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ADMINISTRATOR JACKSON

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GUEST VIEW:

Time for EPA to step in (*South Coast Today*)

New Bedford,MA
July 18, 2009 6:00 AM
CLEAN (Citizens Leading Environmental Action Network, Inc.) is asking Lisa Jackson, administrator of the U.S. Environmental Protection Agency, to please take over the various toxic remediation efforts at the various properties on and near the New Bedford high school campus as soon as possible, as we have lost confidence in the ability of the local government to accomplish the task.

For three years, all Mayor Scott Lang has offered the citizens are platitudes and vague statements amounting to little more than, "We are working on it." We need help from the federal government, and we need it soon.

The words "Love Canal" and "toxic contamination" are synonymous, even to this day. Love Canal is a toxic black eye on the city government of Niagara Falls, N.Y., but alternatively a significant success for the Environmental Protection Agency.

But as large as the Love Canal issue was, it pales when compared to the contamination issues found in the old industrial town of New Bedford, in both size and scope. The Love Canal property that needed to be cleaned was around 70 acres. In New Bedford, on the site of the city's former burn dump, are New Bedford High School, Keith Middle

School, the surrounding sports fields, several nearby residential homes, and two church properties, which together cover approximately 104 acres that contain a chemical cocktail potentially more devastating than the dioxins and benzenes found at Love Canal.

The plume of toxins is spreading, following the various underground water systems, and invading nearby neighborhoods. Lands remediated as recently as last year are again highly toxic, requiring a second cleanup with zero guarantee of success. Recently, several tens of tons of contaminated soil were removed using methods not in compliance with EPA standards, based on the toxic chemicals contained within and the high levels at which they were found.

New Bedford has several cleanup efforts in various stages of completion, most of which are directed by the EPA. The EPA is intimately involved with the cleanup and continual monitoring of Sullivan's Ledge in New Bedford. The EPA is intimately involved with the Herculean effort to clean the Acushnet River of heavy metals and polychlorinated biphenyls (PCBs).

We, the members of CLEAN, including residents surrounding the school property and those not yet determined to be affected, are asking Jackson to please remove the cleanup responsibility from our City Hall and place it with her agency.

We are fed up with no answers from the mayor and his environmental stewards, Scott Alphonse and David Fredette. We are upset and distressed by incomplete or missing documentation regarding findings and cleanup efforts. We are saddened that covering a toxic field for a semi-pro baseball team took precedence over the health of residents, many with small children. We are puzzled that the city extended building permits to property owners even though to dig will expose barrels of toxins still buried and still leaking.

The city of New Bedford, in our opinion and the opinion of our lawyers, with the stealth maneuvers of the former mayor and current mayor, has put upwards of 20,000 residents at risk for cancers, tumors, birth defects and other health issues.

We call on Jackson to please come to New Bedford and repeat the success of Love Canal. We need help from the EPA, as our own local government is not equipped for such a large and complicated project.

undefined

Sunday, July 19, 2009
Story last updated at 7/19/2009 - 11:23 am

State politicians upbraid EPA over mine delay (*Juneau Empire)*

Juneau,AK
Murkowski, Begich summon EPA head to Murkowski's office
By Kate Golden | JUNEAU EMPIRE
Alaska politicians on Friday castigated the U.S. Environmental Protection Agency for delaying the Kensington mine.
Republican U.S. Sen. Murkowski sent a statement on Friday titled "Murkowski Decries EPA's Supreme Court End Run." She said she and Democratic Sen. Mark Begich had summoned EPA Administrator Lisa Jackson, the agency's head and an Obama appointee, to Murkowski's office to explain EPA's actions regarding the Kensington gold mine.
Since the U.S. Supreme Court ruled last month that mine owner Coeur Alaska Inc. can put Kensington mine waste in Lower Slate Lake, politicians and miners have urged the U.S. Army Corps of Engineers to hurry up and reissue Coeur's construction permits. They've been suspended in litigation since 2006.
But this week, the EPA asked the Corps of Engineers to go back and look at a plan to store tailings upland. Environmentalists prefer that plan, but Coeur abandoned it last year. Coeur wants to begin work this summer, and EPA estimated a re-evaluation would take eight months.
"Here we have a case where the highest court in the land has ruled and EPA is attempting to undermine its decision," Murkowski said. "We believe EPA's letter is factually and legally flawed, and I will express the depths of my displeasure when I meet with Administrator Jackson."
Gov. Sarah Palin and Lt. Gov. Sean Parnell issued a statement saying they were "dismayed."
"Honestly, what more is there to be studied?" Palin asked. "This permit has been studied and discussed and litigated to death. It's time to get to work."
Parnell said, "This is frustrating. Once the Supreme Court speaks it's supposed to be 'game over.' We thought we were in the end zone, but the Seattle EPA office is trying to move the goalposts."
The Kensington mine is 45 miles northwest of Juneau. Coeur Alaska is owned by Idaho-based Coeur d'Alene Mines Corp.
Meanwhile, the Corps of Engineers has said it will work on reinstating the mine's permits "in the most expedient manner legally permissible," but has not yet responded to EPA's letter.
The Corps on Friday announced a 15-day public notice that started Friday for minor modifications to Coeur's Lower Slate Lake plan. These include an extension on the construction timeline, updates in wetland maps of the area, and a change of the overall footprint to 80.5 acres of fill from 83.4 acres.
The Corps' action doesn't mean it is ignoring EPA's request for an entirely different tailings plan, said spokeswoman Pat Richardson. The agency will respond to that, plus all the comments it receives through Aug. 3.
"With this comment period, we are giving them (EPA) an opportunity - as well as the public and other agencies - to comment in an official way," she said. "We also have their letter on file."

• Contact reporter Kate Golden at 523-2276 or kate.golden@juneauempire.com.

Kensington Mine Delay Troubling (*SitNews*)

Ketchikan,AK
July 17, 2009
Friday
Alaska Governor Sarah Palin and Lieutenant Governor Sean Parnell today reacted with dismay to news that a regional office of the U.S. Environmental Protection Agency is attempting to slow the permitting process for the Kensington Mine near Juneau.
In a letter dated July 14, Seattle EPA Acting Deputy Regional Administrator Michael Gearheard wrote, "We appreciate the need to move quickly on this matter, particularly in light of the hardships being experienced by many in the native Alaskan community." Nevertheless, Gearheard called for an eight-month review process that "will not allow work to resume this summer."

"Why another delay?" Governor Palin asked. "Our country is mired in the worst recession since the 1930s. We need more jobs, not more bureaucratic review."

"We've been debating and litigating this for years," Lieutenant Governor Parnell said. "The U.S. Supreme Court has spoken decisively in favor of the authority of the Corps to issue this permit. It's time to put those 300 Alaskans back to work - now."

Construction on the mine has been in limbo since 2006, when environmentalists sued over the issue of tailings disposal. On June 22, the U.S. Supreme Court ruled that the Army Corps of Engineers properly permitted the disposal plan, clearing the way for construction. Coeur Alaska, the mine's owner and operator, is ready to hire. Coeur spokesman Tony Ebersole said additional delays could cost the company millions of dollars. Ebersole noted the permit has already been under review for nine years and has faced multiple public comment periods.

"Honestly, what more is there to be considered?" Palin asked. "This permit has been studied and discussed and litigated to death. It's time to get to work."

The state of Alaska joined Coeur in the litigation. State officials intend to do everything possible to expedite the issuance of this last required permit.

"This is frustrating," Parnell said. "Once the Supreme Court speaks it's supposed to be 'game over.' We thought we were in the end zone, but the Seattle EPA office is trying to move the goalposts."

U.S. Sen. Lisa Murkowski, R-Alaska, also decried the Environmental Protection Agency's request for the U.S. Army Corps of Engineers to re-evaluate the Kensington mine project.

In a prepared statement Murkowksi said, "The Supreme Court issued a clear decision on the validity of Coeur Alaska's permits for Kensington mine," Murkowski said. "EPA's letter appears to be an attempt to do an end run around the Supreme Court."

The Slate Lake disposal option was first developed in cooperation with the Clinton-era EPA. The Corps issued a Clean Water Act Section 404 permit to the project in 2002. Environmental groups sued Coeur in 2006, claiming the mine's owners should have applied for a permit from the EPA.

Murkowski said, "EPA was part of the federal government's defense of the validity of the Corps' CWA Section 404 permit. At no time in the development of the proposal during the Clinton administration, during the Bush administration when the suit was filed, or during the Obama administration while the high court's decision was pending, did the EPA object to the Slate Lake disposal plan."

While the Kensington tailings permit remains valid, the Corps is required to reapprove an accompanying construction timetable before work at the mine can resume. The Corps is issuing notice of a 15-day public comment period regarding the construction timetable and a minor modification to the construction footprint. Murkowski said she appreciates the Corps acting responsibly to avoid further unnecessary delay in the opening of the mine.

Murkowski said, "Here we have a case where the highest court in the land has ruled and EPA is attempting to undermine its decision," Murkowski said. "We believe EPA's letter is factually and legally flawed, and I will express the depths of my displeasure when I meet with Administrator Jackson."

At the request of Sens. Murkowski and Mark Begich (D-Alaska), EPA Administrator Lisa Jackson will come to Murkowski's office next week to meet with them and attempt to explain EPA's actions on this issue.

Kensington is expected to provide 300 jobs and millions of dollars in taxes to the economy of Southeast Alaska.

AIR

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Scientists zoom in on carbon dioxide in NYC (*Associated Press*)

Story also appeared: *Washington Post*

By JENNIFER PELTZ
The Associated Press
Sunday, July 19, 2009 12:39 PM

NEW YORK -- Wade McGillis peered up at the structure propped like a high-tech stick figure - minus the head - on an elementary school roof. Then he examined the electronics attached to its spindly metal frame, looking out over the Harlem brownstones nearby and the skyscrapers farther away.

Within 15 minutes, a graph spiked in his office eight blocks away. The abrupt peak marked the carbon dioxide the Columbia University environmental engineering professor and three visitors had exhaled.

The spike was an anomaly, but it proved the rooftop device had done its job, helping to break down questions about global warming to a local level.

"We're unraveling the story of how carbon (dioxide) changes over the day, changes from neighborhood to neighborhood, and changes from the country to the city," said McGillis, who has set up seven sensors in and around New York City. The newest, in Central Park, was installed this spring.

The urban experiment shows a growing interest by researchers in tracking how much of the heat-trapping gas a city, neighborhood or building puts in the atmosphere, and how much the urban environment can suck out.

Some scientists hope the data might eventually help shape efforts to curb emissions of carbon dioxide - one of the main contributors to global warming - and measure whether such efforts are effective.

Carbon dioxide is emitted by various natural processes, including animals' breathing. But human activities - especially burning coal, oil natural gas and other fossil fuels - have greatly increased the amount of carbon dioxide in the atmosphere, according to the federal Environmental Protection Agency. Carbon dioxide and other greenhouse gases trap heat on the planet's surface, causing a range of climate effects, many scientists and regulators say.

The rise of greenhouse gases already has increased temperatures, sea levels and heavy rains enough to affect water supplies, agriculture and health, and the effects are expected to worsen, scientists told the Obama administration in a report released last month. The report calls for more work on distinguishing human and natural factors in climate change and scaling the information down to local levels.

McGillis' monitors are in locales ranging from Harlem to rural eastern Long Island, about 80 miles away. The sensors measure carbon dioxide levels, wind speeds and other weather data every 15 minutes, submitting the data wirelessly. Readings are posted online soon after they're taken.

The monitors in Central Park and Harlem are only about two miles apart but often show notable differences in carbon dioxide levels, he said, and reflect how people and nature intertwine to affect the gases' ebb and flow.

McGillis' three-year-old project joins a growing list of efforts to keep tabs on carbon dioxide.

The National Oceanic and Atmospheric Administration now has about 70 carbon dioxide sensors around the world, many in remote areas. The agency hopes to do more carbon dioxide monitoring in cities to help test whether efforts to curb carbon emissions are effective, said Pieter Tans, who runs the monitor network.

Most power plants have been required to monitor their carbon dioxide emissions since the 1990s. Scientists have done carbon monitoring experiments of their own in Chicago, Salt Lake City and southern California, among other places.

Purdue University researcher Kevin Gurney sends a low-flying plane over Indianapolis to sample the gas in an attempt to gauge carbon dioxide emissions building by building. He combines air samples with a range of emissions, traffic and other data.

The U.S. Environmental Protection Agency also is seeking more local specifics on greenhouse gas emissions, and proposed requiring annual reports from about 13,000 fuel refineries, car manufacturers and other large industrial facilities.

The reporting could involve some monitoring but would largely rely on calculating emissions from burning fuel, said Bill Irving, an official in the EPA's climate change division.

"Our view is, at this stage, the advanced, rigorous calculation approaches are justified," he said.

Coal industry lobbyist Scott Segal says industrial emissions calculations are refined enough that more monitoring wouldn't add much information.

On the Net:

- Lamont Atmospheric Carbon Dioxide Observation Project:http://www.ldeo.columbia.edu/outr/LACOP/

Int'l Maritime Organization moves closer to adopting new ship regs (*Greenwire*)

Robin Bravender, E&E reporter
07/17/2009
The International Maritime Organization has moved closer to finalizing plans that would require ships within a 200-mile buffer zone around the U.S. and Canadian coastlines to be subject to tougher air pollution regulations.

The IMO's Marine Environment Protection Committee gave its initial approval this week for the joint U.S. and Canadian request to adopt stricter emission regulations on marine vessels. The London-based IMO is a U.N. agency that regulates the environmental and safety aspects of international shipping.

The creation of an emissions control area would save up to 8,300 American and Canadian lives every year by 2020, according to U.S. EPA. Administrator Lisa Jackson announced the joint proposal in March (*Greenwire*, March 30).

At its meeting in London this week, the IMO committee agreed to circulate the proposal for formal adoption of the designation at its next meeting in March 2010. If adopted, the designation would go into effect in August 2012.

"This is a great step forward for health and the environment," said David Marshall of the Clean Air Task Force. "For too long, ships have spewed enormous amounts of pollution along our coasts and in our ports."

Under rules adopted by IMO last October, ships entering emission control areas will ultimately be required to cut nitrogen oxide emissions by 80 percent, particulate matter by 85 percent and sulfur oxides by 95 percent, relative to current emissions levels.

Some members of the shipping industry have expressed concerns about the higher cost and decreased fuel availability under the stricter limits, but there is a general recognition that the final designation is likely to occur.

While environmentalists applauded IMO's action on the North American air pollution proposal, several groups criticized what they called a failure by the committee to effectively address ships' greenhouse gas emissions.

"The IMO basically is living up to its reputation of being the place where solutions go to die," said Michael Hirshfield, Oceana's senior vice president for North America and chief scientist.

The IMO committee is considering a package of energy efficiency measures, including a voluntary energy efficiency index for new ships, and discussed market-based measures to curb shipping emissions.

"The energy efficiency measures are a welcome development, but on their own they will not achieve the greenhouse gas emission reductions needed," said Pete Lockley, head of transport policy at the advocacy group WWF-UK. "And they won't achieve anything at all, unless they are mandatory, with an increased reduction of permitted emissions over time, so that the industry is forced to build and sail ever-cleaner ships."

Chris Koch, president of the World Shipping Council, a trade association of international ocean carriers, said that there was never an expectation that the IMO would complete work on a regime to curb CO2 emissions this year and that the committee made

progress on its vessel design index. He also noted that various governments, including the United States, are now circulating proposals for how a mandatory carbon emission regime might be designed, "which is not a simple task," he said.

ASBESTOS

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More officials urge EPA to remove asbestos as fill material reaches site (*Ambler Gazette*)

Thursday, July 16, 2009
By Thomas Celona
Staff Writer
Three state representatives sent letters to the EPA, asking it not to use dirt capping at the BoRit asbestos site located in Ambler, Upper Dublin and Whitpain townships. The letters came just weeks after Sen. Arlen Specter, D-Pa., sent a similar letter June 11.

State Sen. Stewart Greenleaf, R-12, sent a letter to EPA national headquarters June 23. Like Spector's letter, it was addressed to Acting Associate Administrator Joyce Frank of the EPA's Office of Congressional and Intergovernmental Relations.

"On behalf of the nearly 2,000 community members who have signed a petition supporting removal, treatment and/or recycling of the asbestos pile in Ambler, I ask for full remediation of the site, which includes the removal and recycling of asbestos," he wrote.

State Rep. Rick Taylor, D-151, sent a letter to Frank June 30.

"The dirt capping option will not effectively protect the citizenry and does not seem to be a long-term solution to a problem which directly affects citizens in the 151st Legislative District and Montgomery County," he wrote.

State Rep. Michael Gerber, D-148, became the latest official to send a letter July 13. Gerber wrote that as a resident who lives less than two miles away from the site, he understands the community's desire to have all of the asbestos removed.

All four letters referenced a petition organized by Citizens for a Better Ambler. CBA received 2,210 signatures as of July 14, according to CBA member Sharon McCormick.

As officials and citizens advocate against dirt capping, the BoRit site recently received a shipment of fill material to be used in the removal and potentially the remedial stages.

According to the EPA's BoRit Web site, 6,300 cubic yards of fill material had arrived on site as of June 26. The EPA said it anticipates receiving an additional 7,700 cubic yards of material for a total of 14,000 cubic yards.

The EPA said the fill will be used to build a ramp to cross the Rose Valley Creek when phase two of the removal process begins. The fill will also be used to stabilize the banks of Rose Valley Creek, Tannery Run and Wissahickon Creek.

The EPA also said the fill may be used during the remedial stage once a remedy is determined. The soil could be used to cap the asbestos or fill the site if the waste is removed.

According to Francisco Cruz, EPA community involvement coordinator for the BoRit site, the investigation of possible remedies will begin in the fall, and any remedial action that potentially could use the fill is years away.

BROWNFIELD

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County approves matching funds for Brownfields grant application (*Reno Gazette Journal*)

By Keith Trout • News Editor • July 17, 2009
Equaling matching funds for a grant application authorized by the cities of Fernley and Yerington, the Lyon County Board of Commissioners have approved a $5,000 match for an EPA Brownfields Site Assessment Coalition Grant application.

Thomas Mix, National Brownfields Program Director for Converse Consultants of Reno, appeared at the July 2 Board of Commissioners meeting for a presentation on the firm's proposal to prepare the grant application for up to $1 million in federal grant funding through the U.S. Environmental Protection Agency.

The grant funding would allow coalition partners to conduct environmental assessments and satisfy due diligence requirements that would help clear properties planned for redevelopment in Lyon County.

According to the EPA website, this definition of Brownfields is provided: "Brownfields are generally considered to be abandoned or underutilized properties (especially industrial and commercial facilities) where redevelopment or expansion may be

complicated by possible environmental contamination (real or perceived). However, a brownfield site, as defined by The Small Business Liability Relief and Brownfields Revitalization Act of January 11, 2002, is any 'real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant'."

It also says of the program: "The purpose of the program is to remove environmental hazards from communities; relieve pressures to develop pristine open space and farmland (also called greenspace); and revitalize communities by creating jobs, and returning property to productive use and local tax rolls."

Mix and another Converse official appeared at a prior commission meeting for a presentation and then it was agreed to see if the two cities also wished to participate and could share in the match requirement ($15,000), while Lyon County would administer the program.

The cost of the consultant would be covered by the grant.

Mix said his firm has been successful, with five of six entities for which they prepared the grant applications last year receiving the grant funding, compared to a usual percentage of about one of four applications receiving funding.

County Manager Dennis Stark said he'd had experience with Brownfields programs in other entities and they were successful programs. "I think it's very valuable," he said in recommending the program.

Mix said the Brownfields program helps communities that have properties in mind for redevelopment, which in many cases is private property. He said Fernley seemed to have property in mind it wished to redevelop.

Regarding how the grant funding would be divided after a question from Commissioner Chuck Roberts, who had a number of questions, Mix said a memorandum of understanding would be written to detail how the funding is shared, although chairman Phyllis Hunewill questioned who would write the MOU.

The proposal for professional services with Converse indicates it would help assist the partners to develop the MOU, saying the MOU "will document the Coalition's site selection process, how Brownfields funding will be distributed among Coalitional Partners and the mechanisms for implementing the assessment work."

Stark said the assessment process would prioritize sites.

Mix noted if the EPA had problems with the application and asked them to re-submit it, he said his company would rewrite it and resubmit it the following year at no additional cost.

He said there is a three-year grant period with an opportunity for a one-year extension for a fourth year.

The agreement notes Converse would meet with county officials and coalition partners to introduce the grant writing team, discuss the overall approach for the grant application, obtain information and identify any additional information needs. It notes the grant application would include: "expanded demographic data describing the affected community and how the proposed project will benefit area residents; the overall vision of Lyon County and Coalition Partners for redevelopment; impacts to the health, welfare and the environment from Brownfields" and more.

CLIMATE CHANGE / GLOBAL WARMING

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Global warming warrants cool reception (*Nashua Telegraph*)

Deroy Murdock, Scripps Howard News Service
Published: Friday, July 17, 2009
As cap-and-trade advocates tie their knickers in knots over so-called "global warming," Mother Nature refuses to cooperate. Earth's temperatures continue a chill that began 11 years ago.

As global cooling accelerates, global-warmists kick, scream and push their pet theory – just like little kids who cover their ears and stomp their feet when older children tell them not to bother waiting up for Santa Claus on Christmas Eve.

Consider how the globe cooled last month:

• June in Manhattan averaged 67.5 degrees Fahrenheit, 3.7 degrees below normal – the coldest average since 1958. The National Weather Service stated July 1: "The last time that Central Park hit 85 in May . . . but not in June was back in 1903."

• In Phoenix, June's high temperatures were below 100 degrees for 15 days straight, the first such June since 1913. In California's desert, Yucca Valley's June average was 83.5, 8.5 degrees below normal. Downtown Los Angeles averaged 74.5 degrees, five below normal.

• Boston saw temperatures 4.7 degrees below normal. "This is the second coldest average high temp since 1872," veteran meteorologist and Weather Channel alumnus Joseph D'Aleo reports at Icecap.com. "It has been so cool and so cloudy that trees in northern New England are starting to show colors that normally first appear in September."

Looking abroad, D'Aleo noted: "Southern Brazil had one of the coldest Junes in decades, and New Zealand has had unusual cold and snow again this year."

• New Zealand's National Climate Centre issued a June 2 press release headlined: "TEMPERATURE: LOWEST EVER FOR MAY FOR MANY AREAS, COLDER THAN NORMAL FOR ALL."

• South African officials say cold weather killed two vagrants in the Eastern Cape. Both slept outdoors June 26 and froze to death.

Simmer down, global-warmists retort. These are mere anecdotes, hand-picked to make them look silly.

Well, one would be foolish to challenge space-born satellites that gauge Earth's mean temperatures – cold, hot and average. Here again, evidence of global cooling accumulates like snow drifts.

"There has been no significant global warming since 1995, no warming since 1998, and global cooling for the past few years," former U.S. Senate Environment Committee spokesman Marc Morano writes at ClimateDepot.com.

Citing metrics gathered by University of Alabama, Huntsville's Dr. Roy Spencer, Morano adds: "The latest global averaged satellite temperature data for June 2009 reveal yet another drop in Earth's temperature . . . Despite his dire warnings, the Earth has cooled 0.74 degrees F since former Vice President Al Gore released 'An Inconvenient Truth' in 2006."

Earth's temperatures fall even as the planet spins within what global-warmists consider a thickening cloud of toxic carbon dioxide.

The National Oceanic and Atmospheric Administration's Earth System Research Laboratory at Mauna Loa, Hawaii, consistently and reliably has measured CO_2 for the last 50 years. CO_2 concentrations have risen steadily for a half-century.

For December 1958, the laboratory reported an atmospheric CO_2 concentration of

314.67 parts per million. Flash forward to December 1998, about when global cooling reappeared. CO2 already had increased to 366.87 PPM. By December 2008, CO2 had advanced to 385.54 PPM, a significant 5.088 percent growth in one decade.

This capsizes the carbon-phobic, global-warmist argument. For Earth's temperatures to sink while CO2 rises contradicts global warming as thoroughly as learning that firefighters can battle blazes by spraying them with gasoline.

So, to defeat so-called "global warming," there is no need for the $864 billion Waxman-Markey cap-and-trade bill, the Kyoto Protocols, elaborate new regulations, or United Nations guidelines. Instead, let the cold times roll.

It is one thing to have a national debate about a serious problem, with adults differing over which solution might work best. Reasonable people, for instance, can dispute whether growing federal involvement would heal or inflame our health-care system's serious maladies.

But as so-called "global warming" proves fictional, those who would shackle the economy with taxes and regulations to fight mythology increasingly resemble deinstitutionalized derelicts on an urban street corner, wildly swatting at their own imaginary monsters.

Deroy Murdock is a columnist with Scripps Howard News Service and a media fellow with the Hoover Institution on War, Revolution and Peace at Stanford University. E-mail him at deroy.Murdock@gmail.com.

US Senators dig for more info on US Climate Bill (*Stock and Land*)

17/07/2009 3:26:00 PM
THE proposed US cap-and-trade Climate Bill could increase the input costs of a typical Midwestern farm by tens of thousands of dollars annually, according to an analysis by the highly respected Food and Agricultural Policy Research Institute.
And it will have different consequences for different agricultural areas and industries, former US Ag Secretary Mike Johanns (R-Neb) warns.

Johanns says the US Department of Agriculture (USDA) knows that cap-and-trade will increase agriculture production costs, but that it asserts the opportunities will outweigh these costs.

The Senator, however, says he hopes this assessment is based on sound economic analysis and not just rhetoric, so he's asked for a lot more information on the American Clean Energy and Security Act of 2009, now before the Senate.

Like Australia's proposed climate bill, the US bill will be based on an emissions trading scheme (ETS), but is more favourable to farmers than is Australia's proposed bill.

Johanns and Senate Ag Committee Ranking Member Saxby Chamblis (R-Ga) have asked US Secretary of Agriculture Tom Vilsack to come with an analysis of the cost to agricultural producers, with a breakdown of cap-and-trade costs, with the analysis organised by commodity and by state.

Chambliss has sent similar letters to Environmental Protection Agency Administrator Lisa Jackson and USDA chief economist Dr Joseph Glauber, requesting an economic analysis of the legislation. He says understanding the costs producers, consumers and others will bear as a result of the proposed legislation is very important as the Senate takes up the legislation.

The next Senate hearing is next Wednesday.

ENERGY

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A Growing India Sets Goal to Harness Renewable Energy (*Washington Post*)

By Rama Lakshmi; Washington Post Foreign Service
NEW DELHI, July 18
In the new India, villagers in far-flung areas might have cellphones but live in darkness because they have no access to electricity. The cellphone network towers in the villages run on diesel-powered, smoke-spewing, portable generators.

Indians say this is a clear example of how the country's woefully inadequate power supply lags behind an expanding consumer market.

About 56 percent of India's 1.1 billion people do not have access to electricity. And as coal deposits dip and **climate change** concerns rise, it is becoming increasingly untenable for India to continue relying on coal-produced power, which accounts for 40 percent of its total greenhouse gas emissions.

The themes of **climate change** and green technology are expected to come up during U.S. Secretary of State Hillary Rodham Clinton's discussions with officials and business leaders during her three-day visit to India.

"We believe India is innovative and entrepreneurial enough to figure out how to deal with **climate change** while continuing to lift people out of poverty and develop at a rapid rate," she said Saturday in Mumbai.

"We need to get our act together," said Gauri Singh, joint secretary in India's Ministry of New and Renewable Energy, which was set up 26 years ago, "because India is growing faster than anyone can imagine. Renewable energy will have to supplement conventional power supply.

"Our priority is to achieve energy security and self-reliance. **Climate change** is not the main driver for renewable energy in India, it is a co-benefit," she added, echoing a debate in the United States, where renewable energy is being sold less as a way to save the planet than as a way to create new "green collar" jobs.

Despite the deepening energy crisis, renewable energy, predominantly wind and biomass, make up 3 percent of India's total electricity production. Solar energy is not even a fraction of that, though India receives abundant sunshine throughout the year.

But India hopes to move from near-zero to 20,000 megawatts of solar electricity by 2020, as part of the National Action Plan on **Climate Change.** Announced in June 2008, the plan is a structured response to combat global warming and part of a proposal India intends to pitch at a **climate change** summit in Copenhagen this December.

The centerpiece of the plan is the National Solar Mission, which is aimed at harnessing India's neglected energy source. Today, India's solar companies say they generate so little electricity because of inadequate state support.

"Unless the government guarantees that it will purchase solar power at a lucrative cost with feed-in tariffs, the industry will not take off. We end up exporting three-fourths of solar cells and photovoltaic modules to Europe," said an executive of a solar power company, speaking on the condition of anonymity. "The government has to cough up money and go beyond making the right noises about renewable energy."

The government traditionally has given incentives for setting up green energy plants, but not for producing power. "Entrepreneurs made quick money by setting up plants, availing of tax benefits and then disappearing. Nobody was interested in ensuring that they actually produced electricity," said Vinuta Gopal, a **climate change** campaigner for Greenpeace India.

Officials say they are determined to fix that in the coming months.

India has developed rules mandating that commercial buildings use solar energy to source 25 percent of their hot water supplies, but municipal bodies have been slow to comply. State power distribution companies are now required to buy a portion from renewable sources, and the government has announced plans to create a system of "renewable energy certificates" that states can trade.

But until policies enable them to contribute to the national power grid, solar companies are lighting up Indian homes directly.

"In the last two years, we have developed a good off-grid rural market. We are selling solar home lighting systems that come with rooftop panels directly to villagers who have no access to electricity," said Anil Patni of Tata BP Solar, an Indian joint venture with the U.S.-based BP Solar. The company works with rural banks to offer small loans of about $300 to villagers to set up solar lighting systems. "But though the arrival of a solar lighting system transforms the life of the rural family, true economies of scale in solar power will come only with grid connectivity."

The biggest challenge, officials say, is finding the money to nurture green energy industry until it becomes viable.

Meanwhile, some Indians are showing signs of going green.

Sanjay Tanwar said he has been deluged with calls since his construction company sent out text messages advertising an upcoming residential condominium. The complex will have sensor lighting, solar panels, heat-resistant insulated bricks and water harvesting systems.

"People ask if the building will help reduce global warming," said Tanwar, a manager at the Lotus Boulevard apartments in Noida, a suburb of New Delhi. "The 'green' word is proving to be a big magnet."

TVA gives 'high' hazard rating to 4 ash disposal sites (*Greenwire*)

Eric Bontrager, E&E reporter
07/17/2009
The Tennessee Valley Authority informed federal officials yesterday that four of its coal ash impoundments could cause fatalities and serious environmental damage if they rupture.

In a letter to U.S. EPA, TVA officials said that an assessment of wet storage coal combustion impoundments at 12 utility plant sites revealed that four present a "high" hazard potential, meaning that a containment failure would likely result in loss of human life and severe damage to the nearby environment.

Anda Ray, senior vice president of TVA's Office of Environment and Research, wrote that the reclassification is based on recommendations made by Stantec Consulting Services Inc., an independent engineering firm that was contracted to evaluate the integrity of the utility's facilities after an impoundment at TVA's Kingston Fossil Plant in

Roane County, Tenn., ruptured in December 2008, spilling 5.4 million cubic yards of coal ash.

The reclassifications do not mean the four impoundments -- Bull Run and Cumberland in Tennessee and Colbert and Widows Creek in Alabama -- are in imminent danger of failing, the federal utility noted.

Ray explained that "in the interest of taking a conservative, self-critical approach," the sites were evaluated using worst-case failure of the impoundments and then reclassified based on the consequences of such failures.

Ray said TVA is developing a multi-year plan to reduce the possible consequences of such a failure, including developing emergency plans for those classified as a high hazard. He added that the reclassifications are only preliminary and that it will reassess its impoundment ratings after Stantec completes its assessment next year.

TVA's announcement comes just weeks after U.S. EPA revealed the locations of 44 coal-ash impoundments determined to be high-hazard sites (*E&E Daily*, June 29).

EPA collected information about impoundments from power companies that operate the storage areas for their power plants.

But EPA held off on publicly revealing the locations of the high-hazard sites for several weeks because of national security concerns from the Department of Homeland Security and the Army Corps of Engineers. The move sparked public outcry from lawmakers and citizen groups that argued residents near these facilities have a right to know whether they are in danger.

FUEL

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POET trying to blend in (*Review Times*)

By MARIAH MERCER
FEATURES WRITER
Friday, July 17, 2009
Ohio

Though the present economic circumstances may look gloomy, the future of POET Biorefining Fostoria and the ethanol industry is bright. Now it has a chance to shine even brighter.

The company is hoping to convince the Environmental Protection Agency to change its rules in order to introduce more ethanol into the market and allow increased production.

The EPA passed a regulation in the 1970s allowing ethanol to be blended with gasoline at a maximum 10 percent ethanol/ 90 percent gasoline mixture. However, in 2007, Congress mandated the use of 36 billion gallons of renewable fuel by 2022. Right now about 70 percent of all gasoline contains ethanol.

In order to meet that Congressional mandate, either more of the gasoline market needs to have ethanol included or the percentage of ethanol in the mixture has to increase.

"We believe there should be options, for small engines, for boat engines. They need the option of non-ethanol fuel. ... The only thing preventing ethanol from meeting the government's mandate is the government itself and that is because of the limit we currently have," explained general manager Dave Brooks.

To that end, POET joined the ethanol promotion group Growth Energy in formally asking the EPA to change this rule and allow a maximum of 15 percent Ethanol (E15) blends. Already, more than 11,000 farmers, environmentalists and other ethanol supporters have submitted public comments in support of E15.

"It's not a mandate, but it opens the window up to the amount you can put in and will also help the ethanol industry," said Brooks.

The EPA is receiving public comments on the change and Brooks noted that the public has the opportunity to have its voice heard by submitting comments through Monday.

According to a recent study conducted by North Dakota State University researchers, cited on the Growth Energy Web site, moving to E15 will create more than 136,000 new green-collar jobs. In addition, increasing blend levels from 10 to 15 percent will generate $24.4 billion for the U.S. economy and will displace seven billion gallons of imported gasoline each year.

Though the company has been feeling the economic pinch like everyone else, Brooks said things are slightly improving and the company feels good about the long-term health of the industry.

The plant employs 40 people at the Fostoria facility and Brooks said that if they are able to move forward with new technology and expanded markets, that could mean a potential for growth at the local plant.

He also noted that the increased use of ethanol will lead to a decrease in greenhouse gasses. For example, an annual reduction of 7 billion gallons of imported gas will lead to the elimination of 20 million tons of greenhouse gasses or the equivalent of 3.5 million vehicles from our roads.

Brooks believes that an increase to E15 will result in benefits across the board.

"It's a win-win-win-win situation. It's a win for the U.S. economy if we increase to E15. It's a win for reducing our dependence on foreign oil. It's a win for our U.S. markets for corn and jobs and jobs creation and it's a win for reducing greenhouse gasses. There are just a lot of good things that can happen if we get rid of that current limit that the EPA has put in place," Brooks said.

Written comments to the EPA must be postmarked by Monday and should be sent to: Air and Radiation Docket, Docket ID No. EPA-HQ-OAR-2009-0211, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

Comments can also be submitted online at www.goe15.com or directly e-mailed to a-and-r-Docket@epa.gov.

HAZARDOUS WASTES
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Poor Alabama county welcomes coal ash from TVA spill (*Greenwire*)

07/17/2009
Perry County, a district of Alabama that is poor even by the state's standards, is welcoming the influx of cash that will accompany another influx: the waste from a high-profile coal ash spill in Tennessee last December.

The first of what may be 35,000 railroad cars have begun lumbering into the county from Kingston, Tenn., where coal ash from a Tennessee Valley Authority plant broke loose last December, covering 300 acres of countryside. The subsequent cleanup will cost $1 billion.

The waste will be dumped into a 976-acre landfill in Perry that accepts trash from 16 states. The coal ash could bring more than $3 million to the county of 11,860 people, where unemployment is near 17 percent.

"We're not desperate to the point that we would endanger the health and safety of our people," said Commissioner Albert Turner Jr., who supports the landfill project. "But we are desperate enough to know we should take a golden opportunity when we see one."

A local farmer, Robert Bamberg, accused his elected officials of selling out the county for short-term lucre.

"Where is it written that Perry County or Alabama in general is fair game for other states to dispose of their unmentionables?" Bamberg said.

The coal ash waste contains toxic elements like arsenic and lead, but not in high enough concentrations to pose a health hazard, according to U.S. EPA (Jay Reeves, AP/*San Francisco Chronicle*, July 17). **-- PV**

MINING

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Navajos mark 30th anniversary of uranium spill (*Associated Press*)

This story also appeared: *Forbes*

By SUE MAJOR HOLMES , 07.17.09, 08:43 AM EDT
CHURCH ROCK, N.M. -- The leader of the Navajo Nation marked the 30th anniversary of a massive uranium tailings spill by reaffirming the tribe's ban on future uranium mining.
Speaking in Navajo and English, President Joe Shirley Jr. addressed about 100 people who made a seven-mile walk Thursday to the site of the July 16, 1979 spill and to the land of Navajo ranchers who live near another contaminated site.

What Shirley called "the largest peacetime accidental release of radioactive contaminated materials in the history of the United States" occurred when 94 million gallons of acidic water poured into the north fork of the Rio Puerco after an earthen uranium tailings dam failed.

Within days, contaminated tailings liquid was found 50 miles downstream in Arizona.

Shirley said the spill - the same year as the Three Mile Island accident in Pennsylvania - barely registered on the consciousness of the United States but will not be forgotten by the by Navajo and non-Navajo residents "who still worry today about the potential impacts of this tragic accident."

It also helped mobilize the effort that resulted in the Navajo Nation's 2005 ban on uranium mining and processing until adverse economic, environmental and human health effects from past uranium activities are eliminated or substantially reduced to the satisfaction of the Navajo Nation Council, Shirley said.

"We will stand our ground until the terms of the Dine (Navajo) Natural Resources Protection Act are met," he said.

Substantial progress has been made in cleaning up one site, the Northeast Church Rock mine, Shirley said.

But, he said, the U.S. Environmental Protection Agency wants to move the bulk of that contaminated material to a nearby Superfund site at a former United Nuclear Corp. mine. That, the Navajo president said, would not be considered a final solution by the Navajo tribe.

Shirley proclaimed July 16 as Uranium Legacy and Action Day, commemorating the 30th anniversary of the Church Rock spill and 60 years of uranium mining impacts.

"The American people need to be educated and reminded about the disproportionate sacrifices made by Navajos so the United States of America could win the Cold War," he said.

Back at the Church Rock chapter house after the formal ceremonies, area Navajos talked about problems they blame on the spill. They talked about fathers, mothers, uncles, aunts and friends who died of kidney disease or cancer. They also talked about sick livestock and sheep found to have yellow intestines when butchered.

The community's concerns have been heighten by renewed interest in the last couple of years in uranium mining.

New Mexico was a leading producer of uranium from the 1950s into the 1980s, when the price of uranium plummeted and mines and mills closed. The era's legacy remains in hundreds of abandoned uranium mines in New Mexico and the Navajo Nation.

Uranium mined from the 1940s into the 1970s went to the nation's defense, and many say that history obligates the federal government to help reclaim areas the mines damaged.

There have been no significant water quality studies of the Rio Puerco since the late 1980s or early 1990s, said Chris Shuey of the Southwest Research and Information Center, an Albuquerque-based environmental organization.

Studies have shown high radioactivity in runoff and flood waters, but "whether that can be traced to mining has not been determined," he said.

Impacts downstream are less certain, he said.

Studies earlier this decade under the auspices of the Southwest Research and Information Center, the Church Rock Navajo Chapter and others found high

concentrations of uranium in soils around mine sites but only background conditions - what's considered normal radiation levels _away from those areas, Shuey said.

An ongoing federally funded health study with the University of New Mexico's Community Environmental Health Program, Crownpoint's Indian Health Service hospital and Southwest Research is looking into health impacts of living near a mining district.

Shuey said decades of mining activity in the Church Rock area "contributed more radioactivity than the spill did," adding to the difficulty of tracking the effects of uranium mining and milling and discharges over a long period of time.

SUPERFUND

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Need to contain waste? In Mo., just pile more on (*Associated Press*)

By JIM SALTER (AP

LEADWOOD, Mo. — The folks in this aptly named southern Missouri town know full well they're living amid giant piles of what amounts to hazardous waste. To them, that doesn't make the logic of trucking in tons of lead-contaminated soil from a neighboring county to cover it up sound any less ridiculous.

"They don't want it, and we don't want it, either," said resident Lee Butcher, 50, at a recent public hearing. "The idea that you're moving it out of Jefferson County and bringing it here doesn't make sense."

But to the Environmental Protection Agency, struggling with the long-standing problem of lead contamination in the slice of southeast Missouri known as the Old Lead Belt, it makes perfect sense: Contain a century's worth of mining waste by burying it under 300,000 tons of lead-laced soil from a nearby county.

"What we're trying to do is consolidate the waste," said EPA Superfund project manager Jim Silver. "Right now, this lead is all over everywhere."

The basic idea isn't unheard of. Lead-contaminated soil has been spread over piles of "tailings" — sandy material left over from the mining — in Oklahoma, Kansas and at four other sites in the Old Lead Belt. The soil fosters the growth of grass, which locks the waste in place and keeps the tailings from blowing into a gritty fog on windy days and ending up in yards of neighboring homes and schools, and from washing into streams and rivers during rain showers.

At a 53-acre site in Leadwood, a town of 1,200 residents, the EPA five years ago tried to grow grass on a flat area of tailings by allowing the spraying of biosolids from a wastewater treatment plant. Remediation manager Jason Gunter said that although only treated waste is permitted at the site, he's found evidence of dumped raw sewage. The result: little grass and a powerful, septic stench.

So the agency decided to cover the tailings with lead-contaminated soil. But typically, such hazardous soil comes from the same area. In Leadwood, the EPA plans to truck it in from nearby Jefferson County.

That's not a mining area, but high levels of lead were found there in one yard after another several years ago. It turns out that companies selling topsoil there were getting dirt from along the Big River, which winds through the Old Lead Belt. Lead contamination had made its way into the river and the soil surrounding it.

"We found about 50 different trucking companies, or at least guys with dump trucks, that had been selling it to residents (in Jefferson County), not knowing it was contaminated with lead," Silver said.

Residents in Leadwood see the solution as worse than the original problem. They're both angered by the idea of the government dumping more lead-contaminated waste near their homes, and worried that once the first batch of Jefferson County contamination arrives, more will follow.

"They're going to bring in more dirt that's poisoned and bring it down here, and we don't want it," said Dan Rohrbach, 55, who lives near the Leadwood pile. "Why are we being treated like second-class citizens?"

Much of the lead used in batteries, building construction, bullets, even radiation shields for X-ray machines came from the Old Lead Belt, a small area about 70 miles southwest of St. Louis. At its peak in mid-20th century, the St. Joe Lead Co. employed 5,000 people in the region before the mines dried up and the industry moved on to another lead vein further south.

The mines are long empty, but the legacy of the region's heyday remains in piles of tailings — some of which are 30 stories tall, looming over communities such as Leadwood, Leadington and Park Hills like giant sand dunes. In other places, the tailings lay flat and can cover hundreds of acres.

They've been part of the local landscape for years. Children sledded down the sides of the piles and Christmas trees were placed on top during the winter holidays. The tailings were spread on icy streets, put in gardens and sandboxes. Ignored or unknown were the risks — tailings contain 1,500 to 2,000 parts lead per million, far above levels deemed safe. In children, high blood lead levels can stunt growth, lower IQ and cause developmental delays.

There is far too much to remove or bury, although past remediation efforts have had some success. A 1997 state Health Department study found 17 percent of children under age 7 in the Old Lead Belt had blood-lead concentrations exceeding national standards. By 2002, the latest year for which a comparison is available, the number declined to 9 percent.

Gunter said he understands the frustration of Leadwood residents, but said the EPA's plan is a fix for a problem that has plagued their town for decades.

"I understand they feel like they're being dumped on," Gunter said. "They feel that way, but this is actually a benefit to this community."

July 19, 2009

EPA seeks comment on cleanup of Logan site (*Cherry Hill Courier Post*)

Cherry Hill,NJ
By LAVINIA DeCASTRO
Courier-Post Staff
The U.S. Environmental Protection Agency will hold a meeting to solicit public comment for the planned cleanup of portions of the Chemical Leaman Tank Lines Superfund Site. The meeting will be held at 7 p.m. on Monday in the Logan Township Municipal Building on Main Street.
Contaminants are present in the soil and groundwater in portions of the 38.5-acre site, which is zoned light industrial and bordered by the Conrail line, the Cedar Swamp, Moss Branch Creek and Pierson Materials Inc.

The contaminants come from the washing of tanker trucks, which started at the site in 1961, according to the EPA.

The wastewater from the truck washing was once collected in various aeration lagoons before being discharged in the Cedar Swamp and the Moss Branch Creek. The lagoons are no longer in use, but the contaminants remain in the soil and groundwater.

Monday night's meeting will focus on the cleanup of a 13-acre portion of the Superfund site.

In June, the EPA completed a feasibility study of the area in order to develop a cleanup strategy. Elevated levels of dichloroethene, trichloroethene, tetrachloroethene, naphthalene and arsenic -- remnants of the chemicals the tanker trucks carried -- were found in that portion of the site, EPA records show.

During Monday's meeting, EPA officials are expected to discuss various cleanup scenarios that could cost between $3.9 million to $10.9 million, EPA officials said. Most

of that cost will be absorbed by Chemical Leaman, The company responsible for the pollution, EPA Community Outreach Coordinator Natalie Loney said.

Under the different scenarios, it could take between two and five years to clean up the soil at the site and up to 30 years to clean the groundwater, EPA documents show.

These contaminants do not pose a health threat to nearby residents, whose homes are connected to the public water supply, but are contributing to contamination of the groundwater and wetlands, according to the EPA.

The EPA first identified contaminants at the site after the New Jersey Department of Environmental Protection inspected the site in 1972 and found an oil slick present at the aeration lagoons.

In 1977, the facility stopped using the wastewater lagoons. Remaining wastewater was removed from the lagoons, but not the contaminated soil beneath them, before they were backfilled with clean fill and construction debris.

In 1980 and 1981, the DEP found contaminants in the groundwater, neighboring private wells, soil and wetland areas surrounding the site.

The site was first placed in the National Priorities List of Superfund Sites in 1984 and carbon treatment units were subsequently placed in four homes with contaminated drinking water. These homes were later connected to a permanent water line in 1987. Three additional homes threatened by the groundwater contamination were connected to the municipal water line in 1993 and 1995.

Cleanup plans and a history of cleanup efforts at the site are available online.

The EPA will continue to accept written comments on its proposed cleanup plan until Aug. 5.

A decision on which cleanup plan the EPA will adopt is expected around September.

Cleanup work can take a year or more to begin, Loney said.

"Each site is different," Loney said. "There are many steps that go into the cleanup of a Superfund site. There are several steps that must be taken and there is no way to circumvent them. It's a bit time-consuming, but that's the nature of remediating these sites."

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TOXICS

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Panel opts against BPA warnings (*Los Angeles Times*)

July 18, 2009 Saturday
Home Edition
MAIN NEWS; Metro Desk; Part A; Pg. 8
Panel opts against BPA warnings ;
The state EPA's reproductive toxicant committee says it doesn't have enough evidence to act.
By: Amy Littlefield
A state panel will not require warning labels on metal cans, plastic bottles and other products that contain bisphenol A, despite more than 200 studies that have linked the chemical to cancer and reproductive problems.

Wednesday's unanimous decision may speak to the limitations of the state Environmental Protection Agency's Developmental and Reproductive Toxicant Identification Committee. Dorothy Burk, chairwoman of the committee, acknowledged its reach is limited.

"By law we can only look at prenatal exposure, so that's why we struggle so long," she said. "We may be thinking there is something here but we just don't have enough evidence to say it clearly causes this."

Critics note the panel also failed to identify secondhand smoke as a reproductive toxin until 2006, and has voted to warn the public against only one chemical in the last three years.

"This isn't exactly a committee that's on the cutting edge of public health decisions in California," said Gretchen Lee Salter, policy manager at the Breast Cancer Fund.

The seven-member panel of scientists and physicians provide one venue through which products are required to display a warning label as part of Proposition 65.

Under the proposition, which was approved by voters in 1986, chemicals can be added to the state's list of substances known to cause cancer and reproductive toxicity if an "authoritative body" establishes such a link.

Following the panel's decision, the Natural Resources Defense Council presented a petition demanding that BPA be listed because a study by the National Toxicology Program -- a state-recognized authoritative body -- had found "some concern" about the chemical's impact on the brains, behaviors, and prostate glands of fetuses, infants and children.

Meanwhile, some retailers have pulled products containing the chemical and many

consumers have stopped buying plastic baby bottles.

The state Senate voted in June to ban BPA in food and drink containers for children under the age of 3.

The Assembly is expected to vote on the ban later this summer.

Although the panel may not have found the scientific evidence strong enough to warn the public, the panel's chairwoman said she abides by the "precautionary principle."

"I think if I had a baby I probably would try to use glass," Burk said.

amy.littlefield@latimes.com

WATER
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EPA: Re-evaluate Kensington mine alternatives (*Juneau Empire*)

Call for re-evaluation 'really unbelievable,' Coeur spokesman says
Friday, July 17, 2009
By Kate Golden | JUNEAU EMPIRE
Alaska
Coeur Alaska Inc. has asked the U.S. Corps of Engineers to hurry and reissue its permit for the Kensington mine's waste disposal, but the U.S. Environmental Protection Agency wants the Corps to slow down and take another look at an option Coeur abandoned last year.

Construction at the mine has been on hold since 2006.

"While we appreciate that this will not allow work to resume this summer, we believe that in the long run everyone will be better off if we follow our regulations and go through the prescribed processes," wrote Michael Gearheard, EPA's acting deputy regional administrator for Region 10, which includes Alaska, in a July 14 letter to the Corps.

Gearheard said Thursday his letter was vetted at higher levels before the regional office sent it.

"It's been a conversation nationally within the agency for several days," he said.

Coeur: Delays could cost millions

EPA estimated a reevaluation would take eight months, including a new public comment period, and said it would work quickly with the Corps "to complete the permitting process for the (paste tailings facility)."

In a June court filing, Coeur estimated that delays on its Kensington permit could cost the company millions of dollars.

EPA's letter is "really unbelievable," said Tony Ebersole, spokesman for parent company Coeur d'Alene Mines Corp.

"We can only think that this action does not reflect the official view of the National EPA or the Obama Administration, given that it would prevent the creation of 300 Alaska Native and union affiliated jobs and millions of dollars of economic stimulus to the Southeast economy - all under a Supreme Court-validated plan," he wrote in an e-mail.

Ebersole wrote that it had taken nine years and multiple public comment periods to get the Slate Lake permit, and federal and state agencies all supported it.

EPA revives paste tailings plan

Where to put Kensington's tailings, the ground-up waste rock left after metals are removed from ore, has long been the main controversy over the Juneau-area gold mine.

Coeur wants to put them in Lower Slate Lake, which feeds Berners Bay, and treat the water coming out. Though the Corps of Engineers issued a permit in 2005, the mine has been on hold since 2006, because environmentalists sued to keep the tailings out of the lake.

They lost. On June 22, the U.S. Supreme Court said the Corps had been right to issue a permit for the Lower Slate Lake tailings plan. The justices in the 6-3 majority called the Lower Slate Lake plan the environmentally preferred option for the mine, citing the Corps of Engineers' analysis.

That's important because federal environmental law requires the Corps to choose the least damaging alternative that's practical when issuing construction permits.

The EPA doesn't quibble with the court's decision or the Corps' past analysis. Rather, it says "new information" has come to light since the last time the Corps looked at the mine's tailings disposal options, and it says the Corps is legally obligated to analyze it.

And Gearheard's letter said EPA believes an upland option, the paste tailings facility, may be the least damaging alternative in light of that new information.

It's a plan - preferred by the environmentalists who sued - in which Coeur would squeeze water out of the tailings and store the resulting paste in the wetlands above Comet Beach, which lines Lynn Canal.

After the Lower Slate Lake plan was halted, Coeur applied for a permit to build the paste tailings facility. But the company abruptly canceled its application in fall 2008, shortly before agencies expected to issue it, and instead focused on its Supreme Court bid to reinstate the Slate Lake plan.

In the past, the mine company has said a paste tailings option would be more expensive than the Slate Lake plan.

EPA: Why paste may be better

EPA included two bits of new information since the Corps' 2005 analysis.

First, the mill Coeur actually built at the site has a smaller capacity than the one the Corps of Engineers was considering when it issued the permit. It would produce less tailings, and storage of them would take up less space.

Second, state environmental regulators flying over Kensington last year found acid rock drainage near Lower Slate Lake. In the last analysis, the Corps had no evidence of the sulfide-bearing ores that occur naturally but can trigger the need for extra environmental protection. Acidic water leaches metals from rock that are toxic to fish and wildlife.

The Alaska Department of Environmental Conservation issued Coeur a notice of violation for the acid mine drainage and worked with the company on a plan to clean it up. The drainage is currently under control.

"If it turns out there is AMD (acid mine drainage), that would suggest the company would have to treat that AMD for a long time," said Gearheard.

"That issue is classically a very big issue at hard rock mines around the country," he said. "It's one of the reasons that EPA winds up doing that kind of treatment under its Superfund program around the country."

Does EPA's letter have teeth?

The Clean Water Act says EPA can veto Corps of Engineers permits like this one.

"We are not invoking that lever with this action," Gearheard said. "We are calling the facts as we see them to the Corps' attention with this letter, and that's really all we are doing."

Spokeswoman Pat Richardson for the Alaska District of the Corps of Engineers said the agency received the EPA letter and plans to respond, but could not say when. The agency is not bound by any deadlines, though the mine company has asked for expedited review.

Mark Rorick, executive director of the Juneau Group of the Sierra Club, one of the three groups that sued over the tailings plan, said he wasn't quite celebrating, but he was surprised and pleased at the tack EPA took.

"After the Supreme Court decision, a lot of us were very unhappy - sticking our heads in the sand, and wanting to sleep through the whole thing. But we also knew that … if we lost, that this would trigger reactions. That it's not over until it's over. And obviously, it is not over yet."

• Contact reporter Kate Golden at 523-2276 or kate.golden@juneauempire.com.

Oil spill will cause no problems on river (*Port Clinton News Herald*)

BY CATHARINE HADLEY
Staff writer
July 17, 2009
BENTON TOWNSHIP -- The February oil spill near Cygnet will not cause problems for the Portage River, according to an Environmental Protection Agency official.
During Thursday's meeting of the Portage River Basin Council at the Ottawa National Wildlife Refuge, Tricia Edwards of the EPA gave an update on cleanup efforts.
On Feb. 19, more than 32,000 gallons of crude oil spilled into the Middle Branch of the Portage River.
Edwards told members of the council a 22-inch pipe had a 1/16-inch break at a fitting. "This pipeline is very old," she said. Crude oil spilled onto two fields. "The surface was all black oil, one inch to three inches deep," she said.

Clean-up crews found old field tile, which transported the oil to a nearby creek, a tributary of the Portage River.

Oil was found as far as 15.7 miles downriver, Edwards said. Workers used booms, skimmers and underflow dams to catch the oil. Later some banks were washed while others were burned with propane torches to get rid of the crude. "It was quite effective, but you had to be very diligent in doing so," she said. "They really had to keep it on there for a long time, which really slowed the operation."

While burning oil on the ground is possible, Edwards said using the same process on the water involves so many levels of bureaucracy it is very difficult. "Open burning on the water, it's just not going to happen."

An outside consultant was hired to determine the effect on wildlife. "The area that was impacted didn't really have much wildlife," Edwards said. "There's not a lot of trees. There's not a lot of coverage in those areas."

Some rocky areas might still contain oil. "We might continue to get a little bit of sheen out of that," the official said.

The area's high rainfall might have helped. "It really has flushed it out," Edwards said.

While crews continue to work on the fields where the spill occurred, some protective equipment is left in place on the waterways in case something goes wrong, according to Edwards. Groundwater assessments are also being conducted in the direct area.

Catching up: Is fluoride back in water in Poynette? (*Wisconsin State Journal*)

By PATRICIA SIMMS
608-252-6492
July 19, 2009
After a very public and feisty debate last spring and a handful of new village trustees, fluoride quietly returned to Poynette's water supply on July 9.

The new village administrator, Dan Guild, said the equipment has been available — it was just a matter of integrating the chemicals. Last July, the Poynette Village Board voted to stop adding fluoride — long considered an antidote to tooth decay — to the public water supply.

Steve Tomlinson, the village president, argued the equipment the village had was old and unreliable, and the state doesn't require fluoride in drinking water.

In addition, then-village trustee Kevin Marquardt, chairman of the Public Works Committee, said fluoride is poison — Marquardt has since resigned from the board.

It took about three months before a new village trustee, Andy Ross, learned what the board had done and asked members to reconsider.

In January, a public hearing caused a stir for a village where most board meetings don't draw crowds.

With dental hygienists and others pushing hard to get fluoride flowing back into the village's water, the board approved a non-binding referendum April 7 to test public opinion.

Residents voted by a more than 2-to-1 margin Tuesday to restore fluoride to their water. Fluoride occurs naturally in combination with other minerals in soil and rocks.

Small amounts are present naturally in almost all water sources.

The U.S. Environmental Protection Agency has established drinking water standards for fluoride.

The agency does not consider short-term exposure to water containing 3 to 4 parts per million of fluoride to be harmful to human health, but acute toxicity can occur at a level of 30 ppm or more.

Mexican federal police identify a different set of suspects than those in Mexico City's case (*Los Angeles Times*)

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Officials say they have solved a killing -- again;
Mexican federal police identify a different set of suspects than those in Mexico City's case.
By Ken Ellingwood
MEXICO CITY
Mexican federal police said Friday that they had cracked the country's most publicized crime of the last year: the kidnapping and killing of 14-year-old Fernando Marti.

Authorities paraded two suspects they said had confessed to having roles in the abduction, which ignited huge anti-crime marches throughout Mexico after the boy's bullet-riddled body was found Aug. 1 in the trunk of a stolen Chevy. Officials linked the suspects to the kidnappings of 23 people and showed pictures of the grimy Mexico City safe houses where the gang allegedly held its captives.

But wait.

A separate band of alleged kidnappers is already in custody in the case, arrested last year by Mexico City police and likewise paraded by city authorities with a note of triumph. With the newest arrests, law enforcement officials appeared to have solved the Marti case -- again.

In a nation where residents have little confidence in police, the latest wrinkle in the high-profile mystery could represent an investigative breakthrough. Or it might turn out to be another embarrassing blow to the image of law enforcement.

Anti-crime activists asked Mexico City officials for clarification. Citizens were left to figure out whether anyone involved in the case got it right.

Fernando Marti, the son of the founders of a major sporting goods chain, was killed even after his parents paid millions of dollars in ransom.

Alejandro Marti, who has become an unofficial spokesman for millions of Mexicans fed up with kidnapping and other crime, said he did not want his son's case to become politicized and urged the two sides to work together.

The competing accounts appear hard to reconcile. Federal police said their two suspects, arrested Thursday in Mexico City, belonged to the so-called Petriciolet gang, whose alleged leader, Abel Silva Petriciolet, is at large. Last summer, Mexico City officials identified a separate gang, La Flor, as being responsible.

Authorities said the Petriciolet gang has kidnapped 23 people in and around Mexico in the last six years, capturing its victims by setting up fake police checkpoints.

The kidnappers targeted businessmen or their children and typically killed by drugging the victims' food and suffocating them, then dumped the bodies in stolen vehicles, police said. Officials said the group was responsible for Fernando's death and at least seven others, including those of a driver, a bodyguard and a 16-year-old boy, Antonio Equihua.

"This criminal organization is considered one of the most violent," the federal public safety ministry said.

Noe Robles Hernandez, 31, confessed to killing Fernando, federal police said, while 34-year-old Jose Montiel Cardozo allegedly watched over captives.

Federal officials said Fernando's driver, who was kidnapped with the boy but survived, recognized an alleged safe house. Police freed two people there Thursday after someone reported a separate kidnapping. Federal officials distributed photos of two alleged safe houses with bare rooms and paper taped over the windows.

Mexico City's prosecutor, Miguel Mancera, praised the arrests by his federal colleagues, but said his case against his own set of suspects was solid.

"It's not a whim of the authorities to have taken these people to trial, but rather the testimony of victims who were kidnapped," Mancera said in a radio interview.

He said that among his witnesses was one of Alejandro Marti's bodyguards.

Local authorities claimed a breakthrough in the case last fall, when they announced arrests of seven members of the La Flor kidnapping gang.

The leader, they said, was Sergio Ortiz, a former police agent who allegedly prowled high-end gyms and private clubs for well-heeled targets. A second alleged member, Lorena Gonzalez, was a federal agent.

On Friday, Mancera seemed to look for room for both sides to come out right. He said

he wanted to question the federal suspects for possible leads in his own case, which ties La Flor to the kidnapping but does not pinpoint a killer.

He suggested the two cases might be related, though he said he had never heard of the Petriciolet gang.

Robles, the main federal suspect, said in his videotaped confession that the alleged members of La Flor who were shown on television had nothing to do with Fernando's kidnapping.

"There are cells that are very big," Mancera said. "The important part obviously [is] that there is a solid sentence and that they pay for what they have done."

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Officials fish for solution for Trinity River, poisoned with PCBs (*Dallas Morning News*)

12:10 PM CDT on Sunday, July 19, 2009
By RANDY LEE LOFTIS / The Dallas Morning News
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An abandoned river runs through the city.
G.J. McCARTHY/DMN
There was no crowd for Gerardo Leyba of Irving to contend with as he dipped into the Trinity River near the Sylvan Avenue overpass.
Because it is abandoned – because you can stand on the levee at Westmoreland Avenue or Hampton Boulevard for an hour and see no one teaching a child to fish, no one floating on an inner tube on a summer afternoon, no one just sitting and thinking – people do not think much about what reaches the river with each rain.

Storms over factories, warehouses and truck terminals wash old industrial poisons into ditches and sad ponds dug beside the levee. When the rain is heavy, workers turn on big pumps and flush the water, chemicals and all, into the river.

During years of rain, pump and flush, the poison has settled bit by bit onto the river's bottom. Creatures that live in the depths take it in as they feed and breathe, and some of them in turn become food for bigger creatures. Through a cruel mathematics of altered nature, the poison builds up in each successive predator.

In time, the biggest fish in the river held so much poison that it became dangerous for people to eat them. So people stayed away, and over time, it no longer mattered which came first – the toxic fish or the abandoned river.

The poison has lingered across generations of fish and people and has become a part of the river's routine, the way an old tire snagged on a submerged tree eventually forms a hump of mud and new grass.

Experts have measured the amounts of poison in the soil, water and fish. They have marked the results on maps. They have written reports. They have identified, chronicled and documented the poisoning of the river as if to record the dispassionate data of a slow disease. They detailed every important thing.

Except one: They have said little about what people might do to clean up the poison, make the fish healthy and speed up the healing of the Trinity River. They have left that out because they don't know.

Miracle gone bad

Polychlorinated biphenyls were a miracle of 20th-century science. One chemist was said to have proclaimed them perfect.

Put PCBs in electrical equipment, and they will absorb the heat and keep them from catching fire. Put them in paint, and they'll make it pliant and flexible. Put them in caulk, and the seal will keep out water and wind.

Industries did all those and more. Chemists first described the compounds in 1881. Within a few years, PCBs were in hundreds of products.

Problems appeared almost as quickly. By the late 1920s, doctors knew that PCBs caused the skin disfigurement chloracne. Industrial workers' cases and animal studies found liver damage. Lab animals got cancer of the liver and thyroid.

The U.S. Department of Health and Human Services says PCBs can reasonably be anticipated to cause cancer in people. The Environmental Protection Agency and the International Agency for Research in Cancer go a bit further, saying PCBs probably do so. The EPA adds that the types of PCBs that bind to sediment and build up in fish are also the most carcinogenic.

Voluntary steps by makers of PCBs, chiefly Monsanto, during the 1960s and '70s fell short, so in 1976, Congress passed the Toxic Substances Control Act, which empowered the EPA administrator to ban substances that pose "an unreasonable risk of injury to health or the environment."

The law singled out PCBs for special attention: It banned all manufacturing or new uses of the miracle compounds after 1977.

So if an electrical transformer on a utility pole needed replacing after that time, the new one would be PCB-free. However, if existing equipment kept the compounds sealed inside, it could stay on the job.

That provision – and the fact that PCBs can stick around in the environment for 70 years, chemically fighting off just about any attempt by nature to break them down and render them safe – meant that the Trinity River's fish would remain risky for people to eat for decades.

Companies occasionally get in trouble with the EPA for deliberately or negligently mishandling PCBs, but even in a spill, enforcement is the exception. If a spill is cleaned up properly, the agency assumes that no violation occurred, said Lou Roberts of the EPA's Dallas regional office.

Spills do occur. The National Response Center is a federal reporting system for chemical spills, and it's run by the Coast Guard. Incident reports are public records.

Since reporting began in 1990, the center has received 39 reports of spills involving known or suspected PCBs in Dallas, Collin, Denton and Tarrant counties; three occurred in the past year. An additional 45 reports on spills involving the kinds of equipment that can contain PCBs do not contain enough information to determine whether PCBs were involved.

Most reports concerned electrical equipment belonging to power companies, mostly Oncor, the electricity distribution company in North Texas, or its corporate predecessors. Ten spills were blamed on equipment failure; others on fires, storms, vandalism, collisions or other routine mishaps. Equipment has been punctured during building demolition and has fallen off the backs of trucks.

Oncor spokeswoman Carol Peters said fewer than 8 percent of the company's transformers in service still have PCBs. The number continues to drop, she said.

Typically in a spill, the clear mineral oil containing the PCBs leaks onto the ground, meaning cleanup workers can scoop up the dirt. However, reports say that 10 times since 1990, and as recently as 21 months ago, the PCBs reached water – a stream, ditch or storm drain.

All the streams, ditches and drains in the four counties eventually lead to the Trinity River.

No clear path

PCBs don't like water so much, all but refusing to dissolve and drift by themselves. But they love dirt, grabbing onto bits of sediment, clinging through the decades with all their considerable chemical might. They settle on the bottom.

That's not to say they can't move. Scientists found PCBs in the Hudson River 100 miles downstream of their source, a General Electric factory in upstate New York.

PCBs in the Trinity might have moved as far. They've been found in worrisome amounts on about 150 miles of the river's course through North Texas, from Fort Worth's Seventh Street bridge to near Cedar Creek Reservoir along the Navarro-Henderson county line.

The highest sediment concentrations are at the urban sumps, the points where drainage collects for pumping. An ongoing state study found the worst number, 266 parts per billion, at a Dallas sump that drains industrial land and downtown.

Levels found in Hudson River sediments, by comparison, are about 10 times higher.

It's not the amount in the sediments, however, that causes the concern. And PCBs shouldn't affect plans for recreational development such as Dallas' Trinity River project, Texas Commission on Environmental Quality officials say.

Instead, the trouble for the Trinity is how the river's mechanics and biology manage to transfer contamination into the fish.

Trinity River fish sampled in 2000 had levels about four times the amount that would trigger a long-term health concern for people eating the fish. Results of new sampling should be ready within a few months, state health department spokesman Doug McBride said.

Experts say they won't be surprised if the new figures show some progress, but not nearly enough to warrant lifting the ban on fishing the Trinity.

All the data hasn't helped answer a basic question: What can be done?

In 2001, an expert panel of the National Research Council addressed the problem of what to do about PCBs. Among the 428-page report's conclusions: PCBs pose a real health risk to people and wildlife; and every contaminated site is different. There's no standard, ready answer except to try to limit public exposures.

In New York state, GE started dredging the Hudson in May under an EPA order to remove the PCBs the company dumped into the river for 30 years. The EPA estimates the cost at $750 million.

The dried, compacted mud is going by train to a disposal facility in Andrews County, Texas.

In Donna, Texas, on the Mexican border, Donna Reservoir's fish have such high levels that the EPA has crews removing fish so people won't eat them. Workers zap the water with electric shocks and scoop up the stunned fish for disposal. Eventually, the EPA says, young fish put in the lake as replacements will become contaminated, too, and will have to be removed.

No one has found the PCBs' source, said EPA spokesman David Bary. There's not yet a long-term plan for the site.

In North Texas, nothing like dredging the Trinity or killing all of its fish is in the works or even foreseeable. Small barriers could be erected to block the movement of contaminated sediment, but that would require finding the hotspots that studies suggest are still sending PCBs toward the river. There are no plans to do that.

That leaves "natural attenuation," the technical term for just waiting for nature to fix the problem. In the case of PCBs, seven decades might have to pass before the fish are safe to eat – before the most basic interaction between people and a river is restored.

When all the information from the latest study is in, North Texans can then decide what to do to heal their river, said Ron Stein, a water quality team leader with the Texas Commission on Environmental Quality. But specific suggestions may be scarce, he said.

"There really isn't a very clear path yet in front of us."

THE BASICS ON PCBS

What are they?

A group of compounds with two to 10 chlorine atoms (thus the "polychlorinated") attached to a biphenyl molecule. Biphenyl is a hydrocarbon, or a molecule with only carbon and hydrogen. There are 209 different PCB compounds, or congeners.

Used in U.S. manufacturing from the late 1920s to 1977. Once placed in electrical equipment, paint, caulk, carbonless copy paper, lubricants and hundreds of other products. Used as a heat absorber, insulator and plasticizer (adding pliability).

What happened?

Congress banned new manufacturing or uses of PCBs after 1977. The law allowed existing uses to continue. Use has declined since then, but much equipment with PCBs remains in service.

The Environmental Protection Agency required registration of PCB-containing equipment in 1998, but the database is out of date. The agency is considering updating it to reflect the reduction in remaining uses.

The EPA also has rules governing the labeling and handling of equipment and response to spills.

Why the concern?

PCBs can cause a severe skin disfigurement called chloracne. The liver is especially a target. PCBs can damage the immune, reproductive, nervous and endocrine systems. Many experts and health agencies say PCBs probably cause cancer in people.

PCBs persist in the environment, sometimes for 70 years or longer, and build up in the fat tissues of fish, wildlife and people. Eating contaminated fish or shellfish is the main way people can be exposed.

Randy Lee Loftis joined *The News* as its environmental writer in 1989. In 30 years as a journalist, he has won numerous national awards, including the Edward J. Meeman Award for environmental reporting and the Worth Bingham Prize for investigative reporting.

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