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

Monday, February 18, 2013

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

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ADMINISTRATOR JACKSON

DRINKING WATER:

Indian tribes to receive $90M for safe H20 (*Greenwire*)

(07/10/2009)
U.S. EPA Administrator Lisa Jackson announced yesterday that $90 million in stimulus funding will be directed toward improving water quality in American Indian and Alaska Native communities.
The funds are intended to help protect public health, eliminate unsafe drinking water conditions and create jobs through 95 wastewater and 64 drinking water projects, Jackson said.
While less than 1 percent of non-Native American homes lack access to clean drinking water, almost 10 percent of tribal communities are without safe water.
The Navajo Nation, the largest Indian reservation in the country, will receive $13.3 million for 4,577 homes. Meanwhile, Alaskan communities will see almost $28 million (Felicia Fonseca, Associated Press, July 9). -- JK

EDITORIALS/ OP-ED/ COMMENTARY / LETTERS

AIR

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Iowa law hinders clean air reforms (*DesMoines Register*)

By CHASE DAVIS
cdavis@dmreg.com
July 10, 2009
Iowa environmental policymakers say a little-known state law prohibits them from enacting stricter air quality requirements than those passed by the federal government.

Several current and former members of the Iowa Environmental Protection Commission, which sets state environmental policy, say the state would have trouble limiting mercury and other toxic chemical emissions without fretting about legal challenges because of the law.

As a result, Iowa cannot easily follow the lead of several neighboring states, including Wisconsin and Illinois, which have passed laws calling for dramatic reductions in mercury and other toxic emissions in the coming years.

"It's almost like, why even go through the commission?" EPC Commissioner Susan Heathcote said. "This is almost a waste of our time ... when we don't have the authority as a state to do anything but what the (U.S. Environmental Protection Agency) requires."

A Des Moines Register investigation published last month showed parts of the state are close to violating federal air quality standards designed to safeguard human health.

EPC members said they have wanted to pass stronger requirements than federal standards. But even if the EPC had the legal authority to do so, the move would likely stir an intense legislative fight that is unlikely to succeed, some current and former legislators say.

"It's a big issue that would be difficult to move forward," said state Rep. Donovan Olson, a Boone Democrat who headed the House Environmental Protection Committee last session. "Industry groups would definitely be opposed to it."

Henry Marquard, former chairman of the commission, said the EPC felt handcuffed when it considered passing some standards that could have been considered stronger than the EPA's - including caps on greenhouse gases and regulations on ethanol producers.

"The stance that some took was ... why do something that could possibly provoke a court challenge?" said Marquard, a Muscatine attorney whose term on the commission ended in April.

Commissioners have recommended for years, most recently in January, that the Iowa Legislature modify state law to give the EPC more flexibility, but Marquard and others said no lawmaker has carried a bill that would have done so.

In 2002, the National Association of Clean Air Agencies found that 26 states were precluded by either law or policy from passing air quality regulations tighter than the federal government's.

No such survey has been conducted since, but association Executive Director Bill Becker said he believes a similar proportion of states still face restrictions.

Many of the laws were put in place during the 1970s, when the federal government first began to pass sweeping air quality reforms, including early versions of the Clean Air Act.

Iowa's appears to have been added in 1980, according to researchers at the State Library of Iowa. It was sponsored by former Sens. Elizabeth Miller and Norman Goodwin, both Republicans, and Democratic

Sen. Berl Priebe - the chairwoman, vice chairman and ranking member of the Senate Standing Committee on Natural Resources.

Becker said industry lobbyists have suppressed efforts to change the provisions, both at the state and federal levels.

"They play good cop, bad cop with the U.S. Capitol and state capitols," Becker said. "They tell Congress that emissions decisions should be left up to states, but they tell states that such decisions, if they were really that serious, would have been passed down from Congress."

Some states have passed tighter standards despite the restrictions, often by relying on legal exemptions that Iowa does not have.

Last year, Wisconsin passed regulations that will require the state's coal-fired power plants to cut their mercury emissions by 90 percent no later than 2021.

Wisconsin law, too, generally prohibits passing air regulations stronger than federal standards. But it allows for an exception if state officials can prove that a proposed regulation protects human health.

Darrell Hanson, a former state representative and EPC chairman, was part of a small group of lawmakers who tried to repeal the anti-stringency law in the early 1990s. The effort failed, he said, because it was attached to a bill so sweeping that industrial interests across the state quickly rallied to oppose it.

"It might as well have been called the 'Let's Scare Industry to Death Bill,' " said Hanson, now a member of the Iowa Utilities Board. "Before we even got a chance to test the (anti-stringency repeal), we found out the floor manager of the bill had bargained it away."

Even if it were brought up again, Hanson said such a measure would face strong opposition from business and industry leaders - and for good reason. Given the freedom, a state could pass uncommonly strict regulations that could drive away business development and cost jobs, he said.

Still, he said, "I think that's an issue for the states to decide."

Tugowners turn to shore power to cut costs and emissions (*Maritime Journal*)

10 Jul 2009
Many tug companies around the world are turning to ‘shore power’ to economise on fuel and cut exhaust emissions when their shiphandling tugs are not in use and/or standing by.

In the USA, tug operator Crowley and the Port of Los Angeles have collaborated to provide the necessary shore power facilities for the Crowley tugs used for ship assist and escort operations. The tug fleet is now using newly installed shoreside electrical power when not at work to cut fuel consumption and reduce carbon dioxide emissions.

Previously, the tugs tied up at the dock needed to run their generators to provide onboard electrical power. Crowley and the Port of Los Angeles completed this environmentally friendly initiative at Berth 86 in June. The port paid to run electrical power to the dock, and Crowley

purchased and installed the electrical connections for the boats and transformers to take the voltage from 440 to 220 volts.
Overall, Crowley expects to conserve fuel used daily by the generators in its Los Angeles operations, and consequently reduce carbon dioxide emissions by more than 486,180 pounds in the first year. According to the U.S. Environmental Protection Agency, each gallon of diesel fuel produces approximately 22.2 pounds of carbon dioxide emissions. Crowley already has similar facilities in Seattle, Jacksonville, Pennsauken and Puerto Rico.
Frosty Leonard, Crowley manager of marine operations in California commented, 'We are very pleased to be a part of this important green initiative with the Port of Los Angeles. Using shoreside power is not only the environmentally friendly thing to do, it's just good business.' As an added benefit, Leonard said shoreside power eliminates the constant noise from the engines that disrupts the crews' rest periods and provides engineers a quieter engine room in which to work.
In Europe, the UK and elsewhere, operators are establishing 'marina' style moorings to simplify the provision of suitable electrical supplies and other facilities for their tug fleets. The saving can be quite considerable. The majority of shiphandling tugs, including many very modern vessels, have relatively large auxiliary generators designed to deal with the entire onboard electrical load. Very few are equipped with small harbour sets intended only for light domestic loads and battery charging. Significant savings can be made in fuel, engine life and maintenance. Tugs employed in the marine civil and dredging industries, that spend considerable periods on site, are commonly fitted with one relatively small auxiliary generator, frequently located in a sound proof housing or in a remote compartment, for use when the vessel is not underway.
A further benefit of a shore power supply comes with the ability to keep the main engines warm, by means of electric heaters in the cooling system, when not in use, particularly during the winter months.

Buses could help poor cities cut emissions (*Greenwire*)

07/10/2009
Impoverished international cities are turning to high-speed bus transit systems to reduce traffic congestion and cut down on greenhouse gas emissions.
In Bogotá, Colombia, the main highways are hamstrung by gridlock, but city streets have created separate lanes for buses. The buses -- which carry an average 1.6 million trips per day -- have enclosed stops and farecards that give them the same feel as an above-ground light-rail system, but can be built much more cheaply.

Mexico City, South Africa's Cape Town, Indonesia's Jakarta and India's Ahmedabad are all looking into rapid-transit buses.

Bogotá's system has been so successful that it was approved by the U.N. to generate and sell carbon credits that developed nations can buy to offset their own emissions.

The systems may help developing countries reduce their greenhouse gas emissions. One study predicts emissions from transportation will rise 50 percent by 2030, and developing countries are

projected to account for 80 percent of the increase (Elisabeth Rosenthal, *New York Times*, July 10). **-- PR**

BUDGET/STIMULUS

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Posted on Fri, Jul. 10, 2009

Kansas gets $2 million to cleanup petroleum leaks (*Associated Press*)

Story also appeared: *Wichita Eagle*

The Associated Press
Kansas will get more than $2 million from federal stimulus money to assess and clean up underground storage tank petroleum leaks.

The Environmental Protection Agency says leaking underground tanks can release petroleum or other hazards into the soil and can contaminate groundwater, the source of drinking water for nearly one-third of all Americans.

The grant for $2.1 million was announced Thursday and is part of $197 million in stimulus funds going to states to deal with leaking underground petroleum tanks.

EPA funds for Wyoming petroleum cleanup (*Associated Press*)

This story also appeared: *KTVQ-TV*

Associated Press - July 10, 2009 7:05 AM ET
CHEYENNE, Wyo. (AP) - The Environmental Protection Agency has released nearly $1 million in federal stimulus money to help Wyoming clean up petroleum leaks from underground tanks. The $929,000 will be administered by the state Department of Environmental Quality.
EPA Acting Regional Administrator Carol Rushin says the money will create jobs and protect land and groundwater from leaking underground storage tanks.

Central Valley gets funds to retrofit diesels (*Central Valley Business Times*)

FRESNO

July 10, 2009 9:10am
- Air District receives $6 Million in stimulus money
- 'Another positive step forward to help keep our air clean'

A total of $6 million in federal stimulus money is flowing into the San Joaquin Valley Air Pollution Control District to pay for diesel retrofits on school buses and agricultural equipment, says U.S. Rep. Jim Costa, D-Fresno.

"Diesel has undergone major changes in the past few years, and retrofitting clean diesel technologies for older diesel vehicles and equipment is one of the most cost-effective strategies for achieving tangible and immediate air quality benefits," says Mr. Costa.

"While not the silver bullet, adding diesel retrofit projects to our Valley's air quality tool box is just another positive step forward to help keep our air clean," he says.

The San Joaquin Valley APCD was selected for $4 million in funding to install 190 diesel particulate filters on 2001 model year and newer diesel school buses. Through diesel emission reductions, the project is expected to protect the health of children who ride these buses daily.

The district was also selected for $2 million in funding to re-power 30 agricultural off-road equipment vehicles with new engines that meet or exceed EPA's Tier 3 emission standards for non-road diesel engines.

Georgia gets $5M stimulus from EPA (*Atlanta Business Chronicle*)

Atlanta Business Chronicle
Friday, July 10, 2009, 12:28pm EDT

The U.S. Environmental Protection Agency (EPA) granted about $5 million in stimulus funds to Georgia to assess and clean up underground storage tank petroleum leaks.
This money is part of $197 million appropriated under the Stimulus Act to address shovel-ready sites nationwide contaminated by petroleum from leaking underground storage tanks.

"The Recovery Act funds will help Georgia in its effort to provide long-term protection from pollution caused by leaking underground storage tanks," said Stan Meiburg, EPA acting regional administrator in Atlanta, in a news release. "The state will use the funds to assess

and clean up abandoned tank sites while providing a boost to its economy through the creation of green jobs.”

CLIMATE CHANGE / GLOBAL WARMING

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Survey reveals gap in acceptance of warming (*Greenwire*)

07/10/2009
A recent survey found that while nearly all scientists accept that human activity, mostly in the form of greenhouse gas emissions, is causing global warming, only half of the American public agrees with this view.
The survey found that 11 percent of the public does not believe there has been any warming at all, and about a third believes there is a lively scientific debate on whether man has caused climate change.
The poll, conducted by the Pew Research Center for the People & the Press and the American Association for the Advancement of Science, drew on 2,000 members of the public and 2,500 members of the scientific association.
Among other findings: Most scientists believe American research leads the world, while only 17 percent of the public agrees; almost a third of the public believes human beings existed in their current form since the beginning of time; and 85 percent of the scientific community surveyed said public ignorance of science was a major problem.
Alan I. Leshner, the chief executive of the science association, said scientists need to better engage the public.

"One cannot just exhort 'we all agree you should agree with us,'" he said. "It's a much more interactive process that's involved. It's time consuming and can be tedious. But it's very important."

According to a large margin of scientists, press coverage of their field is only "fair" or "poor"; only 3 percent of the scientists said they spoke often with reporters (Cornelia Dean, *New York Times*, July 10). **-- PV**

FUEL

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Study urged on water demands of next-generation feedstocks (*Greenwire*)

Katie Howell, E&E reporter
07/10/2009
Extensive studies are needed to understand the water needs of biofuel production from cellulosic feedstocks or other next-generation sources, federal auditors said in a preliminary report released yesterday.

The effects of corn-based ethanol production on water quantity and quality are well understood, the Government Accountability Office **report** says, but less is known about next-generation feedstocks that have not been grown on a commercial scale.

"There is little information on the cumulative water, nutrient and pesticide needs of these crops, and it is not yet known what agricultural practices will actually be used to cultivate these feedstocks on a commercial scale," the report says.

The report was released following a House hearing yesterday on the impact of energy generation on water (*E&E Daily*, July 10).

"There are many uncertainties in the energy and water nexus," said Anu Mittal, GAO's director of natural resources and the environment.

Another uncertainty: the potential water-supply impact of converting cellulosic feedstocks into biofuels.

In addition to its use for growing crops, water is also needed for biorefining. Current estimates say 1.9 to 5.9 gallons of water are needed to produce a gallon of biofuel from cellulosic feedstocks, the report says.

"Some experts we spoke with said that greater research is needed on how to manage the full water needs of biorefineries and reduce these needs further," the report says. "Similar to current and next generation feedstock cultivation, additional research is also needed to better understand the impact of biorefinery withdrawals on aquifers and to consider potential resource strains when siting these facilities."

Storage and distribution of biofuels also deserves further research, the report says. Ethanol is highly corrosive and could damage pipelines and storage tanks, which could lead to groundwater contamination, the report says. It recommends an evaluation of the compatibility of higher blend fuels -- such as those containing 15 percent ethanol -- with existing fuel infrastructure.

Algae-derived biofuels' impact on water warrants further research, as well, the report says.

"Algae have the added advantage of being able to use lower-quality water for cultivation, according to experts," the report says. "However, the impact on water supply and water quality will ultimately depend on which cultivation methods are determined to be the most viable."

The report identifies two areas that require immediate attention: oil extraction and contaminants. Research is needed on the oil extraction process to preserve the water contained in the algal cell with the oil for recycling. And more information is needed on how to best manage contaminants found in the algal cultivation water.

"While we recognize that DOE currently has a number of ongoing research efforts to develop information and technologies that will address various aspects of the energy-water nexus, our work indicates that there are a number of areas to focus future research and development efforts," the report concludes.

The final report should come out later this year, Mittal said.

MINING

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Court rejects bid to impose stricter coal dust limits (*Greenwire*)

07/10/2009
A federal court has ruled against a Kentucky coal miner attempting to force the U.S. Mine Safety and Health Administration to impose more stringent limits on coal dust that causes black lung. The 6th U.S. Circuit Court of Appeals rejected coal miner Scott Howard's suit, which alleged weak regulations from MSHA had left him working in unsafe conditions.

The court rejected Howard's suit because he had not yet petitioned MSHA directly to write new rules. The Obama administration has said it is considering new limits on coal dust but does not expect to propose a rule until April 2011.

Recent media and scientific reports suggest black lung is on the rise among coal miners in Appalachia after decades of decline.

Nearly 2,300 West Virginia miners died of black lung between 1993 and 2002 (Ken Ward Jr., *Charleston* [W.Va.] *Gazette*, July 8). **-- PR**

RECYCLING

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Recycling center for e-waste, household chemicals busy (*GoErie.com*)

By Kevin Flowers
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Article published Jul 10, 2009

Tonia McClelland takes her recycling seriously.
On a recent sun-drenched Saturday morning, the Waterford resident sat patiently in her Dodge minivan at the Erie County Recycling Convenience Center, 1556 W. 12th St., waiting her turn in an eight-vehicle line.
Inside McClelland's minivan was a trove of used and unwanted electronics equipment the 30-year-old was eager to ditch, including a television, computer tower and two flat-screen monitors.
Within 10 minutes of her arrival, the junk had been unloaded by workers at northwestern Pennsylvania's first long-term recycling center for electronics and household hazardous waste.
"I heard about it (on the Internet) at a Yahoo! group about recycling. This is really helpful," McClelland said.
"I'd rather see this stuff come through here and maybe end up being used again than just being thrown away," McClelland said. "I went through the house from the front to the back looking for stuff to bring here."
Since the recycling center opened May 9, county officials have learned two things: there are a lot of people out there like McClelland, and they literally have tons of junk to get rid of.
Nearly 600 people have dropped off roughly 34.5 tons of unwanted electronics since the center opened, including televisions, microwaves, VCRs and computer equipment, according to county statistics.
About a third of those items, or 11.5 tons, are unwanted, older analog televisions, county statistics show. Don Blakesley, the county's recycling coordinator, said the TVs are likely being discarded because of the nationwide conversion to digital television broadcasts.
Recycling centers and landfills throughout the country are seeing a similar trend, Blakesley said.
"The older cabinet and console-type TVs, we're seeing lots of those," Blakesley said. "For a lot of people, they're unusable now, unless they're buying the digital converter boxes."
The center, which is open on the second and fourth Saturdays of each month through October, has also collected roughly 14 tons of household hazardous waste from roughly 550 people, county officials say.
Many of those items -- from paints and used motor oils to batteries, propane tanks and aerosol cans -- were dropped off by the same people who brought electronics to the drive-through recycling center, according to county officials.
Disposal option
Blakesley said the center was set up because periodic, county-run electronics and waste collections "could not meet the demand'' from residents looking for an environmentally safe way to get rid of such items. Those collections, Blakesley said, typically ran for one day.
County residents are asked to call in advance to schedule a drop-off. The toll-free number is

(866) 815-0016.
"We know that some people have these things in their houses for years, and don't know how to safely dispose of them. A lot of them don't just want to put them in the trash," Blakesley said.
Erie County Executive Mark DiVecchio pointed out that county tax dollars do not pay for the recycling center, which costs roughly $200,000 to operate.
Funds from the state Department of Transportation and fees the county receives from Lake View Landfill in Summit Township cover the cost.
"There are materials that just can't be put in a Dumpster or in the regular trash," DiVecchio said. "This helps with that."
The county has hired a Cochranton-based company, Environmental Coordination Services & Recycling Inc., to run the recycling center in leased space at the Dunlap Trucking building on West 12th Street.
After each collection, ECS&R workers take the collected items by truck to Cochranton. Electronics and dismantled and individual pieces, like computer hard drives, TV tubes, screws, wiring and plastic, are sold to vendors who recycle them under federal Environmental Protection Agency guidelines, Blakesley said.
Household hazardous waste is disposed of by one of several EPA-approved and DEP-recognized companies that ECS&R contracts with, Blakesley said. "Some is incinerated, and some things, like the motor oils, are recycled and sold again," he said.
TJ Pennino, ECS&R's supervisor at the recycling center, added: "Everything is disposed of properly. We're experienced in this and have done a lot of these collections before."
Recycling controversy
Blakesley said county officials, while setting up the center, considered a potential pitfall about such recycling collections, especially with electronics -- the danger of collected items ending up overseas, where environmental regulations for recycled products are often lax or nonexistent.
The county's five-year agreement with ECS&R, Blakesley and DiVecchio said, includes a stipulation that disassembled electronics components can only be sold to U.S. and Canadian vendors.
Blakesley said many electronics include items that might contain potentially hazardous materials, such as lead, mercury, or chromium.
The Basel Action Network, a toxic waste watchdog group, estimates that nearly 28 million televisions, each containing about 5 pounds of lead, will be disposed of and recycled in the U.S. this year because of the digital TV conversion.
The organization also estimates that 80 percent of those TVs are sent to some of the world's poorest communities.
The waste could potentially expose residents in those countries to more than 56,000 pounds of lead, the organization reports.
Blakesley said the county wants to avoid recycling-based controversies like the one that occurred in Pittsburgh earlier this year, when an Oklahoma-based recycler, EarthECycle, persuaded branches of that city's humane society to sponsor free public e-waste collection events, promising local recycling.
Instead, several tons of collected items were exported to Hong Kong and South Africa. Much of that waste included cathode ray tubes -- picture tubes from old computer monitors and TVs -- that are considered hazardous.
The federal Environmental Protection Agency has filed charges against EarthECycle, accusing it of unauthorized export of hazardous waste.
"These things are not going overseas, and are being dealt with by companies that have the proper certification from the EPA and DEP," Blakesley said. "That is part of our contract."
Users weigh in
Several years' worth of paint cans brought Al Thompson, 69, to the recycling center for the first time, on the same Saturday that Waterford's McClelland visited.

"They were sitting in my basement. I didn't know what to do with them, and didn't want to put them down the drain" said Thompson, an Erie resident. "Then I think we got a flier in the mail about this."
Thompson, a retired engineer, said he will likely return.
Tina Falandys, of Erie, and her sister, Carole Piechotka, of Lawrence Park Township, also came by the center to get rid of used paint -- 25 to 30 cans of it.
The women, like McClelland, learned about the center via the Internet.
Falandys and Piechotka, who declined to give their ages, said they have been recycle-conscious since they were children.
"Our parents would take us fishing, and when we left, you would never know we were there. They made us clean up after ourselves," Piechotka said. "Even the trash other people left, we would pick up."
Blakesley said the county expects much more e-waste and hazardous household materials through October.
"People don't even have to get out of their cars," Blakesley said. "They come in at a designated time, bring their stuff, it's collected and they're on their way. We wanted this to be convenient for people."
KEVIN FLOWERS can be reached at 870-1693 or by e-mail.

SUPERFUND

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Citizens informed on former septic site (*Mooresville Tribune*)

By Jim McNally | Statesville R&L
Friday, July 10, 2009
The good news that came out of a meeting Thursday night is that the news regarding the environmental impact of a former septic tank wasteÂ dump site is mostly good.

The bad news is that most people who live near the former Sigmon Septic Tank Service on Eufola Road have heard only bad news about it or no news at all.

"I've lived right next to this place for 14 years and this is the first thing I have heard about it," Debbie Potts said following a meeting with U.S. Environmental Protection Agency officials at Celeste Henkel Elementary School.

"We've been drinking the water the whole time we've lived here," added Potts' husband, Merle. "But who knows how long it takes for it to cause any kind of health problems."

The Potts' property is the closest of the 30 residents who showed up at Thursday night's meeting regarding the remediation work that will be done at the Sigmon property, which the EPA has deemed a Superfund site.

Beverly Hudson-Stepter is the site's remedial project manager.

She told those gathered Thursday that the biggest problem was not with the water coming out of their wells but with the stockpiles of wasteÂ material that are still on the property, which is located about six miles southwest of downtown Statesville.

And she said the cleanup effort will be funded with $400,000 in economic stimulus funds that have already been secured for the removal of the 4,100 cubic yards of waste that have been at the site since at least 1992, the last year the Sigmon family did business there.

That removal process will begin in the fall, Hudson-Stepter said. She said there were unsafe levels of the heavyÂ arsenic and chemical contaminants in the area near the waste.

"But we feel that if we move the stockpiles, you'll see a large reduction in those numbers," she said.

Janet Hargett, who lives in a neighborhood not far from the site, said she feared that rainfall could bring some of those contaminants to her property.

"When it rains, the water comes through my front yard strong enough to float a sailboat," Hargett said.
But Hudson-Stepter and Nile Testerman with the N.C. Department of the Environment and Natural Resources, said the water they have tested within a mile or so of the site have all been found to be within "acceptable" levels.

"You can never say there is no risk,"Â said Testerman. "But there is an acceptable risk."
But Hargett was not satisfied with that answer.

"I'm sorry," she said. "But I have a 10-year-old, and that's not acceptable to me."

Hudson-Stepter said the EPA would continue to monitor the area to ensure the hazardous materials do not "migrate."

She said that if wells ever reached unsafe levels, the EPA would pay to have those effected by it to be moved to municipal water lines.

Tonya James, an information officer with the EPA, also attended Thursday's meeting. Afterward, James said she was "pleased" with the number of residents who showed up.

"It shows there is an interest in this," she said. "And part of our mission is to get the information out. And we had good news to deliver.

Legislation would move entire Kansas town (*Greenwire*)

07/10/2009
Congress will spend $3.5 million to buy out and relocate residents of a small southeast Kansas town contaminated by a century of lead and zinc mining, under a bill introduced by Rep. Lynn Jenkins (R).

Residents of Treece, Kan., have been seeking a federal buyout of their properties so they can move to safer ground, but a bill in Congress that would pay for that has never passed.

"I'm urging them to use some of the $25 million (in stimulus money) that's already going to the area," Jenkins said.

Treece residents say no matter how much U.S. EPA spends on cleanup, the pollution problem will persist. Water flows through the underground mines, picking up pollutants and carrying them to the surface.

Treece and nearby Picher, Okla., are part of the Tar Creek Superfund site. Picher, which lies in a different EPA administrative region, already has been bought out.

EPA press secretary Adora Andy said the agency "evaluates all Superfund sites on a case-by-case basis, with close coordination between the headquarters and the regional offices."

EPA Administrator Lisa Jackson may visit Treece to see the situation for herself, the agency said on Tuesday (Dion Lefler, *Wichita Eagle*, July 8). **-- JK**

TOXICS

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July 10, 2009

Tax credit may be due those with tainted Chinese drywall (*Pensacola News Journal*)

Eun Kyung Kim
News Journal Washington Bureau

WASHINGTON - Residents whose homes have been damaged by tainted Chinese drywall may be eligible for a tax deduction similar to the one taxpayers can claim for damages caused by hurricanes, floods or fires, according to the Internal Revenue Service.

The final determination will be based on the results of investigations being conducted on the drywall by two federal agencies, the IRS said in a letter to U.S. Sen. Bill Nelson, an Orlando Democrat.

The U.S. Environmental Protection Agency and the U.S. Consumer Product Safety Commission are trying to determine whether the bad wallboard has been emitting dangerous levels of sulfuric gases suspected of causing property damage and health problems.

If the agencies determine the drywall causes “an unusual or severe concentration” of such fumes, homeowners could qualify for a casualty loss deduction.

According to the IRS, a casualty loss “can result from the damage, destruction or loss of your property from any sudden, unexpected, and unusual event such as a flood, hurricane, tornado, fire, earthquake or even volcanic eruption.”
The IRS, however, does not consider temporary housing and certain other personal expenses deductible.
Initial EPA tests released in May found that Chinese-made drywall contains sulfur, strontium and two organic compounds found in acrylic paints. These materials are absent or found in significantly lower levels in U.S.-made wallboard.
Homeowners who have used Chinese drywall have complained the product emits a rotten-egg smell and has corroded wires and appliances. It also has blackened showerheads, door hinges and other metal objects in their homes, including jewelry, they said.
Nelson said Chinese drywall has been used in an estimated 60,000-100,000 homes nationwide. He estimates that in Florida alone, it may be in 36,000-50,000 homes.

WATER

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Friday, July 10, 2009, 2:21pm EDT

Florida gets $11.2M from EPA (*Orlando Business Journal*)

Florida received $11.2 million from the **U.S. Environmental Protection Agency** under the American Recovery and Reinvestment Act of 2009 to assess and clean up underground storage tank petroleum leaks.

The greatest potential hazard from a leaking underground storage tank is that the petroleum or other hazardous substances seep into the soil and contaminate groundwater, the source of drinking water for nearly one-third of all Americans, according to an EPA release.

This money is part of $197 million appropriated under the recovery act to address shovel-ready sites nationwide contaminated by petroleum from leaking underground storage tanks.

The funds will be used for overseeing assessment and cleanup of leaks from underground storage tanks or directly paying for assessment and cleanup of leaks from federally regulated tanks where the responsible party is unknown, unwilling or unable to finance, or the cleanup is an emergency response.

EPA Region 4’s underground storage tank program will enter into a cooperative agreement with the Florida Department of Environmental Protection in July 2009. This agreement will include more detailed descriptions of the state’s spending plan.

“The Recovery Act funds will help Florida in its effort to provide long-term protection from pollution caused by leaking underground storage tanks,” said Stan Meiburg, EPA’s acting regional administrator in Atlanta. “The state will use the funds to assess and clean up

abandoned tank sites while providing a boost to its economy through the creation of green jobs."

WATER POLLUTION:

Gas station companies reaches settlement related to criminal case (*Greenwire*)

(07/10/2009)
Citygas Gasoline Corp. will pay $1.4 million in civil penalties for neglecting to avert gasoline leaks from underground storage tanks at 21 gas stations in New York and New Jersey, according to a settlement announced this week by U.S. EPA and the U.S. Attorney's office.

In 1999, a jury convicted Citygas owner Gurmeet Singh Dhinsa, an immigrant from India, of ordering two killings to protect his operation. He was also convicted of rigging gas pumps to rip off motorists, evading taxes and terrorizing fellow immigrants who threatened to expose him.

In some instances, violations by Citygas and 26 related companies led to groundwater contamination.

This is the third settlement reached that involves gas stations once owned or operated by Citygas, which dissolved almost 10 years ago (Mireya Navarro, *New York Times*, July 10). **-- JK**

Groundwater cleanup safe for creek (*Greenville News*)

PCBs in Hartwell fish are the real worry, agency official tells residents
By Anna Simon
Clemson bureau
July 10, 2009
South Carolina
PICKENS — Residents at a public hearing Thursday asked if a proposed change meant to hasten Superfund cleanup of a former capacitor manufacturer's dump site could harm a nearby creek.

There's very low risk to the creek, said Craig Zeller, Environmental Protection Agency project manager. The human health hazard lies in another aspect of the cleanup — PCB concentrations remain in fish in Lake Hartwell, he said.

The EPA wants to stop pumping and treating contaminated groundwater at the Breazeale dump site used by the former Sangamo-Weston capacitor manufacturing plant and instead inject an oxidant into the aquifer to clean volatile organic compounds, Zeller said.

He also presented a five-year review of the Superfund cleanup of PCBs released from the plant site between 1955 and 1978. PCB concentrations in the surface sediment in the Twelve Mile Arm of Lake Hartwell have decreased; however, PCBs remain in fish, he said.

Health advisory signs were updated at 80 locations at Lake Hartwell in April to continue advising against eating certain types of fish caught in the lake.

Once PCBs are introduced, “it's difficult to get them out,” Zeller said. “The risk for human health is the consumption of fish.” The scenario does not apply only to Hartwell, but is typical in any similar cleanup, he said.

When asked why public notification of the meeting included only the change at the Breazeale site and not the five-year review, Zeller said law requires a public hearing for a record of decision amendment but not for a five-year review.

Documents will be on the EPA Web site and at some public locations when the review is completed this year, he said.

The Breazeale site, seven acres about a mile southwest of Pickens, was one of six satellite sites where manufacturing wastes were discarded.

Pilot tests indicate the new technology, not in use at the time of the 1990 Superfund record of decision, can clean up the groundwater in about two years, Zeller said. He estimated that the current process, under way for 12 years already, could take 30 years.

Pilot studies of different technologies indicate that injection of an oxidant called potassium permanganate “was the best remedial approach,” Zeller said.

Residents at the meeting wanted to know the “downside” and what safeguards would be used to keep the oxidant out of Wolf Creek, which runs by the site.

Zeller said the oxidant breaks down, there are no toxic byproducts and the site will be carefully monitored. There's “very low risk” of the material entering the creek, partly due to the bedrock substructure, Zeller said. If it does, the pumping wells could be restarted.

The EPA will accept written comments on the proposed change through Aug. 5.

An estimated cost of $1.5 million will be paid by Schlumberger Technology Corp., which merged with Sangamo-Weston and became the party responsible for the cleanup. Schlumberger currently is spending about $100,000 a year at the Breazeale site, Zeller said.

Mine gets good word from court (*Associated Press*)

This story also appeared: *Anchorage Daily News*

KENSINGTON: 9th Circuit lifts injunction blocking discharge.
The Associated Press
(07/10/09 00:59:19)
Alaska
A federal apperals court has lifted its injunction on a permit allowing the Kensington gold mine near Juneau to discharge its rock waste in a nearby lake.
The 9th Circuit acted after the U.S. Supreme Court last month gave the mining company the go-ahead to put the waste into nearby Lower Slate Lake.

By a 6-3 vote, the Supreme Court said the 9th Circuit had wrongly blocked the Army Corps of Engineers' waste disposal permit for the mine project.

The owner of the mine, Coeur d'Alene Mines Corp., said Wednesday that once the Corps reinstates the permit, the company will "resume construction of the tailings facility, the only component remaining to be constructed at the mine." Gold production could begin in the second half of next year, according to Coeur.

The Kensington mine is located 45 miles northwest of downtown Juneau. It will employ an estimated 200 workers when it begins operation.

The Supreme Court ruled that the federal government acted legally when it defined Kensington's rock waste -- left after mentals are extracted from the ore -- as "fill material."

Calling the waste "fill" enabled the Corps to grant the company a permit that does not meet more stringent requirements for gold mines from the U.S. Environmental Protection Agency.

Gov. Sarah Palin earlier called the Supreme Court decision "great news for Alaska" and said it "is a green light for responsible resource development."

However, environmentalists feared the ruling could lead to a broader easing of requirements on how companies dispose of their waste.

The discharges in Lower Slate Lake are expected to be letal to its resident fish but Coeur has committed to restocking the lake when it closes the mine.

Third oil spill on Cuyahoga River investigated (The Plain Dealer)

Friday, July 10, 2009
Michael Scott
Plain Dealer Reporter

An oil spill Thursday on the Cuyahoga River -- this one believed to be from a Cleveland oil-processing company two miles upstream from where hundreds of oil-soaked gulls died in late June -- has investigators trying to figure whether recent oil slicks are related.

"They sure could be, but we're still not certain," said Jim Irwin, an investigator with the Environmental Protection Agency. "Certainly the area where most of the gulls were dying, in the turning basin, is an area where things from upstream collect -- but we also don't know for certain that it was oil from this company."

The turning basin is a wider area of the river adjacent to the now idled ArcelorMittal Steel plant.

That's the spot on the river where the oil-covered and dying gulls were found by investigators on June 25 -- the same week as the 40th anniversary celebration of the ecological recovery of the river since the June 1969 fire.

The company, Sanimax, is an oil-processing facility at 1002 Beltline Ave., near Steelyard Commons, said Jean Chapman, spokeswoman for the Northeast Ohio Regional Sewer District. A company spokesman could not be reached Thursday afternoon.

Sewer crews poured a test dye down the sanitary drains at the company Thursday afternoon and then watched the colored water come out of a sewer pipe directly into the river.

A sewer investigator said late Thursday that it appears that the sewer lines at the plant are directly connected to storm drains that lead to the river rather than to lines that route sewage to treatment plants.

Irwin said the EPA ordered the company to contain and clean up the oil spill on the river. The EPA estimated the spill at less than 100 gallons.

Sewer district investigators following up on the gull die-off had seen oil in the water Thursday morning, traced it back to Sanimax and began asking questions at the plant site, Chapman said.

The district on Wednesday also received laboratory test results on oil samples collected from the Kingsbury Run sewer -- which had been implicated by an EPA investigation of the gull die-off, Chapman said.

The Kingsbury Run sewer is only about 500 yards away -- but downstream -- from the site where the birds were seen struggling and dying on the Cuyahoga. It is the end of a 9-mile-long storm sewer network that flows from Shaker Heights to Cleveland and the river.

Which is why that sewer remains a possibility for the bird die-off, Irwin said. "The oil slick from there may have actually been blown slightly upstream to the turning basin that week," he said.

The sewer district so far is considering the three oil spills as separate: The one discovered at Kingsbury Run by sewer workers on June 24, one at the turning basin where gulls were seen dying by boaters as early as June 22, and Thursday's spill.

"But this is an ongoing investigation and we're still trying to figure it all out," Chapman said.

Chemical test results so far have only led to more questions, she said. Oil samples taken from a bird found at Kingsbury Run just last week, for example, closely resemble the chemical makeup of the grease found on bird feathers picked up by the U.S. Coast Guard near that sewer on June 25.

"But they're not even close to the samples taken from the gulls found dead at the turning basin upstream from our sewer," Chapman said.

Irwin said the findings were intriguing: "Maybe this gull die-off came from a combination of things, Kingsbury Run and maybe another source," he said. "We'll keep looking."

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EPA: Deny 9 rock mining permits in Miami-Dade (*Miami Herald*)

By CURTIS MORGAN
cmorgan@MiamiHerald.com
Posted on Wed, Jul. 08, 2009
Florida
The U.S. Environmental Protection Agency has waded in against the rock mining industry's plans to expand into 6,800 acres of wetlands bordering Everglades National Park and Miami-Dade County's biggest source of drinking water.

The EPA, in a letter sent last week to the U.S. Army Corps of Engineers, recommends denying nine requests for new mining permits, saying the rock pits would destroy wildlife habitat, drain water from adjacent Everglades marshes and potentially degrade water quality in a swath of Northwest Miami-Dade that the industry has dubbed the Lake Belt.

The letter echoes concerns raised by Senior U.S. District Judge William Hoeveler, who in February reinstated an earlier overturned order that halted mining in hundreds of acres surrounding a well field that supplies more than 1 million people.

Davina Marraccini, an EPA spokeswoman in Atlanta, stressed the agency "is not proposing to halt rock mining in the Lake Belt." The EPA, in fact, states that it wants to work with miners and the Corps to ``enable continued mining while protecting South Florida's environment."

CHANGING PLANS

Still, the letter and a new environmental impact analysis from the Corps signals that mining companies may have to scale back, or at least tweak, plans to turn some 20,000 acres of West Miami-Dade into a chain of massive 80-foot-deep rock pits.

The Corps' study, which Hoeveler had ordered revised, lays out nine alternatives for mining, including several that would create 1,500-foot "exclusion zones" to protect a strip of wetlands intended to serve as buffer between the Everglades and urban pollution.

The EPA, in its letter, supports that proposal. It also questions plans to control seepage from the Everglades into the quarries and whether miners can adequately offset so much excavation. Under federal "mitigation" rules, developers can compensate for destroying wetlands by restoring similar habitat elsewhere but the letter notes there aren't enough mitigation areas left in Miami-Dade to make up for the loss.

Marraccini and Leah Oberlin, the Corps project manager for the Lake Belt, both called the letter routine, but it does serve formal notice for the Corps to consult with the EPA on the mining permits.

Oberlin said the two federal agencies were already discussing the Lake Belt on a weekly basis.

"We have pretty much all the concerns EPA has represented in their letter," she said. ``We are working with them to make sure we resolve these as much as possible."

CAN BE RESOLVED

Kerri Barsh, an attorney for the Miami-Dade Limestone Products Association, a coalition of mining companies, said she was confident the agencies' environmental concerns could be resolved.

"Although not insurmountable, we are sensitive to the issues raised by the EPA and are committed to developing a mining plan that can be supported by all the permitting agencies," she said.

The industry also has appealed Hoeveler's partial mining ban decision to the 11th U.S. Circuit Court of Appeals in Atlanta, which overturned his initial 2008 order to rescind a first phase of mining the Corps approved in 2000. Oral arguments are scheduled in October.

Brad Sewell, an attorney with the National Resources Defense Council, one of three environmental groups that sued the Corps in 2002 over the initial Lake Belt permits, said the letter could prove significant.

In 2000, the last time the EPA recommended denial, the Corps slashed miners' requests from 14,300 acres over 50 years to 5,400 acres over 10 years. The new permit request would extend mining to another 6,800 acres

"It's definitely more than protocol and is consistent with what EPA did before," Sewell said.

Sewage plan needed (*Wapakoneta Daily News*)

By MATT NICHOLS
Staff Writer
Friday, 10 July 2009

BUCKLAND — Government officials with an Auglaize County village aim to have a plan in place within the next year to install a centralized sewer.
Buckland Mayor Dan Lambert said the village was notified by the Ohio Enviromental Protection Agency (EPA) to have a plan ready within six months. After a discussion during Thursday's meeting, councilors intend to seek a six-month extension.
After the meeting, Lambert said it would take more than the six months to attain the funds to pursue a study by the Poggemeyer Design Group. The Poggemeyer Design Group, headquartered in Defiance with offices in Bowling Green, is an engineering firm used by the county.
"The money from the Community Development Block Grant (CDBG) we received through the county doesn't become available until late fall, and then Poggemeyer needs six months to do the study," Lambert said. "By the time we go back and forth with them, it could be nine months."
Lambert said the CDBG grant is worth $10,000 and should cover the $12,000 design. The village is to fund the remaining $2,000.
The mandatory study was prompted after the EPA last autumn found higher than normal levels of sewage bacteria in the water that enters the Auglaize River, which runs on the east side of the village
Lambert said the bacteria levels last fall in no way endangered residents.
For the month of June, Buckland Police officers issued three verbal warnings, assisted two lost motorists, warned a resident about expired tags, warned a resident about weed control and dealt with one individual urinating in public.
The Buckland Fire Department responded six times to situations requiring first responders in June and responded to five fire runs.

YUCCA MOUNTAIN

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Storing waste above ground best temporary solution – report (*Greenwire*)

(07/10/2009)
With the Obama administration's rejection of Yucca Mountain, storing nuclear waste above ground at atomic power plants for up to the next 60 years may be the best temporary solution for spent radioactive fuel, according to a report published in Science.

Such waste could be stored in specialized warehouses at nuclear power plants even after the plants have ceased operation. The fuel would be kept in heavily shielded containers called dry casks, said the paper's authors, Rodney Ewing of the University of Michigan and Princeton University's Frank von Hippel.

Many plants in the United States already store their waste in such casks. The U.S. has about 60,000 tons of radioactive waste from its power plants and weapons and produces an additional 2,000 tons each year. The waste can remain dangerously radioactive for thousands of years.

"Most people don't realize what a difficult situation we're in," Ewing said in a podcast. "It looks like the United States is starting over with its nuclear waste management policy."

Such a reboot became necessary after President Barack Obama rejected a plan to store all of the nation's long-lived nuclear waste at the Yucca Mountain repository in Nevada. The decades-long project reportedly cost $9 billion.

Underground storage remains a likely option, but several regional repositories, overseen by U.S. EPA, could be developed, the authors said (Jeremy van Loon, Bloomberg, July 10). **-- PV**

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