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

Monday, February 18, 2013

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

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**ADMINSTRATOR JACKSON**
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**Suburban Edition (*Washington Post*)**

July 22, 2009 Wednesday
Suburban Edition
A-SECTION; Pg. A15
Maryland
-- President Obama will meet with Iraqi Prime Minister Nouri al-Maliki at the White House. At 8 p.m., Obama will hold a prime-time news conference in the East Room, where he is expected to continue to press his case for health-care reform.

-- Vice President Biden will begin his day in Kiev, Ukraine, then depart for Tbilisi, Georgia, where he will attend a dinner and concert with Georgian President Mikheil Saakashvili.

-- Secretary of State Hillary Rodham Clinton is in Thailand for the Association of Southeast Asian Nations' (ASEAN) Post-Ministerial Conference and ASEAN Regional Forum in Phuket.

-- Federal Reserve Board Chairman Ben S. Bernanke will go before the Senate Banking, Housing and Urban Affairs Committee for a morning hearing on "The Semiannual Monetary Policy Report to the Congress."

-- Robert M. Groves will be sworn in today by Commerce Secretary Gary Locke as 23rd director of the Census Bureau. Afterward, Groves will gather with seven former directors at bureau headquarters in Suitland for a panel on the 2010 Census.

-- Agriculture Secretary Tom Vilsack and **Environmental Protection Agency** Administrator Lisa P. Jackson will go before the Senate Agriculture, Nutrition and Forestry Committee as part of a day-long hearing on "The Role of Agriculture and Forestry in **Global Warming** Legislation." Also appearing will be Roger Johnson, president of the National Farmers Union; John Holdren, director of the White House Office of Science and Technology; and Bob Stallman, president of the American Farm Bureau Federation.

-- Nominations in progress: The Senate Environment and Public Works Committee will hear from Sam D. Hamilton on his nomination as director of the U.S. Fish and Wildlife Service.

-- Garance Franke-Ruta federalcity@washpost.com

**What to Watch: Obama and Maliki (*Washington Post*)**

Wednesday, July 22, 2009

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Originally published 10:50 a.m., July 21, 2009, updated 10:55 a.m., July 21, 2009

**EXCLUSIVE: Inhofe weary of administration apologies (*Washington Times*)**

Joseph Weber
Sen. James M. Inhofe, Oklahoma Republican, said Tuesday that Secretary of State Hillary Rodham Clinton's apologizing for the United States being a major contributor to climate change was poorly timed and will further doom Capitol Hill legislation to limit carbon-dioxide emissions.

Mr. Inhofe, a senior member of the Senate Armed Services Committee, repeated the argument that cap-and-trade legislation on manufacturing pollution will only send jobs overseas to India and China.

"In an environment like that, to have the secretary of state go over to India and apologize for what old America has done -- I'm so tired of people apologizing for us," Mr. Inhofe told The Washington Times' "America's Morning News" radio show.

Referring to President Obama's recent statement in Italy that the United States had "sometimes fallen short" of its responsibilities in controlling carbon emissions, Mrs. Clinton said during her trip to India that "we acknowledge now with President Obama that we have made mistakes in the United States, and we along with other developed countries have contributed most significantly to the problem that we face with climate change."

The secretary's three-day trip ended Monday with Indian leaders saying they would not cave to U.S. pressure to commit to a deal requiring them to meet targets to reduce emissions, despite assurances the plan would not slow the country's economic growth.

"We are hoping a great country like India will not make the same mistakes," Mrs. Clinton said.

Mr. Inhofe also said Tuesday that EPA Administrator Lisa P. Jackson has told him publicly that the legislation in the Democrat-controlled Congress will not reduce carbon-dioxide emissions, so global warming will not be slowed even if man-made gases contribute to global warming.

"She said, no, it would not," Mr. Inhofe said. "There are some people out there that still believe in this hoax that man-made gases cause global warming."

He also said the legislation will not pass.

"I've said this for 10 years; we're not going to do that," Mr. Inhofe said. "This is not going to pass, even if you believe . . . gases cause global warning."

**School's green roots go deep (*Chicago Tribune*)**

'The building is not just a building but a learning environment,' principal says
By Cara Anthony
Tribune Reporter
July 22, 2009
Classrooms in Chicago's Tarkington School of Excellence are equipped with natural light sensors, temperature-regulating windows and acoustically sound walls. It's easier for students to learn in a school that focuses on environmental awareness and education, said school officials.

Going to school in a green environment has even helped the students' test scores go up, said principal Vincent Iturralde.

Tarkington is a model for how schools should be built nationwide, say U.S. Environmental Protection Agency officials. Lisa Jackson, the agency's top administrator, will tour the school July 31 after she addresses environmental education at a community forum on building healthy schools.

Tarkington, 3330 W. 71st St., opened in 2005 as the Chicago Public Schools' first "green" building. Since then, the school system has certified two others and has plans this fall for four new green elementary schools and one high school, said Suzanne Carlson, director of environmental affairs. Five more green schools are scheduled to open in 2010, officials said.

In 1998 the U.S. Green Building Council developed a set of requirements that a building must meet before it can be LEED certified (Leadership in Energy and Environmental Design).

As soon as Tarkington opened, Iturralde started to work on adding to the school's green efforts.

"We have done a lot to push the kids to be more environmentally friendly," said Iturralde, who also incorporated an environmentally friendly curriculum.

During the school year, all students tend a flower and vegetable garden behind the school. The younger students, including 1st and 2nd graders, learn how plants grow in the school's greenhouse. Students in 7th grade write to public officials about the importance of conservation.

"The building is not just a building but a learning environment," Iturralde said.

Chicago-based Healthy Schools Campaign invited Jackson to speak at the forum in hopes that communication between Chicago Public Schools and the EPA will improve.

"This is an opportunity for us to showcase our work here in Chicago," said Mark Bishop, the group's deputy director.

Although older school buildings may not be eco-friendly, the school system's environmental action plan is working to make all schools environmentally friendly and to teach students to be environmental stewards.

In 2007 three students at Taft Academic Center established the environmental concerns committee. During the academic year, students at Taft brainstorm about how they can make their school a little greener and hold events like ink cartridge drives.

Patrice Pirpirus, 13, who will be a freshman at Taft High School in the fall, started the committee along with her sisters Deanna and Juliette.

"As long as you do something to help the environment, it can make a difference," she said.

The forum on environmental health in schools will be held from 7:30 to 9:15 a.m. July 31. It is open to the public but registration is required. For more information, visit healthyschoolscampaign.org or call the Healthy Schools Campaign office at 312-419-1810.

canthony@tribune.com

**Fighting 'Acute' NO2 Proposal, Industry Decries Inadequate EPA Review (*Inside EPA*)**

The National Association of Manufacturers (NAM) is challenging EPA's conclusion that a new primary standard for "acute," or short-term, exposures to nitrogen dioxide (NO2) is necessary to protect sensitive groups.

NAM has quietly submitted a petition to EPA under the Data Quality Act asking the agency to publish underlying data for an analysis it performed on the effects of NO2 exposure, which helped form the basis of the agency's conclusion that a first-time acute NO2 national ambient air quality standard (NAAQS) is needed to protect human health.

The challenge to EPA's basis for the acute portion of the proposal comes as other industry groups are raising broader questions about the adequacy of the agency's scientific review for its overall proposed NAAQS for NO2.

Currently, no areas in the United States violate the existing NO2 NAAQS, which was set in 1971 at 53 parts per billion (ppb) on an annual average.

However, EPA Administrator Lisa Jackson June 26 proposed to set a new 1-hour NO2 NAAQS between 80 and 100 ppb, which if finalized would put many areas of the country out of attainment and impose strict NO2 reduction requirements, largely on mobile sources, which are the biggest source of the emissions.

Industry groups are broadly challenging the basis of the scientific conclusions, saying EPA has not complied with transparency requirements in its assessment. EPA is holding an Aug. 3 public hearing in Arlington, VA, where industry concerns will likely be raised.

Industry groups have been consistently critical of EPA's stated need for a new short-term standard over the course of the NO2 NAAQS review, saying scientific evidence does not justify such a standard or the significantly stricter measures it would mandate to control the pollutant.

For example, a short-term standard set at 100 ppb would effectively mean that some area-wide concentrations would have to be limited far below that due to large emissions of the pollutant from roadways, according to the EPA proposal. "If NO2 concentrations near roads are 100 percent higher than concentrations away from roads, a standard level of 100 ppb could limit area-wide concentrations to approximately 50 ppb," the proposal says.

NAM in a June 2 Data Quality Act petition asked EPA to publish a meta-analysis it performed on various studies of the effects of NO2 exposure, which statistically combines the results of various studies to determine a common effect.

For the review, EPA updated a meta-analysis of controlled human exposure studies. The meta-analysis results suggest that short-term exposures between 30 minutes and three hours at near-ambient concentrations of NO2 between 200 and 300 ppb "can alter airway responsiveness in people with mild asthma," EPA says in its proposal. The meta-analysis also indicates that ambient NO2 concentrations can increase risk of death by nearly 4 percent per 30 ppb increment over a 1-hour averaging time.

NAM is calling on EPA to release the underlying data in the meta-analysis in order to justify its proposal and comply with the transparency mandate of the statute.

"Rather than being transparent, the process by which EPA performed this meta-analysis is entirely opaque. The failure of EPA to provide any details concerning the methodology used to prepare this meta-analysis, or otherwise to subject the methodology it used to any form of scientific review, constitutes a severe violation of the EPA Guidelines," the NAM petition says. "EPA must prepare and release a report that includes a detailed description and justification of the methodology used in the unpublished 'meta-analysis' of the relationship between short-term NO2 exposure and non-specific airway responsiveness."

NAM is also raising concerns about the entirety of the review, which it says was subject to change throughout the process, compromising the conclusions.

“In the case of the current periodic review for the NO2 NAAQS, the generic five-year process for periodic review envisioned by the 2006/2007 policy was compressed to four years, and the anticipated 19 months between issuance of a draft [integrated science assessment (ISA)] and the final ISA was reduced to 11 months. When combined with EPA’s decision to make late modifications and changes to the methodology EPA used for the ISA, this accelerated schedule has contributed to the deficiencies in information quality that are the subject of this” request for correction.

The petition does not make mention of the last-minute decision by EPA to withdraw an advance notice of proposed rulemaking (ANPR) for the rule, which was just before NAM issued the petition. Administrator Jackson’s decision to withdraw the ANPR, which was based on the conclusion that it was largely politically driven and not based in science, also subsequently drew industry criticism for quashing debate on the standard.

## EDITORIALS / OP-ED / COMMENTARY / LETTERS

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July 22, 2009
Editorial

### Climate Loopholes (*New York Times*)

The House’s approval of the Waxman-Markey climate change bill earlier this month was a remarkable political achievement and an important beginning to the task of reducing greenhouse gas emissions. But in all the last-minute wheeling and dealing, the House bill acquired two big loopholes that the Senate must close.

The first loophole involves coal-fired power plants. Coal is the world’s most abundant fossil fuel — producing more than half the electricity in the United States — and also its dirtiest, with twice the carbon content of natural gas.

The House bill would limit emissions from coal-fired power plants in two ways. It imposes a cap on emissions from all industrial facilities that tightens slowly over time. It also sets tough performance standards on new power plants permitted after 2009, requiring emissions reductions of 50 percent or more. The bill would

help underwrite advanced technologies capable of capturing carbon dioxide and storing it underground.

The bill does not, however, impose any performance standards on existing power plants. And it explicitly removes these plants from the reach of the Clean Air Act. This is a mistake. The overall cap on industrial emissions will not be fully effective for a long time, and, meanwhile, the government should be able to impose lower-emissions requirements on the older, dirtiest plants.

There is little doubt that the Clean Air Act authorizes the Environmental Protection Agency to require existing plants to reduce emissions by, say, using cleaner fuels or increasing efficiency. But the House bill says otherwise, at least when it comes to carbon dioxide. The Senate must fix this problem by writing standards for existing plants into its bill or restoring the E.P.A.'s authority to do so. The old plants simply cannot be let off the hook.

The second loophole involves the tricky matter of offsets. Offsets allow polluters who cannot immediately reduce their own emissions to get credit for reducing emissions elsewhere. A rich country can earn credits by helping a poor country save its rain forests. Domestically, a power company can earn credits by, say, helping farmers capture methane emitted by animal waste ponds or cultivate land in ways that help absorb carbon.

Offsets are an important cost containment mechanism since it is usually cheaper for a company to buy offsets in the near term and gain time to install the new technology necessary to eventually meet its targets. But they can be easily manipulated. Academic studies have found that many of the offsets purchased by industrialized countries under the Kyoto treaty turned out to be bogus or produced far less reductions than advertised.

This is a very real danger with some of the offsets in the House bill. For instance, the bill would allow polluters to meet their requirements not by paying farmers to put new conservation techniques in place but by paying them to keep doing things they were already doing. The result is that money changes hands, but the atmosphere is no better off. Offsets must be real and verifiable, or the integrity of the entire scheme is at risk.

There are risks here. The Senate has already rejected much weaker bills. But the political climate is more favorable now than it has ever been, and Senate Democrats should not settle for half-measures.

**AIR**
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JULY 21, 2009, 7:36 A.M. ET

**GOP Lawmakers Step Up Probe Of EPA Endangerment Proposal (*Wall Street Journal*)**

**Story also appeared: *Dow Jones***

By Ian Talley
Of DOW JONES NEWSWIRES
WASHINGTON (Dow Jones)--U.S. House Republicans have stepped up their probe of the Environmental Protection Agency's decision to reject comments from career staff on a controversial document proposing greenhouse gases are a danger to the public.

The ranking members of the House oversight and global warming committees are pressing the agency for key emails and interviews with staff following claims that EPA management suppressed dissenting analysis the authors believe undermines the "endangerment" case.

Senior EPA officials refute the claims - originally made by a free-market group opposed to regulation - and said the authors had been able to voice their views. They said some of the comments had been addressed in the endangerment proposal.

"Credible evidence suggests that EPA proceeded on a predetermined course to propose the endangerment finding and erected substantial hurdles to limit opposing viewpoints," Reps. Darrell Issa, D-Calif., and James Sensenbrenner, R-Wis., said in a letter to Administrator Lisa Jackson late last week.

By requesting EPA communication and interviews with senior staff, the lawmakers said they're trying to resolve "whether EPA suppressed internal dissent by inappropriately limiting staff contributions and by punishing staffers who opposed EPA's decision.

The endangerment proposal is one step in the rule-making process that paves the way for regulation of greenhouse gases such as carbon dioxide. Congress is moving forward with its own regulatory approach based on the assumption that greenhouse gases are a danger to the public.

The Competitive Enterprise Institute, or CEI, in late June released a scientific report authored by two career EPA staff that undercuts the agency's endangerment decision, as well as several emails that Republicans say show the agency rejected inclusion of the report in its rule-making process. The CEI accused EPA management of suppressing the work of senior EPA economist Alan Carlin and EPA environmental scientist John Davidson "for political reasons."

In one email, an EPA manager told Carlin, the chief author of the report, that his comments wouldn't be included in the study because they, "do not help the legal or policy case for this decision."

The EPA has since said that many of his comments were addressed in the endangerment proposal's technical document. A review of the materials by Dow Jones shows that the document largely rejected many of the points raised by Carlin and the scientific studies he quoted, including peer-reviewed articles that undermine the EPA's case.

The Chamber of Commerce, which opposes greenhouse gas regulation, said even if the EPA disagreed with the comments, the agency is legally bound to include dissenting opinions.

Democratic chairmen of the committees have so far not pushed for the probe, though Rep. Ed Markey, D-Calif., did send a letter asking Administrator Jackson to respond to the minorities' questions expeditiously.

Republican staff said the EPA hadn't yet responded to their bosses' request for more information, or whether they would grant the interviews.

Separately, CEI submitted Carlin's work as part of public comment on the administration's review of its ocean science, which includes a major section on climate change.

-By Ian Talley, Dow Jones Newswires, 202-862-9285; ian.talley@dowjones.com
(Jul-22-2009 01:30)

**Newsom on the stump: facts - or exaggeration (*San Francisco Chronicle*)**

Carla Marinucci, Joe Garofoli,Heather Knight, Chronicle Political Writers
Wednesday, July 22, 2009
As he races from San Diego to Riverside this month for town hall meetings, Democratic gubernatorial candidate Gavin Newsom has a difficult dual mission: to tout his accomplishments as mayor of famously liberal San Francisco while promoting his resume as a pragmatic businessman-politician poised to lead a state in crisis.

In making a case for how he will tackle the daunting financial and social challenges of the nation's most populous state, Newsom has stressed at the forums what he says are his city's landmark accomplishments in four key areas: health care, the environment, the budget and education.

But some critics suggest that, in his quest to boost his political profile, the mayor may be overstating those accomplishments or, in some cases, is oversimplifying the issues.

With less than a year before the 2010 Democratic primary, where he's expected to face former two-term governor and current Attorney General Jerry Brown, Newsom's effort to reach millions of voters in Southern California is critical to his political future.

"I don't think he's well-known - and, unfortunately for him, he's going to have to overcome the one context in which people do know him," says Mark Petracca, political science professor at UC Irvine. That issue is same-sex marriage, and Newsom's declaration that such marriages will exist in California - "like it or not" - became a focal point of ads for Proposition 8, the voter-approved November initiative to ban same-sex marriage in the state.

A KGTV poll this week of 500 registered voters in San Diego County showed that just 11 percent hold a favorable view of Newsom, compared with 22 percent unfavorable, 23 percent neutral - and 44 percent who have no opinion of him.

Newsom's political consultant, Eric Jaye, said the mayor has taken to face-t0-face voter outreach - in a state where most campaigns are run on TV - so he can directly discuss "how he has worked with other elected officials in San Francisco, many of whom are not necessarily political allies, to do the right thing; to make the tough choices that Sacramento politicians have been hesitant to make."

While the sessions showcase Newsom's considerable communications skills, they have raised questions about whether he is taking too much credit for the city's gains.

**Health care, schools**

Newsom repeatedly touts San Francisco's universal health care plan, known as Healthy San Francisco, and voter-mandated funds to improve its public schools as his key undertakings. But both were spearheaded by then-Supervisor Tom Ammiano, now a member of the state Assembly.

It was Ammiano who pushed the requirement that local employers pay for health care; Newsom initially wanted it to be only voluntary. Both men now agree the program wouldn't work without the mandate - because employers might dump private insurance they already offer if they know their employees would be covered by the city plan.

"He kind of came along for the ride," Ammiano said of Newsom. "Trying to get too much credit is a little cheesy."

But Jaye said Newsom "absolutely acknowledges Healthy San Francisco came out of a process of putting together Tom's (employer) mandate and ideas that others had been advancing. And that's what we need right now - individuals willing to work together to create solutions."

San Francisco Supervisor Ross Mirkarimi is also less than complimentary about the mayor's current campaign tour, saying he assumes too much "creative license" in claiming credit for accomplishments.

**Budget, jobs claims**

Mirkarimi is particularly irked by Newsom's claims that he's created thousands of jobs in San Francisco - and balanced the city's budget without raising taxes.

Newsom's administration is party to talks between labor and business groups about tax measures that may be placed on the November ballot, Mirkarimi says. He argues that the mayor has proposed raising dozens of fees - including a 20-cent-a-pack cigarette charge and fee increases on the use of park and recreation

facilities, including swimming pools and recreation center rentals, many of which are too expensive for city residents.

Jaye said, "It's no secret that Gavin has not always had the coziest political relationship with the board (of supervisors) ... and yet he's had extraordinarily productive relationships with them.

"He's the first to say that the voters don't care about the differences - they want to see results," said Jaye.

**Greenest city or not?**

On environmental and green technology, a key issue in his gubernatorial campaign, critics say Newsom has sometimes offered far too gauzy views of his city's pluses, boasting regularly that San Francisco is "doing more to protect (the planet) than perhaps any city in America."

"We have the most aggressive local solar incentives in America," Newsom has said. "The highest recycling rates. Pioneering green building standards. Aggressive energy efficiency programs to help wean our city from carbon fuels. We've already rolled back our greenhouse gas emissions to 6 percent below 1990s levels."

The claims are too vague to verify, some experts say.

"Wow, that's a mouthful," said John Rizzo, political director of the Sierra Club's Bay Area chapter. "Some of what he's saying is (public relations) kind of stuff."

Measuring San Francisco's greenhouse gas emissions is tricky. The federal Environmental Protection Agency doesn't yet have a standardized method for reporting emissions, "so it is largely a self-reported figure," said Catherine Milbourn, an EPA spokeswoman.

The Bay Area Air Quality Management District couldn't verify Newsom's figure either, said district spokesman Aaron Richardson.

So far, San Francisco has "the only solar program that offers cash incentives on top of what California's Public Utilities Commission's GoSolar program offers," said Susan Carothers, a commission spokeswoman.

Nationally, "it's not uncommon for progressive cities to offer solar incentives," said Rusty Haynes, a project manager with the North Carolina Solar Center, a government-funded project that tracks solar incentives. Still, he said, "it is rare for a city" that doesn't control the local power utility and praised Newsom for his efforts in this area.

As for being more Earth-friendly than "any other city in America," new environmental rankings by the Natural Resources Defense Council put San Francisco at No. 2 behind Seattle. This month, the council's Smart Cities project - which ranks cities with populations over 50,000 on "sustainability and livability" - rated San Francisco tops in recycling among big cities and No. 5 in green building standards.

Jaye says the mayor's discussions with voters this month are "not a monologue" and are just a beginning.

"He has a lot more to say on the issues than can fit into 29 seconds and 15 frames," Jaye said, "which is the length of an average TV commercial."

**Putting campaign claims to the test**

San Francisco Mayor and gubernatorial candidate Gavin Newsom has trumpeted key accomplishments in campaign speeches. Some critics say he's overstating his role in the city's successes or oversimplifying the issues. Here's a summary:

**Health care**

**Newsom:** Touts the city as America's first to provide universal care.

**Fact:** He fails to credit then-Supervisor Tom Ammiano for the idea.

**Education**

**Newsom:** Public school students are guaranteed a college education.

**Fact:** High school graduates must apply for private scholarships.

**Green initiatives**

**Newsom:** City has cut emissions to 6 percent below 1990 levels.

**Fact:** Federal and state agencies can't verify that.

**Jobs, budget**

**Newsom:** City's budget had no new tax increases.

**Fact:** New fees were imposed on Muni and parking meters.

-- Details on **page A10**

E-mail the writers at cmarinucci@sfchronicle.com, hknight@sfchronicle.com and jgarofoli@sfchronicle.com.

*http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/07/22/MNL118S5QA.DTL*

*This article appeared on page **A - 1** of the San Francisco Chronicle*

**State pushed to limit TransAlta emissions (*The Columbian*)**

Clean air agency says it doesn't have legal authority to act
Tuesday, July 21 | 10:24 p.m.
BY KATHIE DURBIN
COLUMBIAN STAFF WRITER

In what could become a national test case, four national and regional conservation groups have told the Southwest Clean Air Agency that it has "the legal mandate and the moral obligation" to limit carbon dioxide emissions from Washington's only coal-fired electrical plant.

Citing the U.S. Environmental Protection Agency's recent draft finding that CO2 and other greenhouse gases "threaten the public health and welfare of current and future generations," the groups argue the Vancouver-based agency has the authority to limit greenhouse gas emissions from the Canadian-owned TransAlta plant.

The 1,376-negawatt plant accounts for 74 percent of the state's greenhouse gas emissions from power production, according to the Department of Ecology.

Conservationists also cite Ecology's own clean air regulations, which state that "No person shall cause or permit the emission of any air contaminant from any 'source' if it is detrimental to the health, safety, or welfare of any person, or

causes damage to property or businesses."

But Bob Elliott, executive director of the Vancouver-based agency, says he lacks the legal authority to impose such limits.

The U.S. Supreme Court ruled in 2007 that the EPA has statutory authority to regulate greenhouse gases under the federal Clean Air Act. But the Bush administration declined to follow through with development of a rule limiting emissions of the six major greenhouse gases.

The EPA's April "endangerment" finding represents the first step taken by the Obama administration to comply with the 2007 Supreme Court ruling. But that EPA finding "is just another piece of evidence," said Janette Brimmer, an attorney for the environmental law firm EarthJustice. "There is plenty of evidence already that CO2 is a threat."

"The state has full authority to be more protective than the EPA," Brimmer added.

EarthJustice represents the Sierra Club, the National Parks Conservation Association, the Northwest Environmental Defense Center and the NW Energy Coalition.

Impacts cited
In her letter to Southwest Clean Air, Brimmer noted that between 2000 and 2006, the TransAlta plant emitted an average of 10 million metric tons of CO2 annually, approximately 10 percent of all greenhouse gases emitted in Washington.

Scientists have documented that greenhouse gases already have altered the climate of the Pacific Northwest by melting the snowpack and shrinking glaciers in the Cascade Range and unleashing more extreme rainstorms, Brimmer said.

If CO2 emissions continue unabated, she said, scientists predict that climate change could result in more forest fires, rising sea levels, a shortage of irrigation water, reduced hydroelectric power generation, declining salmon runs, and impacts to human health.

The hook for asking Southwest Clean Air to step in and regulate CO2, as well as mercury and nitrogen oxide emissions, is that the five-year operating permit for the TransAlta plant, known as a Title V permit, is up for renewal this year.

The TransAlta permit is the first for a coal-fired plant to come up for renewal since the EPA weighed in on greenhouse gas emissions three months ago.

"It's an opportunity, the first one we've taken on," Brimmer said. "But we wouldn't make the argument if we didn't think that the law is solid."

But Elliott notified Brimmer on Tuesday that he is declining her clients' request and will proceed with issuing a Title V permit, subject to review by the EPA.

"The federal and state air operating permit program does not authorize or allow any agency, including SWCAA, to impose new emission or operating limits on a facility," he wrote.

Operating permits cover only pollutants for which regulatory standards currently exist, Elliott said. If new state or federal limits were imposed, TransAlta's permit could be amended later, he said.

Ongoing negotiations

A proposal to reduce mercury and nitrogen oxide emissions at the Centralia plant has been subject of closed-door negotiations involving Gov. Chris Gregoire, TransAlta and Ecology officials since 2007. But possible caps on CO2 emissions at the coal plant are not known to be on the table. TransAlta officials did not respond to a request for comment.

Elliott of the clean air agency acknowledged in an interview that "we have that capability, to pass a rule." But he said it would be "premature" — and politically awkward — for SWCAA to step in and impose a CO2 limit while TransAlta is in negotiations with the governor and Ecology officials.

"I know they've got something on the way," he said. "It would be disruptive for me to be involved at this point in time."

Ecology and Southwest Clean Air share regulatory authority over the TransAlta plant, but the Vancouver agency has been largely excluded from the current negotiations.

Ecology officials came under fire earlier this year for refusing to release information about the plant's emission levels and for holding close-door mediation.

Ecology officials have defended the process, saying closed-door mediation is a legal and appropriate way to avoid litigation in certain cases. They said in April that they would begin a 30-day comment period on new regulations "within the next several weeks" and would hold a public hearing. No date has been set for that hearing.

Elliott said his agency could hold off on issuing a new Title V permit if adoption of a new CO2 limit or any other rule was imminent.

"But we don't know what the EPA is going to do," he said. "The April finding is not specific enough. EPA would have to come out with a rule that would apply to all coal-fired plants. That rulemaking process takes about a year."

**EPA Awards Portland Over $1.6 million to Reduce Diesel Emissions and Create Jobs (*Salem-News*)**

In addition, under the Act's State Clean Diesel Grant program, a total of $88.2 million has been provided to States for clean diesel projects through a noncompetitive allocation process.
(PORTLAND, Ore.) - In a move that stands to create jobs, boost local economies, reduce diesel emissions and protect human health and the environment for the people of Oregon, the U.S. Environmental Protection Agency has awarded over $1.6 million to reduce emissions from Portland municipal fleet vehicles and construction contractor equipment.

This clean diesel project will create jobs while protecting Portland and Multnomah County's air quality.

"Investing in projects to reduce diesel pollution is essential to air quality and our quality of life in the Northwest," said Michelle Pirzadeh, Acting Regional Administrator for EPA's Region 10.

"This investment will pay off now and in the future by reducing health care costs, putting people to work in green jobs and making the air healthier for future generations."

The funds are provided under the American Reinvestment and Recovery Act (ARRA) of 2009 National Clean Diesel Funding Assistance Program. Under this funding competition, EPA Region 10 alone received over 49 grant applications requesting over $80 million to help fund clean diesel emissions projects. The award announced today was chosen to both maximize economic impact and emissions reductions.

In addition to reducing diesel emissions from municipal fleet vehicles and construction contractor equipment, this project will fund installation of fuel operated heaters—an idle reduction technology—on 237 vehicles in Portland and Multnomah County diesel fleets as a strategy for reducing diesel emissions while also decreasing fuel costs and climate pollution.

This project, through the West Coast Collaborative, will create or sustain an estimated 34 manufacturing and local installation jobs and will help Oregon municipalities and their contractors decrease operating costs by achieving substantial fuel savings.

In addition to helping create and retain jobs, the clean diesel projects would help to reduce premature deaths, asthma attacks and other respiratory ailments, lost work days, and many other health impacts every year.

The Recovery Act allotted the National Clean Diesel Campaign (NCDC) a total of $300 million, of which the National Clean Diesel Funding Assistance Program received $156 million to fund competitive grants across the nation. The Recovery Act also included $20 million for the National Clean Diesel Emerging Technology Program grants and $30 million for the SmartWay Clean Diesel Finance Program grants.

In addition, under the Act's State Clean Diesel Grant program, a total of $88.2 million has been provided to States for clean diesel projects through a noncompetitive allocation process.

President Obama signed the American Recovery and Reinvestment Act of 2009 on February 17, 2009 and has directed that the Recovery Act be implemented with unprecedented transparency and accountability. To that end, the American people can see how every dollar is being invested at Recovery.govRecovery.gov.

For information on EPA's implementation of the American Recovery and Reinvestment Act of 2009 in the Pacific Northwest, visit: http://www.epa.gov/recovery

For information about EPA's clean diesel initiatives, visit: epa.gov/cleandiesel

**NM regulator wants court to nullify challenge to tougher auto emissions (*Associated Press*)**

**Story also appeared: *The Examiner***

By: BARRY MASSEY
Associated Press
07/21/09 8:30 AM EDT
SANTA FE, N.M. — The state Supreme Court was asked Monday to toss out a lawsuit challenging a regulator's power to establish stricter emission requirements for new cars and trucks in New Mexico.

A group of Democratic legislators, car dealers and a farmer contend that the New Mexico Environmental Improvement Board exceeded its authority by approving emission standards in 2007 that were more stringent than federal requirements. New Mexico is among 13 states that have adopted California's tougher air pollution rules for cars to help fight global warming.

The emission standards in New Mexico will take effect with 2011 model cars, which become available to consumers next year.

In April, Democratic Gov. Bill Richardson vetoed measures passed by the Legislature to delay the requirements for cleaner-burning vehicles for two years.

The U.S. Environmental Protection Agency has cleared the way for states to implement the California emission standards. The EPA last month granted California a waiver for imposing more stringent air pollution rules than required by the federal government.

The legal challenge in New Mexico was filed in 2007, but it has become entangled in procedural questions and it's up to the Supreme Court to decide whether the lawsuit can move forward.

Justices heard arguments from lawyers in the case, but the court likely won't issue a decision for several months.

One of the main issues for the Supreme Court is whether the lawsuit focuses only on questions of law — such as the scope of powers of the regulatory board — rather than factual matters such as the substance of the pollution standards and the effect of them being adopted in New Mexico.

Tania Maestas, an assistant attorney general, said state law required challenges of the board's air pollution decisions to go to the state Court of Appeals. The lawsuit, she said, wrongly asked a state district court to invalidate the rules through a declaratory judgment, a procedure typically reserved for purely legal questions.

"The EIB adopted these regulations because they believe that they have the authority do so. The mere authority is not challenged in this matter. It's the merits of the regulations that are being challenged," she said.

The board wants the justices to affirm a district judge's decision dismissing the lawsuit. Last year, the Court of Appeals reversed the judge and revived the lawsuit. The board, which is part of the Richardson administration, appealed the ruling to the Supreme Court.

Victor Marshall, an Albuquerque lawyer, said the lawsuit was proper.

"These pure questions of law are for the judiciary to decide, not for an agency to decide the scope and power that it might exercise," said Marshall.

The lawsuit contends that state law prevents the board from adopting air quality standards tougher than federal pollution requirements.

"It may well be that to save our environment we need stricter auto emissions," said Marshall, "but if we do that's going to have to be done by the Legislature."

Two of the legislators who brought the lawsuit, Senate President Tim Jennings of Roswell and Rep. Jim Trujillo of Santa Fe, attended the court hearing. Also bringing the case was Sen. John Arthur Smith of Deming, car dealers from Clovis, Alamogordo and Las Cruces and Curry County farmer Scott Pipkin.

July 21, 2009

**Farm sides volley climate bill costs (*Zanesville Times Recorder*)**

WASHINGTON - Farm groups and their allies in Congress say caps on greenhouse gases will mean big increases in growers' production costs. However, the estimates so far suggest the increases could be relatively modest, certainly compared to what farmers have experienced in recent years.

Production costs for corn, one of the most energy-intensive crops, likely would rise less than 5 percent by 2020, according to preliminary studies at the University of Missouri and Iowa State University.

By comparison, from 2006 to 2008, the cost of the fuel, fertilizer, seed and other inputs needed to grow corn jumped by an estimated 48 percent.

The U.S. Agriculture Department is expected to release its estimates this week, and they will be in the same range as the Missouri and Iowa State studies, according to a source familiar with the statistics.

Economists at the University of Missouri estimated that the cost of growing corn in that state on nonirrigated land would increase by 3.2 percent, or about $10 per acre, by 2020 under a House-passed climate bill. Soybean production costs would go up 1.6 percent.

"It's a significant increase, don't get me wrong," said Pat Westhoff, program director with the university's Food and Agricultural Policy Research Institute. "But relative to what we've experienced in the last couple of years it's not that huge."

Iowa State economist Bruce Babcock estimated the impact could even be smaller. He said a typical corn and soybean farm would see its costs increase by about $4.52 per acre, or less than 2 percent. The negative effect of a climate bill "will likely be relatively small," Babcock wrote.

The American Farm Bureau Federation, which opposes the House bill, said the impact is likely to be bigger, although the statistics are still less than what farmers

have experienced recently. The Farm Bureau estimated production costs for corn will jump by 9 percent while soybean costs go up 5 percent.

Controls on greenhouse gas emissions would raise the cost of fossil fuels and products such as fertilizer and pesticides that are made from them.

The Department of Agriculture's analysis of the legislation should provide some clarity to the cost issue, but that doesn't mean it will go away.

The issue gives farm groups leverage in arguing for liberal provisions in the bill that would allow growers to be paid for carbon-saving practices such as no-till farming. The issue of farm costs also is a key talking point for Republicans who oppose climate legislation.

Sen. Christopher Bond, R-Mo., argued at a Senate hearing last week that the legislation would "drastically increase farmers' costs." He cited as evidence the University of Missouri study done at his request.

Bond cited figures in the study showing that a typical 1,900-acre farm in his state would see its production costs would rise by $11,000 in 2020. He didn't mention, however, the percentage increases the study was projecting, figures that are considerably less startling than $11,000.

Critics are concerned that these cost forecasts are underestimating the impact of caps on greenhouse gases. Under the House bill, many of the cuts in greenhouse gas emissions are put off until after 2020. Moreover, it's hard enough for economists to estimate energy costs a year or so down the road, not to mention decades into the future.

There are other unknowns, too. The Environmental Protection Agency in its analysis of the House bill projected that it would lead to reductions in crop yields and the amount of farmland planted to crops. Both factors could drive up costs of corn, soybeans and other commodities.

"There is some real danger in trying to do long-term projections," said John Hoffman, a Waterloo, Ia., farmer and former president of the American Soybean Association.

In agriculture, where selling prices can fluctuate widely, no increase in production costs is trivial. Still, the cost projections so far are coming in lower than some of the rhetoric would suggest.

Tuesday, July 21, 2009

**Orion Energy Systems Launches Intelligent Intelite(r) Occupancy Sensor Technology (*FOXBusiness*)**

MANITOWOC, Wis., Jul 21, 2009 (GlobeNewswire via COMTEX) ----Orion Energy Systems Inc. (Nasdaq:OESX) has developed intelligent occupancy sensor technology designed to save energy while enhancing lamp and ballast longevity.
After two years of developing and testing the cutting-edge technology, Orion is deploying these advanced occupancy sensors at facilities for PepsiAmericas and Sysco Foods as well as other commercial and industrial customers. Designed to easily integrate with existing fixtures, Orion is positioned to upgrade its install base and that of competitors with this new technology.

Orion's new intelligent occupancy sensors collect data regarding the presence of people who routinely move through a space during a 24-hour period. The sensors have the unique ability to adapt the lighting schedule based on this intelligence and to automatically adjust the settings of each fixture to stay on longer or turn off sooner to save even more energy.

Orion's new sensor technology also features an adjustable field of view, allowing users to easily change the direction the sensor focuses, increasing its reliability to turn on when needed.

"The dynamic nature of this technology allows for aggressive energy-saving strategies with overriding algorithms that prevent excessive cycling on a daily basis," said Orion President and CEO Neal Verfuerth. "When coupled with the InteLite(r) host, the technology has the intelligence to collect and statistically process data, and then to apply that knowledge to more effectively manage lighting systems, allowing commercial and industrial companies to lower their energy and maintenance costs."

In a project completed recently, the actual cost to operate the lighting system was reduced from $285 per high-intensity discharge fixture to $44 per fixture a year when the occupancy sensor was used with Orion's Compact Modular(tm) lighting platform and InteLite(r) control system. In other areas of the facility, the addition of Orion's Apollo(r) Solar Light Pipe decreased operating costs nearly to zero during peak hours of the day.

"The development of this cutting-edge technology demonstrates Orion's promise to continue to develop and deploy energy saving technology that delivers permanent distributed load reductions to the market and to our customers in the 4,500 facilities that are already saving with Orion's phase 1 Compact Modular(tm) technology. And, as always, without compromising their operations," Verfuerth said.

A Sysco Foods facility in Walnut, Calif., installed the new smart sensor technology on more than 1,000 of Orion's Compact Modular(tm) fixtures previously installed at the facility. The InteLite(r) occupancy sensors alone are estimated to help the facility reduce energy waste by nearly 1.3 million kilowatt-hours.

At a PepsiAmericas production and warehouse facility in Reserve, La., the beverage giant is installing the intelligent occupancy sensors on 155 of the Orion Compact Modular(tm) fixtures also being implemented. The Compact Modular(tm) system alone will save PepsiAmericas 334,000 kilowatt-hours. The addition of the occupancy sensors will increase the savings by another 211,000 kilowatt-hours annually.

As a result of the annual kilowatt-hour reductions at Sysco's Walnut, Calif., facility and PepsiAmerica's Reserve, La., facility, the companies will displace a combined 19,706 tons of carbon dioxide emissions over the life of the sensor technology. The companies also are reducing sulfur dioxide emissions by nearly 80 tons and nitrogen oxides by almost 30 tons, according to the Environmental Protection Agency.

The InteLite(r) occupancy sensor technology is a new addition to Orion's Phase II InteLite(r) family of products. When the sensors are used in conjunction with Orion's InteLite(r) control system, facility personnel can control, monitor and adjust the settings of each light fixture remotely. The system also includes technology that measures and verifies energy savings, which can lead to additional revenue streams when monetized as emissions offsets on the carbon market.

Orion's innovation and technology recently won the praise of President Barack Obama, who applauded Orion in a White House speech promoting clean energy, the creation of green collar jobs and the importance of energy efficiency. Obama challenged Orion and other clean energy companies to "mount a historic effort to end once and for all our dependence on foreign oil."

Orion has deployed its energy management systems in 4,581 facilities across North America. Since 2001, Orion technology has displaced more than 435 megawatts, saving customers more than $577 million and reducing indirect carbon dioxide emissions by 4.9 million tons. Orion's technology was recently internationally recognized with a Platts Global Energy Award for the single most innovative and sustainable green technology of 2008.

Orion Energy Systems Inc. (Nasdaq:OESX) is a leading power technology enterprise that designs, manufactures and implements energy management systems, consisting primarily of high-performance, energy-efficient lighting systems, controls and related services for commercial and industrial customers

without compromising their quantity or quality of light. For more information, visit www.oesx.com.

The Orion Energy Systems, Inc. logo is available at http://www.globenewswire.com/newsroom/prs/?pkgid=4540

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SOURCE: Orion Energy Systems, Inc.

**NM court considers dispute over auto emissions (*Associated Press*)**

**Story also appeared: *MSN Money, Alamogordo Daily News***

July 21, 2009 7:46 AM ET
By BARRY MASSEY
SANTA FE, N.M. (AP) - The state Supreme Court was asked Monday to toss out a lawsuit challenging a regulator's power to establish stricter emission requirements for new cars and trucks in New Mexico.
A group of Democratic legislators, car dealers and a farmer contend that the New Mexico Environmental Improvement Board exceeded its authority by approving emission standards in 2007 that were more stringent than federal requirements. New Mexico is among 13 states that have adopted California's tougher air pollution rules for cars to help fight global warming.

The emission standards in New Mexico will take effect with 2011 model cars, which become available to consumers next year.

In April, Democratic Gov. Bill Richardson vetoed measures passed by the Legislature to delay the requirements for cleaner-burning vehicles for two years.

The U.S. Environmental Protection Agency has cleared the way for states to implement the California emission standards. The EPA last month granted California a waiver for imposing more stringent air pollution rules than required by the federal government.

The legal challenge in New Mexico was filed in 2007, but it has become entangled in procedural questions and it's up to the Supreme Court to decide whether the lawsuit can move forward.

Justices heard arguments from lawyers in the case, but the court likely won't issue a decision for several months.

One of the main issues for the Supreme Court is whether the lawsuit focuses only on questions of law — such as the scope of powers of the regulatory board — rather than factual matters such as the substance of the pollution standards and the effect of them being adopted in New Mexico.

Tania Maestas, an assistant attorney general, said state law required challenges of the board's air pollution decisions to go to the state Court of Appeals. The lawsuit, she said, wrongly asked a state district court to invalidate the rules through a declaratory judgment, a procedure typically reserved for purely legal questions.

"The EIB adopted these regulations because they believe that they have the authority do so. The mere authority is not challenged in this matter. It's the merits of the regulations that are being challenged," she said.

The board wants the justices to affirm a district judge's decision dismissing the lawsuit. Last year, the Court of Appeals reversed the judge and revived the lawsuit. The board, which is part of the Richardson administration, appealed the ruling to the Supreme Court.

Victor Marshall, an Albuquerque lawyer, said the lawsuit was proper.

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The lawsuit contends that state law prevents the board from adopting air quality standards tougher than federal pollution requirements.

"It may well be that to save our environment we need stricter auto emissions," said Marshall, "but if we do that's going to have to be done by the Legislature."

Two of the legislators who brought the lawsuit, Senate President Tim Jennings of Roswell and Rep. Jim Trujillo of Santa Fe, attended the court hearing. Also bringing the case was Sen. John Arthur Smith of Deming, car dealers from Clovis, Alamogordo and Las Cruces and Curry County farmer Scott Pipkin.

**Volvo rolls out new emissions friendly truck at Dublin plant (*News & Advance*)**

Lynchburg, Virginia
WSLS NEWS STAFF
Published: July 21, 2009

Volvo rolls their first of many EPA emission friendly trucks off the assembly line in Dublin.

The automaker says this is the first of their trucks made at the Dublin plant that meets the EPA's 2010 emissions regulations.

The company says the truck was fully assembled at the New River Valley plant and more truck production will begin this fall.

The EPA is requiring that diesel exhaust emissions be reduced by 98% by next year.

**Chicago exchanges head for green war over carbon emissions (*Pensions & Investments*)**

By Ann Saphir
Source: Pensions & Investments
Date: July 21, 2009
Green may be the hue of environmentalism, but it's still the color of money to the Chicago futures exchanges vying for control of the nascent trading market in carbon emission credits.
CME Group Inc., the world's largest futures exchange, and the Chicago Climate Exchange, led by Richard Sandor, inventor of bond futures, are both angling to dominate a market that could generate $120 billion in carbon-credit trading annually if a so-called cap-and-trade system becomes the law of the land.

"We are talking about what will be the biggest commodity ever traded," said Mr. Sandor, executive chairman of London-based Climate Exchange PLC, which owns the Chicago exchange. At 6 billion metric tons, the U.S. carbon emissions market is expected to be about three times the size of the European market, where another of Mr. Sandor's exchanges dominates trading. "Every time a mandated market has come through, it's provided us enormous opportunities."

Such a mandate is in climate legislation that passed the U.S. House last month; the bill faces a tough fight in the Senate, but the Obama administration supports so-called cap-and-trade regulations as a way to reduce global warming.

Passage of the legislation would set off a furious race between Mr. Sandor's Chicago Climate Futures Exchange and CME. The Climate Exchange has an early lead — it handles the lion's share of carbon credits trading under the Regional Greenhouse Gas Initiative, the nation's first mandatory carbon-emissions reduction program. It also dominates across the pond, where Mr. Sandor's European Climate Exchange has an 87% market share in futures on European emissions permit trading.

And Mr. Sandor brings deep experience: He helped design the U.S. Environmental Protection Agency's acid-rain reduction program, launched with the 1990 Clean Air Act and credited with driving down emissions of acid-rain producing sulfur dioxide. In 2003, he built the Chicago Climate Exchange, the first U.S. voluntary carbon emissions market.

**The 'offering to beat'**

The Climate Exchange is the “offering to beat,” Chicago-based Raymond James analyst Patrick O'Shaughnessy said in a recent note summing up the competitive landscape of cap-and-trade. “We believe that the Climate Exchange's dominance in the European and U.S. carbon markets will be too much for other challengers to overcome,” he said.

But if any exchange can overtake Mr. Sandor, it's CME. The Chicago juggernaut, which handled contracts tied to a quadrillion dollars of assets last year, is in talks with regulators over the creation of a Green Exchange owned jointly with market participants including Constellation Energy Group Inc., Goldman Sachs Group Inc. and J. P. Morgan Chase & Co. By waiting for legislation to take clearer shape, CME may be able to craft its exchange to match the new regime.

“We are not too late, but we're not too early,” said Randy Warsager, director of green products at CME, which recently launched several emissions-based contracts, including ones targeted at the European market. Those contracts will be moved to the Green Exchange once it is launched.

Christopher Rodriguez, CME's managing director of business development, said CME's advantage is partly sheer size, with its extensive list of clearing members and its global electronic trading system. Also important, he said, will be savings for traders, who will put up only one margin deposit to trade on the Green Exchange and the CME-owned New York Mercantile Exchange, which controls oil and natural gas futures.

Mr. Sandor, 67, points out that CME's dominance hasn't helped it establish much of a foothold in existing emissions markets like Europe, and that his clearing and technology agreements with IntercontinentalExchange Inc., Nymex's biggest rival in energy-futures trading, give him similar reach and efficiencies. Last month, Atlanta-based ICE took a 4.8% stake in Climate Exchange.

“We've done pretty well over the last three years of competition with the big boys,” Mr. Sandor said.

**Will existing contracts go obsolete?**

Still, Climate Exchange PLC has lost money during that time. And despite explosive growth in Europe, volume has tapered this year at its U.S. exchange in

part because investors worry that existing contracts will become obsolete under the federally mandated cap-and-trade system.

As the bill currently is written, Climate Exchange contracts won't qualify for trading under cap-and-trade, said Allison Shapiro, who studies voluntary carbon emissions markets for Washington, D.C.-based Ecosystem Marketplace. Still, she said, if Mr. Sandor successfully petitions the EPA to admit the exchange's contracts to the federal system, trading “could see huge growth until 2012.” After that, she said, it's unclear what role, if any, established exchanges will have.

“The only thing definitive at this point is that the Commodity Futures Trading Commission makes the rules over this,” she said.

*Ann Saphir is a reporter at **Crain's Chicago Business**, a sister publication of Pensions & Investments*

**Effects of cap-and-trade would be costly for W.Va. (*Times West Virginian*)**

July 22, 2009 12:06 am

— $70 million annually in property taxes. $418 million per year in coal severance taxes. $2 billion per year in payroll. More than $3.5 billion annually in the gross state product.
On average, that’s what West Virginia sees as a result of the coal industry.
In essence, it’s also what the state stands to lose if lawmakers in Washington get their way and members of the Senate approve proposed cap-and-trade legislation.
The EPA describes cap-and-trade as an environmental policy tool that delivers results with a mandatory cap on emissions while providing sources flexibility in how they comply. In fact, administrators hope to control pollution by providing economic incentives to those groups that reduce the emissions of pollutants.
Although West Virginia’s three representatives — Allan Mollohan, Shelley Moore Capito and Nick Rahall — voted against the bill last month, the U.S. House collectively passed the legislation that is designed to cut carbon dioxide emissions, particularly from coal-fired power plants. As The Associated Press has reported, the plan allows industrial sources to buy and sell pollution permits, and it requires power plants, factories, refineries and electricity and natural gas distributors to reduce the emissions linked to global warming. It also calls for more power production from renewable sources such as wind and solar energy and raises energy-efficiency standards.
With 13 coal-fired power plants currently operating, perhaps few states have as much at stake as West Virginia. And as one of the top coal-producing states in the nation — West Virginia trails only Wyoming in its production of coal each year and provides nearly 15 percent of the coal used in the United States — cap-and-

trade legislation could ruin the very livelihood of many families in the Mountain State. In Marion County alone, which ranked third in the state's production of coal in 2007, more than 1,000 employees work in one of 16 operating mines.
An article in Clean Coal Today numbers the combined direct and indirect contributions of the coal industry to West Virginia's economy in excess of $13 billion. The state's coal industry employs more than 15,000 miners and approximately 35,000 people overall. Just five years ago, coal produced within the state accounted for 50 percent of U.S. coal exports.
How can lawmakers from a nation that relies so heavily on the industry justifiably cast their approving votes for a bill that could destroy the nation they represent?
Following last month's narrow margin of victory in the House, the issue is gaining momentum in the Mountain State. Later this month, the West Virginia Coal Association will sponsor a briefing on the proposed legislation. But some residents are restless when it comes to voicing their opinion of the issue, and just last weekend approximately 400 people gathered in Charleston to protest cap-and-trade.
We hope their voices will be heard in Washington.

**Carbon dioxide as a greenhouse gas and the effect upon merchant CO2 sourcing industries (*GasWorld)***

22 Jul 2009, Sam A. Rushing, gasworld.com
As environment-led legislation evolves and the so-called 'cap and trade' bill passed the US House of Representatives, Sam Rushing delivers a CO2 update for gasworld readers.
Much of this article speaks in terms of CO2 off-gas from ethanol, which until the capital crunch was growing by leaps but is now slow in movement, as with other large capital projects.

The thrust of this interpretation also applies to other industries, even though much of the language is ethanol. For example, it would cover other forms of chemical and of course, power manufacturing - however, specific definitions may vary.

It is well known that the long-standing argument with respect to rising global temperatures has been due to a natural anthropogenic approach, which is beyond our control, and not due to human activity; or rising greenhouse gases in the atmosphere due to all human activities, primarily driven by generation of various forms of energy.

As we well know, the so-called 'cap and trade' bill narrowly passed The House of Representatives on 26th June 2009; which is more formally called The American Clean Energy act of 2009.

The precursor to this bill, in part, was the EPA stating that CO2 was proposed to be a hazardous greenhouse gas, and a threat to public health.

Therefore, we are now on the way to legislation (if passed by the senate) which will regulate greenhouse gases; and particularly carbon dioxide, as outlined in this writing.

**Cap and trade**

Cap and trade, in summary, represents a government policy whereby a 'cap' would be established concerning a quantity of CO2 which is allowed to be emitted to the atmosphere; and this mechanism would allow the companies to trade carbon 'credits'. So, theoretically, the market rewards those who find ways to produce less carbon dioxide.

Should there be an excess of credits, the company could then sell these credits to other companies.

It is well known that the lion's share of emissions are derived from coal-fuelled electric power plants.

The only defined action on CO2 emissions management, from an official and tangible perspective, would be the Proposed Mandatory GHG Reporting Rule, as well as the narrowly passed House of Representatives passing a cap and trade bill.

Many experts representing official agencies say the end result may change time and time again, before a final bill and ultimately legislation is crafted; particularly as the Congress works on this matter.

Ongoing CO2 monitoring will be required, as per all understandings. It is understood that a 25,000 tpy (tonnes per year) threshold should apply to the reporting of certain greenhouse gases, including CO2.

On the reporting end, in the proposed mandatory EPA reporting rule, there are concerns as to corporate reporting rather than individual plant reporting, from an accuracy perspective - as well as accounting for numerous plants compared to total output from a corporate entity.

There remain numerous proposed methodologies for reporting, including direct measurement to mass balance calculations. As for the frequency of reporting, this historically involved quarterly reporting; however annual reporting is proposed in this bill for new reporters.

This means data collection will begin 1st January 2010; with first reports submitted to the EPA 31st March 2011.

As to the proposal summary, facility-based reporting for such ethanol plants will likely take place as opposed to corporate reporting as a sum total from all facilities.

Facility specific calculation methods will be used in the case of ethanol, when considering methodology or reporting. Again, it is likely that annual reporting will be the rule for the ethanol project, short of current reporting in place on a quarterly basis – this can pertain to subjects such as acid rain programs.

As for the verification of data and reporting, the reporter will probably self-certify the emissions data, thus submitting to the EPA; who performs QA/QC of the reports.

As to how the ethanol project could reduce their emissions, the cap and trade system is theoretically intended to do just that. Once the cap on emissions is established, then the ethanol or allied CO2 emitter would technically need to find ways to reduce emissions, and then be rewarded via credits when less CO2 is produced.

**Permits as currency**

Each year, so many permits or allowances will be provided to the ethanol producers. You could think of these permits as currency – these permits will allow a defined level of emissions established at the inception point of cap and trade.

At the end of the year, if the emissions recorded are less than the start of the year, there would be a tradable or currency-like value to be established, on a per tonne basis – thus an economic reward.

If the level of emissions is greater than the beginning of the year, the result would be a charge against this currency-like system. So in reducing emissions, if an over-the-fence merchant facility happens to purchase the product, and if the product should not re-enter the atmosphere, then less CO2 is ultimately emitted to the atmosphere.

This is the theoretical consideration; that being what is not released again, whether this be in a primary manner to a secondary or tertiary application in industry (such as certain food and beverage applications); the ultimate goal is evaluating net emissions of CO2 to the atmosphere – and either profiting or paying for such credits.

As for reducing the emissions to the atmosphere, an ‘over the fence’, captive, or niche market, which is consuming CO2 in the process rather than simply displacing the product once again, is a net reduction.

The net reduction or consumption of CO2 could be via select applications in industry which combine through a chemical process or perhaps a biological process the carbon dioxide – thus not returning to the atmosphere.

Perhaps markets such as methanol, urea, and sodium bicarbonate could fit such definitions.

Using the product in a wide variety of specific applications in industry could represent this reduction in emissions.

In the end, knowledge is essential on a plant-by-plant basis for the existing, potential, and emerging CO2 markets; particularly seeking possible niche levels where CO2 is actually contained, combined, or consumed - thus representing a net reduction in annual output from an emissions perspective.

As for the gas companies who may offer to buy the raw stream, it is also important to understand the CO2 markets before consummating an arrangement with such a firm, in order to best understand where emissions gains or liabilities may exist.

The goal is profits, and protection on the part of the ethanol producer. The so-called currency in the form of CO2 allowances defined at the beginning and end of each year will represent monetary value, when all is said and done.

**Conclusion**

The exception to the cap and trade or like programmes to go through the house, and passed as law, could be utilising this in the merchant markets, or other options.

Be certain that markets are well known for the CO2, and it is not advised to accept the opinion of the gas suppliers, but to independently investigate the markets, exceptions, and advantages well before negotiating with any gas company.

Or if the ethanol firm is to market directly to the consumers or site of utilisation, given the right circumstances, this option may offer significantly more revenue and protection from the cap and trade perspective.

*Sam A. Rushing is president of Advanced Cryogenics, Ltd, and is a chemist and professional consultant with decades of expertise in all phases of the CO2 business from the merchant and independent consultant sectors. Phone 305 852 2597, e-mail:* ***rushing@terranova.net*** *; web:* ***www.carbondioxideconsultants.com***

**AWARDS / GRANTS**
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July 22, 2009

**$188,000 in grants will nurture Oregon environment, education (*Statesman Journal*)**

*By Mackenzie Ryan*
*Statesman Journal*

Oregon schools will benefit from two environmental education grants from the U.S. Environmental Protection Agency, among $188,000 of such grants awarded in the Pacific Northwest.

"These grants support projects that allow students, teachers and citizens to learn more about habitats around them and ways to restore them," said Sally Hanft, EPA grand coordinator.

The grants also support watershed, recycling and sustainability education projects.

The Institute for Applied Ecology of Corvallis received $15,000 for an environmental stewardship program that pairs schools with neighboring restoration sites. Students will focus on restoring habitat for the Fender's blue butterfly, an endangered animal of the Willamette Valley prairies.

The International Sustainable Development Foundation of Portland received $26,000 to teach "sustainability" to educators. Teams from education service districts will participate in one of four education sustainability workshops, and results from the workshops will be shared across the state.

Posted on Wed, Jul. 22, 2009

**Groups get grants to teach kids about environment (*Associated Press*)**

**Story also appeared: *Belleville News Democrat, Quad City Times, The Southern, Wand TV***

Two Illinois groups are getting federal grants to help teach students about environmental issues.

The U.S. Environmental Protection Agency awarded $39,000 to Friends of the Fox River in Crystal Lake. Teachers and students will collect data on biological, chemical and physical water trends along the river.

Angelic Organics Learning Center in Caledonia will receive more than $18,000 to provide hands-on food and farming activities for 6th- through 12th-graders and their teachers.

The EPA grants are awarded annually.

**EPA: Idaho 1 of 4 states to share $188K in grants (*Associated Press*)**

**Story also appeared: *LocalNews8.com - Idaho Falls***

Associated Press - July 21, 2009 4:04 PM ET
BOISE, Idaho (AP) - The Environmental Protection Agency says Idaho is 1 of 4 states awarded nearly $188,000 in grants to pay for educational programs.
The agency says the Salmon Valley Stewardship organization in central Idaho will spend nearly $20,000 on environmental classes for children, ages 6 through 12, from Lemhi County and the Fort Hall reservation.

Idaho State University in Pocatello has been awarded a $14,000 grant for a recycling program.

The grants were also awarded to community groups, not-for-profit organizations, government agencies and schools in Alaska, Oregon and Washington state.

**Wis., Minn. get recovery money for school buses (*Associated Press*)**

**Story also appeared: *Chicago Tribune***

5:01 PM CDT, July 21, 2009
MADISON, Wis. - Federal environmental officials have earmarked $2.4 million in recovery money to reduce diesel emissions from school buses in Wisconsin and Minnesota.

The U.S. Environmental Protection Agency Region 5 office in Chicago awarded the money to the National School Transportation Association.

That group will in turn use the money to replace 98 older buses serving school

districts in Milwaukee, Kenosha, Racine and Waukesha counties in Wisconsin. The association also will provide diesel filters for 62 buses in Racine County in Wisconsin as well as 26 heaters in buses serving four school districts in Minnesota's Wright County.

EPA officials say the heaters will keep buses and their engines warm without idling.

**BUDGET / STIMULUS**
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Tuesday, July 21, 2009, 1:54pm CDT

**Ill. gets stimulus to cut diesel emissions (*St. Louis Business Journal*)**

The U.S. Environmental Protection Agency has awarded nearly $4.2 million to the Illinois Environmental Protection Agency to clean up on-and off-road diesel vehicles and equipment in the state, the federal agency said Tuesday.
The funds, provided under the American Recovery and Reinvestment Act of 2009, are part of the National Clean Diesel Funding Assistance Program.

The award was given through a funding competition that drew 81 grant applications requesting more than $211 million; the Illinois award was chosen to maximize both economic impact and emissions reductions, the federal EPA said.

The cleanup will affect 675 eligible diesel vehicles or engines in 21 fleets, the EPA said. Twelve of the projects, with 521 vehicles, will occur in either Chicago or in Metro-East areas that do not meet national outdoor air quality standards.

The projects will use auxiliary power units, diesel oxidation catalysts, diesel multistage filters, direct-fired heaters and engine repowers (engine replacement with cleaner engines).

The **Missouri Department of Natural Resources** is **getting more than $975,600** in stimulus money for statewide reduction of diesel emissions.

**Stimulus funds used to retrofit buses (*San Diego Union Tribune*)**

By Julia Love
2:00 a.m. July 22, 2009
San Diego Unified has become among the first school districts in the nation using federal stimulus money to retrofit school buses with a pollution control device.

The Obama administration devoted $88 million in American Recovery and Reinvestment Act funding to cleaning up diesel engines nationwide, with a focus on school buses.

“San Diego officials, in particular, wasted no time in parlaying this money into real, on-the-ground projects that are providing jobs and protecting children's lungs at the same time,” Mary D. Nichols, chair of the state Air Resources Board, said in a statement.

The San Diego district got $160,000 to retrofit 10 buses. About half are completed. Statewide, more than 80 school buses will be retrofitted with $1.73 million in stimulus money administered by the U.S. Environmental Protection Agency.

Older buses that cannot run on cleaner diesel fuels are a major source of pollution, said Dan Higuchi, an EPA spokesman. The retrofit will reduce emissions by about 85 percent.

All but seven buses in San Diego Unified School District's 519-bus fleet will have the new emission controls when the retrofits are completed.

The Air Resources Board in December called for trucks and buses with outdated engines to be retrofitted or replaced by 2014.

## CLIMATE CHANGE / GLOBAL WARMING

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### Climate bill impact on U.S. farms bearable: Lawmaker (*Reuters)*

Tue Jul 21, 2009 5:46pm EDT
WASHINGTON (Reuters) - The impact on U.S. farms and ranches from climate-change legislation will be bearable, partly because of the chance to earn money for controlling greenhouse gases, said the House Agriculture Committee chairman on Tuesday.
Agriculture Chairman Collin Peterson, during a speech to American Soybean Association members, pointed to think-tank estimates the climate bill passed by the House would drive up crop production costs by 1.8 percent-4.6 percent in the near term.
"We don't want to increase your costs but it's not the end of the world," said Peterson. The bill was amended to put the Agriculture Department in charge of farm-sector activities to lock carbon into the soil.

"With USDA running it, I believe you're going to see more than 4.6 percent payback" he said, since practices like no-till farming would be eligible for carbon sequestration contracts. "We got EPA (Environmental Protection Agency) out of your business."

Peterson and a band of farm-state lawmakers persuaded House Democratic leaders to amend the climate bill so USDA rather than EPA would monitor carbon-control activities and practices dating from 2001 that are eligible for carbon contracts.

Amendments to the bill cushion Midwestern utilities from greenhouse gas limits and preclude for at least five years an EPA rule that would hold U.S. biofuels responsible for forest-clearing or greenhouse gas emissions from cropland expansion overseas.

"This will be the bottom. The Senate will add onto it," said Peterson. But he said it was debatable whether the Senate would agree on a climate bill this year.

Earlier in the day, Frank Lucas, the Republican leader on the House Agriculture Committee, said the House-passed bill would sharply increase the cost of fuel and synthetic pesticides and fertilizers. Lucas said proponent have provided little evidence that farmers will earn money for carbon control.

Agriculture Secretary Tom Vilsack and EPA chief Lisa Jackson were scheduled to testify on the matter on Wednesday before the Senate Agriculture Committee.

(Reporting by Charles Abbott; Editing by Christian Wiessner)

**ENERGY**

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Article published Jul 22, 2009

**Rochester schools get high marks for being energy efficient; not so for other city buildings (*Foster's Daily Democrat*)**

ROCHESTER — A Concord-based energy-efficiency consulting firm presented the results of a city assessment to the City Council Tuesday night that revealed city schools are some of the best in the state, while other municipal buildings lag behind.

The Jordan Institute recently conducted an energy assessment for the city. They told the council what the assessment revealed and recommended steps the city should take to improve energy efficiency scores for municipal buildings, which

often fell "quite a bit under the national average," according to Dick Henry, the executive director of the Jordan Institute.

The Jordan Institute broke down city building types into five categories and then ranked their energy performance against other municipal buildings throughout the state using an "energy performance percentage." Henry said 50 percent on the scale is average. The public library, which has already undergone energy efficiency renovations, scored a 75 percent, but no other nonschool building ranked above 50 percent.

"It's clear that the municipal buildings have considerable room for improvement," Henry said.

The lowest scoring building was the arena, which scored 16 percent in Jordan Institute's assessment. The next lowest score was 20 percent and went to the police station. Henry said the third floor of the station was never completed, making a fair assessment difficult.

That several newer buildings scored so low in the assessment "was a real eye-opener," City Manager John Scruton said. He said it definitely makes sense for the city to finish the third floor, but there are still questions about how to use the space. The police department cannot currently make use of it and Ward 2 Councilor Sandy Keans suggested it was inefficient for anyone else to use that location.

Unlike most of the rest of the city's buildings, Henry said the school department buildings are "in very good shape." He called the Rochester School District "one of the best school districts we've seen in the state" in terms of energy efficiency.

Each of the city's nine school buildings evaluated graded above an 80 on a 1-100 scale the Jordan Institute called a "portfolio manager rating." The Environmental Protection Agency bestows energy star ratings on school buildings that score at least a 75. Henry said the school department has already started applying for the rating for some schools. Currently only one school in New Hampshire has achieved an energy star plaque, Henry said.

While newer buildings often scored surprisingly low, some older school buildings, like the School Street and Gonic schools, scored high. Scruton said it was a testament to the work that has already been done to make those buildings more energy-efficient.

The Jordan Institute also outlined how it can provide the city with independent planning and information going forward. There are also a number of options for funding future energy efficiency improvements. The city has used some options, like the PSNH Smart Start program, in the past, but others are new sources coming in the near future. Henry said qualified energy conservation bonds and

clean renewable energy bonds will be announced in August. Strafford County has already been marked to received a block grant-type allocation with zero-interest that the city could use for either municipal or business buildings, he said.

Some options are low- or no-cost to the city, such as changes in operations that should be made as soon as possible, Scruton said.

Regardless of what the city does with the Jordan Institute's information, Mayor John Larochelle said he would like to see more specific information because the city in "not going to want to do it all. The Energy and Sustainability Committee will discuss the matter further at its Aug. 5 meeting.

## ENFORCEMENT
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### Tips Send Police to Mexico to Arrest Wainwright (*EP Magazine*)

**Jul 22, 2009**

Working together, U.S. marshals, ATF agents, and Mexican police on July 14 arrested Robert Wainwright, a fugitive wanted in Indiana for allegedly polluting wetlands.

Wainwright, who was convicted of federal firearms violations, is being moved from Mexico back to the United States and ultimately Indiana.

Wainwright is one of 21 fugitives listed on EPA's fugitive Web site. His arrest resulted from two anonymous tips from people who saw Wainwright on the Web site, contacted EPA's tip line and EPA's Criminal Investigation Division (CID) Chicago area office. EPA then contacted federal law enforcement officials in Mexico, who worked with the Mexican police to make the arrest.

Wainwright was manager of Sterling Material Services in Lake County, Ind. The company, which separated metal from slag and brick waste from steel mills, allegedly disposed of waste in an adjacent wetland without a permit. The Northern Indiana Environmental Crimes Task Force, CID and ATF agents conducted a search warrant at the site and a follow-on consent-search at Wainwright's residence, where they discovered firearms and ammunition. Since Wainwright had a prior felony conviction, his possession of the firearms was illegal.

On Aug. 1, 2007, Wainwright was indicted on a felony firearms charge. He was convicted by a federal jury in the Northern District of Indiana. He also was charged by the Superior Court of Lake County for discharging a pollutant into the waters of Indiana.

While awaiting sentencing on the federal munitions charges, he fled to Mexico. He faces sentencing on those charges, as well as trial for the alleged environmental violation, after he is returned to Indiana.

**EPA Code of Practice sets (*Waterford Today*)**

EPA Code of Practice sets out how to develop an Enforcement Policy for unauthorised waste activities
The Environmental Protection Agency (EPA) has published a Code of Practice for the Development of an Enforcement Policy for Unauthorised Waste Activities.
"The Code of Practice provides a framework for local authorities to respond to unauthorised waste activities. It will compliment waste management controls already in place to protect the environment," said Dara Lynott, Director of the EPA's Office of Environmental Enforcement.
The Code of Practice is aimed at environmental regulators. It sets out the requirements for an effective enforcement system to tackle unauthorised waste activities.
These include:
· Detection of offences
· Cessation of illegal activities
· Clean-up / Remediation
· Regularisation
· Imposition of deterrent Penalties & Sanctions.

**The Code of Practice has been prepared by the EPA at the request of the Minister for Environment Heritage, Environment and Local Government, following his policy direction (WPRR 04/08) of the 25th July 2008.**

**Indiana Fugitive Extradited From Mexico (*Courthouse News Service*)**

By BRIDGET FREELAND

(CN) - A man who fled to Mexico after being indicted in 2007 for environmental violations and convicted of federal felonies has been extradited to Indiana, the Environmental Protection Agency says.

Robert Wainwright, 65, was accused of polluting wetland with steel mill waste from his Lake County company, Sterling Materials Services, in Indiana. He was also found to be unlawfully storing firearms and ammunition in his home, which had been searched by the Northern Indiana Environmental Crime Task Force, the EPA said.

Wainwright is a convicted child molester, according to news reports, and the EPA said that "since Wainwright had a prior felony conviction, his possession of munitions was illegal."

Wainwright allegedly fled to Mexico while awaiting sentencing on the federal weapons charges.

Two people saw Wainwright's fugitive listing on the EPA Web site, and anonymously tipped off the EPA Criminal Investigation Division in Chicago, "who worked with Mexican police to make the arrest," the EPA said.

Wainwright faces sentencing on the federal felony weapons charges in Northern Indiana, and a trial for the EPA violations in Lake County Superior Court.

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

**Automakers worry about more ethanol in US gasoline (*Reuters*)**

Tue Jul 21, 2009 4:59pm EDT
By Tom Doggett
WASHINGTON, July 21 (Reuters) - Major automakers asked the U.S. Environmental Protection Agency not to approve higher blends of ethanol in gasoline until the agency has adequate test results showing the fuel would not damage vehicles.

Ethanol is now approved to make up 10 percent of U.S. gasoline in cars and trucks. Ethanol producers want the government to allow higher ethanol blend levels up to 15 percent, or E15, as more ethanol will be required each year under federal law.

However, the Alliance of Automobile Manufacturers said increasing the blend rate to beyond 10 percent ethanol, or E10, would affect vehicle emissions, performance and durability.

"We urge EPA to delay any decision on blends higher than E10 for the existing fleet until adequate testing results are available," the group said in a comment letter sent to the agency on Monday.

The trade group represents 11 car and light truck manufacturers including BMW Group (BMWG.DE: Quote, Profile, Research, Stock Buzz), Chrysler, Ford (F.N: Quote, Profile, Research, Stock Buzz), General Motors GMGMQ.PK, Jaguar Land Rover (TAMO.BO: Quote, Profile, Research, Stock Buzz), Mazda (7261.T: Quote, Profile, Research, Stock Buzz), Mercedes-Benz (DAIGn.DE: Quote, Profile, Research, Stock Buzz), Mitsubishi Motors (7211.T: Quote, Profile, Research, Stock Buzz), Porsche (PSHG_p.DE: Quote, Profile, Research, Stock Buzz), Toyota (7203.T: Quote, Profile, Research, Stock Buzz) and Volkswagen (VOWG.DE: Quote, Profile, Research, Stock Buzz).

The group said because the EPA has never allowed automakers to use gasoline blends with more than 10 percent ethanol, companies have never had a reason to design, test or warrant vehicles for the U.S. market that use higher ethanol blends.

"EPA lacks sufficient data to make a sound-science based judgment about E15 (or any gasoline-ethanol blend between E10 and E15)," the group said.

Congress required 9 billion gallons (34 billion litres) of ethanol and other biofuels to be blended into gasoline last year. The amount will rise annually toward 36 billion gallons a year in 2022.

The EPA has until Dec. 1 to decide whether to allow a higher ethanol blend beyond the current E10 level. (Reporting by Tom Doggett; Editing by Marguerita Choy)

**Refiners, others urge EPA not to rush E-15 authorization (*Penn Energy*)**

It was hardly surprising that oil refiners opposed Growth Energy's request for US Environmental Protection Agency approval to increase gasoline ethanol levels to 15% as the public comment period ended on July 20. But a coalition of eight environmental and public health organizations raised similar objections in their comments.

The fuel ethanol advocacy organization argues that allowing a higher ethanol level than 10% will increase jobs. Opponents including the American Lung Association, the Center for Auto Safety, the Sierra Club, and the Natural Resources Defense Council contend that it could simply create problems.

Their primary concern is similar to that of the National Petrochemical and Refiners Association. "Ethanol should not be blended into gasoline at levels higher than 10% for use in non-flexible fuel motor vehicles and non-road gasoline powered engines until comprehensive and independent testing shows that mid-level ethanol blends are safe for consumers and do not harm the environment or public health," NPRA said in its comments.

It attached to its comments a letter to senior Obama administration officials from more than 50 national, state, and local business, environmental, public health and agricultural associations which also said that more tests are needed.

**Incomplete science**

"The science regarding the impact of mid-level ethanol blends on consumer safety, engine performance, and potential environmental harm has not been

completed, and likely will not be completed for at least two years," NPRA told EPA. It called the information Growth Energy submitted to EPA in support of the petition "a woefully inadequate foundation upon which to base such an important change in the nation's supply of gasoline."

The eight-group coalition noted that the 2007 Energy Independence and Security Act included a new requirement for the EPA administrator to make an applicant demonstrate that a new fuel will not cause emissions device or systems failures in off-road engines. It said that Growth Energy has not done this.

NPRA also said that potential approval of Growth Energy's petition is not an effective short- or medium-term solution to avoiding the "blendwall" problem caused by the increasing conventional biofuels volumes mandated under EISA.

**Below mandate**

It explained that while ethanol is currently blended into about 75% of all the gasoline sold in the US, mandated volumes of conventional and cellulosic biofuels are so high that making all gasoline 10% ethanol will fall short of EISA's compliance goal.

"However, EPA should not rush approval of E15 in order to postpone the blendwall," it continued. "The agency should make a scientifically sound decision based on an analysis of the safety of mid-level ethanol blends for use in all US gasoline-powered motor vehicles and engines. Safety is paramount."

The eight environmental and public health organizations agreed. "We believe that the combination of hurdles, not all of which have been identified, virtually assures that E-15 could not be marketed in substantial volumes for multiple years," they told EPA.

**Contact Nick Snow at** nicks@pennwell.com

**ACE & 7,000 Supporers File Comments With EPA (*Domestic Fuel*)**

Posted by Joanna Schroeder – July 21st, 2009
The comment period for the Green Jobs Waiver ended yesterday and the EPA has until December 1, 2009 to rule on the waiver request. Yesterday, The American Coalition for Ethanol (ACE), filed official comments with EPA Administrator Lisa Jackson. In addition, nearly 7,000 people signed ACE's petition in support of the approval to blend up to E15 in gasoline. Signatures on the petition came from all 50 states, proof that ethanol is supported throughout the country – not just in the Midwest.

Brian Jennings, Executive Vice President of ACE, commented, “Americans want to use more ethanol, and the number of people who have signed this petition in support of E15 demonstrates widespread grassroots support for ethanol. It is significant that the people listed here come from all 50 states, which shows that ethanol is not just a Midwestern issue. People all across the country recognize that Big Oil’s monopoly at the pump must be broken and that more ethanol represents meaningful consumer choice.”

Dissenters of the Green Jobs Waiver cite performance and drivability issues and call for more research to be completed before ruling on the waiver. However, Jennings noted that, “The science behind using more than E10 in standard vehicles in overwhelmingly positive, and the issue has been studied by many independent sources. This waiver request has been politicized by ethanol’s opponents, but the facts remain – there is nothing to show that using E15 would increase auto emissions or harm the vehicle’s emissions control system, the factors EPA is obligated to consider. The science is sound, and EPA must give its approval for this modest increase in the ethanol blend.”

To read the science behind the waiver request, ACE has created an E15 Action Center.

It is also clear that an allowance to go beyond E10 is necessary for the Renewable Fuels Standard (RFS) biofuels use targets to be met. The RFS calls for 36 billion gallons of renewable fuels to be used annually by 2022, which represents much more than 10 percent of our nation’s total annual transportation fuel consumption. The existing E10 and E85 markets are not large enough to accommodate the amounts of biofuels prescribed by the Energy Independence and Security Act of 2007, so an increase in the E10 blend will be necessary for the law to be fulfilled.

7/21/2009 10:14:00 AM

**TSCRA: Increasing Ethanol Mandate Bad For Cattle Raisers (*Cattle Network*)**

Fort Worth, Texas - The Texas and Southwestern Cattle Raisers Association (TSCRA) submitted comments to the Environmental Protection Agency (EPA) opposing an increase of ethanol levels in gasoline from 10 percent to 15 percent.

"Corn ethanol production is important to cattle producers because it directly impacts the cost of feed," TSCRA President Dave Scott, a rancher from Richmond, Texas said. "Before any decisions are made, I hope the government will take a serious look at how this new mandate will affect every industry that

depends on corn. Not doing so could severely damage the ability for hard-working ranchers to produce safe, healthy and affordable food.

"Over the past few years it has become very clear that putting our food and fuel in competition with one another isn't good for producers or consumers," he continued. "While cattle producers strongly support alternative and renewable energy options, we don't support government mandates that favor one industry over another."

TSCRA's comments were submitted in response to the Federal Register notice of April 21, 2009, Volume 74, Number 75 Pages 18228-18230 (Docket no. EPA-HQ-OAR-2009-0211).

Texas and Southwestern Cattle Raisers Association is a 132-year-old trade organization and is the largest livestock association in Texas. TSCRA has more than 15,000 members who manage approximately 4 million head of cattle on 51.5 million acres of range and pasture land, primarily in Texas and Oklahoma. TSCRA provides law enforcement services, livestock inspection, legislative and regulatory advocacy and educational opportunities for its members and the industry.

**PESTICIDES**
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**Pesticide dealer agrees to fine (*Associated Press*)**

**Story also appeared: *Topeka Capital Journal***

**BY THE ASSOCATED PRESS**
July 22, 2009 - 6:01am

KANSAS CITY, Kan. — A pesticide dealer in southwest Missouri has agreed to pay a fine over alleged violations of federal regulations.

Greenleaf LLC of Neosho will pay $100,000 in civil penalties to settle a series of alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act.

Greenleaf neither admits nor denies any of the allegations contained in an administrative consent agreement and final order announced Monday. The order was filed in June by the U.S. Environmental Protection Agency's regional office in Kansas City, Kan.

According to the agreement, the Missouri Department of Agriculture alleges the company violated various aspects of federal pesticide regulations, including distributing or selling about 59 unregistered pesticides that did not meet federal requirements.

**Pesticide dealer in SW Mo. agrees to pay for alleged violations of federal regulations (Associated Press)**

**Story also appeared: *FOX 2 Now, NTV, FOX 4 KC, DesMoines Register***

4:01 AM CDT, July 22, 2009
KANSAS CITY, Kan. (AP) — A pesticide dealer in southwest Missouri has agreed to pay a fine over alleged violations of federal regulations.

Greenleaf LLC of Neosho will pay $100,000 in civil penalties to settle a series of alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act.

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According to the agreement, the Missouri Department of Agriculture alleges the company violated various aspects of federal pesticide regulations, including distributing or selling about 59 unregistered pesticides that did not meet federal requirements.

July 21, 2009

**Neosho pesticide dealer to pay $100,000 penalty (*News Leader*)**

A Neosho pesticide dealer has agreed to pay $100,000 in civil penalties to the United States to settle a series of alleged violations of the Federal Insecticide, Fungicide, and Rodenticide Act, according to the U.S. Environmental Protection Agency.

Greenleaf LLC neither admits nor denies any of the allegations contained in an administrative consent agreement and final order, according to EPA Region 7 in Kansas City.

According to the agreement, a representative of the Missouri Department of Agriculture conducted an inspection of Greenleaf's Neosho facilities on January 8, 2008. Based on that inspection and a review of records, the agreement alleges that the company was in violation of various aspects of federal pesticide regulations, including distributing or selling approximately 59 different unregistered pesticides whose contents had been manipulated and did not meet FIFRA registration requirements; distributing or selling approximately 27 different misbranded pesticides; holding for sale or distribution two pesticides whose composition differed from what was described in a required registration statement; failing to file a 2007 annual pesticide report for its Neosho facilities and failing to prepare, maintain or submit other required records.

Greenleaf remains legally incorporated in the State of Arkansas, but has ceased operating its only business locations, in Neosho and Pineville, Mo.

In November, 2008, in a separate but related matter handled by the United States Attorney for the Western District of Missouri, Greenleaf entered a corporate guilty plea to a criminal charge of violating federal pesticide laws and agreed to pay a maximum fine of $200,000.

According to the U.S. Attorney's Office, from January 2007 to January 2008 the firm received broken bags and unwanted pesticides from Wal-Mart stores throughout the United States, and then redistributed and sold more than two million pounds of the products after improperly repackaging them.

The $100,000 civil penalty that Greenleaf has agreed to pay in settlement to EPA is separate from the $200,000 fine that the company agreed to pay in the criminal case.

**TOXICS**
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Tuesday, July 21, 2009, 10:36am PDT

**EPA says 2 firms sent computer waste to Hong Kong (*Puget Sound Business Journal)***

**Story also appeared: *Seattle Post intelligencer***

Seattle
The Environmental Protection Agency said it’s caught two companies — one from Texas and one in Lakewood, Wash. — trying to illegally send computer waste to Hong Kong.

The Seattle EPA office said W and E International Trading Co., of Texas, and SM Metals, of Lakewood, tried to ship more than 500 used color computer monitors to Hong Kong. The Hong Kong Environmental Protection Department notified U.S. authorities and the monitors were shipped back to the Port of Tacoma in May.
U.S. EPA officials said that one computer monitor contains about four pounds of toxic lead and may contain mercury, cadmium and arsenic.

“The companies’ violations include improperly packing, labeling and marking dangerous waste and failing to notify EPA of the intent to export it,” EPA officials said in a statement.

The companies have been ordered to submit an inventory of the items and explain how they’re going to dispose of the monitors. The order will become final unless they ask for a hearing on the matter within 30 days.

JULY 22, 2009

**DuPont Sees Further Declines (*Wall Street Journal*)**

Profit Fell 61% at Chemicals Giant; Agribusiness Grew
By ANA CAMPOY and KERRY GRACE BENN
DuPont Co.'s second-quarter profit plunged 61% as the global economic downturn continued to zap demand for the plastics and chemicals used in most consumer products, from T-shirts to cars.
The Wilmington, Del.-based chemical maker said business picked up somewhat from the beginning of the year, boosted by government-stimulus spending and inventory rebuilding at manufacturing plants. Still, most of DuPont's units recorded double-digit declines in sales compared to the year-ago period, raising questions about the timing and strength of an anticipated economic recovery.

"My concern is the true demand recovery," said DuPont's chief executive Ellen Kullman in a conference call with analysts. "Are we going to be bumping along the bottom for a while?"

Ms. Kullman said she expects sales volumes in the third quarter to remain below year-ago levels, and to be slightly stronger in the fourth quarter from the same period last year, when the company posted a $629 million loss. The company still expects full-year 2009 earnings of $1.70 to $2.10 a share.

Because it makes the building-block materials for other industries, the chemical sector is viewed as a bellwether of the economy. As the world economy soured last year, demand for its products collapsed, forcing chemical manufacturers to

cut jobs, ratchet back capacity and slash costs. Since the beginning of the year, DuPont has reduced costs by $600 million of its $1 billion goal for 2009, the company said Tuesday.

Those efforts, as well as growing sales from its agriculture unit, helped DuPont beat analyst expectations in the second quarter. The company reported earnings of $417 million, or 46 cents a share, down from $1.08 billion, or $1.18 a share, a year earlier. Revenue decreased 22% to $6.86 billion.

While DuPont's agriculture business posted a 3% rise in sales, revenue for all other units dropped by more than 25%. The agribusiness, which is the only segment that has seen revenue growth this year, has been gaining market share, but faces increasing competition.

Rivals Dow Chemical Co. and Monsanto Co. won backing Monday for their new SmartStax corn seed, which will be rolled out in the U.S. and Canada next year. DuPont executives said during a conference call that they expect approval from the U.S. Environmental Protection Agency for the company's Optimum AcreMax seed to come soon.

**Write to** Ana Campoy at ana.campoy@dowjones.com and Kerry Grace Benn at kerry.grace@dowjones.com

**EPA and Maine DEP Use Technology To Safely Cleanup Brewer Site (*WCSH-TV*)**

Portland,ME
Posted By: Chris Facchini, Anchor/Reporter ▪ Date last updated: 7/21/2009 6:46:55 PM

BREWER (NEWS CENTER) -- The Environmental Protection Agency and Maine Department of Environmental Protection have started cleaning up a section of riverbank along the Penobscot River in Brewer.

The EPA and Maine DEP started excavating lead contaminated soils from the Rolnick site on South Main street Monday.

During excavation, cleanup crews are using a truck to wet the unearthed soil to keep dust down.

They are also using equipment to monitor air quality at several locations around the job site.

And Maine DEP is using a piece of equipment called an XRF machine to scan soil samples for lead.

"That will determine where to put the contaminated soil, whether its highly contaminated it needs to be shipped off, or if its not contaminated at all it can be re-used on site," said Tracy Weston-Kelly, the site coordinator for Maine DEP.

The cleanup project is expected to last between three and four months and cost 1.5 million dollars. The EPA is funding the majority of the cleanup cost. Maine dep is also contrbuting some funding.

July 22, 2009

**EPA proposes capping part of Metachem site (*News Journal*)**

Lower-cost option would permanently cover contaminated soil
By JEFF MONTGOMERY
The News Journal
The Environmental Protection Agency has recommended a $12 million to $19 million pave-over for the worst-contaminated section of the abandoned Metachem Products chemical plant near Delaware City.

More comprehensive cleanup schemes under consideration for the 22.8-acre plant area carried price tags of up to $100 million, according to a document recently released for public comment.

The agency's preferred, lower-cost option -- scheduled for a public hearing July 28 -- would permanently cover untreated soils deeply soaked with toxic chemicals. Contractors already have sunk walls deep into the ground on three sides of the area, as part of a series of containment and cleanup projects that already have cost taxpayers about $70 million.

Other major expenses are pending for more than 40 nearby acres tainted with chlorinated benzene compounds, polychlorinated biphenyls (PCBs) and other contaminants.

"I'd certainly want to know whether they can do more chemical treatments before they cap it, whether they can pull it up or inject something to neutralize the chemicals that are there," said Seth Ross, a Delaware Nature Society member who has followed the cleanup closely.

Metachem's former owners declared bankruptcy and walked away from the factory in 2002, leaving behind some $65 million in debts and more than 40 million pounds of waste chemicals and products. The bankruptcy forced the entire cleanup cost onto the depleted Superfund cleanup program and federal and state taxpayers.

Millions of pounds of chemicals used to make herbicides and pesticides were spilled over the years at the plant, which operated as Standard Chlorine of Delaware until 1998. The company once ranked as one of the world's top producers of chlorobenzenes.

Much of the spilled material remains in soils and sediments under and around the plant, creating cancer risks recently rated as high as nine in 10,000 for construction workers at the main production site. State and federal cleanup goals usually aim for a risk level of one in 100,000 or one in a million.

**Buried wall circles property**

EPA contractors already have encircled the 65-acre property with a bathtub-like buried wall up to 70 feet deep that contains tainted groundwater. Recovery wells steadily tap groundwater for treatment, preventing most from leaking into nearby Red Lion Creek.

Hilary Thornton, EPA project manager for the Metachem cleanup, said studies of cleanup plans for nearby wetlands and sediments are continuing. Officials tested the use of a chemical to oxidize and break down chlorobenzenes deep in the soil, but found that other toxins could be left behind at levels too high to justify the expense.

Thornton said cost was one of the considerations in choosing the capping plan for the production area. The work would limit rainwater flows into the tainted soils and reduce exposure to toxic vapors in soils.

The EPA plans to take written public comments through Aug. 14. A public meeting is scheduled for 6 p.m. July 28 at the Delaware City Fire Hall, 815 Fifth St., Delaware City.

**WATER**
**==========**

**Water experts: Mining near Grand Canyon is risky (*Associated Press*)**

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

By JOAN LOWY
The Associated Press
Tuesday, July 21, 2009 3:07 PM

WASHINGTON -- Uranium mining near the Grand Canyon would court disaster, risking damage to critical water supplies, local officials and water experts told a House panel Tuesday.

A hyrdologist who has been conducting research on springs in the canyon for 25 years told the House Natural Resources Committee's parks subcommittee that past mining polluted a stream that feeds the Colorado River, and that more pollution is likely should mining resume. A water utility manager said virtually all of Southern Nevada would be left without water supplies if a mining disaster should occur.

Two other scientists, however, said modern mining techniques have improved and development shouldn't be prohibited because of past mistakes.

The committee is considering a bill by Rep. Raul Grijalva, D-Ariz., that would permanently bar the filing of new mining claims on 1.1 million acres of federal lands north and south of the canyon. Renewed interest in nuclear power has led to a surge in uranium mining claims in the area.

There are as many as 10,000 existing mining claims on nearby federal lands for all types of hard-rock exploration and some 1,100 uranium mining claims within five miles of the canyon.

Interior Secretary Ken Salazar announced Monday that he is barring the filing of new claims on nearly 1 million acres of U.S. Forest Service and other public lands for two years while the administration studies whether mining on those lands should be permanently prohibited.

Neither the legislation nor Salazar's action would stop mining from going forward on claims already filed.

David Kreamer, a professor at the University of Nevada-Las Vegas, said his research found uranium levels three times greater than the Environmental Protection Agency's recommended limit for water supplies in a canyon creek. He said the pollution is the result of mining that ceased more than a decade ago.

"I believe that an assumption that uranium mining will have minimal impact on springs, people and ecosystems in the Grand Canyon is unreasonable, and is not supported by past investigations, research and data," Kreamer said.

Kay Brothers, the deputy general manager of the Southern Nevada Water Authority, said her customers are almost entirely dependent on the river for their water supplies.

"That's why we're so concerned," Brothers said. "You have to look at the potential for contamination to reach the river."

However, Madan Singh, director of the Arizona Department of Mines and Minerals, said most of the present uranium contamination is the result of natural erosion, not mining.

"It's important to separate real contamination issues from perceived contamination," Singh said.

Karen Wenrich, a former geologist for the International Atomic Energy Agency, said the mining industry has "come a long way" and shouldn't be punished for mistakes that took place when the risks of uranium were less well known.

Most of the claims for uranium are staked in the Arizona Strip, a sparsely populated area immediately north of the Grand Canyon National Park known for its high-grade uranium ore.

Operations in the area ceased some 20 years ago, when the price plummeted for uranium used for nuclear energy, weapons and medicine. With prices now around $55 a pound, the industry is eyeing restarting operations.

Toronto-based Denison Mines Corp. is about a year away from mining at a site about 20 miles from the canyon's northern border if it secures an air permit with Arizona state officials.

**Key EPA Programs In Turf Battle Over Water Efficiency Standards (*Inside EPA)***

EPA's programs that develop efficiency standards for labeling consumer and other products -- WaterSense and Energy Star -- are developing competing and possibly incompatible water efficiency standards for new homes, a move that observers say marks the latest turf battle between the two programs to lead EPA water efficiency efforts.

But the move is prompting concern from a water efficiency group which is calling on the agency to clarify the issue and ensure consistent standards between the two programs.

"Regarding the awkward process of concurrent, but inconsistent, draft proposals from the same agency addressing the same subject matter and same stakeholders, we believe that EPA should provide the public with an explanation as to how this happened and what steps will be taken to ensure that it does not happen again," the Alliance for Water Efficiency (AWE) says in July 10 comments on the draft the Energy Star water efficiency guideline for new homes. AWE represents a broad array of cities, industry and environmentalists.

The group's criticism is directed at Energy Star's draft update to its existing "Qualified Homes" specifications, which is slated for implementation in 2011, and WaterSense's May 8 draft "Water-Efficient Single-Family New Home Specification."

Critics say the discrepancies in the new homes guidelines could cause confusion for builders trying to meet the standards. For instance, the draft Energy Star new home guidelines include rules for showerheads, but WaterSense issued in 2007 a notice of intent to issue specifications for showerheads.

An EPA spokeswoman says the two programs will issue separate standards but they will be "coordinated and consistent."

"These coordinated final specifications will make it easy for builders to meet both specifications. Additionally, the inspection and certification systems complement each other and will enable a builder to have one inspector complete inspections for both programs," she said.

An Energy Star source says the showerhead flow rate requirement included in the rule was a "strawman placeholder" floated to get reaction from stakeholders.

The competing water efficiency standards for new homes are part of a long-running feud between the two programs, though sources following the issue say, for now, Energy Star may have the upper hand because Congress has authorized the program.

But Congress may be moving closer to authorizing WaterSense, a move that would put the program on an equal footing with Energy Star, sources say. Congressional authorization "would make all the difference," one source close to the situation says, because it "would indicate congressional direction for the program."

The Waxman-Markey climate bill, which recently passed the House, includes language authorizing WaterSense, while the Senate environment committee recently approved S.1005, a bill funding EPA water programs that includes an authorization for WaterSense.

While Energy Star has been authorized, EPA and DOE -- the two agencies that administer the program -- have also been at odds over the program's direction. EPA, for example, has been seeking to reserve the Energy Star label for already-proven products to preserve the program's brand while DOE is seeking to allow Energy Star to help commercialize emerging technologies.

To address this, the Senate energy committee earlier this year approved legislation requiring the agencies to update their interagency agreement by laying

out each agency's jurisdiction and expertise, but the agencies opposed the mandate.

The dispute between the EPA programs focuses on their efforts to set water efficiency standards for new homes, though both are also being criticized by outside groups.

WaterSense's May 8 proposal, which includes criteria for scores of indoor and outdoor water fixtures, revises a proposal released last year that drew widespread criticism over its specification for lawn turf.

The WaterSense standards generally prohibit "turf" from comprising more than 40 percent of the landscapable area of a site unless the new home will meet a strict water budget for outdoor water use, an approach that drew widespread criticism from homebuilders, outdoor equipment, pesticide and other groups for being too limited.

The new proposal generally maintains the same strict approach the agency proposed last year, prompting continued criticisms.

The 40 percent limit on turfgrass is "inappropriate and not based on best available science," July 6 comments from the Irrigation Association say, adding that the "arbitrary limit" does not account for "local geographies, climates and markets."

The source close to the situation, who supports the turf standards, says the issue is "highly controversial" and fears opposition from industry will torpedo the rules. The standard "might not survive" in the face of a coming "full court press" from industry, the source says.

Environmentalists, meanwhile are pressing EPA to keep the rules. "We are aware that a number of organizations are urging EPA to weaken elements of the outdoor criteria. We strongly urge EPA to resist this suggestion. To the contrary . . . we believe the criteria should be strengthened significantly," the Natural Resources Defense Council and American Rivers say in July 7 comments.

The activists are also seeking stormwater guidelines in the standard that EPA has not included, which the source close to the situation attributes to a dispute about WaterSense's authority to include stormwater requirements in the specification.

But the pending authorization bills could clarify the situation. The Waxman-Markey WaterSense authorization language includes a clear designation that the program's labeling standards should include stormwater treatment. The Senate bill passed by EPW is silent on the issue.

The environmentalists are pressing for new homes to replicate natural hydrology by retaining stormwater in all but the most serious storms.

WaterSense should "[r]equire that new home sites maintain natural hydrology, namely that the builder ensure that the volume of stormwater associated with the 90th percentile rain storm event be retained onsite, via infiltration, evapotranspiration, or re-use," the activists' comments say.

Meanwhile, Energy Star's new specification includes rules for water heaters and first-time rules for showerheads. Neither the water heater rules nor the new showerhead flow rules had been required for an Energy Star label under past specifications.

According to the AWE's comments, Energy Star's showerhead flow standard of a maximum of two gallons per minute (gpm) could lead to customer dissatisfaction because there is not yet evidence showerheads are effective at such a low flow rate.

"[W]e believe that it is premature to specify a maximum flow rate for showerheads of 2.0 gpm until additional performance metrics are developed to ensure customer satisfaction is maintained while water efficiency is improved," the group's comments say.

The group's comments also argue the WaterSense approach on water heaters is "far preferable" to the Energy Star standard because WaterSense has a volume-based performance metric while Energy Star specifies particular configurations for the device.

"[W]e fail to see how the Energy Star specification as proposed can be expected to achieve the very specific hot water energy savings claimed for this provision in the Energy Star Homes savings methodology document," the comments say. -- *Jonathan Strong*

Posted: July 21
Updated: Today at 7:00 AM

**Mine tunnel discharge not chemical (*Times Leader*)**

DEP says substance in Susquehanna River is acid mine drainage mixing with leaves and organic material.
By Steve Mocarsky smocarsky@timesleader.com
Staff Writer
An official with the state Department of Environmental Protection said Monday that a substance seen floating down the Susquehanna River near the Butler Mine Tunnel on Sunday night was not a chemical discharge.

“It’s basically the acid mine drainage mixing with leaves and other organic material, and as the water moves, it creates that foam and the brownish, rust-colored scum,” DEP spokesman Mark Carmon said.

Carmon on Sunday said his office notified the U.S. Environmental Protection Agency after receiving a report from a Pittston resident that an “unusual substance” was floating south in a slick at an area near the tunnel.

Because the substance was spotted just before dusk, an investigation was delayed until Monday morning.

“Our staff took a look at the Butler tunnel and determined it’s the natural acid mine drainage mixing with organic matter, foam and scum, and not any type of a chemical discharge out of the tunnel,” Carmon said.

He said the formation of the organic material is common in several locations along the Susquehanna in the summer.

The Butler Mine Tunnel, built before the 1930s, drains a 5-square-mile area of underground mine caverns and waterways. Now a Superfund site, the tunnel was in the past used as a drain for hazardous materials.

Carmon said there were “distinctive oily discharges” from the tunnel during heavy rains in the 1970s and 1980s, but the rust-colored foam spotted in the area of the tunnel on Sunday isn’t unusual

**Madison in good shape for water quality, supply (*Huntsville Times*)**

Wednesday, July 22, 2009
By Gregg L. Parker
For the Madison Spirit writeone35758@yahoo.com
Fill that glass to the brim and enjoy. Madison's water is safe, according to the 2008 Annual Drinking Water Quality Report prepared by Madison Utilities. General Manager Ricky Pounders said the report documents "the quality of the drinking water delivered to you every day. We are pleased to announce that our system had no violations of the Alabama Safe Drinking Water Law during 2008."

More good news: "We also expect to have no violations in 2009," he said.

"Rainfall in 2008 was more in line with historical levels. Water supply was more than ample to supply the area needs, and our system performed well," Pounders said.

Service reliability ramped up in the last year with the system's Cedar Acres Tank in Limestone County, which increased total storage capability to 14 million gallons. Work will continue on the east-west upgrade in the next 12 months. Fortunately, Madison hasn't experienced water shortages this summer, but Pounders encouraged residents to exercise wise use of limited resources.

Madison's groundwater sources in 2008 included 10 wells in the Tuscumbia/Fort Payne Aquifer. "We also purchased a limited amount of treated water from the Limestone County Water and Sewer Authority," he said.

The report lists trace levels of contaminants, such as magnesium, sodium, carbon dioxide and chloroform. Findings also are documented for bacteriological and microbiological agents, along with organic and inorganic chemicals.

To guarantee tap water is safe, the Environmental Protection Agency prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. The Food and Drug Administration establishes limits for contaminants in bottled water.

**Phosphorous sewer rule could cost local cities big money (*Idaho Press Tribune*)**

Bryan Dooley
bdooley@idahopress.com
Wednesday, July 22nd, 2009
NAMPA — Nampa Mayor Tom Dale and other Association of Idaho Cities officials believe Treasure Valley communities will have to spend millions of dollars to upgrade sewer treatment.

But Dale hopes to see legislation introduced next year that would give state regulators control over wastewater permits required for cities and some other entities — a step to avoid a much larger expense that could be required by federal regulators.

The difference could halve the expected increase to Nampa sewer users' bills.

Information on the possible effects for Caldwell was not available Tuesday.

The federal permits, issued under the National Pollutant Discharge Elimination System program, are required by law for any entity that discharges sewage "into the waters of the United States." Idaho is now one of only four states for which the federal Environmental Protection Agency — rather than the state — issues and enforces the permits.

Tighter standards for phosphorous discharged by cities and some industrial and other entities are on the way, but the effects on local communities could vary widely depending on which government agency has "primacy" for the permit program.

Nampa Public Works Director Michael Fuss said the city expects to receive a draft permit early next year that is likely to drastically reduce the amount of phosphorous the city can discharge.

The change stems from a plan issued by the state Department of Environmental Quality to reduce phosphorous in Brownlee Reservoir, which is on the Snake River in Hells Canyon.

That plan established a target of 70 micrograms per liter, or parts per billion, for the Boise River and its tributary streams, said Barry Burnell, DEQ Water Quality Division Administrator.

EPA would likely require that cities and other entities that must have the federal permits to reduce their discharge to 70 parts per billion at the source, while state regulators would be satisfied with 200 parts per billion, Brunell said.

The cost of the changes will vary from city to city depending on what type of treatment system is currently in place and other factors.

For Nampa, which Fuss said currently averages 5,000 parts per billion, the city is going to have to make substantial changes regardless of which agency oversees the city's wastewater.

However, "the difference between 200 parts per billion and getting down to 70 parts per billion is millions and millions of dollars," Dale said.

Dale was elected Association of Idaho Cities president in June.

Fuss said having the Idaho agency in charge carries two major benefits:

First, the agency has a better understanding of the local "plumbing," he said, than the U.S. Environmental Protection Agency, which manages Idaho's permits from Seattle.

"We're working with a state agency that understands our local environment, and that we have a good working relationship with," Caldwell spokeswoman Maggie Colwell agreed.

Burnell said a major reason for Idaho DEQ's more-lenient requirement is that the agency accounts for the fact that during key summer months, when phosphorous

tends to be more of a problem, a large quantity of surface water is withdrawn for irrigation purposes.

Second, Fuss said, the testing model used would likely differ.

EPA's limit would likely be instantaneous, meaning the phosphorous level could not exceed 70 ppb at any time.

DEQ's limit would likely be a seasonal or monthly average, leaving a bit more wiggle room.

EPA generally supports state primacy, Burnell said, but previous efforts in Idaho have been hamstrung by cost worries.

The cost to the state to write, adapt and enforce the permits would have to be funded with some kind of fee-based program, Burnell said.

A resolution issued by the Association of Idaho Cities in June calls on the association and DEQ to prepare an evaluation of the costs, benefits and program funding strategy for a state-administered permit program. It would be considered at AIC's fall Legislative Committee meeting.

**Water Samples Bring Up Asbestos in Sumas River (*EP Magazine*)**

Jul 22, 2009
Naturally occurring asbestos has been carried downstream of Swift Creek and along the banks of the Sumas River, according to samples recently collected by the U.S. Environmental Protection Agency. The asbestos comes from a landslide on Sumas Mountain that deposits asbestos-laden sediment into Swift Creek, the focus of previous health and environmental studies.

EPA's sampling revealed asbestos and several metals in water, bank sediments, and recent flood deposits in Whatcom County, north of Swift Creek and approaching the Canadian border. The agency shared the study results with local property owners, local and state health departments, the Washington Department of Ecology, and officials in Canada where the Sumas River continues northward.

"These asbestos levels deserve close attention," said Dan Opalski, director of EPA's Superfund Cleanup Office in Seattle. "The new data will enable agencies to make important health recommendations so local families make informed decisions to protect themselves."

The samples taken from the Sumas riverbank showed higher concentrations of asbestos than previous samples of Swift Creek dredged material. Concentrations ranged up to 27 percent asbestos along the Sumas riverbank.

The Whatcom County Health Department and Washington Department of Health have sent an advisory to residents and property owners along the Sumas River. The advisory outlines measures people can take to limit their exposure to asbestos in water, sediment and flood deposits.

Agencies including Whatcom County Health Department and Whatcom County Public Works, state departments of Health, Ecology, and Labor and Industries, and federal Army Corps of Engineers, Agency for Toxic Substances and Disease Registry, and EPA are coordinating resources and information to address this problem for both the near term and long term.

Engineering options—including building a structure that would control sediment near the landslide—are being considered. The situation may also call for changes to local land use planning.

**Uranium mining risks are debated (*Associated Press*)**

**Story also appeared: *Boston Globe***

Bill would bar work near canyon
By Joan Lowy, Associated Press | July 22, 2009
WASHINGTON - Uranium mining near the Grand Canyon would court disaster, risking damage to critical water supplies, local officials and water specialists told a House panel yesterday.
A hydrologist who has been conducting research on springs in the canyon for 25 years told the House Natural Resources Committee's parks subcommittee that past mining polluted a stream that feeds the Colorado River, and that more pollution is likely if mining resumes. A water utility manager said virtually all of southern Nevada would be left without water supplies if a mining disaster occurs.

Two other scientists, however, said modern mining techniques have improved and development shouldn't be prohibited because of past mistakes.

The committee is considering a bill by Representative Raul Grijalva, Democrat from Arizona, that would permanently bar the filing of new mining claims on 1.1 million acres of federal lands north and south of the canyon. Renewed interest in nuclear power has led to a surge in uranium mining claims in the area.

There are up to 10,000 existing mining claims on nearby federal lands for all types of hard-rock exploration and about 1,100 uranium mining claims within 5 miles of the canyon.

Interior Secretary Ken Salazar said Monday that he is barring the filing of new claims on nearly 1 million acres of Forest Service and other public lands for two years while the administration studies whether mining on those lands should be permanently prohibited.

Neither the legislation nor Salazar's action would stop mining from going forward on claims already filed.

David Kreamer, a professor at the University of Nevada-Las Vegas, said his research found uranium levels three times greater than the Environmental Protection Agency's recommended limit for water supplies in a canyon creek. He said the pollution is the result of mining that ceased more than a decade ago.

However, Madan Singh, director of the Arizona Department of Mines and Minerals, said most of the present uranium contamination is the result of natural erosion, not mining. "It's important to separate real contamination issues from perceived contamination,'' Singh said.

**Beaverdam Beach closed over bacteria (*News & Observer*)**

FROM STAFF REPORTS
RALEIGH - byline_credit
Beaverdam Beach at Falls Lake closed Tuesday for the fourth time this season because of high levels of bacteria.

Routine Wake County tests found levels of enterococci were at more than twice the Environmental Protection Agency's acceptable level.

The beach will reopen after two consecutive days of clean tests, according to a Wake County news release.

Beaverdam is the only Falls Lake beach closed. The lake is not closed to fishing, and other swimming areas at Falls Lake remain open.

Both Beaverdam and Sandling beaches were closed earlier this month for a couple of days because of high levels of enterococci, bacteria found in feces. High levels of enterococci closed the beach in June. E. coli was to blame for the shutdown just before July 4.

Wake tests Beaverdam and Sandling beaches weekly for enterococci and E. coli and more often if tests turn up problems. Falls Lake's other major beach, Rolling View, is in Durham County, which does not have a testing program.

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