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ADMINISTRATOR JACKSON

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EPA announces dioxin review, plans for Dow cleanup (*Associated Press)*
Story also appeared: *WLNS News, Chicago Tribune, MSN Money, CNBC, FOX 28,*

Associated Press - May 26, 2009 2:24 PM ET
TRAVERSE CITY, Mich. (AP) - The federal government is taking another look at the long-debated question of how dioxins affect human health and the environment.
Environmental Protection Agency head Lisa Jackson announced the move Tuesday in a telephone interview with The Associated Press.
The EPA's 2003 assessment of dioxins' health effects drew criticism from the National Academies of Science, which said the agency didn't sufficiently justify assumptions it used to evaluate risks.
Jackson also says the agency plans a new strategy for cleaning a dioxin-contaminated Lake Huron watershed, which reaches 50 miles from a Dow Chemical Co. plant in Midland to Lake Huron's Saginaw Bay.
Dow has acknowledged responsibility for the pollution.

EPA announces dioxin review, plans for Dow cleanup (*Associated Press*)

Story also appeared: *Boston Globe*

By JOHN FLESHER
TRAVERSE CITY, Mich. (AP) — The federal government will speed up a long-delayed assessment of how dioxins affect human health, the head of the Environmental Protection Agency head said Tuesday.

Lisa Jackson promised the quickened timetable while announcing a revised strategy for planning the cleanup of one of the nation's biggest dioxin pollution zones: a 50-mile section of Lake Huron watershed near a Dow Chemical Co. plant in Michigan. Dow has acknowledged responsibility for the pollution.

Dioxins are toxic byproducts from manufacturing chemicals. In a 2003 report, EPA labeled some dioxins as causing cancer and said virtually any level of exposure posed at least some danger.

The National Research Council agreed in 2006 that dioxins are a likely carcinogen but questioned how EPA estimated risks from low doses.

In a telephone interview with The Associated Press, Jackson said the EPA would issue a draft report on that matter by Dec. 31 and a final version within a year later.

"This will be important for a bunch of sites around the country," she said.

The extent of the health threat is among many issues that have delayed action at the Michigan site, which includes the city of Midland near the Dow plant, plus the Tittabawassee and Saginaw rivers and Lake Huron's Saginaw Bay.

Dow acknowledges polluting the region with dioxins for much of the 20th century. It has spent about $40 million on studies, sediment sampling and other preliminary work and has removed tainted soil from a number of "hot spots" with particularly high dioxin readings.

Even so, the company contends the pollution hasn't harmed people or wildlife and has argued with regulators since the 1990s over how to design a comprehensive cleanup.

Dow spokeswoman Mary Draves said, "We are prepared to move forward with this systematic approach EPA has outlined."

EPA Vows to Clean Up Michigan Dow Site (*Treehugger*)

by Daniel Kessler, San Francisco, California on 05.26.09
Business & Politics (news)
The EPA is getting serious about cleaning up an infamous toxic site in Michigan. Administrator Lisa Jackson today committed to scrubbing the Michigan Dow Dioxin site as well as a speeding up of the EPA's overall scientific review of dioxins, a class of hundreds of chemicals that come from waste and manufacturing chemicals and pesticides. A former EPA official has said she was removed from her job under the Bush Administration for blowing the whistle on the site.
Says the EPA:

“EPA is stepping up our commitment to this site, in partnership with the state of Michigan, so that we can accelerate this cleanup and deal with the pressing threats to human health and the environment,” said EPA Administrator Lisa P. Jackson. “We are also redoubling our efforts to provide guidance on the science of dioxin health effects to inform cleanup decisions at this site and protect other communities, in Michigan and across the country, facing dioxin contamination.”

The Dow Chemical site in Midland, Michigan contains significant dioxin contamination that extends for 50 miles down the Tittabawassee and Saginaw Rivers and into the

Saginaw Bay. Dow has said they are responsible for the pollution but have slowed clean up efforts. Jackson announced the decision to community members affected by the site. Using her authority to clean up Superfund sites, the EPA will work with the Michigan Department of Environmental Quality to make the Saginaw Bay watershed what it once was.

There will be a public hearing on June 17.

Under the agreement, EPA will require Dow to "sample the rivers and bay for dioxin contamination and identify options for cleanup." And judging by the EPA's press release, Dow won't get off the hook:

While EPA hopes to work cooperatively with the company, Jackson said that the agency will not hesitate to use all tools at its disposal – including a wide range of penalties and sanctions – to ensure Dow Chemical upholds its responsibility to clean up this site. If Dow fails to meet its responsibilities, EPA will conduct the cleanup at the company's expense.

US environment chief praises Dutch water systems (*Silicon Valley Mercury News*)

By TOBY STERLING Asssociated Press Writer
Posted: 05/26/2009 12:33:20 PM PDT
Updated: 05/26/2009 12:33:20 PM PDT
AMSTERDAM—The U.S.' chief environmental official said Tuesday that America can learn much from the way the Dutch manage water—focusing more on living with it than on trying to control it at every turn.
"As climate changes and we start seeing more and more rain we have to stop fighting it," said Environmental Protection Agency Administrator Lisa Jackson said. "There's not enough energy in the world to fight it."

Jackson is accompanied on the weeklong visit to the Netherlands by a delegation from Louisiana—a low-lying area, like the Netherlands. Louisiana officials turned to the Netherlands for inspiration in redesigning the state's water defenses after Hurricane Katrina caused levies to fail, flooding New Orleans.

The history of the Netherlands, where two-thirds of the 16 million population lives below sea level, has been shaped by its struggle to keep dry. The country is renowned for its hard-won expertise in water management and flood defenses.

Recently, policy makers here have adopted a philosophy they term "living with water"—which means working with nature whenever possible and accepting that simply building dikes higher and hire will lead to disaster.

New techniques include pumping sand into strategic offshore locations where currents in the North Sea sweep them into place, bulking up dunes; re-establishing minor waterways and removing pavement to allow the country to absorb sudden influxes of water; and designating zones for intentional flooding in an emergency.

Last year the Netherlands announced more than euro100 billion (US$140 billion) in new spending through the year 2100 to prepare for the effects of global warming.

Jackson said she was most impressed by "the idea that when it rains, the rush is not to pump out, but to be able to hold an amount of water."

"All over the country, especially in densely populated areas, we are fighting the fight of pavement," she said. Too much pavement, she said, increases the volume and speed of water runoff, and leads to increased pollution.

She said the U.S. Clean Water Act was "powerful legislation" that could be used to help shape future building projects along Dutch lines—with a greater ability to absorb sudden influxes of water rather than attempt to prevent them.

She said she planned to study Dutch methods of dealing with runoff pollution from the country's intensive agriculture sector—and from its cities, which are some of the most densely populated in the world.

Louisiana Senator Mary Landrieu, a Democrat, was visiting the Netherlands for the third time since Katrina struck.

She said her focus this time is on the organizational side, learning how Dutch water districts raise money and work with other governmental bodies and the citizenry to reach consensus on what should be done.

"The Dutch approach ... is a more integrated approach. Our approach is very stove-piped in a sense," she said.

Since Katrina, Louisiana has been guaranteed some funding for water defenses from the offshore oil industry in the Gulf of Mexico, but Landrieu said that wasn't enough.

She said Dutch water boards, which are elected and have the power to tax, were an important element in the country's policy mix.

"Although it's politically difficult you've got to have some cost or surcharge associated with property that each individual homeowner needs to contribute to the long-term support of being safe in their neighborhood."

Louisiana Senator Landrieu, EPA Head, Jackson Lead Netherlands Delegation On Day One (*Bayou Buzz*)

Written by: BayouBuzz Staff
States Senator Mary L. Landrieu, D-La., and Environmental Protection Agency (EPA) Administrator Lisa P. Jackson today began a Congressional Delegation to the Netherlands to study the Dutch integrated water management system. Louisiana and administration officials, including the Army Corps of Engineers, are studying the world-class water management and flood protection system in the Netherlands, a country which shares many of Louisiana's challenges in protecting populations and economic infrastructure below sea level.

"The Netherlands and Louisiana have a strong friendship forged by water," Sen. Landrieu said. "We are building on that relationship this week, and learning how our partnership can help our state protect and strengthen our coastal communities. We need to ensure the Army Corps of Engineers can build projects more efficiently in our region and local governments have a more significant role in creating the framework for our local projects. We will continue working this week to find ways to help Louisiana overcome our remaining challenges to living effectively with water."

"We've seen first-hand today how the Dutch work to balance water management with the effects of urbanization," said EPA Administrator Lisa P. Jackson. "In many ways, they have crossed bridges we in the U.S. have yet to cross while also confronting some of our same challenges. I look forward to learning more about their approach to water management."

The delegation is focusing on the nuts and bolts of internal water management, both in urban and rural environments. Tuesday's study included an introduction to the history and development of the City of Amsterdam, a boat trip on the Amstel River, a briefing on water management and risks involved and a discussion of climate changes' effects on the inner city.

"We have to learn more about how to manage water," said New Orleans City Council President Jackie Clarkson. "We have to live with water, and we tend to run from it. No one does it better than the Dutch, and I also want to thank them for being there so soon after Katrina."

The delegation also visited IJurg, a new area created for mixed-use development that was built to withstand the effects of climate change, such as the rising sea level. Amsterdam city officials discussed the political challenges with developing the area, which had previously been entirely water.

"It is good to see such interest in construction, design and development in areas next to waterways and below the level of the sea," said H.J. Bosworth, Levees.Org's director of research. "It will hopefully be useful to our state and federal representatives to learn how such development can be done safely."

Site visits and briefings Wednesday through Friday include The Hague, Rotterdam, Delft and Kampen.

The Netherlands was one of the first nations to extend support to Louisiana and the Gulf Coast, including civil engineers and mobile pumps to remove floodwaters in the New Orleans region. The relationship between the Netherlands and Louisiana has continued to grow stronger.

"The Dutch try to balance the water with the land, surface water and ground water," said New Orleans architect David Waggonner. "They operate the land and water together."

In early 2006, Sen. Landrieu and the Royal Netherlands Embassy led and initial CODEL to the Netherlands. Since 2006, Louisiana has made progress in protecting coastal communities, including 100-year flood protection for the New Orleans region to be completed by 2011. This trip will help the state assess remaining challenges. Sen. Landrieu will also explore policies, which may include innovative Dutch technologies and practices that can reduce the persistent delays and cost overruns of Corps projects.

Following their historic food of 1953, Dutch officials and engineers developed a comprehensive flood control system to protect the country and emerged as international leaders in the field of integrated water management. While Louisiana and the Netherlands share similar characteristics, Holland has successfully built a 10,000-year flood protection system.

Also joining this CODEL: Southeast Louisiana Flood Protection Authority East Regional Director Bob Turner; U.S. Army Corps of Engineers; Claudio Tornblom, Deputy Assistant Secretary of the Army (Management and Budget) and Zoltan Montvai, Civil Works Deputy with the Mississippi Valley Division; Senate Committee on Environment and Public Works Staff Director/Chief Counsel Bettina Poirier; New Orleans Director of Disaster Mitigation Dr. Earthea Nance; American Planning Association Executive Director/CEO Paul Farmer; American Society of Engineers President Wayne Klotz; Levees.Org Executive Director Sandy Rosenthal; Center for Planning and Excellence, Camille Manning-Broome; Louisiana Speaks, Lee Einsweiler; and LSU Hurricane Center Interim Director Joseph Suhayda.

What did EPA's Jackson see in Wyoming? (*Charleston Gazette*)

by Ken Ward Jr.

"Wyoming is the heart of our energy future. That's why I'm here." — Lisa Jackson

I've been looking through the coverage of EPA Administrator Lisa Jackson's visit last week to Wyoming, and a couple of things struck me.

First, if you look at the page where EPA's PR staff posted photos of the visit, you'll see two photos of the wind-energy production site (like the one I've posted above) and one of a natural gas development site. What's missing? No shots of Jackson visiting a huge surface mine in Wyoming's Powder River Basin. Apparently, EPA got the photos from Wyoming Gov. Dave Freudenthal's Web site, but picked only the three that did'nt relate to coal.

You can read some of the news coverage yourself: Here, here, here and here.

I'll point out a couple of things that interested me.

One that isn't directly coal-related, but interesting still is that Wyoming officials are trying to take a look at what regulations they currently have on the wind-power industry.

I was also interested in Jackson's comments in a Gillette News Record article about her visit to Black Thunder, the nation's largest coal mine:

"Maybe I'm not the only one who needs to get out of Washington from time to time," she said. "A lot of times, EPA is much more interested in the generation of power from coal and it's very interesting for me to see the process in various parts of the country."

In that same article, Jackson responded to coal operator concerns that a cap-and-trade carbon emissions law would kill the mining industry:

"You have to find a way to make it work," she said. "With the right momentum, investment and continued work by the universities, it can be made to happen. But there needs to be a sustained signal over time that this country is going to fight carbon dioxide pollution."

Finally, there was this article in the Casper Star-Tribune, which goes against the idea that many folks in the eastern coal business have that citizens out west leave the industry alone to do its mining:

Energy and environmental stakeholders who are sometimes at odds seemed to agree that this week's visit by Environmental Protection Agency Administrator Lisa Jackson is a good thing for Wyoming.

However, some have complained that Jackson might have more face time with representatives of energy companies in Wyoming rather than with citizens with concerns about how energy development has been managed in recent years.

The Powder River Basin Resource Council, a citizens group, submitted this list of concerns:

- There are regular violations of particulate matter (dust) standards in the Powder River Basin coal-bed methane gas and coal mining district.

- Some prime pastureland has suffered from the flushing of coal-bed methane water down draws in the Powder River Basin.

- Citizens in the Pavillion area in the central part of the state believe oil and gas development has resulted in air and water contamination.

EPA gets look at Pinedale Anticline (*Sublette Examiner*)

Posted: Tuesday, May 26th, 2009
BY: Mari Muzzi

Air quality and environmental concerns were top priorities for U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson as she toured the Jonah Field on May 21.

The objective of Jackson's energy tour was to open dialog between the EPA and the state of Wyoming.

"I'm looking at the environmental impacts," she said. "We've had some discussions already with the state and they're as concerned as we are about air impacts."

Gov. Dave Freudenthal invited Jackson and other state and local officials to see Wyoming's energy production firsthand.

One of the stops on their two-day energy tour was the Jonah Field, where Jackson was informed of the procedures EnCana and other companies are using to reduce emissions due to the ozone issues Sublette County has experienced during past winters.

It is believed that the pollutants from the winters of 2007 and 2008 led to the federal ozone exceedance by 122 parts per billion (ppb), caused in part by emissions from the Jonah Field.

The current federal ozone standard is 75 ppb.

Once this occurs a state must develop a five- to seven-year plan to address and reduce the ozone problem.

Jackson said improving air quality is important for the county, Wyoming and the nation.

"We owe it to the people of Wyoming," she said. "And, I have a larger question from the people of the country to make sure we are looking at fracking – (and) are we being as protective as we can for future generations."

There are currently 1,000 wells and three rigs operating on the 30,000-acre Jonah Field in the Pinedale Anticline.

Paul Ulrich, government and regulatory affairs spokesman for EnCana, was one of the employees giving the tour.

"We've addressed emissions from every aspect of our operation," he said. "We're very sensitive to the ozone issue and want to do our part to reduce our impacts to causing ozone by emitting VOCS (volatile organic compounds)."

VOCS are one of the compounds that cause ozone.

Ulrsch said they are now using refinery combustors on some rigs, which helps reduce the VOCS.

So far, 65 refinery combustors have been installed on the Jonah Field at a cost of $105,000 each, he said.

Ulrsch said EnCana is also using new rig models that take up less space and reduce emissions and the company is part of the EPA National Gas Projects Inspection Maintenance Program.

"Every one of our release operators is trained to look for emission problems," he said.

During the tour, an AP reporter asked Jackson her opinions on Sublette County's air problems.

"Today is a beautiful day – it's hard to believe this is a place that has had some air problems," she said. "But that's the thing about air pollution; it's not always the same every day."

Jackson had some concerns regarding the natural habitat of the area and vegetation.

Ulrsch said the Jonah has developed a recovery/restoration program to help regrow the

sagebrush and restore the natural environment once drilling is completed in an area. EnCana and other companies using the Jonah water and fertilize the sage once drilling is finished and when fracking on flat ground they use wooden mats to protect the area's vegetation.
Jackson said visiting the Jonah Field was helpful and it allowed her to get a better understanding of the air issues and what is being done to reduce the problems.
"The first thing to do is to come and see it," she said. "And now we have a chance to see what it is we are dealing with on a day-to-day basis."
While the objective of Jackson's energy tour was to open dialog between the EPA and the state of Wyoming, Gov. Freudenthal's press secretary Cara Eastwood felt that goal was accomplished.
"I think that her visit provided an opportunity for the (EPA) to understand what is going on in the state," Eastwood said on Monday.

AIR

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Fresh & Easy Joins EPA Advanced Refrigeration Partnership (*Progressive Grocer*)

May 26, 2009
Tesco-owned Fresh & Easy Neighborhood Market has joined the U.S. Environmental Protection Agency's GreenChill Advanced Refrigeration Partnership, voluntarily committing to reduce refrigerant emissions to minimize the impact on climate change and protect the ozone layer.

"By being thoughtful in how we operate all parts of our business, we've been able to make a significant difference in our overall environmental impact," said Tim Mason CEO of El Segundo, Calif.-based Fresh & Easy. "We are always looking for ways to reduce our carbon footprint – from energy-efficient refrigeration units to skylights in stores to our solar panel installation on our distribution center."

According to GreenChill, the industry average for refrigerant leakage is 25 percent. Fresh & Easy reports that its current leak rate is well under 10 percent, due to advanced refrigeration technologies and the company's use of a refrigeration system alarm center and leak detection program to actively monitor and respond to refrigerant leaks quickly.

"Since the program's inception a year and a half ago, GreenChill's partners have proven themselves to be leaders in reducing supermarkets' effect on the ozone layer and climate change," said Keilly Witman of EPA's Stratospheric Protection Division.

In addition to Fresh & Easy's efforts to reduce refrigerant emissions, the company also

stresses energy efficiency. Characteristics of the company's refrigeration units include energy-efficient doors on freezer and dairy coolers, which use triple-pane glass with an anti-fog coating that eliminates the need for door heaters to reduce icing or fogging. In addition, refrigeration cases use night curtains to conserve energy while ensuring the food stays at the appropriate temperature when the stores are closed. Plus, LED lighting is used in all freezer and dairy cases.

Fresh & Easy has also committed to build LEED (Leadership in Energy and Environmental Design) -certified buildings, and voluntarily joined The Climate Registry to disclose its greenhouse gas emissions. The Tesco-owned company additionally invested in a 500,000-square-foot solar roof installation on its distribution center in Riverside, Calif., which currently produces over 75 percent of the center's energy.

EPA's GreenChill Partnership works with food retailers to promote green technologies, strategies, and practices that protect the ozone layer, reduce greenhouse gases and save money. Under the agreement with the EPA, Fresh & Easy has committed to the following:

--Requiring all new and remodeled stores to be free of ozone-depleting substances, in advance of the Clean Air Act phase-out requirements
--Establishing a refrigerant emissions inventory and meeting annual refrigerant emissions reduction targets
--Developing a refrigeration management plan that lists technologies, strategies and practices used to achieve refrigerant emissions reductions goals

According to the EPA, GreenChill's food retail partners have refrigerant emissions rates that are nearly 50 percent lower than the EPA-estimated industry average. These partners are responsible for a reduction in refrigerant greenhouse gas emissions totaling 2.5 million metric tons of carbon dioxide in their first year as GreenChill partners -- equivalent to the annual carbon dioxide emissions of 500,000 cars. In addition to the environmental benefits of their participation in GreenChill, these partners also saved almost $13 million in operating costs.

Carbon allowances -- the glue in House energy package (*Greenwire*)

(05/26/2009)
Peter Behr, E&E reporter
A massive climate bill has taken its first step forward in the House, its path paved by the giveaway of allowances -- free greenhouse gas emission permits designed to mute the economic impact of a carbon cap-and-trade program.

Free allowances -- each conveying the right to pump a ton of greenhouse gases into the atmosphere -- were the glue that held the sprawling bill together for Reps. Henry

Waxman (D-Calif.) and Ed Markey (D-Mass.) and fellow Democrats on the Energy and Commerce Committee last week.

The "cap" of cap and trade would impose steadily tightening limits on greenhouse gas emissions. Companies covered by the bill whose emissions exceeded their caps would have to purchase emission allowances, or buy offsets -- for example, by investing in rainforest preservation. Some allowances could be banked or borrowed to ease transitions. But the decisions would affect choices of fuels, introduction of new technologies, and decisions to hire, fire, expand, shrink or move operations overseas.

The bill's allowances help offset prospects of much higher costs for carbon emissions in some regions and industries than others. "Some will have zero costs, some will have extremely high costs," said Harvard University economist Robert Stavins. "It's very hard to estimate who will be the most burdened."

Washington state, with its plentiful hydroelectric power, emitted 0.15 ton of carbon dioxide per megawatt of power it produced in 2005. Indiana -- a center of coal-based power generation -- emitted nearly 1 ton of CO2 per megawatt, Stavins noted.

A computer model run by ClearView Energy Partners estimates that greenhouse gas limits will hit three times as hard in West Virginia, Kentucky and North Dakota, for example, as in Washington state, California or Oregon.

Oil refiners and manufacturers of chemicals, paper, cement and metals will be vulnerable. So will companies that face tough U.S. or foreign competition that makes it hard to pass on higher energy prices.

"The firm makes a choice," said Kevin Book, a ClearView partner. "You can adapt. You can accept lower profits to retain customers, or, if you can jack up prices, you will. We don't know what the industrial players will do." Electric power prices would still come under the eyes of public utility commissions.

The different regional burdens required Waxman to parcel out allowances to benefit coal states -- whose economies would feel more pain -- in order to get a majority of Democrats behind the bill. "You can leave it up to Congress to do what it does well, and that is to build a constituency for the program," Stavins said.

Closing the gap

The bill's burden is the difference between expected annual U.S. greenhouse gas emissions and limits set by the cap, which squeeze harder each year of the program. Point Carbon estimates that gap would start at 205 million tons of CO2 and rise to 1.4 billion tons in 2020. Other energy policy actions could shrink the gap.

Shortages of available offsets would widen it.

In 2016, the U.S. economy would produce an estimated 7.3 billion tons of CO2, based on current growth forecasts. Power generators and other business sectors covered by the Waxman-Markey bill would put out 6 billion tons of emissions under business as usual.

But the cap would restrict their emissions to 5.3 billion tons. Companies could close the gap, 784 million tons, by reducing emissions, shutting down some operations, switching to cheaper fuels, buying allowances from companies that did not need them, or making carbon emission offsets.

Allowance trading could result in a price of between $15 and $20 per ton of carbon emissions in 2016, various analysts predict, making the value of allowances that year between $80 billion and $108 billion.

In that year, all of the allocations would be given away: The electricity industry would get 35 percent; local natural gas distributors, 9 percent; "trade exposed" industries, 14.2 percent; oil refiners, 2 percent; automobile manufacturers, 3 percent; and energy companies investing in carbon capture and storage, 2 percent.

A sizable share of that year's allowances would go to others in the economy that were not considered greenhouse gas sources, including 15 percent for low- and moderate-income households, 1 percent as research grants to universities, 5 percent for tropical forest preservation, and 0.5 percent for worker assistance and job training. These carbon emission permits could be also sold to industries and power generators that need them.

Debating costs

The probable cost of the cap-and-trade program has been sharply disputed.

U.S. EPA's computer model forecasts a trivial increase for U.S. households. The growth of household spending would be about 0.2 percent lower in 2020 under the Waxman-Markey plan, compared to a business-as-usual scenario with no new climate legislation. Average household spending would drop by about $140 a year, in current dollars.

Gasoline prices would be 33 cents a gallon higher with the climate bill than without it in 2030. That is compared to the doubling of gasoline prices to $4 a gallon in 2007-08.

Critics of the program claim that the costs will be higher and the intrusion by government would be unprecedented in the post-World War II period.

The Republican staff of the House Oversight and Government Reform Committee said the cap-and-trade strategy would cost the average U.S. household an extra $1,600 a year. Myron Ebell of the Competitive Enterprise Institute testified to Waxman's committee that cap and trade would be "legalized plunder" by government.

"It takes the most important economic decisions out of the hands of private individuals acting in the market and puts them in the hands of the government," Ebell said.

Stavins said the high estimates of the bill's impact are off base, because they include the total costs of carbon allocations issued, but most of these will be traded back and forth and so won't hit households directly.

"Are we pushing this too fast? It seems like a reasonably prudent pace," Book said. "There isn't a good business in the world that can't adapt if you give it 15 years. If it can't, it will be replaced by someone else who can."

Said Mark Zandi, chief economist of Moody's Economy.com, "I think the economy can digest it if it is done in a clear, concerted and measured way."

Carbon allowances in the Waxman-Markey bill may have been the third choice in the climate policy debate.

"If you were king for a day, from a macroeconomic perspective, you wouldn't do it this way," Zandi said. "Most economists would say the best approach would be a carbon tax, not cap and trade."

But a tax was politically toxic. If a cap-and-trade plan was to be the strategy, better to do it by auctioning all allocations, putting them into the hands of people most willing to pay for them. That would generate tax revenues that could be put back into the hands of the people, Zandi added.

But cap and trade, Zandi said, was "as good a second-best as policymakers can get."

EPA Study Lays Foundation For Waste Rules To Limit Greenhouse Gases (*Inside EPA*)

A near-final EPA “foundation paper” lays the groundwork for EPA and states to focus on waste management practices as a way to control greenhouse gas (GHG) emissions, finding that materials and land management activities account for a significant percentage of GHG emissions.

Several states, including California and Oregon, have already moved forward with their own programs to mitigate the GHG effects of landfilling, and most states are focused on the issue, state sources say.

The foundation paper, which has been peer reviewed and is expected to be published next month, finds that materials management accounts for roughly 40 percent of GHG emissions, while land management activities account for roughly 15 percent of GHG emissions, an EPA source says. Materials management includes the development of

goods and food, while land management activities include transportation and development.

The paper aimed at the outset to determine whether there was a connection between materials and land management activities and GHG emissions, and if so, whether that contribution was significant enough to warrant further action, the EPA source says. “What we found is that it does have a significant impact,” the source says.

Traditionally, GHG emissions are counted by sector, such as commercial, residential, transportation, agriculture and electric power. But the EPA paper breaks down existing GHG emissions data into systems.

EPA is in the process of a cost-benefit analysis to determine which mitigation efforts -- including recycling, reuse of materials from demolition and enhanced land management policies -- justify additional expense, as a guidance for states, who bear the majority of solid waste management duties, the source says.

The agency is also working to identify which policies might be effective to encourage states and other local waste management agencies to adopt practices that would mitigate their contribution to climate change. “That’s what we’re trying to figure out,” the source says. “Ultimately, EPA is obviously interested in reducing greenhouse gas emissions,” and materials management will play a part in that.

A source with the Association of State & Territorial Solid Waste Management Officials (ASTSWMO) says several states have already moved forward with their own programs to mitigate the GHG effects of landfilling, including California and Oregon. “When you’re talking about the states, you’re always talking about a hodgepodge,” the source says. “I think, like most programs in the states, everyone is in a different stage, but it’s fair to say most are focused on this.”

While the EPA foundation paper is a means of establishing the connection between materials management and climate change, regulators are still many years away from developing any kind of concerted effort towards applying climate change considerations to solid waste programs, the ASTSWMO source says.

“This is more of a way to help everyone in waste management recognize that waste is an active contributor to the issue of climate change,” the ASTSWMO source says. “People normally associate air pollution with climate change, but the point of the paper is to help make the case that waste” is also a contributing factor.

Oregon has been one of the first states to undertake studies to reduce GHG impacts by materials management, having established an advisory group in 2004 aimed at mitigating emissions in a host of arenas, including solid waste disposal. That advisory group has since been consulting with EPA on their foundation paper, according to a source with the Oregon Department of Environmental Quality.

Oregon found that recycling has a tremendous impact on reducing GHG emissions. The state found that the energy savings from recycling products into new products versus making products from raw materials was the source of the most reductions.

“Most greenhouse gas emissions aren’t associated with landfills; they’re associated with the production of stuff,” the Oregon source says. “Recycling and waste prevention have major greenhouse gas benefits, and they typically get ignored.”

Other ideas are being floated as well, such as developing a GHG emissions framework that is based on a consumption-based model rather than a production-based model.

Currently, emissions are thought of in terms of territory -- countries produce a given number of tons of GHG annually. But under a consumer-based model, GHG reduction schemes would have to take into account more than just the actual emissions generated by point sources like power plants, but emissions that were made in order to create a given product. For example, the emissions associated with a paper cup would include not only the methane produced when it is landfilled, but the emissions that were released in the course of its production, transport, use and disposal.

“The issue of consumer-based accounting is coming into the discussion,” the Oregon source says. “At a high policy level -- at an international policy level -- people are talking about what policy levers can be identified to control the flow of goods across international boundaries.”

In the future, the source says Oregon intends to identify products whose lifecycle GHG footprint is greatest, though what precisely can be done with that information is unclear. The drive towards a consumption-based approach, the source says, is not intended to curb consumption, but rather to identify ways to minimize emissions in a holistic way. “It could have a role for something like product labeling or consumer education,” the source says. -- *John Heltman*

BROWNFIELDS

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Brownfields assessment grants awarded to city (*Baltimore Sun*)

May 27, 2009
The Baltimore Development Corp. plans to evaluate more than 1,000 potentially contaminated properties in the city with the help of two "brownfields assessment" grants from the U.S. Environmental Protection Agency. The BDC said Tuesday that Baltimore was selected for $400,000 worth of grants in a national competition. The economic development agency expects to identify contaminated areas within more than 2,400 acres and develop remediation plans. The grants will help the city reclaim unused property and spur economic development, said William C. Early, acting regional

administrator for EPA's Mid-Atlantic Region.

- Lorraine Mirabella

Tuesday, May 26, 2009, 12:46pm EDT

Baltimore Development Corp. to study brownfields with $400K EPA grant (*Baltimore Business Journal*)

Baltimore Business Journal - by Daniel J. Sernovitz Staff
The Baltimore Development Corp. said Tuesday it was awarded $400,000 in federal funds to study contaminated properties in the city and craft plans for their redevelopment.
The federal Environmental Protection Agency grant money will help the city's development arm study a portion of Baltimore's 1,000 brownfield sites, occupying more than 2,400 acres of potentially contaminated land. The brownfield properties are former industrial sites, such as landfills or manufacturing plants, where the contamination must be assessed and cleaned up before the land can be converted into new uses.
BDC officials were not immediately available comment on which sites would be studied.

If all the city's brownfield sites were redeveloped, the BDC estimates those efforts could help create 27,000 new jobs and generate $25 million in new property taxes annually.

Montgomery Park, Port Covington and Clipper Mill were all designated brownfields sites that were redeveloped with in part with funds from the federal program, which provides grants and loan funds to help developers clean up contaminated properties and construct new buildings on the land.

"Along with generating jobs, this grant will help the City of Baltimore reclaim property that has been unused for years and turn those sites into assets for the community, the environment, and the economy," William C. Early, acting regional administrator for EPA's mid-Atlantic region, said in a statement.

CLIMATE CHANGE / GLOBAL WARMING
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It's Getting Hot Up There (*Washington Post*)

May 27, 2009 Wednesday
Regional Edition

STYLE; Pg. C12
Maryland
It's Getting Hot Up There; How the Effects of Global Warming in the Arctic Are Affecting the Rest of the World
If you think summers in the Washington area are hot, you should try the Arctic.

Seriously. For the past two summers, a record amount of ice in the Arctic has melted, and it could happen again this year. And just recently, a large ice bridge in Antarctica broke apart.

These events have focused more attention on how global warming is affecting the ice cover of the North and South Poles. Since there's only one degree of temperature difference between liquid water and ice, the slightest warming of the climate can have an impact. (Think about it: At 32 degrees, you have an ice cube, but at 33 degrees, you have a glass of water!)

KidsPost reporter Margaret Webb Pressler asked some experts about what changes kids are likely to see in their lifetimes as a result of the ice melt.

It Is Already Happening

There are changes taking place around the North Pole right now because of melting ice. Arctic animals such as polar bears and sea lions have smaller areas in which to live, hunt and raise their young. Hunting patterns of some native communities have been hurt, too.

With less ice, the Arctic also is more open to shipping, fishing and other commercial activities, such as oil drilling, which could hurt the fragile polar environment.

Even visitors who want to explore the beautiful wilderness pose a threat. "A lot of people are concerned about an increase in tourism," said John Walsh, who teaches global **climate change** at the University of Alaska.

What Could Happen?

Scientists predict that melting polar ice will cause sea levels all around the world, not just in the Arctic, to rise at least one foot by the year 2100. That would hurt some waterfront communities, especially during storms.

But there is debate among climate experts about how fast the ice will melt. Some scientists suggest seawater could rise as much as seven to nine feet by the end of this century. That could put parts of New York City and Miami underwater.

"Most likely the truth is somewhere in the middle," Walsh said.

The Good News

There is still time to stop, or at least slow, the melting process. Even if the ice at the poles were to melt completely, the worst impact wouldn't be for hundreds of years, according to James Wang, a climate scientist with the Environmental Defense Fund.

That long time frame gives efforts to stop **global warming** a chance to work. Slowing **global warming** now "would reduce the amount of ice melt and the amount of sea level rise," Wang said.

And the ice cover in Antarctica (or the South Pole), which is far greater than the ice cover in the North Pole, is melting much more slowly. So the Arctic ice melt can be viewed as an early warning signal, Walsh said. "If we pay attention to it, it could save us trouble down the road."

EDITORIAL / OP-ED / COMMENTARY / LETTER

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MAY 27, 2009

Different Models for the Climate-Industrial Complex (*Wall Street Journal)*

Bjorn Lomborg's claim in "The Climate-Industrial Complex" (op-ed, May 21) that electric utilities like Duke Energy would get a "free lunch" ignores the fact that the climate change bill being debated in the U.S. House ensures that the value of emission allowances must go directly to utility customers. The House bill also requires that this must be validated by the Environmental Protection Agency.
Our state regulators also testified before the committee that each and every dime of any emission allowances granted to regulated utilities must flow directly back to customers, not shareholders.

This will ensure that the 25 states that depend on coal for more than 50% of their electricity are not punished with immediate rate shock by climate change legislation. These states will have to shut down and replace the majority of their fossil fuel power plants as a result of the climate change legislation. Having to pay for emission allowances up front to keep power flowing is an unfair "double hit."

To learn more about these facts, I suggest Mr. Lomborg read the testimony from regulators who testified before the House Energy and Commerce Committee, or contact the National Association of Regulatory Commissioners in Washington.

Jim Rogers
Chairman, President and CEO
Duke Energy
Charlotte, N.C.

FUEL

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MAY 27, 2009

To Gauge Oil Savings, Economists Road Test the 'Rebound Effect' (*Wall Street Journal*)

By CARL BIALIK

When President Barack Obama announced tougher fuel-efficiency standards for new cars last week, he emphasized the potential reduction in oil demand. But what if drivers who find that they can go longer on a tank of gas drive more? Would all that additional driving cancel out the environmental benefits the Obama administration is seeking?

Most economists who have studied this so-called rebound effect say the answer is no, though they differ somewhat on how much of the gasoline savings would be burnt up by an increase in driving. The Environmental Protection Agency is predicting a rebound effect of 5%. That means that drivers who trade in a 20-mpg sedan for a 25-mpg model will partially offset the fuel savings by, on average, driving 1% more.

Just two months earlier, the National Highway Traffic Safety Administration estimated that the rebound effect would be 15%. While the 5% figure yields a more impressive fuel-savings projection -- 1.8 billion barrels of oil -- than the larger rebound effect would have, it also reflects the latest research, which suggests the rebound effect is dropping. That's because Americans' income is expected to rise faster than gas prices, making the time spent in a car loom larger in economic decisions than the cost of fuel.

The Numbers Guy Blog

- Kicking the Tires on the 'Rebound Effect'

The debate over the rebound effect is just one of the numerical complexities surrounding the new rules. The requirement that vehicles reach a fuel efficiency of 35.5 miles per gallon by 2016 covers cars sold in that year; there is no way to know what the mix of cars on the road will be then. And the new requirements are expected to boost new vehicle prices, which could keep drivers in gas guzzlers longer.

The EPA has yet to say how it arrived at a projected savings of 1.8 billion barrels of oil under the new mileage rules.

But some scientists who have studied the issue recently say the EPA's 5% figure is largely consistent with their findings. Kenneth Small, an economist at the University of California, Irvine, and Kurt Van Dender, an economist for the Organization for Economic Co-Operation and Development, examined gasoline prices, fuel efficiency and miles driven, by state, from 1966 to 2001.

Unlike most previous studies, their work didn't assume the rebound effect was constant. And they found it dropped sharply in the last decade, perhaps because rising incomes and increases in traffic reduced drivers' appetite to spend time on the road.

Based on government projections of gasoline prices and income, the Small-Van Dender model predicts a minuscule rebound effect, possibly even less than 5%, by the time the cars affected by the proposed Obama rules go on sale.

David Greene, a senior scientist at Oak Ridge National Laboratory, has studied the rebound effect for the EPA using federal data, and his work, so far unpublished, largely corroborates the Small-Van Dender study. "Somewhere between 5% and 10% for the future, assuming continued income growth, is probably where we are," Dr. Greene says.

It is hard to know just what rebound effect to expect from the new rules. Surveys asking drivers how they have behaved and will behave have produced wide-ranging results, which isn't surprising given the difficulties individuals have recalling and predicting their economic life. And no one has conducted a study tracking individual drivers over many years.

Also, drivers' reactions to fuel costs include small, short-term effects, such as skipping a road trip because of high gasoline prices, and long-term decisions, such as choosing a job with a longer commute because of greater fuel efficiency. And separating the two effects is difficult.

Dr. Small and Dr. Greene initially assumed that drivers would have the same reaction to cost savings from lower gasoline prices as they do from better fuel economy. But when they put that theory to the test, they found no evidence of a rebound effect tied to fuel-economy gains. That could just mean they need more data. If there really is no rebound effect, however, that would lead to even more oil savings than what the Obama administration is forecasting.

Why might drivers react differently to fuel efficiency than to gas prices? Perhaps because the uncertainty of gasoline prices, and the constant roadside reminders, elicit stronger reactions in drivers than fuel efficiency gained or lost.

Dr. Greene has another theory. As Mr. Obama acknowledged, cars get more expensive when their manufacturers must meet tougher standards. "Maybe what we're seeing," says Dr. Greene, "is that the increased cost of vehicles has compensated for higher fuel economy."

Write to Carl Bialik at numbersguy@wsj.com

5/26/2009 4:31:00 PM

NCGA: EPA Accepting Comments On Proposed RFS Rules (*Cattle Network*)

Now that The U.S. Environmental Protection Agency has opened a 60-day comment period for proposed changes to the Renewable Fuel Standard, the National Corn Growers Association (NCGA) is formulating a comprehensive response and working with industry allies to provide a set of science-based comments that underscore the importance of corn ethanol for its economic, environmental and energy benefits.

“Once again, we have the opportunity to educate federal policymakers and regulators on an issue important to U.S. agriculture – and all Americans,” said NCGA President Bob Dickey. “These proposed regulations for implementing the federal Renewable Fuel Standard need to be based on sound science and the best data available.”

As part of including specific mandates for advanced biofuels, EPA was tasked with defining the types of feedstock that qualify for ethanol production and measuring life-cycle greenhouse gas emissions for each type of renewable fuel mandated in the law.

One of the biggest concerns about the proposed rules, Dickey noted, is the emphasis on “indirect land use changes” (ILUC) in determining the possible greenhouse gas and climate change effects of biofuels. ILUC assumes, wrongly, that producing more ethanol requires diverting more acres to corn from other crops, triggering a global shift in acreage. With technology and modern agronomy, Dickey notes, farmers are growing more corn per acre, and can produce enough corn and ethanol to meet the RFS goals without significantly expanding acreage.

Further, the proposed rule restricts what will be considered a “renewable biomass.” For corn and other planted crops to meet the amended biomass definition, feedstock must be “crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to the enactment of this sentence that is either actively managed or fallow, and non forested.” In order to prove that corn they harvest and deliver meets the above definition, the EPA has proposed that corn farmers must provide documentation to verify that the crop was produced on qualifying land.

The EPA will accept comments through July 27.

PESTICIDES

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May 27, 2009

Pest control companies notice troublesome trend (*Greenville News*)

By Mike Cherney
THE SUN NEWS

There was a time when Lane's Professional Pest Elimination rarely got called for a bedbug problem. But this year, the company did 14 bedbug treatments in one week.

"In 20 years we've had Pest Force, I never saw or did anything with bedbugs until probably a year and a half ago," said Matt McLaughlin, the co-owner of The Pest Force, another local pest control company. "And now, there's probably not a week that goes by where somebody doesn't call."

Bedbugs, tick-size insects that hide in the cracks and crevices of mattresses and feed on sleepers' blood, are back. After being largely controlled for decades, an upsurge in travel and a decline in the use of powerful yet environmentally unfriendly pesticides are allowing bedbugs to spread again.

The problem has gotten bad enough - at least in some of the country's large cities that see a lot of travelers - that the Environmental Protection Agency held its first bedbug conference in April. The summit brought together pest control professionals, academics and government officials to recommend ways to deal with the pests.

"Most of us that are 80 years or younger probably never experienced bedbugs much," said Eric Benson, an entomology professor at Clemson University. "In fact, a lot of people don't even think they're real. They would think 'sleep tight and don't let the bedbugs bite' is more of a fictitious nursery rhyme."

Experts stressed there is no cause for panic. Though bedbugs feed on people's blood like mosquitoes, they do not spread serious diseases. And an infested room can be cleaned by professionals with pesticides, though it can be expensive and time consuming.

"Even though bedbugs are a disgusting thing when you think about it, the good news is that there's no evidence that they transmit any disease," said Greg Baumann, a vice president and senior scientist at the National Pest Management Association. "We want to let people keep it in perspective."

Bedbugs are hardy insects, and can survive for months - up to a year, some say - without eating anything. That gives them plenty of time to spread, and they can hop a ride on clothes or a suitcase to a new room. They can even squeeze through walls to get to new areas.

Bites from bedbugs can cause swelling and some itching, not unlike other insect bites, so it is impossible to look at a welt and determine that it came from a bedbug, experts said. Bedbugs also look similar to other bugs, so it is important to have a professional confirm that an infestation is actually bedbugs before treatment begins.

Perhaps the biggest bedbug threat for a tourist destination like Myrtle Beach is the damage a problem can cause to the reputation of hotels or motels. Hotel operators are apparently acutely aware of that: No members of the Myrtle Beach Area Hospitality

Association volunteered to speak about the issue for this story, said Pauline Levesque, the association's executive director.

The association has conducted training for its members to spot and deal quickly with bedbugs, Levesque said. She noted there have been few bedbug complaints to a business ethics committee sponsored by the association, though local pest control companies said they had been called to numerous hotels.

Hotels have been sued over bedbugs, experts said, but that's usually when the hotel knew there was a problem and did not do anything about it. Hotel staff can be proactive in spotting bedbugs by checking mattresses and headboards for signs of the pests as each room is cleaned, but there's not much that can be done beyond that.

A bedbug problem, experts say, is not necessarily a sign that a home or a hotel is dirty.

"The only way you can guarantee not having bedbugs is not having anybody in your hotel," said Lorne Hanewich, the general manager at Lane's. "It doesn't matter if it's a high-end, multimillion dollar facility or a small mom-and-pop."

After biting a person, female bedbugs will lay one to five eggs, and can lay up to 200 of them in their lifetime, according to Clemson University's entomology department. Young bugs, called nymphs, molt five times before reaching adult and must feed before each molt. If food is plentiful, they can grow up in six to seven weeks.

The bugs are nocturnal, so there can be an infestation without ever seeing a bug. A better way to detect them is to look for small blood droplets on bedding or walls or black or brown spots around bedbug-friendly hiding spaces. The spots, the university says, are dried excrement.

If the bedbugs are visible, it probably means there are so many of them that they have run out of hiding places, Hanewich said. They can be found not only in mattresses and headboards, but also in loose wallpaper, sofas, cracks in hardwood floors or even behind picture frames.

"I remember walking into one room and it looked like someone had taken a handful of wet poppy seeds - handfuls of wet poppy seeds - and had thrown them up in the corners around the ceiling," Hanewich said. "There was that many. There were literally thousands."

A.J. Peterson, 48, went so far as to replace some wall panels in a Myrtle Beach rental home that he owns that got infested. He's not sure how the insects got there, but he is pretty sure that one of his previous tenants probably brought them in. He called exterminators soon after a new tenant complained.

Clothes and furniture had to be taken out of the home to be treated, Peterson said, and he refunded the month's rent of the new tenant and bought her a fresh bed. With the

lost rent, the whole experience cost him about $2,000 - he now insists on inspecting any furniture his tenants bring into the home for signs of bedbugs.

"All I knew about bedbugs was the old saying: 'Don't let the bedbugs bite,'" Peterson said. "I really never knew what a nightmare these things were."

POLITICAL

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May 26th, 2009
8:42 pm

Obama names Yale chemist to EPA (*Yale Daily News*)

BY THE YALE DAILY NEWS
The founder of “green chemistry” is heading back to the U.S. Environmental Protection Agency, where he established the new field of study more than a decade ago.
Last Thursday, President Barack Obama nominated Yale faculty member Paul Anastas, co-author of “Green Chemistry: Theory and Practice,” to be the Assistant Administrator for the EPA’s Office of Research and Development.
If confirmed, Anastas will head research at the ORD, which is the EPA’s scientific research branch.
Anastas is no stranger to Washington or the EPA. He began working for the EPA in 1989 as the chief of the industrial chemistry branch of the Office of Prevention, Pesticides and Toxic Substances. From 1999-2004, he served as the assistant director for the environment in the White House Office of Science and Technology Policy, and from 2004-2006 he was the director of the Green Chemistry Institute.
In addition to his appointments in the School of Forestry & Environmental Studies, the Department of Chemistry and the Department of Chemical Engineering, Anastas is also the director of the Yale Center for Green Chemistry and Green Engineering.

Obama Nominates Judge Sonia Sotomayor to U.S. Supreme Court (*Environmental News Service*)

WASHINGTON, DC, May 26, 2009 (ENS) - President Barack Obama today made his first nomination of a U.S. Supreme Court justice, choosing Judge Sonia Sotomayor of New York to fill the seat being vacated by retiring Justice David Souter.
Sotomayor is a Hispanic judge, who has served on the U.S. Court of Appeals for the Second Circuit since 1998.

President Obama said today, "It's a measure of her qualities and her qualifications that Judge Sotomayor was nominated to the U.S. District Court by a Republican President, George H.W. Bush, and promoted to the Federal Court of Appeals by a Democrat, Bill

Clinton. Walking in the door she would bring more experience on the bench, and more varied experience on the bench, than anyone currently serving on the United States Supreme Court had when they were appointed."

"Judge Sotomayor is a distinguished graduate of two of America's leading universities," the President said. "She's been a big-city prosecutor and a corporate litigator. She spent six years as a trial judge on the U.S. District Court, and would replace Justice Souter as the only justice with experience as a trial judge, a perspective that would enrich the judgments of the Court."

Before she can ascend to the nation's highest court, Judge Sotomayor must be confirmed by the U.S. Senate. Her confirmation is likely for two reasons - first, because she has been twice before been confirmed by the Senate in previous judicial posts, and also because the Senate now consists of 59 Democrats and 40 Republicans and so is likely to approve the Democratic President's nomination.

In accepting the nomination, Sotomayor said today at the White House, "I hope that as the Senate and the American people learn more about me they will see that I am an ordinary person who has been blessed with extraordinary opportunities and experiences. Today is one of those experiences."

Since joining the Second Circuit Court of Appeals, Sotomayor has authored more than 150 opinions in civil cases on a wide range of issues. Two of these decisions have been overturned by the Supreme Court, including her most notable environmental ruling in the case of Riverkeeper, Inc. v. EPA.

Argued in 2005 and decided in 2007, the case was a challenge to a rule by the U.S. Environmental Protection Agency regulating cooling-water intake structures at power plants. The challenge was brought by 17 environmental groups, six power utilities, and the states of Rhode Island, Connecticut, Delaware, Massachusetts, New Jersey, and New York.

The EPA rule is intended to protect aquatic organisms from being harmed or killed by cooling water intake structures at large, existing power plants. The cooling process requires power plants to extract billions of gallons of water a day from lakes or rivers, a process that can kill or injure billions of aquatic organisms in a year.

To minimize this adverse impact on aquatic life, the Clean Water Act requires the intake structures to use the "best technology available," without detailing exactly what the EPA should consider in determining the "best technology available."

Sotomayor held that the EPA was not permitted to engage in a cost-benefit analysis to determine the "best technology available."

She found that the EPA had exceeded its authority by rejecting closed-cycle cooling technology and instead allowing a "suite of technologies," such as attempts to restock fish into the damaged natural resources, as the best technology available.

She reasoned that "restoration measures are not part of the location, design, construction, or capacity of cooling water intake structures, and a rule permitting compliance with the statute through restoration measures allows facilities to avoid adopting any cooling water intake structure technology at all, in contravention of the Act's clear language as well as its technology-forcing principle."

The industry plaintiffs filed petitions for judicial review, which the Supreme Court granted in April 2008 to review the cost-benefit issue. By a vote of 6-3, the Court reversed Sotomayor's decision.

In an opinion by Justice Antonin Scalia, the majority ruled that it was "eminently reasonable to conclude that" the silence of the Clean Water Act on determining the best technology available "is meant to convey nothing more than a refusal to tie the agency's hands as to whether cost-benefit analysis should be used, and if so to what degree."

Justice Stevens wrote a dissenting opinion, which was joined by Justices Souter and Ginsburg. They wrote that because "Congress granted the EPA authority to use cost-benefit analysis in some contexts but not others" and intended "to control, not delegate, when cost-benefit analysis should be used," the silence of the Clean Water Act on this issue did not constitute "an invitation for the Agency to decide for itself which factors should govern its regulatory approach."

As a result of this decision, EPA has suspended the Cooling Water Intake Structure Regulations for existing large power plants, pending further rulemaking.

Some environmentalists immediately approved of the President's choice in part because of her decision in this case.

Sierra Club Executive Director Carl Pope praised President Obama for the nomination, saying, "As we learn more about her record, the Sierra Club is encouraged by Judge Sotomayor's opinion in Riverkeeper, Inc. vs. EPA in which she ruled in favor of environmental protection and against attempts by the government to ignore true environmental benefits when enforcing clean water laws."

"The Supreme Court plays an extremely vital role in directing the law surrounding issues like clean air, clean water, public lands and global warming," Pope said. "The decision two years ago in Massachusetts vs. EPA set the stage for the action finally being taken now by the federal government to begin curbing global warming pollution."

"In 2006," he said, "a sharply divided U.S. Supreme Court failed to uphold Clean Water Act protections that have been in place for the last 35 year - Rapanos v. United States and United States v. Carabell. This decision has left our clean water laws in turmoil."

Some of the conservative groups object that Judge Sotomayor is a liberal activist who wants to legislate from the bench.

White House spokesman Robert Gibbs responded today, saying, "My sense is that that is based on the fact that they yet have not had any time to read what she's written and the way she's acted as a judge for the previous 17 years. I don't think anybody could reasonably argue, based on looking at her cases, that she's somebody that legislates from the federal bench."

"I think a fair and honest hearing, which we believe that she'll get," said Gibbs, "will demonstrate somebody who understands and respects the law, somebody that honors and respects judicial precedent, and somebody that the President thinks is well qualified and will make a very strong Supreme Court justice."

Senate Majority Leader Harry Reid of Nevada said, "Both Democratic and Republican Presidents have nominated Judge Sotomayor to the federal bench, and the Senate has confirmed her with strong bipartisan support in the past. I look forward to working with both Democrats and Republicans on the Judiciary Committee to confirm Judge Sotomayor as the first Hispanic and the third woman to sit on the Court."

Senate Minority Leader Mitch McConnell of Kentucky said, "Senate Republicans will treat Judge Sotomayor fairly. But we will thoroughly examine her record to ensure she understands that the role of a jurist in our democracy is to apply the law even-handedly, despite their own feelings or personal or political preferences."

RECYCLING

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States, EPA Enforce Fluorescent Recycling Laws (*EP Magazine*)

May 27, 2009
Numerous states are holding corporate and institutional violators of fluorescent lamp handling requirements accountable for their actions.

The Product Stewardship Institute (PSI) commends the U.S. Environmental Protection Agency and state governments for taking these violations seriously. While EPA and other agencies recommend that all mercury-containing lamps be recycled, requirements vary state to state, and some residents may not be aware of bans on the disposal of such products that have been enacted in California, Connecticut, Maine, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, and Vermont, with an incinerator ban in Florida.

"Recycling requirements vary from state to state. Almost every state requires recycling of certain lamps used in large quantities, but some states require recycling of all fluorescent lamps," said Scott Cassel, PSI's Executive Director. "While the regulations may be varied and can be confusing, it is important for the environment that all fluorescent lamps get recycled."

In the past year, EPA has penalized groups ranging from Macy's Inc. in New York City to the General Services Administration in the U.S. Virgin Islands for improper disposal of fluorescent lamps. Macy's Inc. has since updated its internal protocol to properly recycle fluorescent lamps. States have been active as well. The New York Department of Environmental Conservation's settlement with CBS for improper disposal of lamps included an agreement that the **Late Show with David Letterman** include a public service announcement about using and recycling CFLs on the show's Web page.

"There is adequate recycling capacity and a network of lamp and mercury recyclers across the country that can help large and small generators set up a compliant recycling program," said Paul Abernathy of the Association of Lighting and Mercury Recyclers. Lighting manufacturers that are members of the National Electrical Manufacturers Association publicly encourage proper disposal of mercury-containing lamps.

Fluorescent lamps contain mercury, a naturally occurring toxin that can affect the nervous system. Although no mercury is released when these products are in use or intact, when disposed of in the trash, crushed, incinerated, or otherwise broken, they can cause mercury to be released to the environment. Mercury-containing lamps should all be recycled so the mercury is captured and not released to the atmosphere.

The use of fluorescent lamps has increased in the last few years with rising energy costs driving consumers to purchase the energy efficient light bulbs. These lamps not only use less energy than traditional incandescent bulbs but also last up to 13 times longer.

Because they require less energy to produce light, fluorescent lamp use significantly reduces the amount of greenhouse gas and other emissions from power plants. Historically, about 670 million fluorescent lamps have been disposed of each year and it is estimated that less than 30 percent have been recycled overall, although the consumer sector recycling rate is estimated at only about 2 percent.

PSI is running a national, multi-stakeholder dialogue to develop and implement strategies to promote the use of energy efficient lighting while eliminating or reducing the amount of mercury and other toxins entering the environment during the lifecycle of fluorescent lamps.

To find a lamp recycler near you, click **here**. For information on the applicable regulations in your state, see: **http://www.almr.org/statebystate.html**. (Note that some local jurisdictions have their own requirements as well.) Consumers can find drop-off sites for used lamps at **www.earth911.org**.

SUPERFUND

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The nuclear-power lobby (*San Antonio Current*)

May 27, 2009
Subsidies, protests, lawsuits, and a billionaire's bond election. Seems like a lot of trouble for last generation's power gamble
by Greg Harman
U.S. Congressman Charlie Gonzalez wanted two things out of the Waxman-Markey climate bill: assistance for the nuclear industry, and free pollution credits for utilities like our City-owned CPS Energy.
He nailed free pollution days before the legislation was voted out of the House Committee on Energy and Commerce last week by requiring most carbon credits to be given away to industry rather than auctioned off. This industry-friendly change, among others, outraged the environmental community, most of whom still felt pressured to support the American Clean Energy and Security Act of 2009 in order to make some progress towards reducing greenhouse gas emissions. Remarkably, however, amid the bill's 170,000 words, "nuclear" gets hardly a mention.

But don't think that means the end for the Second Coming of Our Friend the Atom. Across the Texas landscape and inside the wood-paneled conference chambers of Washington, nuclear power (and its long-lived and deadly waste) is marching at quickstep.

Two recent studies out of MIT can't help but motivate nuclear proponents and detractors alike.

First, a report from MIT's Joint Program on the Science and Policy of Global Change found that global warming will likely be far worse than has previously been reported, with temperatures rising as much as 9.3 degrees Fahrenheit this century. Only "rapid and massive action" can prevent the worst of climatic disruption.

Across the hallway, directors of the MIT Nuclear Fuel Cycle Study and the Center for Energy and Environmental Policy Research released an update to their oft-cited 2003 study, the Future of Nuclear Power. The paper concludes that the window of time in which the deployment of new nuclear power plants could help prevent worst-case warming scenarios is rapidly closing.

Of course, a nuclear-free future would suit the Goliad crowds trying to keep uranium miners out of their water table just fine. Mentioning the possibility of no new nuke plants in Andrews, however, could get you laid out in a shallow ravine. Residents there just approved a $75-million bond issue to fund the expansion of a radioactive waste dump owned by Dallas billionaire Harold Simmons.

This week, the *Current* lets loose its magic lasso, rounding up the industry's sacred cows for a Nuclear Renaissance head count.

Billionaire's bondage

As the year opened, Waste Control Specialists, an offshoot of Dallas billionaire Harold Simmons's Valhi Inc., was finally seeing some political returns. After a four-year fight and at least 14 permit-application revisions, the Texas Commission on Environmental Quality granted the Andrews-based operation permission to bury low-level radioactive waste in the red clay of western Andrews County. But with the world economy convulsing from the fallout of a profiteering U.S. banking system, Valhi was marching into a trench of its own.

Standard & Poor's had recently downgraded the company's credit rating to a B-, making it tough to get favorable loan terms to expand the dump. Losses in the first quarter of 2009 totaled $20 million, a nearly four-fold increase over losses reported in May of 2008.

That didn't stop Simmons. With a fresh permit in hand, the faithful funder of many a pro-business Republican politician (Governor Perry chief among them) did what came natural: He fleeced the flock. The waste company asked the residents of Andrews County to float it a $75-million loan. Remarkably, 642 voters — with incomes averaging $4,000 beneath the state average of $19,600 — agreed in an April bond election. WCS won by three votes.

But if Simmons was hard up at the start of the year and didn't want to cut a check himself, he could have just waited a few months. Last week, the U.S. Environmental Protection Agency began a long-awaited Superfund site remediation of a six-mile stretch of the Upper Hudson River, polluted for decades by General Electric manufacturing plants.

Beginning this June, a steady income stream in the form of PCB-contaminated soil will be riding the rails to West Texas from New York state. As much as 265,000 cubic yards of contaminated material is to be removed from the river, separated, processed, dried, and shipped west over a period of six months.

You would think a contract like that would bring in some serious money, right?

"We don't talk about our financial affairs," said company spokesperson Tom Jones without a trace of irony just weeks after the successful bond vote. "Obviously, it's a good deal for Generel Electric, and obviously it's a good deal for us."

The radioactive disposal permit comes at a good time for the company. One of their few competitors for the wastes, a Barnwell, South Carolina, dump, closed last year to all but a handful of states, and industry officials are again on the prowl for new sites. In fact, it's

easy to imagine Simmons's permit being worth millions of dollars per year and growing into a dump of national import.

After all, nuke dumps are hard to come by. Just take WCS, for example. The state of Texas had spent more than a dozen fruitless years trying to open up a dump for its domestic nuclear waste from power plants and other sources when WCS first proposed taking over the task. While it got the Texas Legislature to make the necessary changes to state statutes and secured a license to treat, store, and dispose of a range of hazardous and toxic materials (and even some select low-level radioactive wastes) in quick order, it took 14 years to bag this most recent permit, which allows the dump to receive 2.3 million cubic feet of commercially generated waste from Texas and Vermont and 26 million cubic feet of waste from the U.S. Department of Energy. Vermont is Texas's partner in a federally mandated compact for low-level radioactive waste disposal.

Responding to concerns that the state's compact language isn't strict enough to prohibit the Texas Low-Level Radioactive Waste Disposal Compact Commissioners to allow nuke-generated waste from outside the two states, Texas Representative Lon Burnam brought a bill to this session to circumvent future expansions. It was just one of the countless bills fated to "die their happy deaths in committee," a Burnam aide said.

In a town that has been vocally supportive of developing an economy built on deadly trash, what of the bond vote that so clearly divided the community down the middle?

"There is still overwhelming support for our company and what we do," said Jones. "There were a lot of people that were, I think, conflicted about using the county's credit to finance business. You're probably seeing the same kind of things when there's been similar elections like Reliant Stadium and Cowboy's Stadium."

Go Team Toxic?

But the real issue in this dry, dusty country is the water underground. More specifically, the allegation made by a former TCEQ geologist that the United States' largest freshwater aquifer rests just 14 feet beneath the company's pits.

After at least 14 permit modifications, that devilish detail is still locked in the clay. A contested case hearing requested by residents of Eunice, New Mexico, and the state chapter of the Sierra Club would have helped clear this matter up, but the TCEQ turned down the applicants. A follow-up lawsuit brought by the Sierra Club is pending.

Meanwhile, former TCEQ Executive Director and Commissioner Glenn Shankle, who helped make the whole thing happen, is now — what else? — a paid lobbyist with WCS.

Uranium cocktails

Uranium Energy Corporation, chomping at the drill bit to mine uranium out of a rural drinking-water aquifer in Goliad County, will have to wait at least another six months before it can power up the production pumps. The company has to clear a federal lawsuit and state-level contested case hearing first.

Local residents (and by residents, we mean county commissioners, the water district, and the volunteer fire department, as well as the ranchers and dishwashers and whatnot) are alleging that the company already fouled local groundwater just by poking around.

While the local groundwater district has sampled water wells for miles around the proposed in-situ leach mine show no suspicious elevation of radioactivity, the 36-acre plot under UEC microscope is off the chart.

According to the company's permit application on file with the TCEQ, the average level of uranium and radium 226 within UEC's first would-be production field are, on average, 17 and 122 times what is allowable under the federal Safe Drinking Water Act. In some cases, the level of uranium in the groundwater is more than 200 times the federal level, and radium levels are more than 600 times higher.

Locals like Art Dohman, president of the Goliad County Groundwater District and member of the Goliad County Uranium Research Advisory Committee, are suggesting the contamination occurred in 2007 when UEC punched its initial holes in the ground.

"There was a lot of surface waste drained into those holes, which carried with it oxygen, which carried with it surface contaminants," Dohman said. "Many of these boreholes were left open for well beyond the 48-hour limit required by the permit."

Underground uranium formations stretch across more than a dozen counties in South Texas, where it is typically held in low-oxygen environments like the water sands outside Goliad. It is stored in mineralized form until oxygen is released into the system, causing the uranium to dissolve into the water table, and it starts to kick off byproducts such as radium and radon.

UEC's exploration wells, many of which were left open for more than a month, would have allowed not only oxygen from the air to travel down the shaft, but also the runoff of several rain showers, said Houston environmental attorney Jim Blackburn, representing Goliad County.

"Companies always claim there is contamination naturally occurring, contamination in the groundwater," Blackburn said. "I think that is just incorrect, but it's a very difficult thing to prove."

Of the 117 boreholes checked by the Texas Railroad Commission in 2007, only 14 had been plugged by the company. Of these, most were plugged either too deep or too close to the surface to protect groundwater supplies, the RRC ruled in its citation of UEC.

Calls to UEC Chief Operating Officer Harry Anthony were not returned.

“Drilling the hole is the little secret of the uranium industry. I think they all know exactly what they’re doing, but it doesn’t seem the regulatory agencies do. And, there’s not much in the literature about this,” Blackburn said.

Should the company successfully neutralize the suit this summer, they’ll still have to explain to an administrative law judge in January why they should be exempt from state prohibitions against mining in an unconfined aquifer. Dohman is unhesitating in his assertion that the area UEC proposes to mine is connected to the larger Gulf Coast Aquifer. Worse, it sits inside the recharge zone for the Evangeline Aquifer, which may feed into area creeks through nearby springs.

Dohman says 150 local water wells are potentially affected by UEC operations. “Even the legitimate mining companies say you should not mine in an unconfined aquifer,” Dohman said.

Even if UEC’s opponents are successful at the contested-case hearing, SOAH’s rulings can still be overturned by the TCEQ Commissioners, as the trio did with a recent ruling that a mining company outside Kingsville should not be able to expand operations until they had cleaned up the water from an existing mine site.

At the very least, residents fighting the mining permit application hope the state will not use UEC’s water-quality data to establish a “baseline” level to determine how clean the water must be before the company is allowed to move on.

‘Revival’ varnish

Nuclear-power-plant development has been hampered in the U.S. by a range of problems that go beyond skirmishes over troubled low-level dumps and contamination from uranium mining. Although the would-be Nuclear Renaissance is a key element of more than a few lawmakers’ agendas, the federal government has failed to address the disposal of the plants’ high-level radioactive waste. The price tag on new nuclear plants has been rising by 15 percent a year — and the projects are already fantastically expensive.

Then you have upstarts like Jon Wellinghoff, head of the Federal Energy Regulatory Commission, who suggests the world doesn’t need any more nuclear power plants; that renewable energy and efficiency measures alone can provide for the future.

“There’s 500 to 700 gigawatts of developable wind throughout the Midwest,” Wellinghoff said last month, and “enough solar in the Southwest, as we all know, to power the entire country.”

It all boils down to terrible PR for the nuclear industry.

In addition to those immediate troubles, virtually all of the nation’s 104 nuclear plants are set to age themselves out of production by mid-century.

“Even if we had a very aggressive program — say 100 reactors by mid-century, all we’re doing is running in place,” said Michael Marriott, director of the anti-nuke organization Nuclear Information Resource Service. “One hundred reactors at today’s prices is about a trillion dollars. Is that the best way to spend a trillion dollars, especially when the private sector has made it very clear they’re not going to put up the money?”

Still, nuclear has its boosters. And they’re stealthily creating the legislation now that will provide nuclear power with a raft of new federal subsidies.

Representative Gonzalez, for instance, made CPS Energy’s nuke wishes a cornerstone of his ambitions during the recent hearings over the American Clean Energy and Security Act. So what to make of reports that the Gonz had voted against an amendment that would have required one of every five renewable energy dollars to be siphoned off for nuclear?

As it turned out, the nuclear Trojan Horse was already in the bill.

It’s known as a “clean energy bank,” and it creates a new bureaucracy — the Clean Energy Deployment Administration — tasked with doling out federal energy dollars in the form of loans, loan guarantees, and letters of credit.

Currently, 17 nuclear-plant hopefuls are jockeying for $18.5 billion in federal assistance approved under President Bush. At the top of the heap is CPS Energy’s proposed two-reactor addition to the South Texas Project in partnership with NRG Energy. The utility is scheduled to provide an anticipated cost for the project (believed to range between $17 billion and $22 billion) to council members in three weeks. A final decision won’t be made until the fall, according to CPS officials.

So far, both the House and Senate Clean Energy Bank versions include nuclear power and “clean” coal — both extractive energy sources that rely on finite materials — among their list of truly renewable power sources like wind and solar. Thanks to a 30-percent cap on the amount any one of these technologies could receive, the House’s Clean Energy Bank language in ACES could allow up to 60 percent of the clean-energy spending to be made on coal and nuclear.

The Senate’s version currently doesn’t include limits on the funds any single power source could receive through the bank.

Even though the free billions that new nuke plants need to be viable are tied up in Washington, state-level lawmakers are still trying to lay out a multi-million-dollar Texas welcome of their own.

Worded vaguely enough to slip beneath the environment lobby's radar, House Bill 4525 passed the House with the promise of up to $50 million for new "manufacturers." However, by defining eligible facilities as those employing at least 300 full-time staff and requiring a minimum capital investment of $200 million, the bill is tailor-made for nuclear and coal plants.

Flower Mound Republican Tan Parker ran it through the House easily, but it hit a bump in the Senate during Houston Democratic Senator Rodney Ellis's watch.

Chris Harris, the Republican chair of the Senate Economic Development Committee, gave it an uncomplimentary whack when he told *Energy Report* that in the bill's current form "there's no way I'll let it out."

Harris wasn't troubled by the idea of giving some of the nation's richest nuke-seeking utilities — Exelon, Luminant, NRG Energy — added breaks. He just didn't like how the bill sought to give those breaks (via a retroactive clause post-dated to January of 2008) to companies already operating in Texas.

An amendment to get it past Harris, however, says qualifying companies must not already be approved for tax abatements from city, county, or school districts.

"Since NRG was the moving force behind it, we shall see whether they lose interest or they try to push it and get rid of the amendment later," said Dick Lavine, a senior analyst with the Center for Public Policy Priorities. Senators have a midnight deadline Wednesday tonight to push their legislation through.

Lavine admits that when he first noticed the legislation on the House floor, he didn't take it seriously.

"It seemed so completely unjustified — especially the back-dating," he said.

It seemed unbelievable that NRG Energy, already standing to take in free billions from the U.S. Department of Energy and another $250 million over the next 12 years or so from local tax breaks in Matagorda County, would be able to persuade state lawmakers they need more assistance with the planned expansion at the South Texas Project.

It all recalls the competitive-money argument advanced by Marriott.

"If we spent the next 10 years putting hundreds of billions of dollars into nuclear, that's money that's not going to those solutions that are faster and cheaper," Marriott said.

If you had a trillion dollars to gamble, what would you do?

What is 'low-level' waste, and is it good* for you?

So-called "low-level" radioactive waste is basically everything except the nuclear fuel, weapons waste, or uranium mill tailings from mining.

While "high-level" radioactive waste includes irradiated fuel, "low-level" waste includes everything from shoe covers, rags, and mops to irradiated nuke plant components and piping, control rods from reactor cores, and the poison curtains that soak up neutrons from reactor-core water.

Critics claims the term "low-level" is misleading, since these wastes can emit anywhere from one or two curies per cubic meter all the way to up to 5,000 curies per cubic meter.

Ultimately, entire nuclear power plants will be dismantled and buried as "low-level" nuclear waste.

Carcasses of animals "treated" with radioactive elements in pharmaceutical or medical research also need to be disposed of as low-level waste.

And scientific, medical, and some research waste also fall into this category. Most medical wastes decay within days or weeks, while wastes from nuclear power plants can remain deadly for hundreds, thousands, or even hundreds of thousands of years.

EPA plans activity-based sampling at schools (*Western News*)

Libby, Montana
Posted: Tuesday, May 26, 2009 - 12:06:25 pm MDT
By Brad Fuqua, The Western News
The Environmental Protection Agency plans to continue testing at local school sites, the agency's Libby field leader told Lincoln County commissioners last week.

Mike Cirian said the EPA and the school district are working together on activity-based sampling on all local campuses. That includes the administration building, high school, middle school, Asa Wood and the former Plummer building that now houses Head Start.

"We met with the superintendent, principals of each school, some athletic folks and maintenance workers and we are coming up with activity-based sampling ideas for each of the public schools," Cirian said. "We'll come up with a set of plans that we'll hash out and solidify."

No children will be involved – only adults that will wear monitors that simulate the average height of a child on the campus being tested. Although plans were still in the works, Cirian mentioned activities such as participating in sports on athletic fields or

going on playground equipment on campuses for younger students. In short, high-usage areas.

In addition, testing will be done while re-creating tasks completed by maintenance workers – digging, raking, mowing and cutting weeds, sweeping sidewalks and the high school track, and the sweeper that cleans parking lots.

“We’re hoping by July that we can get started and doing it in July, August and maybe September – depending on the weather,” Cirian said.

In other cleanup news, Catherine LeCours, remedial project manager, announced that a public meeting has been scheduled for Tuesday, June 2, at the Kootenai Senior Center in Troy. The meeting will include discussion of property reports, including analytical soil results from 2007-08.

LeCours said she could “count on one hand” what she would consider properties with intermediate or high concentrations of visible vermiculite. In addition, she said a different picture appears to be materializing in Troy in regards to cleanup.

Commissioner John Konzen questioned LeCours on those comments.

“It’s different ... I think we need to be open to looking at data and what the information gathering up there is telling us,” she said, later adding, “We’ve got removal criteria now and we can refine those for remedial action. I’m suggesting it won’t be identical to OU4 and that’s OK.”

Operable Unit 4 refers to Libby and OU 7 encompasses Troy.

Konzen expressed frustration over the process, including all of the delays that have dragged into years. He also asked why the EPA was going to the trouble of “reinventing the wheel” on a cleanup in Troy.

“Because of different situations,” Libby Team Leader Victor Ketellapper said. “We feel that we need to have a different, independent feasibility study for OU4 and OU7.”

On another topic, a public hearing on OU 1 (former export plant property) and OU 2 (former screening plant) is coming on June 23, LeCours announced. The EPA has separate proposed plans for actions to take on the properties and will be seeking public feedback.

LeCours said a court-style transcriptionist would be at the meeting to take down comments from those who share their opinions verbally. Comments will also be accepted in written form through an upcoming 60-day comment period.

“I can’t emphasize enough how important it is to get public input at this time,” said Ted Linnert, EPA community involvement coordinator. “The comments will be reviewed and summarized in an appendix to the ROD (Record of Decision).”

In other news from the May 13 meeting:

• Cirian said this past Wednesday that 15 properties were in the cleanup process with two completed. The EPA was also responding to a couple of requests from the city, including a 200-by-25 foot area in the Riverfront Park area.

• Cirian reported that efforts at the Stinger Welding site have gone well. Additional sampling was completed at the former Stimson Mill site and Cirian said testing came back as “non-detect” and “non-visible.” Work continues at the site ahead of schedule.

EPA project may damage Cherokee County road (*Joplin Globe*)

May 26, 2009 10:36 pm
By Roger McKinney
rmckinney@joplinglobe.com
COLUMBUS, Kan. — The story may be apocryphal, but many of us have heard about the worker being paid by the government to dig a hole, while another is paid by the government to fill it again.
This is sort of like that.
The Kansas Department of Transportation awarded Cherokee County $760,000 in federal stimulus money for resurfacing work on what is known as old Highway 96, from the Missouri state line to Crestline.
Between $10 million and $25 million in federal stimulus money has been approved for the Environmental Protection Agency to clean up contaminated mining sites in the Cherokee County and Jasper County, Mo., Superfund sites.
Bryant Burnett, with the EPA field office in Galena, notified the Cherokee County commissioners last week that the EPA’s contractor will be using the newly improved road, and that the trucks might cause some damage. The contractor would be required to repair any damage, he said.
The commissioners and Burnett said the situation can’t be avoided, because the stimulus money must be spent quickly.
Another possible complication is that the road resurfacing project and the EPA project may be happening simultaneously. Emily Wheeler, an EPA project manager for the Cherokee County Superfund site, said the cleanup project would start in the summer or by early fall. The road project is expected to start this summer, with completion expected by October, said County Commissioner Pat Collins.
“In that event, we would work closely with the county,” Wheeler said. “We may have to use alternate haul routes.”
Wheeler also said that no mine waste from Missouri would be hauled as part of the project. Instead, she said, mine waste from the Badger and Lawton subsites would be hauled to the subsite at Waco for future disposal.

She said that while it all may be federal stimulus money, it's from different sources.
"It really highlights the complexity of these types of projects," said David Bryan, a press officer for the EPA, of the schedules of the two projects. "There's a lot of discussion and a lot of cooperation with local governments."
Collins said the trucks will use only a mile to 1.5 miles of the road.
"We're unable to delay the (road) project, and they're unable to delay their (EPA) project," Collins said. "When they're done, they will fix the roads back the way they were."
Collins said the EPA contractor also will use other county roads and must repair any damage the trucks cause to them. Wheeler confirmed that information.
Collins said Burnett explained to the commissioners that the EPA contractor couldn't use Missouri roads because Missouri has much stricter regulations. He also said Burnett told them that the hauling may do no damage to the road.
"It's not our desire to build a road and tear it up," Collins said, adding that it also isn't the EPA's plan to do so. "The specifications of the new road will be such that the damage will be held to a minimum. It's just too bad they weren't able to do this (EPA) project five years ago."
Commissioner Jack Garner said the state and the EPA have a time frame for spending the money. He conceded that proceeding with both projects at around the same time may not be the most efficient way to do it.
"You know how the government works," Garner said.
Collins and Garner said they would be satisfied if the road ultimately is improved.
"We feel real fortunate that we got this project approved," Collins said.
Wheeler said EPA officials would remain in close contact with county officials as the schedule for the project approaches.

EPA projects

In Jasper County, the EPA is cleaning up mining sites and reclaiming land in the Webb City and Carterville areas, and north of Webb City. In Cherokee County, the EPA is removing contaminated soil from more than 60 acres in Badger and Lawton, and continuing to remove contaminated soil from more than 380 acres in Baxter Springs and Treece.

Agency Weighing Administrative Changes To Superfund Disclosure (Inside EPA)

EPA is poised to convene a stakeholder discussion of administrative changes to Superfund in order to address a growing debate in the brownfield redevelopment community about mandatory contamination disclosure and the proper roles of state brownfields programs and the Superfund National Priorities List (NPL), sources say.

The changes come after a candid debate on a brownfields list-service (listserv) last month caught the attention of some senior EPA staff, who have suggested holding a stakeholders meeting at this year's Brownfields Conference in New Orleans, LA, in

November to discuss changes to the All Appropriate Inquiry (AAI) rule, which governs what prospective purchasers of contaminated properties must do to identify potential contamination.

David Lloyd, director of EPA's Office of Brownfields & Land Revitalization, said in a May 1 message to the Center for Public Environmental Oversight's (CPEO) brownfields listserv that EPA "should very soon have [its] political management in place" and that he "will put your suggestion at the top of my list to discuss and we'll see if we can organize a gathering to talk through some of the issues face to face."

An EPA spokeswoman said in a statement May 14 that the agency intends to create a stakeholder forum so AAI disclosure requirements can be discussed and fleshed out. "We are interested in planning a forum for dialogue with Brownfields professionals and other interested persons to talk about the All Appropriate Inquiries rule, and other aspects of the program," the spokeswoman says. One possible venue for the discussion would be the Brownfields Conference in November, the spokeswoman says, adding that senior EPA staff plan to discuss the issue with the new agency waste chief.

Another source says the scope of the forum, in addition to disclosure of releases, would include determining which sites should be remediated through enforcement actions by EPA and voluntary actions by states, and a possible EPA review of state brownfield programs, though the agenda is not final and the scope could change over time.

"I think it is possible for such a forum to recommend policies to provide the additional environmental protection that [some advocates] are calling for without undermining reasonable brownfields deals," the source said in an e-mail. "If a diverse committee comes up with consensus policies, that could lead to administrative changes, legislative proposals, or changes in practices at other levels, such as states."

During the recent online debate on the CPEO listserv over the the appropriate uses of brownfields versus NPL cleanups and the Superfund law's disclosure rules, some brownfields experts said the Superfund law essentially allows potentially responsible parties to hide contamination from authorities through "no look" clauses and other legal techniques in their sales agreements.

"I -- and most of the community activists with which I work -- have been discouraged by the trend, over the last decade, to address Superfund-caliber sites as Brownfields," said CPEO Executive Director Lenny Siegel said in an April 24 message. "When sites that pose the greatest threat to public health and the environment are treated as Brownfields, there is a tendency to leave contamination in place. While usually this provides short-term protection, it may lead to unacceptable risks in the long run."

Environmental attorney Lawrence Schnapf added that the determination for whether to list a site on the NPL would be made simpler if information on all contamination was made publicly available once it was known. "If they are required to disclose

contamination, there'd be a level playing field between known contaminated sites, suspected contaminated sites and unknown contaminated sites," Schnapf said April 24.

Mandatory disclosure is an issue Schnapf raised in March, when he said he was planning to draft a letter to Sen. Frank Lautenberg (D-NJ), the new chair of the Senate Environment & Public Works Committee's panel on hazardous substances, asking him to amend Superfund law to make the disclosure of contamination on a property mandatory if discovered, as opposed to the current rules that only require disclosure if the contamination is part of an ongoing release.

Industry has vocally opposed the idea of mandatory disclosure, saying it would grind redevelopment to a halt and leave potential buyers no real incentive to undertake voluntary cleanups. One industry source said in March that mandatory disclosure would be "a spectacularly useful way to further depress the recovery" of brownfield sites.

Environmental attorney Barry Trilling responded to the idea in an April 27 message on the CPEO listserv by saying mandatory disclosure is a solution to a problem that does not exist -- the premise that developers are covering up contamination for profit.

Watchdogs warily eye rollout of new N.J. cleanup scheme (*Greenwire*)

(05/26/2009)
Nathanial Gronewold, E&E reporter
LYNDHURST, N.J. -- New Jersey is rolling out an ambitious and highly controversial scheme to clean up industrial waste sites, modeled on a Massachusetts program that critics say has a mixed record.

The state Department of Environmental Protection is aiming over the next three years to systematically free itself from direct responsibility for cleaning up more than 10,000 polluted brownfields and several Superfund sites. DEP plans to hand over remediation planning and monitoring to contractors hired by owners of contaminated properties.

In anticipation of the shift, brownfield rehabilitation and engineering professionals launched the Licensed Site Remediation Professionals Association, a trade group whose members will carry out the plan that Gov. Jon Corzine (D) signed into law May 7, referred to by most as the LSRP initiative.

The trade group, which aims to have 500 to 1,000 members by year's end, expects new applications to flow in shortly, and officials say DEP should start rolling out the first temporary licenses by August while an oversight board -- whose members will be appointed by the governor and state Senate -- is formed.

"We expect applications to be out by July," said Nick DeRose, a principal at Langan Engineering and head of the LSRP Association Steering Committee. "Hopefully in

August, certainly by September, we expect there will be the first licensed site remediation professionals to take on these new cases as of Nov. 3."

But environmental groups say they will never stop opposing the new program. They vow litigation and loud denouncements of failures they say are inevitable.

Though DEP has been criticized by activists and even by U.S. EPA for bungling Superfund and brownfield cleanups for most of this decade, virtually all New Jersey green groups stand opposed to the plan, which they fear will lead to collusion between remediation engineers and site owners who pay them.

"We could not think of a worse direction that the state should be going," said Robert Spiegel, director of the Edison Wetlands Association, a group now celebrating its 20th anniversary fighting property contamination.

The new initiative is tantamount to "turning over the cleanup of contaminated sites to the people that caused the contamination in many cases to begin with," Spiegel said.

Chemical legacy

For decades, New Jersey has served as the United States' chemical factory. As manufacturing shifted to the Midwest or overseas, companies abandoned thousands of properties where legal and illegal dumping occurred on a daily basis.

The state's residents are acutely aware of industry's legacy.

New Jersey is home to 114 contaminated properties listed on EPA's National Priority List -- more Superfund sites than any other state. By contrast, California, vastly larger than New Jersey with four times the population, has 94 sites. Massachusetts has 37. Every New Jersey county hosts at least one NPL site, and most have at least three.

Some notorious examples include the Diamond Alkali site in Newark. The Vietnam War-era herbicide Agent Orange was manufactured there, and waste dumping destroyed the lower reaches of the Passaic River.

A new rail line being built to connect Manhattan to the Meadowlands Sports Complex rolls right over the Universal Oil Products Superfund site, where the company for which it is named dumped 4.5 million gallons of benzene, lead and other petrochemical wastes. DEP recently lost control of that site, as it has been sitting on the National Priority List for more than 20 years.

But the number of federal Superfund sites here pales in comparison to smaller polluted tracts.

DEP says it is now responsible for about 23,000 contaminated and potentially contaminated properties. At least 10,000 of these fall under state brownfield ordinances and are in need of swift rehabilitation.

Critics say cleanups are not occurring because under former DEP chief Lisa Jackson, who is now EPA's administrator, the state stopped prioritizing the most serious brownfields. Environmentalists also argue that DEP relies too heavily on property owners to truthfully report problems.

Last year, EPA investigators chided the state agency for lax enforcement.

But DEP officials say they are simply overwhelmed by the vastness of the problem. And the agency's defenders point to a series of budget and staff cuts by a succession of governors, including Corzine.

So last month, the state Legislature overwhelmingly voted to adopt the new plan, which developers lobbied heavily in favor of.

The initiative, a complete overhaul of how regulators manage the state's most pressing environmental challenge, was strongly supported by Jackson back when she headed DEP and helped devise the plan. Critics who opposed Jackson's appointment to EPA pointed to the cleanup scheme, offering it as an example of how she neglected New Jersey's lingering Superfund and brownfield cleanup problems while directing more energy toward climate change initiatives.

'Massachusetts model'

Under the scheme -- dubbed the "Massachusetts model," as drafters of the bill leaned heavily on that state's existing program for inspiration -- DEP must move quickly to prepare forms and begin accepting applications for temporary licenses from engineering consultants over the next three months.

Any new brownfield cases coming to DEP's attention after Nov. 3 will be handled entirely by private contractors under the new system.

DEP will then gradually turn over its existing brownfield cases to private contractors, while the governor seeks out individuals to serve on the new board and nominates them for Senate approval. Experts say that process should take about a year.

Once the board is established, temporary license holders will have to get new permanent licenses. From there DEP has until May 7, 2012, to turn over its entire brownfield caseload to the board.

DEP officials say they are looking forward to the transition, as it will free up the understaffed agency to better zero in on New Jersey's environmental problems. The relationship with the new LSRP association and state regulators has yet to be defined.

"We expect that this particular group will be a conduit between licensed site professionals and the DEP, but it will be up to the group to define its exact role," DEP spokesman Larry Hajna said.

Are rules strict enough?

Supporters say the cleanup contractors will have to comply with a suite of strict rules developed by DEP and the forthcoming board. Aside from minimum education and experience requirements, licensed contractors will have to take a state-administered test and submit to continuing education to keep their licenses. Those found breaking the rules will have their licenses revoked and could face stiff civil and even criminal penalties.

"Professionals have their license at stake, just like an attorney would have their license at stake," said Sue Boyle, senior environmental practice leader at GEI Consultants. "It will increase the level of professionalism in the profession because the license now has meaning."

Supporters also say the Massachusetts program has been a success, but Spiegel at Edison Wetlands disputes this.

"Like every other piece of legislation that has weakened environmental regulation, once the bill is signed and it moves forward and the public stops paying attention, they're going to, one by one, weaken or take out those provisions," Spiegel contends. "What we're going to have to do is very, very closely monitor the failures of this program, because there's not going to be successes here."

Anyone can report abuses to the new board, and New Jersey's green groups are vowing to do just that.

TOXICS

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Leftovers from auto recycling targeted (*Los Angeles Times*)

May 27, 2009 Wednesday
Home Edition
BUSINESS; Business Desk; Part B; Pg. 1
TOXIC WASTE;
By: Marc Lifsher
SACRAMENTO

At a recycling plant in San Pedro and five other similar operations around California,

giant shredding machines annually reduce 1.3 million junk cars, refrigerators and other appliances into fist-sized chunks of metal.

Valuable scrap that contains iron is separated so it can be turned back into steel. Hunks of aluminum, copper and other alloys are pulled out for reprocessing.

But the leftovers -- bits of glass, fiber, rubber, engine fluids, dirt and plastics -- are getting new attention from state **toxic substance** regulators, and the $500-million-a-year shredding industry is fighting back.

For years, auto-shredding companies have been hauling tons of these treated leftovers, known in the industry as fluff, to municipal landfills under a state variance granted more than 20 years ago.

State officials now say they are concerned that residue from heavy metals in the fluff could seep from landfills into groundwater, while airborne metal-laden particles could endanger workers at recycling plants and dumps and people living in neighborhoods near such facilities.

The industry maintains that the 700,000 tons of material it delivers to landfills each year pose no threat to health or safety.

A change in state policy, if finalized, could mean that fluff may need to be transported under more strict conditions to special **hazardous waste** disposal sites, according to the state Department of **Toxic Substances** Control.

"We are of the opinion that the way cars are made is quite a bit different than 20 years ago," said Colleen Heck, a department senior staff counsel. "We're seeing increased amounts of lead, zinc and cadmium in the waste stream, so we think it's no longer appropriate to allow them to operate" the same way they have in the past.

The department, which originally put the shredding industry on notice of a likely change in September, has twice granted extensions. The current deadline for making a final decision is June 30.

Recyclers dismiss the health concerns as baseless. They fear that being subjected to more stringent regulation could double or triple disposal costs, according to an industry-sponsored economic analysis. The proposed rules unintentionally could create more pollution by spurring recyclers to truck their fluff to distant, out-of-state dumps that have no restrictions on what they take.

"Given the ranges of exposure we are seeing, it doesn't cause any threats to human health or the environment," said Margaret Rosegay, an attorney for the Institute of Scrap Recycling Industries, a trade group that represents California auto shredding companies. "There's no basis for changing the regulatory structure that's existed for 25 years."

Current fluff disposal standards already are the toughest in the nation, Rosegay said. California is the only state that requires fluff to be treated before it's sent to municipal landfills.

Recyclers say they treat the fluff by coating it with cement during a chemical reaction that "fixes" the heavy metals and prevents seeping or leaching.

After treatment, the fluff is hauled to landfills, where it is spread 6 inches deep over each day's dumpings to tamp down odors and keep birds, rats and other animals from getting at the garbage.

Treated fluff is an economical alternative to using sometimes scarce dirt to cover landfills, recyclers argue.

Environmental groups, which applaud the department's push for more stringent shredding standards, question the safety of using treated fluff as landfill daily cover.

"If you put **hazardous waste** on a landfill, it will ultimately make its way into our water supply," said Bill Magavern, California director for the Sierra Club. "I don't think there's been sufficient testing to show that it won't be a problem."

To underscore his concern, Magavern noted that the San Pedro auto shredding plant and another facility in Anaheim, owned by SA Recycling, were served with a search warrant in August as part of a criminal investigation by the L.A. County district attorney's office and state Department of **Toxic Substances** Control.

The search warrant signed by a Los Angeles County Superior Court judge asked for information about a reported explosion that damaged an air pollution control system and allowed the discharge of allegedly hazardous particles. The warrant also looked for evidence of the illegal transportation of **hazardous waste** to an unpermitted facility.

The district attorney's office confirmed that the search warrant was served but declined to comment on its continuing investigation.

The investigation is based on the testimony of "disgruntled former employees" of a predecessor of SA Recycling, said Robert Hoffman, an attorney for the company. The probe has nothing to do with the state's proposal to increase regulation of auto shredder fluff, he said.

Hoffman, who was a top lawyer at the Department of **Toxic Substances** Control in the 1990s, is part of a team of attorneys, lobbyists and political strategists mounting a campaign in both the regulatory arena and the Legislature to forestall the proposed change in disposal regulations.

The industry is backing a bill by Sen. Lou Correa (D-Santa Ana), whose district is home

to SA Recycling, that would prohibit the toxics department from tightening controls on fluff until after the California **Environmental Protection Agency** delivers a report on the issue to lawmakers in December 2010.

Correa, who received $3,600 in campaign contributions from SA Recycling in 2007 and 2008, said his bill would ensure that any proposed rule changes would be studied jointly by all California agencies that deal with air and water pollution before any changes are made in how fluff is handled.

That coordination already is taking place, said BreAnda Northcutt, a spokeswoman for Cal/**EPA,** which oversees **Toxic Substances** Control as well as the boards that deal with air and water quality.

Toxic Substances Control "has been collaborating with Cal/**EPA** departments," Northcutt said. "They've also worked with local agencies and landfills to help them better understand the changes."

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MAY 27, 2009

Fur Flies Over Flea Treatments (*Wall Street Journal*)

By ANJALI ATHAVALEY
Not long after Jennifer Croezen applied flea and tick drops to the back of her Chihuahau, Saki, earlier this month, the dog's back began to turn red.
The next day, Saki seemed tired and lost her appetite. Ms. Croezen, a 26-year-old medical assistant, took her dog to the vet the following morning, where Saki was treated for chemical burns on her back and diagnosed with a dangerous anemia. "It makes me really mad," Ms. Croezen says. "If I would have known it could have done this to my dog, I would have never put it on her."
Central Life Sciences, manufacturer of the Bio Spot brand Spot On Flea & Tick Control used on Saki, says its product isn't responsible for the anemia. "Skin sensitivity could have been exacerbated by the presence of severe anemia which led to blistering of the skin," said Laura Petree, manager of technical services at Central Life Sciences, in a statement.

Saki's Sickness

Some pet-owners are taking action because they believe their animals had reactions to fleas treatments applied directly to the pet's back.

An increasing number of pet owners are reporting what they believe to be harmful side effects from over-the-counter and prescription flea and tick treatments. The

Environmental Protection Agency, which regulates topical pet treatments, says the number of reported incidents stemming from so-called spot-on flea and tick treatments -- drops that are applied directly to a pet's skin, usually on the back -- increased 53% to 44,263 in 2008 from the previous year. As a result of the increase, the EPA said last month that it is intensifying an evaluation of spot-on products.

Product manufacturers are required by law to pass along reported incidents to the EPA. In its advisory on the topic, the agency said it is evaluating all spot-on products and posted a list of those it is examining. The list includes products by major manufacturers such as Sumitomo Corp.'s Hartz Mountain Corp., Central Life Sciences, Bayer AG, maker of Advantage, and Merial Ltd., a joint venture between Merck & Co. and Sanofi-Aventis SA, that makes Frontline products. EPA advises consumers who buy treatments from any of these companies to read the label closely and apply the products as instructed.

Incidents reported to EPA range from skin irritation to seizures and sometimes death, the agency says. The reason for the rise in incidents is unclear, the agency says, adding that it is investigating the size of the market relative to the increase in reported incidents. "We are investigating and having discussions to learn more about the problem and will take action when we determine that it is warranted," EPA spokesman Dale Kemery said in an email.

Spot-on treatments generally kill fleas and ticks by affecting their nervous systems, and some products contain chemicals that keep flea eggs from developing. Veterinarians consider them more effective than other treatments, such as shampoos and sprays, and say their use has increased in recent years. "The market has moved dramatically toward spot-ons in the last 10 to 15 years," says Steven Hansen, a veterinary toxicologist and director of the Animal Poison Control Center at the American Society for the Prevention of Cruelty to Animals.

Manufacturers are required to submit safety and efficacy studies of their flea and tick products to the EPA before they go on the market. The EPA says safety standards are the same for brands sold at pet retailers -- such as Hartz and Bio Spot -- as they are for those that are sold at veterinary offices, like Frontline and Advantage.

Consumers who believe their pets have had reactions to spot-on treatments are increasingly questioning the products' safety. "I will never put flea and tick medication ever again on my dog," Ms. Croezen says. She says Saki is doing better, but is still taking medication for her anemia.

As spot-on treatments have grown in popularity in the past decade, online forums like HartzVictims.org and BioSpotVictims.org have popped up for people who say their pets have experienced side effects following the use of flea and tick products. The Natural Resources Defense Council, an environmental group, has a site called Greenpaws.org that advocates ways to take care of fleas without chemical treatment, such as using flea combs and washing a pet's bedding once a week.

Dr. Hansen of the ASPCA says that in general, most spot-on treatments have good safety records. He says that if used appropriately, "in healthy animals we are not going to have very many reactions." Veterinarians and manufacturers say that most of the problems they see are cases where the treatment has been misused.

Manufacturers emphasize that their treatments are safe only for the pet profile listed on the box. Product labels specify the species, age requirements and weight range of the animal to which the treatment should be applied.

One common misuse that veterinarians see is that consumers apply flea treatments meant for dogs on cats by mistake. A review of toxicity studies published in the Veterinary Journal last year concludes that cats are "most often affected by inappropriate application of the spot-on" treatments, though misuse can occur in other species.

For example, the chemical permethrin, found in spot-on treatments such as Bayer's K9 Advantix, is safe for dogs but not for cats. In cats, "it causes their nervous system to go into overdrive," says Mark Stickney, director of general surgery services at the Texas A&M College of Veterinary Medicine and Biomedical Sciences. "They can develop seizures." Dr. Stickney says he sees such cases once or twice a month in the emergency room.

Also, certain animals may be more susceptible to side effects than others, veterinarians say. If an animal is pregnant, heavily flea infested or has an illness, for instance, the owner should consult with a veterinarian before applying flea treatments.

Dr. Hansen of the ASPCA advises against applying flea powders and sprays in addition to a spot-on treatment because chemicals in different products could interact with each other. "You probably do not want to double up on these," he says.

Consumers whose pets experience unusual reactions following treatment should wash the animal with soap, unless the product label specifies otherwise, and immediately contact a veterinarian, the EPA says. They should also contact the manufacturer via the number on the product label. Manufacturers advise saving the box so that consumers can describe exactly what product was used. Companies like Central Life Sciences and Hartz say that they review complaints and decide whether to cover veterinary bills on a case-by-case basis.

The chemical burn on Saki's back, which appeared soon after the dog received its spot-on treatment, continues to heal.

Sometimes pet owners and manufacturers disagree about whether the animal had a reaction to the flea treatment or if the pet had a pre-existing condition.

Richard Parsons, 64, of La Quinta, Calif., applied Hartz Advanced Care 4-in-1 Flea & Tick Drops for Dogs on his Scottish terrier Duffy in May 2007 and dropped the dog off at

a kennel the next morning. He says he received a call two days later from the kennel saying that Duffy was experiencing seizures and vomiting. Duffy died the next day.

"It was a torturous, tragic, painful death," says Mr. Parsons, who believes the death resulted from the Hartz treatment. He says he believes the product should be taken off the market.

Hartz reached a different conclusion after investigating the case. The company says Duffy's illness and death was directly related to elevated sodium levels in the blood that resulted from an undiagnosed, pre-existing disease. The company says its spot-on products are safe. "You can't get a product to market without showing a high level of safety and efficacy," says Bill Ecker, Hartz's chief executive.

Write to Anjali Athavaley at anjali.athavaley@wsj.com

EPA recognizes groups for Palos Verdes shelf efforts (*Daily Breeze*)

Torrance,CA
From staff reports
Posted: 05/26/2009 08:23:34 PM PDT
The Environmental Protection Agency has recognized a collection of local groups and government agencies for its efforts to educate people, including non-English speaking anglers, about the contaminated Palos Verdes shelf.
The ocean floor off White Point contains sediment contaminated with DDT and PCB, chemicals the EPA years ago traced to area industries, including the former Montrose Chemical Corp. factory in Harbor Gateway.
The Palos Verdes Shelf Fish Contamination Education Collaborative - which includes Cabrillo Marine Aquarium, Heal the Bay and the county Department of Health Services, among others - was honored in Washington, D.C., with a National Citizen Excellence in Community Involvement Award, the EPA said.

Groups ask Johnson & Johnson to remove carcinogens from baby products (*Greenwire*)

(05/26/2009)
Sara Goodman, E&E reporter
More than 40 environmental and health advocates today called on a top manufacturer of personal care products to remove two potential cancer-causing chemicals from its baby products.
"[A]ny amount of these hazardous substances in products intended for infants and children is clearly unnecessary," the groups wrote in a letter sent today to Johnson & Johnson.

The coalition wants the company to change its manufacturing process by the end of August to eliminate 1,4-dioxane and formaldehyde -- chemicals that U.S. EPA considers probable human carcinogens.

Formaldehyde and 1,4-dioxane are manufacturing byproducts: 1,4-dioxane is formed during a process used to soften harsh detergents, when foaming agents, or surfactants, are processed with ethylene oxide or similar petrochemicals.

Formaldehyde shows up when certain preservatives break down over time in the product.

The letter comes two months after a report by the Campaign for Safe Cosmetics -- the group spearheading the request -- found trace levels of formaldehyde and 1,4-dioxane in most children's products.

Johnson & Johnson did not respond to requests for comment on the letter but said following the March report that the chemicals showed up in trace amounts, and the manufacturing processes that cause them make the products gentle and safe from bacteria. Furthermore, the company said its products meet the regulatory requirements in every country where they are sold, and that doctors, toxicologists and clinical scientists regularly review the safety data for all of the ingredients (*Greenwire*, March 12).

But the groups say in the letter that meeting regulatory standards is no longer enough because of growing concern about the potential effects of low-dose exposure to hazardous substances. They point to recent actions by several other manufacturers, including S.C. Johnson, which announced in March that it would disclose all ingredient information about its products and phase out phthalates, and Sunoco, which also said in March it will no longer sell bisphenol A, or BPA, to companies for use in food and water containers for children younger than age 3.

"[A]n increasing number of companies are acknowledging that such positions no longer adequately address consumer concerns and the mounting evidence of health impacts from low dose exposures to toxic chemicals," the letter states. "These companies, including many in the cosmetics and personal care products sector, are moving beyond regulatory compliance to phase out chemicals of concern in their products."

Meanwhile, on Capitol Hill, Sen. Kirsten Gillibrand (D-N.Y.) last month introduced a bill calling on the Food and Drug Administration to regulate chemicals in children's cosmetics and personal-care products.

Toxic smoke from fire consuming about 150,000 tires forces evacuation of small East Texas town (*Associated Press*)

Story also appeared: *WHO TV*

ANABELLE GARAY Associated Press Writer

9:23 PM CDT, May 26, 2009
DALLAS (AP) — Toxic smoke from a blaze in an acre-size heap of old tires forced the evacuation of a small East Texas town and closed its schools Tuesday.

Firefighters did not have enough water and foam to extinguish the fire, so they dug a ditch to get dirt to smolder the flames. Morning rain aided their efforts but the fire was still burning late Tuesday, more than 20 hours after it started. No injuries were reported.

Heavy equipment was being used to smother the fire. Firefighters were expected to work overnight to quell the blaze by Wednesday morning, said Eric Delgado, the Environmental Protection Agency's on-scene coordinator.

"We're breaking up the pieces into smaller sections. That way we're able to fight smaller fires," Delgado said.

Wood County Emergency Management Coordinator Randy Selman said the lot contains millions of tires but only about 150,000 were burning. The tires were supposed to be removed years ago, prompting an investigation by state regulators.

Most residents of the town of about 1,500 people about 100 miles east of Dallas were urged to leave. Hawkins schools closed Tuesday and would remain so until they were cleared to open, district Superintendent Dan Rose said. Classes at Jarvis Christian College were to resume Wednesday.

The fire was being investigated as arson, police Lt. A.J. Randell said.

The tire lot, owned by Foster & Son's Scrap Tire Service, had been unattended for about a year, and the tires were meant to be recycled. A judge in December had ordered the owners to remove the tires, cut vegetation and take fire prevention measures and fined them $339,850.

State documents show that nearly a week ago, the Texas Commission on Environmental Quality referred the case to the state Attorney General because the site had not been cleared.

A phone listing for the owners was not in service.

Associated Press Writers Regina L. Burns and Schuyler Dixon contributed to this report.

EPA announces dioxin review, plans for Dow cleanup (*Forbes*)

TRAVERSE CITY, Mich. (AP) - The federal government is taking another look at the long-debated question of how chemicals called dioxins affect human health and the environment. Environmental Protection Agency head Lisa Jackson announced the move Tuesday in a telephone interview with The Associated Press.

Agencies to collect, dispose of unused, expired medicine (*Tampa Bay Com*)

By Rita Farlow, Times Staff Writer
Published Tuesday, May 26, 2009
LARGO — Local law enforcement agencies will fan out across Tampa Bay on Saturday for Operation Medicine Cabinet, a multi-agency initiative to give residents a chance to dispose of unused or expired medicine.
Authorities who gathered Tuesday at the Pinellas County Sheriff's Office said their goal is to increase awareness about prescription drug abuse and cut down on the number of accidental overdoses, which have skyrocketed in the Tampa Bay area and across the state in recent years, said sheriff's Lt. Robert Alfonso of the narcotics unit.
"The numbers are staggering," Alfonso said. "The public needs to realize this is a major, major problem."

In Pinellas and Pasco counties, prescription drug-related deaths were the No. 1 cause of accidental deaths in 2008, surpassing motor vehicle accidents, said Bill Pellan, director of investigations for the Pinellas-Pasco Medical Examiner's Office.

In 2008, 379 people died of accidental prescription drug-related deaths in those two counties. By comparison, those counties had 201 deaths from motor vehicle accidents that year.

The prescription drug take-back program is one tool that could help reduce the number of accidental overdoses, Pellan said.

"We've seen where someone goes to a family member's house, an aunt, an uncle or a grandparent's house and finds those medicines in their medicine cabinet … then they overdose," Pellan said.

A statewide prescription drug-monitoring database also could help, Pellan said. A bill to create the database has passed the state Legislature and awaits Gov. Charlie Crist's signature.

Officials with the Sheriff's Office and St. Petersburg Police Department said Tuesday that demand for prescription drugs has caused an uptick in crime recently. The number of pharmacy robberies and burglaries, as well as home invasions targeting street-level prescription pill dealers, are all up.

Expired or unused prescription and over-the-counter medicine can be dropped off at 10 locations across the bay area.

The drugs will be incinerated. Neither prescription nor over-the-counter drugs should be flushed down the toilet, because they can end up in the water supply, said sheriff's Sgt. Robert Wold.

A study by the Environmental Protection Agency and Baylor University found that fish in five rivers, including one in the Orlando area, registered trace amounts of pharmaceuticals.

Fast facts
Collection points
Operation Medicine Cabinet will be held 10 a.m. to 2 p.m. Saturday at locations in Pasco, Pinellas, Hernando and Hillsborough counties. Bins will be located in the parking lot of each dropoff location. You do not need to provide any personal information when dropping off medicine.
Pasco
• Sweetbay, 9017 State Road 52, Hudson.
• Sweetbay, 9101 Little Road, New Port Richey.
• Sweetbay, 8833 Mitchell Blvd., Trinity.
Pinellas
• Kmart at Seminole Mall, 7850 113th St. N, Seminole.
• Planet Fitness, 30701 U.S. 19, Palm Harbor.
• Sweetbay, 7941 Fourth St. N, St. Petersburg.
• Sweetbay, 1794 22nd St. S, St. Petersburg.
Hernando
• Hurricane and Safety Expo, Weeki Wachee Springs State Park, 6131 Commercial Way, Spring Hill.
Hillsborough
• Hurricane Expo, Museum of Science and Industry, 4801 E Fowler Ave., Suite 100, Tampa.
• Brandon Health and Rehab, 1465 Oakfield Drive, Brandon.

For more information: Call the Pinellas County Sheriff's Office public information office at (727) 582-6221.

WATER

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Nine bathing spots given poor rating last year (*Bray People*)

Wednesday May 27 2009

The Environmental Protection Agency says the number of Irish bathing spots with poor water quality last year was the highest on record.

Nine out of 131 beaches and lakes were given a poor rating, with all showing signs of bacteria found in human and animal waste.

The EPA says last summer's poor weather, which resulted in overflowing drains and excess run-off from land, caused a lot of the pollution.

Riley signs bill that extends incentives to white-collar firms (*MSN*)

May 26, 2009 12:11 PM ET

Birmingham's efforts to recruit clean industries got a boost from state government with the passage of legislation to provide incentives to attract white-collar jobs.

Environmental Protection Agency restrictions prevent Birmingham from recruiting heavy manufacturing companies, but the state's incentive program previously only targeted those industries. The legislature passed and Gov. Bob Riley signed into law the ability for white-collar industries to be eligible for state incentives.

"We've got to expand the playing field and improve our ability to compete for higher-paying jobs in some of the key growth industries," Riley said. "That's what this bill does. It re-tools our economic development strategy and lays the foundation to move us forward and come out of this recession stronger than before."

By broadening the eligibility component, the state can offer incentives to attract corporate headquarters, high-tech research and development facilities and jobs in the newly emerging "green" economy. Those are areas Birmingham has been focused on in the past decade.

Well tests pressed in Fox Lake area (*Waukegan News Sun*)

Waukegan,IL
Dry-cleaning chemicals may have tainted water, IEPA says
May 27, 2009
By FRANK ABDERHOLDEN fabderholden@scn1.com
FOX LAKE -- The Illinois Department of Public Health and the Illinois Environmental Protection Agency are urging private well owners in parts of Fox Lake to have their wells tested for dry-cleaning solvent contaminants.
Two municipal wells that are used for backup have tested positive for some of the chemicals, but they do not exceed federal safe drinking water standards, according to the Illinois Environmental Protection Agency.
"Water supplied by Fox Lake's community water supply meets all United States Environmental Protection Agency's drinking water standards," the IEPA and IDPH, said in a joint statement.
Affected area is south of Fox Lake, east of Pistakee Lake, north of West Glenayre Street and west of Hickory Avenue.
(Christopher Foster/News-Sun)

TESTING LABS
Here is a list of certified laboratories provided by the IEPA and IDPH at (630) 293-6800.

Mike Gower, president of Environmental Monitoring and Technologies Inc, Morton Grove, said residents should tell the lab which chemicals they want tested, and mention MTBE, a gasoline additive, because that is different from the other volatile chemicals in dry cleaning.

He said the test costs $125. The labs will provide a vial with a Teflon cap and preservative in the glass vial. Run your water for awhile -- "shower, go to the bathroom, run the dishwasher" -- so that the water in pipes is cleared out.

Then collect a sample making sure there are no air bubbles and that the vial is filled to overflowing. Send the full vial back to the company with a small, frozen gel pack to keep the sample cool. Expect a report in two weeks.

Environmental Monitoring and Technologies Inc.

8100 N. Austin Ave., Morton Grove, IL 60053-3203, (847) 967-6666

Gabriel Laboratories, Ltd.

1421 N. Elston Ave., Chicago, IL 60622, (773) 486-2123

PDC Laboratories, Inc.

2231 W. Altorfer Drive, Peoria, IL 61615, (309) 692-9688

STL Chicago

2417 Bond Street, University Park, IL 60466-3182, (708) 534-5200

Suburban Laboratories, Inc.

4140 Litt Drive, Hillside, IL 60162-1183, (708) 544-3260

But no one knows about all the private wells in the area. Many newer homes have been hooked into the public water supply, but older homes still have and use private wells.

The IEPA tested 10 private wells near an old dry-cleaning establishment in Lakeland Plaza, and all of them came back as "non detect," which means testing did not find any detectable amount of the chemical.

"If I had a private well in the area, I would want to know if these chemicals were in the well," said Maggie Carlson, spokesperson for the IEPA.

The chemicals in question include benzene and dichloromethane.

"We want to be pro-active," said Carol Fuller, IEPA community relations coordinator, who held a community meeting in January. During that meeting, officials explained that both the old dry cleaners and Bavaro's Cleaners downtown have dry-cleaning chemicals contaminating the ground.

Private wells near the old dry cleaners were clean, but the municipal well nearby showed positive for some contaminants.

Residents should be receiving a letter from the IEPA and the IDPH soon urging them to have their wells tested.

One of the dangers of dry-cleaning chemicals is that they can break down into vinyl chloride, which the IEPA says is considered toxic to humans at low levels and is known to cause cancer in humans.

Other chemicals include tetrachloroethylene, 1,1,1-trichloroethane, methyl tertiary butyl ether (MTBE), cis-1,2-dichloroethylene, carbon tetrachloride and trichloroethylene contaminates. Raw water samples of the municipal well showed the cis-1,2 at .93 parts per billion. The drinking water standard is 70 parts per billion.

MTBE, a gas additive, was measured at 3.3 parts per billion, while the groundwater standard is 40 parts per billion. There is no federal drinking water standard for MTBE.

Fox Lake Village Administrator Nancy Schuerr said the village has been cooperating with the two agencies. She said Bavaro's Cleaners is in the midst of a cleanup and that officials have been assured the drinking water is safe.

The two municipal wells are only used in extreme situations.

Bob Kohler, 68, who lives on Hickory Avenue, said, "I have no problem with it as long as it doesn't get out of hand."

Thomas Ward, 62, lives on Woodland Street and has a well. He drinks bottled water, and uses well water for coffee, showers and his pool.

"This is the first I heard of it. The water is really hard; that's why I get bottled water. I suppose I'll have to get it tested at my cost," he said.

A scourge coming to a stream near you (*Seacoast Online*)

May 27, 2009 6:00 AM

A single cell algae that comes with a laborious name, Didymosphenia geminata, is slowly working its way to Massachusetts, New Hampshire, and Maine.

The algae lives in lake fed rivers and streams and in tail waters of dams and is native to northern Scotland and parts of Canada.

Within two decades, the algae has invaded rivers and streams throughout the world including China, and according to the New Zealand Freshwater Anglers, Inc., "since the mid-1980s D. geminata has been gradually expanding its geographic range and intensifying in those areas that it was already present in. It has now been recorded in New Zealand, USA (Arkansas, Montana, Colorado, California, South Dakota and recently the Tennessee River, New York, Vermont), British Columbia, Canada, Faroe Islands, Norway, Svalbard, United Kingdom, Ireland, Sweden, Finland, France, Spain, Switzerland, Turkey, Ukraine, Poland, Romania, Hungary, Iceland, Russian Federation, Kyrgyzstan, Kazakhstan, China, Mongolia, and Pakistan."

How did it get so widespread within two decades?

Birds and animals spread the algae from watershed to watershed and in the case of birds from continent to continent. Humans play a significant role in the distribution of D. geminata particularly the well travelled passionate angler.

A single cell remaining moist on the fur, feather, or foot of an animal, bird or human is all that it takes to establish a new colony of D. geminata, also commonly known as didymo or, because of its appearance, rock snot.

Once it is established, pieces break off and distribute to other parts of the river or stream.

D. geminata is an algae found in the group of diatoms. Its outer shell is comprised of silica and is attached to a multi-strand gelatinous tail which gives its snotty look.

Environmental Protection Agency has a 'rough identification guide' which advises: The macroscopic appearance of D. geminata can be divided into four stages of colony growth and appearance:

1) Initial colony growth — As the diatom cells attach to a rocky (or other) substrate and begin to produce stalks, the colonies appear as small, circular clumps that range from 2 — 10 mm. The growths are visible to the naked eye, and are light tan to brown in color. The clumps are soft and feel like a cotton ball when they are pulled apart. They are not slimy or slippery. This stage is common during the late winter or following periods of high flow, but can occur at any time of year, depending on the region.

2) Colony expansion — As the colonies grow, they merge together and may cover the substrate completely. Colonies attached to plant stems form rope-like strands. As several small colonies coalesce and stalk production increases, the clumps become thicker. The colonies are frequently 1-2 cm in thickness, but may be greater. The coverage on the streambed may be patchy, or the substrate across a transect may be completely covered.

3) Stalk proliferation - Under periods of low flow or with favorable growth conditions, the colonies have the opportunity to form blooms. The cells produce excessive amounts of stalk many times the length of the microscopic cells. As the stalks lengthen, they form rope like strands and are white in color. Some reports describe the strands as tissue, fiberglass, toilet paper, or sheepskins.

4) Colony senescence — Although the cells may die, the stalks persist on the stream substrate or stranded above the stream wetted zone. The stalks may persist for 2 months, or more. Stalks may change in color as they trap fine sediment and dry. The microscopic cells may no longer be living, or present, in the aging stalk masses.

Control methods for didymo are still being developed but chelated copper seems to have the most effect on the algae. Studies continue to find the effect of chelated copper on fish species.

The responsibility of keeping didymo out of our states is shared by all aquatic sport enthusiasts. Taking the extra precautions can prevent, or at least, delay didymo from invading our waters.

Boaters must inspect their craft, motors, paddles, bait buckets, anchors, and anchor ropes for the presence of didymo.

Anglers wading in waters contaminated with didymo must allow their equipment to completely dry out. Better yet, soaking in a solution of two percent household bleach or dish detergent for five minutes will kill didymo. Freezing items may not be as practical but it will also kill D. geminata.

Be alert, talk about it, educate fellow anglers and boaters about didymo and support your local groups in preventing the spread of didymo to our rivers and streams.

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Environment

Faceoff Over 'Fracking': Water Battle Brews On Hill (*NPR*)

by Jeff Brady
Morning Edition, May 27, 2009 · Environmentalists and the natural gas industry are getting ready for a battle in Congress over something known as "hydraulic fracturing." "Fracking," as the industry calls it, involves injecting a million gallons or more of water and chemicals deep underground to pry out gas that's locked away in tight spaces. Environmentalists want the federal government to regulate the practice because, in some cases, fracking may be harming nearby water wells. The industry says regulation should be left up to the states.
Hydraulic fracturing allows drillers to dramatically increase production. The chemicals pumped underground with the water help drillers bore through the hard rock. The pressure used is tremendous — about 300 times a typical garden hose. That creates small cracks in the rock that allow gas to escape.

Steve Harris believes that pressure also ruined his well. He lives on 14 acres south of Dallas. Shortly after a driller fracked a nearby well, he and his neighbors noticed a change in water pressure.

"When you'd flush the toilet — in the back where the bowl is — water would shoot out the top of the bowl," says Harris.

When he took a shower, there was a foul odor, and the water left rashes on his grandson's skin. His horses stopped drinking from their trough, and there was an oily film on top of the water.

Similar stories are popping up around the country. In Ohio, a couple's house blew up when gas from their water well filled their basement. A woman in Colorado blames her health problems on the chemicals used for fracking.

For the most part, people nearby don't even know what chemicals are being injected into the ground — companies don't have to report that.

Theo Colborn, who founded The Endocrine Disruption Exchange, based in Paonia, Colo., has spent years trying to figure out what chemicals the industry is using, with some success. She says removing the exemption fracking has been given from the Safe Drinking Water Act would bring some much-needed light to the industry.

"Believe me, we have a lot of good people within our federal agencies that would love to be working on this issue and addressing it. And they can't — it's hands-off right now," says Colborn.

Generally, the Environmental Protection Agency regulates anything that could affect underground drinking water supplies. But in 2005, the industry successfully lobbied for the exemption for fracking from the Safe Drinking Water Act. That leaves regulation up to the states, which don't have the kind of resources the EPA does.

"We have no evidence that hydraulic fracturing is causing problems," says Lee Fuller, vice president of government relations for the Independent Petroleum Association of America. Without evidence of problems, he says there's no reason to pile on more regulation.

"I think people need to have more faith in the regulatory agencies that are watching it very closely and their ability to respond to issues if they arise," says Fuller.

But environmental groups are lobbying Congress to get that exemption overturned as hydraulic fracturing becomes increasingly common. Halliburton, which pioneered hydraulic fracturing, says about 35,000 wells are fracked each year.

Gwen Lachelt of the Oil and Gas Accountability Project says that politically, now is the time for those on her side of this issue to move.

"We have a different presidential administration. We have new regions of the country that are now experiencing oil and gas development," says Lachelt. "New York City is a case in point. ... Companies are wanting to drill natural gas wells in New York City's drinking watershed."

Several City Council members have expressed concern over that idea, and there's been talk of finding a way to ban drilling in that region.

But the natural gas industry argues that more regulation will push up prices. To be sure, hydraulic fracturing is, in part, responsible for the low natural gas prices consumers are paying now.

Colorado School of Mines professor Geoffrey Thyne understands that. Still, he wants the industry to start encouraging more scientific research on fracking.

"Let's prove to everybody what we're saying — that's there's absolutely no danger — but let's do it in a rigorous way we can defend," says Thyne.

Thyne says the industry also could agree to stop using harmful chemicals in the process. Already, several of the largest drillers have agreed to stop using diesel, which can poison groundwater with benzene.

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