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ADMINISTRATOR JACKSON

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State farmers may face stiff pesticide restrictions (*News Tribune*)

Last updated: July 25th, 2010 09:30 AM (PDT)

WASHINGTON -- Farmers in Washington and across the nation could face severe restrictions on the use of pesticides as environmentalists, spurred by a favorable legal ruling, want the courts to force federal regulators to protect endangered species from the effects of agricultural chemicals.

An 8-year-old ruling by a federal judge in Seattle required the National Marine Fisheries Service and the Environmental Protection Agency to review whether 54 pesticides, herbicides and fungicides were jeopardizing troubled West Coast salmon runs.

The agencies recently moved to restrict the use of three of the chemicals near any bodies of water that flow into salmon-bearing streams and regulators are now considering restrictions on 12 additional chemicals.

The Washington State Department of Agriculture says such restrictions will prevent pesticide use on 75 percent of the state's farmlands.

A federal judge in California has issued a similar ruling involving 11 endangered and threatened species and 75 pesticides in the San Francisco Bay area.

Rather than continuing to file piecemeal lawsuits, the Center for Biological Diversity says it will file a broader suit this summer involving nearly 400 pesticides and almost 900 species protected under the Endangered Species Act.

Washington officials said restrictions that might result from that lawsuit could "significantly" affect agricultural production in at least 48 states.

Dan Newhouse, director of the state Department of Agriculture who farms hops, apples, cherries and other row crops on 600 irrigated acres in the Yakima Valley, said if the courts ordered far-reaching restrictions, "farmers across the country will have significantly fewer tools at their disposal to manage plant pests and disease."

Newhouse said there was so much uncertainty it was impossible to tell how "widespread or dramatic" the effects might actually be. But in his state, Newhouse said, "I am coming to believe every farmer would be impacted one way or another."

The Endangered Species Act, signed into law in 1973, requires federal agencies contemplating an action that could "jeopardize" listed species consult with either the Fish and Wildlife Service or the National Marine Fisheries Service and come up with a plan to alleviate or lessen the effects.

The fisheries service has jurisdiction over some fish species such as salmon, and the Fish and Wildlife Service covers everything else.

EPA has jurisdiction over pesticides. Over the years, environmentalists claim the EPA pretty much ignored the endangered species requirements.

That began to change in 1992 when U.S. District Court Judge John Coughenour in Seattle ruled EPA had violated provisions of the Endangered Species Act by not consulting with the fisheries services over how the use of pesticides and other chemicals could affect the more than two dozen salmon runs protected under the act in Washington, Oregon, California and Idaho.

"Such consultation is mandatory and not subject to unbridled agency discretion," Coughenour wrote.
After years of study, the fisheries service in 2009 found three pesticides -- carbaryl, carbofuran and methomyl -- were jeopardizing salmon runs and suggested EPA change the registrations on the chemicals to ban using them within 1,000 feet of salmon habitat and impose other technical restrictions involving aerial spraying, wind speed and weather.
EPA essentially agreed, but the manufacturers of the three chemicals say they won't voluntarily adopt new labeling requirements for their products and have threatened their own lawsuit.
EPA has a 2012 deadline to finish studying the other chemicals and adopt use restrictions on those that threaten salmon.
"For years and years and years, EPA didn't do these consultations on pesticides," said Steve Mashuda of Earthjustice's Seattle office, the law firm that brought the 2002 suit on behalf of the Washington Toxics Coalition. "Those days are over."
Jeff Miller, a spokesman for the Center for Biological Diversity, said until now, his and other groups have approached the issue species-by-species and region-by-region.
"We are trying to get EPA to do it nationally," he said.
Miller said, even now, EPA continues to drag its feet.
"I know (President) Obama has a lot on his plate right now, but the EPA is still not aggressively taking on this issue," he said.
Agriculture is a $40-billion-a-year business in Washington, employing 160,000 people. It's not just the large irrigation projects in the central part of the state or the wheat farms in the Palouse. It includes berry farms, tulip bulb fields and cranberry bogs on the west side.
Newhouse said state agriculture directors across the country are increasingly worried. The consultation process for chemicals between EPA and the fisheries service and U.S. Fish and Wildlife Service needs to be overhauled, and that might entail changes in the Endangered Species Act and the Federal Insecticide, Fungicide and Rodenticide Act, Newhouse said.
In addition, Newhouse said the EPA needs to look at recent studies like one conducted by Washington state that showed only low levels of pesticides in five watersheds -- Thornton Creek in Seattle, the Skagit Delta, the lower Yakima Valley and the Wenatchee and Entiat basins. The study said the pesticide levels were not expected to affect salmon, though concentrations at some sites could harm aquatic species that salmon eat.
Manufacturers of agriculture chemicals have threatened to sue EPA, alleging the agency's method of crafting restrictions was riddled with "major flaws" and the industry was not asked to participate.
The companies that manufacture the three pesticides currently at the heart of the controversy told EPA they won't go along with voluntary labeling restrictions, arguing that if the chemicals are properly used they will not jeopardize endangered or threatened species.
The industry has also argued that pesticides actually help maintain habitat for endangered species by controlling the spread of noxious and harmful weeds, pointing to

endangered orchids that have thrived in various rights of ways that have been sprayed with herbicides.
EPA officials were unavailable for comment despite e-mail and telephone requests. But they have notified the manufacturers if they don't voluntarily agree to the new labeling restrictions, the agency will pursue "administrative procedures" against them.
On Capitol Hill, lawmakers are tracking the controversy but no legislative fix has been introduced.
"Washington's agricultural industry, the backbone of our state's economy, will be enormously affected by the proposed buffers and restrictions," said Sen. Patty Murray, D-Wash.
Murray said she has been in contact with the state's federal agencies and farm interests.
Rep. Doc Hastings, R-Pasco, whose district includes some of the state's richest farm lands, said in a letter to EPA Administrator Lisa Jackson it was "deeply troubling" her agency was moving ahead with restrictions despite studies that found salmon weren't being affected.

Brainstorm Tech 2010 (*Fortune*)

Where the Fortune 500 and the innovators meet to shape the future of business.
(July 22-24, 2010)EPA to tech companies: build products that break down
July 24, 2010 1:10 PM
EPA chief Lisa Jackson says tech companies tend to be young, hip and green. Now they need to think about recycling on the front end.
By Shelley DuBois, reporter
EPA head Lisa Jackson at Brainstorm Tech. Photo: Matt Slaby, Fortune
Garbage is money, says Lisa Jackson, administrator of the Environmental Protection Agency. She claims that's especially true for tech products that are built with some of the more valuable elements.
"What happens to our our smartphones and our other products is they usually end up in other countries," says Jackson. Junk hardware is exported or dumped in foreign landfills. "The really precious, hard-to-find pieces of the periodic table -- people will go to lengths to get it." People get gold, lithium and other metals out of these products by burning them, which is unsafe and inefficient -- not mention an environmental threat.
The tech industry needs to challenge itself on the front end to make easily recycled products, Jackson said at Fortune's Brainstorm Tech conference, because "if you don't get it by recycling, you have to mine it." Not one of the EPA's favorite activities.

The main challenge in America is convincing people that green movements, like carbon reduction and fuel efficiency, matter. "In this country, it's hard to make people realize that the little things do add up." For example, people expect government subsidies on fuel efficient cars when current technology is good enough that these vehicles pay for themselves fairly quickly.
"There shouldn't be a need for us to help you if there's a 12-month payback."

Tech companies are primed to help, perhaps more than other kinds of businesses, Jackson says.
"The tech field is younger and greener and cooler by nature. They take their products back, and they're starting to have a real ethic of corporate responsibility."
The next step, she says, is to look at electronic waste and see dollar signs. "People fight over garbage because garbage is money." So thinking about recycling should make financial sense for industry.
She makes a simple demand: "When you think about how you're designing, think about how it will come apart."

EDITORIAL / OP-ED / COMMENTARY / LETTERS
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Outlook chilly for a smart climate bill (*Washington Post*)

Sunday, July 25, 2010; A18
WITH DEMOCRATS in control of the White House and Congress and a major international climate conference scheduled in Copenhagen, the prospect of passing legislation that would curb America's carbon emissions appeared better than ever at the beginning of the Obama administration. But President Obama and the Senate did not prioritize climate-change legislation. Health care and financial reform dragged on much longer than expected.

On Thursday came the consequence: Senate Majority Leader Harry M. Reid (D-Nev.) announced that he would not, as had been planned, bring a climate bill to the floor before Congress's August recess.. There isn't enough time to gather the necessary votes before the break -- and, it now seems likely, before the end of the year. Which means more delay and, ultimately, a higher price tag.

The Senate might consider a renewable portfolio mandate, which would require utilities to derive a certain amount of their electricity from renewable sources, in the fall. Other proposals promoting natural gas, efficiency, and research and development also have a shot of passing this year. But these are not enough to achieve the size of emissions reductions for which America must aim. The most attractive policy is putting a simple price on carbon, which would encourage private initiative to reduce emissions. But Republicans have hypocritically attacked this market-based approach, and Democrats have defended the idea weakly, while compromising it with giveaways to favored constituencies in the bills they proposed.

What's next? Under the Clean Air Act, the Environmental Protection Agency has the authority to regulate carbon emissions, and it is set to begin with power plants and factories in January. The process will be messier, involving bureaucratic review of

individual sources, complicated litigation and high risk that regulations will change from president to president. Congress would have curbed the EPA's authorities in a compromise climate bill. But since a climate bill probably won't be passed anytime soon, the agency should proceed vigorously; it would be most useful targeting the dirtiest utilities and industrial facilities. The president may have to use his veto to defend the EPA from congressional attempts to strip the agency of its power to regulate carbon.

Eventually, Congress will have to act. The optimistic view is that increasingly dire warnings from scientists and controversial EPA carbon regulation will spur the next Congress. But given the record of this one, it's hard to be optimistic.

29 dead, and a coal CEO blames government (*Washington Post*)

July 25, 2010 Sunday
Regional Edition
EDITORIAL COPY; Pg. A17
Maryland
By Dana Milbank
If Don Blankenship had any sense of shame, he'd crawl into a mine and hide.

As CEO of Massey Energy, he has presided over a coal company that had thousands of violations in recent years, leading up to the April explosion that killed 29 of his miners. The company now faces a federal criminal investigation into what the government has called negligent and reckless practices.

But Blankenship must have no sense of shame, because he visited the National Press Club last week to complain about "knee-jerk political reactions" to mine deaths and to demand that the Obama administration lighten regulations on his dirty and dangerous company. "We need to let businesses function as businesses," an indignant Blankenship proclaimed. "Corporate business is what built America, in my opinion, and we need to let it thrive by, in a sense, leaving it alone."

The CEO was asked what he could have done to prevent the deadly explosion. "I probably should've sued MSHA" -- that's the federal Mine Safety and Health Administration -- "rather than waiting" until now, he said. In the future, he added, "you'll see not only coal companies but many companies resist the efforts of **EPA** and others that are impeding their ability to pursue their careers, or their happiness."

Poor CEO Blankenship. That mean federal government is not allowing him to pursue his happiness, just because his employees are dead. It brings to mind the sad plight of the BP CEO, Tony Hayward, who visited the Gulf Coast that his company has wrecked and complained that "I'd like my life back." Happily, Hayward got his wish and returned to yachting.

It's easy to paint Blankenship as a villain, with his moustache, double chin and rough edges (he twice lamented the "abstract poverty" in the world). But his theme -- and his complete absence of corporate responsibility -- is very much the message corporate America has adopted in this mid-term campaign year: If you've got a problem, blame the government.

Consider the efforts this month by the U.S. Chamber of Commerce, once a center of moderate Republicanism that worked with both parties but now a sort of radicalized corporate Tea Party, spending $75 million this fall mostly to defeat Democrats. The chairman of the group's board -- on which Blankenship served until recently -- accused the Obama administration and congressional Democrats of a "general attack on our free enterprise system." Specifically, the chamber accused the Democrats of "an ill-advised course of government expansion, major tax increases, massive deficits, and job-destroying regulations."

Taxes? The nonpartisan Tax Foundation in May described Americans' tax burden in 2009 as the lowest since 1959. Job-destroying regulations? The lack of regulation on Wall Street led to a financial collapse that killed millions of jobs. Massive deficits? One of the biggest causes of the gap is the $800 billion stimulus package supported by -- wait for it -- the U.S. Chamber of Commerce. And the chamber wants the government to spend even more: It demands that Congress "quickly pass a multiyear federal surface transportation bill." That would costs hundreds of billions more. And let's not forget the chamber's desire to "get the money from the government" to help pay for the BP oil cleanup.

President Obama wisely ignored that request and forced BP to pay for its mess. Likewise, the administration didn't accept the claims made by Goldman Sachs officials, who told Congress that they did nothing wrong in offering financial instruments that accelerated the market collapse. This month, Goldman agreed to pay $550 million as part of a settlement with the Securities and Exchange Commission over those very actions.

If anything, Americans think Obama has not been tough enough on business. In a new poll by the Pew Research Center, large majorities think that recent government policies have helped big banks (74 percent) and large corporations (70 percent), but only 27 percent think they have helped the middle class. This suggests Americans, though angry about the economy, aren't about to take the corporations' side against Obama -- particularly if corporate America keeps sending spokesmen such as Blankenship to make the case.

"There's 42,000 people killed a year on the highways," the coal boss offered as a way to put his miners' deaths in perspective. He protested that clean-water restrictions are so tight that even Perrier wouldn't pass. Blankenship's advice to fellow CEOs: "You should push back on the government."

He's got that reversed. Government should push back against a corporate culture that

has lost its sense of shame.

danamilbank@washpost.com

July 25, 2010 Sunday
Regional Edition

METRO; Pg. C05
Maryland
Local Blog Network;
voices.washingtonpost.com/local-opinions/
By Bacon's Rebellion

Stonewalling on the Chesapeake (*Washington Post*)

This May, environmentalists hailed two developments that finally seemed to bode well for the Chesapeake Bay. The **Environmental Protection Agency** settled a lawsuit with activist and seafood groups to start enforcing bay-related pollution rules. Also, the Obama administration announced it would undertake a pollution survey of bay watersheds to identify and stem pollution.

Unfortunately, the positive moves are running into a brick wall, namely Gov. Robert F. McDonnell (R).

He and his secretary of natural resources, Doug Domenech, are pushing back on Obama's moves to cut pollution from farms and runoff from subdivisions that scientists believe lead to oxygen-depleted "dead zones" and too many chemicals that lead to algae blooms.

McDonnell wrote **EPA** Administrator Lisa Jackson recently that "the **EPA's** time and energy would be better spent in Virginia educating farmers on best practices and positive actions . . . rather than expanding the scope of its regulatory authority through enforcement measures."

Domenech has said in media interviews that with the economy still sputtering, now is not the time to push new regulations that could stymie housing construction and demand for forest products.

It was probably naive to think that the anti-regulation McDonnell administration would go along with what the Chesapeake Bay Foundation has dubbed the most significant measures to improve the health of the bay in 38 years. As a staunch conservative, he is dead set against any expansion of government.

It is also curious that McDonnell believes that Virginia's farmers need to be "educated"

about pollution. He must have in mind the quaint notion that Old Dominion agrarians still work their 40 acres with a mule. The reality is that some of the biggest polluters are gigantic corporate farm operations.

One is Virginia-based Smithfield Foods, which operates big hog farms that produce enormous amounts of animal waste. One company farm was fined millions for polluting the Pagan River in the mid-1990s. And it is unlikely that Ma and Pa farmers have the deep pockets to hire cooking show star Paula Deen as their pitchwoman, as Smithfield has.

As for Domenech, it may be no surprise that he is worried about what new bay regs might do to the forest products industry. He worked for 12 years for the Forest Research Association, an industry lobby group, before moving over to the Interior Department during the George W. Bush administration.

Some believe that McDonnell's stone wall on efforts to avoid computer modeling to identify bay pollution sources could lead to a breakup of the multi-state pact that has been trying to do something about bay pollution for decades.

That would be a huge price to pay for one politician's anti-government dogma.

Peter Galuszka, Bacon's Rebellion

It's time to end the excessive subsidies for corn ethanol. (*Washington Post*)

July 25, 2010 Sunday
Bulldog Edition
EDITORIAL COPY; Pg. A14
Maryland
Cornucopia;
It's time to end the excessive subsidies for corn ethanol.
WHEN WASHINGTON starts handing out cash, it can be hard to stop. See, for example, the decades of subsidies the government has showered on the corn ethanol industry. The fuel was supposed to free America from its dependence on foreign oil and produce fewer carbon emissions in the process. It's doing some of the former and little of the latter. But corn ethanol certainly doesn't need the level of taxpayer support it's been getting. Lawmakers are considering whether to renew these expensive subsidies; they shouldn't.

The feds give companies that combine corn ethanol with gasoline a 45-cent tax subsidy for every gallon of corn ethanol added to gasoline. That's on top of a tariff on imported sugar cane ethanol from Brazil and federal mandates requiring that steadily increasing amounts of these biofuels be produced. The Congressional Budget Office this month estimated that, all told, the costs to taxpayers of replacing a gallon of gasoline with one

of corn ethanol add up to $1.78. The tax incentives alone cost the Treasury $6 billion in 2009.

How about the environmental benefits? The CBO calculates that it costs a huge $750 to reduce annual carbon dioxide emissions by one ton using corn ethanol. And that figure relies on assumptions extremely favorable to the industry.

Not only are these subsidies expensive, but they are redundant. Since Congress has mandated that the industry furnish a steadily increasing number of gallons of ethanol every year, the stimulative effects of the tax incentives on corn ethanol production will continue to diminish. Numbers from the Food and Agricultural Policy Research Institute at the University of Missouri, on which the CBO relies, show that over the next 10 years, corn ethanol production will still increase -- just not quite as quickly -- if Congress allows the subsidies to lapse this year and leaves the mandate in place.

At this point, the question should not be whether to allow corn ethanol's tax incentives and trade protections to expire. The debate should be about why corn ethanol deserves any federal protection at all. There are certainly more effective ways to reduce oil consumption and greenhouse emissions.

AIR

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July 25, 2010

Health Rules Could Cut Greenhouse Emissions (*New York Times*)

By TIMOTHY GARDNER

WASHINGTON — A proposed rule on mercury, a pollutant bad for fish and the people who eat too many of them, could help the administration of President Barack Obama get near its short-term climate goal, even if the U.S. Congress fails this year or next to pass a bill tackling greenhouse gases directly.

Senate Democrats crafting an energy bill have abandoned it until September, and for the rest of the year they probably will not debate climate measures like carbon caps on power plants and mandates for utilities to produce more power from renewable sources like wind and solar.

But while many people concerned about climate control have been focusing on the Senate, the Environmental Protection Agency, under its administrator, Lisa P. Jackson, has been quietly preparing to crack down on coal, the most carbon-intensive fuel, as never before.

Under Ms. Jackson — a former chemical engineer for an oil company who has said the idea that progress on the environment has to hurt the economy is a “false choice” — the

agency declared late last year that greenhouse gases endangered human health and welfare.

The agency has begun to take steps to regulate greenhouse gases from automobiles, power plants and factories. But its proposed rules on mainstream pollutants, those that can cause diseases, may limit carbon dioxide emissions the most.

While the agency is considering new rules for coal, its proposal for emissions of mercury, which go up smokestacks at coal-fired power plants and enter the environment, could pack a bigger punch.

The rule, which the agency was required by U.S. courts to issue by November 2011, is likely to help push many of the oldest and dirtiest emitters of carbon into retirement. Environmental groups and a nurses' group sued to compel the agency to issue the rules, which it has to start enforcing three years after issuing them.

Scientists say mercury from coal accumulates in many fish. Children exposed to the metal, through mother's milk or by eating contaminated fish, are at risk of learning and developmental problems. Adults who eat too many contaminated fish also face risks.

When combined with the agency's other current and coming rules on "criteria" pollutants, like ones that cause acid rain and smog, the mercury measure would require utilities to invest tens of millions of dollars on technologies to remove the substances. Many of those plants are about 50 years old and are already inefficient.

"Those investments are just not going to be justifiable," said Dan Bakal, director of electric power programs at Ceres, a group of environmentalists and institutional investors.

François Broquin, who has written reports on coal for Bernstein Research, said the combined rules could push as much as 20 percent of U.S. coal-fired electric generation capacity into retirement by 2015. "Obviously that will have an impact," he said.

Frank O'Donnell, president of Clean Air Watch, an environmental group, said that retirement of a large number of coal-fired plants could help the country exceed Mr. Obama's goal of reducing greenhouse gas emissions 17 percent by 2020, measuring from 2005 levels.

"We've thought for a long time that proper enforcement of the Clean Air Act, laws already on the books, can have the unintended benefit of really doing something on climate," he said.

The World Resources Institute, an international environmental group, said Friday that aggressive action on existing U.S. national rules and state plans could reduce emissions almost as much as Mr. Obama wants by 2020. But it said implementation of the proposed rules on mercury and other issues could get even closer.

Utilities are likely to replace coal-powered plants with plants that burn natural gas, which emits half the carbon that coal does. Alternative energy sources like wind and solar power, which provided most of the U.S. electricity capacity added last year, could also become more attractive to utilities.

To be sure, the rate of retirements may also depend on the price of natural gas, which is relatively cheap now, as new drilling technologies have granted access to vast new supplies.

In addition, coal companies and utilities could sue to stop or delay implementation of the rules.

But several utilities have already announced plans to shut coal plants.

They know the agency is also considering rules like regulating coal ash waste since a dike ruptured in 2008 at a Tennessee Valley Authority coal plant, unleashing a gush of slurry that flattened houses. Cleaning up after the disaster could cost $900 million. Additional rules on chemicals that cause smog would add new costs, either to comply with or fight in court.

The agency's rules alone would not get to the huge reductions of 80 percent in greenhouse gases by 2050 that scientists say are required to stop the world from suffering the worst effects of climate change. Ultimately, Congress would have to create a law to achieve those cuts.

Until that happens, the agency's rules could serve as a bridge.

The rules are also not going to achieve Mr. Obama's 2020 reduction goals, Mr. Broquin of Bernstein Research said, "but they are a first and important step."

Timothy Gardner is a Reuters correspondent.

Saturday, July 24, 2010 Modified: Sunday, July 25, 2010

EPA to hold coal-ash hearing in Denver (*Denver Business Journal*)

Denver will be the site of one of five public hearings nationwide that the U.S. Environmental Protection Agency has scheduled on proposed rules for coal ash from power plants.

Coal ash, or "coal combustion residuals," is a solid waste material left over from the burning of coal to produce power. Utilities typically dispose of it in ponds or landfills.

The EPA says the ash contains mercury, cadmium and arsenic — contaminants associated with cancer and other illnesses. The federal agency is concerned those pollutants could leach into groundwater and drinking-water sources.

EPA is proposing to regulate coal ash for the first time. (Click here for the proposed coal-ash regulations.)

Coal-fired power plants produce most of Colorado's electricity. Xcel Energy Inc. -- Colorado's largest power utility -- currently generates about 900 megawatts of power at its coal-fired plants in the state. It has plans to shut down some of the plants and to switch others to natural gas.

A new state law requires utilities to sharply cut emissions from coal-fired power plants. In particular,

Xcel must cut nitrous oxide emissions by up to 80 percent from several Front Range coal plants by the end of 2017.

The local EPA hearing will be held Sept. 2 at the Grand Hyatt, 1750 Welton St., Denver.

All hearings start at 10 a.m. and run until 9 p.m. or later, depending on the number of speakers. The other hearing sites are Charlotte, N.C.; Dallas; Chicago;and Arlington, Va.

Those who would like to speak are asked to pre-register, and a written statement is requested. Each speaker will be given three minutes.

Compiled by the DBJ's Mark Harden | Susan Stabley of the Charlotte Business Journal and the DBJ's Cathy Proctor contributed

Senators Say EPA Dust Regulation Proposals Defy Common Sense (*Hoosier Ag Today*)

07/25/2010
NAFB News Service
A group of Senators led by Iowa Senator Chuck Grassley sent a letter to Environmental Protection Agency Administrator Lisa Jackson Friday calling on her to use common sense on future dust regulations and reminding her of the Administration's focus on rural America and the negative impact the regulations could have on Main Street. The Senators say the second draft recently released would establish the most stringent and unparalleled dust regulation in U.S. history if approved. Though they respect the efforts for a clean and healthy environment – the Senators say that shouldn't come at the expense of common sense.

The letter states the EPA's identified levels for particulate matter will be extremely burdensome for farmers and livestock producers to attain. The Senators point out dust is a naturally occurring event - whether its livestock kicking up dust, soybeans being combined on a dry day in the fall or driving a car down the gravel road. Producers could potentially be fined for not meeting the particulate matter standards while still practicing good management practices on their soils - according to the Senators. If the rule is published - they say economic development could slow down and significant costs to farmers and businesses could be imposed. Grassley says he is greatly concerned that this puts the U.S. one step closer to imposing more regulations on farmers.

EPA warns of unhealthy air quality on south coast (*Boston Herald*)

By Renee Nadeau Algarin | Saturday, July 24, 2010
The Environmental Protection Agency warns of unhealthy air quality today on the Bay State's south coast, including the Cape.
The poor air quality, caused by ground-level ozone, should be swept away by a cold front tomorrow, according to the EPA. All of Rhode Island and coastal areas in Connecticut and southeast Massachusetts are all affected by the unhealthy air.

“We are expecting Saturday to be another unhealthy air quality day in parts of New England,” said Curt Spalding, administrator of EPA’s New England office. “On these days, EPA and the medical community suggest that people limit their strenuous outdoor activity.
The poor air quality can cause increase the likelihood of respriratory infection and aggravate lung problems, including asthma, according to the EPA.

AWARDS

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City, Other Agencies Honored With EPA Award (*WXXI*)

Carlet Cleare (2010-07-23)
ROCHESTER, NY (WXXI) - Representatives from the national Environmental Protection Agency, or EPA, presented the Coalition to Prevent Lead Poisoning, and its five partners, with the Environmental Justice Achievement Award.
The number of childhood lead poisoning cases in Rochester has dropped 84 percent over the last decade.
The regional administrator for the EPA, Judith Enck, says the Coalition's work is a national model.
Enck says the award recognizes organization partnerships for their success in tackling environmental justice issues or positively impacting their community.
Rochester mayor Robert Duffy says the reduction in lead poisoning cases was a collaborative effort.
The five Coalition partners include: the city of Rochester, the Empire Justice Center, Finger Lakes Health Systems Agency, the Monroe County Health Department and the University of Rochester.

BP SPILL

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Activists frustrated at Obama’s environmental record *(Christian Science Monitor*)

Environmental activists were delighted to have Barack Obama replace George W. Bush as president. But greens are increasingly unhappy with Obama’s record – especially on climate change.

President Barack Obama surveys damage along the Louisiana coastline caused after a BP oil line ruptured in the Gulf of Mexico. Environmental activists say Obama should

have used the Gulf oil spill to push for a cap on carbon emissions linked to global warming.
(Larry Downing/Reuters)

By Brad Knickerbocker, Staff writer
posted July 25, 2010 at 9:18 am EDT

When Barack Obama took over the White House from George W. Bush, environmental activists breathed a collective sigh of relief.

Under Bush and vice president Dick Cheney, resource extraction – logging, mining, drilling for oil and gas – as often as not were favored over protection of habitat and endangered species. So was carbon-emitting energy production over conservation and "green" renewable energy.

No surprise there, since both Bush and Cheney had been oil men. It was more than symbolic that environmentalists got short shrift in the backroom meetings of Cheney's energy task force.

But things would be different with a progressive, young Democrat in the White House, enviros thought.
'A green, dream team'

Just as important to those looking for a change in direction were Obama's appointments to high environmental offices: Carol Browner, who'd headed the EPA under Bill Clinton, as White House climate and energy policy chief; Lisa Jackson, former head of the New Jersey Department of Environmental Protection, as EPA administrator; former director of the Colorado Department of Natural Resources and US Senator Ken Salazar as secretary of the Interior; and as secretary of Energy, Nobel Prize-winning physicist Steven Chu.

Together, they were seen as "a green dream team," as Gene Karpinski, head of the League of Conservation Voters, put it at the time.

Indeed, things did change – particularly regarding climate change and declared energy policy as it relates to creating jobs and improving the economy. And from the California Bay Delta to the Great Lakes to Chesapeake Bay, the Obama administration pushed new strategies for environmental protection and restoration.

But recently, Obama and his administration have been taking flak from the left on the environment.

This past week, the Center for Biological Diversity sued the US Forest Service for failing to monitor and protect endangered species and habitat in Arizona and New Mexico national forests.

“The big picture for species recovery in southwestern national forests is grim,” said Taylor McKinnon, the group’s public lands campaigns director. “In addition to failing to monitor and protect endangered species while implementing the current forest plans, the Forest Service is aiming to roll back species protections in its new plans. In the long run, that’s a recipe for extinction.”

Another lawsuit

A week earlier, the same organization sued Interior Secretary Salazar for not turning over emails, phone logs, and notes from his meetings with oil-industry lobbyists before the BP oil spill when the administration agreed to more offshore oil and gas drilling.

“We want to know who Salazar was talking to, what was said, and what deals were made,” said Kierán Suckling, executive director of the organization. “The Obama administration pledged to be open and transparent in its decision-making, but when it comes to meeting with oil industry lobbyists, this administration is as secretive as the Cheney-Bush White House.”

In the Pacific Northwest, environmentalists are urging Obama to not allow the shipping of large equipment up the Columbia and Snake Rivers – habitat for threatened and endangered salmon – to a tar sands oil project in Alberta.

“Canadian tar sands development is one of the largest, most destructive industrial projects on earth,” warns Save Our Wild Salmon, a coalition of conservation groups and businesses

Meanwhile, some government scientists say they still feel pressure to adjust their work for political considerations.

"We are getting complaints from government scientists now at the same rate we were during the Bush administration," Jeffrey Ruch, who heads the whistleblower group Public Employees for Environmental Responsibility, told the Los Angeles Times.

But it is the inability to get comprehensive energy and climate legislation that environmental advocates see as Obama’s biggest failure.

“Obama is the first president in history to articulate in stark terms both the why and how of the sustainable clean energy vision,” writes physicist and author Joseph Romm. “But the question now is whether he really believed what he said.”

Writing in the current issue of Rolling Stone, Tim Dickinson says, “Obama, so far, has shown no urgency on the issue, and little willingness to lead – despite a June poll showing that 76 percent of Americans believe the government should limit climate pollution.”

'Did Obama kill the climate bill?"

The headline on Josh Harkinson's piece in Mother Jones reads "Did Obama Kill the Climate Bill?"

"After BP's well blew out, Obama's infamously milquetoast address from the Oval Office never connected the disaster with the need for a cap on carbon," Harkinson writes. "All of this wasn't for a lack of pressure from his allies. Nine high-profile environmental groups wrote a letter to the president pleading that 'nothing less than your direct personal involvement' will break the logjam in the Senate."

This past week, Senate Majority Leader Harry Reid acknowledged that he didn't have the votes to pass the kind of cap-and-trade energy reform bill approved by the House a year ago. Instead, Reid is expected to detail a much-slimmed-down energy bill, minus any climate provision that would have capped carbon dioxide and other greenhouse gas emissions.

Many of Obama's critics in the environmental community are spring-loaded to sound the alarm – or file a lawsuit – no matter who is in the White House. For some, it's a good fund-raising tactic.

But for now, activists are finding that the "dream team" they once rejoiced in is not so green.

Meeting to tackle oil spill questions (*Times-Picayune*)

New Orleans
July 24, 2010 Saturday
Meeting to tackle oil spill questions ;
Mandeville area event to be Tuesday
By St. Tammany bureau

Representatives from the Coast Guard, BP and other agencies responding to the Deepwater Horizon oil spill will hold an open house Tuesday night near Mandeville.

The event will be held 6 to 8 p.m. at Fontainebleau High School, 100 Bulldog Drive.

The meeting is designed to let residents engage one on one with experts about the techniques, strategies and materials being used in the spill response, according to a news release from the unified command.

"We want to keep the local communities informed with the most accurate and timely information we have," said Coast Guard Capt. Roger Laferriere, Coast Guard incident commander. "We want to communicate with the public and provide them with firsthand information on the topics that concern them most."

Other agencies that will be represented include the National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service and the Environmental Protection Agency.

Officials will be available to answer questions about the various tools, testing, equipment and tactics that are being used in the response, including waste remediation, boom, burns, sand berms, skimming and dispersants. Experts will be available to address concerns about environmental quality and wildlife.

Claims representatives will be on hand to answer questions about the claims process, according to the news release.

Heidepriem seizes on EPA memo (*Sioux Falls Argus Leader*)

Jonathan Ellis • jonellis@argusleader.com • July 25, 2010

Democratic gubernatorial Scott Heidepriem said the EPA has confirmed his suspicions that Republicans were too easy on a Canadian company planning a second oil pipeline in South Dakota.

The Environmental Protection Agency said the draft environmental impact study for TransCanada's proposed oil pipeline from Canada to the Gulf of Mexico is inadequate and should be revised.

The first, which already is operational, is in eastern South Dakota.

The second, called Keystone XL, would cross western South Dakota from Alberta, Canada, to refineries in Texas and other locations near the Gulf.

In a July 16 letter to the State Department, EPA's assistant administrator for enforcement and compliance assurance, Cynthia Giles, said TransCanada's draft environmental impact statement failed to adequately address concerns about air and water pollution.

Heidepriem said last week that the EPA's assessment of the project confirms his own worries that the pipeline could end up leaking oil into South Dakota's water supplies, including the Ogalala aquifer, which supplies several Midwestern states. Democrats tried twice to pass bills that would have required the company to pay 2 cents a barrel of oil transported in the line into a cleanup fund. Heidepriem blamed legislative Republicans, Gov. Mike Rounds and, by extension, Lt. Gov. Dennis Daugaard - his opponent in the gubernatorial race - for killing the proposal.

Democrats and some Republicans also tried to eliminate the tax refund for oil pipelines during the last session. The tax rebate program, used to lure business to South Dakota, ultimately was scaled back for most large construction projects in the state, but oil pipelines continued to qualify for a rebate.

Heidepriem said there's no reason for pipelines to qualify.

"No one can give a possible justification for why we're incentivising a project that needs no
incentive," he said, noting the pipeline had to come through South Dakota regardless of whether it received a rebate.

Daugaard defended the rebate, saying it had been in place for years. He noted that lawmakers reduced the rebate last session.

"To bait-and-switch would be inappropriate for South Dakota," he said.

The 2-cent-a-barrel cleanup fund also was unnecessary, he said, because lawmakers three
years ago passed a law that requires TransCanada to shoulder all costs if a leak occurs, even if the spill isn't the company's fault. And he noted the two pipelines will generate $15 million a year in local and state property taxes each year - five times more than what the company would get under the state tax rebate program.

The EPA sent its report to the State Department, which is responsible for approving the pipeline
because it crosses an international border.

The Associated Press contributed to this report. Reach reporter Jonathan Ellis at 575-3629.

CLIMATE CHANGE
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Jobs vs. climate (*Columbus Dispatch*)

Fisher, Portman both oppose 'cap and trade' emission controls as threat to Ohio's economy
SERIES: SENATE HEAD TO HEAD
By Jack Torry and Jonathan Riskind, THE COLUMBUS DISPATCH
WASHINGTON
The TV commercial features Senate Republican candidate Rob Portman warning of a

"new energy tax" from Washington that would nick people for turning on a light or firing up a computer, while costing Ohio as many as 100,000 jobs.

The ad refers to a bill approved last year by the House that would curb emissions of greenhouse gases through a market-oriented regulatory system known as cap-and-trade. The none-too-subtle message is that Senate Democratic candidate Lee Fisher ardently supports of the bill.

There is a chasm between Portman and Fisher this election year on many issues, but in fact the two appear equally opposed to a Senate bill aimed at curbing emissions of carbon dioxide, believed to cause global warming.

"I don't see any difference at all," said Frank O'Donnell, president of the Clean Air Watch in Washington. "I think Fisher would rather (the issue) go away." Late last week, Democratic leaders shelved the bill for this year.

Like Portman, Fisher opposes cap-and-trade. Both candidates want more federal dollars for developing a commercially viable way to burn Ohio coal without emitting greenhouse gases.

Both want to use more nuclear power to provide clean electricity. And both want to reduce American dependence on foreign oil.

"I cannot and will not support clean-energy legislation unless it continues to invest and develop clean-coal technologies and unless it makes sure that we do not do this on the backs of manufacturing states by incentivizing jobs being shipped overseas to countries that don't have pollution limits," Fisher said.

With their opposition to cap-and-trade, Portman and Fisher occupy a comfortably traditional niche in Ohio political history. From former Republican Gov. James A. Rhodes to former Democratic Sen. John Glenn to Republican Sen. George V. Voinovich, Ohio politicians have viewed clean-air laws with deep suspicion.

That's because of their fears that clean-air laws will impose steep costs on Ohio's industry, raise the price of electricity and damage the state's coal-mining industry, "the third rail" of Ohio politics, O'Donnell likes to say.

"Our politicians have always stood up for jobs first," said former Democratic Rep. Dennis Eckart of Cleveland.

The differences between Portman and Fisher are more on emphasis. Portman's TV commercial on cap-and-trade was aired throughout the state, prompting one Republican lobbyist in Washington to say, "That they used it in their second ad tells you they think this is a big winner."

"There's only one of us who has been speaking out against cap-and-trade, and that's

me," Portman says. While Fisher's campaign website deals with clean energy relatively briefly, Portman offers a detailed 10-point plan and boasts of his record as a Republican congressman when he wrote a law that helped preserve 60 million acres of rainforests throughout the world.

He reminds reporters that he and his wife each drive hybrid cars, pointing out that in 2006 he traded in a Ford pickup in favor of a Ford Escape. "When you analyze all the data, there is a warming trend according to science," he said. "But the jury is out on the degree of how much is manmade."

Although last year's House bill would have imposed a cap-and-trade system on all U.S. industries, that version was been watered down in the Senate, which would impose the system only on electrical utilities. Even that proved so controversial that Senate Democrats decided to scrap the cap-and-trade sections and pass a slimmed-down energy bill.

Under cap-and-trade, a utility plant would need a permit to emit carbon dioxide. Plants that slash their emissions by switching from coal to nuclear power or natural gas could sell their permits to other power plants that haven't reduced emissions.

The federal government would gradually tighten the caps to force carbon emissions down. That would raise the cost of burning coal, but neither the Senate nor the House bill actually imposes a new tax, as Portman's commercial suggests.

The U.S. Environmental Protection Agency concluded last month that the Senate bill would cost a typical household between $79 and $146 a year.

Despite the report, Fisher would prefer to reward "companies and families who reduce pollution and increase their energy efficiency." He cites working with Gov. Ted Strickland to help pass a bill that requires Ohio to meet 25 percent of its energy needs by 2025 with alternative sources.

"I am more convinced than ever that because Ohio is the third-largest manufacturing state, that we have a very bright clean energy future if we make the right investments now," Fisher said.

But he warned that while he personally believes "wind and solar are wonderful ways to move to a clean energy economy, I am also realistic enough to know that we need to look at biofuels, clean coal and nuclear. And the faster we move to a clean energy economy, the more the prices go down."

If Congress fails to approve a global-warming bill this year, lawmakers might inadvertently open the way for President Barack Obama's EPA to impose its own greenhouse-gas rules, as required by a 2007 Supreme Court ruling. And if Congress prevents the administration from acting?

"We've come through the hottest month of the hottest six months after the hottest decade on record," said Daniel J. Weiss, senior fellow and director of climate strategy at the Democratic-leaning Center for American Progress Action Fund in Washington.

"This sort of severe heat will continue, and in the Midwest there will be increased severe precipitation events, there will be prolonged drought in the Southwest, and, at some point down the road, there will be sea-level rise."

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Veto likely on bills blocking EPA regs (*Politico*)

By: Darren Samuelsohn
July 23, 2010 09:04 PM EDT
President Barack Obama would veto legislation suspending the EPA's plans to write new climate change rules, a White House official said Friday.

Coal-state Democrats, led by Sen. Jay Rockefeller (W. Va.), Reps. Rick Boucher (Va.) and Nick Rahall (W. Va), are trying to limit the federal government's ability to control greenhouse gases from power plants.

The coal-state proposals, which would block the Environmental Protection Agency's authority for two years, would undercut what is widely seen as Obama's alternative climate policy, now that Congress has punted on cap-and-trade legislation for the year. The Obama aide said the proposals won't win the president's signature if they managed to pass on Capitol Hill. Rockefeller's bill is expected to reach the Senate floor at some point this year.

In a press release on Friday, Rockefeller said he was "continuing to push hard" for his legislation to suspend the EPA regulations "so that Congress, not federal regulators, can set national energy policy." The West Virginia Democrat also came out this summer against efforts to pass cap-and-trade legislation that would place mandatory limits on greenhouse gases.

EPA already has promulgated climate rules for motor vehicles, the result of closed-door negotiations with the auto industry, environmentalists and California officials. Next up are rules due early next year dealing with coal-fired power plants. A number of other petitions from states and environmentalists are on EPA's doorstep that press for climate-focused limits on petroleum refiners and other major industrial sources.

State and industry-driven lawsuits also are in the works to block the EPA effort, starting with a challenge in a federal appeals court to the agency's underlying "endangerment

finding" that greenhouse gases contribute to global warming and are pollutants that endanger human health. That EPA finding triggered the requirements to regulate greenhouse gas emissions under the Clean Air Act.

On Thursday, White House energy and climate adviser Carol Browner stopped short of pledging a veto of the Rockefeller bill and its House companion. But she insisted that the EPA would have running room thanks to the Supreme Court's 2007 ruling that affirmed the agency's authority to write the climate rules.

"We will continue to use all the tools available to us to reduce greenhouse gas emissions," she told POLITICO. "The president believes in the science. He believes we have a Supreme Court decision and we will continue to move forward."

Prospects of any bill stripping EPA of its authority are uncertain in the current political climate, but a GOP takeover of either chamber in 2011 makes the threat much more real.

Rockefeller's bill has seven Democratic cosponsors and a promise of floor time at some point this year from Senate Majority Leader Harry Reid (Nev.) Coupled with Republican support, the Rockefeller bill has a slight chance of reaching 60 votes. The Senate voted last month 47-53 to reject Sen. Lisa Murkowski's (R-Alaska) bid to reject the EPA's endangerment finding.

In the House, Speaker Nancy Pelosi is unlikely to allow a floor debate on legislation blocking the EPA rules. Even so, a House Appropriations subcommittee narrowly defeated an amendment Thursday that would have stopped the EPA climate rules on stationary industrial sources for two years. Two Democrats joined five Republicans in the 7-7 vote that came during debate on the Interior and Environment fiscal 2011 spending bill.

July 23, 2010

Senate Abandons Climate Effort, Dealing Blow to President (New York Times)

By EVAN LEHMANN of ClimateWire
Senate Majority Leader Harry Reid abandoned efforts to reduce carbon emissions from the nation's power plants yesterday, marking the first major legislative setback for President Obama, who entered office vowing to address climate change.

Reid (D-Nev.) was cornered into the decision after a handful of Democrats and Republicans failed to be swayed by an 18-month effort in Congress to charge corporate polluters for releasing carbon dioxide. The move will likely leave a national climate bill passed by the House last summer lifeless.

The majority leader will scramble instead to pass a modest measure with politically safe provisions addressing the BP PLC oil spill and energy efficiency in buildings and promoting the use of natural gas in big trucks, before the Senate adjourns for August recess.

"I had to make a decision. Here's the decision I made," Reid told reporters after meeting privately with the Senate's 59 Democrats. "We know we don't have the votes."

The decision ignited despair among some environmental groups and renewable energy coalitions, which see a rare opportunity slipping away. Democrats are at risk of losing their majority in the House and perhaps several seats in the Senate during midterm elections in November.

"It is time for all of us to make our voices heard. Over the recess we must deliver a message to senators: 'Do your job!'" David Hawkins, director of climate programs at the Natural Resources Defense Council, said in a statement. "Don't fail us. Don't fail our children. Don't come home again without having tackled these real and present dangers."

Reid's inability to corral 60 votes undercuts, at least temporarily, the Obama administration's climate agenda, following the president's personal intervention in worldwide negotiations last December that established a national commitment to cut carbon 17 percent by 2020.

"Now, obviously, everyone is disappointed that we do not yet have agreement on comprehensive legislation," Carol Browner, the president's adviser on energy and climate change, said after joining Reid in the caucus meeting. "We will continue to work with the senators to craft important comprehensive legislation."

Kerry preserves hope

She made it clear that the White House will continue to pressure lawmakers with its biggest stick: U.S. EPA regulations on carbon that are poised to take effect in January. Those rules could be much more rigorous than legislation designed by Congress to soften the economic impact on electricity producers and other businesses.

Still, Browner avoided a question afterward about whether this Congress -- with both chambers being held by large Democratic majorities -- represented the administration's best chance at passing controversial climate policies.

"We will continue to use all of the tools available to us to reduce greenhouse gas emissions," she said as reporters crowded around her in a Capitol hallway, referring to the EPA regulations that resulted from a ruling by the Supreme Court. "The president believes in the science, he believes in the Supreme Court decision, and we will continue to move forward."

Similar threats over the past year have had muted effect. Impending EPA regulations that could require expensive equipment to be installed at thousands of power plants across the country failed to convince hesitant Democrats and Republicans to support more lenient legislation.

One Democrat who opposed capping emissions, Sen. Ben Nelson of Nebraska, indicated that ripening EPA regulations would not be the deciding factor on his future vote on climate policies. "I have such a view of the balance of power between the three branches of government that I don't feel like the EPA's in any position to threaten us," he said after leaving yesterday's caucus meeting.

Reid left open the possibility that efforts to cap carbon emissions in the electric power sector could resume this fall. Sen. John Kerry (D-Mass.), an architect of Senate climate policies, vowed to continue pushing.

"Harry Reid, today, is committed to giving us that opportunity, that open door over the next weeks, days, months, whatever it takes to find those 60 votes," Kerry said. "The work will continue every single day."

At one point, Kerry likened the climate effort to a decades-long attempt to restructure health care, which occurred this year under Obama. "This is not going to take that long," he said of climate legislation.

Reid made 'realistic judgment'

Gene Karpinski, president of the League of Conservation Voters, said it's still possible that the Senate could vote on climate legislation in the fall. But Karpinski, who is regularly seen in the Capitol appealing to lawmakers, also pointed to backup plans. They include defending EPA's carbon regulations from attacks by Republicans and industry, attacks that could increase if the House is under GOP control.

"Next year, the focus should be on pushing EPA to get the job done," he said.

Senate climate efforts have staggered since they began, stretching back to an unpopular bill that mirrored the House's cap-and-trade plan covering most of the nation's big emitters. Kerry, an author with Sen. Barbara Boxer (D-Calif.), pivoted away from that bill and joined Sens. Joe Lieberman (I-Conn.) and Lindsey Graham (R-S.C.) to draft a business-friendly plan addressing three pillars of pollution separately: electricity generation, transportation and industrial factories.

That, too, failed to gain traction, receiving perhaps 50 supporters at its height early this summer. That's 10 short of passage and a wide divide in the Senate.

Democrats further narrowed their focus to utilities, a source of almost 40 percent of the nation's emissions. The proposal never left the ground, and a bill was never introduced,

despite assertions by Reid last week that he was drafting a measure to address utility emissions.

So the majority leader's decision was made for him, say colleagues and observers, who saw the climate effort limp through a year plagued by economic distress and scientific scandals that bruised the belief around global warming.

"I think the majority leader is realistic, and he's pragmatic," said Sen. Mark Udall (D-Colo.).

"Given the time constraints, this is probably a realistic judgment on his part," observed Sen. Jeff Bingaman (D-N.M.), chairman of the Energy and Natural Resources Committee. "He's anxious to get something done before we leave in August."

Not the president's fault?

The decision, however, drains months of work by Bingaman's committee, which passed an energy bill last year with elements that were attractive to renewable energy developers and conservationists. Reid declined to adopt the bill's 15 percent renewable energy standard (RES) for his measure, which he plans to debate on the Senate floor next week.

"A refusal to pass an RES is an attack on every American worker and consumer," Denise Bode, CEO of the American Wind Energy Association, said in a statement, asserting that 360,000 new and existing jobs are at risk of being lost. "It is beyond comprehension that we are now hearing that the [Bingaman] bill may never be brought to the Senate floor."

"Enough is enough," added Gillian Caldwell, the campaign director of 1Sky, a coalition of environmental groups that claims to have 200,000 activist members. "The Senate and the Obama administration must break the fossil fuel industry's stranglehold on our political system and show the leadership necessary to take us from the BP spill to a strong clean energy and climate bill."

Reid focused his blame for failing to reach 60 votes on Senate Republicans. He asserted that "not one" lawmaker from the other side of the aisle stepped forward, despite Sen. Olympia Snowe's (R-Maine) efforts to advance a utility cap.

But it has always been clear that several conservative Democrats, like Nelson of Nebraska and Sen. Blanche Lincoln of Arkansas, were against the climate effort.

"Reid can hardly blame Republicans for opposing legislation that would raise energy prices on Americans, when his own party doesn't even support the idea," countered Robert Dillon, the spokesman for Sen. Lisa Murkowski (R-Alaska).

Obama, too, has been identified as a contributor to the scuttled climate effort. Environmental groups have been urging his administration in private and public to get more involved in writing the climate bill. Several sources in the Senate and in the environmental community have privately complained that the administration failed to take a leadership role.

Browner and Reid both insisted that was wrong.

"President Obama personally has talked to me many times about energy legislation and moving forward," Reid said. "So for anyone to think the president hasn't been involved in this simply is mistaken."

7.25.2010 5:32 PM

4 Ingredients to a Climate and Energy Bill (*The Daily Green)*

How the Tea Party, coal-friendly Democrats and other unlikely allies can find the right incentive to combat global warming – possibly without focusing on the fight against global warming.
Jim DiPeso
We all know what happened. On the very day that China announcement" China announced a plan to institute carbon emissions trading beginning in 2011, Harry Reid stood in a hallway and delivered a whole lotta nothin' on climate legislation Now you know why Tom Friedman wished plaintively in his book Hot, Flat and Crowded that we could be China for just one day. Let's get the finger-pointing out of the way, then talk over some ways to pick up the pieces and move forward. Who is to blame? Obtuse, scientifically illiterate Republicans who successfully branded climate policy as "cap and tax." Thanks, guys and gals, you brought smiles to the petroleum ministries of Iran, Venezuela, and Saudi Arabia. Mahmoud, Hugo, and King Abdullah ought to bake a cake for Mitch McConnell. Mealy-mouthed Democrats who let the Republicans get away with their demagoguery. That finger starts pointing right at the top. In his Dot Earth blog, the New York Times' Andrew Revkin that President Obama failed to exert leadership and failed to challenge James Inhofe and the other OPEC enablers who see nothing wrong with perpetuating America's overdependence on coal and oil. The day Reid laid the egg, the White House actually blamed environmentalists for failing to line up enough votes. Enough votes for what? The president never spelled out to Congress exactly what he wanted, didn't knock heads together on Capitol Hill, and didn't brandish consequences if wobbly-in-the-knees lawmakers failed to give him what he wanted. Waiting for lobbyists to gift-wrap 60 votes and hand them to the president and the feckless Reid on a silver platter is not leadership. Somewhere, the ghosts of Ronald Reagan, Harry Truman, and Theodore Roosevelt are shaking their heads. There are plenty of others who deserve blame – bloviating narcissists on talk-radio and on the blogs, mendacious ideologues who manufactured the so-called "climategate" controversy, even citizens who either don't pay attention or let clever merchants of

deceit push their emotional buttons and jam their critical thinking circuits. OK, now that the venting is over, what is to be done? Several things First, if and when Republicans win one or both houses of Congress in the fall election, they will have to stand for something besides grasping for power, as conservative commentator Ross Douthat Ross Douthat" Republican Congressman Bob Inglis of South Carolina, who lost his primary to a Tea Party drone, has a suggestion. On the day of Reid's pallid announcement, Inglis told utility executives that climate policy needs a messaging makeover – stop dwelling in the weeds of cap-and-trade, offsets, and other wonkery that is chiefly of interest to economics PhD's. That doesn't sell. Instead, sell carbon pricing as a market-based solution for stimulating innovation and entrepreneurship. Inglis' idea has been heard before, but if Senate Republicans who take climate issues seriously – and there are a half-dozen or so – are to see their way towards working on a climate bill, they will have to sell it to their constituents in a way that doesn't put them at mortal political risk. Maybe business leaders who want climate policy certainty could send Inglis' idea to some marketing boffins for refinement into a PR campaign. Second, all of us who care about climate stewardship must fight furiously against any attempt to change one jot or tittle in the Clean Air Act's language empowering EPA to set limits on greenhouse gas emissions. One such attempt was beaten back earlier this summer. There will be more. President Obama should vow, loudly and repeatedly, to veto any legislation that rolls back EPA's authority in this area. Until the Senate is ready to legislate climate policy seriously, EPA is an imperfect but potent arrow that must remain in the quiver. Third, Big Coal friends like Byron Dorgan should repeatedly administer the cold shower that he and the late Robert Byrd gave Big Coal until Big Coal gets the message that continuing to pretend that energy markets won't change is a fast ticket to palookavilleBy 2016, half the nation's coal-fired power plants will be more than 50 years old. Utilities can rely on those don't-laugh-it's-paid-for coal beaters for only so long before they must be replaced. Impending EPA regs – NOx, SOX, mercury, coal ash – threaten to speed those plants' trip to the boneyards. Utility bosses have said as much. By coming to the table, the coal industry could help negotiate a climate bill that gooses R&D aimed at finding economical ways of burying carbon. That would give some cover to senators in coal states. Without a reasonable prospect that sequestration can work, utilities will be wooed by the fetching message of the strutting gas industry. The gas guys are poking Big Coal in the eye by telling the utilities that switching to gas will allow them to dump their dirty old coal plants, avoid a lot of EPA red tape, and get ahead of the curve if and when carbon is priced. Fourth, work the flanks of the issue by pushing for a national renewable energy and efficiency standard, broadening the clean cars deal that the administration worked out with Detroit, and long-term extensions of tax incentives for renewables. Find more money for basic energy R&D so that innovators can develop cheaper solar technology, test the promise of modular nuclear reactors, and tap the enormous potential of ocean wave and tidal energy. Surely, there are more ideas out there. The climate bill's collapse is a bitter pill. Too much is at stake, however, for this setback to be final. Those of us who care must get up and return to the arena.

ENERGY

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Delaware energy: Potential obstacle to Bluewater project is removed (*News Journal*)

By AARON NATHANS • The News Journal • July 23, 2010

One potential delay to the NRG Bluewater Wind project might be averted now that Delaware has gained jurisdiction over a permitting matter.

The U.S. Environmental Protection Agency has been conducting a review of Bluewater's proposal to build a weather tower in the area off the Delaware coast where it would build its wind farm. The tower, which would measure wind speeds and bird-migration patterns, must gather data for a year before Bluewater can install its turbines.

The EPA had requested data about air emissions from the vessels that Bluewater would use to build the tower. But because Bluewater was unsure of which vessel it would be able to retain, it needed to gather data from multiple ships.

The holdup threatened to force Bluewater to wait until next year to build the weather tower, which could delay the entire project.

But earlier this month, Collin O'Mara, Delaware natural resources secretary, wrote a letter to EPA Regional Administrator Shawn Garvin, citing a 1990 law requiring the EPA to delegate air quality reviews to state agencies if the projects are within 25 miles of the coast.

On Wednesday, O'Mara's Department of Natural Resources and Environmental Control received word that the EPA had granted his agency that authority.

"The goal is to do everything in our power to make sure Bluewater has the permits it needs to go to construction by the fall," O'Mara said, referring to the weather tower.

Contact Aaron Nathans at 324-2786 or anathans@delawareonline.com.

Hoosier Energy, EPA reach Clean Air Act settlement (*Associated Press*)

Story also appeared: *Chicago Tribune*

By RICK CALLAHAN

Associated Press Writer
6:40 PM CDT, July 23, 2010
INDIANAPOLIS

Hoosier Energy Rural Electric Cooperative has agreed to pay a $950,000 civil penalty and spend up to $100 million to improve pollution controls at two of its coal-fired power plants in Indiana to settle alleged Clean Air Act violations.

The agreement filed Friday in federal court in Indianapolis also requires Bloomington-based Hoosier Energy to spend $5 million on environmental mitigation projects to resolve the dispute over changes it made to the 1,000-megawatt Merom power plant in southwestern Indiana.

In 2008, the U.S. Environmental Protection Agency alleged that Hoosier Energy violated the Clean Air Act by modifying that plant without first obtaining needed permits or taking steps to install the best available pollution emission controls.

As part of the settlement, Hoosier Energy has agreed to upgrade existing pollution controls and install new controls at the Merom plant, located in Sullivan County, as well as the 250-megawatt Frank E. Ratts power plant near Petersburg.

The EPA, which reached the settlement with the Justice Department and Indiana regulators, said the upgrades will cut the plants' annual emissions by about 24,500 tons, most in the form of reduced sulfur dioxide emissions. The improvements will also cut emissions of nitrogen oxide, sulfuric acid mist and particulate matter.

"These settlements will mean improved health for the people of southwest Indiana -- especially children and the elderly -- who have for far too long had to breathe some of the most unhealthy, toxic air in our region," said Jesse Kharbanda, executive director of the Indianapolis-based Hoosier Environmental Council.

He said he hopes a significant amount of the $5 million Hoosier Energy has agreed to spend on environmental projects will pay for solar power systems at public schools and nonprofit groups, because those renewable power systems would also help improve air quality.

Steve Smith, the CEO of the cooperative, said the settlement is in the best interest of Hoosier Energy's 17 rural electric cooperative customers in Indiana and one in Illinois. He said the agreement "removes litigation risk and uncertainty."

Hoosier Energy said it expects the new projects called for under the settlement to add between $50 million and $100 million to projects the cooperative already had budgeted for plant upgrades through 2015.

Assistant U.S. attorney general Ignacia Moreno said the pollution reductions "will have a significant beneficial impact on air quality in Indiana and downwind states."

FUEL

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July 23, 2010

E.P.A. Considers Risks of Gas Extraction (*New York Times*)

By TOM ZELLER Jr.

CANONSBURG, Pa. — The streams of people came to the public meeting here armed with stories of yellowed and foul-smelling well water, deformed livestock, poisoned fish and itchy skin. One resident invoked the 1968 zombie thriller “Night of the Living Dead,” which, as it happens, was filmed just an hour away from this southwestern corner of Pennsylvania.

The culprit, these people argued, was hydraulic fracturing, a method of extracting natural gas that involves blasting underground rock with a cocktail of water, sand and chemicals.

Gas companies countered that the horror stories described in Pennsylvania and at other meetings held recently in Texas and Colorado are either fictions or not the companies’ fault. More regulation, the industry warned, would kill jobs and stifle production of gas, which the companies consider a clean-burning fuel the nation desperately needs.

Just as the Gulf of Mexico is the battleground for the future of offshore oil drilling, Pennsylvania is at the center of the battle over hydraulic fracturing, or fracking, which promises to open up huge swaths of land for natural gas extraction, but whose environmental risks are still uncertain. Natural gas accounts for roughly a quarter of all energy used in the United States, and that fraction is expected to grow as the nation weans itself from dirtier sources like coal and oil.

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“The industry has argued there are no documented cases of hydraulic fracturing contaminating groundwater,” said Dencil Backus, a resident of nearby Mt. Pleasant Township, at Thursday night’s hearing. “Our experience in southwestern Pennsylvania suggests that this cannot possibly be true.”

Matt Pitzarella, a spokesman for Range Resources, a Texas-based natural gas producer, acknowledged that the gulf spill had increased public concern about any sort of drilling activity. “However, when people can review the facts, void of the strong emotions the gulf elicits, they can see the stark contrast between high-risk, deep offshore oil drilling and much safer, much lower risk onshore natural gas development,” he said by e-mail.

In this part of the country, the potentially enormous natural gas play of the Marcellus Shale has many residents lining up to lease their land to gas prospectors. Estimates vary on the precise size of the Marcellus Shale, which stretches from West Virginia across much of Pennsylvania and eastern Ohio and into the Southern Tier of New York. But by any estimate, the gas deposit is huge — perhaps as much as 500 trillion cubic feet. (New York State uses a little over 1.1 trillion cubic feet of natural gas each year.)

An industry-financed study published this week suggested that as much as $6 billion in government revenue and up to 280,000 jobs could be at stake in the Marcellus Shale region.

Fracking has been around for decades, and it is an increasingly prominent tool in the effort to unlock previously unreachable gas reserves. The oil and gas industry estimates that 90 percent of the more than 450,000 operating gas wells in the United States rely on hydraulic fracturing.

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Several other concerns linger over fracking, as well as other aspects of gas drilling — including the design and integrity of well casings and the transport and potential spilling of chemicals and the millions of gallons of water required for just one fracking job.

The recent string of accidents in the oil and gas industries — including the gulf spill and a blowout last month at a gas field in Clearfield County, Pa., that spewed gas and wastewater for 16 hours — has unnerved residents and regulators.

“There is extraordinary economic potential associated with the development of Marcellus Shale resources,” said Representative Joe Sestak, Democrat of Pennsylvania, in a statement Friday announcing $1 million for a federal study of water

use impacts in the Delaware Water Basin. However, “there is also great risk.” He said, “One way to ensure proper development is to understand the potential impacts.”

Amy Mall, a senior policy analyst with the Natural Resources Defense Council, said the scrutiny was long overdue. “I think it’s all helping to shine a spotlight on this entire industry,” she said. “Corners are sometimes cut, and regulations simply aren’t strong enough.”

Fears of fracking’s impact on water supplies prompted regulators overseeing the Delaware Water Basin to curtail gas exploration until the effects could be more closely studied. New York State lawmakers are contemplating a moratorium.

At the national level, in addition to the E.P.A. study, a Congressional investigation of gas drilling and fracturing, led by House Energy and Commerce Committee, intensified last week with demands sent to several companies for details on their operations — particularly how they handled the slurry of water and chemicals that flowed back from deep within a well.

A renewed, if unlikely, push is also under way to pass federal legislation that would undo an exemption introduced under the Bush administration that critics say freed hydraulic fracturing from regulation under the Safe Drinking Water Act.

Last month, Wyoming introduced some of the nation’s toughest rules governing fracturing, including provisions that require companies to disclose the ingredients in their fracturing fluids to state regulators — though specifically not to the public.

Gas drillers, responding to the increased scrutiny and eyeing the expansive and lucrative new gas plays in Appalachia, are redoubling their efforts to stave off federal oversight, in some cases by softening their rigid positions on fracking-fluid disclosure. Last week, Range Resources went so far as to announce its intent to disclose the contents of its fracking fluids to Pennsylvania regulators and to publish them on the company’s Web site.

“We should have done this a long time ago,” said Mr. Pitzarella, the Range spokesman. “There are probably no health risks with the concentrations that we’re utilizing. But if someone has that concern, then it’s real and you have to address it.”

Environmental groups welcomed that, but said that clear and broad federal jurisdiction would still be needed.

“Any one accident might not be on the scale of the Deepwater Horizon disaster,” said Ms. Mall. “But accidents are happening all the time, and there’s no regime in place that broadly protects the health of communities and the surrounding environment where drilling is being done.”

That was a common theme at the meeting Thursday night.

“I can take you right now to my neighbors who have lost their water supplies,” Mr. Backus said to the handful of E.P.A. regulators on hand. “I can take you also to places where spills have killed fish and other aquatic life.”

“Corporations have no conscience,” he added. “The E.P.A. must give them that conscience.”

GRANTS

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Georgia School District Wins $1.24 Million EPA Diesel Emissions Grant (*School Transportation News*)

Written by Ryan Gray
Saturday, 24 July 2010 07:36

Nearly 600 school buses at Cobb County School District in Marietta, Ga., are getting cleaner thanks to a an award of more than $1.24 million grant from EPA's Region 4.

In addition to helping clean the environment and reduce potential health problems for students, the EPA said the funds are aimed at creating jobs.

“This grant is a great investment in environmental protection and will provide long-term economic benefits for Georgia,” added Stan Meiburg, EPA's acting regional administrator in Atlanta, in a July 19 statement. “This funding will go a long way in helping to bolster the economy and protect public health and the environment by creating green jobs that improve air quality.”

Cobb’s grant application was selected from 98 entrants in EPA Region 4, which serves Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and 6 Native American tribes. The funds are earmarked by the American Reinvestment and Recovery Act (ARRA) specifically for clean diesel projects.

The grant will be used to retrofit 108 Cobb County school buses with diesel particulate filters and 480 buses with advanced engine idle control systems. EPA said the retrofits are estimated to reduce vehicle lifetime emissions by: 13.7 tons of nitrogen oxides from idle controls; .56 tons of particulate matter from filters and idle controls; 2.2 tons of carbon dioxide from filters; .80 tons of hydrocarbons from filters; and 480 tons of CO2 from idle controls.

Georgia Tech and the Georgia Department of Natural Resources are partnering with Cobb County to implement the new systems.

“We are really excited about this grant. The enhancements to our buses will help us be better stewards of our environment and improve the quality of life in Cobb County," said Transportation Director Rick Grisham. "Along with our new partners at Georgia Tech, we will be tracking and analyzing emissions reduction data and reporting back to the EPA to show the positive impact the grant will have on our community.”

PESTICIDES

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Activists push for pesticide controls to protect endangered species (*Star-Ledger*)

Newark, New Jersey
July 25, 2010 Sunday
STATE/ROP EDITION
NEWS; Pg. 008
Activists push for pesticide controls to protect endangered species Farmers face restrictions as group plans suit covering 400 chemicals
By Les Blumenthal, MCT NEWS SERVICE
WASHINGTON
The nation's farmers could face severe restrictions on the use of pesticides as environmentalists want the courts to force federal regulators to protect endangered species from the ill effects of agricultural chemicals.

A ruling eight years ago by a federal judge in Seattle required the National Marine Fisheries Service and the Environmental Protection Agency to review whether 54 pesticides, herbicides and fungicides were jeopardizing troubled West Coast salmon runs.

The agencies moved recently to restrict the use of three of the chemicals, including a widely used one with the trade name Sevin, near bodies of water that flow into salmon-bearing streams, and they're considering restrictions on 12 additional chemicals. The Washington State Department of Agriculture says such restrictions would prevent pesticide use on 75 percent of the state's farmland.

A SIMILAR RULING

A federal judge in California has issued a similar ruling that involves 11 endangered and threatened species and 75 pesticides in the San Francisco Bay area.

Rather than continuing to file piecemeal lawsuits, the Center for Biological Diversity says it will file a broader suit this summer that involves nearly 400 pesticides and almost 900 species that are protected under the Endangered Species Act.

Washington state officials said the restrictions that could result from that lawsuit could affect agricultural production significantly in at least 48 states.

Dan Newhouse, the director of the Washington State Department of Agriculture, who farms hops, apples, cherries and other row crops on 600 irrigated acres in the Yakima Valley, said that if the courts ordered far-reaching restrictions, "farmers across the country will have significantly fewer tools at their disposal to manage plant pests and disease."

The U.N. Food and Agriculture Organization has estimated that 20 to 40 percent of global crop production is lost annually because of weeds, pests and disease.

Manufacturers of agriculture chemicals have threatened to sue the EPA, alleging that the agency's method of crafting restrictions is riddled with "major flaws" and the industry wasn't asked to participate.

Newhouse said there was so much uncertainty that it was impossible to tell how widespread or dramatic the effects of tighter restrictions might be. In Washington state, however, he said, "I am coming to believe every farmer would be impacted one way or another."

The Endangered Species Act, which was signed into law in 1973, requires federal agencies that are contemplating any action that could "jeopardize" listed species to consult with the Fish and Wildlife Service or the National Marine Fisheries Service and come up with a plan to alleviate or lessen the effects.

The National Marine Fisheries Service has jurisdiction over some fish species, such as salmon, and the Fish and Wildlife Service covers everything else.

The EPA has jurisdiction over pesticides, but environmentalists said it had largely ignored the endangered species requirements.

REQUIRED CONSULTATION

That began to change in 2002, when U.S. District Judge John Coughenour in Seattle ruled that the EPA had violated provisions of the Endangered Species Act by not consulting with the National Marine Fisheries Services about how the use of pesticides and other chemicals could affect the more than two dozen salmon runs that are protected under the act in Washington state, Oregon, California and Idaho.

"Such consultation is mandatory and not subject to unbridled agency discretion," Coughenour wrote.

After years of study, the fisheries service concluded in 2009 that three pesticides -- carbaryl (Sevin), carbofuran (sold as Furadan, Curater and other brand names) and

methomyl (sold under a variety of names) -- were jeopardizing salmon runs and suggested that the EPA ban their use within 1,000 feet of salmon habitats and impose other restrictions that involved aerial spraying, wind speed and weather.

The EPA essentially agreed, but the manufacturers of the three chemicals say they won't adopt new labeling requirements for their products voluntarily, and they've threatened their own lawsuit.

The EPA has a 2012 deadline to finish studying the other chemicals and adopt restrictions on those that threaten salmon.

"For years and years and years, EPA didn't do these consultations on pesticides," said Steve Mashuda of the Seattle office of Earthjustice, the law firm that brought the 2002 suit on behalf of the Washington Toxics Coalition. "Those days are over."

Jeff Miller, a spokesman for the Center for Biological Diversity, said that until now, his group and others had approached the issue species by species and region by region.

"We are trying to get EPA to do it nationally," Miller said.

He said that even now, the EPA continues to drag its feet.

"I know (President Barack) Obama has a lot on his plate right now, but the EPA is still not aggressively taking on this issue," he said.

Newhouse of the Washington State Department of Agriculture said that state agriculture directors across the country were worried.

The consultation process between the EPA and the National Marine Fisheries Service and Fish and Wildlife Service needs to be overhauled, and that could entail changes in the Endangered Species Act and the Federal Insecticide, Fungicide and Rodenticide Act, Newhouse said.

Ban sought for pesticide (*Sacramento Bee*)

California
July 24, 2010 Saturday
METRO FINAL EDITION
BUSINESS; Pg. B6
Ban sought for pesticide;
CHEMICAL WIDELY USED BY STATE FARMERS
By Dale Kasler dkasler@sacbee.com

A pesticide popular with California farmers is facing legal attack from environmentalists.

Two national groups sued the U.S. Environmental Protection **Agency** this week in an effort to ban the use of chlorpyrifos, a chemical sprayed on wine grapes, walnuts, almonds and scores of other crops.

The groups, the Natural Resources Defense Council and the **Pesticide** Action Network North America, say the chemical can cause neurological problems and can even be fatal. But its manufacturer, Dow Chemical Co., said Friday the product is safe.

Although it was banned by the U.S. government for household use in 2001, chlorpyrifos is used widely by farmers in California and elsewhere. Some 1.3 million pounds were applied to California crops in 2008, according to state records compiled by Earthjustice, a public-interest law firm that filed the suit.

The figures show that the state's biggest agricultural counties, such as Fresno, have been the heaviest users, although the product has been sprayed on wine grapes, corn, asparagus and other crops in Sacramento and Yolo counties.

"This one's been around a long time and we use it safely," said Cynthia Cory, environmental affairs director at the California Farm Bureau Federation. "It's important."

But she said usage has dropped by about half in the past decade because farmers are trying to cut costs.

Dow Chemical defended chlorpyrifos and called it "important to U.S. agriculture." The manufacturer said the **EPA** is conducting a regular review of the product and the environmentalists' challenges "contribute nothing to the thorough health, safety and environmental regulatory evaluations already underway."

In May, the **EPA** took steps to limit the product's use. The agency announced it was restricting the spraying of chlorpyrifos and two other products around streams in the West. The limits were announced after government scientists determined the **pesticides** were hurting endangered salmon in California and the West.

The two environmental groups have been seeking a complete ban on chlorpyrifos since 2007, when they made a formal petition to the **EPA**. This week's lawsuit, filed in U.S. District Court in New York, seeks a court order forcing the **EPA** to respond to the 3-year-old petition.

The **EPA** said it "has just received the lawsuit and is evaluating it."

Call The Bee's Dale Kasler, (916) 321-1066. Read his blog on the economy, Home Front, at http://blogs.sacbee.com/real_estate/.

SUPERFUND

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EPA extends comment period for new harbor cleanup plan (*South Coast Today)*

July 24, 2010 12:00 AM
NEW BEDFORD — The Environmental Protection Agency has extended the public comment period for the agency's proposal to begin disposing of contaminated soil from the harbor's Superfund site into deeply dug pits in the harbor's bed.
The deadline, which was previously this month, has been extended to Sept. 10.
State Rep. Antonio F.D. Cabral, D-New Bedford, was among those in the city's Statehouse delegation to request an extension.
Cabral welcomed the news of the extension, saying the public deserves more time to mull over the idea, which he said constitutes a "significant change in their plan for harbor cleanup."
"This soil will remain contaminated under the harbor floor permanently," said Cabral in a prepared statement. "We need to consider all of the potential ramifications to our harbor and our city before committing to this change."
For years, the EPA has overseen the dredging of PCB-laden soil from the bottom of the harbor to disposal facilities outside the city. In order to speed up the work, the agency now wants to get rid of the contaminated soil under the harbor bed. The trenches would be capped with clean soil.
Dan McDonald

A muddy mess for less lead in Depew (*Buffalo News*)

New York
July 24, 2010 Saturday
FINAL EDITION
LOCAL; Pg. D1
A muddy mess for less lead in Depew;
Second phase of EPA cleanup has removed metal from 15 more yards
By Jackie Smith - NEWS STAFF REPORTER
Dave Czarniak has lived in his home on Rumford Street in Depew for 40 years, but this is the first summer he has been unable to take advantage of his yard.

Because of a neighborhood soil excavation, his front lawn and backyard were dug up, muddy and ridden with puddlesafter Friday's rainfall.

But before the second phase of the Environmental Protection Agency's soil cleanup began in May, Czarniak's property was one of many in a neighborhood near Transit Road and north of Walden Avenue that was contaminated with lead.

"My grandkids stay inside and they've got the heebie-jeebies," Czarniak said. "I just

want the mud out of here. That and listening to the machinery."

The $6 million Superfund effort to excavate soil at 66 homes has been partially subsidized by taxpayers. And once second-phase work concludes in October, the primary company responsible for contaminating the soil -- NL Industries -- will be billed, officials said.

"This is important because Erie County ranks No. 7 among counties throughout New York State for elevated lead levels in blood," said Judith Enck, the EPA's regional administrator. "That's not really a good distinction, and we're really hoping that this project in Depew will reduce those levels."

Both Czarniak and his neighbor, who asked to be referred to only as Ron, learned several years ago from the EPA that their lawns were contaminated. Both neighbors said that so far, they have been concerned more with the welfare of their lawns than their health. Neither believes his health has been affected

Arlene Anderson, the EPA's on-the-scene coordinator, said thatthere have not been any documented health problems linked directly to the Depew lead contamination.

Depew's is one of 38 federal Superfund sites in Western New York. One of the biggest concerns is the health of children, Enck said.

"If children are exposed to lead, it affects their ability to learn," he said.

Other health problems linked to lead exposure are high blood pressure, dizziness, anemia and kidney and central nervous system problems, according to the Web site of the Agency for Toxic Substances and Disease Registry.

The source of the contamination, NL Industries, owned a brass foundry at 3241 Walden Ave. for 80 years, and paid for the first phase of the cleanup, which was ordered three years after the EPA first tested the soil in April 2005.

Enck said a large quantity of lead from NL Industries' smokestacks had settled in the soil before the company left in 1972.

In May 2009, EPA officials told The Buffalo News the cleanup would cost $4.5 million. The project cost grew to $6 million, encompassing both phases, when additional contaminated properties were discovered, Anderson said.

"We started with 61 [houses] and it creeped up to 68, then only 66 properties," she said. "The more we find, that adds to the cost. "

During the project, six to 24 inches of soil is excavated, then replaced with clean soil.

In 2009, 6,121 tons of lead-contaminated soil were removed from 34 properties. So far,

about 15 properties have been excavated since the spring, with plans to do 32 properties by October.

Depew Mayor Barbara Alberti said the response from the community has been positive.

"People who live in this area with the affected properties are happy they finally got some action," she said. "When I came into office 31/2 years ago, residents came to us at a board meeting and questioned what the status of this was. We could find nothing on record."

After writing to then-Rep. Thomas M. Reynolds, R-Clarence, she said EPA officials soon visited the village, then announced the cleanup.

e-mail: jsmith@buffnews.com

Will EPA's vision for Koppers Superfund site work? (*Gainesville Sun*)

By Chad Smith
Staff writer
Published: Saturday, July 24, 2010 at 6:01 a.m.

The U.S. Environmental Protection Agency released its plan last week to clean up the contaminated Koppers Superfund site by, in part, encasing a mound of contaminated soil inside a 32-acre expanse at the Koppers site, but it could be months before a final blueprint is selected.

Still, as the plan stands, one overarching question remains: How will the site be redeveloped if it goes forward?

Gainesville officials have made it clear they are interested eventually in a mixed-use development for the 90-acre, former wood-treatment plant after the cleanup is complete. But the sprawling containment area - a mound that would be covered by a low-permeability cap, with clean soil then placed atop the cap - could make that a difficult proposition.

Scott Miller, the EPA's project manager for the site, said there are a number of other Superfund sites where similar cleanups are under way, including the former Escambia Wood plant in Pensacola and the Brunswick Wood plant in Georgia.

Last month, the Pensacola News Journal reported that the city council there was looking to annex hundreds of acres around the Escambia Wood site, which has been on the Superfund list since 1994, to create a commercial development.

In Atlanta, a 138-acre development called Atlantic Station - complete with a movie theater, Target, a two-tier shopping mall and condominiums - was built on a capped contaminated site that had been home to a steel mill.

So, Miller said, even with the contaminated soil left on the Koppers site and buried under impermeable caps, there will be plenty of opportunity to redevelop.

At the Gainesville City Commission's meeting Thursday, the board voted to ask the EPA for a 60-day extension for the public to give input while bluntly criticizing both the agency's preferred plan and its handling of the site since it first made the Superfund list in the 1980s.

"I think we do need sufficient time to let the EPA know what our community does expect," Mayor Craig Lowe said. "It appears that there's quite a bit of distance there."

In a separate interview, Commissioner Thomas Hawkins said his "dream" for the site was to provide a link between the Stephen Foster Neighborhood to the west and North Main Street to the east.

"That, I think, would be a great future for that part of town," Hawkins said.

But he said he fears that leaving behind a mound that could be 8 or 10 feet high at points, according to estimates, and span dozens of acres would leave a permanent redevelopment roadblock.

"My concern with those [cleanup solutions] in the long term is that you limit yourself in the things that you can do and not do with the real estate," he said.

Miller said the agency's plan calls for contaminated soil to be left on the site because it probably wouldn't be legal to move it because of regulations against disposing of chemical waste from wood-treating facilities.

The proposed plan would cost Beazer East, the Pittsburgh-based company that owns the property, about $43 million.

Other options call for digging down 25 or 65 feet, treating the soil and returning it. That could cost between $68 million and $104 million.

According to scenarios compiled by E2 Inc., a consultant for the EPA working on the reuse issue, some parts of the most heavily contaminated portion of the 90-acre site could be built upon, depending on where the mound goes.

But that's not to say whoever ends up developing the property will be able to do whatever they want.

"Unrestricted use is not in the cards for this site or for that matter any other site," Miller said.

John Mousa, the pollution prevention manager in Alachua County's Environmental Protection Department, said he, like Hawkins, has concerns about what the plan could mean for the site's future.

Mousa also has trepidations about piling on between 190,000 and 290,000 cubic yards of contaminated soil.

The soil won't be completely untreated though.

With a combination of chemical treatments and a cement-like substance to fortify the soil within the containment area, much of the contamination that previously was at risk of flowing into the aquifer, which supplies the area's drinking water, will be cut off, according to the EPA.

Mousa and his colleagues say that is a welcome component of the plan, which still might be too little, he said.

"What we're trying to do is get as much contamination off the site as feasible," he said.

Contact Chad Smith at 338-3104 or at chad.smith@gvillesun.com.

WATER

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Residents tell EPA Pa. gas drilling poisons water (*Associated Press*)

CANONSBURG, Pa. — Some of the dozens of people speaking at a U.S. Environmental Protection Agency hearing in southwestern Pennsylvania say a natural gas drilling technique that involves pumping chemical-laced water deep into the earth has poisoned them or their well water.

Drilling into the rich Marcellus Shale gas reserve primarily beneath Pennsylvania, New York and West Virginia is growing rapidly, and the oil and gas industry says hydraulic fracturing, or fracking, has been proven safe for decades.

Fracking is currently exempt from federal regulation and is governed by states. Thursday's hearing is a part of the EPA's study of fracking's effect on drinking water.

Many speakers urged a stop to it or strong, new federal rules. Industry representatives say it's a crucial tool in the nation's energy future and state regulation is adequate.

July 23, 2010

E.P.A. Considers Risks of Gas Extraction (*New York Times*)

By TOM ZELLER Jr.
CANONSBURG, Pa. — The streams of people came to the public meeting here armed with stories of yellowed and foul-smelling well water, deformed livestock, poisoned fish and itchy skin. One resident invoked the 1968 zombie thriller “Night of the Living Dead,” which, as it happens, was filmed just an hour away from this southwestern corner of Pennsylvania.
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Gas companies countered that the horror stories described in Pennsylvania and at other meetings held recently in Texas and Colorado are either fictions or not the companies’ fault. More regulation, the industry warned, would kill jobs and stifle production of gas, which the companies consider a clean-burning fuel the nation desperately needs.
Just as the Gulf of Mexico is the battleground for the future of offshore oil drilling, Pennsylvania is at the center of the battle over hydraulic fracturing, or fracking, which promises to open up huge swaths of land for natural gas extraction, but whose environmental risks are still uncertain. Natural gas accounts for roughly a quarter of all energy used in the United States, and that fraction is expected to grow as the nation weans itself from dirtier sources like coal and oil.
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“The industry has argued there are no documented cases of hydraulic fracturing contaminating groundwater,” said Dencil Backus, a resident of nearby Mt. Pleasant Township, at Thursday night’s hearing. “Our experience in southwestern Pennsylvania suggests that this cannot possibly be true.”
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vary on the precise size of the Marcellus Shale, which stretches from West Virginia across much of Pennsylvania and eastern Ohio and into the Southern Tier of New York. But by any estimate, the gas deposit is huge — perhaps as much as 500 trillion cubic feet. (New York State uses a little over 1.1 trillion cubic feet of natural gas each year.) An industry-financed study published this week suggested that as much as $6 billion in government revenue and up to 280,000 jobs could be at stake in the Marcellus Shale region.

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Far From Gulf, Due Diligence (*New York Times*)

July 24, 2010 Saturday
Late Edition - Final

SECTION: Section B; Column 0; Business/Financial Desk; Pg. 1
By TOM ZELLER Jr.
CANONSBURG, Pa. -- The streams of people came to the public meeting here armed with stories of yellowed and foul-smelling well water, deformed livestock, poisoned fish and itchy skin. One resident invoked the 1968 zombie thriller "Night of the Living Dead," which, as it happens, was filmed just an hour away from this southwestern corner of Pennsylvania.

The culprit, these people argued, was hydraulic fracturing, a method of extracting natural gas that involves blasting underground rock with a cocktail of water, sand and chemicals.

Gas companies countered that the horror stories described in Pennsylvania and at other meetings held recently in Texas and Colorado are either fictions or not the companies'

fault. More regulation, the industry warned, would kill jobs and stifle production of gas, which the companies consider a clean-burning fuel the nation desperately needs.

Just as the Gulf of Mexico is the battleground for the future of offshore oil drilling, Pennsylvania is at the center of the battle over hydraulic fracturing, or fracking, which promises to open up huge swaths of land for natural gas extraction, but whose environmental risks are still uncertain. Natural gas accounts for roughly a quarter of all energy used in the United States, and that fraction is expected to grow as the nation weans itself from dirtier sources like coal and oil.

The Environmental Protection Agency has been on a listening tour, soliciting advice from all sides on how to shape a forthcoming $1.9 million study of hydraulic fracturing's effect on groundwater.

With the steep environmental costs of fossil fuel extraction apparent on beaches from Texas to Florida -- and revelations that industry shortcuts and regulatory negligence may have contributed to the BP catastrophe in the gulf -- gas prospectors are finding a cold reception for their assertions that their drilling practices are safe.

"The industry has argued there are no documented cases of hydraulic fracturing contaminating groundwater," said Dencil Backus, a resident of nearby Mt. Pleasant Township, at Thursday night's hearing. "Our experience in southwestern Pennsylvania suggests that this cannot possibly be true."

Matt Pitzarella, a spokesman for Range Resources, a Texas-based natural gas producer, acknowledged that the gulf spill had increased public concern about any sort of drilling activity. "However, when people can review the facts, void of the strong emotions the gulf elicits, they can see the stark contrast between high-risk, deep offshore oil drilling and much safer, much lower risk onshore natural gas development," he said by e-mail.

In this part of the country, the potentially enormous natural gas play of the Marcellus Shale has many residents lining up to lease their land to gas prospectors. Estimates vary on the precise size of the Marcellus Shale, which stretches from West Virginia across much of Pennsylvania and eastern Ohio and into the Southern Tier of New York. But by any estimate, the gas deposit is huge -- perhaps as much as 500 trillion cubic feet. (New York State uses a little over 1.1 trillion cubic feet of natural gas each year.)

An industry-financed study published this week suggested that as much as $6 billion in government revenue and up to 280,000 jobs could be at stake in the Marcellus Shale region.

Fracking has been around for decades, and it is an increasingly prominent tool in the effort to unlock previously unreachable gas reserves. The oil and gas industry estimates that 90 percent of the more than 450,000 operating gas wells in the United States rely on hydraulic fracturing.

Roughly 99.5 percent of the fluids typically used in fracking, the industry says, are just water and sand, with trace amounts of chemical thickeners, lubricants and other compounds added to help the process along. The cocktail is injected thousands of feet below the water table and, the industry argues, can't possibly be responsible for growing complaints of spoiled streams and wells. But critics say that the relationship between fracking fluids and groundwater contamination has never been thoroughly studied -- and that proving a link has been made more difficult by oil and gas companies that have jealously guarded as trade secrets the exact chemical ingredients used at each well.

Several other concerns linger over fracking, as well as other aspects of gas drilling -- including the design and integrity of well casings and the transport and potential spilling of chemicals and the millions of gallons of water required for just one fracking job.

The recent string of accidents in the oil and gas industries -- including the gulf spill and a blowout last month at a gas field in Clearfield County, Pa., that spewed gas and wastewater for 16 hours -- has unnerved residents and regulators.

"There is extraordinary economic potential associated with the development of Marcellus Shale resources," said Representative Joe Sestak, Democrat of Pennsylvania, in a statement Friday announcing $1 million for a federal study of water use impacts in the Delaware Water Basin. However, "there is also great risk." He said, "One way to ensure proper development is to understand the potential impacts."

Amy Mall, a senior policy analyst with the Natural Resources Defense Council, said the scrutiny was long overdue. "I think it's all helping to shine a spotlight on this entire industry," she said. "Corners are sometimes cut, and regulations simply aren't strong enough."

Fears of fracking's impact on water supplies prompted regulators overseeing the Delaware Water Basin to curtail gas exploration until the effects could be more closely studied. New York State lawmakers are contemplating a moratorium.

At the national level, in addition to the E.P.A. study, a Congressional investigation of gas drilling and fracturing, led by House Energy and Commerce Committee, intensified last week with demands sent to several companies for details on their operations -- particularly how they handled the slurry of water and chemicals that flowed back from deep within a well.

A renewed, if unlikely, push is also under way to pass federal legislation that would undo an exemption introduced under the Bush administration that critics say freed hydraulic fracturing from regulation under the Safe Drinking Water Act.

Last month, Wyoming introduced some of the nation's toughest rules governing fracturing, including provisions that require companies to disclose the ingredients in their fracturing fluids to state regulators -- though specifically not to the public.

Gas drillers, responding to the increased scrutiny and eyeing the expansive and lucrative new gas plays in Appalachia, are redoubling their efforts to stave off federal oversight, in some cases by softening their rigid positions on fracking-fluid disclosure. Last week, Range Resources went so far as to announce its intent to disclose the contents of its fracking fluids to Pennsylvania regulators and to publish them on the company's Web site.

"We should have done this a long time ago," said Mr. Pitzarella, the Range spokesman. "There are probably no health risks with the concentrations that we're utilizing. But if someone has that concern, then it's real and you have to address it."

Environmental groups welcomed that, but said that clear and broad federal jurisdiction would still be needed.

"Any one accident might not be on the scale of the Deepwater Horizon disaster," said Ms. Mall. "But accidents are happening all the time, and there's no regime in place that broadly protects the health of communities and the surrounding environment where drilling is being done."

That was a common theme at the meeting Thursday night.

"I can take you right now to my neighbors who have lost their water supplies," Mr. Backus said to the handful of E.P.A. regulators on hand. "I can take you also to places where spills have killed fish and other aquatic life."

"Corporations have no conscience," he added. "The E.P.A. must give them that conscience."

Conditions controversial for boat race (*WANE.com*)

Celina Governor's Cup Regatta remains on schedule
Updated: Saturday, 24 Jul 2010, 7:44 PM EDT
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Adam Widener
CELINA, Ohio (WANE) - Organizers in Celina, Ohio continue to plan their annual boat race, despite the EPA recommending boats to stay off the water because of toxic algae. But city water officials said the algae levels do meet health standards in the race area of the lake.

You rarely see an empty waterfront during the lake festival in Celina. But that's what it looked like Saturday.

"There's by far not as many people coming to town to go boating," said Ohio resident Lucas Moyer.

Because the EPA found high levels of toxic algae in the lake, some worry it could hurt the **Governor's Cup Regatta** in August.

"Our question is, 'In the area where we're conducting our event, is the water acceptable for the racers and for the safety crews that we have out on the water?'" said co-chair of the Celina Governor's Cup Regatta, Allen Baskett.

Saturday morning, Baskett's boat was the only one on the lake because the EPA's recommendations. But other officials said the EPA tested high algae levels in the scum sections of the water, not the areas where the boats will race.

"Currently the toxin levels in the open water are lower than what we maxed out at this time last year," said Mike Sudman, Celina water superintendent.

Sudman said there should be no problem for the race with the current conditions.

"With the sampling we've had here at our intake, they won't have any problem," said Sudman.

As for the people that will be racing on the lake, event organizers said most of them are still anxious to compete despite the controversial conditions.

"I've had the opportunity to speak to a few of the racers directly and their attitude is, 'We want to come to Celina,'" said Baskett. "The least of their worries when they're going 100 mph on the water is the algae."

The Governor's Cup Regatta is scheduled for August 28 and 29, 2010.

Paychecks aren't keeping up with Louisville's monthly utility bills (*Courier-Journal*)

Louisville, Kentucky
July 25, 2010 Sunday
BUSINESS
By, Patrick Howington phowington@courier-journal.com
Area utility rates have risen more steeply than Louisvillians' paychecks over the past 10 years - in some cases much more.

And while the spotlight this year has been on LG&E's request to raise electric rates by up to 12 percent, water and sewer rate increases have outpaced LG&E since 2000.

Louisville Water Co. residential rates have risen 68 percent in that period, from $12.98 a month to $21.81 for a typical household. Metropolitan Sewer District rates have climbed nearly twice as much - 128 percent - from $14.68 in 2000 to $33.44.

As for LG&E, its bills for gas service for a typical home have risen 54 percent since July 2000, while the utility's electric bills have gone up 34 percent.

At the same time, job losses, short-term layoffs and frozen Social Security increases have make it difficult for many to keep up.

"Every time you turn around, somebody's raising their rates. ... At some point, older folks are going to run out of money," said Don Frazier, 72, of Pleasure Ridge Park.

Indeed, overall incomes in the Louisville area haven't kept up. Average annual wages in Jefferson County rose 37 percent from 1999 to 2009, the most recent 10-year span available - from $32,087 to $43,991.

The utility increases also outstripped another yardstick, the U.S. inflation rate. Consumer prices have risen about 27 percent since 2000, according to federal government figures.

Frazier said he depends on a limited pension, Social Security and his wife's salary, none of which has risen nearly as much as the couple's utility bills. He said his wife's pay at a car dealership was frozen for several years until this year.

Social Security payments didn't go up this year because the Consumer Price Index declined last year.

"It's just every year they up it 6 percent," Frazier said of local utilities. "Well, where does my 6 percent come to pay the bill?"

"The only thing that isn't increasing for me, and many others, are wages," Chelsea Adams of Louisville said in a letter earlier this year urging the Kentucky Public Service Commission to deny LG&E its proposed rate increase.

LG&E initially sought to raise residential electric rates about 12 percent and residential gas rates 9 percent, but it lowered both requests by about 2 percentage points in an agreement with consumer and business groups last month. The PSC will have the final say.

Adams, who works in a law firm and attends the University of Louisville, said in an e-mail interview that her family turned up the thermostat at their Hikes Point home to reduce air-conditioning costs. Still, the June LG&E bill, with an average high temperature more than 5 degrees higher than a year earlier, was $173 - well above its highest level of $135 last summer.

With health-care costs also up, the amount the family can save each month has dwindled.

"We have tried cutting costs and eliminating unnecessary spending ... but nothing seems to help," she said. "The past few years have brought us closer and closer to living paycheck to paycheck."

Utility rate hikes vary

The three utilities' rate increases have come at different intervals and in different ways.

The water company and MSD have had increases each year, and while the individual percentage increases have been modest - 3 percent to 6.5 percent for water, 4.9 to 6.9 percent for MSD - their cumulative effect has been sizable.

In 2007, MSD imposed a $6.95 surcharge - or a 33 percent increase to the typical residential bill - to pay for rehabilitation work required under an agreement with the **Environmental Protection Agency** to reduce the sewage leaking from its system.

While the Public Service Commission has the final say on LG&E rates, it doesn't regulate municipal utilities such as the water company and MSD.

Spokesmen for all three utilities said they've needed higher rates to rebuild aging underground pipes and other facilities, as well as meet stricter environmental standards. They said they also have had to invest in expansions to serve a growing population.

Some water and sewer lines in Louisville are more than 100 years old, and as they crumble, they must be replaced - expensive work because it involves tearing up streets and digging deep underground.

Louisville Water Co. spokesman Vince Guenthner said facilities also must be upgraded to meet new clean-water regulations.

For instance, the city-owned company is now overhauling its Crescent Hill treatment plant, which is more than 100 years old; the work includes renovating all the filters, coagulation basins and other treatment components.

Rates also have gone up because customers are using less water. New homes are built with water-saving devices, and many water-intensive manufacturing plants have gone out of business in recent years. But the expense of maintaining pipes and treatment plants hasn't declined.

Guenthner said the water company has cut costs through steps such as a hiring freeze and putting off capital projects. And it is trying to sell water around a wider region, which could hold down future rate increases.

Even so, population growth and the need for infrastructure repairs are expected to cause American household water and sewer rates to double or quadruple by 2028, according to a recent report by the U.S. Conference of Mayors.

"Louisville is not alone" in its steep rise in sewer rates, said Adam Krantz, spokesman for the National Association of Clean Water Agencies. "The average rate increase over the last six or seven years has been double the rate of inflation."

Bud Schardein, executive director of MSD, said the agency is raising sewer rates now partly to help pay its debt from major projects begun in the 1990s - including overdue work to eliminate 44,000 septic tanks and more than 300 small private treatment plants that routinely spilled raw sewage.

The agency built new sewage treatment plants, expanded others, and extended sewer lines to residential areas that were developed without them decades earlier.

Schardein said the agency also turned its focus to another of its responsibilities - flood control.

It built 11 flood-storage basins and began a program to rebuild aging pumping stations. Without such work, he said, "you're basically creating the Katrina scenario."

Schardein said MSD has frozen salaries and cut its work force by about 200 since 2002. He said he regrets raising rates, but that the work is necessary and valuable.

"I think most people, when you ask them if they want cleaner waterways, they're going to tell you yes," he said. "The balance is to find a way to do it without breaking an economy, and that's the trick."

Some think rate hikes too steep

But Frazier and Michael De Witt, a retired firefighter, said they don't agree the utilities need higher rates to pay for rebuilding.

"I can't buy that," De Witt said. "I think that the money that they have invested, and their insurances and everything, (should) cover things like that."

"In any business, you should set aside funds for maintenance of your equipment and your infrastructure," and shouldn't have to raise customers' bills for that purpose, Frazier said.

LG&E spokesman Chip Keeling said that as a regulated utility, LG&E can't stockpile money for eventual large projects or unexpected calamities like last year's ice storm.

Under rules designed to limit rates, LG&E can't seek to recover such costs until the work has been done and the costs calculated.

That's why LG&E only now is seeking to recover its ice-storm costs through the pending rate increase, along with its tab for projects such as replacing aging Louisville gas mains.

He and other utility spokesmen also note that despite the increases, Louisville utility bills are in line with, or lower than comparable cities.

"We definitely still have inexpensive energy for households and industry and commercial (businesses)," University of Louisville economist Paul Coomes said.

Reporter Patrick Howington can be reached at (502) 582-4229.

Utility phone numbers

To ask general questions about your service or seek help paying your bill, call the utility's customer-service number:

LG&E: 589-1444

Louisville Water Co.: 583-6610

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