar Delk, the authority's general manager.
Delk said the inaccurate numbers, some of which have been the basis of a State Water Control Board consent order for violations of discharge limitations of treated sewage, were transferred from the plant's monthly operating reports to the discharge monitoring reports that are sent to the DEQ.
The correct numbers don't all appear to be in Louisa's favor, Delk said, although a total breakdown of the data isn't complete.
"There are some each way," Delk said.
A DEQ spokesman didn't immediately respond to a information request for this story.
The data in the authority's reports was the focus of the consent order made public in May. The order, which calls for a $58,050 civil charge, said the authority's reports show the treated sewage had exceeded levels of certain elements - phosphorus, nitrogen, dissolved oxygen, another oxygen-related measurement and suspended solids - between October 2008 and December 2008 and May and August 2009.
The plant's treated sewage is ejected into a 10-acre impoundment of Camp Creek, which the DEQ said has regular water quality samples that meet the criteria for everything except E. coli. The bacteria are routinely found in Virginia's streams.
Camp Creek and the authority are the focus of a lawsuit filed last year in Charlottesville's federal court. The Historic Green Springs Inc., a nonprofit land conservation group for the Green Springs Historic District of Louisa, and Aspen Hill Farm owners Reginald Murphy and Jane Stuart Murphy, have sued the authority to keep it in compliance with the terms of its Environmental Protection Agency-issued permit.
During a deposition for the plaintiffs, Delk said, the authority learned that the numbers in the lab reports weren't consistent with the numbers in the other reports. According to an authority news release, the discrepancies were found in the values for nitrogen and phosphorus.
When asked who is responsible for transferring numbers from the lab results to the other reports, Delk said he can't comment on personnel matters.
Delk said the authority notified the DEQ about the incorrect numbers. A DEQ spokesman has said the state agency is reviewing the corrected reports.

Posted: 11:42 AM Jul 20, 2010

Urging WV to Strengthen Water Quality Standard (*Associated Press*)

Story also appeared: *WHSV Channel 3 News*

CHARLESTON, W.Va. (AP)
Environmentalists are urging the West Virginia Department of Environmental Protection to strengthen a proposed water quality standard.

Environmentalists are urging the West Virginia Department of Environmental Protection to strengthen a proposed water quality standard.

The DEP held a public hearing Monday on its proposal to limit salts, chlorides and other total dissolved solids to 500 parts per million in streams. The standard would be more stringent than Pennsylvania's standard but less than what's recommended by the U.S. Environmental Protection Agency.

Don Garvin with the West Virginia Environmental Council said the DEP should adopt the EPA's recommended standard of 250 parts per million.

But Lew Baker with the West Virginia Rural Water Association said specific standards for irons that make up dissolved solids would be better.

NSF International Certifies Zeotech Zeobrite Xtreme (*Hotel Interactive, Inc.)*

Only company to have filtration media certified by NSF for use in drinking water and recreational water applications.
Tuesday, July 20, 2010
On Twitter @hotelinteractiv
ANN ARBOR, Mich. – NSF International has certified Zeotech's Zeobrite® Xtreme™ filtration media for use in sand filters in swimming pools and other recreational water facilities and for use in municipal drinking water treatment. Zeotech is the only company to have zeolite filtration media certified by NSF International for use in both drinking water and recreational water applications. Zeolite filtration media combines the physical entrapment of fine particles with filtering of contaminants to improve water clarity.

Certification to the NSF American National Standards for drinking water distribution (NSF/ANSI Standard 61) and recreational water treatment products (NSF/ANSI Standard 50) is required by most U.S. States.

NSF/ANSI Standard 61: Drinking Water System Components -- Health Effects is the American National Standard for the health effects of materials, components and products that contact drinking water. The standard verifies that certified products will not add contaminants to drinking water that are in excess of 1/10 of U.S. Environmental Protection Agency (EPA) requirements.

NSF/ANSI Standard 50: Equipment for Pools, Spas, Hot Tubs, and Other Recreational Water Facilities is the American National Standard for water treatment products that are used in commercial swimming pools, spas and other recreational water facilities like water parks. The standard contains material safety, pressure loss, media cleanability and turbidity reduction requirements for products used in water filtration, circulation and treatment.

Zeolite media must perform as well as or better than sand when used in an NSF/ANSI Standard 50 certified sand filter to meet the NSF requirements.

“The certification of Zeobrite® and Zeobrite® Xtreme™ helps assure operators at drinking water treatment plants and recreational water facilities that the media are free from unwanted contaminants and filter as well as or better than sand,” said Dave Purkiss, General Manager for NSF’s Water Treatment and Distribution Products program.

“We are excited that our new patent-pending Zeobrite® Xtreme™ and our standard Zeobrite® are the only zeolite products to be certified by NSF’s Drinking Water Distribution and Recreational Water Certification Programs, adding tremendous credibility to the Zeobrite® brand,” said Ronnie Coufal, Sr. VP – Marketing for Zeotech Corporation. “The NSF/ANSI 50 Turbidity Reduction Test results for Zeobrite® Xtreme™ also positions the product to rival other types of filter media for removal capability.”

For more information on Zeotech’s certification for NSF Standard 61 (drinking water) and NSF Standard 50 (recreational water), please contact Dave Purkiss at purkiss@nsf.org or 734-827-6855 or visit NSF’s recreational water webpage and NSF’s drinking water webpage.

To view Zeotech’s online listings, visit NSF’s website. More information about Zeotech products is available at http://www.zeotechcorp.com.

About NSF International: NSF International, an independent, not-for-profit organization, certifies products and writes standards for food, water and consumer goods to minimize adverse health effects and protect the environment (www.nsf.org). Founded in 1944, NSF is committed to protecting public health and safety worldwide and operates in more than 120 countries. NSF is a World Health Organization Collaborating Centre for Food and Water Safety and Indoor Environment.

Since NSF/ANSI Standard 61 outlines the testing requirements for any product that comes into contact with drinking water to ensure the product does not contribute excessive levels of contaminants, including lead, to drinking water. NSF/ANSI Standard 50 is the American National Standard for products that are used in recreational water facilities, which addresses materials, design and construction and product performance requirements. An online listing of NSF Certified Products is available at www.nsf.org.

Additional NSF services include NSF Education and Training programs, safety audits for the food and water industries, nutritional/dietary supplement certification and management systems registrations delivered through NSF International Strategic Registrations (NSF-ISR).

Florida Deepwater Horizon Response (*WMBB News Channel 13*)

July 20, 2010
07/20/10 - 09:22 AM
Florida Department of Environmental Protection
RSS Feed
Tallahassee, Fla:
Under the leadership of Governor Charlie Crist, the State Emergency Response Team and the Florida Department of Environmental Protection (DEP) are actively coordinating and responding to the Deepwater Horizon incident.
Message of the day:
There are currently no plans to use dispersants in Florida. If dispersants are ever considered in state waters, the determination to use the chemical would be evaluated by DEP with input from the Florida Fish and Wildlife Conservation Commission's Florida Wildlife Research Institute and the U.S. Environmental Protection Agency (EPA). Dispersants are a chemical used to break up oil into small droplets so that they are more easily degraded. This chemical is most effective against fresh oil, unlike the weathered oil impacts Florida has seen in its waters.

The EPA and the U.S. Coast Guard have authorized BP to use dispersants underwater, in federal waters, at the source of the Deepwater Horizon leak. The use of dispersants has declined significantly since the well was capped on July 15. Subsea dispersant application has been in use since May 15, 2010. While BP pursues the use of subsurface dispersants, the federal government reviews its effectiveness and impact on the environment daily. EPA specifically monitors the water and air for dispersant and its potential impacts through a rigorous monitoring program. The federal government reserves the right to discontinue the use of this dispersant method if negative impacts on the environment outweigh the benefits, and the Coast Guard's Federal On-Scene Coordinator has the authority to make daily decisions regarding any request by BP to adjust the use of dispersant. Learn more.

Current Situation

· The State Emergency Operations Center is activated at Level 1 or full activation.

· The State Emergency Response Team continues to focus on mitigating impacts to Florida's shoreline.

· State reconnaissance teams operating by air, land and sea continue to identify potential impacts and are actively coordinating with cleanup teams. View the latest reconnaissance reports.

· Four Florida branch offices are fully operational in Northwest Florida. These branch offices bring together federal, state and local agencies to streamline response efforts.

· Currently Deepwater Horizon is not discharging any oil into the Gulf of Mexico. BP continues the well integrity test, which is being closely monitored. Learn more.

· Isolated impacts are expected to continue in Northwest Florida over the next 72 hours. Nearly 90 percent of Florida's more than 1,260 miles of coastline remains unimpacted.

· A tropical wave in the Southwest Atlantic near Puerto Rico has a 40 percent chance of becoming a tropical depression within the next 48 hours.

· Oil Impact Notices are posted for all Escambia County and Walton County Gulf beaches, as well as designated beaches in Okaloosa County. Signs may remain in place until local authorities determine that beaches are no longer impacted by the oil spill. Learn more.

· The current federal fisheries closure in the Gulf of Mexico measures 83,927 square miles. This leaves approximately 65 percent of Gulf federal waters available for fishing. This federal closure does not apply to any state waters.

· A portion of coastal state waters offshore of Escambia County is closed to the harvest of saltwater fish, crabs and shrimp. Learn more.

Learn More About Florida's Response:

· Visit www.deepwaterhorizonflorida.com to learn more about Florida's response to the Deepwater Horizon incident, sign up for daily updates, view tips for businesses and consumers, find a listing of Unified Command, BP and Florida phone numbers, and more.

· The Oil Spill Information Line is available at 1-888-337-3569 from 8:00 a.m. to 6:00 p.m. seven days a week. Persons with disabilities can contact 1-800-955-8771 (TDD) or 1-800-955-8770 (voice).

Lake Superior is 15 degrees warmer than normal (*The Michigan Messenger*)

By Eartha Jane Melzer 7/20/10 11:25 AM Scientists studying Lake Superior say that according to data from the National Oceanic and Atmospheric Administration water in the lake is 15 degrees warmer than normal for this time of year and is on track to exceed its record temperature of 68 degrees.

The New York Times reports that the Great Lakes are viewed as "the canary in the coal mine" for aquatic ecosystems worldwide.

Lake Superior, which is the largest, deepest and coldest of the five lakes, is serving as the "canary for the canary," [Cameron Davis, the senior adviser to the U.S. EPA on the Great Lakes] said at a public meeting of the Interagency Climate Change Adaptation Task Force last week, pointing to recent data trends.

Total ice cover on the lake has shrunk by about 20 percent over the past 37 years, he said. Though the change has made for longer, warmer summers, it's a problem because ice is crucial for keeping water from evaporating and it regulates the natural cycles of the Great Lakes.

Warm water makes for comfortable swimming but it also may speed the establishment of invasive species and destroy important traditional crops such as the wild rice harvested by the Fond du Lac Band of Chippewa Indians. There is also concern that warming will caused lowered lake levels and expose toxic sediments.

In February, the Obama administration rolled out a five-year Great Lakes Action plan dedicated to adapting to some of these effects and restoring the area.

The plan, which would cost more than $2 billion to carry out, lays out five central goals it hopes to address in the coming years: restoring lost wetlands, controlling invasive species, tackling runoff pollution, addressing toxics like mercury, and promoting accountability and education efforts.

As water levels decline, toxics need to get cleaned up, and "fast," said Davis. "The reason is that with climate change scenarios starting to kick in, we have to get those areas cleaned up so we aren't unwittingly circulating more contaminants than we need to," he said.

EPA to give Sudbury River plan a second look (*MetroWest Daily News*)

By Danielle Ameden/Daily News staff
The MetroWest Daily News
Posted Jul 21, 2010 @ 12:00 AM
The U.S. Environmental Protection Agency yesterday said it will re-evaluate its plan to dump sand over the mercury in the Sudbury River after hearing a public outcry to the idea Monday.

The agency said it will consider all remarks made during a public hearing and any written comments sent in by the Aug. 26 deadline, but it is defending its $8.5 million pollution cleanup strategy.

"We have what we think is the best alternative out there," said Jim Murphy, a spokesman for the New England region, "and people now have time to look at it and give us their comments."

At Monday night's session, Framingham Selectman Ginger Esty argued against plans to put a six-inch layer of sand over the 84 acres of riverbed.

She called for the EPA to instead drain Framingham Reservoir No. 2, north of the town's Fountain Street bridge, and dig up and remove the contaminated sediment.

"Ginger's idea," Murphy said, "was something that we actually did not evaluate."

Murphy said the EPA will give it and other suggestions some thought.

The EPA did not consider the "dry dredge" approach as one of 11 cleanup options, Murphy said, but that's how the agency cleaned up the wetland along Ashland's Megunko Road. That pollution was from the nearby Nyanza dye factory, the main source of the river's high mercury levels.

"We have to go back and re-look at why we thought dredging in the dry was not a good idea," Murphy said.

The EPA's options range from "no action" - costing nothing - to underwater excavation of the river (dredging), which could cost as much as $213 million.

The agency's proposal is to use sand to speed the mercury's natural dilution and make the river's bass, perch and catfish safe for people to eat in large quantities. The approach has been used on the West Coast, according to the EPA.

"We were certainly not surprised that there were people who did not agree with us," Murphy said yesterday.

He said the feedback Monday night was helpful.

"If there's a huge, huge outcry or the state is totally against it then we would ... certainly take that seriously," he said.

After the public comment period ends next month, the state Department of Environmental Protection will formally weigh in on the EPA's plan.

"In general we do agree with their position on this issue a far as putting the sand down as the best way," DEP spokesman Ed Coletta said yesterday.

For the Sudbury, Murphy said the EPA looked at replicating the dry dredging and cleanup of PCBs in the contaminated Housatonic River in Pittsfield.

That project involves building a wall down the middle to divide the river, drying out one side and dredging in the dry to clean it out, Murphy said.

"We didn't see a whole lot of other choices," he said.

But there are differences between the two rivers and situations.

Where the Housatonic has narrow parts, a faster current and contamination that spread to the riverbanks, Murphy said the winding Sudbury is wide with slow-moving water and contamination that is isolated to the riverbed.

"We don't feel because of the lower levels of mercury that we need dredging," he said. "... Maybe where dredging makes sense in one place, it doesn't necessarily make sense in another place."

Written comments can be submitted until Aug. 26 to the EPA, attention Daniel Keefe, project manager, EPA New England, 5 Post Office Square, Suite 100 Boston, MA 02109-3912 or e-mail keefe.daniel@epa.gov.

(Danielle Ameden can be reached at 508-626-4416 or dameden@cnc.com.)

Virginia not happy with Feds' bay cleanup plan (*Daily Press*)

July 20, 2010|By Cory Nealon, cnealon@dailypress.com | 247-4760
RICHMOND — — Virginia will cooperate with the federal government to intensify Chesapeake Bay restoration efforts but the McDonnell administration is not happy it. That was the message from state Secretary of Natural Resources Doug Domenech, who addressed 20 state lawmakers Tuesday in Richmond.

During a fiesty speech before the House Committee on Agriculture, Chesapeake and Natural Resources, Domenech criticized the U.S. Environmental Protection Agency's effort to impose a pollution diet on the bay's six-state watershed.

Published: July 21, 2010

Disagreements hamper Chesapeake Bay cleanup (*Richmond Times Dispatch*)

By Rex Springston | TIMES-DISPATCH STAFF WRITER
The federal government's stepped-up effort to restore the Chesapeake Bay is getting resistance from some lawmakers and state officials. During a meeting of the House of Delegates' natural-resources committee yesterday, lawmakers and others raised concerns about the cost, nature and timing of the cleanup. Virginia has cut a lot of bay pollution over the years, and removing much more could be too costly, said Del. Robert D. Orrock Sr., R-Caroline.
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Virginia has cut a lot of bay pollution over the years, and removing much more could be too costly, said Del. Robert D. Orrock Sr., R-Caroline.

"We may have to accept a little more pollution" in the cleanup plan, Orrock said outside the General Assembly Building committee room.

Efforts to clean the Chesapeake Bay date to the 1980s, but the bay remains polluted. Officials in President Barack Obama's administration say they are making the cleanup a priority.

Virginia and federal officials are working to prepare cleanup plans by the end of this year.

Doug Domenech, Gov. Bob McDonnell's secretary of natural resources, said the increased emphasis on the cleanup comes at precisely the wrong time -- during a terrible economy.

"Some in the environmental community appear to not care if people lose their jobs, or they don't care if taxes have to be raised on everybody to pay for this cleanup," Domenech said in an interview.

Everybody has the same goal -- cleaning the bay -- but the question is "what's the best way to do it?" Domenech said.

The bay is improving, largely through voluntary efforts, Domenech said. He favors continuing the voluntary approach.

Ann F. Jennings, Virginia director of the Chesapeake Bay Foundation, an environmental group, said restoring the bay would be good for businesses such as tourism.

She said McDonnell administration officials and others appear to spend more time complaining about the cleanup process than figuring out ways to best help the bay.

"It has become very tense," Jennings said, mainly because of the renewed emphasis on the cleanup being expressed by the U.S. Environmental Protection Agency.

"It's for real this time," Jennings said, "and it hasn't been for the last decades."

EPA officials have said they may impose severe punishments, such as withholding federal grants, on states that don't do enough to clean the bay.

"If done wrong, this could lead to economic-sector civil war," with groups such as farmers and developers pointing fingers at each other as polluters that should do more to clean up, said Wilmer Stoneman of the Virginia Farm Bureau.

Under the EPA's schedule, states' plans for cleaning the bay need to written by 2011. But the states have until 2025 to ensure that all the cleanup measures, such as new fences to keep cattle out of streams, are in place.

That's not exactly an onerous schedule, said Jeff Corbin, an EPA senior adviser.

"We've been at this for 30 years," Corbin said. "We're going to give them 15 more."

The committee's chairman, Del. Harvey B. Morgan, R-Middlesex, said the time has come to finally clean the bay.

"Hopefully it'll be like a partnership," he said, "and not seem like a mandate from Big Brother."

Contact Rex Springston at (804) 649-6453 or rspringston@timesdispatch.com.

$2.25 billion for the Chesapeake Bay, but at what cost? (*Daily Press*)

Facing an uncertain future as interest groups, chiefly the American Farm Bureau, oppose the regulations attached to it.
July 19, 2010|By Cory Nealon, cnealon@dailypress.com | 247-4760
Environmental activists call it the most important Chesapeake Bay legislation since Richard Nixon signed the federal Clean Water Act in 1972.

Others, especially the agricultural industry, say it will drive farmers and ranchers from their land.

The Chesapeake Clean Water Ecosystem Restoration Act would pump $2.25 billion over the next six years into cleaning up the estuary, the nation's largest and home to a once bountiful supply of seafood.
For environmental watchdogs, such as the Annapolis, Md.-based Chesapeake Bay Foundation, the bill is long overdue. Past efforts to rid the bay of pollutants, including the landmark Clean Water Act, have largely failed to live up to their promise, they say.

The current bill, written by a pair of democratic Maryland lawmakers, U.S. Sen. Ben Cardin and Rep. Elijah Cummings, could change that, according to Doug Siglin, the foundation's federal affairs director.

Essentially, the bill would fund the U.S. Environmental Protection Agency's effort to prod Virginia, five other mid-Atlantic states and the District of Columbia to double the pace of their cleanup efforts, Siglin said.

The EPA wants to cut the amount of nitrogen — a pollution indicator that leads to oxygen-deprived dead zones — from entering the bay by about 30 percent by 2025.

States would be given the opportunity to meet the demand. For example, Virginia could target power plant emissions while Maryland clamps down on farm waste. If states do not meet the goals, the EPA can withhold Clean Water Act grants, which in Virginia this year amounts to $24 million, Siglin said.

The foundation and others have seized upon the increasing sense of environmental awareness created by the Gulf of Mexico oil spill as an added measure for the bill's approval.

"This is extremely important for the bay, its needs to be passed this year," Siglin said.

Whether that will happen is unclear. Powerful interests, such as the American Farm Bureau and various builder associations, have mounted opposition campaigns.

The bureau in particular has been active, encouraging its members to write members of Congress expressing their misgivings about the bill. Greg Hicks, vice president of communications for the Virginia bureau office, said portions of the bill could be devastating to the state's beef and diary farmers.

Environmentalists urge tougher water standards (*Charleston Gazette*)

CHARLESTON, W.Va. -- Environmentalists said Monday evening that a new water quality standard proposed by West Virginia regulators isn't nearly stringent enough.

Don Garvin, lead lobbyist for the West Virginia Environmental Council, said the standard for total dissolved solids (TDS) pollution in state rivers and streams isn't as stringent as what is recommended by the U.S. Environmental Protection Agency.

Garvin also outlined other steps that he said the state Department of Environmental Protection should have taken as part of its latest proposed changes to state water pollution limits.

"This is just not enough," he said during a DEP public hearing on the proposal, slated for submission for review by lawmakers during next year's regular session.

Garvin urged DEP to also consider adding language to require state permits for large-scale water withdrawals from state streams and adopting an EPA proposal for limiting the electrical conductivity of waterways.

The DEP proposal for TDS, unveiled in late May, would set a legal limit for total dissolved solids in waterways of 500 parts per million. It would apply in-stream to waterways statewide, making it more stringent than the existing standard in Pennsylvania, which applies a standard of 500 parts per million only at the intake pipes for public drinking water systems.

But Garvin said the federal EPA recommends an even tougher standard of 250 parts per million, and that the state DEP has given no clear reason for not adopting the federal recommendation.

Environmental groups and industry are closely watching the DEP action on dissolved solids, which are made up of various salts -- such as chlorides and sulfates -- that are dissolved in water. At high enough levels, such pollutants can be dangerous to aquatic life and can make water used in drinking supplies taste and smell bad.

DEP officials have considered the proposal for more than a year already. Their studies were prompted by TDS problems that brought complaints about unpleasant odors and tastes in drinking water drawn from the Monongahela River in the fall of 2008.

Last fall, a massive fish kill in Dunkard Creek along the Pennsylvania border was blamed at least in part on TDS pollution.

High levels of TDS can come from a variety of sources, including coal-mining discharges. Some citizen groups have become increasingly concerned about TDS from the disposal of fluids from large-scale oil and gas drilling in the Marcellus Shale formation.

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