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ADMINISTRATOR JACKSON

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EPA proposes coal ash rule, sets time for comment (*Associated Press*)

Story also appeared: *Wall Street Journal, Washington Post*

By BILL POOVEY (AP)
CHATTANOOGA, Tenn. — The Environmental Protection Agency on Tuesday proposed regulating coal ash, possibly as a kind of hazardous waste, while phasing out wet storage impoundments. It would allow coal byproducts to be used in concrete, wallboard and other building materials.

EPA Administrator Lisa Jackson said one proposed option would regulate the ash and its disposal as "special waste" under the hazardous waste section of the federal Resource Recovery and Conservation Act. The other would regulate it in the non-hazardous waste section of the law.

Jackson said power plant coal ash, which contains arsenic, cadmium, chromium, mercury, selenium and other substances defined as hazardous, has never before been regulated federally.

"Both proposals reflect a major step forward," she told reporters in a telephone conference call.

The announcement came 16 months after a huge coal ash spill at the Tennessee Valley Authority's Kingston Plant west of Knoxville.

An EPA e-mail sent after Jackson's comments said the agency was creating a "special waste" classification within the hazardous waste regulations, "to help remove the stigma that some believe attaches when a waste is called hazardous."

An EPA statement said one proposed option would have EPA enforce compliance with waste management and disposal and the other would set performance guidelines to be "enforced primarily through citizen suits."

The statement said either proposal will "ensure for the first time that protective controls, such as liners and groundwater monitoring, are in place at new landfills to protect groundwater and human health. Existing surface impoundments will also require liners, with strong incentives to close the impoundments and transition to safer landfills, which store coal ash in dry form."

Jackson said EPA would hold hearings and seek public comment for 90 days but gave no timetable for a decision.

TVA is in the midst of a projected $1.2 billion cleanup of a total of 5.4 million cubic yards of ash that breached an earthen dike and spilled into and around the Emory River in December 2008, a disaster that Jackson said brought such impoundments and their potential dangers to national attention.

Barbara Martocci, a spokeswoman for the nation's largest public utility, said EPA's proposed regulations were being reviewed. She said TVA last year announced plans to convert wet ash impoundment to dry and to only use facilities with liners and systems to collect drainage.

TVA has been sending dredged coal ash from the spill to an Alabama landfill that has a liner and collects any drainage before hauling some of it in tanker trucks to wastewater treatment facilities.

Martocci said she could not comment about any prospective impact on TVA's long-term cost of cleaning up its ash spill.

Matt Landon of United Mountain Defense, said in an e-mail statement that coal ash will always pose a risk to human and environmental health because of unsafe levels of heavy metals.

"EPA should stop ignoring the impacts to air quality from toxic coal fly ash and should classify it as a hazardous waste based on its heavy metal content and particle size," Landon said. "It is ridiculous that EPA is proposing new regulations of toxic coal fly ash that would only be enforced through citizen suits which puts an unfair burden on coal impacted communities to force the federal government to do its job."

Federal damage lawsuits related to the spill have been filed, but a judge has ruled that TVA is not liable for punitive damages.

Speakers at a Tuesday conference of dam safety experts in Charleston, W.Va., had cautioned in advance of EPA's announcement that regulating the ash as a hazardous waste would be the more daunting scenario for utilities and other industry stakeholders.

Neil Davies, an engineer with Geosyntec Consultants who led the conference discussion, said after EPA outlined its proposal that either version would spell the end for pond-like impoundments and wet storage methods.

"You'd have to remove the material, line it and then put it back," Davies said.

Davies and William Walton, another conference speaker, also called key the EPA's decision to allow the continued use of coal ash in concrete, wallboard and other products.

"They've acknowledged that fly ash has a role in beneficial re-use," said Walton, an engineer with the AECOM firm who has helped investigate the Kingston spill.

Associated Press writer Lawrence Messina in Charleston, W.Va., contributed to this report.

Georgia Power examines new federal coal ash rules (*Atlanta Journal-Constitution*)

May 5, 2010 Wednesday
Main Edition
NEWS; Pg. 13A
By Margaret Newkirk; Staff

The Obama administration proposed first-time nationwide rules Tuesday for handling the ash from coal-fired power plants, a response to a 2008 ash sludge spill in Tennessee.

Georgia Power said it is still reviewing the new rules to see how they will affect its coal-fired power business.

The utility stores coal ash as sludge in 10 unlined ponds around the state, including one near Vinings.

The new rules appear to require that the ponds either be lined or closed after five years.

Last month, Georgia Power announced plans to close two of its coal plants, in part because of uncertainty about the pending rules. The plants' output will likely be replaced by more expensive options, like power from natural gas.

The push to regulate coal ash ponds has been going on for years but picked up speed last year, after a pond dam at a Tennessee Valley Authority coal plant breached, spilling about 1 billion gallons of coal ash onto nearby houses and farms.

Environmental groups want the ash declared hazardous and handled accordingly, saying that measures meant to clean toxins from air emissions have left more of those toxins in the ash.

Georgia Power, its parent Southern Co. and the utility industry's national trade association oppose the hazardous designation.

In Tuesday's announcement, EPA Administrator Lisa Jackson said one option would regulate the ash and its disposal as "special waste" under the hazardous waste section of the federal Resource Recovery and Conservation Act. The other would regulate it in the non-hazardous waste section of the law.

Jackson said power plant coal ash, which contains arsenic, cadmium, chromium, mercury, selenium and other substances defined as hazardous, has never before been regulated federally.

"Both proposals reflect a major step forward," she told reporters in a telephone conference call.

Jackson said the EPA would hold hearings and seek public comment for 90 days but gave no timetable for a decision.

The Associated Press contributed to this article.

EPA proposes coal-ash curbs (*Baltimore Sun*)

Nationwide rules similar to Maryland's
By Timothy B. Wheeler, The Baltimore Sun
7:31 PM EDT, May 4, 2010
The Environmental Protection Agency proposed new nationwide curbs Tuesday on the disposal of coal ash, which could lead to even tighter restrictions than those now imposed in Maryland since ash from a Baltimore power plant fouled drinking-water wells in Anne Arundel County.

"The time has come for common-sense national protections to assure safe disposal of these materials," EPA Administrator Lisa P. Jackson said in a telephone news conference announcing the proposed rules. Her announcement, repeatedly delayed since late last year, ratchets up a prolonged debate about how to handle the environmental and health risks from the extensive byproducts of burning coal.

The agency actually unveiled two competing regulatory approaches, one that would treat the ash as a type of hazardous waste and another that would handle it as a general industrial waste. Electric utilities and other industry groups have pressed for the less-stringent tack, but Jackson said federal officials would choose after a 90-day public comment period.

Dawn Stoltzfus, spokeswoman for the Maryland Department of the Environment, said state officials welcomed the federal initiative, though it wasn't clear how it would affect ash disposal here. The state required two years ago that any new landfill taking coal ash must have a liner to keep toxic contaminants out of groundwater, must collect and treat any water leaching from the site, and must put in monitoring wells to detect underground pollution early.

The state's rules were adopted after officials discovered that homeowners' wells in Gambrills had been contaminated by ash from Constellation Energy's Brandon Shores power plant, which was being dumped in a nearby gravel pit. The company paid $54 million to settle a lawsuit by the homeowners, plus a $1 million state fine for polluting the groundwater. The state also is suing Atlanta-based Mirant Corp. over alleged pollution from two ash landfills it has in Southern Maryland.

The EPA calls for safeguards similar to Maryland's on new landfills taking ash. The agency also would require a five-year phase-out of wet ash impoundments like the one in Kingston, Tenn., that ruptured in December 2008, displacing residents and fouling a river.

But if the EPA opts to treat ash as hazardous, it could lead to even tighter restrictions on burying the material in Maryland, suggested Eric Schaeffer, executive director of the Environmental Integrity Project, a Washington-based group.

Schaeffer, a former EPA enforcement official, said the agency's proposal could require more extensive groundwater monitoring around ash landfills than Maryland stipulates, and it may limit the state's ability to grant waivers to its requirements.

The state is considering issuing its first permit for burying ash under its 2008 rules, to Constellation Energy for waste from its Brandon Shores plant. The proposed landfill in Hawkins Point in southern Baltimore is opposed by residents in northern Anne Arundel County, who fear the material could get into the Patapsco River or become airborne, despite state safeguards. Constellation spokesman Kevin Thornton said executives are still studying the EPA proposal, but he said the company is committed to complying with all state and federal requirements for its ash disposal.

tim.wheeler@baltsun.com

MAY 4, 2010, 11:55 A.M. ET

EPA To Make Announcement On Coal-Ash Proposal By 12:30 PM EDT (*Dow Jones*)

Story also appeared: *Wall Street Journal*

By Siobhan Hughes
Of DOW JONES NEWSWIRES

WASHINGTON (Dow Jones) -- The U.S. Environmental Protection Agency on Tuesday is planning to issue a long-awaited proposal on regulating the waste produced by coal-fired power plants.
U.S. EPA Administrator Lisa Jackson will hold a conference call at 12:30 p.m. EDT to make the announcement, the agency said in a press release. The EPA had delayed the proposal for months after companies complained to the White House that business would be damaged if coal waste is labeled a hazardous material.
It isn't clear what course the EPA will take. If the EPA decides to treat coal ash as a hazardous waste, it would lead to the first nationwide standards and could potentially force power plants to shift to landfills instead of holding ponds.

Dry storage of the waste is considered safer by environmentalists who say the approach lessens the chances the waste can ooze out into water supplies.

-By Siobhan Hughes, Dow Jones Newswires; 202-862-6654; siobhan.hughes@dowjones.com

EPA to regulate coal ash disposal (*Chattanooga Times Free Press*)

Tuesday, May 4, 2010
By Dave Flessner
Coal ash will come under federal regulation for the first time under new rules proposed today by the U.S. Environmental Protection Agency.
EPA Administrator Lisa Jackson said the agency is proposing to two possible federal rules for controlling coal ash, which previously has only been regulated by state authorities.

In one proposal, utilities and other producers of coal ash would have to phase out wet storage of coal combustion products by 2016. The other proposal unveiled today by Ms. Jackson would require that coal ash and other combustion products be put only into ponds that are lined to prevent any seepage into nearby waters.

The proposed rules, which will be open for public comment by EPA over the next three months, were announced today in response to the December 2008 coal ash spill at TVA's Kingston coal plant.

"The time has come for a common sense solutions," Ms. Jackson said in announcing the first-ever federal regulation of coal ash. "We believe that this is the bet way to avoid a repeat of the devastating spill in Kingston, Tenn."

Ms. Jackson had pledged to come up with proposed rules by the end of 2009 following the Kingston spill of more than 1 billion gallons of coal ash over nearly 300 acres in Roane County. Because of the complexity and amount of debate over the rules, EPA didn't unveil its plans until today.

"EPA believes it is very important to get on with this regulatory decision," Ms. Jackson said. "I'd like to hear from public citizens about what is they most want."

EPA stopped short of labeling coal ash as a hazardous material. Ms. Jackson said coal combustion products will be listed as a special waste to continue to encourage that coal ash be recycled in the right type of products.

Details in tomorrow's Times Free Press

Obama praises spill response, as senators urge him to scrap offshore expansion (*Greenwire*)

(05/04/2010)
Noelle Straub, E&E reporter
President Obama today said the administration is working "overtime" to mitigate the effects of the massive Gulf of Mexico oil spill but warned that it will be a "significant challenge."
"We are committed to preventing as much of the economic damage as possible by working to contain the impact of this potentially devastating spill," Obama said at the annual meeting of the Business Council.

"And we will continue to explore every possible option to create jobs and support local economies in the Gulf while continuing to monitor any potential effects on the national economy," Obama said. "But obviously this is going to be a significant challenge, and we are going to be working overtime to make sure that we mitigate its impacts."

"Wherever possible, I would like to see the people most affected by the disaster employed in helping in the cleanup," he added.

Across town, three Democratic senators called on Obama to scrap his call for new offshore drilling, saying the spill has caused enormous economic and environmental disaster. New Jersey's Robert Menendez and Frank Lautenberg and Florida's Bill Nelson also said they will oppose a climate and energy bill with expanded drilling.

"For some time, we have been told by the oil industry, that can't happen, it won't happen," Menendez said. "Unfortunately, it did happen. ... Some people continue to say we have to 'drill, baby, drill,' at any cost. We haven't seen the cost, we haven't even fully begun to realize the cost."

The spill has not yet affected shorelines, and officials say they expect the winds to keep it offshore again today. But the Mississippi and Alabama coastlines could be hit by Thursday, the Fish and Wildlife Service said.

Interior Secretary Ken Salazar will spend time on Capitol Hill today leading a briefing for lawmakers on the spill, an Interior spokeswoman said. Other administration officials will join him, possibly including Coast Guard Commandant Thad Allen, EPA Administrator Lisa Jackson, White House energy adviser Carol Browner and Commerce Secretary Gary Locke.

President Obama has asked Salazar, Locke, Homeland Security Secretary Janet Napolitano and National Oceanic and Atmospheric Administration chief Jane Lubchenco to return to the Gulf Coast this week. They will be inspecting the ongoing

response efforts to mitigate the impact of the spill on public health, the environment and the economy, the administration said.

Industry task forces

The oil and gas industry is forming two task forces to review technologies and procedures to improve safety, said Jack Gerard, president and CEO of the American Petroleum Institute. They will continue the industry's efforts to improve offshore safety through technology, management practices, training, industry standards and regulatory oversight, he said.

"The accident in the Gulf is a powerful call for our industry to redouble its commitment to safety and environmental stewardship," Gerard wrote in an opinion piece in *USA Today*. "Improve we must and will, employing all of the innovation, planning and hard work that is necessary."

But he added that oil and gas will continue to be an important part of the energy mix for decades, and the country must develop its own sources of oil and gas, including offshore resources.

"Developing our offshore oil and natural gas resources made sense many decades ago when the first well was drilled in the Gulf of Mexico," Gerard wrote. "And, despite this accident, it still makes sense. Producing our own oil and natural gas, both onshore and offshore, means more U.S. jobs, greater energy security and many billions of dollars in revenue to government."

Hill probes coming

Senate Commerce Chairman Jay Rockefeller (D-W.Va.) today said his committee, which has jurisdiction over the Coast Guard and NOAA, will hold a hearing in the coming weeks "to examine why and how this disaster happened, to look at the Coast Guard's response, and to determine what can be done to prevent this type of catastrophe in the future."

The Senate Energy and Natural Resources Committee will hold a hearing next week at which a BP official will testify, giving lawmakers likely their first chance to grill the company in a public setting. The hearing had been set for Thursday, with Interior Secretary Salazar scheduled as the lone witness, but was postponed until May 11 due to the ongoing Gulf crisis. Other witnesses will include an official from Transocean Ltd., which operated the rig that sunk, but no one from the administration, a committee spokesman said.

A House Energy and Commerce subcommittee also will hold a hearing on the oil spill on May 12.

Republicans for Environmental Protection said BP and the administration should answer questions about whether they implemented new safeguards related to offshore drilling operations or oil spill response in the wake of last year's two-month offshore leak in the Timor Sea. The group claims the leak provided ample warning that blowouts could occur and exposed vulnerabilities in the industry's ability to respond.

The Center for American Progress called on the administration to create an independent commission -- similar to those established after the Three Mile Island incident and the *Challenger* space shuttle explosion -- to assess the causes and damages and make recommendations to prevent future tragedies. The commission should have subpoena power and conduct public hearings, the group said.

Conspiracy theory

Conservative talk show host Rush Limbaugh floated his own conspiracy theory suggesting environmentalists could have been involved with the oil rig's destruction. He noted that the accident happened on the day when three key senators had been scheduled to roll out comprehensive climate and energy legislation.

"But this bill, the cap-and-trade bill, was strongly criticized by hardcore environmentalist wackos because it supposedly allowed more offshore drilling and nuclear plants, nuclear plant investment," Limbaugh said.

He added, "What better way to head off more oil drilling, nuclear plants, than by blowing up a rig? I'm just noting the timing here."

Nikki Gloudeman, a senior fellow at *Mother Jones* magazine, dismissed the assertion.

"In one way, it feels silly to turn Limbaugh's eco-outbursts into news," she wrote on a change.org environment blog. "He says offensive things about different people all the time, so it's hardly shocking. But on a deeper level, his words reveal a sad truth about conservatism and environmentalism; that in some cases, the antagonistic relationship is reactionary rather than ideological."

Limbaugh also suggested the oil spill was "natural."

"You do survive these things," he said. "I'm not advocating don't care about it hitting the shore or coast and whatever you can do to keep it out of there is fine and dandy, but the ocean will take care of this on its own if it was left alone and was left out there. It's natural. It's as natural as the ocean water is. ... The turtles may take a hit for a while, but so what? So do we!"

Reporter Alex Kaplun contributed.

MAY 4, 2010, 11:47 A.M. ET

Gulf Coast Watches, Waits for Path of Oil Spill (*Associated Press*)

Story also appeared: *Wall Street Journal*

A WALL STREET JOURNAL ONLINE NEWS ROUNDUP
Associated Press
Workers place oil containment booms around in the central marshes in St. Bernard Parish, La.

Winds and waves calmed Tuesday as masses of oil lurked offshore and tension built along the Gulf Coast's beaches and bayous as people watched and waited for the weather and ocean currents to determine where the slick might come ashore.

Meanwhile, the Obama administration and BP PLC and Transocean Ltd. officials will reach out to Capitol Hill as the hard-to-contain spill prompts daily inquiries from Congress.

The meetings, to take place in person and via telephone this afternoon, come as both the companies and the U.S. government face scrutiny as the spill grows. Two separate congressional committees will next week hold hearings on the disaster, which started with an oil-rig explosion and now centers on a leaky well that officials fear could be releasing tens of thousands of barrels of oil per day.

So far only oil sheens have reached into some coastal waters, and the oil's slow progress despite an uncapped seafloor gusher was allowing crews and volunteers to lay boom in front of shorelines. That effort was stymied by choppy seas into the weekend but the calmer weather should help.

BP has been unable to shut off the undersea well, but crews have reported progress with a new method for cutting the amount of oil that reaches the surface. They are using a remotely operated underwater vehicle to pump chemicals called dispersants into the oil as it pours from the well, to break it up before it rises. Results were encouraging but the approach is still being evaluated, BP and Coast Guard officials said.

Several river boat pilots said the edge of the oil slick Monday was 15 to 20 miles off the Southwest Pass, where ships headed to New Orleans enter the Mississippi. The latest satellite image of the slick, taken Sunday night, indicates that it has actually shrunk since last week, but that only means some of the oil has gone underwater.

The new image found oil covering about 2,000 square miles, rather than the roughly 3,400 square miles observed last Thursday, said Hans Graber of the University of Miami.

Fishing has been shut down in federal waters from the Mississippi River to northwestern Florida, leaving boats idle in the middle of the prime spring season. A special season to allow boats to gather shrimp before it gets coated in oil will close Tuesday evening.

The effect on wildlife is still unclear. No oil has been found on 29 dead endangered Kemp's ridley turtles that were examined by experts after washing up on the beaches along the Mississippi coast over the past few days. However, further tests were being done.

The Obama administration Tuesday is dispatching U.S. Interior Secretary Ken Salazar; U.S. Environmental Protection Agency Administrator Lisa Jackson; Coast Guard Commandant Thad Allen; and U.S. Commerce Secretary Gary Locke, among others, to Capitol Hill. The officials will provide a rare joint briefing for lawmakers from both the U.S. House and the U.S. Senate, Democratic aides said.

Separately, lawmakers on the U.S. House Energy and Commerce Committee will hear from the companies. Transocean's head of investor relations, Greg Panagos, will appear in person to brief House lawmakers and staff, while Adrian Rose, a vice president who is also part of the unified command operation, will participate via phone, the company confirmed.

BP official Dave Nagel will appear in person, while Dave Rainey will be on the phone, according to a House Democratic aide.

The companies and the Obama administration have been in daily contract as the spill grows. Homeland Security Secretary Janet Napolitano, along with Mr. Salazar, Ms. Jackson, and Energy Secretary Steven Chu on Monday met with BP Chief Executive Tony Hayward and BP America Chairman Lamar McKay to discuss response efforts, the White House said in a statement.

The White House said that senior Obama administration officials want information about how BP plans to "ensure an effective response" in all potentially affected states, including Louisiana, Mississippi, Alabama and Florida.

—Siobhan Hughes and the Associated Press contributed to this article.

Obama Pledges to Restore Gulf, BP Struggles to Control Oil Spill (*Eco Factory*)

VENICE, Louisiana, May 4, 2010 (ENS) - "Every American affected by this spill should know this - your government will do whatever it takes, for as long as it takes, to stop this crisis," said President Barack Obama on Sunday after he viewed the Deepwater Horizon oil spill and spoke with Incident Commander U.S. Coast Guard Admiral Thad Allen.

"This is one of the richest and most beautiful ecosystems on the planet, and for centuries its residents have enjoyed and made a living off the fish that swim in these waters and the wildlife that inhabit these shores," Obama said. "This is also the heartbeat of the region's economic life. And we're going to do everything in our power to protect our natural resources, compensate those who have been harmed, rebuild what has been damaged, and help this region persevere like it has done so many times before."
"That's a commitment I'm making as President of the United States, and I know that everybody who works for the federal government feels the exact same way," he said.

Emphasizing his administration's all-hands-on-deck response to protect the coastline of the Gulf states, Obama stated once again that BP will be held accountable for the costs associated with the explosion and fire that sank the Deepwater Horizon drilling rig in the Gulf of Mexico April 22, leaving five Gulf coast states from Texas to Florida facing an environmental and economic disaster.

BP had leased the rig from Transocean Ltd. and had finished drilling a test well 18,000 feet below the sea floor. On April 20, a contract crew from Halliburton was poised to close the well with a cement plug when the blowout occurred, leaving 11 of the 126 crewmembers aboard missing and presumed dead and 17 others injured.

A series of valves at the wellhead, called a blowout preventer, failed to function, allowing oil to gush unchecked from the broken wellhead at an estimated rate of at least 5,000 barrels a day. Much of BP's effort since the rig sank has been focused on manipulating remotely operated subs in repeated unsuccessful attempts to close those valves.

Plane sprays chemical dispersants on Deppwater Horizon oil in the gulf, which turns the oil orange. (Photo by Wescoll)

But BP said today in a statement that the actions the company has taken to date on the blow out preventer "have not resulted in any observed reduction in the rate of flow of oil."

"Currently, the most advanced technology available is being used to try and stop a leak that is more than 5,000 feet under the surface. Because this leak is unique and unprecedented, it could take many days to stop," Obama said. "That's why we're also using every resource available to stop the oil from coming ashore and mitigating the damage it could cause."

The nonprofit Republicans for Environmental Protection said today that neither the Obama administration nor British Petroleum should be allowed to dodge tough questions about the Deepwater Horizon blowout and oil spill by claiming that such an accident was unprecedented.

"An offshore oil well blowout last August that spewed oil into the Timor Sea unabated for more than two months not only provided ample warning that such a blowout could occur, it exposed serious vulnerabilities in the oil industry's ability to respond," said David Jenkins, REP vice president for government and political affairs.

"Have the administration or BP implemented any new safeguards with respect to offshore drilling operations or oil spill response as a result of the Timor Sea blowout? If so, what were they? If not, why not? These questions deserve answers," Jenkins said.

Other environmental groups are calling on President Obama to reverse his March 31 approval of more offshore oil drilling in the Arctic, the eastern Gulf of Mexico, and along the Atlantic coast.

The administration also approved new offshore oil drilling by Shell Oil in the Arctic to begin this summer, over the objections of government wildlife scientists and the opposition of conservation groups who warn that no technologies exist to clean up oil spills in icy waters. Litigation against that approval is ongoing.

In an attempt to control the Gulf spill, BP today began drilling a new relief well half a mile from the site of the sunken Deepwater Horizon, hoping to intercept the oil flow and take pressure off the broken wellhead. But it could take up to three months to drill down to 18,000 feet and in the meantime half a million barrels of oil could have been released.

Meanwhile, BP will lower several large containers over the damaged wellhead and the two breaks in the pipe that once connected it with the sunken rig. The captured oil would then be piped to the surface and collected aboard a barge. The containers should be in place by next Sunday, but lowering them into place is tricky and there is no guarantee that they will work.

Today, nearly 3,000 people are responding to protect the shoreline and wildlife. About 200 vessels are responding on-site, including skimmers, tugs, barges, and recovery vessels to assist in containment and cleanup efforts in addition to dozens of aircraft, remotely operated submarines, and multiple mobile offshore drilling units.

Nine staging areas are now set up to protect shoreline in all potentially affected Gulf Coast states - five in Louisiana at Venice, Port Sulphur, Shell Beach, Slidell and Port Fourchon; two in Mississippi at Biloxi and Pascagoula; one in Alabama at Dauphin Island; and one at Pensacola, Florida.

More than 156,000 gallons of chemical dispersant have been deployed and an additional 230,000 gallons are available.

Hundreds of thousands of feet of containment boom have been deployed to contain the spill, and more than 500,000 feet is available, but rough seas have pushed some of the boom up on shore rendering it ineffective.

NOAA is restricting fishing for a minimum of 10 days in federal waters most affected by the BP oil spill, from Louisiana state waters at the mouth of the Mississippi River to waters off Florida's Pensacola Bay.

The oil spill has convinced several governors to withdraw their support for offshore oil drilling. California Governor Arnold Schwarzenegger, a Republican, on Sunday withdrew his support for the controversial Tranquillon Ridge offshore oil drilling project.

Schwarzenegger said, "My support for the T-Ridge project here in California was based on numerous studies making me feel that it was safe to drill, also the support from environmental community and the commitment to permanently remove the platforms."

"Despite those studies and support, all of you have seen when you turn on the television the devastation in the Gulf and I'm sure that they also were assured that it is safe to drill," said the governor. "I see on TV the birds drenched in oil and the fishermen out of work and the massive oil spill and oil slick destroying our precious ecosystem."

"That will not happen here in California and this is why I'm withdrawing my support for the T-Ridge project," Schwarzenegger said.

Florida Governor Charlie Crist, also a Republican, has also raised doubts about the environmental safety of offshore drilling.

Today, Interior Secretary Ken Salazar, Homeland Security Secretary Janet Napolitano, EPA Administrator Lisa Jackson and Energy Secretary Stephen Chu and seven other senior members of the Obama administration met with BP chief executive Tony Hayward and BP America Chairman and President Lamar McKay at the Department of the Interior in Washington to discuss ongoing, coordinated response efforts.

All this week and next, Hayward and executives of the other companies involved in the Deepwater Horizon incident will be questioned by U.S. lawmakers and regulators in Washington amidst growing criticism of the oil company's response.

Senate Energy and Natural Resources Committee, which has jurisdiction over offshore energy development, will hold a hearing May 6 to investigate the Deepwater Horizon spill.

On May 12, the House Energy and Commerce Committee's Subcommittee on Oversight and Investigations will hold a hearing on the causes of the Deepwater Horizon rig explosion and oil spill. The top executives from Transocean, BP, Halliburton and Cameron, which supplied the blowout preventer, have been summoned to testify. The hearing will examine the adequacy of the companies' safety measures and emergency response to the incident, and the status of recovery efforts.

- Report oiled shoreline or request volunteer information: 866-448-5816

- Submit alternative response technology, services or products: 281-366-5511
- Submit your vessel as a vessel of opportunity skimming system: 281-366-5511
- Submit a claim for damages: 800-440-0858
- Report oiled wildlife: 866-557-1401

EPA Administrator and Agriculture Secretary Team Up to Promote Farm Energy Generation Agreement will help cut greenhouse gas emissions (*Ethiopian Review*)

May 4th, 2010 at 11:21 am

WASHINGTON – U.S. Environmental Protection Agency Administrator Lisa P. Jackson and U.S. Department of Agriculture Secretary Tom Vilsack today announced a new interagency agreement promoting renewable energy generation and slashing greenhouse gas emissions from livestock operations. The agreement expands the work of the AgStar program, a joint EPA-USDA effort that helps livestock producers reduce methane emissions from their operations.

"We want to seize every opportunity to confront climate change and move into the clean economy of the future. This is a smart way to transform what would be a harmful greenhouse pollutant into a source of renewable energy — and make a profit for American farmers," said EPA Administrator Lisa P. Jackson. "We have the technology and the expertise, all we need now is to act. The AgStar program brings real benefits to our air and creates new opportunities for our farming community."

"The farms and ranches that dot our countryside can contribute greatly to addressing America's long-term energy challenges and the partnership we are announcing today will not only help generate renewable energy, but provide new income opportunities for farmers and ranchers," said Agriculture Secretary Tom Vilsack.

EPA and USDA's enhanced collaboration will provide up to $3.9 million over the next five years to help the farms overcome obstacles preventing them from recovering and using biogas. The collaboration will expand technical assistance efforts, improve technical standards and guidance for the construction and evaluation of biogas recovery systems, and expand outreach to livestock producers and assist them with pre-feasibility studies.

Biogas is composed primarily of methane, a greenhouse gas 20 times more potent than carbon dioxide. Biogas emitted from manure management systems called digesters can be collected and used to produce electricity, heat or hot water. Due in large part to

AgStar's efforts, about 150 on-farm manure digesters are now operating at livestock facilities across the U.S. In addition, EPA estimates there are about 8,000 farms across the United States that are good candidates for capturing and using biogas. If all 8,000 farms implemented biogas systems, methane emissions would be reduced by more than 34 million metric tons of carbon dioxide equivalent a year, roughly equal to the annual emissions from 6.5 million passenger vehicles. In addition, these projects could generate more than 1,500 megawatts of renewable energy.

EDITORIAL / OP-ED / COMMENTARY / LETTERS

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Support EPA, strong climate bill (*Coloradoan*)

May 5, 2010

On April 19, a representative of Americans for Prosperity was in Fort Collins on a publicity tour
claiming that the Environmental Protection Agency was out to ticket people at family barbecues and impose fines on anything with a motor.

This appearance was covered by the Coloradoan, which failed to point out both the absurdity of these claims and the self-serving nature of this attack on the EPA by a Koch Industries-supported group. Koch is the second-largest privately held corporation in the United States and produces oil, gas, petrochemicals, cement and fertilizers. The February issue of "The Hightower Lowdown" exposed the AFP as a front group for Koch Industries.

With Congress stalling progress on an already weakened climate bill, the EPA's power to regulate greenhouse gas emissions is critical in efforts to reduce the U.S contribution to global climate change. Effective climate policies could create many more jobs in Colorado's clean energy economy, which already employs about 17,000 people.

We ask readers to call on Congress and the Obama Administration to vigorously oppose attempts by the fossil fuel industry and its front groups to weaken the EPA. We also encourage readers to call on Congress to stop stalling the process to craft and pass a strong climate bill. We support the recommendations of the Union of Concerned Scientists to reduce carbon emissions by at least 35 percent by 2020 compared to current levels.

Reiner Lomb,

Fort Collins Sustainability Group

AIR

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5/5/2010

Penske Chooses Freightliner, Volvo Trucks to Meet EPA 2010 (*Truckinginfo*)

To meet EPA 2010 emissions standards, Penske Truck Leasing has chosen Freightliner's Cascadia tractors and Volvo's VN670 tractors, both of which use selective catalytic reduction technology to meet the rules.

"Based on our own research and field testing, we determined that SCR emissions technology was the right fit for Penske and our customers to comply with the 2010 standards," said Marc Althen, senior vice president, administration and procurement for Penske Truck Leasing.

Penske ordered 750 Cascadia tractors with BlueTec SCR technology, including 50 Cascadia 113-inch single-axle day cab tractors equipped with Detroit Diesel DD13 engines; 450 Cascadia 125-inch tandem-axle day cab tractors with DD13 engines; and 250 Cascadia 125-inch tractors with a 72-inch raised roof and Detroit Diesel DD15 engines.

Penske Truck Leasing customers have also ordered an additional 132 Freightliner Business Class M2 106 trucks with SCR-equipped Cummins engines and 50 Cascadia tractors to date, equipped with a combination of Cummins ISX, DD13 and DD15 engines.

According to Freightliner, BlueTec emissions technology reduces emissions to near-zero levels of NOx and particulate matter as measured at the tailpipe and increases fuel economy by up to 5 percent over other emission treatment systems.

Penske has also tapped 600 Volvo VN670 tractors with Volvo D13 engines, which can also deliver 5 percent better fuel economy than previous engines, Volvo says. The initial 100 units of the order have been built and are being placed in Penske's commercial truck rental fleet. The remaining 500 trucks will be produced and delivered over the next several months.

"Volvo's trucks and engines are right in line with our approach to minimizing environmental impacts and improving operations," said Althen. "We think our truck rental and truck leasing customers will embrace vehicles like these as win-win options for their businesses and the environment."

More info: www.FreightlinerTrucks.com or www.volvotrucks.us.com

Updated: May 4, 2010

Navistar Resolves EPA Suit (*Transport Topics Online*)

Navistar International Corp. said it has resolved its lawsuit against the U.S. Environmental Protection Agency over the types of technology to be used in new diesel engines.

Navistar early last year had asked a federal appeals court to void EPA's polices because it said they had been adopted without the public process required by law, following input only from the engine makers who use selective catalytic reduction technology.

The company said EPA's guidance on SCR certification was a "dramatic change" that ignored the requirements of the federal Clean Air Act by failing to issue a rule properly documenting EPA's shift from 2001, when it had questioned the feasibility of SCR. (Click here for previous story.)

Navistar said that under the suit's settlement terms, EPA has agreed hold a public workshop or hearing to address issues the truck and engine maker raised in its appeal.

The agreement provides that EPA will "engage in a public process to reexamine its policies, for future 2011 and later model year engines" during which it will "provide a thorough review of EPA's policies regarding operation of SCR-equipped engines."

EPA also has promised to "ensure, among other things, that SCR equipped heavy duty diesel engines are designed to properly control emissions as required under applicable regulations," Navistar said in a statement.

Last month, Navistar settled a similar suit with the California Air Resources Board, in which CARB agreed to hold a public workshop this summer on engine technology issues. (Click here for previous story.)

Navistar is using advanced version of exhaust gas recirculation, or EGR, the technology of choice for all the major players to meet emissions rules from 2002 through 2009, to meet the new, stricter standard.

That is in contrast with competitors Daimler AG, Volvo AB, Paccar Inc. and Cummins Inc., which are using SCR. (See related Opinion piece from April 8 issue.)

An affidavit by a top Navistar engineer — part of a 154-page Navistar court filing late last year — blamed EPA for helping to create confusion over the company ability to meet 2010 emissions standards. (Click here for previous coverage.)

By Transport Topics

US: Navistar resolves lawsuit against EPA (*Automotive World*)

Wednesday, May 05, 2010, AutomotiveWorld.com
Navistar has announced that it has reached an agreement with the Environmental Protection Agency (EPA) in which the EPA promised to hold a public workshop or hearing to address issues Navistar raised in its federal court appeal of the EPA's certification policies for SCR-equipped diesel powered trucks.

Navistar had asked the US Court of Appeals in Washington, D.C. to void those polices because they had been adopted by the EPA without the public process required by law, but instead following input only from the SCR engine makers. In its appeal, Navistar charged that the EPA is using those policies to allow SCR-equipped diesel powered trucks to operate for extended periods without any control of NOx emissions and is certifying SCR engines as meeting NOx emission requirements when they do not.

The agreement reached yesterday provides that the EPA will "engage in a public process to re-examine its policies, for future 2011 and later model year engines" during which it will "provide a thorough review of the EPA's policies regarding operation of SCR-equipped engines." The EPA also has promised to "ensure, among other things, that SCR equipped heavy duty diesel engines are designed to properly control emissions as required under applicable regulations."

The agreement must be published by the EPA in the Federal Register for comment before it can become final.

Commented Jack Allen, president of Navistar's North American Truck Group: "We are pleased with this agreement and look forward to participating in the public process. We believe that with full and open public participation, the EPA will develop a new approach that will result in equal enforcement of the 2010 NOx requirements for all engine makers."

In March, Navistar's MaxxForce DT mid-range diesel engines and MaxxForce 13 big bore diesel engines were certified by the EPA for model year 2010.

Published on Wednesday, May 05, 2010

Groups challenge Shell's Arctic air permits (*Associated Press*)

Story also appeared: *Washington Post*

By DAN JOLING (AP)

ANCHORAGE, Alaska — Alaska Native and conservation groups have filed challenges to clean air permits the Environmental Protection Agency granted Shell Oil for drilling exploration wells in the Beaufort and Chukchi seas.

"Shell's drilling threatens to pollute the air we breathe, and EPA needs to regulate the emissions more strongly," said Caroline Cannon, president of the Native village of Point Hope, in a prepared statement. Point Hope is an Inupiat Eskimo village of 713 on the coast of the Chukchi Sea, 330 miles southwest of Barrow.

One appeal, filed Monday with the Environmental Appeals Board by 11 groups, including Cannon's, said the permits allow Shell's drill ship and support vessels to emit tons of pollutants into the Arctic environment off Alaska's north and northwest coast, harming Inupiat people and wildlife and contributing to climate change.

Mark MacIntyre, an EPA spokesman in Seattle, said the agency had not seen the appeals and it was the agency's policy not to comment on them.

Shell Alaska spokesman Curtis Smith said in an e-mail reply to questions that the company believes its permits will be upheld.

"We have worked exceptionally hard to ensure our emissions footprint in the Arctic is as small as possible," he said.

Even without an air permit in hand, he said, Shell decided to retrofit its drilling ship with best available emissions control technology at a cost of $25 million.

"That upgrade, combined with the use of ultra-low sulfur diesel fuel on all of our vessels, means Shell is not only meeting emissions requirements for operating in the Arctic, but far exceeding them."

Shell wants to drill three exploratory wells in the Chukchi Sea on acreage it leased in a 2008.

In granting that permit, EPA officials said requiring the Shell drilling ship to burn ultra low-sulfur diesel fuel and other conditions would reduce particulate emissions by 72 percent and sulfur dioxide emissions by 99 percent, from 181 tons per year to 2 tons.

The requirements don't go far enough, according to the groups appealing. They claim Shell operations will produce more than 1,000 tons of nitrogen oxides per year and hundreds of tons of fine particulate, with 75 to 96 percent produced by support vessels. They called for best available technology on all support vessels — two ice breakers, a supply vessel and four or five spill response boats.

Two other appeals — one by the Center for Biological Diversity and another by the Alaska Eskimo Whaling Commission, the Inupiat Community of the Arctic Slope, a

regional tribal government for eight villages, and the North Slope Borough — focus on carbon dioxide emissions.

Smith said delays in the appeal process could adversely affect Shell drilling plans.

"Without air permits, we cannot drill in 2010," he said. "As a result, we not only require a favorable outcome from the EAB to proceed, but also a timely one."

Cuccinelli: Curbing EPA critical to Va. Economy (*TriCities.com*)

By Daniel Gilbert | Reporter / Bristol Herald Courier
Published: May 5, 2010
BY DANIEL GILBERT and DEBRA McCOWN
BRISTOL HERALD COURIER
BRISTOL, Tenn. – Virginia's attorney general visited Southwest Virginia on Tuesday to explain how his office is defending the state's economic interests and citizen rights.

Speaking to a small gathering at the Bristol Chamber of Commerce early Tuesday, Ken Cuccinelli described his job as "playing defense." Later, in Abingdon, he said his goal is to stop environmental regulators from causing great harm to the economy of Southwest Virginia, the whole commonwealth and America.

Chief among Cuccinelli's crusades are invalidating the new federal health care statute that would require Virginians to buy insurance, and forcing the Environmental Protection Agency to reopen its study on the danger of certain greenhouse gases.

"A big motivator to challenge the federal government is just how big the stakes are here in Southwest Virginia," he said.

Health care

The Patient Protection and Affordable Care Act will insure an additional 32 million Americans who lack coverage, according to the administration of President Barack Obama, and the landmark reform will extend benefits to those with pre-existing conditions while making care less expensive.

But for Cuccinelli, a Republican, the new statute represents "one of the greatest erosions of liberty in my adult lifetime," he told those at the chamber gathering.

Cuccinelli argues that the federal government is overreaching its authority by using its interstate commerce powers to compel citizens to buy insurance, or else pay a financial penalty. He compared the health care mandate to forcing people to buy automobiles to help the economy.

“This is the most important legal matter that any of us will ever work on,” Cuccinelli said, casting his lawsuit against the federal government as an epochal stand for states’ rights. Cuccinelli filed his lawsuit in Richmond, defending a new state law that says Virginians cannot be forced to buy health insurance; 16 other states also have challenged the federal health care statute.

Greenhouse gases

Cuccinelli’s other major undertaking is a legal action that would compel the EPA to reconvene its proceedings that determined the concentrations of certain greenhouse gases were a danger to public health.

The EPA in December issued a finding that the emissions of certain greenhouse gases from new motor vehicles “contribute to the greenhouse gas pollution which threatens public health and welfare.”

Though the finding does not impose new requirements on industry, the EPA describes it as a step in finalizing its emission standards for vehicles.

Cuccinelli called it a “job-killing regulation” and characterized his action against the EPA as “economically, the biggest item we’re contending with.”

The EPA regulation of greenhouse gases “has a more far-reaching effect than cap and trade, and more quickly, and that to me would be economically devastating to this part of Virginia,” Cuccinelli said while in Abingdon. “Because the only real way to comply with it is to just stop using a good chunk of the energy we’re using in this country, and coal of course is over half of our electricity production.”

In his petition for the EPA to reconsider its finding, Cuccinelli argues the public lacked “new information of central relevance” during the comment period. That information refers to internal e-mails and documents from scientists at the Climate Research Unit, obtained and published by hackers, which has roiled the debate on climate change and raised questions about the integrity of the data behind the science.

If the EPA relied on data that is suspect, Cuccinelli argues, then the agency should address the new revelations and the public should have an opportunity to comment.

On Tuesday, he called for a “full and objective dose of science” and suggested the EPA would not want a trial on the science because “they will be embarrassed.”

To his critics, Cuccinelli noted, he was elected by 58 percent of voters. “That’s a mandate,” he said.

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Groups appeal EPA permit to Shell to burn diesel on board (*KTUU*)

by Ted Land
Tuesday, May 4, 2010
ANCHORAGE, Alaska -- Environmental groups and some North Slope residents say the oil spill in the Gulf of Mexico is proof that the federal government needs to do a better job of managing oil companies.

They're taking aim at Shell's plans to drill in the Arctic, asking the Environmental Protection Agency to reconsider a key permit that Shell needs to start drilling offshore.

An appeal must be filed before the groups can file a lawsuit.

Shell's Frontier Discoverer drill ship is ready to start searching for oil in the Beaufort and Chukchi seas.

But the groups are appealing the EPA permit that would allow Shell to burn diesel on board the drilling rig and other support vessels.

"This is a very large, industrial undertaking that is orders of magnitude greater than anything that has been previously seen in this area," said Eric Myers with Audobon Alaska.

The groups say the current permit is not strict enough, and worry that it would allow Shell to spew large quantities of black carbon and greenhouse gas into the Arctic air.

The groups seeking appeal include the Alaska Wilderness League, Audubon, the Sierra Club and a single Native village, Point Hope

The appeal asks the EPA to insist that Shell use the best available technology to reduce emissions across the entire drilling operation. The company says it already is.

"We're using ultra-low sulfur diesel fuel on all of our marine vessels and a lot of that's voluntary, so we're trying to have the smallest possible footprint in the Arctic," Shell spokesperson Curtis Smith said.

The groups seeking appeal say their challenge was in the works long before the recent oil spill in the Gulf of Mexico, but they say the timing is noteworthy.

"Certainly there's a larger concern that the federal government isn't doing its job in regulating the offshore oil industry as well as it should, and I think what we're seeing in the Gulf now really brings that home," said Rebecca Noblin with the Center for Biological Diversity.

The EPA has said Shell's drilling program meets all health-based air quality standards.

"We think the permit that we received is quite robust and we expect it to prevail through the appeals process," Smith said.

If it does, Shell could drill as early as this summer.

Contact Ted Land at tland@ktuu.com

BROWNFIELDS

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Agencies cooperate to restore downtown site (*Great Falls Tribune*)

By PETER JOHNSON • Tribune Staff Writer • May 5, 2010

Cooperation among local, state and federal agencies snared $250,000 in cleanup loan money to restore a polluted downtown property to a viable business site, glowing officials said at a rainy outdoors news conference Tuesday.

"It's been an amazing experience seeing so many government agencies working together to help us," said Casey Doran, who, with Platinum LLC business partner Brandon Jurasek, plans to build a large drive-through espresso shop and urban park at 901 Central Ave., once underground gasoline contamination from a former service station is cleaned up.

Julie DalSoglio, Montana director for the Environmental Protection Agency, praised officials
for cooperating on a creative financial package.

"It will help put this contaminated land back into productive use," she said.

The partners hope to open Mountain Mudd, which will employ up to 12 people, by early September, after the old building and lot are razed, contaminated soil replaced and the new building and a park are constructed.

"We're excited to be the guinea pig, and hope many businesses can use this Brownfields revolving loan money to improve land for development," Doran said.

The agreement was reached after more than two years of discussions among the Great Falls
Development Authority, a federal agency and two state agencies, GFDA Project Manager Lillian Sunwall said.

"This is the first Cascade County project funded out of the federal Brownfields revolving loan fund, and it will aid in the cleanup and redevelopment of a very visible downtown property," she said. "We're looking forward to helping with many more such redevelopments."

In what amounts to a gap loan, the GFDA will lend Platinum LLC $250,307 from the $900,000
Brownfields loan fund pot it received five years ago from the U.S. Environmental Protection Agency to clean up contaminated property.

The money initially was meant to be spent cleaning up property on the west bank of the Missouri River, Sunwall said, but a court later ruled Cascade County was responsible for that cleanup.

The Brownfields money will cover the principal of Platinum's loan. The partners will pay interest for five years, by which time the state Petroleum Tank Release Compensation Board has agreed to repay the loan from a fund financed with a 0.75 cent per gallon state tax on gasoline.

One catch, according to Terry Wadsworth, executive director of the Petroleum Tank Release Board, is there is a high demand for the gas tax money, with the cleanup of sites that threaten public health getting first priority.

Another problem, Sunwall said, was an internal rule by the state Department of Environmental Quality that wouldn't have allowed Brownfields money to be used on petroleum-contaminated sites. However, department officials allowed the project to go forward since the cleanup eventually will be repaid from the Petroleum Tank Release program tax — the intended purpose for that fund, she said.

GFDA President Brett Doney credited two state

CLIMATE CHANGE / GLOBAL WARMING

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AISI Chief Says Climate Bill Might Not Be Passed This Year (*American Iron and Steel Institute*)

May 4, 2010
Steel Business Briefing
A delay in introducing controversial carbon emissions legislation has the American Iron and Steel Institute speculating that no action will be taken this year.

AISI president Thomas Gibson, speaking at AISI's joint annual meeting with the Metals Service Center Institute, said "the window's closing rapidly" on a bill drafted by three high-profile US senators - after one withdrew his support.

Republican Lindsey Graham, citing election year politics by the Obama administration and Democratic leaders, said he wouldn't back the legislation drafted with Democrat John Kerry and Independent Joseph Lieberman if the Senate puts immigration reform ahead of approving a new energy policy. As Steel Business Briefing has reported, the climate bill is now being reviewed by the US Environmental Protection Agency – a process Gibson said could take eight weeks.

He said bills that haven't been sent to committee by summer traditionally aren't passed before year end. "Right now, the ball is in Kerry, Graham and Lieberman's court," he said.

SSAB Americas president David Britten said any potential climate change legislation must be part of a global initiative to reduce emissions.

"Our carbon costs or energy costs cannot deviate much from world price levels if we are to remain competitive with globally traded steel," Britten said.

"We have heard Eurofer, for example, recently sound a warning that unless there is global participation in emissions reductions, Europe, with its cap-and-trade program already in place, may see its steel industry migrate to other nations with less stringent regulations, and thus, lower costs."

ENERGY

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Brick to install solar panels atop former landfill on Sally Ike Road (*Asbury Park Press*)

Ex-landfill site to generate cash
By MATTHEW McGRATH • TOMS RIVER BUREAU •
May 4, 2010

BRICK — A 7.5-megawatt solar field would generate for the township at least $2.5 million in revenue
annually for 15 years, which would be used to offset property taxes.

The Township Council unanimously approved Tuesday night a plan to build the solar electricity
field on top of the Brick Township Landfill on Sally Ike Road. So far, the plan has the blessing of the
federal Environmental Protection Agency, which is responsible for monitoring the cleanup of a wide
plume of groundwater pollution caused by the defunct dump.

"Hopefully, the water will clean up rapidly once we get the cap on," said Jon Gorin, an EPA remedial
project manager.

The field of solar panels would take up about 20 acres of the 40.7-acre landfill, said Tara Paxton, a
township planner. The panels would not come within 150 feet of the property line.

Before the solar field can be built, the landfill must be capped. Township and EPA officials hope that the
cap, which could be made with plastic and clay that cannot be permeated by water, and the solar field
can be built in stages to reap the benefits of the solar power as soon as possible.

Contamination spreading underground from the landfill, which opened in the 1940s, now affects
400.7 acres mostly to the southeast, which is the direction the groundwater is flowing at about 1.8
feet per day, according to an EPA report released in July 2008.

Motor oil, antifreeze, transmission fluid, pesticides and herbicides all were dumped at the site during
its history. Yet, the extent of the pollution is not high, Gorin said.

Wind turbines and cellular telephone towers would also be permitted on the landfill. Township officials
said they considered those uses because they would also bring revenue into township coffers.

Administration pushes for more farm-based energy projects (Greenwire)

(05/04/2010)
Allison Winter, E&E reporter
The Agriculture Department is launching its first-ever national survey of on-farm energy production this week, as the agency looks for new opportunities to promote farm-based renewable energy projects.

The new survey of the 20,000 American farms using methane digesters, solar panels and wind turbines is part of a larger effort from the Obama administration to promote rural energy production.

Officials from USDA and U.S. EPA also signed an interagency agreement yesterday to expand their efforts to help farmers start energy projects by capturing methane from their livestock operations.

And the White House will bring in rural stakeholders for a "clean energy economy forum" tomorrow. Agriculture Secretary Tom Vilsack and Council on Environmental Quality Chairwoman Nancy Sutley will host the forum, intended to highlight opportunities for biofuels and other renewable energy projects in rural areas.

The new interagency agreement from EPA and USDA expands the AgSTAR program, founded in 1993 to support and encourage the development of methane recovery technologies.

Digesters allow farmers to collect waste from cows or other livestock and use the methane to generate electricity. As farmers face high energy costs and fluctuating milk prices, digester projects are multiplying nationwide -- from 15 a decade ago to 150 today, U.S. EPA said.

The agreement from EPA and USDA outlines a strategy for the two agencies to ramp up their technical support, outreach and marketing campaigns to promote the technology among livestock owners. It provides nearly $4 million over the next five years for the effort.

EPA estimates there are 8,000 farms across the United States that are good candidates for capturing and using biogas. If all of those farms implemented a biogas system, the agency says methane emissions would be reduced by more than 34 million metric tons of carbon dioxide equivalent a year, roughly equal to the annual emissions from 6.5 million passenger vehicles.

The projects could generate more than 1,500 megawatts of renewable energy, according to EPA.

In a statement announcing the agreement, EPA Administrator Lisa Jackson highlighted its potential benefits for reducing greenhouse gas emissions. Jackson has repeatedly said the agency is not considering any new regulations to cap emissions from farms, but the digesters allow farmers to do so voluntarily.

"We want to seize every opportunity to confront climate change and move into the clean economy of the future. This is a smart way to transform what would be a harmful greenhouse pollutant into a source of renewable energy -- and make a profit for American farmers," Jackson said in a statement.

USDA's National Agricultural Statistics Service also launched a new national survey this week, intended to gather more information on how farmers generate and use the energy from methane digesters, solar panels or wind turbines on their operations.

The department's 2007 Census of Agriculture found that 20,000 farmers are generating energy. The new survey is the first step in following up on that census to gain more information on the projects.

Health care provider unveils sustainability scorecard for medical purchasing (Greenwire)

(05/04/2010)
Jason Plautz, E&E reporter
When it came time for Kaiser Permanente to look at a new purchasing contract for endoscopy towers, a piece of equipment that facilitates medical procedures with cameras that can go into a patient's digestive tract, the health care provider launched into an 18-month review process. In the end, tests showed that the performance of the four major suppliers' products was comparable, as was the price. In the end, one factor decided the purchase: sustainability.

That type of decisionmaking will become standard with the implementation of Kaiser Permanente's new Sustainability Scorecard. The company will evaluate all new contracts and products along 10 criteria to assess the environmental impact of everything from bed pans to pacemakers to MRI machines.

When purchasing the endoscopy towers, for example, evaluators found that one bidder had a process that could sterilize the cameras without using harmful chemicals. That not only made the product safer to handle, but more sustainable, said Robert Gotto, executive director in Kaiser Permanente's Procurement & Supply group. That company ended up with a new five-year contract, largely thanks to its sustainability.

"Kaiser Permanent recognizes we can improve health today and for the future by taking a close look at the products we purchase," said Vice President and Chief Procurement Officer Dean Edwards in a release. "With Kaiser Permanente's size and influence, the work we're doing is continuing to move the industry."

The company currently spends more than $1 billion on medical products each year. If its supply chain partner Broadlane adopts the scorecard, the influence could reach $10 billion of medical equipment contracts.

The scorecard will evaluate products for 10 criteria, six dealing with the chemicals used in the product. Other criteria include the amount of recycled material in the equipment, the way it is packaged and shipped, and its ability to be reused. There are also eight

additional questions about how the supplier matches up against various third-party criteria, such as following U.S. EPA's SMART Waste guidelines.

"Now we have a tool that is embedded in our normal sourcing and bidding process with specific detailed information on environmental concerns," Gotto said. "That gets fed back directly to the clinicians that are making the decisions so they can understand them and factor that in."

The scorecard is an extension of an environmental policy set up in 2005 that required full disclosure for companies when making contracts with Kaiser Permanente. It was officially launched last October and just last week the national product council made its first purchase using the scorecard. The suppliers could not be disclosed because the deal is not finished, but Gotto described the new contract as "significant." He added that the council, which was influential in writing the criteria for the scorecard, had a "fantastic response" to the new information.

Kaiser Permanente is also working with Practice Greenhealth, a network of health care providers, suppliers and purchasers committed to environmental work. Gotto said the company has been sharing its work with other members of that network and expects others to take similar steps. Between Kaiser Permanente and Broadlane alone, Gotto estimated they can reach 10-15 percent of the medical supply industry.

Kaiser Permanente has made sustainability a large factor in purchasing for years, buying IV tubing without potentially harmful chemicals and PVC-free gloves. But Gotto said the new scorecard will allow a much more comprehensive look at a supplier's environmental impact.

"What we've done historically is target areas where we know there's a big opportunity," Gotto said. "We've had some really big environmental wins. But this gives us the ability to collect that information on every single contract and cycle. ... What this tool does is give us the second rung on every single product."

One particular area the company is emphasizing is the ability to reuse a product. Gotto said more than 70 percent of products are only used once, then disposed of. Instead, purchasers are hoping to buy more equipment that can be sterilized by FDA standards or rebuilt to cut down on waste. For example, some standard hospital electronics can be replaced by updating 5 percent of the product and resold at a significantly lower price.

Gotto said that beyond the environmental benefits of the scorecard, Kaiser Permanente had seen significant financial benefits from its sustainable purchases. Of 14 new products purchased with environmental factors in mind, none showed a cost increase. For example, a line of linens that did not use certain targeted chemicals ended up costing $1 million less.

"We have three specific goals: deliver significant cost savings, help with general improvements and the third deals with environmental benefits," Gotto said. "You can achieve it all with the right purchaser."

Energy Star 4.0 Rules Now In Effect (*AVRev.com*)

Written by Dick Ward

Tuesday, 04 May 2010

The Environmental Protection Agency's new Energy Star rules are now in full effect. Any TVs made before May 1, 2010 still get the friendly blue tag on their boxes if they're Energy Star 3.0 compliant, but every set that comes out now has to comply with the new standard.

The rules are a lot stricter than the 3.0 standard, but in a sense, it's just the EPA catching up. By the old standards, a 50 inch set could consume up to 318 watts while running. That number is incredibly lax by today's standards. Even Panasonic's 54 inch VT25 plasma only uses 159.

Energy Star 4.0 rules require that 50 inch sets consume 153 watts or less. It's less than half of the wattage required for 3.0, but most manufacturers won't have any trouble with it. In fact, most, if not all, 2010 models from the major TV makers are already Energy Star 4.0 compliant.

The bigger change will come in May of 2012, when Energy Star 5.0 is set to roll out. That would drop the max power consumption of 50 inch sets to 108 watts. Interestingly, that number stays the same for sets above 50 inches too.

ENVIRONMENTAL JUSTICE

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Green light for tire burning (Chicago Tribune)

May 4, 2010 Tuesday
Chicago land Final Edition
NEWS ; ZONE C; Pg. 6
Green light for tire burning;
Bill gives environmental seal of approval to incinerator
By Michael Hawthorne and Michelle Manchir, Tribune reporters\ Tribune reporter Monique Garcia contributed to this report.
Backers of a south suburban incinerator muscled legislation through the Illinois House

on Monday that would add tire burning to the state's definition of green, renewable energy.

Approved on a bipartisan 61-45 vote, the measure would clear the way for the Geneva Energy tire burner in Ford Heights to reap lucrative state grants, low-interest loans and other incentives originally intended for companies developing pollution-free wind and solar power.

If endorsed by state senators and signed by Gov. Pat Quinn, the bill would make the incinerator a player in the growing market for renewable energy in Illinois, where power companies must get at least 10 percent of their electricity from green sources by 2015 and 25 percent by 2025.

Supporters contend the bill would make it easier to safely dispose of millions of scrap tires produced in Illinois each year. The incinerator's top executive also acknowledged the measure's fate could determine whether the tire burner can afford to keep operating.

"This is an opportunity to help an Illinois company," said sponsoring Rep. Will Davis, D-Homewood. "They already have the ability to dispose of those tires. They're simply trying to figure out how they can be more profitable."

Quinn's administration declined to take a position on the measure as it moved through the House during the last week, even though the Illinois Environmental Protection Agency has cited the incinerator with air pollution violations four times since 2006.

Lawmakers resurrected the bill as the U.S. EPA investigates whether Illinois violated environmental justice laws by allowing the incinerator to operate in a small village where more than 95 percent of the population is black and half live in poverty.

"This will be taking money away from wind and solar and renewables and geothermal in our state," said Rep. Karen May, a Highland Park Democrat who opposed the measure.

Ben Rose, the incinerator's president and chief executive, said his company has been working to eliminate pollution problems. "This bill is the difference between us making it or not," he said. The incinerator currently employs about 17 people, four of whom live in Ford Heights, Rose said.

In other legislative action Monday, a House committee approved several gun-control bills backed by Mayor Richard Daley, including a proposal that would make it illegal to own semi-automatic assault rifles in Illinois.

Under the plan, which may be voted on by the full House later this week, manufacturers in Illinois could keep making the guns, but they could be sold only to buyers outside Illinois or to military and law enforcement. Those already owning assault rifles would have 90 days from the time the idea becomes law to turn them over to police.

Rep. Edward Acevedo, D-Chicago, has pushed unsuccessfully for the ban for years and said its necessity is underscored by recent violence in the city.

Opponents said a ban will not prevent criminals from using the high-powered weapons and could hurt gun manufacturers who would lose Illinois customers.

The committee also sent to the floor measures that would require the Illinois State Police to develop an Internet-based system for gun sellers to conduct instant criminal background checks.

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FUEL

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May 4, 2010

Automakers Seek to Delay Ethanol Blending Raise (*New York Times*)

By MATTHEW L. WALD
WASHINGTON — Citing new test data, the auto industry says the federal government's plan to raise the amount of ethanol mixed into gasoline will damage cars and increase the amount of pollution they emit.

The Environmental Protection Agency is expected to issue a rule in the next few weeks that would permit oil companies to increase the percentage of ethanol in automotive fuel to 15 percent, up from the current level of 10 percent, so they can meet E.P.A. quotas for renewable fuels.

Automakers have opposed the change since the E.P.A. first signaled it last year. But now the industry says it has conducted tests that confirm the higher-ethanol blend will cause problems in many cars.

Half of the engines tested so far have had some problems, said C. Coleman Jones, the biofuel implementation manager at General Motors, who spoke on behalf of the Alliance of Automobile Manufacturers.

More ethanol will confuse exhaust control systems and make engines run too hot, destroying catalytic converters, automakers say. It can also damage engine cylinders, they say.

For some car owners, “you will be walking, eventually,” Mr. Jones said. The industry is urging the E.P.A. to delay any changes to the fuel mix until after 2011, when more complete testing will be done.

An E.P.A. spokeswoman declined to discuss the E.P.A.’s specific plans beyond its November letter, in which the agency said it planned to make a decision by midyear. The agency said at that time that it was leaning toward allowing the change.

While the change is intended to apply only to cars of the 2001 model year and newer, it’s unclear how it would be enforced at the pump.

The ethanol industry argues that the proposed rule is essential for reducing reliance on imported oil. Ethanol makers say that most cars will run just fine on 15 percent ethanol and oil companies are standing in the way only because they want to hold on to market share.

Bob Dinneen, president of the Renewable Fuels Association, said enough test data was available to approve the new blend. “You just see all this hand-wringing,” he said.

The underlying problem is that the gasoline market is about to be flooded with more ethanol than it can handle under current rules, according to farm groups, oil companies and automakers. The current blend for ordinary cars is limited to 10 percent, but “we have lots of gallons of ethanol chasing too few gallons of gasoline,” Mr. Dinneen said.

Representatives of all three industries will meet in Washington on Wednesday, as they do every four months, to discuss their disagreements, but a compromise seems unlikely.

The automakers, the oil companies and the Energy Department are jointly running a test program in which components like fuel pumps and seals as well as entire cars are being run on ethanol blends of 15 percent and 20 percent.

One major reason for concern is that modern cars sense the amount of oxygen in the exhaust and use that measurement to modify the fuel/air mixture going into the cylinders. This works fine for straight gasoline. But the ethanol molecule contains an oxygen atom, and that may confuse the sensor into making the mixture too lean; lean engines produce exhaust hot enough to damage catalytic converters, industry experts say, and may also produce more nitrogen oxides, an ingredient of smog.

If the mixture gets too lean, the “check engine” light will also illuminate. Auto executives predict that if that happens repeatedly on cars, their owners will ignore the light, and cars will run dirty.

GENERAL

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PA Puts More Environment Online (*OMB Watch*)

Posted on May 4, 2010

Several new online tools developed by the U.S. Environmental Protection Agency (EPA) are now available to provide the public a variety of environmental information collected by the agency. The tools provide access to information about enforcement actions against polluters in the Chesapeake Bay watershed and across the nation, plus information about health risks from toxic chemicals and the ongoing oil spill disaster in the Gulf of Mexico. These online information access tools follow the recent release of the EPA's Open Government Plan, which makes public access to information a priority for the agency.
Clean Water Act

The EPA recently launched a new set of online tools, data, and interactive maps containing information on violations of the federal Clean Water Act. The web tools are part of EPA's Clean Water Act Action Plan. The agency has made enforcement of water quality laws a priority and in 2009 invited public participation on the creation of the action plan. In response to public comments, the EPA made data use a key feature of the plan.

According to the head of EPA's enforcement office, Cynthia Giles, "Making this information more accessible and understandable empowers millions of people to press for better compliance and enforcement in their communities."

The new web page provides interactive information from EPA's 2008 Annual Noncompliance Report, which pertains to about 40,000 permitted Clean Water Act polluters across the country. The site includes information on how many permits have been issued, how frequently sampling data is reviewed to determine if violations occurred, the frequency of violations, and the frequency that formal enforcement was taken in 2008. The information on the website is also available in HTML format, as a PDF document, and as a data table.

Despite the website's numerous useful features, a significant amount of information remains missing. Many states control their own water quality programs, and the new website cautions users that "states are not required to enter the data in the federal data systems." The agency therefore estimates how much information for a particular state is available through the web page. Some states do not even provide information to the EPA database on serious violations.

Summary data for each state's enforcement actions are only available for 2008 and for non-major permittees. The new website also does not count large major facilities, general permits, or wet weather permits. Detailed information, information from

additional years, and reports from larger facilities are available on EPA's Enforcement and Compliance History Online (ECHO) database website.

Chesapeake Bay

Similar to the Clean Water Act Annual Noncompliance Report, EPA recently launched an online map that shows the locations of federal air and water enforcement actions in the Chesapeake Bay watershed and airshed.

EPA Administrator Lisa Jackson stated in a press release, "Transparency and accountability are essential to the work we're doing to clean up the Chesapeake and restore these treasured waters. The community now has new tools it needs to see where EPA is taking action to improve water quality and protect the bay."

The interactive map provides information on EPA enforcement actions and cases since 2009 under the Clean Air Act, Clean Water Act, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund).

Again, similar to the Clean Water Act Annual Noncompliance Report, some data from state governments are not available. The map does not show environmental enforcement actions taken by state or local environmental agencies.

Clicking on the flag for a specific facility on the map will open the enforcement case report for that facility. From this page, a user can click to retrieve more detailed facility data. In some cases, a settlement has been reached, and the details are available via links on the website.

EPA developed a draft Chesapeake Bay Compliance and Enforcement Strategy following a May 12, 2009, executive order from President Obama. The draft strategy seeks to target the greatest sources of pollution impairing the bay and its tributaries. The draft strategy is a multi-state plan for addressing violations of federal environmental laws and will be finalized in May as part of the evaluation of progress in meeting the goals of Obama's Chesapeake Bay Executive Order.

Both the Clean Water Act Annual Noncompliance Report website and the Chesapeake Bay enforcement map draw their compliance information from EPA's ECHO database. ECHO contains a large amount of enforcement and compliance data, but navigating and understanding the significance of the data in ECHO remain challenges.

For example, one facility found in the Chesapeake Bay watershed is the Oxford Waste Water Treatment Plantin Oxford, MD. According to the new online map, this water treatment plant exceeded its effluent permit 27 times over a three-year period. Clicking on the facility's flag on the map of Maryland produces a detailed report from the ECHO database. However, it is still far from intuitive to identify from the ECHO report what the exceedances were and what the consequences were – both for the facility in terms of

fines or changes to operations and to the environment in terms of impacts to water quality or damage to habitat.

The public is well served by online tools that not only provide useful statistics, but also empower citizens by placing the information into a useful context. If a facility has violated federal law repeatedly, what have been the consequences? Is the facility changing its operations to be more in compliance? Has there been any ecological damage, and if so, what mitigation has occurred? These are basic questions of accountability, and the data must help state and federal regulators and the public answer these questions and hold polluters accountable. The two new online tools make strong steps in this direction, but more could be done with the ECHO database to make it more effective. A more versatile search feature and expanded downloading capabilities would help many users. All users would benefit from having the data placed into meaningful context.

Oil Spill and Toxics Data

Part of the agency's ongoing response to the disastrous oil spill in the Gulf of Mexico has been to create a web page through which users can learn about EPA's response and the impacts on the region's air and water quality. Users of the new page can see the agency's plan for sampling and testing air, water, and sediment quality in the Gulf and track air quality monitoring data in real time.

One other recent addition to EPA's online data array is the release of "ToxRefDB," which allows the public to search and download thousands of toxicity testing results on hundreds of chemicals. Users may search by a chemical's name or identification number. The detailed information includes a diagram of the chemical and its basic characteristics and links to relevant animal studies on the health threats of the chemical. The database contains pesticide registration toxicity data that used to be stored as hard-copy and scanned documents.

The new online tools continue a trend started early in 2009 with the release of the EPA's MyEnvironment program. The MyEnvironment tool allows the public to enter a place name or zip code and receive a diverse amount of environmental information linked to that geographic region. MyEnvironment incorporates geographic information with local air and water quality data, cancer risk estimates, pollution reports from local facilities, and other environmental data.

GRANTS

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EPA grant for Bellows Falls waterfront project (*WCAX News*)

Bellows Falls, Vermont - May 5, 2010

A plan to develop waterfront property in Bellows Falls is moving forward.
The Environmental Protection Agency has awarded the Bellow Falls Historical Society a $200,000 grant. The money will be used to build a trail system and public park along the river.
It's all part of a larger development project to open up more of the village's historic buildings through an interpretive trail system.
Work is expected to begin later this year.

HAZARDOUS WASTE

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May 4, 2010

E.P.A.'s Plan to Regulate Coal Ash Draws Criticism (*New York Times*)

By SHAILA DEWAN
The Environmental Protection Agency issued a long-awaited proposal Tuesday to regulate coal ash, the toxic byproduct of burning coal to produce power. But the agency deferred a decision on whether to treat it as hazardous waste, drawing criticism from environmentalists who had hoped for a stronger stance.

Instead, the agency offered two alternatives, one that would regulate coal ash under strict hazardous-waste rules, and a weaker and less expensive option that would regulate it under the same framework that governs household garbage. The agency will choose between the options sometime after a 90-day comment period.

Either proposal would represent the first time that coal ash, which contains arsenic, mercury and other toxic substances, has been federally regulated, Lisa P. Jackson, the E.P.A. administrator, said in a conference call. "Both proposals reflect a major step forward at the national level in reducing the risk of improper coal ash disposal," Ms. Jackson said.

That risk was made clear in late 2008, when a coal ash pond at the Tennessee Valley Authority's Kingston Fossil Plant in eastern Tennessee ruptured, spilling 5.4 million cubic yards of ash across 300 acres, prompting the E.P.A. to renew a decades-old promise to issue coal ash regulations. The cleanup will cost an estimated $1.2 billion.

Environmental groups said the disaster made clear the need for strict oversight.

"We are disappointed that the rule brings forward two dramatically different regulatory options," Scott Slesinger, legislative director for the Natural Resources Defense Council, said in a statement. "We expect E.P.A. to choose the option that adequately protects

the public, particularly our precious groundwater, and treats this hazardous waste as a hazardous waste."

But other environmental groups praised the agency for acknowledging the elevated risk of cancer and other health effects of coal ash. Industry groups, meanwhile, urged the E.P.A. to take the less strict route.

"We believe there's only one prudent course of action — federal regulation of coal ash as a nonhazardous waste," said Jim Roewer, the executive director of the Utility Solid Waste Activities Group, which has argued that the industry has voluntarily begun to improve ash disposal practices and that hazardous-waste regulation is expensive and unnecessary.

Power plants and other industries in the United States produce more than 136 million tons of ash and other coal combustion byproducts every year. Most of that is dumped in dry landfills or in far riskier storage ponds, also called surface impoundments, like the one at Kingston. The agency has identified at least 71 cases where coal ash leaking from dump sites contaminated nearby ground- or surface water.

Under the E.P.A.'s hazardous-waste proposal, surface impoundments would be phased out over five years, Ms. Jackson said. The regulations, which would also require safeguards like liners in new dry landfills and groundwater monitoring at both new and old landfills, could be enforced by the agency.

Under the nonhazardous designation, existing surface impoundments would have to be retrofitted with liners and new surface impoundments and landfills would require liners, but the rules would be essentially recommendations that could not be enforced except by citizens filing lawsuits. States would not be required to adopt the new guidelines as law.

The agency estimated that the first option would cost the industry $1.5 billion a year, while the second would cost $600 million a year. Both would allow certain types of "beneficial reuse," or recycling, of coal ash as an additive in cement, concrete and asphalt, for example.

EPA offers coal ash plan (*Los Angeles Times*)

May 5, 2010 Wednesday
Home Edition
LATEXTRA; News Desk; Part AA; Pg. 2
LATE BRIEFING / TENNESSEE;
Associated Press
The Environmental Protection Agency is proposing to regulate coal ash and its disposal, possibly as a hazardous waste.

EPA Administrator Lisa Jackson said that one option would regulate the ash under the hazardous waste section of the federal Resource Conservation and Recovery Act. The other option would regulate it under the nonhazardous waste section of the law.

The announcement came 16 months after a huge coal ash spill at the Tennessee Valley Authority's Kingston Fossil Plant west of Knoxville.

EPA issues plan to regulate coal ash (*St. Petersburg Times*)

The **Environmental Protection Agency** issued a long-awaited proposal Tuesday to regulate coal ash, the toxic byproduct of burning coal to produce power. But the agency deferred a decision on whether to treat coal ash as **hazardous waste**, drawing criticism from environmentalists who had hoped for a stronger stance.

Instead, the agency offered two alternatives, one that would regulate coal ash under strict **hazardous waste** rules, and a weaker and less expensive option that would regulate it under the same framework that governs household garbage. The agency will choose between the options sometime after a 90-day comment period.

MINING

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EPA says Ariz. uranium mine operating illegally (*Associated Press*)

Story also appeared: *Washington Post*

By FELICIA FONSECA (AP)
FLAGSTAFF, Ariz. — A uranium mine north of the Grand Canyon is operating in violation of the law, and its owner could face thousands of dollars in fines as a result, the U.S. Environmental Protection Agency said.

The agency issued a notice of violation this week to Denison Mines Corp. for its Arizona 1 Mine, which is about 20 miles from the Grand Canyon's northern border.

The EPA said Denison failed to notify the agency as to when it would resume mining and that it did not secure the necessary federal approval before ventilating the mine or testing emissions.

Denison President Ron Hochstein said Tuesday that he was surprised by the notice and believed the company was operating within the law. He said he was working with regulators to address those issues.

A determination on whether to assess fees or civil penalties would not be made until after a hearing is held on the violation notice.

Shelly Rosenblum, an environmental engineer with the agency's Pacific Southwest Region, said Denison has requested a hearing.

EPA approval was required before Denison began any construction or modification of the mine to allow ventilation and workers to enter, Rosenblum said.

A previous owner of the Arizona 1 Mine had that authorization from the EPA, but the approval is not transferable to another owner or operator and expires when the mine is inactive, the notice said.

Denison resumed mining at the site late last year after nearly two decades of inactivity. Hochstein said the company plans to extract 110,000 tons of uranium ore per year through 2012.

The EPA's notice of violation doesn't halt mining, but Rosenblum said Denison will be required to secure the necessary approvals, which could take months.

The Arizona 1 mine is the only active uranium mine within a 1 million-acre acre that Interior Secretary Ken Salazar set aside last year from any new hard-rock mining claims. His administration is studying whether mining on those lands should be permanently prohibited.

Salazar's action does not stop mining from going forward on claims already filed that have been proven. The Arizona 1 Mine sits on U.S. Bureau of Land Management land, about 35 miles away from Fredonia, which is a town of 1,000 closest to the mine.

Environmental groups sued the BLM last year, contending Denison's mine plan has expired, an environmental analyses is outdated and Denison has not proven its claims.

Roger Clark of the Grand Canyon Trust said the EPA's notice of violation is "just another example of how the uranium industry in general, and Denison in particular, tends to operate outside of the law.

"They keep telling us they're doing business differently than the uranium industry did 20 years ago," he said. "This indicates they are not doing everything that the law requires, to not only protect the landscape, but to protect the workers."

MOUNTAINTOP MINING

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Mountaintop mining mobilizes coalfields musicians (*Associated Press*)

May 4, 2010 Tuesday 11:04 AM GMT
SECTION: DOMESTIC NEWS

By VICKI SMITH, Associated Press Writer
LOGAN West Virginia
When Elaine Purkey sings in a lonesome voice that is twangy, angry and thoroughly haunting she sings for her people. She channels their rage as mountaintop removal coal mines flatten their beloved West Virginia hills to supply the nation with cheap electricity.

"They're tearing up our mountains. They're taking away our hills," she belts out with eyes closed, the sound rising from her belly, ringing through the trees.

"They're taking away our homeland and making valley fills."

Music honest, unfiltered, often made one person at a time is once again a weapon in the coalfields.

Though it began with largely unknown folk artists like Purkey, even big-name entertainers are embracing its power in the war over a particularly destructive form of strip mining that forever reshapes the land.

And they're choosing opposite sides: While Kathy Mattea headlines an "I Love Mountains" show at the Kentucky Capitol, Hank Williams Jr. and Ted Nugent star at an industry-sponsored "Friends of America" gathering on a former West Virginia strip mine.

On May 19, under a "Music Saves Mountains" banner at Nashville's Ryman Auditorium, Emmylou Harris, Dave Matthews and eastern Kentucky native Patty Loveless will raise money for the Natural Resources Defense Council's battle to end mountaintop removal.

"If we have a big rally with live music, they have a big rally with live music," says Lora Smith, who helped the citizens group Kentuckians for the Commonwealth produce "Songs for the Mountaintop" in 2006.

"This is an incredibly complex issue, so it's hard to talk about it in a two-minute song," she acknowledges. "But it's great for organizing people and doing that movement-building, to feel like you're part of this bigger continuum of people."

Music has always been a form of solidarity and political protest, a medium often more memorable and more tolerable than a speech. It has a way, through authentic voice or vivid imagery, of connecting places, events and ideas to people hundreds or thousands of miles away.

"We Shall Overcome," a gospel hymn sung by striking South Carolina tobacco workers in 1945, morphed into the defining song of the civil rights movement. In 1985, "We Are

the World" raised more than $30 million for African famine relief. Toby Keith's angry, post-Sept. 11 rant "Courtesy of the Red, White, & Blue" helped galvanize support for the Iraq War.

In the coalfields, it's been more than a distraction, more than the foundation of a Saturday night dance. Since the late 1800s, when men dug in the darkness with pick and shovel, music has educated the illiterate, identified the enemy, mourned the dead.

Today's songs might be powerful, too. If they could get beyond the echoing hollows.

Now, only the most successful commercial artists reach the masses. The songs toted around on iPods, cell phones and laptops are the catchiest, the most clever, the best marketed.

Coal country musicians are singing about a problem that's difficult to explain and about enemies, shielded by the endless paperwork of multilayered corporations, who are difficult to name.

If they could find a way to crystallize their message, the Internet would be there, waiting to carry it.

And people would hear in Elaine Purkey more than one voice.

"So many people are singing this song," says the 60-year-old wife of a former underground miner. "This is about so many people and so much destruction and so much pain. Until you come here and see this thing ... this monster they call MTR, you cannot imagine what it's like."

Mountaintop removal is, after all, about perspective.

To companies, it's the most efficient or only way to reach coal reserves. To folks living nearby, it's the destruction of majestic scenery and the pollution of air and water. To surface miners, it's food on the table and money for the mortgage.

"The places where mountaintop removal has taken place, we don't call that mountaintop removal. We call that development," says miner and musician Jessee Mullins of Seco, Kentucky, who wrote and recorded "Hey, Tree Hugger" with wife DeAnna Kaye.

"As the song says, this is where Wal-Mart and Lowe's and everything else moves in," he says. "It creates usable land."

Mullins' country-rock tune celebrates the strip miner, pokes fun at environmentalists and portrays President Barack Obama as anti-coal, out-of-touch royalty as his **Environmental Protection Agency** gives MTR new scrutiny.

To spread its popularity, the Virginia Mining Association posted Mullins' song on its

website. The West Virginia Coal Association lets visitors download free pro-mining ring tones.

Before the Internet, though, music was a medium the people could control. They created it even as coal companies manipulated nearly every other aspect of their existence renting company houses, paying workers in company scrip to shop in company stores.

Songs educated workers, decried dangerous job conditions and preserved oral histories of mine disasters, strikes and shootouts in long, detailed ballads like Woody Guthrie's "Ludlow Massacre."

"Music is the grave marker of events and the keeper of history," says Dorothea Hast, an ethnomusicologist at the University of Connecticut. "Just because someone isn't in the mainstream doesn't mean the music doesn't have great power."

But in the 1930s, when Sarah Ogun Gunning sang "I Hate the Company Bosses," protest music didn't have to reach the masses. Battles were, for the most part, fought and resolved locally.

Mountaintop removal is another matter. Fair or not, state governments that depend on tax revenue are often perceived as indifferent to individuals and sympathetic to industry. If the practice is to be stopped, it will likely be through federal intervention.

The first step toward that, says singer-songwriter Ben Sollee, is a nationwide conversation.

The 25-year-old from Lexington, Kentucky, doesn't expect people to hear him plucking a cello on "Flyrock Blues," softly crooning about the fears of people who live near blasting sites, then sign a petition or hoist a banner.

"Music itself," he acknowledges, "is only as powerful as the audience that listens to it and makes it their own."

To spread beyond the mountains, seep into the collective consciousness and help shape public opinion, a song about mountaintop mining must be more than funny or pretty, says Annie Randall, musicology professor at Pennsylvania's Bucknell University and editor of "Music, Power and Politics."

It needs a short, catchy melody, simple lyrics and a strong visual image, all wrapped up in something memorable and easy to learn. It needs a high-profile champion like Bruce Springsteen or Loretta Lynn. And it needs someone with the savvy to make it mainstream.

"It's one thing to be a lovely song, and another thing to be a pop song where people can learn it in two seconds and start singing it," Randall says.

Beyonce did it with "Single Ladies," wrapping a conservative message if you like it, put a ring on it in a hip-hop hit that instantly polarizes Randall's classroom: When the music starts, boys cringe and girls wave their hands.

But what is the lone, searing image of mountaintop removal? A treeless, unpeopled mountain-turned-moonscape? The dusty, boarded-up home of a family who's fled? A wallet stuffed with cash?

Until someone figures that out, musicians will continue to believe in their potential power. As they always have, they will sing about what they see, where they've been and where they want to go.

And they will keep trying to bring others along.

On the Net:

Virginia Mining Association: http://www.virginiaminingassoc.com/

W.Va. Coal Association ring tones: http://www.wvcoal.com/media/ringtones.html

Aurora Lights Music: http://auroralights.org/music-projects

PESTICIDES

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EPA presses pesticide makers to protect salmon (*Associated Press*)

Story also appeared: *Statesman Journal, Seattle Times, BusinessWeek*

By JEFF BARNARD
AP Environmental Writer
The U.S. Environmental Protection Agency is pressing pesticides manufacturers to adopt new restrictions on applying three farm pesticides that pose a threat to Pacific salmon.

A letter from the EPA gives manufacturers of diazinon, malathion and chlorpyrifos until May 13 to say whether they will comply with the restrictions. If not, EPA says it will take action itself.

The action comes 18 months after NOAA Fisheries Service found that the pesticides threaten the survival of 27 species of salmon and steelhead in the West.

The agency suggests buffer strips up to 1,000 feet along salmon streams where the pesticides should not be sprayed.

Anti-pesticide groups had sued EPA to get the agency to take action.

U.S. EPA signs off on Pioneer's new corn breed (*Greenwire*)

(05/04/2010)

Pioneer Hi-Bred, a subsidiary of E.I. du Pont de Nemours and Co., said yesterday it has secured U.S. EPA approval for its AcreMax corn seed, a breed that allows farmers to plant more biotech corn than otherwise allowed by regulators.

The seed will compete against Monsanto Co.'s SmartStax seed, which first went on sale for planting this year. Because the agency's approval came too late for the 2010 growing season, Pioneer plans to launch its product in earnest next year, said Bill Belzer, the company's senior marketing manager for North American corn.

"This is a runup to the 2011 selling season," Belzer said.

In order to prevent common pest species such as rootworm and corn borer from evolving to adapt to genetically modified traits, federal regulators require farmers to plant 20 percent of their acreage with seed that has not been genetically modified to fight those pests.

Pioneer's AcreMax seed shrinks that requirement to 10 percent of acreage by eliminating the need for a rootworm "refuge." It allows the remaining 10 percent to be situated up to a half-mile away from the rest of the crop, making planting simpler, Belzer said.

Monsanto's SmartStax seed shrinks the required refuge size to 5 percent of acreage, but the refuge must be located within the same field. The company said yesterday it is developing a "refuge in a bag" seed that would entirely eliminate the need for a refuge.

Sales of SmartStax have been slow in its first season, Monsanto said yesterday, because farmers are hesitant to start paying $300 or more for a bag of seed that can cover about two-and-a-half acres (Dan Piller, *Des Moines Register*, May 4). **-- GN**

Pesticide Registration for Potatoes Offered for Comment (*Wisconsin Ag Connection*)

Wisconsin Ag Connection - 05/05/2010

Wisconsin farmers raising potatoes may have better control of fungal diseases under a special pesticide registration proposed by the Wisconsin Department of Agriculture. As a result, the DATCP is seeking comments on this proposal that will allow growers to use two products, Echo 720 Agricultural Fungicide and Echo Zn Agricultural Fungicide, at a higher annual application rate on full-season potatoes to control various destructive diseases of late blight, early blight, and Botrytis vine rot. Full-season potatoes, also called long-season potatoes, remain in the ground for a longer time compared to short-season potatoes.

"Pesticides must go through a lengthy registration process by the U.S. Environmental Protection Agency related to issues such as application rates and when and where the product can be applied," explained Matt Sunseri, DATCP pesticide specialist. "However, the EPA recognized that states may need flexibility when faced with a plant disease or insect outbreak. States can meet these specific needs through the special registration process and gathering comments on the proposal is part of the process."

Both pesticides are currently registered for use on Wisconsin potatoes. The proposed special registration will allow an increase of the annual application rate from 11.25 pounds active ingredient per acre to 16 pounds active ingredient per acre. The increased application rate will allow growers to make applications later in the season and protect potatoes until harvest.

Sunseri says last year, Wisconsin had an outbreak of late blight. He said that while many home gardeners and commercial growers lost their tomatoes, the commercial potato crop was mostly spared.

Both Echo 720 and Echo ZN contain the active ingredient chlorothalonil. Chlorothalonil works as a preventative fungicide and must be applied to potatoes in advance of the conditions that allow for the development and spread of disease. Because the fungicide breaks down over time, the products must be reapplied to provide continued protection.

For a copy of the assessment, call 608-224-4547 or review the assessment at the DATCP building in Madison before May 11.

TOXICS

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May 5, 2010 Wednesday 7:30 AM GMT

DOMESTIC NEWS

Chemicals used to fight Gulf oil slick a trade-off (Associated Press)

Story also appeared: *Washington Post*

By JASON DEAREN and RAY HENRY, Associated Press Writers
ROBERT La.
A massive oil leak in the Gulf of Mexico has become the testing ground for a new technique where a potent mix of chemicals is shot deep undersea in an effort to stop oil from reaching the surface, and scientists are hurriedly weighing the ecological risks and benefits.

Crews battling the spill already have dropped more than 156,000 gallons of the concoction a mix of chemicals collectively known as "dispersant" to try to break up the oozing oil, allowing it to decompose more quickly or evaporate before washing ashore.

The technique has been undergone two tests in recent days that the U.S. Coast Guard is calling promising, and there are plans to apply even more of the chemicals. But the effect of this largely untested treatment is still being studied by numerous federal agencies, and needs approval from a number of them before it can be rolled out in a larger way.

"Those analyses are going on, but right now there's no consensus," said Charlie Henry, the scientific support coordinator for the National Oceanic and Atmospheric Administration. "And we're just really getting started. You can imagine it's something we've never thought about."

Chemical dispersants carry complex environmental trade-offs: helping to keep oil from reaching sensitive wetlands while exposing other sea life to **toxic substances**. The concoction works like dish soap to separate oil and water, but the exact chemical composition is protected as a trade secret.

The use of chemicals to break up the oil is just one of many techniques being used to try to prevent as much of the slick as possible from reaching land and contaminating sea life in the Gulf of Mexico since an oil rig exploded April 20 and collapsed, killing 11 workers and posing a hazard to a fragile ecosystem.

The undersea well has been spewing 200,000 gallons a day since the explosion aboard the drilling rig Deepwater Horizon. BP PLC, the operator of the rig, has been unable to shut off the well, but crews have reported progress with using chemicals to reduce the amount of oil that reaches the surface.

During a test over the weekend, the dispersant was shot into the well at a rate of 9 gallons per minute, according authorities. About 3,000 gallons total were dispensed during the experiment.

More than 230,000 gallons of dispersant is available, and more is being manufactured

by Nalco Company of Naperville, Ill., for use in the Gulf. Neither Nalco, BP, rig owner Transocean Ltd or the Coast Guard have specified how much of the chemical brew will be needed to handle this spill.

One of the chief agent's being used, called Corexit 9500, is identified as a "moderate" human health hazard that can cause eye, skin or respiratory irritation with prolonged exposure, according to safety data documents.

According to the company, Corexit contains no known carcinogens or substances on the federal government's list of toxic chemicals.

Even some of the most ardent environmentalists, while concerned about the potential effects, aren't suggesting that the chemical concoction shouldn't be used in this case.

"It's basically a giant experiment," said Richard Charter, a senior policy adviser with Defenders of Wildlife. "I'm not saying we shoudn't do it; we have no good options."

Coast Guard Rear Adm. Mary Landry, the federal on-scene coordinator, called the tests so far "very promising, very promising." Sonar and camera images from the first test last week appeared to show a reduction in oil on the surface, although federal officials said they want more information from planes that will examine the leak site from the air.

If deep water spraying is approved, Landry said crews would scale back their use of dispersant on the ocean surface, except to treat pockets of oil that escaped the well before the undersea injections started.

Corexit is included on the U.S. **Environmental Protection Agency's** official list of products that can be used to fight spills in an emergency. To qualify for the list, manufacturers must complete specific tests to demonstrate a chemical's effectiveness, ingredients and aquatic toxicity. Charles Pajor, a Nalco spokesman, declined to provide the ingredients for Corexit, saying that was proprietary. The company's website describes the agent has "low toxicity" and is "biodegradable."

Environmental tests on Corexit indicate it can store in the tissue of organisms, or bioaccumulate, and that more than half of the agent in tests wound up storing in sediment, with less absorbing into the water and a smaller amount evaporating into the air. Even so, Corexit is classified as having a "low" potential environmental hazard.

Such chemicals have been used for decades to break up oil slicks, including the 11 million gallons dumped in the Exxon Valdez spill in 1989, but federal officials say they have not been used at such a great depth, and do not understand the short or long term effects on life on the sea floor or in the water column.

When used on the surface, dispersants remove oil from where birds, turtles and other sea creatures could eat it or breathe in the poisonous fumes. Marine scientists say it also keeps the oil balls suspended in the water, where it is eventually consumed by

bacteria, which can pass toxins up the food chain.

"They're talking about using dispersants in the deep water where the oil is coming out that would prevent it from hitting shore, but would actually put it into the water column and possibly force it to the bottom of the ocean," said Cynthia Sarthou, executive director of the New Orleans-based Gulf Restoration Network.

"The environmental impact of that is totally unknown. It could end up killing everything at the bottom of the ocean."

Associated Press Writer John Flesher contributed to this report from New Orleans.

Environmental Protection Agency ripped over foot-dragging on PCB tests at schools (*NY Daily News*)

BY Bill Egbert
DAILY NEWS STAFF WRITER

Wednesday, May 5th 2010, 4:00 AM

Parents, scientists and officials blasted the federal Environmental Protection Agency Tuesday at a hearing on whether to relax safety standards for toxins in public schools.

"We're questioning the motives behind this," said Deputy Bronx Borough President Aurelia Green. "It doesn't look like it's being done in the interest of students and school employees."

The hearing - on a proposal to change limits set in 1979 on polychlorinated biphenyls (PCBs) - comes after a Daily News investigation found PCBs in the caulking of several public schools at levels thousands of times higher than what's considered safe.

When PCBs were outlawed for most uses 30 years ago, EPA regulations declared that anything with concentrations of 50 parts-per-million must be removed.

A 2008 Daily News investigation found PCB levels as high as 225,000 ppm in the caulking of several public schools.

When it proposed a rule change, the EPA specifically cited the burden that removing contaminated caulking would impose on schools. Most of those who testified said any change should be based on science and safety rather than on financial issues.

Ann Casey, a PCB expert at Northeast Analytical Labs, said that based on the latest science, the standard should be tightened, not loosened.

"A study that I did myself of very low levels of PCB exposure in the air showed negative

health effects in rats," said Casey, who has studied PCBs for 22 years.

Earlier this year, the city Department of Education reached a settlement with the EPA to do pilot studies in order to develop a plan for dealing with PCB caulk in the schools.

Several speakers blasted the EPA for trying to relax standards before studies are complete.

"This method of dealing with the problem is something we would have expected from the
previous administration," said Green.

"The Obama administration is better than this."

wegbert@nydailynews.com

TSCA Reform Bill Could Target Broad List Of Manufacturers, Industry Fears (*Inside EPA*)

Recently introduced legislation reforming the Toxic Substances Control Act (TSCA) could expand the reach of the statute beyond the chemical manufacturing sector the law currently targets to require reporting down the supply chain to chemical processors and distributors, as well as chemical end-users in the aerospace, automotive, electronics and other sectors, say industry sources and one key GOP lawmaker.

The industry sources are concerned that requiring disclosure of product data could result in deselection of some chemicals, impose burdensome new data requirements and lead to new labeling requirements on products containing chemicals of concern.

Companies will need to develop “huge information collection systems” to even know if they are using a product covered by the reformed law -- even before providing the data that would be required under the statute, says one aerospace industry source.

Some industry sources also say they may need confidential business information (CBI) protections to avoid sharing information about the chemicals they are using with competitors.

If the industry’s concerns are not addressed, sources warn it could make the manufacturing sector a vocal opponent of the legislation, a fear already being raised by Rep. Edward Whitfield (R-KY), ranking member of the House Energy committee panel overseeing the bill. “TSCA applies to such an enormous universe and this bill could have enormous implications for the entire U.S. manufacturing sector,” he told *Inside EPA* in an April 21 statement. “I think it is essential we take the time to fully deliberate this bill and ensure we understand its implications,” he said.

He added that any bill needs “a process to know which chemicals present risks, based on their exposures, and then to prioritize those risks and deal with them, if necessary, in a way that makes the most sense.”

Sen. Frank Lautenberg (D-NJ) unveiled the Safe Chemicals Act of 2010 April 15, while House Energy & Commerce Committee Chairman Henry Waxman (D-CA) and commerce subcommittee Chairman Bobby Rush (D-IL) the same day released a discussion draft of Toxic Chemicals Safety Act of 2010.

House committee staff are currently in the midst of a multi-week stakeholder process, while Senate Republicans are working with Lautenberg’s staff on future hearings on the bill.

Activists have called for additional information on all chemicals, including use data. “Manufacturers should be required to provide basic information on the health hazards associated with their chemicals, how they are used, and the ways that the public or workers could be exposed,” according to the platform of the Safer Chemicals, Healthy Families coalition, a key group of environmental and public health organizations.

Getting More Information

A source with the Environmental Working Group (EWG) says the bills are focused on getting more information on “how chemicals flow through the product universe” in an attempt to better protect the public, rather than simply burden industry with more reporting requirements. The source also says TSCA currently applies to chemical mixtures.

“It is information [EPA] needs and cannot get right now,” the EWG source says of the use and exposure data, adding that the bills focus on collecting information on chemicals of concern rather than all chemicals.

Of particular concern to industry is language in the House bill that some in industry say could expand EPA authority to seek data on “articles,” which are usually defined as a manufactured object with a specific shape and an end-use function, like a bolt. Stainless steel or plastic pellets would not be considered articles.

While TSCA currently gives the agency authority over articles, sources say, EPA has largely not opted to use the authority and exempted articles from some provisions under TSCA. There also is no current requirement that compels the submission of data for all chemical substances and mixtures.

But language in the bills requires new testing for existing chemical substances or mixtures for their effects and submission of a minimum data set, while the House version also redefines a mixture to include “any mixture contained in or formed into an article,” according to an analysis of the bills conducted by the law firm Bergeson &

Campbell. This suggests that “article mixtures would be subject to the minimum data set requirement,” the analysis says.

An industry source says the House bill seems to “make the articles authority more explicit, but also seems to conflate articles and mixtures,” which would have to be clarified as the draft is revised.

But another industry source says an increased focus on articles could be a way to push deselection of certain chemical substances, and would result in product manufacturers having to start keeping records and reporting information on the chemicals in the products they are making, which could be burdensome.

An automotive industry source says the new language could require the sector to provide additional information if a product maker is using a chemical of concern. Under an expanded TSCA, “use information is going to have to come from manufacturers of the articles,” a source in the automotive industry says. “It will have to trickle up the supply chain.”

Benefits From Improved Access

The source adds that car and parts makers could see some benefit from improved access to information under a reformed TSCA, while limits on CBI claims further up the supply chain could also help end-users receive more information on the chemicals in parts they are using.

But automakers also will want CBI protections to avoid sharing information about the chemicals they are using, a concern echoed by the aerospace source, who said companies often had “strategic considerations” when it comes to CBI, as certain coatings or treatments could offer a competitive advantage.

Many in industry are also raising questions about how language in the legislation could expand EPA’s authority to oversee chemical blenders, processors, distributors and transporters. A chemical distribution industry source says the industry concedes providing more information on chemicals “may be appropriate,” but stresses that companies currently only deal with TSCA if they are importing substances. If reporting and testing were expanded further downstream under a reformed TSCA, the source says there would be questions about the scope of testing requirements, and how the testing is paid for, the source says.

For example, the industry source points to language in section 8 of the House discussion draft, which would require “manufacturers and processors” of the “chemical substance[s] or mixture[s]” that appear on a special concern list in the draft bill to file declarations with EPA including basic information about the chemical.

The source says the draft seems to require blenders and distributors of chemicals -- who buy bulk chemicals from chemical makers and then sell them on to users -- to file

“binding declarations” with the agency. Declarations would have to be updated if the production process changes, the source adds.

Based on the current language, downstream users of chemicals, like processors and distributors, “will be asked more regularly and routinely to participate in defending uses of chemicals in specialty markets,” says one legal source. “Different demographics are going to be brought into the mix,” and more industry groups are tracking TSCA reform than in previous legislative sessions, the source says.

There are also outstanding questions about what constitutes a “mixture” under the draft, according to the first industry source. For example, whether a mixture consists only of certain chemicals being combined or whether different proportions of the same chemicals would be considered different mixtures under the draft language.

In an analogous provision in the Senate bill, the term “mixtures” is omitted, though it requires both manufacturers and processors to submit information.

New constituents providing data could have profound effects on how TSCA works, according to the legal source. “The data will have to be generated and the usual suspects may not be generating that data,” the source says. “How do you ensure that the data can be relied upon . . . and [companies] can be compensated” for it? -- *Aaron Lovell*

WATER

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Wednesday, May 5, 2010

Senators attack Obama's drilling (*Washington Times*)

Joseph Weber
Political winds swirled around President Obama's plan to expand exploration and drilling for oil and natural gas along the outer U.S. continental shelf as a calm sea Tuesday helped crews trying to clean up and contain the massive oil spill in the Gulf of Mexico.

Senate Democrats already skeptical of offshore drilling attacked Mr. Obama's plan, which many Republicans support, and threatened to used it to derail climate-change legislation that contains elements of it.

"The president's proposal for offshore drilling is dead on arrival," said Sen. Bill Nelson, Florida Democrat, who took aim at the climate bill.

"If offshore drilling off the coast of the continental United States is part of it, this legislation is not going anywhere. If I have to do a filibuster, which I had to five years ago … I will do so again," he said.

While the White House and Democratic leaders on Capitol Hill and in coastal states said the spill requires a review to ensure any future offshore drilling is done safely, Texas Gov. Rick Perry and other Republicans cautioned against a "knee jerk" reaction.

"The recent oil spill off the Gulf coast serves as a stern reminder for states to understand all economic benefits and environmental risks of offshore drilling," said Rep. Michael N. Castle, Delaware Republican. "Any new oil and gas development must also include revenue-sharing agreements between impacted and regional states."

On March 31, Mr. Obama calling for expanded drilling from Delaware to Florida, along Florida's Gulf Coast and on the north coast of Alaska, starting with a lease sale off the Virginia coast in 2012. It would end a ban Mr. Nelson helped put in place five years ago.

Crews continued their cleanup and containment efforts as the light winds Tuesday moved the 2,000-square-mile slick slowly into coastal waters. Officials say capping the underwater gusher at a BP rig, which is spewing more than 200,000 gallons of crude oil daily, could take another week. The slick is moving toward Gulf beaches from Louisiana to Florida and threatens the area's vibrant seafood industry.

BP's chief executive officer said Tuesday that a containment dome designed to cover the oil leak will be on the seabed Thursday, and will be hooked up to a drill ship over the weekend.

"This has never been done in 5,000 feet of water. … So we'll undoubtedly encounter some issues as we go through that process," CEO Tony Hayward told reporters at a news conference. "But if that was a good outcome, then you would have the principal leak contained by the early part of next week. But there's no guarantees."

A Coast Guard official said forecasts showed the oil wasn't expected to come ashore for at least three more days and that the calm weather was allowing cleanup crews to put out more containment equipment and repair some of the booms that were damaged in the rough weather. They also hope to again try to burn some of the oil on the water's surface.

The administration has said the president does not intend to extend the ban but will wait for a review of the spill before going forward. The White House also has vowed to hold BP accountable.

"We're all going to back off from offshore drilling until we get a better handle of how we can make it safe," said Senate Majority Leader Harry Reid, Nevada Democrat.

But Mr. Nelson and New Jersey Sens. Robert Menendez and Frank Lautenberg, Democrats, want action now. They're introducing legislation to increase oil companies' financial liability beyond clean-up costs as a result of a spill. The bill calls for increasing the cap from $75 million to $10 billion for damages such as lost revenue in the fishing and tourism industries.

Mr. Menendez is among the most outspoken critics of Mr. Obama's plan and the conservatives who support it.

"We have been saying for some time … against the 'drill, baby, drill' crowd that this is just not in the interest of the United States," he said days after the April 20 explosion of the BP-leased oil rig in the Gulf of Mexico that killed 11 workers and has sent 200,000 gallons of crude oil daily toward Gulf beaches from Louisiana to Florida.

California Gov. Arnold Schwarzenegger, a Republican, has withdrawn his support for expanded oil drilling off his coast, saying he will find another way to help close the state's $20 billion budget deficit.

California was not included in the recent Obama plan. But Mr. Schwarzenegger wanted to drill off Santa Barbara County, despite Democrat opposition.

New EPA water infrastructure policy seeks to encourage smart growth (*Washington Post*)

By Alec MacGillis
Washington Post Staff Writer
Wednesday, May 5, 2010; A19
If you build it, they will come. And, if you don't, they won't.

Such is the thinking behind a policy released late last month by the Environmental Protection Agency that instructs states to adopt smart-growth principles in allocating the $3.3 billion in water infrastructure funding that the federal government doles out each year. States, it asserts, should prioritize projects that upgrade the drinking water and wastewater infrastructure in cities over projects intended to serve new developments on the suburban fringe.

The new guidance arguably arrives five years too late -- after a home building boom that swallowed up vast swaths of land. But building will eventually resume, and EPA officials say the leverage of the federal funding -- the Clean Water and Drinking Water State Revolving Fund -- could coax states toward a more sustainable form of development. With so many cities contending with aging water pipes and sewer lines, officials say, it makes most sense to address those needs first.

"What you have now that we're trying to change is that some of the money goes into new [water] collection systems or new treatment plants where there are very few people and that can fuel growth," said Nancy Stoner, the deputy assistant administrator of the EPA's Office of Water. "We're interested in supporting the infrastructure where people already live. It's a focus on making infrastructure sustainable and reviving those communities, reviving cities as attractive places."

The policy is meeting with criticism. Not surprisingly, the National Association of Home Builders has "serious concerns," said its senior vice president, Susan Asmus. "While we recognize the need to repair, replace and upgrade existing infrastructure, this should not be done at the expense of new growth," she said.

The associations in Washington that represent state infrastructure officials say smart growth is commendable but question using the federal funds as a lever. As it is, they note, the EPA requires that states use 20 percent of their federal funds toward "green" projects such as restoring riparian buffers or reducing impermeable blacktop cover. Although sprawl is hardly ideal, they say, failing to expand sewer lines to outer-rim communities could result in overloaded septic systems that pollute groundwater.

"While we want to incorporate these ideas . . . we're concerned about a prescriptive approach that says so much of the money goes here, so much goes there," said Rick Farrell, director of the Council of Infrastructure Financing Authorities. "We'd prefer they say, 'These are things you can do that are good approaches,' and let the states work it out."

Linda Eichmiller, director of the Association of State and Interstate Water Pollution Control Administrators, was more blunt. The federal funds are "not a mechanism to accomplish social goals," she said. "It is not going to be able to manage growth."

Jag Khuman, director of the Maryland Water Quality Financing Administration, said the guidance would have little effect on his state, which, he noted, emphasizes smart growth. But he said it could present challenges in states with less of the aging infrastructure that the EPA wants the funds to go toward. And there are often gray areas, he said: If a town is repairing a sewage plant that handles 5 million gallons, should it also expand it so it can handle 7 million gallons, or would that only encourage sprawl?

"That's where you're going to get variable answers," he said.

Kevin Ward, executive administrator of the Texas Water Development Board, said that in many towns, the authorities that decide how to use water funds have no say in planning and zoning decisions and are simply obligated to provide service to a given district. But the EPA seemed "sensitive to these matters," he said.

Paul Marchetti, director of Pennsylvania's water infrastructure agency, bristled slightly at the guidance, saying that his state has long allocated funds with the input of local governments to discourage sprawl.

"To the extent we have dictums coming down from on high, it makes it potentially difficult for each of the programs to run things in ways that make sense for each state," he said. But the guidance's vague wording reassured him that the judgment would be left at the state and local level.

This is why Geoff Anderson, the president of Smart Growth America, wishes the new guidance were more specific, to really goad states where sprawl predominates. "The EPA ought to be thinking about how to go further," he said.

But he praised the guidance, rejecting the concern about its preventing sewer lines from reaching septic-reliant new development. Septic-based developments should be approved, he said, only if they can guarantee that their septic systems will function over the long term. "The ultimate performance of those septics can't rely on the endless extensions of a wastewater system that we can't even afford now," he said.

EPA settles with Puerto Rico utility on pollution (*Associated Press*)
Story also appeared: *eTaiwan News*

Puerto Rico's water utility must upgrade more than 100 drinking water treatment plants, including some that currently discharge untreated sludge into local waterways, according to a settlement announced Tuesday.

The Puerto Rico Aqueduct and Sewer Authority must also pay a $1 million civil penalty under the consent decree with the U.S. government _ the latest in a series of agreements that date to 1995 and address similar issues in the U.S. Caribbean territory.

"Unfortunately there is a history of environmental violations, and we are very determined at the Environmental Protection Agency to make sure the residents of Puerto Rico have clean and safe drinking water," EPA Regional Administrator Judith Enck said at a news conference. "The agreement today will help ensure clean drinking water for many people."

Enck said the pollution does not pose an immediate health threat, but the upgrades will improve water quality across Puerto Rico.

Most of the people served by the 126 treatment plants that require upgrades live in low-income communities, according to U.S. officials.

The upgrades, which will cost an estimated $195 million, involve new monitoring equipment, sewer lines and the construction of treatment systems at 34 facilities where sediment filtered out of drinking water is currently dumped back into lakes, rivers and streams. The cost will be partially offset by $70 million in federal stimulus money that the utility received last year.

2010-05-05 05:20 AM

Three more states call up Guard for oil spill (*Marine Corps Times*)

By William H. McMichael - Staff writer
Posted : Tuesday May 4, 2010 12:52:59 EDT

Defense Secretary Robert Gates approved the requests of three more southern governors — whose shorelines are threatened by the growing Gulf of Mexico oil spill — to call up thousands of National Guard troops for full-time duty, a Pentagon spokesman said Tuesday.

In addition, two specially equipped, Ohio-based C-130 aircraft, deployed to the region last week to spray chemicals to disperse the oil but largely prevented from flying by rough weather, may be able to get out and spray more later Tuesday, Marine Corps Col. Dave Lapan said.

The Coast Guard is the federal on-scene response agency and is coordinating the efforts of a wide range of government agencies and nongovernmental organizations. In addition to those responses, oil giant BP, which operated the drilling rig that exploded April 20 and sank two days later, continues efforts to cap the undersea well that the U.S. Fish and Wildlife Service says is leaking about 210,000 gallons of crude per day, according to the Associated Press.

Mississippi now can call up as many as 6,000 Guardsmen to assist in the response, while Gates approved call-ups of 3,000 in Alabama and 2,500 in Florida, Lapan said.

Louisiana had already requested and received approval last week to call up as many as 6,000 Guardsmen; it currently has 1,200 in full-time Title 32 status, Lapan said. Those troops are providing command and control, manning the tactical aviation cell in the joint operations center, and providing sandbagging support to St. Bernard and Plaquemines parishes.

Additional Guard missions could include work in the areas of communications, logistics, transportation, aviation, shoreline cleanup assessment, traffic control, medical and other areas, Lapan said. Nine staging areas are now set up to protect the shoreline in all potentially affected Gulf states, according to the Environmental Protection Agency.

Guard forces in Title 32 status normally are funded with federal dollars, but in this case, the government will be reimbursed by BP, which is by federal law responsible to pay for the cost of the response and cleanup caused by the spill, Lapan said.

Oil spill from a gas well in Pepper Pike pollutes stream (*Plain Dealer*)

By Faith Hampton, Sun News
May 04, 2010, 1:25PM
PEPPER PIKE -- An oil spill was found Sunday, April 2 in a stream by Lander Circle and Pinetree Road.

According to Fire Chief Tom Hartman, a resident was walking across from the Garfield Memorial United Methodist Church on Lander and noticed an odor of fuel coming from the stream near by. The resident brought a sample of the oily fluid to the station on Sunday, April 2 prompting the fire station to check out the incident.

The spill was traced back to a gas well that was installed by Duck Creek Energy last year.

Hartman said that oil leaked from the tank of the gas well and spilled onto the soil, into the stream and then went into the sewer system. He said that when he went to look at the spill again on Monday, April 3 there was even more oil than before on Sunday.

The fire department called Duck Creek Energy, the Ohio Department of Natural Resources Mineral Division and the Ohio Environmental Protection Agency to help with the spill.

Duck Creek shut down the gas well on Monday and started to clean up to remove the contaminated soil. The fire department and Duck Creek both put down multiple absorbent pads and booms across the creek at different locations to absorb the oil.

Hartman said that there was no evidence of any animals hurt by the oil spill. He said it would take a few more days to clean up.

He said that the ODNR are going to do a report on the incident and investigate further into what happened to cause the spill.

Ohio EPA On-Scene Coordinator Kurt Kollar said that 250-500 gallons of oil had been spilled into the stream and Duck Creek will be responsible for any costs incurred by the state to clean up the spill.

Duck Creek has been cited for failure to comply with Ohio Revised Code 61.11 for water pollution control.

Hartman said Pepper Pike has never seen an oil spill that got into any creeks in the area, but has had to clean up small leaks from underground storage tanks.

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WEDNESDAY, MAY 05, 2010
ncpr

Glens Falls panel to decide future of PCB dredging in the Hudson River (*North Country Public Radio*)

A panel of scientists—meeting this week in Glens Falls—is trying to determine whether the massive PCB dredging project on the Hudson River is effective and practical.

General Electric and the Environmental Protection Agency disagree on this key point—and that disagreement raises questions about funding for the multi-billion-dollar project.

Researchers said PCBs caused cancer and lawmakers banned the chemicals in 1977. But—for decades before the ban—GE plants in Fort Edward and Hudson Falls used the lubricant. And lots of it went into the Hudson, in the plants' waste water. Jonathan Brown has more.

Panel: Dredge finding difficult (*Albany Times Union*)

Clash of PCB data from GE, EPA puts group of engineering experts at big disadvantage
By **BRIAN NEARING**, Staff writer
Click byline for more stories by writer.
First published: Wednesday, May 5, 2010
GLENS FALLS -- After listening to two very different interpretations of the outcome of last year's Hudson River PCB dredging, Paul Fuglevand summed up his challenge: "We have been asked to find a needle in a haystack. After this morning, the haystack just got bigger."

Fuglevand heads a panel of seven environmental engineering experts who absorbed a blizzard of statistics, charts and graphs from General Electric Co. and the U.S. Environmental Protection Agency, both trying to prove that their road map for future river dredging ought to be followed when the project resumes in 2011.

During presentations Tuesday at the Queensbury Hotel, engineers for GE and EPA spent more than six hours outlining data from the first year of dredging around Fort

Edward. GE believes so many PCBs were stirred up and moved downriver that future dredging ought to be scaled back and PCBs left behind in the river should be covered over. EPA counters that GE is using one-sided data of questionable reliability, that PCB levels released by dredging were never dangerous and future dredging can be improved to reduce the amount of PCBs escaping into the river.

Toward the end of the day, panel member Victor Magar of Environ Corp. observed that trying to sort out reality was "more of a challenge if we don't know whether (GE and the EPA) agree on the data."

GE Environmental Affairs Vice President Ann Klee started the meeting by taking issue with an EPA report issued Monday that used surprisingly harsh words -- including superficial, one-sided, artificial, oversimplified and unreliable -- to describe GE's findings. "Our analysis is not artificial, it is not oversimplified and it is 100 percent reliable," she told the panel. She said EPA is downplaying "data that they interpret as being inconsistent with their view of the project."

EPA Project Manager Ben Conneta said the agency disagrees with the "overarching impacts that GE has developed." The company claims increased PCB levels both during and after dredging mean that more PCBs should be capped off and left behind.

Resuspension of PCBs, which occurs when river sediments escape from dredge buckets -- is GE's central issue. John Connolly, a GE engineer, painted a bleak picture of elevated PCB levels that would exist for decades beyond what would happen without dredging.

"PCB desposition is a lightning rod ... and EPA has spent a lot of time trying to discredit it," he said. He said EPA's dredging plan has "no benefit in this river until I don't know when, but it's past 2050."

Under a 2002 cleanup pact with EPA, GE can leave after the first year if the company determines the project is not effective or practical. EPA has vowed the project will continue regardless of GE's involvement.

Conneta said GE claims that EPA is sacrificing the health of the river are "completely untrue." EPA wants to make changes to the dredging to reduce re-suspension, including dredging deeper but less repeatedly to get at contamination that runs deeper than initially projected and closing over dredged sites with clean material more quickly than was done last summer.

Connolly said the deeper dredging would be bring up uncontaminated sediments, and would actually results in more dredging, not less. Conneta disputed that, but he admit it might take longer than five years to finish work so dredging could be done more slowly to limit the escape of PCBs.

EPA contractor Ed Garvey said that future dredging would no longer automatically cease if PCB levels exceeded the federal drinking water standards of 500 parts per trillion, now that EPA has agreed to provide Troy drinking water to the Saratoga County towns of Waterford and Halfmoon, which have used the river for drinking water. Garvey said work could be slowed if the levels hit the standard. Last year, work stopped three times after water around Fort Edward exceeded the limit.

That led GE spokesman Mark Behan to say the agency was abandoning the drinking water standard that had been part of the 2002 cleanup agreement, something that was echoed by Sharon Ruggi, a member of CEASE, a grassroots anti-dredging group. "EPA wants to throw out the drinking water standard, but it was set to be protective," Ruggi said. Hearings will continue today and Thursday; the panel report is due out later this summer.

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Glen Falls, N.Y.

Hudson River Cleanup Is Debated by EPA, GE *(Wall Street Journal*)

A panel of scientists evaluating Hudson River dredging is hearing very different ideas from General Electric Co. and federal regulators about how to continue the cleanup.

The U.S. Environmental Protection Agency wants to start next year the second phase of the cleanup. GE seeks a cap on the volume of PCBs that would be allowed to flow downstream during Phase 2 of the project.

EPA, GE not seeing eye to eye (*WYNT.com)*

Posted at: 05/04/2010 5:51 PM
Updated at: 05/04/2010 6:01 PM
By: Subrina Dhammi
GLENS FALLS - They agree to disagree.
"We have our view on how things should be going and of course GE has theirs," said Dave King with the EPA.
General Electric's main concern is an extremely high amount of PCBs was stirred up during the first phase of dredging.

"PCB levels in fish rose between 40 and 500 percent as a result of dredging between Fort Edward and Troy," said Mark Behan with GE.

King said, "We don't feel it's as high as GE assumes or analyzes."

An independent panel is now reviewing the data. It's a three day presentation at the Queensbury Hotel in Glens Falls.

So far GE has spent $561 million in year one of this project.

During that time PCB levels in drinking water in locations from Fort Edward to Troy exceeded the federal standard of 500 parts per trillion about 10 times, causing the project to stop each time until the levels came down. That's something EPA wants to change in Phase 2.

Of course, GE doesn't agree with that.

"We're still looking to 500 as a very important number. The question is can we make operational changes to bring that number down as opposed to automatically stopping it," said King.

Behan said, "We disagree with that. We feel we have to reduce resuspension, not waive standards."

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