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E-Clips
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ADMINISTRATOR JACKSON

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EPA's Jackson Uses MOUs to Reach Minority Students (*EP Magazine*)

Nov 25, 2009
U.S. Environmental Protection Agency Administrator Lisa P. Jackson signed two Memoranda of Understanding (MOU) designed to increase EPA's outreach to minority and underserved communities, according to a Nov. 24 press release.

The two MOUs, one with the Hispanic Association of Colleges and Universities (HACU) and the other with the Vermont Law School, will facilitate the flow of information between EPA and minority communities and further the teaching of environmental issues at colleges that serve minority students.

"To end the disproportionate environmental, health and economic burdens on underserved communities, we must expand the conversation on environmentalism and invite new leaders into this movement," said Administrator Jackson. "The actions behind these MOUs will allow EPA to give a voice to communities that haven't had a voice in the past and empower them to act on our nation's most pressing environmental issues. Fostering more diversity and inclusion throughout EPA will allow us to better serve the broad environmental and health needs of all Americans."

As part of the MOU signed with the Vermont Law School, the university has agreed to employ distance learning technology to give a wider range of students from Minority Academic Institutions access to its environmental law program.

The administrator also signed an MOU with the Hispanic Association of Colleges and Universities that builds on EPA's relationship with HACU to enhance partnerships with Hispanic Serving Institutions.

Prince George's hamlet gets high-profile help with 'green' project (*Washington Post*)

By Lisa Rein
Washington Post Staff Writer
Tuesday, November 24, 2009 11:33 AM

The hamlet of Edmonston in Prince George's County will get a visit Tuesday from some high-profile environmental officials as it kicks off a "green street" project intended to transform its main thoroughfare.

Federal Environmental Protection Agency Administrator Lisa P. Jackson will headline the groundbreaking and walking tour of the project, which is ripping up Decatur Street and replacing it with an environmentally friendly road of rain gardens and porous brick, and a canopy of trees.

When the work is done, the street will naturally treat more than 90 percent of the pollution in the storm water that sweeps every year into the Anacostia River next door. The low-lying community near the District line has been beaten up by flooding from the river for years, and officials hope the transformation, along with a new pumping station built in 2007, will alleviate the problem.

Jackson will be joined at noon by local officials, including Mayor Adam Ortiz, who came up with the green street idea. Rep. Donna Edwards (D-Md.) and the contractor plan to be there, too. Workers have begun laying a new sidewalk and the rain gardens.

The project qualified for more than $1 million in federal stimulus money. It will employ about 40 local workers, bringing an economic boost to the industrial suburb split in half by the river, between Kenilworth Avenue and Route 1.

The tour will conclude with lunch and a champagne celebration at La Fondita, Edmonston's only restaurant.

Republicans seek release of files from Calif. emissions case (*Greenwire*)

(11/24/2009)
Robin Bravender, E&E reporter
House Republicans are asking a federal court to unseal the case file of a closed criminal matter in Southern California in which an air emissions credit trader sold fake credits to the tune of $12.5 million.

Reps. Joe Barton (R-Texas) and Greg Walden (R-Ore.) say the details of the case should be released because they could offer a glimpse into how U.S. EPA will oversee criminal conduct under a national cap-and-trade system for global warming emissions.

"What happened in California is especially relevant in the context of the pending U.S. House bill to create the same sort of market on a national scale," said Barton, ranking member of the House Energy and Commerce Committee.

"The case has drawn attention because it looks like the Environmental Protection Agency and the Department of Justice may not understand how to stop a vastly more destructive, Bernie Madoff version of Ms. Sholtz from taking advantage if the nationwide cap-and-trade system is approved."

The lawmakers yesterday filed a **motion** with the U.S. District Court for the Central District of California to unseal the case file of Anne Sholtz. Sholtz, a former economist and emissions-market designer, was convicted in 2005 of selling fake credits from 1999 to 2001 to a New York-based company, AG Clean Air, that was expecting to deal the credits to Mobil Corp. -- which later merged with Exxon Corp.

Sholtz got off with a light sentence of five years probation and one year of home detention rather than the five years in prison that a federal wire charge can carry. At the time, EPA Regional Administrator Wayne Nastri told the sentencing judge that the decision to not require jail time "has the potential to undermine confidence ... in all environmental regulatory programs which use market mechanisms" (*ClimateWire*, May 11).

In a May **letter** to EPA Administrator Lisa Jackson, Barton and Walden demanded details surrounding the criminal case, arguing that the case had great relevance in the context of pending climate change legislation.

The Republicans said EPA's conduct in overseeing the relatively small Regional Clean Air Incentives Market (RECLAIM), which Sholtz co-created, undermined the confidence in RECLAIM and in all regulatory market systems.

A Democratic aide on the Energy and Commerce Committee in May dismissed the letter, saying that the fact that someone was prosecuted for committing fraudulent acts eight or 10 years ago did not change the fact that the program had successfully reduced air pollution. A spokesperson for the committee was not immediately available for comment.

According to the Republican's motion, the Justice Department does not oppose unsealing the documents, while Sholtz's attorney does.

EDITORIAL/COMMENTARY/OP ED/LETTERS
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Climate of denial (*Washington Post*)

November 25, 2009 Wednesday
Regional Edition
EDITORIAL COPY; Pg. A18
Maryland
Climate of denial;
Researchers show how not to respond to global warming skeptics.
LAST WEEKEND was a good one for climate-change deniers. A hacker stole and released scores of documents, including personal e-mail exchanges, from a server at Britain's Climate Research Unit (CRU) at the University of East Anglia, a premier climate-change research center. "This is not a smoking gun; this is a mushroom cloud," proclaimed one skeptic.

Not quite. Assuming the documents are genuine -- the authenticity of all has not been confirmed -- critics are taking them out of context and misinterpreting at least one

controversial e-mail exchange. None of it seriously undercuts the scientific consensus on climate change. But a few of the documents are damaging for other reasons.

According to one of the stolen e-mails, CRU Director Phil Jones wrote that he would keep papers questioning the connection between warming and human activity out of the authoritative Intergovernmental Panel on Climate Change report "even if we have to redefine what the peer-review literature is!" In another, Mr. Jones and Pennsylvania State University's Michael E. Mann write of organizing a boycott of an academic journal until it fires a "troublesome editor." Other e-mails speak of withholding data from climate-change skeptics. Many -- including us -- find global warming deniers' claims irresponsible and their heated criticism of climate scientists unconvincing. But the point of peer review is to let ideas stand or fail on their own, in public.

Whatever else comes out about the stolen documents, they have become examples of how not to react to climate-change deniers. You need not dig very far into the stolen documents to discover why climate researchers shouldn't overstate an already strong case. One discusses how scientists can't account for a recent, measured lack of warming -- a fact that climate-change deniers use to ignore the massive body of evidence that global warming could be a dire threat. Really, it demonstrates that the Earth's systems are extremely difficult to predict in detail.

By our reckoning -- and that of most scientists, policymakers and almost every government in the world -- the probability that the planet will warm in the long term because of human activity is extremely high, and the probability that allowing it to do so unabated will have disastrous effects is unacceptably large. The case that governments should hedge against that outcome is formidable enough. Climate scientists should not let themselves be goaded by the irresponsibility of the deniers into overstating the certainties of complex science or, worse, censoring discussion of them.

Pass clean energy measure (*Albert Lea Tribune*)

Published Tuesday, November 24, 2009
Members of Congress should support the Clean Energy Jobs & American Power Act of 2009.
Hopefully, that is a fairly easy conclusion for any politician representing Minnesota, a state that has come to embrace the renewable energy sector.

But it should also be an easy conclusion for anyone who has taken notice of the bird ranges in the Upper Midwest. Cardinals in mid-winter are as far north as Duluth. The purple finch, pine siskin and boreal chickadee have retreated north to the Canadian boreal. We could go on and talk about mergansers, ducks, meadowlarks and other birds.

Climate change is happening.

Audubon Society President John Flicker notes: “The birds are giving us yet another warning that it’s time for urgent action.”

Dependence on fossil fuels threatens the U.S. national security, its economy and its environment. Many opponents of the Clean Energy Jobs & American Power Act are quick to throw up red-herring arguments to distract the public from the true issues of protecting the planet we live on for future generations.

Enough delays. Enough heat-trapping emissions in the atmosphere.

A cap on carbon pollution that builds on the successes of the Clean Air Act and bolsters the Environmental Protection Agency is no doubt a good plan. And the bill provides plenty of time — reduction of 20 percent by 2020 and 83 percent by 2050 — for polluters to get their acts together.

Moreover, any growth to the renewable energy sector tends to add jobs to the Upper Midwest and subtracts jobs from fossil-fuel-extraction locations.

Support the Clean Energy Jobs & American Power Act.

If you don’t take it from us. Take it from the Union of Concerned Scientists: “Failing to act on climate change is prohibitively expensive — from flooding to health care costs to agricultural losses. Unchecked climate change could saddle taxpayers with hundreds of billions of dollars in damages.”

AIR

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State proposes trading program to cut emissions (*Los Angeles Times*)

November 25, 2009 Wednesday
Home Edition
MAIN NEWS; Metro Desk; Part A; Pg. 4
CALIFORNIA;
State proposes trading program to cut emissions;
Companies could reduce pollutants 15% by selling allowances.
By Margot Roosevelt
California officials on Tuesday issued the nation's first blueprint for a broad-based cap-and-trade plan, an innovative and controversial effort to use market forces to control global warming.

The ambitious program would cap most of the state's greenhouse gases, including those from more than 600 power plants, refineries, cement plants and other big

factories. It would allow companies to buy and sell emission allowances among themselves to reach an overall goal of cutting planet-warming pollutants 15% below today's levels by 2020.

The state's action comes as Congress wrestles with a cap-and-trade bill for planet-heating emissions. Legislation passed by the House is stalled in the Senate.

"California is first out of the box," California Air Resources Board Chairman Mary Nichols said.

Regulators estimated that California's program could cost industry as much as $8 billion a year by 2020 if carbon trades at its current price on the European market of $20 per ton. European nations have operated a cap-and-trade program for the last five years.

But industry groups warned that the state's push to control greenhouse gases could cost more than twice as much, and burden consumers with more expensive electricity, gas, housing and consumer goods.

The measure is a signature issue for Gov. Arnold Schwarzenegger, who has pushed for flexible market-based solutions to environmental problems. He praised the proposal as a way to "drive innovation and generate green jobs."

The 135-page rule, designed with input from national academic, industry and environmental experts at 21 public workshops this year, is likely to influence the shape of eventual federal regulations.

But the current draft leaves several controversial elements unresolved: how many emission allowances to auction off, rather than give away for free, and how to spend the revenue.

Those issues are being debated by a committee of experts headed by Stanford economist Lawrence Goulder, which is to report to the air board early next year.

Environmental groups are divided over the virtues of carbon trading, with groups such as the Environmental Defense Fund and the Natural Resources Defense Council supporting a market approach and others charging that it lets industries off the hook, especially in highly polluted areas such as Los Angeles.

Greg Karras, senior scientist for Communities for a Better Environment, which has filed a suit to block the cap-and-trade option, called it "institutionalized environmental justice," adding that it would encourage "the most entrenched polluters, including oil," to continue emitting toxics and smog-forming pollutants, which are associated with carbon emissions.

California's push comes amid growing alarm over the likely effects of global warming on the state, the nation and the planet. Sierra Nevada snowpacks are diminishing, sparking

drought and water shortages. Central Valley orchards are suffering declines, and the habitats of local animals and birds are changing.

In a report last April, "Indicators of Climate Change in California," the Office of Environmental Health Hazard Assessment found that the state's higher temperatures, rising sea levels and increasing wildfires are consistent with climate changes occurring globally.

The state's proposed cap-and-trade program would take effect beginning in 2012, complementing other rules adopted under AB32, the state's , to limit carbon dioxide from automobile tailpipes and the carbon content of fuels. The law requires greenhouse gases to drop to 1990 levels by 2020.

Nichols called the cap-and-trade draft a "milestone . . . to address our state's contributions to climate change, as the eighth-largest economy in the world." And she pointedly contrasted it with the upcoming gathering of 190 nations in Copenhagen next month "for another conference at which no international treaty will be signed."

But the plan could face further court challenges. "Serious legal questions about the Air Resources Board's right to conduct an auction and spend the revenue have not been settled," warned the AB32 Implementation Group, an industry coalition.

Environmentalists want all permits to be auctioned, with the money spent on clean energy projects and on communities heavily affected by air pollution. Industry prefers that most allowances be given out for free. And the California Legislature, short on funds, may weigh in.

One controversial provision would allow industries to purchase "offsets," such as contributing to the http:// preservation of a forest or the capture of methane from a landfill, to meet 49% of their obligations to reduce carbon dioxide emissions.

Companies prize offsets as an alternative to installing often-expensive pollution controls, or, in the case of utilities, to building solar and wind farms to replace fossil fuel plants.

But Bill Magavern, California director for the Sierra Club, warned that the draft rule "allows polluters far too liberal use of offsets to buy their way out of reducing their emissions."

Six other Western states and four Canadian provinces have joined with California in a http:// Western Climate Initiative with an eye toward linking in a regional cap-and-trade program.

Meanwhile, if a federal bill passes, California's program, along with a cap-and-trade program in the northeastern U.S. that covers only power plants, would probably merge with a national program. But Nichols said the state could be free to require more

emissions cuts in some cases.

margot.roosevelt@latimes.com

California Takes Step To Limit Emissions (*New York Times*)

November 25, 2009 Wednesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 18
By JOHN M. BRODER
WASHINGTON
California has taken a major step toward creating a broad-based trading system to limit emissions of pollutants blamed for harmful climate change.

The California Air Resources Board, often a trailblazer in environmental regulation, released a draft rule on Tuesday establishing a cap-and-trade program that sets a declining ceiling on emissions of greenhouse gases and allows companies to buy and sell permits to meet it.

California's goal is to reduce greenhouse gas emissions to 1990 levels by 2020. The proposed system would begin in 2012 with 600 major sources of global warming pollutants, including power plants, refineries and concrete factories.

Similar proposals to reduce emissions are stalled in Congress with little hope of moving through this year. And next month, world governments will assemble in Copenhagen to discuss the issue but are not expected to produce any binding agreements on how to reduce greenhouse gas emissions globally.

Gov. Arnold Schwarzenegger said the new rules would help California address a serious environmental problem, while giving companies flexibility in meeting clean-air goals.

The proposed rule also includes reductions in emissions from industrial and transportation fuels beginning in 2015.

California joins a number of other states and regions, including the 10 states of the Northeast, in moving ahead with programs to address global warming as Congress debates a nationwide program. One point of dispute in the legislation is whether the federal government will pre-empt these local and regional efforts and create a single national cap-and-trade program.

California, the world's eighth-largest economy by some measures, was one of the first states to recognize the potential effects of a changing climate. State scientists have identified reduced snowpack in the Sierra Nevada, prolonged droughts, increasing wildfires and growing infestation of pests as some of the results of the warming.

The draft of the California program dodges one of the toughest issues in designing any cap-and-trade system: how to allocate permits that allow companies to emit carbon dioxide and other greenhouse gases. A bill that passed the House in June distributes roughly 85 percent of the permits to various parties and industries free in the early years of the program, with more of them auctioned in later years.

Mary D. Nichols, the chairwoman of the Air Resources Board, said her preference was for virtually all of the California permits to be auctioned from the start.

"Congress started this, you know, as a political exercise to see how many allowances you had to give out to which groups to get them to buy into the program," Ms. Nichols said in a briefing for reporters, according to Reuters. "We know how many emissions we have to reduce. The question is how do we do it in a way that costs less."

The resources board has scheduled months of hearings and public comment on the rule before it is to be finalized next October.

EPA, group look to settle suit over Utah rules (*Associated Press*)

Associated Press - November 24, 2009 10:44 PM ET

DENVER (AP) - An environmental group and the U.S. Environmental Protection Agency are seeking to settle a lawsuit aimed at getting Utah to change its air pollution regulations.

WildEarth Guardians filed a lawsuit in September challenging Utah's rules, specifically a provision that the group says lets facilities exceed emissions limits when pollution-control equipment breaks down.

The group wants the EPA to tell the state the provision doesn't comply with the federal Clean Air Act.

In documents filed Tuesday in U.S. District Court in Denver, the group and EPA propose resolving the lawsuit by having the EPA rule by sometime in 2011 whether Utah needs to revise its rules.

The EPA also would pay nearly $4,600 to settle the group's claim for costs and attorneys' fees.

EPA's tightened dust rule proposal worries cattlemen (*ReporterNews.com*)

By JERRY LACKEY Special to the Reporter-News

Tuesday, November 24, 2009

There are an unbelievable number of issues confronting not only the cattle business right now, but agriculture as a whole, says Colin Woodall, vice president of government affairs for National Cattlemen's Beef Association in Washington, D.C., but one of the biggest concerns is the Environmental Protection Agency's dust rule.

"The EPA is proposing a tenfold reduction in the thresholds of what they call coarse particulate matter, which is EPA talk for agricultural dust," Woodall told me in an interview at the Trade Talk conference during the 65th annual National Association of Farm Broadcasters convention in Kansas City, Mo., recently.

"We're talking about everything that comes out of the back of a cotton stripper or a combine (dust, leaves and harvest debris), cows that are milling around in the lot, even dust kicked up from pickup tires while driving down the ranch road," Woodall said. "They would all be in violation of EPA's clean air rules."

So, basically what they are saying by these proposed rules is that agriculture as a whole in the United States is going to be in violation of the ambient air quality standards, he said.

"When you look at West Texas on a dusty day in March, all of the sudden, the natural air is going to be in violation," said Woodall, a native of Big Spring who grew up in the cattle business.

Methane emissions from all livestock production accounted for only 2.6 percent of all U.S. greenhouse gas emissions, Woodall noted. Nitrous Oxide emissions from total manure management were only .2 percent (two-tenths) of all emissions.

"NCBA is seeking to show that the science that EPA is basing their statements on is falsified, which it is," Woodall said. "We want to wake up Congress and engage and say you cannot put our food producing capabilities in jeopardy just because of an EPA law that is based on nothing but poor science."

According to an EPA study in 2007, greenhouse gas emissions from all of agriculture were less than 6 percent of the total U.S. emissions.

On other issues, Woodall said the Denver-based NCBA is trying to re-establish trade in foreign markets. After all, 96 percent of the world's consumers are outside the United

States. “We need access to them. We need to make sure they get a taste of good U.S. beef.”

Some progress is being made, he said. “We have been able to reopen some of our Asian markets. We are also looking at China, which has been closed to us since 2003. They are potentially a $300 million market for this nation’s cattle producers and reopening that market would be a big shot in the arm for the cattle industry.”

He said NCBA continues to increase exports to North Korea, plus put the pressure on Japan to come off their restrictions of beef from 21 months of age and younger and try to bump that up to at least 30 months of age.

“We are also looking at a lot of food safety legislation that is being considered in Congress,” Woodall said. “Food safety is critical. There’s a lot of news of late about people getting sick from beef. When that happens, it is a problem for the beef industry and we want to make sure that food safety is taken seriously, but we also need to make sure that all the proposals in Congress actually have a positive impact on food safety and they are not just more bureaucratic hurdles that people have to jump through.”

To operate, all federal processing plants must have USDA Food Safety Inspection Service inspectors present at all times. USDA can shut down a noncompliant facility simply by pulling its inspectors.

One of those things that concerns NCBA is keeping food and drug administration inspectors off the farm. “There is a proposal to try to put them (inspectors) on the farm,” Woodall said. “There is just too many steps cattle go through by the time they leave the cattle guard until they end up on the plate that impact food safety. One of those is how the consumer handles that product once they buy it and take it home. To have inspectors on the farm is not going to impact food safety other than costing the taxpayer more money.”

Posted on Tue, Nov. 24, 2009

EPA proposes sulfur dioxide limits for first time since 1971 (*Miami Herald*)

Story also appeared: *Boston Herald*

By RENEE SCHOOF
McClatchy Newspapers
The Environmental Protection Agency is continuing its crackdown on coal pollution with a new plan to cut sulfur dioxide - a move that would clean up the air for millions of

Americans and bring some relief to people who suffer from asthma and other respiratory diseases.

The new rule, which was proposed this month, would be the first time since 1971 that the EPA has tightened controls on sulfur dioxide to protect the public health.

"This would be an important step to ensure the health of the American public," said Dr. Alan H. Lockwood, a professor of neurology and nuclear medicine at the University of Buffalo. "Tens of thousands of Americans die each year from inhaling pollutants from coal burning."

By targeting coal pollutants, the EPA is cleaning up the fuel that generates half the electricity generated in the U.S. Earlier, after a series of court orders, the EPA said it would require power plants to eliminate mercury pollutants. Now, the public and industry officials will be able to comment on the sulfur dioxide proposal. A public hearing is set for Atlanta in January.

In making its case for tougher regulations, the EPA's science advisers said research over the past 35 years shows that current regulations didn't protect public health enough, and the estimated health benefits would greatly outweigh new costs to industry.

Sulfur dioxide is emitted by coal-fired power plants and industries. Fossil fuel combustion at power plants produces 66 percent of the sulfur dioxide in the air, the EPA reported. Most of the rest is from burning fossil fuels for industry, but smaller amounts of the pollutant also are released from other industrial processes, such as extracting metal from ore, and the use of high-sulfur fuels by locomotives, ships and non-road equipment.

Sulfur dioxide in the atmosphere converts into fine particle pollution that penetrates the lungs and can cause or worsen lung diseases. Exposure to the pollutant even for a short time can make it hard for people with asthma to breathe when they're active outdoors. The scientific reports also show that children and adults over 65 and people with heart or lung disease are at the greatest risk.

The old rules set limits for sulfur dioxide as averages measured over 24-hour and one-year periods. The new, more protective rule would require one-hour measurements. As a result, short-term spikes of the pollutant above a new limit - between 50 and 100 parts per billion over one hour - no longer would be acceptable.

The EPA also proposed more monitoring and better ways to alert the public about short-term high levels of sulfur dioxide. The new rules will become final by June 2.

The EPA estimated that if the rule were put in place with the strongest limits the agency is recommending, the benefits in 2020 would include 4,700 to 12,000 fewer premature deaths a year and 3.6 million fewer cases of worsened asthma. It also calculated that

the costs of $1.8 billion to $6.8 billion would be greatly outweighed by the health benefits from such things as fewer emergency room visits or lost days of work.

Lockwood of the University of Buffalo is the lead author of a new report by Physicians for Social Responsibility that looks at the health impacts of coal from mining and transportation to burning it and handling post-combustion waste.

The report, released on Nov. 18, examines peer-reviewed scientific reports on the harm from all forms of coal pollution to the lungs, heart and nervous system. The report also listed dangers to human health from climate change, including deaths in more frequent heat waves and the spread of infectious diseases such as malaria and dengue fever.

Physicians for Social Responsibility won the 1985 Nobel Peace Prize for pressing for an end to the nuclear arms race. The advocacy group now also urges governments to adopt policies to reverse global warming and protect the environment from pollution.

The EPA's new rule on sulfur dioxide will make a difference especially for people who live near or downwind from the plants, said Janice Nolen, an American Lung Association vice president.

With sulfur dioxide pollution, even healthy adults who work or exercise outside may be at risk of harm, Nolen said.

John Kinsman, the senior director for environment at the Edison Electric Institute, which represents investor-owned electric companies, said in a statement that the means of controlling sulfur dioxide would be worked out by 2014 on the basis of state plans.

"It's far too early to know just what would be required of utilities to help meet a new standard," he said.

Electricity generation from fossil fuels, mainly coal, increased 70 percent between 1980 and 2008, and utilities reduced sulfur dioxide emissions by 56 percent in that period, Kinsman said.

That decline was based on the EPA's first sulfur reduction standards from 1971 and the acid rain reduction program of the 1990s. Utilities accomplished it by placing scrubbers on some smokestacks and switching to low-sulfur coal.

The advocacy group Clean Air Watch plans to press EPA to set the standard at the low end of the range. "A standard at that level would provide the best level of health protection," said its president, Frank O'Donnell.

The push by EPA to toughen air pollution controls on coal plants stems from a court order that found that the agency had improperly removed coal plants from air regulations, said Alice Bodley, general counsel for the American Nurses Association, one of the groups that sued the agency in the case that led to the court decision.

ON THE WEB
EPA fact sheet, maps, copy of the proposed rule and how to comment on it, more information about sulfur dioxide: http://tinyurl.com/ydocxnj
Report by Physicians for Social Responsibility, "Coal's Assault on Human Health": http://www.psr.org/resources/coals-assault-on-human-health.html

Report: Indiana power plants 4th dirtiest in US (*Associated Press*)

By CHARLES WILSON (AP) – November 24, 2009 12 hours ago

INDIANAPOLIS — Coal-hungry Indiana ranks fourth in the nation for carbon dioxide emissions from mostly aging power plants that contribute to global warming, an environmental group said Tuesday.

The report released by Washington, D.C.-based Environment America ranked Indiana behind Texas, Ohio and Florida. Pennsylvania was fifth. The study was based on U.S. Environmental Protection Agency data for 2007, the latest year for which final data were available.

Power plants in Texas put out nearly twice the amount of carbon dioxide as those in Ohio and Florida, the group said.

Nationwide, power plants released 2.6 billion tons of carbon dioxide, or about the amount produced by 449 million cars, the group said. That accounted for 42 percent of the carbon dioxide emissions in the U.S. in 2007. In Indiana, power plants released about 132 million tons of carbon dioxide.

The study found 73 percent of emissions came from older coal-burning power plants built before 1980, like Duke Energy's Gibson Power Station in Owensville that began operation in 1975, which the group said is the fourth dirtiest power plant in the United States. Nearly half of the nation's power plants were built before 1980, the report said.

"It's time for the oldest and dirtiest power plants to clean up their act," said Megan Severson, the group's Midwest field organizer. "In order to stop global warming and reap all the benefits of clean energy, we must require old clunker power plants to meet modern standards for global warming pollution."

But Duke spokesman Lew Middleton said it was "misleading" to characterize the Gibson plant as dirty due to carbon dioxide emissions since no technology is available to control that form of pollution. Technology that would allow coal-burning plants to capture their carbon dioxide is still being developed.

Middleton said Duke had invested more than $1 billion to outfit the Gibson plant with scrubbers and other devices to limit other types of pollution such as mercury.

Indiana gets about 95 percent of its electricity from coal-fired power plants.

Environment America said cleaning up aging power plants was critical to stopping global warming, which Indiana University-Purdue University at Indianapolis scientist Gabriel Filippelli said is already affecting rainfall patterns in Indiana.

A global temperature rise of 2 degrees Fahrenheit since pre-industrial times has caused a shift to heavier springtime rains, causing flooding problems and complicating agriculture, said Filippelli, chairman of IUPUI's Department of Earth Sciences.

Severson urged Indiana Sens. Richard Lugar, a Republican, and Evan Bayh, a Democrat, to support a climate bill now working its way through Congress. The bill calls for greenhouse gases to be cut by 20 percent by 2020, a target that was scaled back to 17 percent in the House after opposition from coal-state Democrats.

The group also said the EPA should finalize a proposal to require coal-burning plants and other smokestack industries to meet updated standards when new plants are built or old plants are upgraded.

The group also urged a shift to renewable sources of energy such as wind and solar power. Middleton said Duke also supports development of such resources.

Report: Iowa has old coal-fired plants (*Associated Press*)

Story also appeared: *Chicago Tribune*

2:11 PM CST, November 24, 2009
CEDAR RAPIDS, Iowa
A new report by Environment Iowa indicates the state has some of the oldest coal-fired energy plants in the nation.

According to the advocacy group, of the nearly 1,200 coal plants in the United States included in the report, Iowa has three among the oldest 100 and 16 among the oldest 500.

One of 100 dirtiest nationally, the Walter Scott Jr. Energy Center in Council Bluffs, is also located in Iowa. The plant reportedly emitted nearly 9.7 million tons of carbon dioxide in 2007.

The report analyzes 2007 data from the Environmental Protection Agency, ranking the largest power plants nationally and in Iowa, based on age and pollution. The report includes 25 Iowa plants.

Environment Iowa advocates limits on global warming pollution, and seeks to boost investments in green energy to replace coal.

NIPSCO plant makes dubious national list (*Gary Post Tribune*)

(http://www.post-trib.com/news/1903944,power-plant-1125.article)
November 25, 2009
BY GITTE LAASBY, (219) 648-2183, SOURCE: ENVIRONMENT AMERICA 2009/ U.S. ENVIRONMENTAL PROTECTION AGENCY ACID RAIN PROGRAM
Northern Indiana Public Service Co.'s R.M. Schahfer Generating Station in Wheatfield is the 43rd-dirtiest power plant in the nation in terms of greenhouse gas emissions, according to a report released Tuesday.
The report also states that Indiana power plants emitted the fourth-most carbon dioxide pollution in the nation in 2007.

Four of Northwest Indiana's power plants are mentioned in the report by Environment America, "America's Biggest Polluters: Carbon dioxide emissions from power plants in 2007": The R.M. Schahfer Generating Station, Michigan City Generating Station, Bailly Generating Station and Whiting Clean Energy. Combined, they emitted more than 18.9 million tons of carbon dioxide in 2007. That's the equivalent of more than 3.3 million cars.

Power plants are the single-largest source of the country's carbon dioxide emissions, according to the report. The emission numbers come from the U.S. Environmental Protection Agency's acid rain program, which requires power plants to report certain emissions.

"America's fleet of coal-fired power plants emitted more than 80 percent of CO2 pollution from U.S. power plants in 2007 and 36 percent of the total U.S. CO2 pollution, as well as disproportionate amounts of smog- and soot-forming pollutants, toxic mercury, and other toxic air pollutants," the report says.

Gabriel Filippelli, chairman of the Department of Earth Sciences at Indiana University-Purdue University-Purdue at Indianapolis, said cutting emissions is key to avoiding the most dangerous effects of global warming, but would also reduce soot pollution, which can lead to asthma, and mercury pollution, which can damage the nervous system.

About half of the country's electricity comes from coal, which has the highest carbon content of any fossil fuel per unit of energy, according to the report.

"We should be moving to clean, renewable energy like wind and solar. At least, old and new plants should be required to meet the same modern standards for global warming pollution. No plants currently have to meet standards for global warming pollution,

making them unchecked contributors to global warming," said Megan Severson, Midwest field organizer for Environment America.

The EPA has proposed requiring new and significantly modified power plants and industries to cut their greenhouse gas emissions. Within a few months, the U.S. Senate is expected to consider a cap-and-trade proposal to limit greenhouse gas emissions.

Older plants pollute proportionally more than new plants. Plants built before 1980 produced 73 percent of America's carbon emissions although they represent less than half of the plants, the report said. For each year older a coal generator is on average, it creates an additional kilo of carbon dioxide per megawatt hour of electricity it produced.

Severson said older plants emit more carbon dioxide because newer plants burn natural gas while older ones mainly burn coal. She said efficiency may be another reason newer plants emit less than older ones, but couldn't elaborate.

CLIMATE CHANGE / GLOBAL WARMING

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Fewer Americans believe in global warming, poll shows (*Washington Post*)

By Juliet Eilperin
Washington Post Staff Writer
Wednesday, November 25, 2009
The percentage of Americans who believe global warming is happening has dipped from 80 to 72 percent in the past year, according to a new Washington Post-ABC News poll, even as a majority still support a national cap on greenhouse gas emissions.

The poll's findings -- which also show that 55 percent of respondents think the United States should curb its carbon output even if major developing nations such as China and India do less -- suggest increasing political polarization around the issue, just as the Obama administration and congressional Democrats are intensifying efforts to pass climate legislation and broker an international global warming pact.

The increase in climate skepticism is driven largely by a shift within the GOP. Since its peak 3 1/2 years ago, belief that climate change is happening is down sharply among Republicans -- 76 to 54 percent -- and independents -- 86 to 71 percent. It dipped more modestly among Democrats, from 92 to 86 percent. A majority of respondents still support legislation to cap emissions and trade pollution allowances, by 53 to 42 percent.

Amanda Feinberg, a retired administrative assistant living in South Williamsport, Pa., said she became disenchanted with the idea of human-caused global warming when

former vice president Al Gore launched a public awareness campaign with his documentary, "An Inconvenient Truth."

"He just seemed a little radical in his views," said Feinberg, a Republican. "I don't deny it's happening, I just think it's just an evolution of nature."

Lisa Woolcott, another Republican poll respondent, said she doesn't think that burning fossil fuels is "causing all the global warming," adding: "We can't control what happens in the atmosphere." But Woolcott, a physician's assistant who lives in Kansas City, Kan., said she supports the idea of a bill that would cap the nation's greenhouse gas emissions and doesn't think the United States should predicate its actions on what other nations do. "We need to do what's best for us," she said. "I don't think we should back down."

Even proponents of action on climate change, such as Democratic pollster Mark Mellman, who has conducted polls on the issue for the American Security Project and the Pew Charitable Trusts, say they have detected a recent fraying of bipartisanship.

"It's a sad state of affairs when science becomes subject to partisan politics," Mellman said. "It can only be attributed to the sense that this issue has become part of a political battle."

This schism poses a challenge for Democratic leaders, who are pushing for more stringent controls on greenhouse gases nationwide and as part of an international agreement that will be discussed when negotiators meet in Copenhagen next month. Both Mellman and Carl Pope, executive director of the Sierra Club, noted that most Americans still support taking action on climate change.

Still, even respondents such as Woolcott who favored a cap-and-trade bill questioned whether Americans would support a policy that could raise energy prices in the short term, given the current state of the economy.

"Honestly, I don't think the public's going to back it," she said. "Right now it's all they can do to pay their electric bill and put gas in their cars. You're asking me right now, and it's like, let's get through Thanksgiving and Christmas."

David Winston, who has polled for the House and Senate GOP leadership on the issue, said it is less a question of whether Americans think they have contributed to climate change. "Where there's disagreement is how immediate and huge is the threat," he said. As a result, "the majority of people view it as an economic issue."

Polling director Jon Cohen and polling analyst Jennifer Agiesta contributed to this report.

Price of global warming cuts may stop deal at U.N. meeting (*USA TODAY*)

By Dan Vergano, USA TODAY

How much would you pay to save the world from the threat of global warming? We might find out soon.

"Everything we do is tied to energy and climate," says climate economist Graciela Chichilnisky of Columbia University. "Not just the electric bill – that's a minuscule part of it. Not just the food bill. Everything."

Come Dec. 7-18, representatives of 192 nations are set to meet in Copenhagen at the United Nations Climate Change Conference. It's by far the most significant attempt at changing the course of global warming since world leaders met in 1997 in Japan to craft the Kyoto Protocol, which aimed 37 industrialized nations at cutting emissions of six greenhouse gases (such as the carbon dioxide emitted from burning coal, oil and natural gas, aka fossil fuels) by 5.2% from 1990 levels. It was never ratified by the U.S. Senate and expires in 2012.

But despite predictions that time is running out to corral greenhouse gases, expectations already have been dashed that the Copenhagen sessions will produce a successful replacement for the Kyoto Protocol.

FORUM: Who should take the bulk of greenhouse gas limits?

TELL US: Has the economy changed your global warming concerns?

One reason: Technologies to cut back carbon dioxide emissions from factories and vehicles that feed the global economy add costs to fuel, food and more, an option that appeals neither to industrial nations struggling with the global economic meltdown or developing nations trying to ramp up economic growth.

President Obama and China's Hu Jintao signaled as much when they spoke Nov. 17. Obama endorsed a "two-step" plan for Copenhagen – agree to emissions limits there and worry about a legal treaty next year – and neither leader stated his limits.

"Copenhagen does not need to come up with the fine print of a climate-change deal," Yvo de Boer, head of the United Nations Framework Convention on Climate Change, said Nov. 4 in Barcelona. "But it needs to ensure that the heart of an agreed outcome is functional and the implementation can begin swiftly."

On Tuesday, the European Union urged Washington and Beijing to come to the Copenhagen event with meaningful bids to check their greenhouse gas emissions.

Swedish Environment Minister Andreas Carlgren said the United States should go beyond 2020 to show that it is on a steep and continuous pathway of reductions. "It's important what they will deliver in 2025 or 2030," Carlgren told the Associated Press. "It would play a crucial role if they could deliver such plans."

Many observers feel pressure to act sooner than later. Global temperatures have increased about 1.3 degrees Fahrenheit since 1906, according to the 2007 Intergovernmental Panel on Climate Change. Without a new treaty to halt carbon dioxide emissions, world temperatures could rise an additional 7.2 degrees by 2100, raising fears of widespread crop failures, climate "refugees," rising seas and desertification for regions such as the Southwest.

Greenhouse gases trap heat and warm the atmosphere. A United Nations Environment Programme report in September found effects such as drought, melting sea ice and ocean acidification arriving ahead of, and looking worse than, the IPCC's 2007 projections.

"Business as usual" leads to an increase of more than 8 degrees, "truly a catastrophic world," says Alden Meyer of the Union of Concerned Scientists in Washington, D.C. "We've spent two decades putting this off. We won't get a second chance."

Such forecasts, though, met renewed skepticism this week with the disclosure of e-mails stolen from England's University of East Anglia, including climate researchers privately bad-mouthing critics and struggling to explain if global warming is real, why recent years' temperatures didn't exceed 1998 and 2005 levels, the warmest on record. Sen. James Inhofe, R-Okla., says the e-mails show scientists "cooked the science" and has called for an investigation. Climatologist Gavin Schmidt of NASA's Goddard Institute for Space Studies, however, said on the *RealClimate* website that the e-mails contain "no evidence of any worldwide conspiracy," just "a peek into how scientists actually interact."

Now vs. the future

Still, what is at stake at Copenhagen, Meyer and other observers say, is the world's choice for the future: one where nations hedge now against the foreseeable risks of warming or gamble today that they won't happen tomorrow, and keep on burning coal and oil.

So what would a good Copenhagen deal look like? The United Nations' de Boer says it would hold:

•Greenhouse-gas emission goals for industrialized nations.

•Emission-free energy goals for developing nations.

•Promises of money and machinery from industrialized nations to meet those goals.

•Agreement on how to meet those goals and commitments.

"The issue is not whether you are for or against climate change, but rather how much are you willing to sacrifice to slow climate change," says Yale economist Robert Mendelsohn.

The U.S. Senate is contemplating bills that might lead to a 17% to 20% cut in U.S. emissions by 2020. In June, the Congressional Budget Office estimated the costs of creating a carbon "market" to achieve such cuts would be about $175 a year by then for the average household. With efficiency measures added, the Environmental Protection Agency says the bill proposal would actually lower energy costs for households but cause huge changes in the energy business – with fossil fuels falling from about 85% of U.S. electricity generation today to 30% by 2050 – costing jobs at coal plants while adding them in solar, wind and nuclear energy.

A flurry of meetings have led up to Copenhagen, starting with the 2007 session in Bali, where the Bush administration committed the nation to taking part in Copenhagen. The road to Copenhagen really started, however, in 1992, when the USA signed on to the United Nations Framework Convention on Climate Change, agreeing to keep global warming effects below "dangerous levels."

So what's dangerous? In March, a *Proceedings of the National Academy of Sciences* report updating earlier danger estimates found nothing but negative consequences should global temperatures rise more than 3.6 degrees Fahrenheit.

The present concentration of carbon dioxide, the biggest player in global warming greenhouse gases, in the atmosphere stands at about 388 parts per million, compared with roughly 270 ppm prior to the Industrial Revolution. At the atmospheric equivalent of 450 ppm concentrations, the world faces a 50% chance of seeing global temperatures rise more than 3.6 degrees.

"The meeting's challenge is to get developed nations on line to economies that are low-carbon, and get developing nations investing in energy technologies that allow them to grow without entering the carbon-emitting trap," says Frances Beinecke, author of *Clean Energy Common Sense: An American Call to Action on Global Climate Change*. "Copenhagen has to send them a signal that we are serious."

In the U.S. Senate, that signal, a clean-energy bill, looks unlikely to pass this year as legislators look at the details, says Sen. John Kerry, D-Mass., a sponsor of one leading proposal. The bills all center on creation of a national "cap-and-trade" system, where rights to emit greenhouse gases are capped, and then sold and traded among industries.

Meanwhile, de Boer says, industrialized nations would more likely have to cut emissions about 80% to not cross the 450 ppm danger line. In 2007, the IPCC estimated such a cut would trigger a 3% reduction of the global economy, an impossible proposition amid a global recession, says David Victor of the University of California-San Diego.

"As soon as we put a price on carbon, the increased price will pass all the way down (to consumers)," says Jae Edmonds of the Joint Global Change Research Institute at the University of Maryland. "When I consider my home heating-oil bill, my natural-gas bill in the winter, the prices will drive decisions."

A practical approach

Doing nothing costs, too. In October, for example, a National Research Council panel estimated that burning fossil fuels costs $120 billion in health expenses nationwide every year, mostly from at least 18,000 premature deaths caused by pollution, with a "middle ground" estimate of climate damages of $350 billion from storms, drought, wildfire and related effects.

"President Obama was just stating the obvious. There is no use in pretending that a full and final treaty will be ready by Copenhagen," Victor says. Expecting 192 nations to agree on anything realistic, he adds, seems like a bad strategy.

Instead, he suggests the major nations releasing greenhouse gases, particularly China and the United States, cut direct deals to save time.

"I just think that is the most practical approach," he says.

Chichilnisky says this idea won't work, because poor nations will then barrel down the fossil fuel path to industrialization without a global treaty that gives them a reason to invest in low-emission power.

In 2006, a British government report, the "Stern Review," estimated that addressing climate change through efficiency, low-emission technologies and a cap-and-trade system for greenhouse gases, among other steps, would subtract about 1% from global Gross Domestic Product in 2050, as opposed to a roughly 5% to 20% cost to global GDP if nothing were done. Mendelsohn and other economists criticized this high cost estimate and its all-or-nothing response to climate change, rather than a step-by-step one.

"People seeking such a stringent policy that ensures global warming will not be harmful will demand such an expensive strategy that no one will agree to do anything," Mendelsohn says. "In contrast, if we sought a moderate policy that will eventually lead to substantial reductions of greenhouse gases, it is very likely one could get global agreement in Copenhagen."

Scientists urge drastic action in Copenhagen; Without it, world can 'kiss goodbye' any chance of curbing global warming (*Ottawa Citizen*)

November 25, 2009 Wednesday
Final Edition

NEWS; Pg. A10
By Margaret Munro, Canwest News Service
Leading climate scientists issued a grim diagnosis for the planet Tuesday, along with a stern warning for world leaders.

The upcoming round of climate talks will have "profound" consequences for human civilization and the planet's ecosystems, the scientists say in their report, The Copenhagen Diagnosis.

It spells out the high stakes on the table at the United Nations-led meetings that begin Dec. 7 and makes the case for drastic cuts in heat-trapping greenhouse gases.

It's "imperative" that world leaders commit to a legally binding treaty to reduce emissions, says co-author Andrew Weaver, a climatologist at the University of Victoria.

Otherwise, he says, the world can "kiss goodbye" hope of holding **global warming** to two degrees Celsius this century, which is seen as tolerable.

Weaver and 25 colleagues from climate centres in Europe, North America and Australia describe their report as the final scientific briefing book for the negotiators from 192 countries.

"They need to know the stark truth about **global warming** and the unprecedented risks involved," says co-author Hans Joachim Schellnhuber, chairman of the German Advisory Council on Global Change.

Citing evidence from the Arctic to the Amazon, the report says **climate change** is occurring faster than expected and urgent emissions reductions are required.

If emissions are allowed to continue soaring, the report estimates global mean temperatures will climb four to seven degrees Celsius by 2100, "locking in **climate change** at a scale that would profoundly and adversely affect all of human civilization and all of the world's major of major ecosystems."

Most of the authors of the new report were also co-authors of the Intergovernmental Panel on **Climate Change** (IPCC) reports issued by the United Nations in 2007 that spelled out **climate change** and its impacts in eye-glazing detail.

As evidence of the change occurring faster than expected, the report points to the "stunning" retreat of the Arctic sea ice. The area of summer sea-ice melt during 2007-

2009 was about 40 per cent greater than the average projection by the IPCC. Sea-level rise is also climbing and has risen five centimetres over the past 15 years, about 80 per cent higher than expected.

Despite more than two decades of political promises to reduce emissions, Canada's greenhouse emissions remain on a "significant" growth trajectory, according to the latest greenhouse-gas inventory from Environment Canada. After a slight dip in 2004-06, Canada's total emissions took off again in 2007, thanks largely to Alberta's oilsands, an increase in the number of vehicles on the road, and greater reliance on coal-fired electricity.

On Parliament Hill on Tuesday, the opposition parties teamed up to adopt a motion calling on the government to support science-based targets at the upcoming summit to stop human activity from heating up the atmosphere by more than two degrees Celsius.

Although the Conservatives opposed the motion, it was adopted by a 137 to 124 vote.

It has no legal weight.

GRANTS
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EPA soliciting Environmental Justice Grant Program applications (*American City & County*)

Nov 23, 2009 1:36 PM
The U.S. Environmental Protection Agency (EPA) is accepting grant applications for its Environmental Justice Grant Funding Program (EJGFP), which will disburse a total of $1 million in funding for projects aimed at addressing environmental and public health issues in communities. Local governments and non-profit organizations are eligible to apply for approximately 40 grants of up to $25,000 each, and the deadline to apply is Jan. 8, 2010.

EJGFP goals include helping communities understand and address environmental challenges and create self-sustaining, community-based partnerships focused on improving human health and the environment, according to EPA. Past projects have focused on exposure to toxins, farm worker pesticide protection, mercury in fish, indoor air quality, drinking water contamination and pollution from shipping ports.

In addition to the traditional criteria, EPA is encouraging applications that address the disproportionate effects of climate change in communities by emphasizing climate equity, energy efficiency, renewable energy, local green economy and green jobs capacity building.

SUPERFUND
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EPA not ready to name Gowanus superfund site (*YourNabe.com*)

Tuesday, November 24, 2009 8:09 PM EST
Gary Buiso

The future of the Gowanus Canal will not be made less murky at a Dec. 3 meeting being convened by the Environmental Protection Agency.

“There will be no big announcement at the Dec. 3 meeting,” said EPA spokesperson Elias Rodriguez, responding to whether the agency was prepared to name the heavily polluted canal a Superfund site.Rodriguez said the agency “is not ready to make a determination” on the controversial listing, either yea or nay.

Rodriguez said the meeting will instead focus on the particulars of supplemental field work the agency will conduct to determine the entire range of pollutants soaked into the 1.8-mile long former industrial water way, “and to calculate the human and ecological risks associated with that contamination.”

The work will supplement previous studies conducted by the United States Army Corps of Engineers and National Grid, the energy giant who by corporate lineage is considered by the EPA potentially responsible for paying to clean the canal if it is named a Superfund site.

The supplemental studies will begin in early December of this year, Rodriguez said. Field activities will include conducting an underwater depth study and collecting sediment, surface water, air, and groundwater samples.

Previous work has revealed a variety of dangerous pollutants in the canal, including PCB’s, metals, volatile organic contaminants, and coal tars leached from manufactured gas plants like Brooklyn Union Gas, which is linked to National Grid after the firm’s acquisition of KeySpan Energy.

The Bloomberg administration, and other opponents of the listing fear a federally led clean-up could drag for years, and that the stigma of the designation will capsize plans to build residential housing along the canal.

David Von Spreckelsen, a senior vice president with Toll Brothers, said that despite the mayor’s lobbying for an alternative plan to clean the canal, he is not optimistic. “The only way to turn this around is for the state to rescind the letter asking the EPA to step in.There is no indication that the state has any intention of rescinding the letter,” he said.

Toll is planning a 605,380 square foot development with 477 residential units on two city blocks near the canal.

In August, the Department of Environmental Conservation,which initially requested the feds include the canal in the Superfund program, advised the EPA to “carefully review and consider” the city’s alternative proposal, which could have up to 65 percent of the clean-up paid for with federal funds. Under the Superfund program, those responsible for the original pollution are required to pay for the clean-up, or face stiff fines and legal action.
The meeting will be the first hosted by the EPA since the state nominated the canal as a Superfund site last December; it is scheduled for Thursday, Dec. 3 from 7:00 p.m. to 9:00 p.m. in the auditorium of Public School 32, 317 Hoyt Street

Tuesday, November 24, 2009, 9:30am PST

EPA wants better cleanup at Navy’s Bremerton site (*Puget Sound Business Journal*)

Seattle - The U.S. Environmental Protection Agency wants the U.S. Navy to do a better job cleaning up the Jackson Park Housing complex east of Highway 3 about two miles from Bremerton.
The Navy operated an ammunition depot at the site for more than 50 years, beginning in 1904. The EPA said that in addition to ammunition-related activities, the site also contained incinerators, paint, battery and machine shops, and a boiler plant. In the mid-1970s, a housing complex was built on the site.

In 1994, the site was declared a an EPA Superfund site and the Navy began cleanup operations, but the EPA said more work needs to be done.

“Since both housing complex residents and the public have easy access to the area, the Navy must consider investigating a broader range of upland and intertidal area cleanup alternatives, including more munitions removal,” the EPA said in a statement, adding that the Navy has agreed to submit a broader cleanup plan, which is currently under review.

The EPA also fined the Navy $45,000 in penalties.

TOXICS
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November 24, 2009

Creosote testing poorly handled Creosote, EPA says (*Hattiesburg American*)

EPA findings prompt new action by city
Terry L. Jones
American Staff Writer tjones@hattiesburgamerican.com
It seems like the city of Hattiesburg may not have gotten its money's worth for an environmental study of a south Hattiesburg neighborhood.

According to the U.S. Environmental Protection Agency, testing performed by APEX Environmental Consultants to determine whether the soil and groundwater of the residential neighborhood west of the railroad tracks that run along Eastside Avenue was still contaminated with creosote did not comply with its standards and protocols.

The EPA's findings have prompted members of the Forrest County Environmental Support Team to ask city leaders to once again revisit an issue that has been plaguing the neighborhood for more than three decades.

In a seven-page letter dated Nov. 6, Dawn Taylor, a member of the EPA's Site Evaluation Section, told Mayor Johnny DuPree that APEX specialists failed to test for the primary constituents normally associated with creosote contamination.

The EPA became involved with the case after members of the FCEST traveled to Atlanta to meet with experts.

In the letter Taylor said, "... other pertinent information about each sample is not provided, including the interval at which the soil sample was collected, time of sample collection, sample collection procedure and brief description of sample characteristics."

The city hired APEX in 2007 at the request of residents, who are convinced the chemical is still present in their neighborhood.

The city paid APEX $60,000 to review the Mississippi Department of Environmental Quality's past investigation of the same area.

In May 2008, an APEX representative told the council that although trace amounts of the pollutant were found in several groundwater samples, it did not pose a threat to residents.

Exposure to creosote can cause mild health problems such as rashes to more severe, including liver and kidney problems and cancer.

Steve Irving, a Louisiana environmental attorney who has been consulting with the FCEST, said - after reviewing the results and the EPA's letter - the City Council should ask for a refund from APEX.

"The lack of a plan and the lack of documentation about what was done would make this report useless for any legal purpose and provides endless opportunities for the sample taker to manipulate the data," Irving said in an e-mail to Sherri Jones, leader of FCEST.

Irving said he has more than 30 years of experience in environmental law and procedures.

"The APEX effort was a joke at best," Irving also said. "I don't think the problem is at the lab, however, as they did what they were told to do. The problem is with the testing itself and the instructions that the lab was given. This was an effort to not find anything."

Officials at APEX declined to comment on the matter at this time.

Now city leaders hope to sit down with EPA representatives to determine what the next step will be.

"Our attorney has suggested that the City Council and the administration need to have a meeting to discuss the results due to the fact that there could be potential litigation from this," Councilman Dave Ware said.

Ware added that no one has threatened the city with a lawsuit yet.

"After we have this discussion, there needs to be another discussion, held in open forum, to discuss the (APEX results)," Ware said.

Jones said an EPA team has committed to coming to Hattiesburg next month to "deal with the situation."

"We're looking at this as another attempt to defraud the community," Jones said.

Industry Attacks EPA Chemical 'Action Plans' In Advance of TSCA Reform (Inside *EPA*)

Industry officials are attacking a lack of transparency in EPA's plan to immediately address key chemicals of concern through "action plans" for review, and other steps, while the agency waits for Congress to act on reforming the Toxic Substances Control Act (TSCA) to give EPA broader authority to collect data on industrial chemicals.
EPA toxics chief Steve Owens recently told lawmakers that parallel to Congress' consideration of TSCA reform, the agency will use what authority it has under existing law to ramp up analyses of potentially harmful chemicals.
Among the efforts include upcoming chemical action plans that will "outline the risks that the use of these chemicals may present and what steps we may take to address those

concerns," Owens said in Nov. 17 testimony to a House Energy & Commerce Committee consumer protection panel hearing on chemical prioritization.

The plans will be based on available hazard, exposure and use information. The first plans will be released in December, and the agency intends to release additional plans at four-month intervals, Owens said. "We've identified six chemical groups; there will be four in the first action plans," and as part of the effort EPA will seek data on chemicals from industry and non-governmental organizations, according to Owens' testimony. The six chemical groups, announced Sept. 29, are benzidine dyes and pigments; bisphenol-A; penta, octa, and decabromodiphenyl ethers, or PBDEs; perfluorinated chemicals; phthalates; and short-chain chlorinated paraffins.

But the American Chemistry Council (ACC) in a Nov. 16 letter to the subcommittee protests the action plans, saying EPA is selecting chemicals for the action plans without a transparent prioritization process, or allowing industry to comment. The process "appears to be focused on approximately 12 chemicals a year, and it is not clear how EPA is determining that the identified chemicals are those that should receive agency attention," writes Cal Dooley, ACC's CEO, in the letter.

Wendy Cleland-Hamnett of EPA's toxics office however told a Nov. 18 American Bar Association event in Washington, D.C., that the agency will "engage stakeholders and the public on prioritizing chemicals for future risk management action" starting in January and focusing on the agency's criteria for future action plans.

One environmentalist says the action plans are a "bellweather" of EPA's limited ability to regulate chemicals under its existing authority that will be useful to Congress. "It will be an interesting test of industry, to see how hard they fight," the source says. "What better test than to not fight EPA's current authority?" Environmentalists and others are urging lawmakers to give EPA broad new powers to mandate that industry provide data that their chemicals are safe for use, rather than the existing burden on EPA to prove the substances are not safe for use.

At the House hearing, Owens said the action plans are a result of the Obama administration's decision earlier this year to cancel the Bush EPA's voluntary Chemical Assessment & Management Program (ChAMP). The program aimed to screen nearly 7,000 of the most-produced chemicals for agency assessment, using existing data and data industry volunteered. But "EPA concluded that the program was too focused on categorizing thousands of chemicals, which would take years," Owens said. "This review also highlighted that the categorizations were often based on limited and incomplete test and exposure data. . . . Without a mandatory requirement, we'll never get" data, Owens added.

In his testimony, Owens identified the problems with ChAMP as a key example of the limitations the agency faces under its existing authority for data collection and analysis under toxics law.

There was also widespread concern that the agency would not be able to meet its 2012 deadline to complete all of the risk-based screenings and prioritizations of the chemicals. Activists also questioned the amount of time the assessment and screening process would take before the agency took action to control chemicals of concern.

Owens said in his testimony that EPA does intend to follow through on one part of the Bush EPA's TSCA effort: updating the TSCA inventory of chemicals in commerce.

Some 83,000 chemicals are on the list, but it is unknown how many of those substances remain in use since the list was created in 1976.
Beth Bosley, a consultant to the Synthetic Organic Chemical Manufacturers Association, suggested in her testimony that “only about one-third of those are presently in commerce.”
Owens and Daryl Ditz, a senior advisor to the Center for International Environmental Law, told the lawmakers that there is no way to know how many chemicals are actively in commerce. Owens, however, added that the inventory update is a “long-term goal.”
Owens also told lawmakers that TSCA puts the burden on EPA to challenge CBI [confidential business information claims],” Owens said, noting that approximately one-fifth of the chemicals on the TSCA inventory of chemicals in commerce are claimed as CBI. In some cases, a CBI claim even includes the name of the chemical, Owens added. EPA Administrator Lisa Jackson “has directed us to do what we can to make more of that data available,” he said. -- Maria Hegstad

WATER

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EPA gets serious about Chesapeake Bay cleanup (*Intelligencer Journal*)

Lancaster New Era
Nov 24, 2009 08:18 EST
Lancaster
In 1950, 8 million people lived in the Chesapeake Bay Watershed.
Today, 17 million people live there, with 130,000 new residents moving in each year.
According to Bob Koroncai of the U.S. Environmental Protection Agency, each and every one of those residents is responsible for nearly choking the life out of North America's largest estuary.
"If you eat, you are part of the problem," Koroncai said. "If you flush a toilet, drive a car or fertilize your lawn, you are contributing to the problem."

Breathing life back into the Chesapeake, Koroncai said, is a task for the people who live in the watershed.

"It's going to take a behavioral change of the 16-17 million residents to make this happen," he said.

Koroncai delivered his comments Monday to a crowd of about 200 at Franklin & Marshall College. They gathered to hear details of a draft plan to clean up the Chesapeake Bay.

The meeting was the seventh in a series of 17 public forums being held in the six states and District of Columbia included in the bay's watershed.

The EPA has had plans to clean up the bay for many years, but implementation of those plans has always fallen short, according to Rich Batiuk of the agency.

"We've made real progress, but it's not enough," he said.

The new plan, which is expected to be adopted by the end of next year, is the first that promises consequences for those states, counties and municipalities that fail to do their part in the cleanup effort.

What those consequences will be has not yet been determined, Koroncai said. Ideas on the table include federal opposition to requests for new permits to discharge nutrients and sediments into bay tributaries, withholding federal grants aimed at cleanup initiatives and assigning even more stringent pollution reduction requirements than called for by the plan.

In essence, Batiuk said, the plan seeks to establish a "pollution diet for the Chesapeake Bay."

If the amount of nitrogen being washed into the bay is reduced to 200 million pounds per year and phosphorous to 15 million pounds per year, Batiuk said, the algae blooms that suck all or nearly all of the oxygen out of parts of the bay should starve and dwindle.

Boosting the oxygen levels should lead to a resurgence of underwater grassbeds, oysters, crabs and other aquatic life that once thrived in the Chesapeake.

Currently, the amount of nitrogen and phosphorous being washed into the bay each year is substantially higher than goals set by the EPA.

Under the cleanup plan, the total amount of each pollutant allowed into the bay will be divided among the six watershed states and the District of Columbia.

For Pennsylvania, the proposed annual levels are 73.64 million pounds of nitrogen and 3.16 million pounds of phosphorous.

Currently, Pennsylvania sends about 115 million pounds of nitrogen and 4 million pounds of phosphorous into the bay each year.

Those pollutants primarily come from farms, but wastewater treatment plants, stormwater runoff and rain carrying airborne contaminants also contribute.

The state Department of Environmental Protection will be charged with dividing Pennsylvania's pollution level among the counties, including Lancaster, that sit in the watershed area by the end of 2011.

Plans for individual tributary watersheds, such as the Conestoga River, will be created to manage the nutrients they deliver to the Chesapeake.

Reducing pollutants might require municipalities to upgrade their wastewater treatment plants and farmers to reduce the amount of manure they spread on their fields.

Logan Myers, chairman of the Warwick Township supervisors and a member of the Lititz Run Watershed Alliance, said nothing surprised him about Monday's presentation.

"I didn't hear anything that was alarming," he said.

Warwick is in the midst of a $14-million upgrade of its wastewater treatment plant to make it more environmentally friendly.

And the Lititz Run alliance has been working for years to improve the quality of that stream.

Myers said he supports the EPA's plan to take action against states that don't do their part in the cleanup.

"Coming down with some consequences at this time is needed," he said. "We've been talking about cleaning up the bay for 25 years and progress has been very slow."

Myers said he hopes EPA and DEP recognize the efforts of municipalities like Warwick Township that have been proactively cleaning up their local waterways for years.

"We don't want to be judged across the board as if we haven't been doing anything," he said.

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Wellesley

Charles River Conservancy backs cuts in pollution in upper and middle Charles (*Boston Globe*)

Posted November 24, 2009 09:11 AM
The Charles River Conservancy is throwing its weight behind proposed new restrictions on phosphorus levels in the upper and middle Charles River.

As the Globe reported Nov. 5, a draft report from the US Environmental Protection Agency and the state Department of Environmental Protection calls for cutting annual phosphorous levels by 49 percent along the 70-mile upper and middle stretches of the

Charles River. The report targets businesses, waste water treatment plants and private property owners to lower what is known as the Total Maximum Daily Load (TMDL) for nutrients.

In Nov. 19 letter to the state Department of Environmental Protection, the Conservancy noted that it wants to make the lower Charles River swimmable. Cleaning up the Upper and Middle Charles would improve water quality in the Lower Charles, the letter noted.

"Thus we are particularly concerned that the water quality of the Lower Charles continue to be improved through the effective implementation of both the TMDL for the Lower Charles, established in 2007, and the adoption and implementation of the proposed TMDL for the Upper and Middle Charles River," the letter said.

"Since 1995 tremendous strides have been made in reducing bacterial pollution from CSOs and
illicit connections such that water quality in the Lower Charles now meets the state swimming
standard for bacteria levels many days of the year. However, the excess nutrient levels entering the Lower Charles from the Upper and Middle Charles at the Watertown Dam still
far exceed the limits established in the 2007 TMDL for the Lower Charles."

Groups threaten EPA lawsuit over Wis. nutrient standards (*Greenwire*)

(11/24/2009)
Taryn Luntz, E&E reporter
A coalition of environmental groups is threatening to sue U.S. EPA if it fails to promptly set legal limits for nutrients in Wisconsin waters.

The agency pledged a decade ago to regulate phosphorus and nitrogen pollution in all states, noting that significant pollution problems still existed after passage of the 1972 Clean Water Act.

But the agency has not lived up to its legal requirements, according to the coalition, which includes Milwaukee Riverkeeper, the Sierra Club and Wisconsin Wildlife Federation.

"The Wisconsin Department of Natural Resources has developed the science needed for sound phosphorous standards," said Betsy Lawton, a Midwest Environmental Advocates attorney representing the coalition. "EPA must honor its 1999 pledge to set standards for this harmful pollutant that hampers recreation for Wisconsin residents by contributing to green, stinky water, closed beaches and toxic algae."

The coalition's 60-day notice of intent to sue follows the resolution of a similar case earlier this month between environmental groups and EPA over Florida waters.

A federal judge on Nov. 16 approved a consent decree requiring the agency to set quantifiable nutrient pollution limits in Florida, the first time EPA will attempt to do so for any state.

Nutrients discharged from sewage treatment plants or washing off farms, lawns and other sources can fuel toxic algal blooms that suck dissolved oxygen out of the water, creating hypoxic "dead zones" that smother marine life.

The algae in Wisconsin has led to the death of pets and several cases of rashes, sore throats and eye irritation in the state this year, the coalition said.

EPA's Office of Inspector General found in August that the agency failed to follow through on its pledge to enforce federal nutrient pollution standards if states did not develop their own by 2004 (*E&ENews PM*, Aug. 27).

"EPA's current approach is not working," the inspector general wrote. "EPA has relied on the states to develop standards on their own without any meaningful monitoring or control. EPA did not establish priorities, enforceable milestones, or adequate measures to assess progress."

An EPA spokeswoman said the agency supports a range of strategies for curbing nutrient pollution in waterways.

"EPA expects to continue to work in a collaborative manner with states to achieve the goal of effective management of nutrients to address water quality issues," she said. "In those cases where data and information support a federal Clean Water Act determination that a state needs new or revised water quality standards for nutrients, EPA expects to move forward and consider similar actions."

City to get its hands Dillo Dirt-y (*Daily Texan*)

By Molly Triece
Daily Texan Staff
Published: Wednesday, November 25, 2009
Updated: Wednesday, November 25, 2009

Above, Bill Gorro, an Austin Water Utilities employee, operates a machine that sift sticks and other debris from the finished product of Dillo Dirt at Hornsby Bend Tuesday afternoon.

Below, Dillo Dirt is created using biowaste and undergoes a multi-stage process of treatment and testing. before it is used as fertilizer.

The city of Austin plans to use a $31.8 million loan from the Texas Water Development Board to finance the waste management systems at Hornsby Bend Biosolids Management Facility.

Hornsby Bend specializes in treating and reusing Austin's biosolids, which are made of "sewage sludge" left after Austin's water treatment plants purify wastewater. Jill Mayfield, spokeswoman for the city of Austin, said the loan is intended to enable the facility to increase its capacity to treat biosolids and turn them into the fertilizer Dillo Dirt through a process of composting.

"We will improve our digester system, so we can run more biosolids out of it because we really don't want a landfill," she said.

Mayfield said Hornsby Bend also harnesses methane gases that are released during the process of treating biosolids, and that a large variety of bird life is attracted to the facility's pond system, which is squeezed from the biosolids.

Jody Slagle, compost and biosolid reuse manager for Hornsby Bend, is managing the expansion of the Dillo Dirt and biosolid treatment projects funded by the loan.

"The net effects [for Austin] are going to be in energy savings, renewable power generation and reductions in greenhouse gas emissions," Slagle said.

The expansion of these projects is scheduled to begin in February 2012 and will take about two years. Hornsby Bend plans to reduce its use of diesel fuel by 30,000 gallons during that time by treating more biosolids at the base as opposed to off-site treatment centers. Also, Slagle said, the facility will be able to decrease its power needs.

"We expect to produce enough electricity using digester gas to offset all of our plant's power needs, as well as additional power that will be fed to Austin's power distribution grids," Slagle said.

There won't be major changes made to the way Hornsby Bend operates, Slagle said. Changes will be focused on increasing the facility's capacity.

"The Dillo Dirt composting process will increase in size but will use the same technology we use now," she said.

Austin's consumption rate of treated wastewater has stayed flat in recent years, said Chris Lehman, Austin Sierra Club chairman, but the city is embarking on multiple projects to increase its capacity to manage waste. He said the city is only expanding

Hornsby Bend because it was ordered in 1999 to make changes or face fines from the Environmental Protection Agency.

Rate payers will not immediately see charges, but they will eventually have to pay back the money lended, he said.

“I think it’s good that they are doing something to take care of the sewage, but they’ve got a long way to go,” Lehman said.

Fish kill not natural, says scientist (*ABC News*)

By Francis Tapim
Posted Wed Nov 25, 2009 9:00am AEDT
Updated Wed Nov 25, 2009 10:38am AEDT

Residents found thousands of fish floating in the lake near Biggs Avenue at Beachmere yesterday. (ABC Local Online)

A marine scientist has rejected claims a fish kill in a lake at Beachmere, north of Brisbane, is a naturally occurring event.

Residents found thousands of fish floating in the lake near Biggs Avenue at Beachmere yesterday morning.

Some residents were quick to blame the Moreton Bay Regional Council's new sewer outflow but Councillor Chris Whiting says only clean fresh water is being pumped from it.

Dr Glen Brown, from the Environmental Protection Agency (EPA), says fish and water samples have been taken for testing, but he does not think the adjacent sewage treatment plant is a factor.

"There is a very high water temperature at a shallow depth of the lake - it's not very well shaded, it's not flushed, [there are] low dissolved oxygen levels in the lake and this is all contributing to this fish kill," he said.

The EPA says during the summer months high temperatures and low water levels can provide ideal conditions for algae blooms.

But a fish expert says he doubts this week's high temperatures were responsible for the deaths of thousands of fish at the lake.

Aquaculture veterinarian Dr Matt Landos says the unstable ecology of the lake is probably due to excess input of nutrients and other pollutants.

"The temperatures are certainly in the upper end of the tolerance range for many of the fish that would be living in that environment, but that said, under good water quality conditions, the temperature alone wouldn't be sufficient to kill the fish," he said.

Meanwhile, marine scientist Dr Ben Diggles says he was at the lake yesterday and the pumping station is definitely a factor.

"It's certainly not a natural event, let's just get that straight - you must look at what drives the algal blooms - nutrients are quite common in sewage, so the algae require nutrients," he said.
"Whatever is coming out of that pipe at two litres per second smells very highly of hydrogen sulphide, which is a rotten egg smell.
"The problem is hydrogen sulphide is highly toxic to aquatic animals and in this situation I would be suggesting that the Council be looking very closely at what's coming out of the pipe."
Dr Diggles says the Council removed aerators from the lake overnight that were put in to increase oxygen levels.
"They had aerators in the water from two o'clock apparently yesterday afternoon until knock-off time at five but then they pulled them out," he said.
"But at night, when the sun goes down, they start absorbing oxygen, so at night was the time when they really required the aeration to go in.
"Of course now they are just rolling up now, starting it again - the worst damage has been done last night."
However, Councillor Whiting says he will try to get the aerators running again soon.
"I've just got that information there, so I'll be out there very soon and we'll chase it up and see if we can get those aerators going on," he said.
"We're getting information coming in from everywhere - from all authorities about what to do and we are taking all that on board.
"I think it is a good point about the aerators operating overnight as long as they don't disturb the residents."

Wetlands parcel owner says escrow on swap must close by Dec. 31 (*Long Beach Press-Telegram*)

By Joe Segura, Staff Writer
Posted: 11/24/2009 07:24:11 PM PST
LONG BEACH - The attorney for Los Cerritos Wetlands owner Tom Dean has notified the city that escrow on a land-swap deal for 37 acres needs to be closed by Dec. 31.

In two letters, including one dated Monday, attorney Kenneth A. Ehrlich attests that the issues of contaminations at the wetlands are being addressed in good faith.

Dean's company (LCW Partners), according to Ehrlich, "will continue to move as fast as allowed by EPA (the Environmental Protection Agency) to assess and remediate any and all existing PCB contamination at the property."

However, City Manager Pat West said on Tuesday that the city will not enter escrow - at the earliest - until after Tuesday's closed-door session on the land-swap deal.

Councilwoman Gerrie Schipske said that escrow cannot be completed in such a short period of time, especially during the holidays. She supports having the EPA first complete its assessment of the contaminations.

The attorney's letter comes on the heels of EPA officials' advice to the City Council last week that the EPA's probe into possible contaminants at the wetlands could stall the land-swap escrow deal for nearly a year.

Final test results from 13 wetland sites are still pending, but preliminary soil testing showed carcinogenic polychlorinated biphenyl, or PCB, above safe levels in 11 locations, according to Robert Wise, an on-scene coordinator for the EPA.

Wise provided a brief outline Nov. 17 of the contamination situation, and EPA attorney Andrew Helmlinger cautioned city officials about the importance of due diligence in making sure the toxic hazard issues are addressed to avoid stiff liability costs.

The updates were sought by Schipske, an outspoken environmentalist who opposed the land-swap proposal because she said it fails to provide the council a full picture of potential problems. The council will meet in closed session Tuesday to review the land-swap deal - and Dean's new deadline.

According to Wise, the cleanup may not be completed until next summer, if heavy rain delays the process.

He said EPA officials will meet with other regulating agencies, including the state Coastal Commission, for an assessment of the contamination problem. That would be followed by planning on the best methods of clearing away the toxins, he said.

Schipske worries that the cleanup costs will fall on the city's shoulders.

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LoBiondo Gets Moratorium for Vessel Water Discharge Permits (*Cape May County Herald*)

Frank LoBiondo
Wayne Reichle
Sam Martin, Atlantic Cape Fisheries
Reichle, LoBiondo, Martin
COLD SPRING– U.S. Rep. Frank LoBiondo (R-NJ) announced at a press event here at Lund's Fisheries Tuesday Nov. 24 he has secured a three year extension of the moratorium from Environmental Protection Agency (EPA), state regulations and fines governing incidental discharges from commercial fishing vessels and all other

commercial vessels less than 79 feet. The extension was included in the “Coast Guard Authorization Act of 2010,” which was approved by the House in late October.
The need for a change in legislation stems from a Ninth Circuit Court of Appeals decision in San Francisco that affirmed a lower court order that ended an exemption for marine vessels. That paved the way for the Environmental Protection Agency (EPA) to require vessels under 79 feet to obtain discharge permits.
“We got an initial exemption so they could work out the particulars but now that exemption is expired,” said LoBiondo.
He said a Coast Guard subcommittee wanted to find a full blown fix but found that impossible under the time frame. He said the chairman of Coast Guard subcommittee granted, recommended and supported a three year extension on the moratorium, so a permanent solution can be found.
The earlier moratorium was set to expire in June 2010 when new the EPA permits would take effect. LoBiondo said the regulation could force commercial fishermen out of business.
“It throws all common sense overboard,” he said.
LoBiondo said if the Senate will pass the Coast Guard Reauthorization Bill for 2010, which includes the three year moratorium, he is sure the president will sign it. He said there has been bipartisan support of a new moratorium.
Wayne Reichle, a managing partner in Lund’s Fisheries, said the discharges from fishing boats included ballast and bilge water. It also covers water from washing decks, galley sink wastes, laundry and rain water runoff. He said recreational fishing vessels were not included in the discharge requirements.
LoBiondo said Michigan requires commercial fisherman to treat water with chemicals before they can discharge water from their boat. Neighboring Wisconsin does not allow any discharge treated with chemicals.
He said it made it impossible for commercial fisherman to comply with the regulations.LoBiondo said his first task was to get a standard regulation the fishing industry can live with across the board.
The solution may be found to an amendment to the Clean Water Act, said LoBiondo, but that may take time. The Ninth Court of Appeals decision also covered ballast water carried by large ocean going ships that may introduce invasive species from other parts of the world.
LoBiondo is a ranking member of the House Coast Guard and Marine Transportation Subcommittee. He said with all the pressure that’s on small business and the fishing industry, it was wrong to have the government say if you have an accidental discharge on ships under 79 feet, the fine is thousands and thousands of dollars.
Commercial vessels (except fishing) over 79 feet will still need to comply with the EPA standards and all recreational vessels, regardless of size, are permanently exempt from the regulations. LoBiondo continues to work with House Transportation & Infrastructure Committee Chairman James Oberstar (MN-08) on a permanent solution that will establish a single, nationwide standard for ballast water and incidental discharges.

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