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

**Prepared by the Office of Public Affairs**

Monday, February 18, 2013

Table of Contents
(BNA articles can be viewed online **http://Intranet.epa.gov/desktop/news.htm**

Wednesday, August 12, 2009


ADMINISTRATION JACKSON ..... 3
Head of EPA visits Roane (*Knoxville News Sentinel*) ..... 3
Obama EPA approves another mountaintop removal mine (*Charleston Gazette*) ... 4
EPA orders Ky. regulators to revise TVA plant permit (*Greenwire*) ..... 5
Head of EPA makes surprise visit to TVA ash spill site (*Channel 6 WATE*) ..... 6
Weekly Climate Change Policy Update (*Mondaq News Alert*) ..... 7
EDITORIALS / OP-ED / COMMENTARY / LETTERS ..... 14
EPA analysis counters sound science (*Prairie Star*) ..... 14
AIR ..... 14
EPA begins monitoring air around Gary school (*Gary Post Tribune*) ..... 14
Even 'Safe' Ozone Levels May Be Hard On The Lungs (*Post Chronicle*) ..... 15
CLIMATE CHANGE / GLOBAL WARMING ..... 16
Coal's future hinges on success of carbon capture (*Greenwire*) ..... 16
ENERGY ..... 17
Wood, pellet stove sales heating up (*Daily Gleaner*) ..... 17
Polk Schools Save Big On Energy and Water (*The Ledger*) ..... 18
117 schools earn Energy Star rating (*News Chief com*) ..... 20
ENFORCEMENT ..... 21
EPA fugitive Website helps government lawyers capture criminals! (*Justice News Flash*) ..... 21
FUEL ..... 23
Vroom! GM says Volt to get 230 mpg (*USA TODAY*) ..... 23
G.M. Puts Volt's Mileage in Triple Digits (*New York Times*) Story also appeared: *Boston Globe* ..... 24
GM CEO: Chevy Volt To Get 230 MPG Rating (*Wall Street Journal*) ..... 26

New Volt should get 230 mpg in city, GM says (*Los Angeles Times*) ..... 28
Auto Sales Expected To Remain High (*Associated Press*) ..... 29
Story also appeared: *WCPO News* ..... 29
Chevy Volt: 230 MPG? (*Chicago Sun-Times*) ..... 29
Ethanol producers hopeful for rebound in E85 sales (*Des Moines Register*) ..... 30
Groups unite to push blender pumps (*Sioux Falls Argus Leader*) ..... 33
EPA Releases Peer Review of Biofuel Rule (*Reuters*) ..... 34
July sees big jump in fuel efficiency of new cars (*Associated Press*) ..... 35
GM says Volt will get 230 mpg in city (*Greenwire*) ..... 36
DOE chief, ethanol advocate spar at Las Vegas summit (*Greenwire*) ..... 37
'Clunkers' fueled major increase in efficiency of new cars -- study (*Greenwire*) ..... 38
GRANTS ..... 38
Misssoula's Brownfield sites getting some clean up (*KPAX News 8*) ..... 38
Texas A&M Lands $3M EPA Toxicity Grant (*GenomeWeb Daily News*) ..... 39
HAZARDOUS WASTES ..... 39
TVA plans to switch to dry ash storage (*Greenwire*) ..... 40
MINING ..... 40
Activists Target Mountaintop Mining In NEPA Review For Coal Plant (*Inside EPA*) ..... 40
PESTICIDES ..... 42
Pesticides on peaches: What we found ...(*Chicago Tribune*) ..... 43
Mosquito repellents (*Kingston Reporter*) ..... 44
SUPERFUND ..... 46
Lead cleanup could expand (*Evansville Courier & Press*) ..... 46
Black & Veatch's EPA contract could hit $150M (*Bizjournals.com*) ..... 47
PCB dredging resumes in Hudson (*Greenwire*) ..... 48
TOXICS ..... 49
Empty lot is a battleground (*Los Angeles Times*) ..... 49
GM drops out of pollution prevention program (*Greenwire*) ..... 51
WATER ..... 52
G.E. Resumes Hudson Dredging, With Limits by E.P.A. (*New York Times*) ..... 52
Hudson dredging resumes (*Albany Times Union*) ..... 53
California Stormwater Order May Serve As Precedent For Numeric Limits (*Inside EPA*) ..... 54
EPA taking comments on water quality enforcement (*Bay City Times*) ..... 55
Hudson River Dredging Continues (*Fox 23 News*) ..... 56
Residents confused on safety of lakes (*The Daily News of Newburyport*) ..... 57
Feds: Toxic site cleanup next (*Poughkeepsie Journal*) ..... 60
EPA sued over flood control (*Associated Press*) ..... 62
Story also appeared: *Clarion Ledger* ..... 62
Ports considering water, sediment pollution controls (*Daily Breeze*) ..... 63
Beach at Central Avenue in Point Pleasant Beach ranks low (*Asbury Park Press)* 65
County Commission expected to increase sewer charges (*Kansas City Star*) ..... 68
Grant continues R.I. saltwater-beach testing (*Providence Journal*) ..... 69
Hopewell Precision Superfund site to be cleaned up by bugs (*Mid-Hudson News*) 70

**ADMINISTRATION JACKSON**
**==========**

**Head of EPA visits Roane (*Knoxville News Sentinel*)**

Administrator tours ash spill site, sits in residents' meeting
By J.J. Stambaugh
Tuesday, August 11, 2009
Tennessee
The head of the U.S. Environmental Protection Agency made a surprise visit to a residents' group in Roane County on Monday to discuss the community's concerns over last year's massive fly ash spill.

EPA Administrator Lisa Jackson met with the Roane County Community Advisory Group about 2 p.m., when the group was expecting only a meeting with on-scene EPA officials, said the group's vice-chairman, Randy Ellis.

"You can imagine our surprise," Ellis said. "We thought we were meeting with the on-site coordinator, and then all of a sudden a lot more people came into the room.

"She had a four-hour window, and she did an on-site helicopter tour and then met with us," he said. "She wanted to hear our concerns and let us know they're working with us. She was a very cordial person, very polite. She took our concerns to heart."

The spill from TVA's Kingston Fossil Plant near Harriman three days before Christmas swamped the river and surrounding countryside with about 5.4 million cubic yards of ash sludge from a burst retention pond and destroyed or damaged 26 homes. Officials say the cleanup could cost as much as $1.2 billion.

Residents have repeatedly complained that they are afraid of possible health impacts and numerous property owners are involved in litigation with TVA.

Ellis, whose parents live across the street from the spill site, said the group was formed at the suggestion of EPA officials as a way to facilitate communication between federal agencies and the public.

The group is expecting a $50,000 grant from TVA to hire a technical advisor "who will go over the information from the clean-up site and put it in layman's terms," he said.

EPA officials couldn't be reached for comment Monday.

J.J. Stambaugh may be reached at 865-342-6307.

August 11, 2009

**Obama EPA approves another mountaintop removal mine (*Charleston Gazette*)**

The Obama administration late last week quietly approved one of six major mountaintop removal permits that were said to be undergoing close scrutiny by the U.S. Environmental Protection Agency.
By Ken Ward Jr.
Staff writer
CHARLESTON, W.Va. -- The Obama administration late last week quietly approved one of six major mountaintop removal permits that were said to be undergoing close scrutiny by the U.S. Environmental Protection Agency.

Without announcing the move publicly, EPA gave the nod for the federal Army Corps of Engineers to issue a Clean Water Act permit for CONSOL Energy Inc.'s Peg Fork Surface Mine near Chattaroy in Mingo County.

EPA approved all eight valley fill waste piles originally proposed by CONSOL, provided that additional water testing is done before six of those fills are constructed, agency officials said.

Corps officials in Huntington approved the permit on Friday. Copies of key permit documents were not yet being made public, despite a promise from the Obama White House of increased transparency in the permit review process.

"We are disappointed that the administration has approved a new mountaintop removal mine without making any commitment to adopt new regulations or policies that would end this destructive practice," said Ed Hopkins, director of the Sierra Club's environmental quality program. "While we appreciate that the Obama administration is taking a harder look at mountaintop removal coal mining, unless that results in decisions that end the irreversible destruction of streams, the harder look isn't going to do the job."

After announcing a crackdown on mountaintop removal in late March, EPA administrator Lisa Jackson less than two months later cleared dozens of valley fill permits for issuance by the corps. Under federal law, the corps directly reviews these "dredge-and-fill" permits, but EPA has veto authority and is supposed to make sure the corps is doing a good job.

**EPA orders Ky. regulators to revise TVA plant permit (*Greenwire*)**

Robin Bravender, E&E reporter
08/11/2009
U.S. EPA Administrator Lisa Jackson has sided with environmental groups on several challenges contending that permits issued to a Tennessee Valley Authority coal-fired power plant failed to properly account for air pollution.

In an **order** issued last month, Jackson agreed with environmentalists on four of the eight challenges they brought against the operating permit issued to TVA's Paradise Fossil Fuel plant in Drakesboro, Ky., in November 2007. The notice of the final order was published yesterday in the *Federal Register*.

Environmentalists challenged the permit issued by the Kentucky Division of Air Quality, arguing that among other things the permit failed to require proper pollution controls and monitoring for nitrogen oxide (NOx) pollution, a precursor to smog.

Jackson agreed with environmentalists' arguments that the permit failed to include proper analysis for the plant's three main boilers for NOx when making upgrades to the plant, that the permit failed to require adequate monitoring systems for opacity and NOx, and that monitoring from soot emissions from the coal washing and handling plant was inadequate.

Jackson's order requires state regulators to submit a revised permit addressing those issues by Oct. 27, said EPA Region 4 spokeswoman Davina Marraccini. The Clean Air Act also allows parties to seek judicial review of the order within 60 days of publication in the *Federal Register*.

"They're going to have to go back to the drawing board on a number of issues, so that's very good," said Kassie Siegel, senior counsel and director of the Climate Law Institute at the Center for Biological Diversity. The center is one of several groups that have been challenging the plant's permits for several years. "It is a terribly polluting plant for lots of pollutants," she added.

Jackson sided with the the Kentucky Division for Air Quality and TVA on four other claims. She disputed the environmentalists' arguments that the permit should have required year-round operation of the selective catalytic reduction system (SCR), that the permit failed to include a necessary case-by-case determination of the maximum achievable pollution control technologies for several boilers, and other arguments.

TVA spokesman Jim Allen said the agency will discuss EPA's objections with state officials during the time allotted.

**Click here** to read Jackson's order.

**Head of EPA makes surprise visit to TVA ash spill site (*Channel 6 WATE*)**

***Posted: Aug 10, 2009 10:04 PM EDT***

By **SHELBY BAKER**
6 News Reporter

HARRIMAN (WATE) -- Randy Ellis and several members of the Roane County Community Advisory Group were in a meeting with local EPA officials Monday when to their surprise, the head of the agency walked in the door.

"She looked really familiar. I didn't know who she was at first, but then she introduced herself and it was Lisa Jackson, she's the Director of EPA for the United States," Ellis said.

The visit was kept under wraps by EPA so Jackson could meet privately with the group to address its concerns.

6 News found her schedule on the agency's Web site. Jackson was listed for a Stakeholder's Meeting in Harriman from 2:00 to 3:00.

"She showed up and took a helicopter tour, then met with us for an hour. She basically introduced herself, and we introduced ourselves," Ellis said.

He also said Jackson told them she was looking forward to working with them and getting the mess cleaned up as quickly as possible.

"Basically, she said the EPA is there to do their job and clean the ash up and get it out of the river in the most humane and healthy way possible."

She also told them it was important for her to see the damage first hand.

"She summed it up like everyone has. She said she's seen pictures and heard about it, but you can never fully appreciate what happened until you come and actually see what it is."

This was Jackson's first visit to the ash spill site.

United States:

**Weekly Climate Change Policy Update (*Mondaq News Alert*)**

- August 10, 2009
11 August 2009
To receive the Weekly Update via email, visit our Sign Up/Subscribe page
http://www.vnf.com/news-signup.html
Article by
Kyle Danish, Shelley Fidler, Kevin Gallagher, Megan Ceronsky, Tomás Carbonell
Commentary
In the Senate, who will draft provisions for distributing allowances? Boxer? Baucus? Reid? All of the above? . . . Ten Senators from manufacturing states sent a joint letter emphasizing the importance of having border adjustment measures in any cap-and-trade program . . . Suddenly, there is a lively discussion about an allowance "price collar" – provisions that would set a floor and a ceiling for allowance prices. Both Brookings and the National Commission on Energy Policy released papers advocating such an approach, and it was a topic of discussion at this week's Senate Finance Committee hearing. The papers are critical of the ACES "strategic allowance reserve," which might address, at best, volatility, but would not be effective in address systematically high allowance prices due to the unavailability of technology. Some policy-makers also have latched onto the price collar as a mechanism to prevent adverse impacts from market speculation. NGOs remain critical of the concept. . . . It was a week of studies. The Energy Information Administration analysis of ACES predicts that electricity prices would be 3% above the business-as-usual projection by 2020 and 19% above business-as-usual by 2030. The Congressional Budget Office reinforced previous findings about the significant cost containment impacts from offsets. The General Accountability Office concluded that costs to consumers from a cap-and-trade program are a function of how allowance value is distributed. The GAO generally praised approaches that returned allowance value to consumers in the form of rebates or tax relief, and generally criticized approaches that used allowance value to reduce energy prices. Studies by the Electric Power Research Institute and a group of national academies reinforced the point that the cost and effectiveness of climate policy turns on the rate of technology development and deployment.
Executive Branch

- **EPA Denies Request to Prepare New Economic Analysis of ACES.** Citing the release of a new economic analysis of the American Clean Energy and Security Act (ACES) prepared by the Energy Information Administration (EIA), the Environmental Protection Agency (EPA) formally denied a request by Senators James Inhofe (R-OK) and George Voinovich (R-OH) to prepare a new analysis of the bill with an expanded range of assumptions. In a letter to the Senators, EPA

Administrator Lisa Jackson explained that the EIA analysis already incorporated many of the features that had been requested by the Senators, such as future scenarios in which low-carbon energy sources are assumed to be expensive and in limited supply. Sen. Inhofe stated in response that the EIA analysis did not address state-specific job impacts or the availability of international offset credits, and that a new EPA analysis would still be necessary. Sen. Voinovich vowed to continue a "hold" he has placed on the nomination of Robert Perciasepe for Deputy Administrator of EPA until the agency prepares the analysis requested.

- **DOE Awards $2.4 Billion For Electric Vehicle Batteries.** The Department of Energy (DOE) announced that it had awarded a total of $2.4 billion in grant funding to 48 separate research, development and demonstration projects relating to the production of electric vehicles and vehicle batteries. The funding was provided by the American Recovery and Reinvestment Act of 2009 (the "stimulus package") signed into law in February of this year. Recipients of these grants will be required to provide varying levels of matching funds. Of the total package, $1.5 billion will support the expansion of domestic battery manufacturing and recycling capacity; $500 million will be used for the manufacturing of electric vehicle components and electronics; and $400 million will be used to purchase test vehicles, deploy vehicle charging infrastructure, and provide workforce training. The largest grants were awarded to Johnson Controls ($300 million), A123 Systems ($250 million), and General Motors ($241 million) for the production of lithium-ion batteries.
- **Update on Presidential Nominations and Appointments.**
    - 
    - The Senate confirmed Kerri-Ann Jones as Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs. Jones has served previously as Director of the National Science Foundation's Office of International Science and Engineering and as Acting Director and Associate Director for National Security and International Affairs in the White House Office of Science and Technology.
    - The Senate confirmed Craig Hooks, currently serving as Acting Assistant Administrator for the Office of Administration and Resources Management at EPA, to be an Assistant Administrator of EPA. Hooks has served at EPA for 21 years, including as Director of the Office of Wetlands, Oceans, and Watersheds.
    - The Senate confirmed James Markowsky to be an Assistant Secretary for Fossil Energy at DOE. Markowsky, who previously worked for American Electric Power for 29 years, is currently a consultant in the energy and electric power generation sector, a member of the National Research Council's Committee on America's Energy Future, and Chair of the National Academy of Engineering's Section 6 – Electric Power / Energy Systems Committee.
    - The Senate confirmed Warren "Pete" Miller to serve as Assistant Secretary for Nuclear Energy at DOE. Miller is currently a professor at Texas A&M University and retired from work as a researcher and administrator at Los Alamos National Laboratory in 2001.

- The Senate confirmed Robert Abbey to be Director of the Bureau of Land Management (BLM) at the Department of the Interior. Abbey is currently a private consultant at Abbey – Stubbs – Ford, LLC, where he specializes in western land and resource strategies. He previously served as the Nevada State Director for the BLM.
- The Senate confirmed Colin Scott Cole Fulton to be an Assistant Administrator of EPA. Fulton previously served in a number of positions at EPA, including as Acting Assistant Administrator of the Office of International Affairs, as a judge on the Environmental Appeals Board, and as Director of Civil Enforcement.
- The Senate Committee on Energy and Natural Resources held confirmation hearings for John Norris, who is President Obama's nominee to serve as Commissioner of the Federal Energy Regulatory Commission (FERC).
- The Senate Committee on Environment and Public Works approved the nomination of Gary Guzy for the position of Deputy Director of the Council on Environmental Quality.

**Congress**

- **Senate Heads to Recess With Final Hearings.** In the Senate's final week before the August recess, key committees held hearings focused on climate change policy issues.
    - 
    - The Environment and Public Works hearing on climate change and U.S. leadership in clean energy featured Interior Secretary Ken Salazar, Federal Energy Regulatory Commission Chairman Jon Wellinghoff, DOE Assistant Secretary for Policy and International Affairs David Sandalow, Environmental Defense Fund President Fred Krupp, and MidAmerican Energy Company President and CEO Bill Fehrman. Committee Chairman Barbara Boxer (D-CA) remarked on options that she is considering for her cap-and-trade bill. She said she is considering a 2020 target of between 17 and 20% below 2005 emissions, and is also considering imposing a "price collar" (minimum and maximum) on emission allowance prices to provide greater cost certainty.
    - The Finance Committee's hearing on emission allowance allocation featured expert testimony from John Stephenson from the Government Accountability Office, Dallas Burtraw from Resources for the Future, Nat Keohane of the Environmental Defense Fund, and Alan Viard from the American Enterprise Institute. At the hearing, Sen. Blanche Lincoln (D-AR) described the ACES bill as "deeply flawed," citing its adverse impacts on smaller oil refineries such as those in her state. Sen. Debbie Stabenow (D-MI) asked witnesses whether imposing a price collar on emission allowance prices would be a more effective cost-containment mechanism than free allowance allocation. Keohane warned that such a mechanism could make the cap ineffective. Committee Chairman Max Baucus (D-MT)

said that the Senate should "match" or "build on" the provisions in the ACES bill that use allowance value to give low-income Americans relief from energy costs. Chairman Baucus has not said whether he would rewrite the House allocation formula or leave it as is, but he did say that the Finance Committee will mark up a bill in mid- or late September.

- **Manufacturing-State Senators Ask for Carbon Tariffs.** Ten senators, all of whom represent states with significant manufacturing industries, wrote to President Obama to communicate support for inclusion of a "longer-term border adjustment" in climate legislation to ensure that energy-intensive jobs and industries do not leave the U.S. for non-carbon constrained countries. Signatories include Sens. Sherrod Brown (D-OH), Debbie Stabenow (D-MI), Russ Feingold (D-WI), Carl Levin (D-MI), Evan Bayh (D-IN), Bob Casey (D-PA), Robert Byrd (D-WV), Arlen Specter (D-PA), John Rockefeller (D-WV), and Al Franken (D-MN).
- **Members Introduce Constituent-Focused Climate Bills.** Several bills were introduced that respond to constituency-specific climate policy issues:
    - 
    - A bipartisan bill (H.R. 3460) was introduced in the House that would add algae-based biofuels to the cellulosic fuel category eligible to meet EPA's renewable fuels standard (RFS). Because the legislation would not alter the amount of cellulosic fuels that must be used by refiners to meet the RFS, algae-based biofuels would be in competition with conventional cellulosic fuel producers such as switchgrass to supply the existing volume requirements.
    - Sen. Jeanne Shaheen (D-NH) introduced the Forest Carbon Incentive Program Act (S. 1576) which would direct the Forest Service to create a program to pay small forest owners who set aside forested acres through conservation easements or take other measures to store carbon and reduce emissions.
    - Sen. Mark Begich (D-AK) introduced a set of seven bills intended to address climate change impacts in Alaska and the arctic. The legislation would create economic development programs for Alaskan villages already deleteriously affected by coastal erosion, flooding, and other climate change impacts; direct formation of a long-term Arctic Ocean research plan; give Alaska natives 37.5% share of royalties from offshore oil and gas production, and create a U.S. ambassador to the arctic to represent the U.S. at international negotiations of arctic nations.
- **More Cash for Clunkers.** The House and the Senate gave new infusion of $2 billion in funding to the popular "Cash for Clunkers" program, which provides individuals with up to $4,500 towards the purchase of a new car if they trade in a less efficient model. The program, which had nearly run through the $1 billion appropriated to it in its first days of operation, has been criticized for failing to produce sufficient environmental benefits and for benefiting foreign car companies. Although the Ford Focus is one of the most popular cars purchased with the rebates, the other cars in the top five are made by Toyota and Honda.

## States and Cities

- **New York Governor Establishes 2050 Emissions Target, Creates Climate Council.** New York Governor David Patterson (D) signed an executive order that sets a GHG emission reduction target for the state of 80 percent below 1990 levels by 2050. The order also creates a Climate Action Council that is tasked with preparing by September 30, 2010 a climate action plan that will help the state meet its emission reduction target. As a member of the Regional Greenhouse Gas Initiative, New York has already committed to reducing GHG emission levels from its power sector to 10 percent below 2009 levels by 2018.
- **Michigan Governor Sets Targets of 20 Percent by 2020, 80 Percent by 2050.** Michigan Governor Jennifer Granholm (D) issued an executive order that sets GHG emission reduction targets of 20 percent below 2005 levels by 2020 and 80 percent below 2005 levels by 2050. The order directs state agencies to meet the targets by developing programs aimed at decreasing vehicle emissions, increasing building energy efficiency, developing and deploying carbon capture and sequestration technologies, and creating partnerships with other state governments.
- **State Regulators Call on Senate to Strengthen House Climate Bill.** In separate letters to U.S. Senators, the National Association of Clean Air Agencies (NACAA) and the Environmental Council of States (ECOS) called on the Senate to improve on the House-passed ACES legislation when drafting its own climate legislation. Among the most significant changes sought by the NACAA, a group of state and local air regulators, are a tightening of the 2020 reduction target from 17 percent to 20 percent below 2005 levels; periodic review of emission targets; expansion of state and local authority to enact more stringent climate regulations; a strengthened renewable electricity standard; and placement of authority over the domestic offset program with the Environmental Protection Agency (EPA), rather than the Department of Agriculture. Offsets are projects to reduce or sequester emissions in uncapped sectors of the economy or in developing countries. The ECOS letter, which the group of state environmental agency leaders delivered to certain key Senators only, focused primarily on the preemption issue and the right of states to create their own climate programs.

## Industry

- **Coal, Natural Gas, Other Industries Advocate for Performance Standards Elimination.** A large number of coal, natural gas, utility, and other companies joined offset advocacy coalitions in a letter to all Senators. The letter urges the Senate to forgo including in a Senate climate bill a provision of the ACES that directs the EPA to develop performance standards for uncapped sources of greenhouse gas emissions, arguing that the provision would eliminate an important source of early offset projects and cost-containment. The provision targets sources of methane emissions in the coal, natural gas, and landfill sectors.

- **Energy, Forestry, and Wildlife Groups Campaign for Expanded Definition of Biomass in Climate Bill.** In a joint letter signed by 76 entities ranging from Duke Energy to the National Wild Turkey Federation, various energy, forestry, and wildlife interests urged the Senate to adopt a broad definition of "renewable biomass" in climate and energy legislation to be taken up in September. The American Clean Energy and Security Act of 2009 recognizes restricted categories of biomass from Federal lands for purposes of compliance with the GHG cap-and-trade program, the proposed federal renewable energy standard, and the existing Renewable Fuels Standard created in the Energy Policy Act of 2005. The letter, which was sent to the Chairmen and Ranking Members of the Senate Committee on Environment and Public Works and the Senate Committee on Agriculture, Nutrition, and Forestry, claimed that the ACES definition "will exclude some of the biomass from much-needed restoration and forest health improvement projects."

**Studies and Reports**

- **New Studies of Federal Climate Legislation Released.**
    - 
    - *Congressional Budget Office:* A report released by the CBO concludes that, without offsets, the costs of ACES would increase by $147 billion by 2030. The report predicts that offsets help reduce the cost of the bill by an annual average of 70% between 2012 and 2050. The report is available at http://www.cbo.gov/ftpdocs/104xx/doc10497/08-03-Offsets.pdf.
    - *Energy Information Administration:* An analysis of ACES by EIA projects that electricity prices will be between 11 and 17.6 cents per kilowatt-hour in 2030, depending upon the ease of low-carbon technology deployment such as CCS and biomass, energy generation costs, and offsets availability. The study's "basic case" scenario assumes allowance prices of $32/ton in 2020 and $65/ton in 2030, and that 61% of emission reductions come from offset projects. The majority of reductions by capped entities would come from the electricity sector. The basic scenario predicts that electricity prices will be 3% above the business-as-usual projection by 2020 and 19% above business-as-usual by 2030. Costs imposed by the bill are projected to reduce annual household consumption by $134 in 2020 and $339 in 2030, and to lower U.S. gross domestic product by .3% between 2012 and 2030. None of the cost projections consider any avoided costs due to averted climate change impacts. The study is available at http://www.eia.doe.gov/oiaf/servicerpt/hr2454/pdf/sroiaf(2009)05.pdf.
    - *General Accountability Office:* A GAO report concludes that the costs borne by consumers under a cap-and-trade program will depend primarily upon how allowance value is distributed. The report predicts that most regulated entities will pass along allowance costs in the form of increased prices, but found that the costs borne by consumers as a result could be largely offset through the distribution of revenue generated by allowance

auctions. Distributing allowances for free, the report notes, could increase the overall cost of the program by holding down energy prices and reducing the incentive for consumers to conserve. The report is available at http://www.gao.gov/new.items/d09950t.pdf.

- *National Academies:* A study co-authored by the Committee on America's Energy Future, the National Academy of Sciences, the National Academy of Engineering, and the National Research Council concludes that it will be important to make carbon capture and sequestration (CCS) and "evolutionary" nuclear technologies viable if the U.S. is to achieve significant GHG reductions. The report recommends the use of performance based standards and regulations to drive technological development and market investment. The study is available at http://www.nap.edu/catalog.php?record_id=12710.
- *Electric Power Research Institute:* EPRI released the results of an analysis of electricity sector technologies which suggest that the electricity sector could reduce emissions by 41% below 2005 levels by 2030 if low-carbon technologies such as CCS, renewable generation, and nuclear generation as well as energy efficiency improvements are aggressively developed and deployed. According to the analysis, aggressive deployment would reduce the cost of emission reductions by more than $1 trillion by 2050 and limit wholesale electricity cost increases to 80% (rather than 210%) by 2050 as compared to a limited deployment scenario. The report assumes that renewable energy sources would contribute 15% of U.S. generation by 2030, that energy efficiency initiatives would reduce expected electricity demand by 8% by 2030, and that 40% of vehicles sold in 2025 would be plug-in hybrids. A slideshow presenting these results is available at http://mydocs.epri.com/docs/SummerSeminar09/Specker09SumSem.pdf.

**International**

- **South Korea Commits to 2020 Target of 21-30 Percent Below BAU.** President Lee Myung-bak announced that South Korea will choose by the end of this year one of three emission reduction targets for 2020. The three possible targets are 21 percent, 27 percent and 30 percent below business-as-usual (BAU) emissions. South Korea, which was not subject to an emission reduction commitment under the Kyoto Protocol, is the first such nation to accept an emissions target for the post-Kyoto period.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

## EDITORIALS / OP-ED / COMMENTARY / LETTERS

==========

### EPA analysis counters sound science (*Prairie Star*)

Tuesday, August 11, 2009 2:23 PM MDTStatement by Bob Dickey, president, National Corn Growers Association, on the EPA's RFS 2 Peer Analysis:

"Today, the Environmental Protection Agency released four peer reviews, two of them on Indirect Land Use Change modeling and the Lifecycle Greenhouse Gas Analysis, included as part of the Renewable Fuels Standard (RFS 2) Proposed Rule. After evaluating the peer review analysis and the designated peer reviewers, the National Corn Growers Association is disappointed that there is no objectivity and a complete lack of unbiased opinions in the process.

"We are dismayed by EPA's complete disregard for an approach that is fair and balanced. We are also puzzled as to why the United States Department of Agriculture, which has extensive knowledge related to this issue, was in no way included in the peer review process.

"NCGA was optimistic earlier this year when the Administration vowed to base future policy on sound science and we were hopeful that would be the case during this analysis. Unfortunately, the information published today is to the contrary. We call upon the EPA to modify its approach to reflect the commitment of President Obama to adhere to policies based on sound science and a transparent process."

## AIR

==========

### EPA begins monitoring air around Gary school (*Gary Post Tribune*)

(http://www.post-trib.com/news/1711396,schoolair0812.article)
August 12, 2009
By Gitte Laasby, Post-Tribune staff writer
GARY -- The U.S. Environmental Protection Agency will start monitoring the air around Jefferson Elementary School in Gary for toxics starting Aug. 23.

The move is an effort to understand whether toxic air pollution poses health concerns to school children.

In Gary, the EPA will keep an eye on metal particles, volatile organic compounds and polycyclic aromatic hydrocarbons, which can can cause cancer if breathed over long periods.

"Once each sample has been analyzed and quality assured, it will be posted on the EPA's Web site," EPA said in a statement Tuesday. "Each sample will be posted as it becomes available."

Samples will be taken over 60 days and be analyzed for air toxics of potential concern. They will be used to assess the potential for long-term health impacts and to evaluate actions that might be needed to reduce the level of pollution. EPA said it will also use the results to "take action as needed to ensure that nearby industries are in compliance with Clean Air regulations."

A newspaper analysis in December concluded there are high levels of manganese in the air around Jefferson Elementary, which mainly comes from ArcelorMittal steel mills in East Chicago.

In addition to Jefferson Elementary on Jackson Street, Abraham Lincoln Elementary on East 135th Street in East Chicago is also among 62 schools in 22 states that will be monitored for toxics.

The schools were selected based on results from EPA's National Air Toxics Assessment and a newspaper report about toxic air pollution near schools.

Once available, the monitoring data can be accessed by choosing Jefferson Elementary from this list: *www.epa.gov /schoolair/schools.html*

*Contact Gitte Laasby at 648-2183 or glaasby@post-trib.com. Follow Gitte on Twitter @GitteLaasbyPT. Comment on this story at www.post-trib.com*

Published: Aug 12, 2009

**Even 'Safe' Ozone Levels May Be Hard On The Lungs (*Post Chronicle*)**

by Amy Norton
Ozone concentrations below the current U.S. clean-air standard may still temporarily impair lung function, even in healthy young people, a small study suggests.

Ozone has been linked to inflammation in the lungs, and to breathing problems. Researchers found that when 31 young adults exercised at various levels of ozone exposure over several hours, participants' average lung function began to deteriorate when ozone concentrations stood at 70 parts per billion (ppb).

That is below the current U.S. National Ambient Air Quality Standard (NAAQS), which states that people should be exposed to ozone levels of no more than 75 ppb, averaged over 8 hours.

The findings essentially suggest that if healthy young adults exercise outside at ozone levels of 70 ppb for several hours – taking a long hike, for instance – about half will suffer respiratory symptoms like coughing or pain during deep breathing, explained lead researcher Dr. Edward S. Schelegle, of the University of California, Davis.

Typically, summer ozone levels hover between 50 and 60 ppb in the U.S., according to a 10-year study by the U.S. Environmental Protection Agency.

The findings, reported in the American Journal of Respiratory and Critical Care Medicine, are based on exercise tests of 31 non-smokers between the ages of 18 and 25.

## CLIMATE CHANGE / GLOBAL WARMING

==========

### Coal's future hinges on success of carbon capture (*Greenwire*)

08/11/2009
The U.S. government is putting billions of dollars behind a "clean coal" technology that even optimists say won't be commercially ready for another 10 years.
But the wait will be worth it, many experts say, because carbon capture and storage is crucial to meeting President Barack Obama's goals to control U.S. emissions of carbon dioxide, the No. 1 greenhouse gas.

The technology will be even more critical to reducing emissions in developing countries like China, which in the past five years has installed coal-fired electricity equal in size to total U.S. installed capacity.

The government is investing in a suite of incentives meant to defray the financial risks companies face in developing CCS, including $2.4 billion in the American Recovery and Reinvestment Act devoted to pilot projects.

Yesterday, the Obama administration awarded $20 million of that to a program that uses supersonic shockwaves to compress carbon for storage, on top of $408 million in

stimulus money awarded to two other carbon pilot projects. It has tentatively offered $1 billion more to a state-of-the-art facility in downstate Illinois called FutureGen.

Climate change legislation such as the Waxman-Markey bill that passed the House in June includes the creation of a Carbon Storage Research Corp. that would raise $1.1 billion a year for research into CCS technology, and first movers would get billions of dollars more in bonus emission allowances that could be sold (Steven Mufson, *Washington Post*, Aug. 11). **-- PT**

**ENERGY**

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

**Wood, pellet stove sales heating up (*Daily Gleaner*)**

Published Wednesday August 12th, 2009
A6
By CHRIS FOX
fox.chris@dailygleaner.com

It's hard to top a record summer, but those selling wood and pellet stoves in Fredericton say they're at least going to be close.

Helped in part by skyrocketing home-heating oil prices, wood and pellet stoves flew of the shelves last summer and were practically impossible to find by mid-August.

Demand is down slightly this summer, but most in the industry say sales have been steady and will only pick up as August moves on and fall nears.

"Things are rolling right along. We aren't getting the backlog that we were last year. Last year we were selling stoves in June and weren't receiving them till November, but it has been busy," said Steve Buckingham, owner of Sunpoke Energy Systems.

"We have four seasons here. Start of winter, winter, end of winter and getting ready for winter, and I suppose everybody is getting ready for winter now."

At this time last summer the maximum price for furnace oil including delivery was capped at $1.29 per litre by the Energy and Utilities Board. The maximum price now is 83 cents.

Buckingham said the decrease in price hasn't had a major effect on sales. He said an increased number of federal and provincial programs providing financial incentives to those purchasing EPA-approved stoves are the major factor for his customers.

"There are an awful lot of government incentives at the present to go green and that has helped," he said.

"If you do it right, you can put a new EPA-approved wood stove or a pellet stove in and if the math works out, you can spend $2,000 on a new wood stove and eventually all it will cost you will be $575, so that is pretty big savings there."

Gene Cavanaugh, owner of the Chimney Sweeps on Union Street, said he has been surprised with how strong business has been recently, especially when compared to a record summer for his store in 2008.

"I don't think there is any change. From my end everything has been pretty much on pace. I mean last year it did take a boom especially with pellet stoves, but so far our sales have been pretty much the same," he said.

"I suppose people are just more and more wanting the alternative and I think they do think environmentally."

Cavanaugh, who noted that pellet stoves have been his most popular product this summer, said the only significant change from 2008 he has seen is in the number of stoves stores such as his have in stock. He said because of that he doesn't expect retailers to run out of stoves, as they did in 2008.

"You never can tell for sure, but I expect it (a shortage) won't be a problem," he said.

While a stove shortage or a pellet shortage similar to last summer is unlikely, Bill Goss, a supervisor at Home Hardware on Main Street, said wood might be in short supply, especially if wood stoves continue to be a hot ticket.

"I think there will be a shortage of wood, not necessarily pellets, but wood," he said. "A friend of mine cuts wood for a living and he says he has lost at least four weeks this summer due to the wet woods.

"Everybody is going to buy their wood stoves, but if they don't have a source of wood, they are going to have a rather expensive ornament sitting in their family room."

**Polk Schools Save Big On Energy and Water (*The Ledger*)**

By John Chambliss
The Ledger

Published: Wednesday, August 12, 2009 at 4:10 a.m.
Last Modified: Wednesday, August 12, 2009 at 4:10 a.m.

BARTOW | They say you can save money by switching off the lights or turning off the water.

But they usually don't mean $7 million.

That's what Polk County public schools have done, however. They had the lowest energy cost of Florida's 67 school districts during the 2007-08 school year, according to figures recently released by the state.

The district saved $7.1 million in energy costs and accumulated costs of 81 cents per square foot of facilities, compared with the state average of $1.35 per square foot.

Polk school officials said they came up with the $7.1 million figure by examining the way energy and electricity were used in 1992, which is before the district focused on energy savings, then comparing those numbers with today's usage.

At a meeting Tuesday, Fred Murphy, assistant superintendent of facilities, credited improved lighting in energy efficient buildings and an attitude of conservation as reasons for the low cost.

"It's common sense things like turning out the lights when you leave the room or setting the thermostat on 78 instead of 68," Murphy said.

Polk started an energy conservation program well before most other districts in the state, he said.

Since then, light bulbs have become more energy efficient, and chillers that cool entire schools have been replaced with single air conditioners.

**'A BOLD STEP'**

Murphy said Bob Williams, former assistant superintendent of facilities, and former Superintendent John Stewart had the foresight to start the program.

"It was a bold step," Murphy said. "It paid off for the district."

In addition to being tops in the state, the district received accolades from the federal government for its energy efficiency.

Out of 130 schools in the district, 121 have been recognized as Energy Star schools by the U.S. Environmental Protection Agency and U.S. Department of Energy. Only 1,900 schools nationally and 177 statewide have received the Energy Star, according to figures.

To qualify, a school must score in the top 25 percent based on the EPA's rating system.

Kathleen Middle School, which has about 700 students, was one of the older schools to receive an energy star.

Principal Brett Butler said that school saved more than $30,000 this year by planting Florida friendly plants that require little water and by using less energy in the classrooms.

"My sprinklers haven't been on for several months now," Butler said.

He said twist-timer switches that allow teachers and custodians to control the air conditioning have also helped save money.

A Kathleen graduate, Butler, 37, said he was proud of the students and staff.

"This is my school," Butler said. "My mother and grandfather went here."

Other schools lauded for conservation and recycling were Highland City Elementary, Frostproof Elementary, Lawton Chiles Middle, Roosevelt Academy and Lake Region Senior.

**'SAVING THE EARTH'**

Board Member Margaret Lofton praised the facilities division.

"Not only are we saving dollars, we're saving the Earth," Lofton said.

[ John Chambliss can be reached at john.chambliss@theledger.com or 863-802-7588. ]

**117 schools earn Energy Star rating (*News Chief com*)**

By Kara Phelps
News Chief staff

Published: Wednesday, August 12, 2009 at 4:01 a.m.
Last Modified: Wednesday, August 12, 2009 at 2:19 a.m.

BARTOW - The Polk County School District is the most energy-efficient school district in the state of Florida, officials announced on Tuesday.

Since a review process began last fall, 117 Polk schools have also been approved by the federal government for the Energy Star rating.

About 10 schools were not approved, some because they were new and couldn't qualify yet, said Fred Murphy, assistant superintendent of facilities and operations for the school system. Only 177 schools in Florida are Energy Star-approved.

The district also received a Top Performer award, which recognizes that all Polk schools scored an average of 95 percent in the Energy Star rating system.

The Energy Star program, run by the U.S. Environmental Protection Agency and the U.S. Department of Energy, rates buildings and products for their efforts at environmental conservation. An engineer visited every Polk County school between November 2008 and this month, rating schools in different categories, such as utility bill costs and energy-efficient equipment use.

Through a partnership with Energy Education Inc., Murphy said the district completed the process for free. Otherwise, the rating process would have cost about $1,000 per school.

"It was probably a lot easier for us to make that leap," he said.

Murphy compared Polk County's high number of Energy Star-approved schools with other districts in the state.

Among school districts in Florida, Polk spends the least on energy. Last year, it used about 81 cents per square foot of building space. The state average for school districts was considerably higher, at $1.35 per square foot.

In the 2007-08 school year, the district avoided spending $7.1 million on energy costs, Murphy said.

Nationally, 1,900 schools have the Energy Star rating.

kara.phelps@newschief.com

**ENFORCEMENT**

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

**EPA fugitive Website helps government lawyers capture criminals! (*Justice News Flash*)**

2009-08-12 02:35:23 (GMT) (JusticeNewsFlash.com - Featured, Justice News Flash, Social responsibility)
The U.S. Environmental Protection Agency's Fugitive website assists law enforcement with bringing environmental law violators to justice. One top 20 EPA fugitive

apprehended in Malta and brought before California federal Judge for Clean Water Act charges.

United States Environmental Protection Agency's (EPA) federal fugitive website aides California government attorneys to bring law violators to justice.

San Francisco, CA–The United States Environmental Protection Agency (EPA) http://www.epa.gov issued an announcement on Tuesday, August 11, 2009. Officials with the federal agency announced fugitive Robert Fred Smith was brought before the District Court Southern District of California in San Diego by government lawyers this week. Smith has been an accused environmental law fugitive since 2006 based on allegations of violating the Clean Water Act. Smith surrendered to law enforcement officials in Malta on July 25, 2009, and appeared before the court and he is one of the top 20 current federal fugitives on the EPA's Fugitive Website http://www.epa.gov/fugitives.

The federal agency's fugitive list, easily accessed through the Internet, was designed to assist law enforcement agencies, with public help, in locating and returning fugitives accused of violating environmental laws who have been evading arrest. The Director of the EPA's Office of Criminal Enforcement, Forensics and Training formally thanked the Government of Malta for their assistance and cooperation in returning Smith to the U.S. to face the American justice system in a court of law for the charges brought by government attorneys for the people against Smith.

According to federal court documents filed by attorneys for the government, after an extensive investigation by several federal agencies, a six-count indictment was returned on August 10, 2007, in the Southern District of California against Smith for conspiracy, unlawful discharge of pollutants, unlawful discharge of plastics and three counts of false statements. The EPA website states Mr. Smith worked for Joseph O'Connor who is President of a ship brokering business based in Malta, Britannia Shipping International. The U.S. Coast Guard was alerted that O'Connor, who is also the owner of Britannia Shipping International and a F/V Maru, 150-foot fishing vessel, was renovating the ship while it was docked in San Diego. Smith participated in the renovation and demolition work and dumped concrete, waste, scrap metal, and grinding waste into the waterway at the dock during the night. These types of actions clearly violates the Clean Water Act. The indictment also named Britannia Shipping, LTD, LLC, and President/Owner Joseph O'Connor in the allegations outlined in the federal legal action. The EPA's Criminal Investigation Division (CID), Naval Criminal Investigative Service agents in Malta, Federal Bureau of Investigation (FBI), and a "Wanted Persons Diffusion and Red Notice" issued by Interpol, plus the Government of Malta led to Mr. Smith turning himself into law enforcement officials after the arrest of O'Connor, in Malta on July 15, 2009. O'Connor remains in custody while going through extradition.

Environmental violations education by social responsibility legal news reporter, Heather L. Ryan.

**FUEL**
**==========**

**Vroom! GM says Volt to get 230 mpg (*USA TODAY*)**

August 12, 2009 Wednesday
FIRST EDITION
NEWS; Pg. 6A
Vroom! GM says Volt to get 230 mpg;
As hybrids hit road, we may start saying 'price per mile'
BY: Sharon Silke Carty
DETROIT -- General Motors let loose an eye-popping number on Monday: Its coming Chevy Volt plug-in hybrid car will get 230 miles per gallon.

The number is based on tests GM did using an Environmental Protection Agency draft proposal for calculating "mpg" for electric cars -- and leaves many wondering if the Volt can actually achieve such an amazing feat.

The answer is maybe yes, maybe no. And maybe it doesn't matter much anymore.

That's because people increasingly may have to find a new number to compare vehicle fuel efficiency. Since the Volt can go 40 miles per plug-in charge using no gasoline, many drivers may rarely burn a tankful. An onboard gas engine charges the battery to extend its range to 300 miles.

The coming all-electric Leaf from Nissan, which claims the car will get 367 miles per gallon under the same **EPA** formula, actually has no gas engine or tank on board. Leaf will go about 100 miles per full battery charge.

We'll likely end up talking about "price per mile" -- the cost to drive the car a mile -- says Reilly Brennan, editor in chief of AOL Autos. GM calculates that at about 3 cents per mile for Volt.

"Eventually, it will change, because we're going to be getting our fuel from many different buckets -- electricity, hydrogen, biofuels," Brennan says. "I think it will take about five years before people are talking about this differently."

The **EPA** has not tested GM's claims and can't confirm the fuel-economy figures, the agency said in an e-mailed statement. Brennan says he hopes GM has learned from its past mistakes and is not overpromising on the fuel economy.

Brett Smith, an alternative technology analyst at the Center for Automotive Research, says GM's next step should be to brace consumers for some disappointment.

On average, he says, vehicles get about 15% to 20% worse fuel economy than the government ratings. That usually doesn't faze consumers when the difference is, say,

20% off 20 mpg. But 20% off 230 mpg, would mean coming up 46 mpg short.

"Over the next 14 or 15 months, you're going to see a tough balancing act," he says. "They have to advertise that wonderful fuel economy, but they're also going to have to get their consumers ready for a little bit of disappointment."

**G.M. Puts Volt's Mileage in Triple Digits (*New York Times*)**
**Story also appeared: *Boston Globe***

By BILL VLASIC and NICK BUNKLEY
WARREN, Mich.
General Motors said Tuesday that its Chevrolet Volt extended-range electric vehicle, scheduled for release in 2011, would achieve a fuel rating of 230 miles a gallon in city driving.

The rating number, based on methodology drafted by the Environmental Protection Agency, is somewhat abstract, one auto specialist said, given that much of the city driving of electric vehicles will rely solely on the battery charge.

And as eye-popping as the number was, a rival automaker, Nissan, said last week that its all-electric vehicle, the Leaf, which is scheduled to come out in late 2010, would get 367 m.p.g., using the same E.P.A. standards.

Figures for highway driving and combined city and highway use have not been completed for the Volt, but G.M.'s chief executive, Fritz Henderson, told reporters and analysts at a briefing on Tuesday that the car was expected to get more than 100 miles a gallon in combined city and highway driving.

"Our Chevrolet Volt extended-range electric vehicle will achieve unprecedented fuel economy," Mr. Henderson said. "I'm confident that we will be in triple digits."

The Volt can travel up to 40 miles on a single battery charge, at which point a small gasoline engine kicks in and starts to recharge the battery. The battery can be also charged in eight hours using a regular electrical outlet, Mr. Henderson said.

Nearly eight in 10 Americans commute fewer than 40 miles a day, the company said in a statement, citing Department of Transportation data. The mileage calculation for the Volt assumes that most drivers will stay within that range and not need the gasoline engine.

"Depending upon how you use the Volt, it can get mileage approaching that or much less," Jack Nerad, executive editorial director of Kelley Blue Book, said. "It almost becomes an abstract number. If you are the Volt target guy who is driving under 40 miles per day, then theoretically your miles per gallon is infinite."

The high mileage figure, though not a meaningful number to many consumers, represents "a great technical achievement" for G.M., Mr. Nerad said.

"They would like to take back the banner of technology leader," he said. "This is certainly a shot over the bow of Toyota and Honda and others that they are serious about that."

The E.P.A., in a statement Tuesday, said it had not tested the Volt and could not vouch for the accuracy of G.M.'s estimate. But the E.P.A. "does applaud G.M.'s commitment to designing and building the car of the future -- an American-made car that will save families money, significantly reduce our dependence on foreign oil and create good-paying American jobs," the agency said.

Several rivals, including Chrysler and Ford, are planning plug-ins and electric cars; Toyota is developing a plug-in version of its gas-electric hybrid.

But whether the Volt can live up to its billing has been a matter of debate. Some industry analysts note that G.M. has a poor track record of introducing green technology to the market.

G.M. is trying to persuade consumers to return to its showrooms after filing for bankruptcy on June 1 and emerging as a reorganized company with fewer brands, models and dealers.

Mr. Henderson and other G.M. executives met with groups of consumers on Monday to hear their thoughts on the company's product lineup.

"We need to communicate what we have," Mr. Henderson said. "The only way we're going to make G.M. great again is to win in the market."

Determining the cost to operate battery-powered vehicles is more complex than for those with only gasoline engines. Electricity costs can vary widely, depending on location and even the time of day when a vehicle is charged.

G.M. said the typical Volt driver would pay $2.75 for electricity to drive 100 miles and that a single overnight charge, for a customer whose utility charges less at off-peak times, could cost as little as 40 cents. Nissan estimated the cost of recharging the Leaf, which has a range of up to 100 miles, at $1 to $3.

G.M. has previously suggested that the Volt would cost about $40,000, but Mr. Henderson said Tuesday that the price had not been set and that the car would price "as it comes to market." He was also quick to highlight a $7,500 tax credit.

Nissan says the Leaf will be cheaper than the Volt, in the range of $25,000 to $33,000.

Another issue that G.M. and Nissan are struggling to figure out is how to accommodate people who live in an urban area or an apartment without a garage and cannot easily recharge an electric car, yet could benefit the most from one.

"If you're going to park it on the street, I don't know what to do actually," Mr. Henderson said. "I don't know how to address that situation."

Larry Dominique, Nissan's vice president for product planning in the United States, told reporters at an automotive conference last week, "A lot of those people aren't going to be able to get an electric vehicle initially."

Mr. Henderson said the Volt would be a critical part of G.M.'s strategy. "Having a car that gets triple-digit fuel economy will be a game changer for us."

The Volt is expected to be both a so-called halo car to draw consumers to the Chevrolet brand and a technological foundation for future electric models.

The company has built about 30 Volts so far and is testing them in various conditions.

Interest has been building in the Volt since it was introduced at auto shows in recent years. But with G.M. now 60 percent government-owned, the car has become a symbol of the company's rebirth after its 40-day trip through bankruptcy.

Mr. Henderson said most of G.M.'s new products would be either passenger cars or fuel-efficient crossover vehicles. While the company will still build trucks and large sport utilities, the bulk of its investments will go toward smaller vehicles.

"I think the fundamental premise of planning for higher fuel prices is the right premise," he said.

URL: http://www.nytimes.com

**GM CEO: Chevy Volt To Get 230 MPG Rating (*Wall Street Journal*)**

AUGUST 11, 2009, 9:37 A.M. ET
(Updates with additional comments from CEO, adds background.)
By Sharon Terlep
OF DOW JONES NEWSWIRES

DETROIT (Dow Jones)--General Motors Co. said Tuesday its new Chevrolet Volt electric car is expected to get 230 miles-per-gallon in city driving as it outlined a raft of product launches.

The Volt is at the forefront of GM's efforts to reinvigorate a line-up that has lost market share in the U.S., with 25 new vehicles due to be launched by 2011. At that rating, the

Volt would dwarf any offering from a mass-market brand, including Toyota Motor Corp.'s (TM) iconic Prius. It also could deliver a major boost to GM efforts to cultivate a green image, a key element of the company's restructuring efforts.

The Volt is scheduled for domestic launch in 2010, and the mileage and range guidance reflects new guidelines for electric cars set by the Environmental Protection Agency.

Fritz Henderson, GM's chief executive, said at a media event to preview the launches that the company remains on track to have positive net cash flow next year and record a net profit by 2011. He also said the auto maker intends to increase production to meet better-than-expected demand in the U.S.

Henderson said he is confident the Volt's expected combined city and highway mileage will remain in the triple digits. The rating would be set by federal fuel economy standards being finalized by the Environmental Protection Agency. The company said the car will use 25 kilowatt hours per every 100 miles driven.

He acknowledged the Volt's high price tag - expected to be around $40,000 - and lack of available public outlets are potential challenges. Volt buyers would be eligible for a $7,500 tax credit. The Volt will be a money-loser for GM upon it's initial launch because of the high battery and development costs. GM is counting on mass sales and economies of scale down the road to make the vehicle profitable.

The Volt is powered by a lithium-ion battery with a range of around 40 miles that can be recharged though a traditional power outlet. A small onboard motor would recharge the battery on longer drives.

GM is banking on the vehicle to deliver hype and a green image to help win over customers as the company fights to win back market share.

The new GM board has said it will drive management to accelerate bringing products to market. The new line-up includes an entry-level Cadillac luxury sedan aimed at the domestic and international market.

Henderson did not detail the planned production increases for existing models in the second half of this year, but noted the positive impact of the U.S. government's scrappage program.

-By Sharon Terlep, Dow Jones Newswires; 248-204-5532;
sharon.terlep@dowjones.com

**New Volt should get 230 mpg in city, GM says (*Los Angeles Times*)**

The mileage for the electric-gas hybrid, due next year, would be the best by far of any car rated by the EPA.
By Martin Zimmerman
8:38 AM PDT, August 11, 2009
General Motors Co. said today that its long-awaited Chevrolet Volt plug-in hybrid is expected to achieve fuel economy of 230 miles per gallon in city driving.

That would give the Volt, which is expected to arrive in showrooms late next year, by far the highest fuel efficiency rating of any car now rated by the Environmental Protection Agency. The current EPA mileage leader is the Toyota Prius hybrid, which is rated at 50 mpg in combined city-highway driving.

The Volt is designed to run on electric power only for about 40 miles, after which a small gasoline engine kicks in to re-charge the battery, giving it a total range of more than 300 miles. The battery can be recharged by plugging in to a home outlet.

GM's estimated mileage rating for the Volt is based on city driving. Highway mileage likely would be lower because it would require more work from the gasoline engine.

"From the data we've seen, many Chevy Volt drivers may be able to be in pure electric mode on a daily basis without having to use any gas," said GM Chief Executive Fritz Henderson. "EPA labels are a yardstick for customers to compare the fuel efficiency of vehicles. So, a vehicle like the Volt that achieves a composite triple-digit fuel economy is a game-changer."

The automaker's fuel economy estimates still have to be confirmed by the EPA, which is developing a new methodology for calculating fuel economy ratings for cars that can travel significant distances powered only by electricity.

GM has staked much of its technological reputation on the Volt, and has touted the vehicle relentlessly for more than two years. Some critics have derided the vehicle as an expensive piece of "vaporware" that would never achieve significant sales, but the automaker has consistently maintained that it is committed to the Volt.

GM estimates the Volt's list price will be about $40,000, though the automaker says that would likely be lowered by federal tax credits and other incentives.

The company said today it has produced about 30 Volts and is making 10 a week. As

these vehicles are road-tested, estimates of the cars' all-electric range and their eventual fuel economy rating could change.

"The 230 city mpg number is a great indication of the capabilities of the Volt's electric propulsion system and its ability to displace gasoline," said Frank Weber, global vehicle line executive for the Volt.

"Actual testing with production vehicles will occur next year, closer to vehicle launch," he said. "However, we are very encouraged by this development, and we also think that it is important to continue to share our findings in real time, as we have with other aspects of the Volt's development."

Several other automakers, including Chrysler, Nissan, Ford and Toyota, are working on variations of plug-in hybrids or all-electric vehicles that are expected to reach the market over the next few years.

martin.zimmerman@latimes.com

**Auto Sales Expected To Remain High (*Associated Press*)**

**Story also appeared: *WCPO News***

Last Update: 4:30 am
WASHINGTON (AP) -- Researchers at the University of Michigan say the fuel economy of new cars and light trucks sold in July noticeably jumped, thanks to the "cash for clunkers" program.

The average mileage for new vehicles went from 21.4 miles per gallon in June to 22.1 in July. That's the biggest one-month mileage improvement the researchers have seen since the Environmental Protection Agency reconfigured mileage estimates in October 2007.

The study's co-author calls the rise was especially impressive because it happened at a time when gas prices were falling and unemployment levels were somewhat shrinking. Normally, those factors would lead to the purchase of more gas guzzlers.

Meanwhile, another study is predicting that interest in the "cash for clunkers" program may be slowing down. But automotive Web site Edmunds.com also finds that overall cars sales will probably be up this summer because of the clunkers program.

**Chevy Volt: 230 MPG? (*Chicago Sun-Times*)**

CHEVY VOLT | GM estimate four times better than Prius
Comments
August 12, 2009
SUN-TIMES STAFF, WIRES
General Motors said Tuesday its Chevrolet Volt electric car could get 230 mpg in city driving, making it the first American vehicle to achieve triple-digit fuel economy if that figure is confirmed by federal regulators.

It would be four times more fuel-efficient than the popular Toyota Prius hybrid, the most efficient car now sold in the U.S. -- 51 mpg in the city 48 mpg on the highway. It would also be much more expensive -- $40,000 -- when it arrives in showrooms late next year. The Prius starts at $22,000.

The Volt, billed as a rechargeable electric car, gets most of its power from an electric motor and a battery pack with a 40-mile range. It also has a small internal-combustion engine that kicks in after the battery runs out.

The Environmental Protection Agency said it has not tested a Volt "and therefore cannot confirm the fuel economy values claimed by GM."

The Center for Automotive Research and Edmunds.com, two major followers of the auto industry, cast doubt on whether drivers can expect 230 mpg from the Volt because fuel efficiency also depends on driving style.

For most people, "it is not realistic to expect that kind of mileage in real-world driving," said Michelle Krebs, a senior analyst with Edmunds.

GM is touting the 230 mpg figure following early tests that used draft guidelines from the EPA for calculating the mileage of extended-range electric vehicles. Highway mileage has not been estimated, but GM said it should be above 100 mpg.

August 12, 2009

**Ethanol producers hopeful for rebound in E85 sales (*Des Moines Register*)**

By DAN PILLER
dpiller@dmreg.com
Ethanol producers who endured a hard winter and spring of low prices and high corn costs hope that more favorable prices for the 85 percent blend will boost fuel sales.

"We know sales of E85 were down anywhere from 15 to 30 percent in the fourth quarter of last year and the first quarter of this year, but the second quarter should be gangbusters," said Monte Shaw, executive director of the Iowa Renewable Fuels Association.

"E85 is not going to be a game-changer."

Only about 2 to 3 percent of the 270 million vehicles on U.S. roads have "flex-fuel" capability to use the 85 percent ethanol blend.

"But it's still an important factor in driving people toward buying flex-fuel vehicles," Shaw said.

With blended gasoline selling for $2.45 per gallon this week in Des Moines and E85 posted at $1.69, the 85 percent ethanol blend has at least some appeal for motorists passing gas stations.

E85 needs to be at a 30 percent discount from blended gas to be economical, because of its lower fuel mileage capability.

"We acknowledge that the mileage isn't as good as regular gasoline, but the price is cheaper and ethanol is cleaner," Shaw said. "And ethanol is a homegrown product."

Iowa has added 25 E85 fueling stations in the last year, bringing the total to 117 among 2,700 retail gasoline outlets in the state.

"The state probably could support 300 to 400 E85 pumps," Shaw said.

An expansion of E85 doesn't need regulatory approval, as E10 does. It needs more willingness by retailers to invest in expensive new pump technology.

Some help is on the way in President Barack Obama's infrastructure stimulus program, which provides for $3.5 million for blended pump expansions and an additional $2 million to promote greater use of E85.

Ethanol, whether it is blended at 10 percent or 85 percent, generally finds greater demand in times of rising oil and gasoline prices.

When regular gasoline prices fall, as they did in late 2008 and through the first quarter of this year, ethanol's competitive advantage vaporizes.

The situation has become more promising in recent weeks. Rick Kment of the DTN Ethanol Center in Omaha, which tracks the ethanol market, said the 38- to 40-cent-per-gallon discount for ethanol from the wholesale gasoline prices, now above $2 per gallon, "is probably enough to stimulate demand for ethanol."

Kment worried on behalf of ethanol producers that the recent downswing in corn prices to less than $4 per bushel will be short-lived. It was a surge in corn prices to $5 per bushel and higher that threw much of the ethanol industry into either bankruptcy or unprofitability last year.

"At least everybody has worked through the $6 corn they were stuck with last year," Shaw said.

Indeed, the drop in corn prices has returned ethanol to modest profitability. Averages compiled by Iowa State University based on input costs show that ethanol plants lost anywhere from 6 to 10 cents per gallon from January through May of this year.

But corn prices declined from a 2009 peak of $4.70 per bushel in May to $3.20 by early July. Ethanol makers eked out profits, averaging 11 cents per gallon in June and 17 in July.

"It's not great, and I'm not sure that the profits we're making this summer will make up for the losses in the first quarter," Shaw said. "But it helps."

Kment points to the conundrum faced by ethanol producers: Rising oil prices that otherwise would help make ethanol more competitive also tend to increase corn prices. That makes the profitability window very brief for ethanol producers.

"The problem is that trading in ethanol futures is so thin that rising corn prices don't bring up the wholesale price of ethanol," Kment said. "So when corn prices rise, the margins for ethanol plants shrink or disappear completely."

Iowa is the nation's largest producer of ethanol, accounting for more than 3 billion of the 10 billion to 11 billion gallons of ethanol expected to be produced this year.

But the industry faces the blend wall sometime next year, when production will hit 13 billion gallons annually nationwide, which is expected to be about capacity. Already, ethanol is considered to reach about 75 percent of its potential market, according to the U.S. Energy Department.

The ethanol industry has focused on getting the E10 limit raised to 15 percent. A decision by the Environmental Protection Agency is expected by January.

E85 was once believed to be a major market breakthrough, because in times of high gasoline prices it often sells for $1 or more per gallon less than regular unleaded gasoline.

But E85 has run into obstacles because Japanese automakers have been slower than U.S. automakers to embrace flex fuel.

For instance, Toyota has limited its flex-fuel offerings to its Sequoia sport utility vehicles and Tundra trucks. Ford, General Motors and Chrysler have, by contrast, expanded their flex-fuel offerings across sedan lines.

Any momentum toward more E85 was blunted late last year and early this year by the

recession, which has dropped vehicle sales nationwide from about 17 million annually earlier this decade to little more than 10 million annually by early this year.

"That's hurt more than anything else," Shaw said.

August 12, 2009

**Groups unite to push blender pumps (*Sioux Falls Argus Leader*)**

Goal: 5,000 pumps for ethanol in 3 years
Peter Harriman
pharrima@argusleader.com
Representatives of several ethanol associations and commodity groups announced a campaign Tuesday to convince fuel dealers to install 5,000 new pumps capable of dispensing intermediate blends of ethanol at gas stations nationwide within three years during the American Coalition for Ethanol Conference and Trade Show in Milwaukee.

"We're going to work with petroleum marketers and educate them how blender pumps can benefit their bottom line," said Darrin Ihnen, first vice president of the National Corn Growers Association.

"We believe blender pumps are the most cost-effective way to make renewable fuels available to motorists," added Ron Lamberty, ACE vice president for market development.

Members of the Blend Your Own Ethanol campaign will assist dealers in navigating tax and regulatory issues in their respective states related to blender pumps. They'll point those dealers to any government incentives to install the pumps and head a marketing effort promoting the intermediate blends.

While the campaign has a nationwide focus, it will pay particular attention to large population centers along major east-west and north-south driving routes.

Gasoline blended with 10 percent ethanol, E-10, is widely available nationwide. E-85, which flexible fuel vehicles can burn, is becoming more so.

But there only are about 200 pumps in the 160,000 gas stations nationwide that dispense ethanol blends between that minimum and maximum. Many of those are in South Dakota.

Intermediate blends, such as E-20 and E30, can legally be sold as flex fuel, according to Lamberty.

But some motorists without flex fuel vehicles might want to use intermediate blends, believing they are cheaper and offer better mileage efficiency. The federal Environmental Protection Agency by December also is expected to rule on whether the standard ethanol blend can be boosted from E-10 to E-15 for use in all vehicles.

Not only will it allow dealers to offer new fuel products to their customers, it will give farmers new opportunities to sell corn to the ethanol market, Ihnen said.

The nation's second-largest corn crop, an estimated 12.3 billion bushels, is in the field this year.

By 2020, projected yield increases will make the annual crop about 17 billion bushels, he said.

"Ethanol is the growth market for all those new bushels we're going to produce."

**EPA Releases Peer Review of Biofuel Rule (*Reuters*)**

Tue Aug 11, 2009 3:51pm EDT

The U.S. Environmental Protection Agency (EPA) on Friday released independent peer review for proposed biofuel regulations that would require ethanol producers to meet tougher lifecycle assessments for greenhouse gas emissions.

A four-person review panel concluded that the EPA did a fair job in estimating the role the U.S. biofuel industry would play in increasing emissions overseas. Although at least one reviewer question whether current modeling capabilities are adequate for generating regulations.

Ultimately, the review is likely to do little to settle the dispute between agriculture interests and those who want to see tougher standards for corn-ethanol.

The ethanol industry objected to the rule proposed in May that would take into account land-use changes in other parts of the world resulting from the shift of U.S. agriculture land to production of ethanol feedstocks. The land-use provision suggests that the transfer of forest land to agriculture land should be accounted for in the lifecycle greenhouse gas footprint associated with the production of ethanol.

The Renewable Fuels Association (RFA) said the EPA stacked the deck against the ethanol industry, by selecting peer reviewers known for their anti-ethanol views. In addition, RFA said the modeling method used to analyze indirect land use change cannot be reproduced by stakeholders outside the EPA.

First-generation ethanol produced from corn is considered by many to be a poor substitute for gasoline, because it requires the use of food crops, contributes to environmental degradation, and does not significantly reduce greenhouse gas emissions.

Congress passed a biofuel mandate in 2007, calling for increased blending of 36 billion gallons of ethanol into gasoline by 2022. The law states that corn-based ethanol must emit 20% less greenhouse gas than gasoline.

Under the law, the EPA is required to write a biofuels rule that determines how ethanol emissions are calculated. However, the rule is proving to be a sticking point, as Democratic legislators representing agriculture interests seek to protect midwest corn growers.

Democratic Representatives in the House withheld support for the Waxman-Markey climate change bill, until it included a provision delaying the EPA's land-use accounting method by five years.

Representative Collin Peterson (D-Minn.), who is the House Agriculture Committee chairman, had a major hand in that maneuvering. On Friday he said the peer review proved EPA used "incomplete and unreliable models" to link farming decisions overseas and U.S. biofuel output.

The EPA wants to implement the new biofuel regulations this year.

The review is available at the link below.

Website: www.epa.gov/otaq/renewablefuels/index.htm

**July sees big jump in fuel efficiency of new cars (*Associated Press*)**

By SETH BORENSTEIN (AP) –

August 11, 2009

WASHINGTON — Cars and light trucks sold in July got more miles per gallon than those sold in previous months, say researchers, who credit the Cash for Clunkers program.

The average mileage for new vehicles rose from 21.4 miles per gallon in June to 22.1 mpg in July. That may not sound like much, but it's the highest mileage researchers at the University of Michigan have seen since the Environmental Protection Agency reconfigured mileage estimates in October 2007. It's also the biggest one-month jump.

Study co-author Michael Sivak noted the improvement came even as gas prices fell and unemployment levels shrank somewhat. Normally, those factors lead to the purchase of more gas guzzlers. The higher mileage shows the effect of Cash for Clunkers, Sivak said, and he expects the jump to be even bigger when August figures come out. That's because the trade-in rebate program only got going late in July.

The clunkers program gives people trading in certain vehicles up to $4,500 if they increase their mileage by at least 5 to 10 mpg.

A lasting trend showing a large increase in mileage for new cars sold would be unusual for this country.

"We have made very little improvement over 84 years. Therefore, the changes we are seeing now are huge," Sivak said.

Those are only figures for new cars sold. Most cars on the road are older and it takes about 20 years for the fleet on the road to turn over completely. The new figures are a first step toward less pollution and less gasoline used, Sivak said.

**GM says Volt will get 230 mpg in city (*Greenwire*)**

08/11/2009
General Motors said today that its Chevrolet Volt should get 230 miles per gallon in the city -- four times as fuel efficient than the top-selling Toyota Prius, a hybrid that gets 48 miles per gallon of gas.
If confirmed by U.S. EPA, the Volt would be the first model to exceed triple-digit gas mileage when introduced in showrooms in late 2010, said Tony Posawatz, GM's vehicle line director for the Volt.

While the first-generation Volt is expected to sell for about $40,000, GM has said government tax credits and savings on fuel could make it cost effective, especially if the price of oil continues to rise.

"We get a little cautious about trying to forecast what fuel prices will do," Posawatz said. "We achieved this number and if fuel prices go up, it certainly does get more attractive even in the near-term generation."

The automaker has produced about 30 Volts so far and is making 10 a week, CEO Fritz Henderson said during a presentation of the vehicle at the company's technical center in the Detroit suburb of Warren (Johnson/Krisher, AP/*San Francisco Chronicle*, Aug. 11). **-- PT**

**DOE chief, ethanol advocate spar at Las Vegas summit (*Greenwire*)**

Debra Kahn, E&E reporter
08/11/2009
LAS VEGAS -- Energy Secretary Steven Chu and the co-chairman of an ethanol advocacy group sparred at an energy conference here yesterday over the roles of second- and third-generation biofuels.
Chu told the National Clean Energy Summit that such fuels should take precedence over corn ethanol. "I think that by using agricultural waste and crops grown specifically for energy, there will be no competition between food and fuel," he said.

But retired Army Gen. Wesley Clark, co-chairman of Midwestern ethanol group Growth Energy, said the need to promote U.S. energy independence calls for a leading role for ethanol.

"We'll save a million barrels of oil a day three years from now. We'll take Hugo Chávez right out of the imported oil business," the former Democratic presidential hopeful said. "I listened to what Secretary Chu had to say about third-generation biofuels, but we can do it with first- and second-generation biofuels right now."

"Third generation" refers to algae fuels, while "second generation" refers to diesel and ethanol made from waste fibers and other non-food crops.

Clark's group released a **policy paper** yesterday calling for all new vehicles to be flex-fuel compatible and for the construction of more flex-fuel stations and infrastructure, including pipelines that can carry the corrosive liquid.

Growth Energy is urging Congress to allow ethanol concentrations higher than 10 percent in gasoline and to enact a national low-carbon fuel standard -- but one that leaves out the calculation of ethanol's effects on land use, which is included in California's standard and a pending expanded federal fuel standard.

While California's calculations result in some forms of Midwestern corn ethanol having higher lifetime emissions than gasoline, the Growth Energy paper says ethanol produces 59 percent less emissions than gasoline currently and could reach 100 percent lower than gasoline by 2030.

U.S. EPA is currently deciding whether to include indirect land-use changes in its expanded biofuels mandate. It released draft regulations in May that found ethanol would be 16 percent better than gasoline on a lifecycle basis within 100 years. But over 30 years, it would be 5 percent worse (*E&ENews PM*, Aug. 7).

The ethanol industry can also produce 800,000 new jobs by 2022 if encouraged to proceed, Growth Energy estimates.

Clark estimated it would cost $140 to convert a vehicle to run on a combination of gasoline and ethanol. "We can have vehicle manufacturers put flex-fuel vehicles in showrooms today," he said.

**Click here** to read the policy paper.

**'Clunkers' fueled major increase in efficiency of new cars -- study (*Greenwire*)**

08/11/2009

The fuel economy of new cars and light trucks sold last month noticeably increased as a result of the "cash for clunkers" program, according to a University of Michigan study. The average mileage for new vehicles went from 21.4 miles per gallon in June to 22.1 in July -- the best one-month mileage improvement since U.S. EPA reconfigured mileage estimates in October 2007, according to university researchers.

"We have made very little improvement over 84 years. Therefore, the changes we are seeing now are huge," said study co-author Michael Sivak (Seth Borenstein, Associated Press, Aug. 11). **-- JK**

**GRANTS**
**==========**

**Misssoula's Brownfield sites getting some clean up (*KPAX News 8*)**

Posted: Aug 11, 2009 10:16 PM EDT
Updated: Aug 11, 2009 10:16 PM EDT

A grant from the Environmental Protection Agency will help clean up some of Missoula's Brownfield sites.

The city received $900,000 dollars for the Brownfield Revolving Loan Fund. Many of the brownfield sites in Missoula's urban core were once mill operations, such as those at the former Champion Millsite and the White Pine Sash site.

The Revolving Loan Fund can reduce cleanup costs that might otherwise make redevelopment impractical. The way the program works is the EPA gives the money to the city and the city loans it out to clean up the brownfields.

Brownfields Program Coordinator, John Adams said, "we want to get them back to a clean state, so that they can be developed in the best way for the city of Missoula,

whether that's mixed, residential or some other thing. We want to get them cleaned so that we can start fresh."

The $900,000 will be added to the current Revolving Loan Fund. The grant is funded through federal stimulus funding.

**Texas A&M Lands $3M EPA Toxicity Grant (*GenomeWeb Daily News*)**

August 11, 2009
NEW YORK (GenomeWeb news) – Texas A&M's Institute for Genomic Medicine will receive $3.2 million from the Environmental Protection Agency to conduct genomics research as part of a program that includes the University of Houston and Indiana University and is studying how chemicals may affect human health.

The university said today that it will receive $750,000 over three years from the EPA's Science to Achieve Results Program (STAR), which it will use to be a member of the Texas-Indiana Virtual STAR Center.

The virtual center is focused on assessing chemical risk by creating *in vitro* screening models of mouse embryonic stem cells, which will be done by TIGM, and zebrafish toxicity studies, which will be done by the University of Houston. Indiana University will use the data from these studies to develop predictive computer models for studying toxicity and human embryonic development.

The overall results will be incorporated with other initiatives to develop a screening effort that will prioritize chemicals that merit more study.

TIGM will aim to determine the impact of selected environmental chemicals on specific natural processes such as cardiac, neural, hematopoietic, and vascular development in the mouse. TIGM also noted that it maintains the world's largest knockout mouse embryonic stem cells repository.

The Institute's Executive Director, Richard Finnell, said that the researchers "will assess the impact of industrial chemicals on reproductive health and set priorities to protect and create healthy work and living environments."

**HAZARDOUS WASTES**
**==========**

**TVA plans to switch to dry ash storage (*Greenwire*)**

08/11/2009
The Tennessee Valley Authority said yesterday that it plans to stop storing ash from coal-fired power plants in wet ponds, such as one that broke at a Kingston, Tenn., plant last December, inundating a small community and costing the company up to $1.2 billion to clean up.
Converting all of the agency's ash ponds to dry storage would take up to eight years, said John Kammeyer, vice president of coal combustion products.
TVA considered such a move at its Kingston Fossil Plant about six years ago, but opted against the project because of its estimated $25 million price tag. Dry storage also does not eliminate the environmental risk that ash -- a waste product from coal containing potentially toxic materials -- could become airborne.

But dry storage would prevent accidents like Kingston, which dumped 5.4 million cubic yards of waste into a neighborhood and the Emory River.

The TVA plan, due for presentation next week before its board, is in advance of draft U.S. EPA regulations on coal ash that federal officials say will be released in December (Anne Paine, Nashville *Tennessean*, Aug. 11). **-- PT**

**MINING**
**==========**

**Activists Target Mountaintop Mining In NEPA Review For Coal Plant (*Inside EPA*)**

Tuesday, August 11, 2009
Activists are broadening their fight against mountaintop mining by arguing that a proposed coal-fired plant that may get its coal from the controversial practice must evaluate and mitigate the mining's adverse environmental effects, which if successful could expand the scope of indirect effects that such projects must address.

The Southern Environmental Law Center on behalf of a number of environmental groups raised the argument in comments filed June 26 on an environmental review scoping plan for the proposed Old Dominion Electric Cooperative Cypress Creek power plant in Virginia. The U.S. Army Corps of Engineers is currently reviewing the company's application for a Clean Water Act section 404 permit for the 1500-megawatt supercritical pulverized coal power plant.

The National Environmental Policy Act (NEPA) requires the Corps to conduct an environmental impact statement (EIS) for the project, and activists say this review should include evaluation and mitigation of the negative environmental impact of

mountaintop mining because the plant would obtain its coal from Appalachia, where most of the mining occurs.

However, the Corps failed to include a mountaintop mining analysis in a subsequent July 15 *Federal Register* notice on its scoping plan for the draft EIS. Activists could continue to raise their argument through comments on the draft EIS, or eventually through litigation if the Corps fails to address their concerns.

If successful, the activists' push could create additional precedent for a broad interpretation of what qualifies under NEPA as a "reasonably foreseeable" environmental harm from a project's indirect effects. Projects must analyze those impacts in an EIS and, according to some, reduce or eliminate those impacts. If the Corps accepts the activists' bid, it could complicate the plant's ability to get coal from mountaintop removal mines due to the practice's negative environmental effects.

Such an outcome could also boost environmentalists in their overall fight against mountaintop mining, which they say is having mixed results because while the Obama administration has outlined a broad plan to limit the impacts of the practice the government has not moved to completely stop mountaintop mining.

In mountaintop mining, operators blast the tops off of mountains with heavy explosives to get at coal seams underneath. The practice has prompted considerable concern from environmentalists, some lawmakers and others, because the waste rock is then dumped in so-called valley fills, obliterating streams and harming water quality; local communities surrounding valley fills have also faced property damage due to the practice.

"Federal agencies must examine all 'reasonably foreseeable' environmental effects from the proposed activity," the environmentalists' June 26 comments say. "Because the purpose of the proposed activity is the construction, operation and maintenance of a power plant that utilizes coal to produce electricity, it is reasonably foreseeable that various surface and underground coal-mining will be used to extract the coal needed to fuel the activity."

Further, the comments say, the site location chosen by Old Dominion was selected because it was close to a rail line "known to carry coal sourced from mountaintop removal mines." Old Dominion plans to construct a rail spur to connect to the line, which the activists say "almost [guarantees] that coal extracted through the environmentally destructive practice of mountaintop removal will be burned at the facility."

The environmentalists claim that mountaintop removal impacts must be considered for any new coal plant, but some critics say that would expand the definition of indirect effects that must be considered under NEPA beyond those factors that the law intended to capture for review and mitigation.

Industry officials also say they cannot mitigate the impact of mountaintop mining because it does not control the mine, meaning the supply of coal from the practice should not be an issue in the EIS.

A spokesman for the proposed Old Dominion plant also says the facility would use low-sulfur coal typically obtained from mines deep underground rather than surface mines like mountaintop removal mines. In addition, the plant's coal supply plans are not yet final which makes it unnecessary to evaluate supply from mountaintop mining.

Complicating environmentalists' push is the fact they they have had a mixed record in court when trying to broaden the scope of NEPA reviews to include previously excluded environmental factors. That could raise questions about whether activists would succeed should they sue over the mountaintop mining issue.

In a landmark 2003 case, the U.S. Court of Appeals for the Ninth Circuit in *Mid States Coalition for Progress vs. Surface Transportation Board* ruled that the Energy Information Administration (EIA) was required under NEPA to consider the greenhouse gas effects of coal that a proposed rail line would transport.

The Old Dominion power plant is the inverse of that case, one environmentalist says, where the indirect effects of the mining impacts are connected by rail -- which would be used to transfer the coal -- but caused by the power plant, which would burn the coal, a process that would result in greenhouse gas emissions.

However, a later 2007 9th Circuit ruling upheld a relatively limited implementation of its earlier ruling requiring the analysis. Activists said that the EIA's NEPA review of the rail line should require mitigation of the greenhouse gas impacts of the coal it would transport. But the court rejected environmentalists' efforts to expand the EIS and upheld the EIA's narrow review that did not include mitigation requirements.

The issue is complicated further because other precedents on NEPA analysis of indirect mining impacts are confusing. For instance, environmentalists in their comments on the Old Dominion plant cite a 2006 case before EPA's Environmental Appeals Board (EAB), *In re: Prairie State Generating Company, LLC*, that they say found the Corps must evaluate the impacts of mining methods used to extract resources for a project.

But in the EAB case the board did not rule on the issue directly. While EAB found that the the destruction of habitat for a toad species from limestone mining may constitute a "secondary environmental impact" that must be addressed by an EIS, the panel also said that was "an issue that we do not reach here." -- *Jonathan Strong*

**PESTICIDES**

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

**Pesticides on peaches: What we found ...(*Chicago Tribune*)**

August 12, 2009
When the U.S. Department of Agriculture tested hundreds of regular washed peaches in 2008, it found residue from dozens of pesticides still on them. Some consumers try to avoid pesticide exposure by buying organic or buying produce at local farmers markets. The Tribune gathered samples of both and sent them to a lab to see how they matched up to the conventional peaches tested by USDA.

USDA 2008 study

SAMPLE: Domestic and imported peaches from more than 700 washed samples tested by USDA

**PESTICIDES FOUND:** Fifty-one detectable pesticide residues. Five pesticides detected at higher concentrations than is allowed by EPA. And six pesticides were found that are not approved for peaches in the United States.

**Tribune 2009 testing**

**SAMPLE:** Certified organic peaches from California

**PESTICIDES FOUND:** One pesticide: fludioxonil, which is not permitted in organic agriculture. But its concentration of 157 parts per billion does not technically violate organic standards because it constitutes less than 5 percent of the EPA tolerance.

**SAMPL E:** Farmers market peaches from southern Illinois

**PESTICIDES FOUND:** Azoxystrobin, Cyhalothrin and Endosulfan. None of their concentrations came within even a tenth of the EPA tolerance.

**SAMPLE:** Farmers market peaches from southwestern Michigan

**PESTICIDES FOUND:** Cyfluthrin and phosmet. Neither of their concentrations came within even a tenth of the EPA tolerance.

The dirty dozen

This list was compiled by the Washington-based research and advocacy organization Environmental Working Group, which cross-referenced USDA food consumption data with USDA and FDA pesticide data from 2000-2007 to create a ranking of popular produce with heavy pesticide loads.

1. Peaches
2. Apples

3. Sweet bell peppers
4. Celery
5. Nectarines
6. Strawberries
7. Cherries
8. Kale
9. Lettuce
10. Grapes (imported)
11. Carrots
12. Pears

**Mosquito repellents (*Kingston Reporter*)**

Tue Aug 11, 2009, 05:06 PM EDT
Plymouth County Mosquito Control has been receiving record numbers of service calls from people seeking relief from the hordes of hungry mosquitoes. As a result of the number and nature of the calls, it seems like a very appropriate time to remind people of the importance of using insect repellents.

In Massachusetts, West Nile virus (WNV) and Eastern Equine Encephalitis (EEE) are of great concern. Using the right repellents can reduce your chances of being bitten by a mosquito and reduce the risk that you will get WNV or EEE.

The United States Environmental Protection Agency (EPA) has registered only five repellents for use on skin or clothing: DEET, Picaridin (KBR 3023), Oil of Lemon Eucalyptus (PMD), IR3535, and Permithrin. These repellents are also the only ones recommended by the Centers for Disease Control (CDC) and the Massachusetts Department of Public Health. While there are many products that claim to be effective repellents, the ones listed above are the only ones on the market to have successfully undergone the rigorous testing of the EPA.

DEET provides protection from both mosquitoes and ticks and can be found in various concentrations from 4.75 percent to 100 percent. The 4.75 percent will give one to 1.5 hours of protection and 30 percent will give four to five hours of protection. For tick protection the concentration must be at least 20 percent. A 30 percent concentration may be used on children over 2 months old (American Association of Pediatricians).

Picaridin (KBR 3023): Has been used around the world since 1998 and was registered with the EPA in 2005. Usually found in concentrations from 7 to 15 percent and usually lasts two to eight hours, depending on concentration and the species of mosquito. Picaridin can also used as a tick repellent.

Oil of Lemon Eucalyptus (PMD) was approved by the EPA in 2005 and is classified as a biopesticide. In one study 20 percent PMD was deemed to be as effective as 20 percent

DEET. A 40 percent PMD product protects up to six hours. This product should not be used on children under 3 years of age.

IR3535 has been in the U.S. since 1999 and is classified as a biopesticide. IR3535 can usually found in concentrations of 7.5 to 20 percent. It is labeled as a repellent for both mosquitoes and ticks. Some studies indicate that IR3535 may be effective for seven to 10 hours for mosquitoes and up to 12 hours for ticks.

Permethrin is a synthetic pyrethroid that is toxic to the nervous systems of insects and is applied to clothing, shoes, bed nets and camping gear. Permithrin is effective up two weeks. Permithrin repels and kills mosquitoes and ticks. When applied to clothing, it should be done prior to putting them on. Permethrin should not be applied to a person's skin.

*What are some general considerations to remember when using insect repellents?*

· Always follow the recommendations appearing on the product label.

· Use enough repellent to cover exposed skin or clothing.

· Don't apply repellent to skin that is under clothing. Heavy application is not necessary to achieve protection.

· Do not apply repellent to cuts, wounds or irritated skin.

· After returning indoors, wash treated skin with soap and water. (This may vary depending on the product. Check the label.)

· Do not spray aerosol or pump products in enclosed areas.

· Do not spray aerosol or pump products directly to your face. Spray your hands and then rub them carefully over the face, avoiding eyes and mouth.

· It is not recommended to use a repellent/sunscreen combination.

*Can insect repellents be used on children?*

Repellent products must state any age restrictions. If there is none listed, the EPA has not required a restriction on the use of the product.

*What guidelines are available for using a repellent on children?*

Always follow the recommendations appearing on the product label when using a repellent.

· When using a repellent on a child, apply it to your own hands and then rub them on your child. Avoid children's eyes and mouth and use it sparingly around their ears.

· Do not apply repellent to children's hands. (Children may tend to put their hands in their mouths.)

· Do not allow young children to self-apply insect repellents; have an adult do it for them.

· Keep repellents out of reach of children.

· Do not apply repellent under clothing. If repellent is applied to clothing, wash treated clothing before wearing again. (May vary by product; check the label).

**SUPERFUND**
==========

**Lead cleanup could expand (*Evansville Courier & Press*)**

Downtown, CenterCity added to list
By Mark Wilson
Wednesday, August 12, 2009

The U.S. Environmental Protection Agency will begin taking samples from yards in Evansville's Downtown and Center City next week to see if they should be included in a proposed expansion of a Superfund cleanup for lead contaminated soils.

The EPA is proposing to expand its Superfund cleanup of the Jacobsville neighborhood to a 41/2-square-mile area on both sides of the Lloyd Expressway. It encompasses all or parts of 13 neighborhoods with some of Evansville's oldest houses.

However, the area the EPA will test next week has been listed as "to be determined" on maps of the proposed expansion because workers were able to obtain only a handful of samples before.

After sending out several hundred letters seeking permission to access properties in the area, which stretches from Riverside Drive to U.S. 41, the EPA received permission to sample 42 residential yards, said John Bingcanar, an EPA environmental scientist working on the cleanup.

"If we get samples above the 400 parts per million, they will be included (in the cleanup)," said Mary Tierney, EPA project manager.

Bingcanar expects the sampling will produce a similar range of results as those from the other areas tested.

He said the team will take multiple samples from each yard to get a composite result that accurately reflects the level of lead present in each yard. It will be several months before the results are known.

The area also includes the Downtown business district and the city's proposed site for a new arena. However, that project will not be affected by the cleanup because it will undergo its own environmental assessment as part of the construction project, said Audra Levy, communications director for Mayor Jonathan Weinzapfel.

Until now, the EPA has been concentrating its efforts on a section of the near-North Side Jacobsville neighborhood where lead levels in some yards were found to be three to four times higher than the level 400 parts per million considered safe.

An emergency cleanup of 83 properties with levels of lead considered an immediate health risk already has been done in that neighborhood. The contaminated soil was scooped up, hauled to landfills and replaced with clean soil.

Using $5 million in federal stimulus money, the EPA is planning on cleaning up an additional 350 yards in the area — bounded by the Lloyd Expressway and Mary, Iowa and Elliott streets. That part of the cleanup will start this fall and likely be finished by 2012.

But testing found the contamination was much more widespread. The agency is working on a plan to expand the cleanup, but EPA officials say it will be years before cleanups start in the larger area.

**Black & Veatch's EPA contract could hit $150M (*Bizjournals.com*)**

Kansas City Business Journal
Tuesday, August 11, 2009, 10:02am CDT

Despite the recession, Black & Veatch continues to clean up.
The Overland Park-based company said Tuesday that it will continue to clean up contaminated Superfund sites through a new contract awarded by the U.S. Environmental Protection Agency and worth as much as $150 million.

The contract will allow Black & Veatch to continue Superfund remediation work for as long as 10 years in eight states: Alabama, Mississippi, Florida, Tennessee, Georgia, Kentucky, North Carolina and South Carolina.

“Past industrial or agricultural development practices resulted in potential hazards to human health and the environment at sites throughout the country,” Harvey Coppage, director of environmental services for Black & Veatch’s Federal Services Division, said in a release Tuesday. “With remedial action contracts, we work with the EPA to remove these hazards, improving communities and restoring peace of mind for local residents.”

For example, Black & Veatch is remediating contaminated soil and groundwater at a former wood-preserving plant in Pensacola, Fla. The project involves constructing an underground containment cell that will hold 540,000 cubic yards of contaminated soil. Much of the soil has been stockpiled for more than 15 years as EPA controlled short-term exposure to the waste and worked to develop a plan and secure financing for the long-term cleanup.

“When completed, the Pensacola site will be eligible for light-commercial redevelopment, potentially becoming a sustainable component of the community,” Coppage said in the release.

Black & Veatch has remediated contaminated sites in the United States since the inception of the Comprehensive Environmental Response, Compensation and Liability Act, otherwise known as Superfund legislation. The company is one of the original three EPA Superfund contractors and is involved in approximately 100 remediation projects throughout the country.

Black & Veatch ranks No. 1 on the *Kansas City Business Journal*’s list of area engineering firms.

**PCB dredging resumes in Hudson (*Greenwire*)**

08/11/2009
Dredging of PCBs from the Hudson River will resume today, after the Superfund project was halted for four days because the chemicals were being stirred up in the river, according to General Electric Co.

The dredging will resume in stages to allow officials to monitor the level of PCBs, according to GE, which is conducting the work under the supervision of U.S. EPA.

EPA halted work late Friday after a monitor found levels of PCB rose above federal drinking water safety standard of 500 parts per trillion (*Greenwire*, Aug. 10).

About 260 barges loaded with PCB-tainted sediment have been hauled from the the Hudson since mid-May. The sediment is being shipped to a toxic waste dump in Texas (Brian Nearing, Albany *Times Union*, Aug. 11). **-- PR**

**TOXICS**

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

**Empty lot is a battleground (*Los Angeles Times*)**

August 12, 2009 Wednesday
Home Edition
MAIN NEWS; Metro Desk; Part A; Pg. 4
Empty lot is a battleground;
Land in South L.A. bought by a nonprofit with a city block grant is seized by LAUSD, igniting a legal fight.
By Louis Sahagun
The plan to transform a vacant lot used as an illegal dumping ground into a youth center and soccer field for low-income residents in South Los Angeles seemed like a winner.

The Los Angeles City Council allocated a $2.4-million community development block grant to the nonprofit Concerned Citizens of South Central Los Angeles to buy the lot and develop the property in a community long bereft of recreational opportunities.

Eight years later, with no youth center or permanent soccer field having been built, the Los Angeles Unified School District has seized control of the blighted six-acre site, with plans for an elementary school and soccer field.

In the meantime, the city and the nonprofit are engaged in a highly personal court fight over the millions of dollars the land fetched through eminent domain.

Construction of the school is scheduled to begin in September, officials said. If all goes according to plan, the 950-student Juanita Tate Elementary will open in 2011.

Tate, who died in 2004, founded Concerned Citizens and spent years trying to improve the area's quality of life by building affordable housing and fighting environmentally unsound projects.

In a lawsuit, the city says Concerned Citizens breached its contractual obligations and violated federal law by leaving the lot barren in hopes of making a windfall in the commercial real estate market after its value increased.

As a result, the city is demanding that the nonprofit pay it more than $5 million -- the

amount of the original block grant plus the amount the land has appreciated since 2001.

Concerned Citizens, however, says it fully met its contractual obligations by hauling tons of debris off the property, at Slauson Avenue and Main Street, and building a temporary clay soccer field. The nonprofit also contends that it was already in the process of buying the property to develop it into a soccer field when the city persuaded it to use the block grant to complete the deal.

It also claims that the city and Deputy City Atty. John A. Carvalho collaborated in a scheme allegedly hatched by City Councilwoman Jan Perry to prevent the project from being completed -- and to destroy the nonprofit.

And the group says it agreed to use the block grant only to acquire the property, with no promises to build on it.

"The project didn't get built because of Jan Perry's failure to secure resources the project depended on," Mark Williams, Tate's son and the director of youth programs for Concerned Citizens, said in an interview. "The duplicity the city attributes to us is the city's own. So it should get nothing."

The winner in court probably would get the current fair market value of the property -- about $5.4 million, which was deposited with the clerk of the court by the school district.

The dispute has strained relations between Concerned Citizens and Perry, who was a close friend of Tate.

"Jan Perry is like family. My mother helped get her elected to the City Council," Williams said.

"But the petty level to which she has stooped to destroy us is mind-boggling and not very smart," added Tate's daughter, Noreen McClendon, the nonprofit's executive director.

Perry declined to comment except to say, "I had an enormous amount of respect for Juanita Tate."

On another front, the school district continues to test soil samples from the lot for contamination.

Over the decades, the property was home to an array of commercial enterprises: a lumber yard, a fueling station, brake and metal shops and a lamp store. More recently, Concerned Citizens rented the property to traveling carnivals and used-car events.

On recommendation from the state Department of Toxic Substances Control, the district hauled out more than 160 truckloads of soil containing elevated levels of dangerous substances.

Then there were the tons of soil contaminated with petroleum hydrocarbons that district officials believe oozed out of a long-inactive Exxon Mobile pipeline under Main Street and just five feet east of the property line.

That soil was treated or removed from the property. As a precaution, the district also built two retaining walls to protect the land from potential future leaks.

"The total cost of cleaning up impacted soils on the property was about $19 million," said Jay Golida, an attorney representing the school district. "The cleanups are complete; Exxon collaborated with the district and helped cover the costs."

Golida said the district would monitor the site to address concerns that the land might be contaminated by pollutants flowing in from the nearby pipeline. "If for some reason levels increase, we will go right back to Exxon to have them removed," he said.

Construction on the property cannot come soon enough for local residents and business owners.

Javier Longoria, manager of a nearby second-hand clothing store, nodded toward the lot and said, "There are no parks for kids around here, nothing, so they play in the streets."

"I hear they are going to build a school and soccer field over there," he added. "That's going to be really nice."

louis.sahagun@latimes.com

**GM drops out of pollution prevention program (*Greenwire*)**

08/11/2009
General Motors will no longer participate in a partnership that collects mercury-laden parts from recycled automobiles to keep the toxin out of the environment.
In pulling out of the program, GM said its post-bankruptcy company is not responsible for vehicles built before it filed for Chapter 11 and that its new vehicles do not contain mercury.
The groups collecting the mercury said GM's pullout undermines their program because it comes at a time when an estimated 750,000 old vehicles, some of which contain mercury switches, are being traded in and recycled because of the federal "cash-for-clunkers" program.
GM said it is still reviewing its pre-bankruptcy agreements and declined to comment.
GM was the largest participant in the End of Life Vehicle Solutions Corp., an auto-industry partnership created in 2005 to capture mercury emissions during vehicle recycling. It has disposed of nearly 5,600 pounds of mercury.

GM's annual bill for the program is between $700,000 and $1 million, the program's executive director said.

Mercury accumulates in plants, fish and humans and can damage development of children and fetuses (AP/*New York Times*, Aug. 11). **-- PR**

**WATER**

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

August 12, 2009

**G.E. Resumes Hudson Dredging, With Limits by E.P.A. (*New York Times*)**

By MIREYA NAVARRO

General Electric resumed dredging for contaminants in the upper Hudson River on Tuesday afternoon after shutting down operations in response to tests that showed that chemicals from the cleanup had traveled several miles downstream.

The Environmental Protection Agency, which had ordered the dredging halted on Friday, said that operations would restart in stages and initially be confined to only three of 11 sites on the river where the dredges had been operating. Additional dredging areas may be added pending another round of water sampling, said Kristen Skopeck, a spokeswoman for the agency.

Water tests conducted about five miles south of Fort Edward in Washington County, where most of the dredging is under way, showed that levels of the chemicals known as PCBs exceeded water quality standards. E.P.A. officials has asked General Electric, which is overseeing the cleanup, to find methods for confining the sediment disturbed by the dredging to each site and keep PCB levels down elsewhere in the river.

The agency said that “enhanced engineering controls” would be incorporated at each dredge location to keep water from spilling out of the dredge buckets and back into the river.

The dredging operation, which began in May along a six-mile segment south of Fort Edward, is the first phase of a cleanup expected to last through 2015. (The current phase is expected to continue well into the fall.)

Two General Electric factories discharged PCBs for three decades beginning in the 1940s before PCBs were banned in 1977 as a health threat to people and wildlife. That led to the federal designation of nearly 200 miles of the river, from Hudson Falls, N.Y., to the southern tip of Manhattan, as a contaminated Superfund site.

Under the legislation that created the Superfund program, the responsible party, G.E., is required to supervise and pay for the cleanup. The company periodically posts updates on the operation at www.hudsondredging.com.

Another 34 miles of river, running to Troy, N.Y., are to be dredged in the project’s second phase.

Ms. Skopeck said the temporary shutdown was not expected to significantly delay the cleanup. Mark Behan, a spokesman for General Electric, said that heavy rains this summer had swelled the river's flow and caused intermittent suspensions of some dredging already.
"It will have an effect in productivity," he said of the shutdown. "But it's too early to tell how much of an effect."

**Hudson dredging resumes (*Albany Times Union*)**

Work was postponed by elevated PCB levels
By BRIAN NEARING, Staff writer
Last updated: 11:20 a.m., Tuesday, August 11, 2009
FORT EDWARD -- Dredging of PCBs from the Hudson River will resume today at noon after a four-day shutdown due to high levels of the chemical being stirred up in the river, according to General Electric Co.

Stopped Friday afternoon, dredging will be resumed in stages over the course of this week, according to GE, which is performing the work under the control of the U.S. Environmental Protection Agency.

There had been 11 dredges working in a six-mile stretch of river from Rogers Island south when work was halted. To start, dredging will be confined to three river locations, one of which is inside a metal barrier, called a sheet pile enclosure, meant to confine stirred up river sediments.

If PCB levels are acceptable, two more additional dredging areas could be added as early as Thursday, according to the EPA. Additional dredging could resume if PCB levels remain acceptable.

Resuming work gradually will allow the Environmental Protection Agency and General Electric to watch how PCB levels change as more dredges are added, according to GE. Refinements to operations will be made as needed in an effort to keep PCB levels in air and water below EPA's standards, according to GE.

Since the work began in mid-May, about 260 barges filled with PCB-tainted sediment removed from the river have been taken to a facility on the Champlain Canal, where the sediments are squeezed dry, the water treated and pumped into the canal. The PCB sediments are shipped via rail cars to a toxic waste dump in Texas.

**California Stormwater Order May Serve As Precedent For Numeric Limits (*Inside EPA*)**

Tuesday, August 11, 2009
Activists are urging California regional water boards to adopt a precedent-setting state order that for the first time includes numeric pollutant limits in a Los Angeles stormwater permit, saying all regional boards should begin incorporating the strict limits -- known as total maximum daily loads (TMDLs) -- in stormwater permits.

Los Angeles County officials however strongly oppose the state Water Resources Control Board's (WRCB) order and may sue to overturn approval of the order, arguing that it could allow regional water officials to hold dischargers liable for another entity's pollution, a situation that may violate the Clean Water Act (CWA).

Local governments argue that mandates for numeric pollutant limits in permits may make them vulnerable to new lawsuits filed by environmentalists, and that the cost of compliance with such standards will be too high. But the TMDL programs are also seen as critical to meeting federal water quality standards.

WRCB's order requires the Los Angeles regional water board to incorporate a strict TMDL in its stormwater permit. TMDLs refer to the maximum amount of a pollutant that a waterbody can take while still meeting water quality standards, and meeting the limits is seen as key to achieving federal water quality standards.

WRCB Aug. 4 adopted an order denying a petition from Los Angeles County officials seeking to invalidate the Los Angeles regional board stormwater permit. The petition argued that the regional board improperly translated the provisions of an existing TMDL for bacteria into a municipal stormwater permit.

Activists strongly support the decision to back the regional board’s permit and deny Los Angeles County’s petition, and they say the Los Angeles board’s incorporation of a bacteria TMDL into the stormwater permit is needed to protect millions of swimmers and beachgoers visiting Santa Monica Bay, CA, beaches in the summer.

The regional board in 2006 revised its existing municipal stormwater permit to incorporate its bacteria TMDL at Santa Monica Bay beaches. The county’s petition argued that the revised regional board permit included numeric effluent limitations that do not follow the accepted approach for controlling municipal stormwater discharges. The county also argued that discharge prohibitions enacted are ambiguous.

Environmental groups hope that the WRCB order paves the way for other regional boards to place TMDLs within stormwater permits, arguing that such pollutant limits are required under the CWA, according to one activist. The source adds that environmental groups are now urging the Los Angeles regional board to also incorporate a contested trash TMDL for the Los Angeles River within stormwater permits.

But local governments and others criticize the push to include TMDLs in stormwater permits, fearing that placing TMDLs into National Pollutant Discharge Elimination System (NPDES) permits opens up an entire new area of litigation for environmental groups seeking to enforce the strictest standards.

Local government officials say EPA's guidelines do not require that TMDLs be implemented in NPDES permits. The officials have suggested memorandums of understanding between the regulated community and regional boards. They have also argued that the science behind TMDLs and the technology for meeting them are imprecise and need much more work. Therefore, counties and cities fear that the Aug. 4 order could result in both regional board fines and environmentalist litigation over problematic TMDLs.

At the Aug. 4 WRCB meeting, Howard Gest, an attorney for Los Angeles County, argued that the regional board's bacteria TMDL plan would lead to the regional board potentially holding a discharger responsible for another entity's pollution violation. Gest argued that such action is not allowed under the CWA or the state Porter-Cologne Water Quality Control Act, which established California's regional water quality boards.

"I come back to the legal principle -- there is no case under the Clean Water Act or Porter-Cologne that allows one party to be responsible for the discharge of another," Gest argued. "Nothing under [state or federal law] allows a regional board to make one party liable for something they didn't do."

But WRCB attorney Michael Lauffer responded that the order does not specifically assign responsibility to the county for discharges, and that the order does not say anything along the lines of what Gest argued.

Meanwhile, the regional board July 29 hosted a workshop to seek input from stakeholders on a preliminary plan to incorporate the trash TMDL into the permit for the Los Angeles River.

The Los Angeles board's trash TMDL was adopted in 2007 and became effective last year. The TMDL has been controversial, with local governments arguing that compliance could cost several million dollars. The TMDL was also the focus of a court challenge in recent years, with a 2006 appellate court finding that the zero-trash standard was appropriate, but that the regional board's environmental review was inadequate.

**EPA taking comments on water quality enforcement (*Bay City Times*)**

Posted by Jeff Kart | The Bay City Times August 11, 2009 09:24AM
If you drink water, or like to fish or swim in it, read on.

The U.S. Environmental Protection Agency wants to hear from folks about ways to improve water quality enforcement under the Clean Water Act.
I'll assume that a few people in the Saginaw Bay watershed may have something to say about this.

Cynthia Giles, assistant administrator of EPA's Office of Enforcement and Compliance Assurance, says in a blog post that she's been tasked with examining the agency's water enforcement program "in light of information showing that water quality goals are not being met and that there are too many violations in too many places."

Giles is gathering recommendations to improve transparency, strengthen clean water enforcement performance and expand the use of technology to increase efficiency and provide useful information to the public.

The recommended action plan needs to improve compliance and address the problems that are having the biggest impact on water quality, she writes.

Post your comments below and to the EPA blog, if you meet the criteria.

**Hudson River Dredging Continues (*Fox 23 News*)**

Reported by: Paul Merrill
Email: paulmerrill@fox23news.com
Videographer: B. Flynn
Last Update: 8/11 5:03 pm
EPA officials say the first phase of the Hudson River dredging project will remove 200,000 cubic yards of sediment from the river. (Photographer: Brian Flynn)
Dredging has resumed on the Hudson River in Fort Edward.

The Environmental Protection Agency had halted the work on Friday after PCB levels in the water spiked.

Crews went back to work at about noon on Monday after the EPA reported that levels of the suspected carcinogen had dropped again.

Dredging project managers say they're not surprised that removing tens of thousands of cubic yards of sediment has churned up some some of the dangerous chemicals that they're trying to eliminate.

"We knew that we were going to be re-mobilizing some PCBs," explains EPA Hudson River Field Office Director David King. "That's why we have a re-suspension standard that's set at 500 rather than zero."

The EPA has set a safe PCB level threshold at 500 parts per trillion.

The agency halted dredging on Friday after PCB levels passed that threshold.

Tests on Saturday and Sunday showed levels closer to 100 and 200 parts per trillion.

Dredging opponents say even the control threshold is dangerously high.

"That's eight-to-ten times what it was before pre-dredging conditions," says Jane Havens.

Havens and her husband are part of CEASE - a group that's opposed Hudson River dredging for 30 decades.

She says, "This project began because, supposedly, this was a condition that was unsafe for people and, now, they're putting out numbers that are so much worse."

CEASE members tell us that the river would be cleaner if the EPA just left it alone.

GE, the company paying $700 million for the dredging project, doesn't disagree.

GE spokesman Mark Behan says, "There was a 25-year debate over that very question and GE also believed that the best answer was not an invasive dredging project but EPA, ultimately, made a decision in favor of dredging and we're cooperating."

King says he is pleased with the results of the first phase of the dredging project.

"We're doing well," King explains. "Again, weather is playing tricks on us and we have to take that into account."

King says increased levels of rain contributed to the spike in the PCB levels.

Officials will retest the water every 24 hours.

CEASE members tell us they're organizing a public meeting to be held Monday night at 7:00 p.m. in the Washington County Annex Building.

**Residents confused on safety of lakes (*The Daily News of Newburyport*)**

By Lynne Hendricks
staff writer
August 12, 2009 03:54 am
AMESBURY — Tests taken at the urging of scientists working at Lake Attitash for the Environmental Protection Agency's lakes and ponds program found exceedingly high levels of the toxic algae bloom cyanobacteria in the lake on Thursday.

But on Sunday children summering at Attitash's Camp Bauercrest were out swimming on the lake, and water skiers and recreational tubers were still zooming across the placid water on Monday, despite warnings from Amesbury's interim health director Jack Morris to steer clear of the water until further testing could be conducted.

For whatever reason, Morris' message hasn't gotten through.

Cyanobacteria, or blue-green algae as it's called, is toxic to humans and animals exposed to the bacteria, and an EPA test conducted in association with the University of New Hampshire found it was present in the lake in concentrations of 140,000 cells per milliliter.

The lake was initially closed for swimming based on those excessive levels, which are three times the limit deemed safe by the state, but state Department of Health representatives took some samples of their own the next day and found levels weren't high enough to warrant a beach closure.

Advisories were supposed to be posted instead, but it seems a number of residents and guests are still unaware of the danger lurking in the lake's depths, and the rest are confused by the conflicting test results coming from the state.

Amesbury initially closed the beaches based on the recommendations of the EPA, and included the popular Lake Gardner swimming hole in the closure, which, although connected to Attitash by way of the Powow River, wasn't reportedly tested for the algae.

The town lifted the Gardner closure later in the day Friday, but as of yesterday was still reporting on its Web site that there were state advisories in place in Lake Gardner at Whitehall Lake and Glendevin beaches.

"As of right now, the one beach that's closed is Camp Bauercrest on Lake Attitash," said Mayor Thatcher Kezer, attempting to resolve some of the confusion. "The other beaches (Whitehall and Glendevin) have advisories. That means be aware — if the water looks green or yucky, don't go in it — don't drink it."

"I have two 5-year-old boys, and I decided to keep them out of the lake for a few days," said Lake Attitash Association Vice Chairman Cindy Roberts, who has been fielding calls from worried residents and trying to assess the situation on behalf of her membership.

Based on what she's learned from numerous phone calls to the state Health Department and from EPA scientists, she's choosing to heed Morris' advice when it comes to her kids.

"They're playing with the sprinkler (instead)," she said.

Roberts doesn't feel comfortable with assurances from the state that the water is safe because she feels initial tests performed by UNH were more comprehensive than the state's.

"Who do you believe — the DEP or the University of New Hampshire?" asked Roberts of residents' dilemma. "If the first results were accurate, the beach should have been closed and remained closed. Nobody's really sure what to do."

Roberts said the EPA/UNH test is called an "automatic data logger," which logs cells on a continuous basis, and is tied into a GPS navigation system that transects across and around the lake to get several thousand data points.

In contrast, she said, the state came in and took two water samples from the lake.

"UNH said there's a big problem here," Roberts said. "The state ran two samples, and said it's not as bad as you think. Those two groups are trying to communicate with Amesbury."

Kezer was unsure of the status of Sandy Beach on Lake Attitash, and there was no one available to offer clarification yesterday.

Though Morris played an active role Friday in deciphering the meaning of the state algae advisory for concerned residents, the temporary health agent acting under a mutual aid agreement with Amesbury left Monday on a vacation expected to last to the end of August. Questions on the conflicting information at Attitash were referred to Kezer's chief of staff, Kendra Amaral, and ultimately to the mayor himself.

Kezer said with Morris out of town, the natural clearinghouse for questions about the health and safety of recreational swimmers at Attitash is with Department of Public Works director Rob Desmarais.

"Rob Desmarais is the person who's been our manager of all the waterways," Kezer said. "When a water body is declared unsafe for swimming all that entails is to give a call over to DPW and put the signs up."

"It's kind of a confusing mess at the moment," said Ron Klodenski, who was one of a number of members who voiced their concern about the notification process at a meeting of the Lake Attitash Association Monday night.

"I think there needs to be some channel for notification," Klodenski said. "There is no way for residents to find out about this. If they don't get The Daily News or they're not on (the association's) e-mail distribution list, they might not even know about it.

"I imagine our e-mail list is only 60 to 70 people, so I'm guessing there's another couple hundred houses on the lake that didn't get any notification," he said.

Roberts said signs at the three private Attitash beaches alone don't properly apprise people of the potential dangers.

"Most residents on Lake Attitash don't belong to a beach," Roberts said. "If you're not on one of those beaches, then how do you find out?"

Sources say officials from the DPH were expected to test yesterday or today for cyanobacteria and will likely have results from the tests back Friday. Until then, Roberts is telling residents to avoid the blue green latex-paint-like slicks of algae, as advised by DPH scientist Vanessa Yandell.

In the meantime, she's wondering after seeing the children at Camp Bauercrest swimming Monday, just who is in charge of notifying the camp of the algae bloom. She was upset to learn that beach was closed, as there is no posted closure notice anywhere that she can find.

"I'm three doors down from Camp Bauercrest, and I didn't realize it was closed," Roberts said.

August 12, 2009

**Feds: Toxic site cleanup next (*Poughkeepsie Journal*)**

Homeowners told of E. Fishkill plans
By Michael Woyton
Poughkeepsie Journal
HOPEWELL JUNCTION -With a plan in place to provide water to residents affected by groundwater contamination, federal officials have now set their sights on actually cleaning up the contamination.
Representatives from the U.S. Environmental Protection Agency held a public meeting Tuesday to provide information and hear comments about proposed remediation plans. More than 50 people attended.

About 300 homes were affected with water contaminated with trichloroethene and trichloroethane and subsequent vapor intrusion caused by contamination from Hopewell Precision.

The homes are near Ryan Drive, Creamery Road, Clove Branch Road and Old Farm Road.

Lorenzo Thantu, EPA's remedial project manager, said there were two objectives.

"For groundwater, the first objective is to restore the water to drinking water standards and to remove the contaminants," he said. The second was to eliminate the potential of any vapor intrusion into homes.

The preferred remedy, Thantu said, was using biological elements in the groundwater that detoxify the contaminants.

"We found out the aquifer conditions are ideal for these processes to take place," he said.

The process is called aerobic cometabolic bioremediation and would cost $12 million.

Salvatore Badalamenti, EPA's chief of the eastern New York remediation section, said the biological process is a lengthy one.

"Restoring the aquifer is going to take quite a bit of time," he said, "probably 20 to 30 years."

Thantu said there would also be long-term monitoring to track the movement of and changes to the contaminated groundwater, as well as vapor monitoring of homes.

Hopewell Precision was a manufacturer of sheet metal parts and assemblies. It began operations at 15 Ryan Drive in 1977 and moved to 19 Ryan Drive in 1980.

For a number of years, the company dumped one to five gallons per day of waste solvents, paints and sodium nitrate directly on the ground.

In April 2005, the site was placed on the EPA's National Priorities List of most contaminated sites.

**Filters, vents installed**

Besides well monitoring, the government provided filtration systems and vapor ventilation units to affected residents.

Those residents could have clean water piped in from newly drilled wells or existing water supplies in the near future.

The EPA will decide by December on the source of the water and continue to plan how to best pipe in the water.

Storage tanks, water mains and service connections will also be constructed for private homes. Private well pipes will be discontinued, along with their testing.

Design construction is expected to begin by spring 2010 and be completed by spring 2011.

The estimated cost for building the pipeline is $18.9 million.

Steven Quinn, who lives on Creamery Road, has a point of entry water filtration system at his house that uses carbon filters to clean the water.

He is concerned about piping the water through the contaminated areas.

"Any break, could it get contaminated again?" Quinn said. "It's a real confusing issue."

August 12, 2009

**EPA sued over flood control (*Associated Press*)**

**Story also appeared: *Clarion Ledger***

Levee board wants Yazoo Backwater Project to move forward
Holbrook Mohr
The Associated Press
A Mississippi levee board sued the Environmental Protection Agency in federal court Tuesday in hopes of pushing through a $220 million flood control project that dates back decades.
The lawsuit was filed in U.S. District Court in Greenville by the Board of Mississippi Levee Commissioners, which says it's trying to protect residents of the lower Mississippi Delta from flooding.

The levee board, made up of representatives from several Mississippi counties, wants to move forward with the Yazoo Backwater Project, a proposal to build a pump station to drain wetlands, farmland and forests north of Vicksburg when the Mississippi River is high.

Congress authorized the Mississippi Delta project in 1941 but didn't fully fund it. The EPA vetoed the Yazoo pump aspect of the project in August 2008, saying it would destroy wetlands, water quality and habitat for threatened species.

The lawsuit challenges the agency's authority to stop the project.

"Protection of the nation's water quality is among EPA's highest priorities," the EPA said in an e-mail. "We will review the lawsuit carefully and respond accordingly."

The U.S. Army Corps of Engineers has taken steps to control flooding upstream on the Mississippi River, and that only made flooding worse in the Yazoo River Basin.

About 900,000 acres and 1,000 residential structures were affected, said attorney Damien M. Schiff, with Pacific Legal Foundation, a legal watchdog organization that represents the levee board.

The pumps are the last integrated element of the large flood control system and are needed to pump out water trapped by other flood control measures, Schiff said in a phone interview Tuesday.

"Despite the many social and environmental benefits that the project will produce, EPA vetoed the project, contending that the project will be too environmentally harmful," according to the 13-page lawsuit. "That is flat wrong: The project will produce significant environmental benefits, as well as flood protection."

People who supported other elements of the larger project are now suffering because the pumps aren't in place "and they feel like the victims of a very unjust political game," Schiff said.

The lawsuit also claims EPA's veto is illegal because the project was approved by Congress before the agency was given veto power under the Clean Water Act in 1977.

EPA officials have said in the past that the project doesn't meet all the requirements to proceed under the Clean Water Act, regardless of when it was authorized.

U.S. Sens. Thad Cochran and Roger Wicker, both Republicans from Mississippi, also have questioned the EPA's right to kill the project.

"The prospect of administrative nullification of a congressionally authorized project raises serious legal and policy issues," they wrote in a letter to the EPA dated July 17, 2008.

**Ports considering water, sediment pollution controls (*Daily Breeze*)**

By Art Marroquin Staff Writer
Posted: 08/11/2009 07:21:16 PM PDT
First, the goal was to reduce emissions from trucks, ships and equipment used at the ports of Los Angeles and Long Beach.

Now, the focus is on cleaning the foul waters lapping at the harbor's shoreline.

The Los Angeles and Long Beach harbor commissions are poised today to consider a series of guidelines aimed at controlling sources of water and sediment pollution at the nation's busiest port complex.

The proposed Water Resource Action Plan, or WRAP, calls for improving the maintenance of fueling and cargo handling areas, along with expanding stormwater, dust and litter control programs at the twin ports.

The plan also calls for examining upstream sources of pollution that are washed from storm drains, the Dominguez Watershed and the Los Angeles River into San Pedro Bay.

"When it comes to water quality, the ports of Los Angeles and Long Beach are in the challenging position of needing to address the pollutants that enter our harbor from upstream sources as well as from port operations," said Cindy Miscikowski, president of the Los Angeles Board of Harbor Commissioners.

"That's why it's so important that we take this action to create a solid plan to guide us to even better water quality."

Officials at both ports designed the plan with input from the U.S. Environmental Protection Agency, the Los Angeles Regional Water Quality Control Board, environmental groups and the maritime industry.

While no specific
benchmarks are included in the plan, the collaborative effort comes as regulatory agencies prepare to impose tougher guidelines aimed at reducing the amounts of fuel, metals, pesticides, waste and other contaminants dumped into the water.

"We've worked closely with the ports and local partners to identify key actions that will reduce water pollution and protect San Pedro Bay," said Laura Yoshii, the EPA's acting regional administrator for the Pacific Southwest. "The EPA looks forward to continuing these efforts as the ports implement their plans to protect public health and the environment in Southern California."

WRAP comes nearly three years after the twin ports adopted the Clean Air Action Plan, which aims to significantly reduce diesel emissions from port activity. With some of those measures already under way, including the Clean Trucks Program, attention has now shifted to cleaning the port's water.

Both ports have spent several decades trying to improve water quality by dredging channels, removing contaminated sediment and monitoring pollution levels, but problems remain with inflows of polluted storm water, vessel discharges and terminal operations.

"We managed to improve the water quality separately, but this is noteworthy in that this will be the first time that the ports have come together for a clean water strategy for the San Pedro Bay," said John Pope, a Port of Long Beach spokesman.

"We're trying to get ahead of these strict guidelines coming down the pipeline," Pope said. "We're also hoping that we will get more accomplished by working together."

art.marroquin@dailybreeze.com

Want to go?

The Los Angeles and Long Beach harbor commissions will meet at 1 p.m. today at Banning's Landing Community Center in Wilmington.

Want to go?

The Los Angeles and Long Beach harbor commissions will meet at 1 p.m. today at Banning's Landing Community Center in Wilmington.

August 11, 2009

**Beach at Central Avenue in Point Pleasant Beach ranks low (*Asbury Park Press)***

By MATTHEW McGRATH
TOMS RIVER BUREAU
The sand and surf off Central Avenue here were rated one of the worst in a list of 200 popular beaches nationwide, according to a New York City environmental group's annual water quality report.
State and county environmental officials say that's just not true.
"That report really took us by surprise," said Virginia Loftin, the state Coastal Cooperative Monitoring Program manager. "We don't know why they chose Central Avenue to be one of the lowest-ranking beaches in the country."

Out of a possible five stars, Central Avenue received only one, according to the Natural Resources Defense Council's 2009 "Testing the Waters" report. The single star was awarded because water quality test results are posted on the Internet.

"It's more like a hotel ranking system," said Nancy Stoner, the NRDC water program co-director. "This is not a list of best or worst beaches. It's a ranking of whether beaches meet five criteria."

Other stars could be awarded for water quality during 2008, water quality for the past three years, prompt advisories and the number of times per week water is tested.

The report said that 2008 was the fourth highest for beach closures. There were more than 20,000 across the country.

The water quality at the Central Avenue beach, which is owned by Martell's Tiki Bar and flanked by Jenkinson's beaches, only exceeded safe bacteria levels two days in two years, Loftin said. And, the beach has not been closed since 1985, when water quality monitoring began.

Those two occurrences, one in 2007 and the other in 2008, put the Central Avenue above the NRDC's mark for safe standards — more than 5 percent of samples from any beach exceed the minimum standards, which are recommended in the federal BEACH Act. According to the NRDC, Central Avenue did not meet the standard 6 percent of the time.

Out of the 48 New Jersey beaches that made the NRDC's list of 200, only four received one star, including the beaches off Essex Street in Spring Lake and 12th Street in Belmar. No New Jersey beach received four or five stars. However, the most stars a Garden State beach can receive is three because of the state's testing regulations, Clean Ocean Action Director Cindy Zipf said.

"New Jersey is handicapped from day one because New Jersey's program is so outdated," Zipf said. "The New Jersey program is so antiquated, we could have a pristine beach that had no water quality problems whatsoever, and it would only get three stars" from the NRDC.

Central Avenue did not make NRDC's list of the most polluted beaches, Stoner said.

With few exceptions, the water is tested only once per week. This is a state and federal minimum, and NRDC only awards stars to beaches that regularly exceed minimum requirements.

State law also requires health officials to resample water when a high amount of bacteria is detected. If high bacteria levels are detected in two consecutive days, the beach is closed. Testing continues until the bacteria levels fall. The NRDC only awards a star if an advisory is posted after high bacteria levels are detected.

The beach in Beachwood, which did not make the NRDC's list, is an exception to the state's minimum requirements, said Leslie Terjesen, the Ocean County Health Department spokeswoman. The beach is notorious for high bacteria levels because it runs along a cove in the Toms River where water collects and a storm sewer outfall pipe discharges there, Terjesen said. As soon as a high bacteria level is detected, Beachwood is closed to swimmers.

The state also does not get credit for other things it does, Loftin said. New Jersey is the only state to monitor algae blooms from the air six days a week. It monitors debris slicks with New York, the federal Environmental Protection Agency and the Army Corps of Engineers. It also uses inmates to haul 5 million pounds of floatable debris from the beaches.

**ON THE WEB:** Visit www.nrdc.org/water/oceans/ttw/titinx.asp to view the "Testing the Waters" report for 2009.

Additional Facts
BY THE NUMBERS

The percentages of times beaches in Ocean County exceeded safe bacteria levels (104 cells per 100 milliliters of water):

BEACHWOOD BEACH WEST, BEACHWOOD: 38 percent.

MAXON AVENUE, POINT PLEASANT: 32 percent.

RIVER AVENUE, POINT PLEASANT: 31 percent.

MONEY ISLAND, TOMS RIVER: 27 percent.

WINDWARD BEACH, BRICK: 27 percent.

WEST BEACH, PINE BEACH: 22 percent.

EAST BEACH, PINE BEACH: 19 percent.

NEW JERSEY, LONG BEACH TOWNSHIP: 18 percent.

14th STREET, SHIP BOTTOM: 17 percent.

WILDWOOD AVENUE, OCEAN GATE: 16 percent.

FIFTH STREET, SEASIDE PARK: 16 percent.

CENTRAL AVENUE, POINT PLEASANT BEACH: 6 percent.

Ocean County had the highest exceedance (6 percent) followed by Monmouth (3 percent), Cape May (1 percent) and Atlantic (0 percent). Comparing exceedance values to previous years, the Natural Resources Defense Council includes only those beaches monitored and reported each year between 2005 and 2008. The percent of samples exceeding the standard decreased to 3 percent in 2008 after three years of increases (5, 3 and 1 percent in 2007, 2006 and 2005, respectively).

Posted on Tue, Aug. 11, 2009

**County Commission expected to increase sewer charges (*Kansas City Star*)**

By JIM SULLINGER
jsullinger@theolathenews.com
The Johnson County Commission is expected to approve higher sewer charges when it meets Thursday to adopt the 2010 county budget.

Olathe is expected to follow suit with its own increase when it adopts its budget.

Homeowners outside of Olathe now see a $125 user fee on their November property tax bill for the construction of wastewater facilities. Under the proposal, that would increase to $134.

Those homeowners also pay about $22 every two months based on their winter water use. That would increase by about $1.56 under the proposed rate change, which would go into effect in January.

Commission chairwoman Annabeth Surbaugh said Johnson County would still have the lowest sewer rates in the metropolitan area if these increases go into effect.

John O'Neil, county wastewater's general manager, has said the rate increases were necessary because the amount of water usage has been dropping, which he called a national trend. That has caused a loss in revenue for the county's wastewater district.

Surbaugh said there doesn't appear to be any opposition on the seven-member commission to the rate increases.

She noted that revenue to fund capital improvements for the wastewater district had fallen from $8.2 million in 2005 to a projected $3.3 million in 2010. The county also has been able to increase this revenue as new housing developments were built. Surbaugh noted that new housing in the county has been hit hard by the recession.

She said the federal Environmental Protection Agency is making regulations for wastewater treatment more stringent. That translates into higher future costs for the county, she added.

Surbaugh said there is also the added expense of maintaining aging sewer lines and facilities in older areas of the county.

"There are infrastructure replacements and rehabs that we just can't put off," she said. "We've put off a lot but we can't put off the basics."

A vote to implement the rate increases will come as part of the final vote on the entire 2010 budget.

Commissioner Jim Allen of Shawnee said he was supporting the increases.

"I think you have to adequately fund this wastewater and make the repairs and do the maintenance and run it like a business," he said. "We don't want to be in the situation, frankly, of Kansas City, Mo., in spending $2.2 billion to upgrade a wastewater system."

Johnson County officials said the average winter water use has dropped from 206 gallons per day in 2003 to 170 gallons per day now. At the same time, he said the wastewater system continues to face inflationary costs for energy and chemicals.

Also, Kansas City has been raising the rates it charges Johnson County for sewage treatment by roughly 12 percent a year.

Olathe residents would see an average increase of $1.18 on their monthly bill and a 44 cent increase for the water portion of their bill. Olathe residents who use Johnson County Wastewater, but use Olathe water, would see an average 44 cent increase for water.

To reach Jim Sullinger, call 816-234-7701 or send e-mail to jsullinger@kcstar.com.

**Grant continues R.I. saltwater-beach testing (*Providence Journal*)**

01:00 AM EDT on Wednesday, August 12, 2009
By Richard Salit
Journal Staff Writer
Monique Estrela, 19, from the East Providence Boys and Girls Club, and others walk Barrington Town Beach collecting trash.
The Providence Journal / Kathy Borchers

BARRINGTON — As a few bathers cooled off in the water on a hot and humid day at Town Beach, state and federal officials gathered in the parking lot to announce a $213,000 grant that will allow testing at saltwater beaches to continue here and at other Rhode Island beaches for another year.

The officials noted that it has been a particularly rainy summer, inundating beaches with pollution and causing an unusual number of closures due to unhealthful test results. Town Beach, for example, has been closed nine days this summer.

But the trend, they said, has been fewer beach closures.

“The good news is that even though Rhode Island coastal beaches were closed to swimming for a total of 124 days last year, that’s way down from the 260 days they were closed only a few years ago in 2006,” said Stephen S. Perkins, acting deputy regional administrator for the Environmental Protection Agency.

The number of closings at saltwater beaches this year is 115, about 55 percent less than a comparably rainy year three years ago, said Michael Varadian, executive director of the state Department of Health’s division of environment and health services, which runs the testing program.

The officials credited the program, financed annually since the passage of the federal Beach Act of 2000, with keeping the public safe from polluted waters and exposing problem areas.

“Fifteen years ago, a mere 165 water samples were collected from the state’s beaches. Last year, almost 1,700 samples were taken at 68 saltwater beaches. That’s a ten-fold increase,” Perkins said. “Thanks to this increased monitoring, we have a good handle on our most problematic beaches.”

The officials chose Town Beach as the setting for the announcement to complement a beach cleanup being conducted by the Boys and Girls Club of East Providence. The 28 teens roaming the shoreline were hired for the summer using federal stimulus money aimed at benefiting youths facing barriers to employment, said Erin Gilliatt, the club’s executive director.

“We wanted to expose the kids to different environmental projects over the course of the summer,” she said. “These are the types of environmental avenues they might be able to pursue after graduating or getting their GEDs.”

The students collected rubbish in plastic bags and recorded what they picked up on charts provided by the Audubon Society of Rhode Island.

“What did you find that was the most unusual?” asked Eugenia Marks, executive director of the Audubon Society of Rhode Island, one of cleanup organizers.

“A tampon,” replied Vanessa Pires, 15, of Warren.

Marks mentioned during a news conference that evidence of sewage waste had been collected.

Perkins and Town Manager Peter DeAngelis thanked the teens for their contribution to the beach.

“I think it’s a good thing we did it,” Pires said. “I don’t want it to be polluted when I swim in it.”

rsalit@projo.com

**Hopewell Precision Superfund site to be cleaned up by bugs (*Mid-Hudson News*)**

HOPEWELL JUNCTION – The drinking water wells in the Hopewell Precision Superfund site area in Hopewell Junction have been determined to be contaminated by

TCE and other chemicals from the former furniture manufacturing plant in the Town of East Fishkill.

EPA officials Tuesday night announced their plan to clean up the aquifer that feeds the wells by using bugs that are present in the water, according to Lorenzo Thantu, the EPA's project manager.

"They might need some help in the form of food source," he said. Laboratory studies and a pilot scale testing to see how much food they can give the bugs and determine at what rate they can destroy the chemicals, Thantu said.

The EPA hopes to issue a formal record of decision on the cleanup method by the end of September, select a contractor by the end of the year and conduct pilot testing for two years.

The EPA will also be working on developing an alternate water source by installing a water main for the impacted homes in the area.

**********

**E-Clips contain copyrighted materials and are made available to designated recipients. Neither the E-Clips nor any individual article within may be further distributed.**

**********