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ADMINISTRATOR JACKSON
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Jackson commits to transparency in 'fishbowl memo' (*Greenwire*)

Story also appeared: *New York Times*

Robin Bravender, E&E reporter
04/24/2009
U.S. EPA Administrator Lisa Jackson committed to transparency yesterday, promising in a memo to employees that the agency would conduct its business "in a fishbowl."

"The American people will not trust us to protect their health or their environment if they do not trust us to be transparent and inclusive in our decision-making," Jackson wrote. "To earn this trust, we must conduct business with the public openly and fairly."

Jackson became the latest of many EPA administrators to issue a "fishbowl memo," promising to keep agency activities open to the public. Former Administrator William Ruckelshaus began the tradition when he issued a similar **document** in 1983 in an attempt to rebuild the agency's image and morale after scandals in the Superfund program.

"I wish to reaffirm this commitment and take the opportunity to provide guidelines about how we will ensure transparency in our interactions with all members of the public," Jackson said.

Within those guidelines, Jackson addressed openness issues ranging from keeping her appointments public to making EPA staff accessible to the press.

Jackson pledged to post her schedule publicly on EPA's Web site, and to keep the calendars of other top agency officials open to the public.

In accordance with a March memo issued by Attorney General Eric Holder, Jackson urged EPA officials to exercise their discretion in favor of disclosing documents whenever possible under the Freedom of Information Act, directing offices to exert exemptions only when the agency reasonably foresees that disclosure would harm a protected interest or when the disclosure is legally prohibited.

Jackson also encouraged staff to reach out to the public as broadly as possible when conducting rulemakings and to ensure that the public receives timely notice "of information or views that have influenced EPA's decisions."

Additionally, she urged staff to provide Congress with the information necessary for its oversight and legislative interests and highlighted the importance of making EPA staff accessible to the press, "which forms a vital role in informing the public about EPA's actions," she said.

Sweeping change or symbolic gesture?

Critics of the Bush administration see the policy as a swift turnaround from the tactics of President George W. Bush's EPA.

This memo is one of several examples where the Obama administration has clearly parted ways with the Bush administration, said John Walke, a senior attorney at the Natural Resources Defense Council. "The last administration," he said, "was anti-transparency."

Several House Democrats in 2007 raised questions about whether Stephen Johnson, EPA administrator under Bush, had issued a "fishbowl" memo or another directive reminding agency employees of the importance of transparency and openness (*E&ENews PM*, Dec. 7, 2007).

Since Ruckelshaus, every EPA administrator issued a fishbowl memo, with the possible exception of Johnson, Michigan Democrats John Dingell and Bart Stupak said in a letter to the Bush appointee.

An EPA spokesperson was unable to immediately confirm whether Johnson had issued such a memo.

"Whether or not he issued one, I don't think it really is anything more than symbolic," said Jeff Holmstead, who served as EPA's air chief during Bush's first term and worked briefly under Johnson after he became administrator in 2005.

"I think it's a nice, symbolic gesture," Holmstead said, but in terms of the way the agency operates, there are certain traditions and customs that are very hard to change.

Holmstead said EPA administrators have long made their schedules available to anyone who was interested, and said that Jackson's staff could still keep some meetings off the calendar. "If there are very sensitive issues, they'll just block the time and won't keep them on her schedule," he said.

Click here to read Jackson's memo.

Republicans Accuse EPA of Fuzzy Math (*Roll Call)*

April 24, 2009, 3:57 p.m.
By Jackie Kucinich
Roll Call Staff

Two top House Republicans are questioning whether the Environmental Protection Agency effectively cooked the books to minimize the cost estimates of the Democratic plan to cap carbon emissions.

Rep. Darrell Issa (R-Calif), ranking member of the House Oversight and Government Reform Committee, and Rep. Jim Sensenbrenner (R-Wis.), ranking member of the Energy Independence and Global Warming Committee, say the EPA used a 2.5 percent growth rate for the gross domestic product instead of the 3.3 percent rate used by President Barack Obama in his budget. The lawmakers say that the difference amounts to $1.2 trillion discrepancy and that they are demanding an explanation in a letter to EPA Administrator Lisa Jackson.

“In EPA’s analysis, the agency assumed U.S. GDP growth for 2010 to 2019 at a rate of 2.5% per year,” the lawmakers wrote. “In contrast, President Obama’s budget proposal, released just 2 months ago, relied on assumed GDP growth of 3.3% for the same period ... the discrepancy is significant.”

A lower GDP number would reduce calculations for greenhouse gases and compliance costs, the Republicans said. They also charged that the EPA’s analysis relied on offset numbers that were incorrect.

“Given the speed with which the [energy bill] is expected to move through the House, we would appreciate a written response to this inquiry no later than Friday, May 8, 2009,” the letter states. “Additionally, we would like to arrange a briefing with our staff to clarify these issues in the analysis.”

EPA spokeswoman Adora Andy defended the disparity in the figures. The EPA estimate was based on a 600-page bill, while the White House’s number was based on a concept, she said.

The White House based its GDP growth rate on the 2008 figures from the Energy Information Administration’s Annual Energy Outlook because 2009 numbers were not available, Andy said. Weeks later, when the EPA began analyzing the Democratic energy bill, the 2009 numbers were released.

“The administration is committed to bringing the best-evaluated information to the Members of Congress working on this historic legislation,” Andy said.

House Republicans charged this week that the cap-and-trade proposal that would put a cap on carbon emissions and allow companies to trade pollution levels would end up raising energy costs significantly across the country.

“This discrepancy is indicative of what may be a disturbing trend by the administration to manipulate facts and figures to justify their cap-and-tax bill,” a GOP aide said. “The questions raised in this letter call into question the administration’s credibility, and it

would not be at all surprising if other discrepancies are uncovered as we continue to do a deeper dive into the Waxman-Markey bill."

Air quality (*Chicago Tribune*)

April 25, 2009 Saturday
Chicagoland Final Edition
NEWS ; ZONE C; COMMENTARY ; Pg. 15
By Humaira Baig
Lombard

This is in response to quot;EPA to test air outside schools; Several Chicago-area campuses are close to factories that emit toxic chemicals and heavy metalsquot; (News, April 6). I am a student at Glenbard South High School and even though I do not go to a school near a great amount of pollution, I know others who do. The fact that the air is finally going to be tested outside of different schools is a comfort. After the U.S. Environmental Protection Agency chose to ignore its own research that proved the air as bad, I believe it is time something was done.

The article was very concise and gave many facts. By using the new **EPA administrator** as a source, a lot of vital information was relayed to the public. I liked that there was a description of what exactly was going to be done. This article described in detail how the schools that were going to be tested were selected, and what the testing was going to involve. I also liked that it mentions some of the risks the **EPA** said might go along with testing the air. It is nice to be warned.

EPA officials have concluded that their results could enforce future actions against polluters. If this test helps, then they should do it. With their findings, the number of schools tested might increase as well, which I think would be a good idea.

It is nice that the U.S. **Environmental Protection Agency** is finally doing something about a known problem. Let's help in any way we can by doing our part to help the environment.

Mingo commissioners appeal to U.S. Rep: ...Help our coal miners (*Williamson Daily News*)

by PAMELA SCOTT JOHNSON Staff Writer
April 26, 2009

The EPA's decision to reject two permits for mountaintop mining for sites in Boone County and Pike County, Ky. has caused local governing officials to take a stance.

All three Mingo County Commissioners sent letters to Sen. John D. (Jay) Rockefeller (D-WV), Sen. Robert C. Byrd (D-WV) and Congressman Nick J. Rahall (D-WV) expressing concern about the current status of mountaintop removal as well as the intense scrutiny the Environmental Protection Agency has admitted using for such operations.

In March the EPA placed hundreds of mountaintop mining operations on notice, saying it "needs to review their impact on local streams and wetlands before they can move forward."

County commission president John Mark Hubbard, Vice-president Greg "Hootie" Smith and Commissioner David Baisden told the senators and congressman the MCC is in full support of mountaintop removal explaining it is "crucial not only to southern West Virginia, but the United States as a whole."

"Here at home, we have benefited tremendously from the public/private partnerships that have developed the existing sections of the King Coal Highway, which has saved the federal government millions of dollars in highway funding," the letter reads. "This project, like many others, is in jeopardy because of the actions of EPA officials and the apparent support they are receiving from President Barack Obama."

The EPA's announcement contests a Bush administration policy and hindered the outcome of a federal court decision, which made it easier for mines to get rid of rubble and sludge created after the tops of mountains are blown off to access the coal underneath.

The statement given last month said the EPA would "take a close look" at applications that had been the focus of the latest court proceedings.

The EPA sent letters to the Army Corps of Engineers saying the proposed operations in West Virginia and Kentucky should be halted.

"The two letters reflect EPA's considerable concern regarding the environmental impact these projects would have on fragile habitats and streams," EPA Administrator Lisa P. Jackson said in a statement. "I have directed the agency to review other mining permit requests. EPA will use the best science and follow the letter of the law in ensuring we are protecting our environment."

The county commissioners say the denial of mountaintop permits will "jeopardize the tax base of southern West Virginia counties, severely hampering the ability of local governments to provide basic resources to residents."

"Most importantly, hard working men and women who are employed by coal and its

related industries are either losing their jobs or seeing their hours and benefits cut drastically, causing hardship that will soon be felt not only by those directly affected, but all of us who live in the coalfields," the commissioners said in the letter.

The commissioners concluded the letter to Rockefeller, Byrd and Rahall, "Mingo Countians realize that you supported President Obama in his bid to obtain the presidency and have great faith in his ability to manage the affairs of the United States. On behalf of the people we both represent, (MCC) is requesting that you please use any and all means available to convince President Obama and EPA officials to approve mountaintop removal permits, honor post-mine land reclamation plans included with these permits and keep West Virginia working as well as keep the lights on in the United States."

McCarthy's confirmation to EPA could be stalled (*Norwalk Advocate)*

GOP senators throw up a roadblock
By Peter Urban
Staff Writer
Posted: 04/25/2009 06:44:01 PM EDT
Updated: 04/26/2009 05:12:56 AM EDT
WASHINGTON -- A battle over regulating greenhouse gas emissions could stall the confirmation of Connecticut's Environmental Protection Commissioner Gina McCarthy for a federal post.
She was nominated by President Barack Obama to be assistant administrator for the Office of Air and Radiation at the Environmental Protection Agency.

The Senate Environmental and Public Works Committee approved her confirmation Thursday, clearing the way for a final vote in the Senate. However, Senate Republicans indicated they may try to block the vote.

U.S. Sen. John Barrasso of Wyoming voted against her confirmation at the committee meeting and complained that she had not fully answered his questions over the impact of an administration proposal to label carbon dioxide and five other gases as public health threats because they contribute to global warming.

Barrasso said McCarthy had not explained how the so-called "endangerment finding" would be implemented, leaving farmers, hospitals and business owners in Wyoming to worry about potentially onerous regulations.

U.S. Sen. James Inhofe, R-Okla., said he would join in blocking McCarthy's confirmation in the Senate if the concerns were not addressed.

U.S. Sen. Barbara Boxer, D-Calif., committee chairwoman, urged Republicans to allow McCarthy's confirmation rather than threaten a filibuster that would require a 60-vote majority to overcome.

Boxer said McCarthy has tremendous experience and a history of working across party lines. She was appointed to her current role at DEP by Republican Gov. M. Jodi Rell.

"Gina McCarthy comes to this position with nearly three decades of experience in public service and a unique record of accomplishment in addressing air pollution -- including global warming pollution -- at the state level in Massachusetts and in Connecticut," Boxer said.

The U.S. Supreme Court in 2007 ordered the EPA to consider the possibility of regulating carbon dioxide emissions under the Clean Air Act. The EPA's proposed endangerment finding released last week said that concentrations of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride are at unprecedented levels because of human activity. It said these high concentrations are likely causing climate changes.

"This finding confirms that greenhouse gas pollution is a serious problem now and for future generations," EPA Administrator Lisa Jackson said.

The analysis does not include any proposed regulations. However, the Obama administration and Democrats in Congress are pushing for comprehensive legislation to control greenhouse gas emissions. Among the proposals is a cap-and-trade system for regulating carbon emissions advocated by U.S. Sen. Joseph Lieberman, I-Conn., as a flexible way to reduce pollution.

-- Peter Urban writes for the Connecticut Post.

Charting a clear course for clean energy (*Denver Post*)

By Keith Hay
Posted: 04/26/2009 01:00:00 AM MDT

For every new president the preliminary measure of success is the infamous "First 100 Days." But maybe this year it's time to set a new benchmark. Perhaps President Obama should be the first American president to be assessed against the "First 92 Days" measuring stick, which fell on Wednesday, April 22, better known as Earth Day.

On Earth Day, Americans had plenty to celebrate. That's because President Obama had, in 92 days, set the nation in a new direction when it comes to transitioning to a clean energy economy, stopping global warming, and protecting the environment.

Take day 6, when President Obama directed his brand new Environmental Protection Agency Administrator to reconsider a contentious Bush administration decision preventing fourteen states from reducing global warming pollution from cars and light trucks. If Colorado were to adopt the stronger standards we could save 2.1 billion gallons of gasoline and prevent 3.9 million tons of global warming pollution by 2020.

Day 28 sure didn't fly under the radar, especially here in Colorado. President Obama was in Denver to sign into law the single largest green funding initiative in American history- the American Recovery and Reinvestment Act.

With a stroke of the pen the President recharged Colorado's new energy economy by allocated nearly $80 billion that will double America's renewable energy production, improve energy efficiency, and invest in green transportation, creating 1.5 million green jobs in the process and achieving his first major policy victory.

But President Obama didn't stop there. On day 37, President Obama unveiled a budget that incorporates $646 billion in revenues from capping global warming and invests an additional $150 billion in renewable energy like wind and solar.

His budget sets the stage for a new energy plan for America that addresses global warming and drives the transformation to a new clean energy economy. Simply put, Obama's proposed budget means a cleaner, greener, more prosperous America.

With less fanfare, on day 59, Obama's EPA Administrator Lisa Jackson moved ahead with a finding that global warming pollution poses a danger to public welfare. A final decision, expected as soon as this week, would allow EPA to speed our transition to a clean energy economy and regulate the worst global warming polluters.

And then on day 69 the president signed the largest expansion protected wilderness in 15 years. The Omnibus Public Land Management Act was result of a bi-partisan coalition of politicians in both the U.S. Senate and House working to protecting two million acres of American wilderness.

This is an amazing victory for any American who's ever enjoyed a hike through California's towering Sequoias, backpacked the craggy peaks of Rocky Mountain National Park or spent a night under the green canopy of the Virginia Ridge wilderness area.

So as Americans celebrated Earth Day on April 22nd, why wait for those last days to evaluate Obama's progress? The first 92 days looked pretty darn good.

And yet, there is more work to do. The latest science makes clear that, to protect future generations from the worst effects of global warming, we must reduce pollution over the next 10 years faster than the president has proposed, cutting emissions by 35 percent below today's levels by 2020.

As the slogan says, we should make "Earth Day Every Day." During his first 92 days, President Obama showed us that he's taking this idea to heart and putting it into practice. Here's hoping that the next 1,333 days are as productive as the first 92!

Keith Hay is a clean energy advocate for Environment Colorado. EDITOR'S NOTE: This is an online-only column and has not been edited.

Jeered mayor defends Crestwood water (*Chicago Tribune*)

Stranczek gets an earful at 1st public meeting since disclosure of toxic well
By Gerry Smith, Tribune reporter Tribune reporter Michael Hawthorne and freelance reporter Jeff Borgardt contributed to this report.
Crestwood's mayor on Saturday tried to assure his south suburban town its drinking water is safe as an outraged and skeptical standing-room-only crowd shouted him down and demanded to know why local officials secretly used a polluted well for more than two decades.

The contentious hourlong meeting marked the first time Mayor Robert Stranczek fielded questions from residents since a Tribune investigation found Crestwood residents had unknowingly used tap water contaminated with toxic chemicals linked to cancer and other health problems.

quot;We're going to be lab rats for the next 20, 30, 40, 50 years,quot; said Crestwood resident Wendy Brunette, 44, who called on the village to conduct a survey to see if residents were at risk for any long-term health problems.

Stranczek, who often was drowned out by shouts from about 200 residents, said the well has been turned off, taken out of the ground and closed off.

quot;Here's what I can tell you about our water: Our water has always been safe to drink,quot; Stranczek said. quot;I can tell you the water is safe today, will be safe tomorrow and will be safe into the future.quot;

Before it was shut off, Crestwood officials kept using the well even though state environmental officials told them at least 22 years ago that dangerous chemicals related to a dry-cleaning solvent were in the water, records show.

The village avoided scrutiny by telling state regulators in 1986 that they would get all of

their tap water from Lake Michigan and would use the well only in an emergency. But records show Crestwood kept drawing well water on a routine basis -- relying on it for up to 20 percent of the village's water supply some months.

The well wasn't shut off for good until December 2007, after the Illinois **Environmental Protection Agency** tested the water for the first time in more than 20 years.

State records obtained by the Tribune show the village was aware of the contamination on at least one other occasion. In 1998, village officials were present when contractors tested the well while investigating a plume of perchloroethylene, or PCE, that had leached into the ground nearby. The PCE most likely came from a dry cleaner less than 300 feet from the well. In a letter found in **EPA** files, the contractors write that village officials told them they still were drawing from the well for a portion of the village's water supply.

On Saturday, Stranczek told residents the village is cooperating with the state **EPA** and also is working with the agency to do sample testing.

quot;No one in the village of Crestwood government, past or present, would ever intentionally allow a hazard to threaten our community,quot; Stranczek said.

The amount of water pumped from the well went as high as 20.4 percent from October 1991 to October 1992, and as low as 2.84 percent from January 2006 to September 2007, according to figures the village released at the meeting.

Sitting next to an attorney, Stranczek denied that the well was used to save money.

quot;If it was a money issue, we would have been running 20, 25, 30 percent well water,quot; the mayor said.

Asked why the village did not inform residents of the tainted well two decades ago, the mayor said quot;there were no violationsquot; at that time.

Stranczek said the village has established a Web site, villageofcrestwood.org, to update residents as state officials look into the matter.

A few residents sought to defend the mayor and his father, Chester Stranczek, the town's longtime mayor who retired in 2007. Sandy Baricevic said she raised a daughter in Crestwood who is now 40 and quot;as healthy as she can be.quot; Baricevic also said she had visited the mayor's house over the years and watched them make tea and coffee quot;from the faucet, just like everyone else.quot;

But many were angry. Some demanded the village cover medical expenses to see if residents have contracted ailments after drinking the well water.

Most just wanted to know why the village continued using the well long after learning it

was polluted.

quot;Why for 22 or 23 years did you still pump vinyl chloride into our homes?quot; asked resident Bob O'Toole, referring to a chemical found in the well that is so toxic that the U.S. **EPA** says there is no safe level of exposure.

And many said Stranczek did not provide satisfactory answers to that question.

After the meeting, the mayor shook hands with a few residents, exited quickly out a back door and was whisked away in a blue SUV.

Later Saturday, U.S. Rep. Bobby Rush, whose district includes Crestwood, spoke to about 300 people at a church in neighboring Palos Heights. Rush said he sent a letter to U.S. **EPA administrator** Lisa Jackson demanding the federal agency come to Crestwood to hold public meetings, investigate the village and test to ensure the drinking water is safe.

Rush called the actions of Crestwood officials quot;atrocious,quot; quot;shamefulquot; and quot;criminal.quot;

gfsmith@tribune.com

AIR

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EPA hits pollution-spewing power plant near Marietta (*Columbus Dispatch*)

Friday, April 24, 2009 10:22 PM
By Spencer Hunt
THE COLUMBUS DISPATCH
A coal-fired power plant near Marietta has violated the Clean Air Act since at least 1991, according to the U.S. Environmental Protection Agency.

The 58-year-old Richard H. Gorsuch power plant is small compared with the hulking generating stations up and down the Ohio River. But the government's accusation that the 213-megawatt plant has spewed too much pollution that helps create smog, soot and acid rain could mean big trouble for American Municipal Power.

The Columbus-based company, which sells electricity to about 80 city and village electrical systems, faces a hefty fine and, if it doesn't close the plant or find another fuel to burn there, could shell out millions for air-pollution filters.

EPA officials said American Municipal Power and former co-owner, Elkem Metals, Inc., should have installed the filters when they repaired and upgraded the plant from 1982 through 1991.

The accusation mirrors lawsuits the EPA filed in 1999 against American Electric Power, First Energy and 11 other companies. AEP settled in 2007 and FirstEnergy settled in 2004, both agreeing to spend billions to cut pollution at several plants.

American Municipal Power said in a statement that it has responsibly operated the plant since it bought a 70 percent stake in 1988 and bought out Elkem 11 years later. Elkem officials would not comment.

"We have made a number of improvements at the facility that actually reduced emissions," American Municipal Power said.

The company did not elaborate.

Sandy Buchanan, director of Ohio Citizen Action, an environmental advocacy group, said American Municipal Power officials had their heads in the sand.

"I don't think ignorance is a defense in this case," Buchanan said. "It's not like it's a surprise that the EPA was working its way through these (power) plants."

George Czerniak, the EPA's regional air enforcement chief in Chicago, said his office needed to finish the 1999 lawsuits before turning to other plants.

"Those were some very large companies and very complex issues that certainly took a lot of our resources," he said.

An EPA notice of violation, dated March 27, states Elkem and American Municipal Power overhauled and replaced equipment, including superheaters and turbines, and installed a new substation and burner-control system from 1982 to 1991.

Czerniak said those changes triggered a Clean Air Act requirement that calls for filters to capture sulfur dioxide and nitrogen oxides, which help form smog, soot and acid rain.

The companies face retroactive fines of as much as $37,500 a day. The EPA typically settles for far less.

American Municipal Power officials have said they might close the plant in the face of tightening federal air pollution limits. The company's statement mentions it might also find a different fuel to burn.

FirstEnergy recently announced it would refit its R.E. Burger plant along the Ohio River near Shadyside to burn biomass instead of coal. The move would cut sulfur dioxide pollution so the company would not have to install filters.

Closing the Gorsuch plant would not put an end the EPA's complaint or possible fines, agency spokesman Bill Omohundro said.

shunt@dispatch.com

Mercury reduction (*The Engineer*)

Published: 24 April 2009 10:00 AM
Source: The Engineer Online

The US Environmental Protection Agency (EPA) is proposing to significantly reduce mercury emissions from Portland cement kilns - the fourth-largest source of mercury air emissions in the US.

The proposal would set that nation's first limits on mercury emissions from existing Portland cement kilns and would strengthen the limits for new kilns.

The proposed standards would also set emission limits for total hydrocarbons, particulate matter and sulphur dioxide from cement kilns of all sizes and would reduce hydrochloric acid emissions from kilns that are large emitters.

The majority of the toxic emissions at cement kilns come from the burning of fuels and the heating of raw materials.

When fully implemented in 2013, the EPA estimates that its rule will reduce mercury emissions by at least 81 per cent.

The agency is to take public comments on the proposal for 60 days after publication in the Federal Register: the official journal of the US government that contains public notices of government agencies.

The EPA will hold a public hearing on the proposal if one is requested. Hearing requests must be received within 15 days of publication in the Federal Register.

More information can be found at http://www.epa.gov/ttn/oarpg/t3pfpr.html.

Dust from coal trucks poses Appalachian health threat -- study (*Greenwire*)

Robin Bravender, E&E reporter
04/24/2009

Coal trucks rumbling through neighborhoods in southwest Virginia are trailing dust clouds that violate federal pollution standards, according to a report that advocacy groups released yesterday.

The **study** conducted by North Carolina State University for the Southern Appalachian Mountain Stewards and the Sierra Club analyzed airborne dust along the roads of Roda in Wise County, where trucks haul coal from several mining operations.

The trucks track coal, mud and debris from the mines to the road, where it dries and turns to dust that is stirred up by other vehicles. That dust coats houses and is thought to cause respiratory and other health ailments, researchers found.

A two-week study last summer of two locations along Roda Road found that dust concentrations on roads near the mining operations far exceeded the national air pollution standard.

At one site, 10 of 12 samples had dust exceeding the federal standard, including one that was more than three times the limit. Six of 12 samples at another site also had dust exceeding the national standard.

Coal dust in Roda could suggest a larger problem throughout Appalachia, and researchers are calling for further investigation across the region.

Coarse particulate matter, or dust, can cause respiratory problems, increased asthma attacks, and aggravation of lung or heart disease in some sensitive populations, according to U.S. EPA.

"I am very concerned that the coal dust may be harming my health," said Ronnie Willis, a retired underground coal miner who lives on Roda Road near the entrance to a mountaintop-removal coal mine. "I have been diagnosed with emphysema and black lung, and the coal dust exacerbates my condition."

Scientists and community members plan to present their findings to the Virginia Air Pollution Control Board and the state Department of Environmental Quality today. They are urging the board and the DEQ to conduct their own dust investigation and to order mining companies to take precautions to prevent particulate matter from becoming airborne.

"We have believed for some time that the quality of the air we breathe is in jeopardy," said Kathy Selvage, vice president of the Southern Appalachian Mountain Stewards. "We urge the Air Board and DEQ to take action to reduce this threat to human health and welfare."

DEQ has yet to review the study, DEQ spokesman William Hayden said. "Once the report is evaluated, we will be able to determine what steps are appropriate to take."

Sunday APRIL 26, 2009 :: Last modified: Friday, April 24, 2009 10:37 AM MDT

State framing ozone nonattainment map (*Casper Star Tribune*)

By JEFF GEARINO
Southwest Wyoming bureau
PINEDALE -- Gov. Dave Freudenthal submitted a recommendation to the U.S. Environmental Protection Agency last month seeking to designate an huge swath of southwest Wyoming as an ozone nonattainment area.

As part of the process, the state has to submit a specific map of its proposed nonattainment area. The map includes all of Sublette County -- which is home to the lucrative Jonah and Pinedale Anticline gas fields -- and small portions of southeast Lincoln County and northwest Sweetwater County.

Wyoming Department of Environmental Quality officials said during a meeting here Thursday night if the nonattainment map's boundaries are too small, it won't contain all of the areas that emit ozone-causing pollutants.

If the map is too big, it could contain areas that aren't contributing to the problem.

"The key question we're trying to answer as we define that (nonattainment) area is ... is that proposed boundary large enough so that the sources inside that area are likely (ozone) contributors, but not so large that it includes sources with zero (ozone-causing) emissions that have no impact," DEQ Air Quality Division Administrator Dave Finley said.

The state formally submitted the nonattainment designation March 12. If approved, the nonattainment of air quality standards designation could require the state to institute increased safeguards for clean air over the next few years.

Under federal law, the state was required to make an attainment or nonattainment recommendation for all of Wyoming to the Environmental Protection Agency administrator by March.

Finley said the proposed nonattainment boundary was drafted after the agency conducted three intensive air quality monitoring studies in the Upper Green River Valley area during the winters of 2007-09.

He said the studies gave the agency a good understanding of the factors that allow ozone formation during winter conditions in rural areas of the county while determining the boundaries.

Read more about this story in this weekend's Star-Tribune.

Contact southwest Wyoming bureau reporter Jeff Gearino at 307-875-5359 or gearino@tribcsp.com.

Democrats May Ease Bill's Emissions Rules (*Washington Post*)

By Juliet Eilperin
Washington Post Staff Writer
Saturday, April 25, 2009

Democrats on the House Energy and Commerce Committee are negotiating among themselves on whether to scale back legislation that would impose a mandatory limit on greenhouse gases, with some conservatives and moderates calling for electric utilities to be given free pollution allowances and for more modest cuts in the targets for reducing emissions.

Many environmentalists argue that all emissions allowances should be auctioned off under a cap-and-trade system, using the proceeds to finance development of clean energy sources or to offset the resulting higher energy costs for consumers.

The talks suggest that utilities that distribute electricity from coal-fired plants are making progress in their efforts to get free access to 40 percent of the emissions permits, underscoring the challenge lawmakers face in seeking strict limits on carbon dioxide and other contributors to warming.

Some of the proposals to ease the impact on utilities, which lawmakers are discussing behind closed doors, were summarized in a four-page document authored by Rep. Rick Boucher (D-Va.), whose district is dependent on coal and who sponsored his own climate legislation in the last Congress along with the panel's chairman at the time, John D. Dingell (D-Mich.).

The draft list of suggestions, which Boucher spokeswoman Courtney Lamie described as "a very early version" of what Boucher is seeking, includes lowering the proposed targets for greenhouse gas emissions cuts proposed by committee Chairman Henry A. Waxman (D-Calif.) and Rep. Edward J. Markey (D-Mass.), who chairs the panel's energy and environment subcommittee.

The Waxman-Markey bill calls for cutting U.S. emissions to 20 percent below 2005 levels by 2020 and to 83 percent below by 2050; the Boucher proposal would reduce greenhouse gas emissions by 6 percent by 2020 while leaving the 2050 goal in place.

Yesterday, Democratic former vice president Al Gore and former House speaker Newt Gingrich (R-Ga.) testified before Waxman's panel on the bill, which Gore called "one of

the most important pieces of legislation ever introduced in Congress" and Gingrich described as "environmental extremism."

Daniel J. Weiss, a senior fellow at the liberal think tank Center for American Progress, said that senior Democrats are unlikely to adopt some of Boucher's requests -- such as lowering emissions targets -- because they simply reflect the legislation that he and Dingell pushed unsuccessfully last year, but that they might accept his proposal on free allowances.

"The Boucher list seems to be a very thoughtful distillation of good ideas, old ideas and areas for discussion," Weiss said, adding that awarding the allowances free could "soften the transition" to a low-carbon economy for consumers. "Boucher's request means a deal is very possible."

In an interview this week, David Ratcliffe, chairman of both Southern Co. and the nation's largest utility trade association, the Edison Electric Institute, said he and his colleagues have been focusing their lobbying activity on House Democrats. The Waxman-Markey bill may be taken up in subcommittee as early as next week. "The Democrats are in charge," Ratcliffe said. "They're making the leadership decisions."

The Energy and Commerce Committee's top ranking Republican, Joe L. Barton (Tex.), said his side hopes to collaborate with conservative Democrats, seizing on their reservations about the current bill.

"It represents the fact that some want free allowances as long as it seems like they can get them, and to put compliance off as long into the future as possible," Barton said.

ASBESTOS

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Group wants EPA document tied to asbestos cleanup (*Associated Press*)

Story also appeared: Flathead Beacon, *Reiten Television KXMB Bismarck*

Apr 24 2009 1:25PM
Associated Press
Eds: APNewsNow. Will be led.

By SUSAN GALLAGHER Associated Press Writer HELENA, Mont. (AP) The U.S. Environmental Protection Agency is being sued over allegations it has improperly withheld a report about environmental cleanup in Libby.

The suit by the group Public Employees for Environmental Responsibility, or PEER, seeks the court-ordered release of a 2006 report prepared by an investigator for the EPA Office of Inspector General. PEER says the report covers the public-health implications of the way in which EPA handled the Libby cleanup of vermiculite containing asbestos.

Lawyers for some residents say asbestos has sickened some 2,000 people in the area and killed about 225.

EPA says its Office of Inspector General issued a "constructive denial" of a document request that PEER submitted under the Freedom of Information Act. The agency says the Office of Inspector General has authority to determine which records should be withheld.

EPA sued over Libby cleanup (*Montana's News Station*)

April 25, 2009 12:46 PM EDT
April 25, 2009 12:46 PM EDT
The U.S. Environmental Protection Agency is being sued over allegations it improperly withheld a report about the environmental cleanup in Libby.
The suit was filed by the group Public Employees for Environmental Responsibility (PEER), and seeks the court-ordered release of a 2006 report prepared by an investigator for the EPA Office of Inspector General.

The group says that report covers the public-health implications of the way the EPA handled the Libby cleanup of vermiculite containing asbestos.

CLIMATE CHANGE / GLOBAL WARMING
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How Carbon Caps Could Help Detroit (*Forbes*)

Andy Stone, 04.24.09, 12:00 PM ET
Bankruptcy isn't the only challenge Detroit faces these days. Carmakers are also nervously watching as Washington writes new environmental regulations that could challenge the long-term financial health of whatever industry emerges from the current crisis.

Last Friday, the Environmental Protection Agency ruled that carbon dioxide, a greenhouse gas produced by automobiles, is a hazard to human health that it must regulate. As early as this summer, the EPA could act on its so-called endangerment finding to curb carbon dioxide emissions by beginning the process that would force automakers to produce cars that are more fuel efficient and therefore pollute less.

Seems like bad news for Detroit, which relies on gas guzzlers to generate profits, while foreign competition from Toyota to Volkswagen perfects the art of producing small cars for maximum profits. In Europe, high fuel taxes force consumers to buy efficient cars, allowing manufacturers to charge relatively high prices for economy models. During the first week of April, the average cost of a gallon of premium gasoline in the U.S. was $2.27. In Germany, the same gallon cost $6.24, thanks to $4.60 in taxes.

Ironically, the solution to Detroit's problem could come via climate change legislation being considered this week in the House of Representatives. Democratic Sens. Henry Waxman and Edward Markey propose regulations that would require the industry to purchase credits offering the right to emit greenhouse gasses.

One outcome of the American Clean Energy and Security Act could be that gasoline refineries would pass their higher costs onto consumers at the pump. A price levied on the carbon content of gasoline could also raise prices. Both possibilities also point toward a single, national policy on emissions in the U.S., something all carmakers passionately seek. "If there is one thing this industry needs, it's the consistency and certainty that a national program offers," says Charles Territo of the Alliance of Automobile Manufacturers, a trade group representing domestic and foreign automakers."The more lead time manufacturers have to implement new technology, the less costly the implementation will be."

Higher fuel prices offer an added benefit too: assuring U.S. automakers of demand for small cars, as well as opening the door for them to sell to the kind of higher-margin versions at the core of European and Asian rivals' business. This could make up for profits they'd lose by scaled-back sales of pickup trucks and SUVs, which traditionally generated profits of $5,000 or more per vehicle.

"Europeans will pay for a high-end hatchback, but the U.S. considers small to be cheap, and people would rather pay the extra money for something larger," says Michael Omotoso, senior manager for power-train markets at JD Power and Associates.

Detroit's lack of small-car pricing power keeps its U.S. small cars behind the times. Prime example: Ford Motor's small Focus, a car that the company has only modestly updated in America over the past decade. The company's European version (destined to arrive soon in the U.S.) has been completely redesigned twice in the same span.

"The reason is that Ford North America had to amortize the platform for a much longer period than Ford Europe, which could charge $25,000 for the car versus $15,000 in the

U.S.", says Omotoso. "Detroit is going to have to raise the prices of smaller cars to make a profit, which is true to a lesser extent for imports, who've not relied on trucks."

Adding to the price pressure: technology to make cars more efficient and less polluting, such as improved transmissions and turbochargers, is expensive. The Energy Information Administration predicts the technologies could add $2,200 to the price of a new car. The only reason U.S. customers are likely to invest in these fuel savers is if the price of gas goes up, creating long-term value through greater economy.

"When you get a cap and trade system, you do the auto industry a favor," says Eric Fedewa, vice president for power-train forecasts at auto consultancy CSM Worldwide in Detroit. Indeed, sales of small cars took off last year when gasoline prices reached about $3.50 per gallon. But sales have since fallen, with gas prices stranding unsold econoboxes on dealer lots. "Fuel-efficient vehicles that just sit on dealer lots do nothing to enhance energy security or reduce greenhouse has emissions," says the Alliance of Automobile Manufacturer's Territo.

Don't expect much change for now. Despite the rhetoric, carmakers will likely challenge new regulations in court, with the earliest real change two years away. "Automakers will put up a fight like they always do," says Omotoso.

It could also be a slog on Capitol Hill. Climate legislation remains at least 15 votes shy of passing in the Senate now.

Not everything is stalled, though. Late Thursday, California's Air Resources Board voted 9-1 to cut the carbon content of automotive fuels 10% by 2020. And California could win the right to regulate automotive greenhouse emissions later this spring if the EPA grants it the right to do so, which is likely. At least 12 states, home to more than half of all U.S. automobiles, could follow California's lead, although the state has vowed to levy no penalties against carmakers until 2014.

Beyond that, the federal government is aiming for an average fuel economy standard of 35 MPG by 2020, and more and more of the world's developing economies are gassing up, which drives demand and prices higher long term. Efficiency is on the way in, one way or another. Whether or not Detroit will profit from it is the only open question.

'Now is the time to act,' Gore tells lawmakers (*Greenwire*)

Darren Samuelsohn, E&E senior reporter
04/24/2009
Former Vice President Al Gore urged a House panel today to pass a bill that makes sweeping changes to the nation's energy and climate policies, likening the measure before the Energy and Commerce Committee to civil rights legislation of the 1960s and the Marshall Plan of the 1940s.

"This bill will simultaneously address the climate crisis, the economic crisis and the national security threats that stem from our dependence on foreign oil," Gore told lawmakers. "We can't afford to wait any longer for this transition."

Gore did not use his slide show, made famous in the Academy Award-winning documentary "An Inconvenient Truth." But he listed scientific warnings and problems that some have linked to climate change: rising seas in southern Florida and Louisiana, ocean acidification, record floods in Iowa and North Dakota, and stubborn droughts in the Southwest and Southeast.

"For these, and many, many other reasons, now is the time to act," Gore said.

Testimony from the Democrats' 2000 presidential nominee and co-winner of the 2007 Nobel Peace Prize for his work on climate change comes at the conclusion of four days of hearings on the climate bill ahead of a subcommittee markup on the measure expected next week.

Democrats are working behind the scenes to negotiate key details of their legislation, and it is far from clear they have enough support to pass the measure.

Former Sen. John Warner (R-Va.) also testified before the House panel, offering advice from his experience last year as co-author of a bill that sought to curb greenhouse gas emissions. Warner told lawmakers to "speak in such a way that all levels of America can understand what the challenges are before us, the complexity, the long, rough road ahead to reach those goals."

Newt Gingrich, the former Republican House speaker and Georgia congressman, is scheduled to take a contrary position in testimony before the committee later today.

"This bill is wrong for our national security," Gingrich will say, according to prepared remarks. "This bill is wrong for our economy. This bill is wrong for government of, by and for the people."

Gingrich plans to say Congress should instead pass legislation that encourages greater production of domestic oil and gas resources.

Also today, the 23 Republicans on the Energy and Commerce Committee challenged Chairman Henry Waxman (D-Calif.) to hold more hearings on the climate legislation and give greater balance to GOP witnesses.

The Republicans complained in a **letter** that the panel has heard this week from 54 witnesses invited by Democrats and just 14 invited by the GOP.

"Hasty decisions on incomplete legislation never seem to produce the desired outcome, and we had hoped that we would not have to assert traditional minority rights under the

House Rules to request a day on which we might all hear from some who have not been permitted to testify," the Republicans wrote.

Democratic leaders rejected a similar plea for more hearings that Republicans made earlier this week.

"There's been a lot of discussion about this issue, over now the last three years in this committee, in this subcommittee," said Rep. Ed Markey (D-Mass.), the chairman of the Energy and Environment Subcommittee. "So members have been exposed to all of the logical consequences."

Click here to read the GOP letter.

Industry group ignored own scientists' warnings on GHGs (*Greenwire*)

04/24/2009
For more than a decade, fossil-fuel industry group the Global Climate Coalition led an aggressive lobbying and public relations campaign against the notion that greenhouse gas emissions could lead to global warming.

But a document filed in a federal lawsuit shows that the coalition's own scientific and technical experts were advising that the scientific evidence that greenhouse gases contributed to global warming was irrefutable.

"The scientific basis for the Greenhouse Effect and the potential impact of human emissions of greenhouse gases such as CO2 on climate is well established and cannot be denied," the experts wrote in an internal report compiled for the coalition in 1995.

In 1997, the year the Kyoto Protocol international climate agreement was negotiated, the coalition -- which was financed by large corporations and trade groups representing the oil, coal and auto industries -- had a $1.68 million budget, according to documents obtained by environmentalist groups.

Environmentalists have long said the industry purposely ignored scientific evidence for the sake of companies' fight against curbing greenhouse gas emissions. William O'Keefe, former leader of the Global Climate Coalition, said the group's leadership had not been aware of a gap between the public campaign and scientific advisers' views. The coalition's leaders had felt that uncertainty in the scientific community justified a cautious approach to the issue, he said (Andrew C. Revkin, *New York Times*, April 24).
-- TL

Rich countries' emissions rose 1 percent in 2007 (*Greenwire*)

04/24/2009
Official data indicate emissions of heat-trapping greenhouse gases from industrialized countries rose nearly 1 percent in 2007.

While the U.S. played a large role in those gains, increases in Canada and Japan also contributed to the emissions rise. Nations that have ratified the Kyoto Protocol increased emissions by about 0.1 percent in 2007, the data show.

"The numbers are ... a bit depressing," said Knut Alfsen, research director at the Oslo-based Center for International Climate and Environmental Research.

The numbers indicate that powerful economies have not been able to shake their dependence on fossil fuels. "It shows that we are not able to de-link economic growth from emissions," he said.

The largest percentage gains happened in Estonia and Turkey, where emissions increased 14.8 percent and 12 percent respectively.

The biggest net decrease in emissions was from Germany, which slashed 23.9 metric tons of emissions, or 2.4 percent. Largest percentage decreases came from Liechtenstein and Denmark, which erased 10.8 and 6.2 percent of their annual outputs respectively, much of that riding on the successful investment in renewable wind power.

Experts expect there may be an overall decline in GHG emissions for 2008 and 2009, barring a remarkable economic recovery. But even if levels drop in developed countries, worldwide emissions could still rise in 2009, said Barry Brook, a climate change professor at the University of Adelaide in Australia.

"The Chinese and Indian economies, for instance, are not contracting -- they're just not growing as fast. It would take a massive and sustained global recession to noticeably curb emissions growth without directed energy policy," he added (Szabo/Doyle, Reuters, April 24). **-- PT**

EDITORIAL / COMMENTARY / OP ED / LETTERS

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Moore's Law And the Law of More (*New York Times*)

By THOMAS L. FRIEDMAN

It is not an exaggeration to say that the team that President Obama appointed to promote his green agenda is nothing short of outstanding -- a great combination of scientists and policy makers committed to building an energy economy that is efficient,

clean and secure. Now there is only one vacancy left for him to fill. And it's one that only he can fill: Green President. Is he ready to do that job with the passion and fight that will be required to transform America's energy future? Hope so. Not sure yet.

Have no doubt, the president is off to a terrific start: His stimulus package will provide an incredible boost for all forms of renewable energy. The energy bill being drafted by House Democrats Henry Waxman and Ed Markey contains unprecedented incentives for energy efficiency and clean-tech innovation. And the ruling from Mr. Obama's **Environmental Protection Agency** saying that carbon dioxide is a pollutant that threatens public health was courageous and historic.

But while all of that is hugely important, we must not fool ourselves, as we have done for so many years: Price matters. Without a fixed, long-term, durable price on carbon, none of the Obama clean-tech initiatives will achieve the scale needed to have an impact on **climate change** or make America the leader it must be in the next great industrial revolution: E.T., or energy technology. At this stage, I'd settle for any carbon price mechanism -- cap and trade, fee-bates, carbon tax and/or gasoline tax -- as long as it real and provides consumers and investors a long-term incentive to shift to clean cars, appliances and buildings.

Bob Lutz, a vice chairman at General Motors, offers a useful example of why price matters. When Congress demands that Detroit make smaller, lighter, better mileage vehicles, but then refuses to put a higher price on carbon -- like with a gasoline tax -- so more consumers will want to buy these smaller cars, said Lutz, it is the equivalent of ordering all American shirtmakers to make only size smalls while never asking the American people to go on a diet. You're not going to sell a lot of size smalls.

Have no doubt: From right-wing tea parties to coal states to manufacturers, there is going to be a no-holds-barred campaign to kill any carbon price signal, including cap and trade. A vast army of lobbyists is already working against it. Only President Obama can blunt this. Only he has the platform for framing and elevating the issue properly and taking it to the American people with the passion and clarity needed to move the country. It will take more than one speech.

Here's one way to start: "My fellow Americans, I want to speak to you about a new economic law. You've heard of Moore's Law in information technology. I'd like to speak to you about the 'Law of More' in energy technology. Americans, Indians, Chinese, Africans, we all want more -- more comfort in our homes, more mobility in our lives, more technologies with which to innovate. But there is only one way all 6.3 billion of us can have more and not make this an unlivable planet, and that is by living our lives and running our businesses in more sustainable ways and properly accounting for it.

"Right now we're paying a huge price -- a tax -- for everyone trying to achieve more in an unsustainable way. But the 'More Tax' is not imposed by the U.S. government. It is a tax imposed by the market and will continue rising indefinitely as more and more people want more and more stuff. It will steadily drive up gasoline prices, home heating prices

and factory electricity prices. But because this 'More Tax' is set by the market and not the government, many opponents contend that there's nothing to be done: 'Oh, $4.50 a gallon gasoline -- that's just the market at work. We can't do anything about that.' And then all that tax money out of your pocket goes to enrich oil companies and petro-dictators.

"My proposal is that today we fix a durable price on carbon-based fossil fuels, but set it to begin only in 2011, after we're out of this recession. Every home builder, air-conditioning manufacturer, gasoline refiner, carmaker will know that it's coming and will, I believe, immediately look for ways to profit from and invest in more energy efficient systems. Yes, the cost of gasoline or kilowatt hours will rise in the short term. But in the long term, your actual bills and expenses will go down because your car, appliances and factory will become steadily more productive and give you more power for less energy.

"I call it the 'Carbon Tax Cut.' You won't receive the dividend in the first week or month, but you will get it soon, and it will be a permanent tax cut, a gift that will keep on giving.

"So those are our choices, folks -- an escalating 'More Tax' forever, premised on immediate gratification and short-term thinking, or a 'Carbon Tax Cut' forever, which is exactly what you'll get from establishing a carbon price signal that shapes the market in favor of American interests and not those of our adversaries and competitors. If you're with me, write your member of Congress and senator today."

Sunday, April 26, 2009
EDITORIAL:

Henry Ford's green side (*Washington Times*)

President Obama used more than 9,100 gallons of fuel to fly and drive to Iowa to promote energy conservation for Earth Day on Wednesday. That's a revealing example of tree-hugger logic. To mark the president's acknowledgment of the wonders of modern transportation, we would like to honor a few environmental heroes who made Mr. Obama's Earth Day travels possible - like Henry Ford.

Mr. Ford mastered the art of mass production with the assembly line, which made automobiles available to the masses. Introduced in 1908, Mr. Ford's Model T sold more than 15 million units, opening the world to unimagined mobility. It's likewise fitting to remember Etienne Lenoir, the inventor of the gas engine, and Nikolaus August Otto, who made the internal-combustion engine practical. Without these discoveries, pollution and disease would be rampant.

Environmentalists often paint a romantic picture of a cleaner existence in a past that never existed. With 6.7 billion people in the world, it is odious to imagine the mountains

of manure that would pile up in city streets gridlocked with horses. Despite all the concern about carbon-dioxide these days, cars are remarkably efficient machines in terms of their emissions. Without cars, so much for the smell of clean, fresh air.

We have more than famous industrial barons to thank for the Earth being cleaner than it otherwise would have been. Untold anonymous engineers were constantly trying to make all sorts of engines more efficient before government-imposed miles-per-gallon regulations and other under-tested methods forced arbitrary standards.

The profit motive encourages innovation better than regulation. If a power-station operator could figure out some way of producing more electricity with less coal, he made more money. It also meant he would produce less pollution. Unlike today, when contraptions are forced on firms when the costs are greater than the benefits, past innovations improved the environment at the same time they made the country wealthier.

The Earth Day honor roll should also include Thomas Edison for coming up with the light bulb. When people had to light fires to see at night, they risked homes and other buildings burning down, and the blazes created indoor pollution which irritated lungs, produced emphysema, lung cancer and other respiratory diseases.

Kudos as well to American inventor Samuel Martin Kier, who in 1851 figured out how to make kerosene from crude oil and thus provided a relatively clean and cheap alternative to whale oil.

Long before there were any environmental regulations, back when the Environmental Protection Agency wasn't even a glimmer in the eye of statists, the innovators on our Earth Day honor roll were working, however unintentionally, to make the environment cleaner by making the world more efficient. The trend of increased wealth producing less pollution was occurring before government bureaucrats even thought about pollution.

Earth Day, which on many college campuses has been lengthened into a whole week, is intended to spread awareness about responsible stewardship of the planet. Too often, it sounds like the goal is to reject progress and make us cavemen again. That's why it's important to call attention to those inventors responsible for making our air and streets cleaner. Thank you, Henry Ford.

EPA risks economy (*Colorado Springs Gazette*)

April 24, 2009 - 6:22PM

There's good news on the environmental front out of Washington D.C., but it's probably more than offset by a devastating announcement on April 17.

First, the good news. The U.S. Supreme Court ruled 6-3 that the Environmental Protection Agency, when upgrading older power plants, may consider costs before demanding use of the most advanced technology, as required by law. The ruling was a defeat for environmentalists, who challenged the Bush administration's discretionary practice.

Hans Bader, special projects counsel for the Competitive Enterprise Institute think tank, noted the ruling permits continued cost-benefit analysis as an option in upgrades such as the one at issue in the lawsuit brought by New York-based environmental group Riverkeeper. The group sued under the Clean Water Act's requirement that upgrades must include "the best technology available for minimizing adverse environmental impact."

Water drawn from U.S. waterways to cool power-plant machinery kills billions of fish and other small aquatic creatures that are crushed against intake screens or sucked into cooling systems. Newer plants with advanced technology reduce the kill rate by 98 percent.

If government required the "best technology available" in every case it would cost $3.5 billion a year, according to the EPA's estimate. While the ruling let stand the Bush administration's weighing of costs against environmental benefits, it is unknown how President Barack Obama's EPA will use that same discretion.

The bad news is that the EPA declared carbon dioxide and five other so-called greenhouse gas emissions to be harmful, under similar discretion provided by a previous high-court ruling. Finding the naturally occurring CO2 harmful gives government the authority to regulate the gas as it does truly harmful air pollutants.

CEI and other free-market advocates had written EPA Administrator Lisa Jackson, warning that such a finding would "set the stage for an economic train wreck." The EPA's determination that CO2 endangers the environment by contributing to the greenhouse gas effect - a point disputed among scientists - triggers a rule-making procedure that will affect "1.2 million previously unregulated entities, office buildings, big box stores, enclosed malls, hotels, apartment buildings, even commercial kitchens," said the letter from Marlo Lewis, CEI senior fellow, and others.

The EPA can use its CO2 finding to pressure Congress to pass cap-and-trade regulations to limit emissions, and to require businesses to buy "permits" for annually declining emissions levels. If Congress balks, as it did last year, the Obama administration could threaten to achieve the same restrictions by administrative edict.

Unlike the power-plant case, the law doesn't give the EPA cost-benefit discretion for air quality matters. By the agency determining CO2 to be harmful, it necessarily triggers

rule-making that explicitly may not take costs into account, Bader said.

Nevertheless, in both cases, the Obama administration has the power to determine how much economic pain to inflict. It can and should weigh the high economic cost of protecting tiny fish, but also should minimize the regulatory damage regarding CO2 until the scientific question is settled.

LETTER:

Clarifying some misunderstandings (*Lufkin Daily News*)

By Robert E. "Robin" Morse III
Houston

Sunday, April 26, 2009

As the lead attorney for Aspen Power, LLC, I felt it appropriate to respond to your editorial of April 12, titled "EPA's Bad Side." Unfortunately, it displays some misunderstandings of the facts and does not sufficiently recognize the urgent need to file the suit that was initiated against EPA in the Fifth Circuit Court of Appeals.

First, it is not true that the Texas Commission on Environmental Quality "held off on issuing the permit until it completed an investigation into the forgery allegations against the company." Instead, last October, after first issuing the permit in July, the TCEQ pulled down the permit in order to afford a hearing to Mr. and Mrs. Aaron Hartsfield. The permit was issued under the impression that there was no opposition to the application. The Hartsfields were entitled to due process of law. The forgery investigation is totally independent of the TCEQ hearing process. While deciding to give the Hartsfields a hearing, it is noteworthy that the TCEQ also authorized Aspen Power to continue construction on the plant.

Months later, EPA unexpectedly stepped in and countermanded the same state agency which EPA had previously authorized to administer its permit program. This resulted in a loss of jobs and serious economic costs to both Aspen Power and several small businesses which had contracted to do work on the project. Notably, the EPA stop-work order came without any prior consultation with Aspen Power and without any hearing being afforded to Aspen Power.

You went on to suggest that a "best-case scenario" would be that Aspen Power "is able to get its air permit in its April 27 hearing with the TCEQ." However, the April 27 hearing is only for the purpose of receiving evidence on Aspen Power's permit application, and a permit cannot be issued until months later, after the assigned administrative law judge prepares a proposal for decision, which is forwarded to the TCEQ commissioners for an ultimate vote on the permit following briefing by all parties. Thus, unless EPA or a

reviewing court affords some relief, the construction will be stopped for several more months, people will continue to be out of work and severe economic losses will be suffered.

Before filing suit, Aspen conferred with the EPA and invited agency officials to the plant site in order to see firsthand some of the safety, property damage and even environmental problems threatened by the stop work order. EPA first indicated it would send representatives to the site, but then decided otherwise and refused to make any meaningful change to its order. Under these circumstances, Aspen Power felt like it had no alternative other than to seek court review, which the company is still pursuing.

Aspen Power's management is very cognizant of the need to avoid unnecessary confrontation with regulatory agencies. We do not believe that our actions have created a lasting adversarial relationship with EPA. We believe there is an honest disagreement concerning what the Federal Clean Air Act requires in the unusual circumstances at hand. We believe that the regional officials of EPA are sympathetic to Aspen's plight but are mistaken as to what can and should be done to remedy the situation.

Aspen Power will continue to act in good faith to use its best efforts to protect the interests of all concerned. We hope to minimize the confrontation so that the benefits of this renewable energy project can be enjoyed by all of the citizens of Lufkin.

Get money to upgrade local sewers into the federal pipeline (*Cleveland Plain Dealer*)

by The editors
Sunday April 26, 2009, 4:09 AM
Once again, Ohio Sens. Sherrod Brown and George Voinovich want to toss a life preserver to overwhelmed communities facing double-digit sewer cost increases in the next five years.
This time, the entire Ohio delegation ought to pitch in to give Congress a push.
Brown and Voinovich want the federal government to contribute $1.8 billion over the next five years to help communities pay for federally mandated sewer upgrades. The feds pay 75 percent; the communities pay 25 percent.

Communities across the country are under federal orders to upgrade their systems so that overflows of storm water, sewage and industrial waste don't pollute local waterways -- a $50 billion problem nationwide.

The Ohio senators also want to extend the deadline for the sewer repairs to 30 years instead of merely 10 or 20, so the recession-traumatized ratepayers who foot most of the bills can have a little relief.

The details of Brown and Voinovich's proposal haven't been fleshed out yet, but it at least aims to cover two nettlesome problems: time and money.

So far, the U.S. Environmental Protection Agency has stuck by a ridiculous demand that cities and sewer systems meet unrealistic deadlines or face hefty penalties. As the projects and mandates grow, the federal contribution of funds nationwide has shrunk to a measly 5 percent, unfairly shoveling the bill on to ratepayers.

The Northeast Ohio Regional Sewer District, which is responsible for $2.3 billion in mitigation projects, and the Akron sewer system ($370 million) are negotiating for flexibility. And they won't be alone. The federal government says 86 Ohio communities are on the hook for a total of $6.3 billion in sewer repairs.

The senators' proposal will bring money and construction jobs to Ohio's cities, but it will hardly make them flush. Obviously, the senators' nearly $2 billion grant is a drop in the toilet bowl. So is the $280 million in federal stimulus money that Ohio is getting for sewer, water and other projects.

But such drops add up, and the senators' proposal could lead to bigger grants as this country grapples with its aging infrastructure. Brown and Voinovich are right to lead this charge -- and they ought not be alone.

Letters, faxes, and e-mail (*Press-Register - al.com*)

Sunday, April 26, 2009
By NANCY SWAN
Special to the Press-Register
I hope Alabama school administrators, teachers and community organizations are planning to celebrate National Healthy Schools Day on Monday. We need communi ty support to protect our schoolchildren from toxic chemicals and environmental pollutants.

Gov. Bob Riley took an important first step in protecting Alabama children by proclaiming May as "Toxic Injury Awareness and Education Month." "Knowledge is power, and that power of knowledge can save precious lives," Gov. Riley wrote in his proclamation.

The Environmental Protection Agency has recognized for decades that children are particularly susceptible to toxic poisoning and the effects of environmental pollution. Earlier this month, the EPA announced it would begin monitoring air outside 62 schools across the nation for toxic pollutants and chemicals.

The EPA decision was made after mounting evidence of the danger of pollutants to children and as a result of the award-winning expose in USA Today, "The Smokestack

Effect." In addition, The Washington Post reported on April 15 that the EPA will test pesticides' effect on the endocrine system.

Four Alabama schools are among those at which the EPA will monitor air quality, including three in Birmingham and one in Tarrant City.

I was surprised that the Press-Register did not report these important news items, including the story about the EPA monitoring of schools. Indeed, Alabama residents may question why statewide media virtually ignored these important stories.

Who is in charge of protecting students and personnel from toxins or pollution inside and outside school buildings? Who can be held accountable for toxic or environmental injuries? What federal or state agency pro vides assistance, investigates or holds offenders accountable if a child or teacher has been injured or sickened by toxins at school?

The answer to all three questions is alarming: No one is in charge. In fact, little has changed since the U. S. Government Accounting Office issued its report in 1996 with the stunning conclusion that more than 14 million children were in school buildings that threatened their health. The EPA estimates that half of America's 120,000 schools that enroll 54 million children have polluted indoor air, which the agency considers one of the top five human health hazards.

After a thorough investigation, Healthy Schools Network, a nationally recognized force in the protection of environmental school health, concluded that "No one is in charge of protecting children from harmful environment exposure at school. ... The federal agencies are stumbling. They are aware of the problems but have no direction on how to deal with them."

In 2006, Lloyd Kolbe, the founding direc tor of the federal Centers for Disease Control and Prevention's Division of Adolescent and School Health, said millions of children attending polluted schools is "America's single largest unaddressed children's health crisis."

As the school year ends, it's time for Alabama's state leaders, local school districts and the public to take action.

Alabama and Mobile could lead the nation by challenging school administrators, teachers, schoolchildren and community leaders to celebrate National Healthy Schools Day on Monday so that, in the words of Gov. Riley, the "power of knowledge can save precious lives."

Nancy Swan is a resident of Mobile and a supporter of the Healthy Schools Network (www.nationalhealthyschoolsday.org/). She became a national advocate for school safety after suffering a toxic injury while teaching in Mississippi. The Press-Register

welcomes submissions for "Your Word." Mail essays to: "Your Word," P.O. Box 2488, Mobile, Ala. 36652.

Superfund money flows to Portsmouth (*Virginian-Pilot*)

The Virginian-Pilot
April 24, 2009
The long-stalled cleanup of a toxic waste site in Portsmouth is likely to begin a year ahead of schedule, thanks to $5 million in federal stimulus money. But the fate of the more than 1,000 other Superfund sites, including nearly a dozen in South Hampton Roads, is still largely murky.

Last week, the Environmental Protection Agency named 50 polluted sites that will receive $600 million in stimulus money. Only one property in Virginia, a 48-acre site on the Southern Branch of the Elizabeth River, was included.

As The Pilot's Scott Harper reported, workers for Atlantic Wood Industries coated wood pilings and telephone poles with tar-like creosote and other preservatives for more than 60 years, then used the Elizabeth to dump waste material. The result: a toxic goo that landed the property on the Superfund list in 1990.

The cleanup has been delayed by debate over the best way to remove the contaminants, particularly at the bottom of the Elizabeth. Complicating matters is the fact the site is next to Norfolk Naval Shipyard, another Superfund site.

In 2007, the EPA finally picked a plan costing about $45 million. The details of the plan are still in flux, but the stimulus money will enable workers to begin stabilizing the soil sooner, among other things.

The fate of other Superfund sites isn't as bright, although there's arguably greater cause for hope today than in recent years.

Since 1980, when the Superfund list was started, the EPA has identified almost 1,600 toxic waste sites - many of them, like Atlantic Wood, from an era when environmental regulation was light or nonexistent.

Progress has been made, in regulation and decontamination. In 2000, for instance, EPA officials finished cleaning up the Saunders Supply Co. lumberyard in the Suffolk hamlet of Chuckatuck. Dioxin was among the wastes removed in the $14 million project.

But today there are still 1,264 Superfund sites nationwide, according to The Associated Press - and more on the way. This month, the EPA proposed adding the former Peck Iron & Metal in Portsmouth to the list, which would make it the 10th active site in the region.

The pace of cleanups began to slow drastically in 1995, when Congress killed a special tax on hazardous chemicals and petroleum products. The Superfund became decidedly less super without a steady revenue stream.

Change may be on the way. In addition to the stimulus money, the Obama administration has proposed restoring the tax in 2011, a move that would generate about $1 billion a year.

Obviously, companies that willfully and knowingly polluted should bear the cost of cleanups. But the existing list is filled with the damage that occurred before stricter regulations went into place, and many of the polluting companies dissolved long ago.

A tax on hazardous chemical and petroleum products is the most reliable way to jump-start cleanups and to ensure ample money is set aside to deal with future messes.

The sooner the tax is restored, the sooner the EPA can resume work that grows costlier - in dollars and in human health - the longer it is delayed.

Consider Water Purchase Idea (*Wheeling Intelligencer*)

The Intelligencer
POSTED: April 24, 2009
Weirton residents and businesses face an expensive problem. In effect, it is that they have water, water, everywhere - but not a drop the Environmental Protection Agency says is suitable to drink.

City Council members are in the process of approving rate increases for Weirton water customers. The additional funding is needed to pay for improvements to Weirton's water treatment facilities, as required by the EPA. It has been estimated that the work will cost about $4.73 million. Temporary measures have been taken to comply with EPA rules and to ensure water is safe to drink.

But water meeting EPA requirements is being treated just across the Ohio River from Weirton, within sight of some city residents and businesses. The Steubenville treatment system already produces EPA-approved water.

Steubenville officials have discussed the possibility of selling water to Weirton. Mayor Domenick Mucci has been instructed by City Council to arrange a meeting with Weirton officials to discuss the idea.

Weirton City Manager Gary DuFour has said that the suggestion "is certainly worth looking at ..."

We agree - but officials in both communities need to be certain that cross-river sale and purchase of water serves their residents' and businesses' interests in the long term.

Should Weirton purchase water from Steubenville, new treatment facilities would not be required. In all likelihood, Weirton water rates still would have to be increased, however.

Sale of Steubenville water to Weirton would require construction of a large pipeline and possibly other facilities in both cities. In addition, Steubenville officials would have to set rates at least covering expenses.

Steubenville officials seem to be eager to help their counterparts across the river - and for that, they are to be commended.

There should be discussion of the suggestion - but, again, officials in both communities need to look at it realistically in order to ensure that, if adopted, the plan serves both Weirton and Steubenville well.

EPA Restores Stricter Reporting of Storage and Release of Toxic Chemicals; Obama Reversing Bush Policies (*Attorneyatlaw.com*)

The Environmental Protection Agency, under the direction of President Barack Obama, will once again require thousands of facilities located across the United States that release toxic chemicals into the air, water, or land to fully disclose the nature and amounts of what they are releasing, officials said.

The move announced this week is a reversal in policy for the EPA, which under former President George W. Bush did not require companies to fully disclose the release of toxic chemicals. It also represents a significant victory for environmental and community activists who are at increased risk of suffering devastating injuries caused by toxic materials that seep into underground drinking water, the ocean, recreational lakes and streams, and other public areas.

Under the Bush rules, which were loosened in 2006, companies releasing or storing smaller amounts of toxic materials were allowed to file less-detailed information to government regulators. More than a dozen states sued the EPA over the reduced disclosure requirements and said the easier rules put their citizens at risk of danger from exposure to the chemicals.

An estimated 3,500 facilities located across the United States are covered by EPA rules, called the Toxics Release Inventory, for the storage and disposal of toxic materials. The listing has been compiled over the past two decades.

Bush Loosened Rules

President Bush allowed companies using less than 5,000 pounds of toxic materials or releasing less than 2,000 pounds to get away with reporting fewer details about what they were handling. Before Bush scaled back the regulations, companies were forced to provide more documentation about as little as 500 pounds of chemicals. The result in Bush reducing the threshold was a 25-percent reduction in the number of emissions reports the government received each year.

New EPA Rules Set to Go Into Effect

The EPA's restored rules under Obama will roll back the regulations to the pre-Bush numbers. They will go into effect and apply to all emissions reports due in July 2009 and covering emissions during 2008, officials said.

Tougher disclosure rules for facilities storing and releasing toxic materials is a necessary step in better protecting our communities. By keeping closer tabs on which materials are being stored and released into the environment, the EPA will be in a far better position to ensure that potentially deadly industrial chemicals are handled properly and legally. Restoring the previous disclosure rules, which were relaxed by former President Bush, is a welcome shift in our nation's ongoing environmental protection efforts.

ENERGY

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Fluorescents have yet to catch on (*Sacramento Bee*)

jdowning@sacbee.com
Published Sunday, Apr. 26, 2009
Compact fluorescent light bulbs have been supported by years of promotions and subsidies, and a good bulb should pay for itself 14 times over, if it lasts its full rated lifetime.
But CFLs still account for only about 21 percent of the state's household bulbs (though that's twice the national average) according to estimates from the California Lighting Technology Center in Davis. The traditional incandescents still make up 56 percent of the total. Other fluorescents are at 13 percent, halogens 8 percent and LEDs less than 1 percent.

Experts point to a number of reasons CFLs aren't more popular.

To lower prices, many manufacturers sacrificed quality, leading to a proliferation of bulbs that don't last as long as they claim. Look for the U.S. Environmental Protection Agency's "Energy Star" label to identify bulbs that meet quality standards.

Many CFLs have also provided disappointing light. Most bulbs now have a Correlated Color Temperature (CCT) rating, which gives a rough indication of the quality of the light. A lamp with a CCT of 2700K gives the "warmest" light, most similar to incandescent. Higher numbers – especially 5000K and above, give "cooler" light, more like sunlight.

In addition. CFLs haven't worked with dimmers until recently. While some brands on the market are designed to be dimmable, most dimmer manufacturers still warn against using CFLs with their products.

Finally, the bulbs contain mercury, which makes them a chore to dispose of and demands special precautions when they break.

What about the mercury?

A typical CFL contains about 5 milligrams of mercury. How dangerous is that if it breaks?

Probably not very, but it's difficult to say for sure, because the health risks associated with brief exposure to low levels of mercury aren't well defined (as is the case with low-level exposure to a lot of things). The U.S. EPA says the environmental benefits of CFLs outweigh the risks associated with potential mercury exposure. See www.epa.gov/hg/spills for more information.

If a bulb does break in your home, you can significantly reduce exposure by cleaning it up properly. The bits of mercury on the floor aren't the main concern – it's the mercury gas released by those particles. Dilution is the solution: Air out the room for 15 minutes or more before doing the cleanup, the EPA recommends, and do not vacuum up the spill – that tends to scatter the mercury around the room and increase your exposure. Wear disposable rubber gloves. Clean up the spill by scooping it up with stiff paper. If it's on carpet, dab the spill with sticky tape to collect the small pieces and powder. Finally, the agency recommends, put the mercury and the cleanup gear into a bag and seal it, then take the bag to a recycling center.

Disposing of CFLs

It's against state law to throw CFLs into the garbage. In the Sacramento region, a number of community centers and hardware stores (all Home Depots and a number of Ace stores) as well as the Sacramento Natural Foods Co-Op accept the bulbs. The city of Sacramento will also pick up bulbs within city limits – call (916) 808-5454 to schedule. The city of Folsom picks up CFLs and other household hazardous waste – see folsomhazmat.com for an appointment.

What about incandescents?

Both the state and federal governments have enacted legislation that requires incandescent bulbs to be more energy-efficient.

Congress in 2007 passed a law that bars sales of 100-watt general service bulbs made on or after Jan. 1, 2012. To be sold, bulbs must be no more than 72 watts, and have a lumen output of 1,490 to 2,600. By comparison, current 100-watt bulbs average about 1,700 lumens.

In California, the restriction goes into effect a year earlier, on Jan. 1, 2011. That is being allowed because the state already had its own regulations requiring more efficient bulbs. Similar restrictions will be enforced on 75-, 60- and 40-watt bulbs, though many special-application incandescent bulbs are exempt.

Even tougher restrictions become effective in 2020. It remains to be seen whether incandescent bulbs can be manufactured to meet those standards.

Georgia Power gets EPA praise (*Atlanta Journal-Constitution*)

BYLINE: JEFFRY SCOTT, JOE GUY COLLIER; From Staff and News Services

The Environmental Protection Agency commended Georgia Power for persuading more customers last year than any other utility in pledging to replace their standard light bulbs with ones that use less electricity.

Last year, Georgia Power collected 97,421 pledges from consumers to switch bulbs as part of the EPA's Energy Star campaign.

That resulted in an energy cost savings of more than $15 million, or 112,685 megawatt hours, Georgia Power said. That's enough electricity to power about 9,000 typical residential homes for a year.

Hospitals go green across the U.S. (*News 8 Austin*)

4/23/2009 2:58 PM
By: Ivanhoe Broadcast News
According to a recent article published in The Lancet, only about 2 percent of U.S. health care construction is "green."

In 1995, the Environmental Protection Agency (EPA) cited medical waste incinerators as a leading producer of airborne carcinogenic dioxins. It also said that health care waste was responsible for 10 percent of mercury air emissions. Health care facilities

generate 2 million tons of waste per year, and health care accounts for 11 percent of all commercial energy use.

It's a growing trend. More and more hospitals around the country are going green. Green hospitals make sense for the health of the entire community: patients, staff and visitors. By taking up green practices, many hospitals are managing to lower energy bills, reduce waste and achieve healthier indoor air.

According to greenerbuildings.com, there are several criteria to assess whether a hospital is truly "green." Some of these include:

• Siting: Was the hospital sited with consideration for alternative transportation, storm water management, urban redevelopment and reducing impact on the surrounding environment?

• Water Efficiency: Is the hospital water-efficient, taking advantage of landscaping, water use reduction and innovative waste water use?

• Energy and Air Pollution: What has the hospital done to reduce energy consumption and atmospheric pollution?

• Materials and Resources: Does the hospital use recycled building materials and resources?

• Indoor Environmental Quality: What has the hospital done to improve indoor air quality?

• Healthy Hospital Food: Do patient and staff meals include fresh, local and organic foods?

• Green Education: Does the hospital train staff in waste reduction, toxics reduction and recycling?

• Procurement: Does the hospital seek out recycled paper, water-efficient laundering, energy-efficient equipment or other green products?

• Contaminants: Does the hospital have a program for reduction of toxics such as mercury and PVC?

• Green Cleaning: Does the hospital use cleaning products that do not release hazardous chemicals?

• Waste reduction: Does the hospital have a program to segregate medical waste and to reduce, re-use and recycle general waste and equipment that are no longer needed?

• Healing Gardens: Does the hospital have healing gardens where patients, staff and visitors can reflect, relieve stress and reconnect with nature?

Independence, Mo., Company Receives EPA Energy Star Accolade (*Kansas City Star*)

Posted Sunday, April 26, 2009 :: Staff infoZine

Hathmore Technologies, LLC, of Independence, Mo., has received the Energy Star for Homes Leadership in Housing Award.

Kansas City, KS - infoZine -The award recognizes raters who qualify at least 50 homes in the last calendar year as Energy Star homes. Hathmore Technologies qualified 53 homes in 2008.

Energy Star qualified homes offer homebuyers energy-efficient improvements that deliver better performance, greater comfort and lower utility bills. These homes are at least 15 percent more energy efficient than homes built to the 2004 International Residential Code and include additional energy-saving features that typically make them 20 to 30 percent more efficient than standard homes.

Energy-saving features include effective insulation, high-performance windows, tight construction and ducts, efficient heating and cooling equipment, and efficient utility products, such as appliances and fixtures.

The projected energy savings of Hathmore Technologies' 53 Energy Star rated homes is equivalent to eliminating the emissions from 25.97 vehicles or saving 157,092 pounds of coal or planting 42.93 acres of trees. Raters estimate a total possible savings of $23,691 annually on homeowner utility bills for the 53 households.

With the help of independent Home Energy Raters, Energy Star builder partners choose the most appropriate energy-saving features for their homes. Additionally, raters conduct onsite testing and inspections to verify the energy efficiency measures.

Any home three stories or less can earn the Energy Star label if it has been verified to meet EPA's guidelines. Potentially eligible homes include single family, attached and low-rise multi-family homes; manufactured homes; systems-built homes; log homes; concrete homes; and even existing retrofitted homes.

ENFORCEMENT

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April 25, 2009

Iron Pipe Maker Is Fined $8 Million for Violations (*New York Times*)

By DAVID BARSTOW

TRENTON — McWane Inc., a major manufacturer of cast iron water pipes, was fined $8 million on Friday for dozens of workplace safety and environmental crimes at its New Jersey plant, the culmination of a multistate series of federal prosecutions against the Alabama-based conglomerate that began in 2003.

The prosecutions of McWane represented one of the most significant federal crackdowns against workplace safety and environmental crimes of the last decade. The cases revealed a corporation that for years routinely lied to regulators, sometimes altering accident scenes, sometimes fabricating documents and sometimes bullying employees into giving false information to the authorities.

In the New Jersey case, the final one pending against McWane, a jury convicted the corporation and four of its managers in 2006 of repeatedly conspiring to deceive regulators at McWane's foundry in Phillipsburg, N.J., the Atlantic States Cast Iron Pipe Company. In long-delayed hearings this week, Judge Mary L. Cooper of United States District Court sentenced the four Atlantic States managers to prison sentences ranging from 6 months to 70 months.

On Friday, it was McWane's turn. The company faced a maximum fine of $15 million for its conviction on 30 counts.

Addressing Judge Cooper, McWane's president, G. Ruffner Page, expressed regret for the McWane employees who had been injured or killed, and for the communities whose air and water were fouled by the company.

"This experience has been extremely painful for this company, and for me personally," he said. "All of us are deeply sorry."

Federal prosecutors, with investigators from the Environmental Protection Agency, the Occupational Safety and Health Administration and the F.B.I., began investigating McWane in response to articles in The New York Times and a companion documentary on the PBS program "Frontline." They described a Dickensian corporate culture that put production and profits ahead of all other considerations, including the well-being of its 6,000 employees, who toil in one of the nation's most dangerous industries.

Mr. Page told Judge Cooper that the publicity and prosecutions prompted intense soul-searching among McWane's senior executives. He said the company redoubled its efforts to improve its record, spending hundreds of millions of dollars on improvements, hiring dozens of new safety and environmental managers and, in time, replacing more than 90 percent of the company's top management.

"We have to earn back our reputation," he said. "We are a better company in every way as a result of the transformation we've been through."

But Andrew D. Goldsmith, the federal prosecutor who led the McWane investigation, expressed skepticism that McWane had changed. He pointed out that many of the company's reforms did not begin until after it became aware that it was the target of a multistate investigation. He also asserted that the corporation had tried to derail the prosecution by hiring politically connected former government officials.

“This is the true McWane philosophy,” he said, after ticking off a long list of crimes committed by McWane managers.
Judge Cooper, though, was plainly persuaded by McWane’s efforts. “It comes before the court,” she said, “with actions of reform, and it has instituted systems and attitudes and upgrades that were hard to accomplish.”
She also cited McWane as a source of blue-collar jobs in a hard-hit economy, and she took note of what many employees at Atlantic States said about working conditions today. “They say it’s not the same place,” she said.
But just in case, Judge Cooper placed McWane on four years probation and said she would appoint a monitor to ensure that the company makes every effort to comply with all regulations.

FUEL
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What a new fuel grade might mean for your car (*Sun Sentinel*)

By Mark Phelan
McClatchy/Tribune News
April 26, 2009
Asterisks are everywhere: Footnotes that practically beg to be ignored but that could cost you at the gas pump.

An increasing number of new vehicles come with an asterisk regarding what kind of fuel to use. The specifications often say that while premium is recommended for peak performance, less-expensive mid-grade or regular fuel will not hurt the engine.

There's not much data available on this, but what there is suggests downgrading from premium to mid-grade can reduce horsepower and torque by 2 to 3 percent.

Virtually no driver would notice such a difference in a powerful modern car. Failure to note it, however, could get an automaker into trouble for deceptive advertising.

Premium fuel tends to run 20 cents more a gallon than regular, according to AAA's Web site www.fuelgaugereport.com.

Hence the asterisk. The difference between fuel grades can add up to significant costs over a vehicle's lifetime.

A number of readers have asked whether switching from recommended premium to regular also reduces fuel economy.

Nobody's giving an absolute answer, but it appears so.

The fuel-economy ratings in every new vehicle's window sticker are generated through a carefully designed laboratory test. The Environmental Protection Agency tests some vehicles itself and accepts data automakers provide for most others.

The window-sticker figures are for comparison, not a guarantee of real-world fuel economy. You can figure out whether car A will save you money versus car B, but your mileage may vary, as the fine print says.

The EPA uses a lab-quality gasoline for its tests. The fuel is painstakingly prepared so every gallon is identical to the one before it to ensure that car A and car B were tested under identical conditions.

When automakers test vehicles, the EPA requires they use 93 octane — premium — fuel for the window-sticker number, but it also mandates a second test with 91 octane. That's still pretty high-test gasoline compared to mid-grade (89) or regular (87).

The EPA won't certify the window sticker number if mileage falls more than 3 percent using the lower grade of fuel to ensure the system is robust enough to function in the real world.

However, it's worth considering when buying a car — or refueling the one you own — that the comparison may be less accurate if you use fuel that's lower than the automaker recommended.

GENERAL
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Deer Heaven (*Washington Post*)

April 26, 2009 Sunday
Every Edition
MAGAZINE; Pg. W14
Every Zone
Deer Heaven;
Humans invented suburbia, but it is deer who may be its most enthusiastic residents
by Liza Mundy
The deer in question is a doe with whom Ferebee has a long-term relationship, of sorts. Six years ago, he shot her with a dart containing a chemical that temporarily immobilized her, then put a leather collar with an attached radio transmitter on her.

Since then, he has checked in with her periodically, tracking her movements to learn more about the secret lives of deer living so close to humans.

Though deer are becoming almost as ubiquitous in the suburbs as squirrels and rabbits, there is a great deal that biologists and wildlife managers don't know about how they dwell among us. Ferebee's effort is part of a wave of inquiry: How do deer understand human activity, navigate traffic, reproduce in populated areas? Are they becoming, in some fundamental way, a different animal than deer living in the wild?

But Ferebee's friendship with the doe in Rock Creek Park may be over: This morning, the collar began sending him the quot;mortality beep,quot; indicating that it had been lying motionless for a long period of time. Not, when you're talking about deer, a good sign.

Ferebee gets in his truck and heads along Oregon Avenue in Northwest Washington until he sees a grassy clearing near the police stables where he darted the doe. Over the years, he often would see her in this area, browsing for food in the company of others, most likely her fawns and adult offspring. Sometimes at night, though, he would see her poised on the edge of Oregon Avenue, as if preparing to visit the neighborhood nearby.

And sure enough, today the beeps lead him into the part of Chevy Chase that borders the park, a world of basketball hoops and recycling bins and landscaped yards. He stops the truck near a little park on the grounds of the Episcopal Center for Children. In front of the park are a new sidewalk and retaining wall. Behind the wall is soft, backfilled dirt bearing the unmistakable imprint of hooves. Oddly, the beeping is coming from the dirt. Ferebee prods the backfill with a digging bar and comes up with the collar, broken and crusted, the yellow tape he put on to identify it still attached.

quot;It's a weird place to find it,quot; Ferebee says.

Ferebee thought he knew this deer pretty well. In the past eight years, he has tracked five radio-collared does in all, and learned, among other things, that some spend more than half their time outside Rock Creek Park's boundaries. Their overall ranges vary: Some dwell within a quarter-mile radius, while others meander a bit farther, covering two miles. One doe pretty much lived in the neighborhoods around 16th Street NW, browsing in yards and bedding in gardens. Over time, two of Ferebee's does were hit by cars, and one--the yard-dweller--had to be euthanized because of an injury. Another slipped out of her collar. This doe is, or was, the only one with whom he remained in contact.

Ferebee had always regarded this one as a homebody. He knew she sometimes ventured into town but did not think she came this far. quot;We must be five or six blocks out of the park,quot; he says. Which raises a whole bunch of questions: How did the collar get here, and how did it get buried? Is the doe's carcass buried, too? Could she have been hit by a car and removed by some other authority? Or did she slip the

collar, which was designed to break away eventually, and return to the park?

And what are his chances of answering any of these questions? It's early February, which means the doe still has the grayish coat that deer display in winter. If he can spot her in the next month, he might recognize her by a bare patch around her neck where the collar rubbed the hair off. But soon she will grow the reddish-brown coat of summer, the neck hair will fill in, and the mystery of her fate will never be solved.

But even if he doesn't find her, one thing is clear: This deer had a more adventurous life than Ferebee had imagined.

When Ferebee first came to work in Rock Creek Park in 1991, it was a big deal to see even one white-tailed deer, the most common kind in North America. quot;You could go weeks without seeing one, and when you did see one, it was a significant thing,quot; he says.

Joe Sutherland, a longtime resident of Chevy Chase, remembers when the Rock Creek deer started traveling into his neighborhood, eight or nine years ago, materializing in a yard or making their way down the street. He still enjoys their presence, the thrill of quot;seeing nature in the middle of the city.quot;

Park officials write up observation cards when they spot noteworthy wildlife. Before the 1960s, Ferebee says, there were no recorded observations of deer in Rock Creek Park. There were a handful of observations in the 1960s and just over a dozen in the 1970s. Now, deer sightings are so routine, Ferebee says, that quot;we don't write deer up any more.quot;

In 2000, park officials conducted their first deer census and counted about 50 per square mile. Recently, the number has fluctuated between 60 and 80 per square mile, or about 250 in the entire park.

The sharp rise in numbers isn't unique to Rock Creek. In all of Maryland, where deer once were hunted to the brink of extinction, the white-tailed deer population has nearly doubled in two decades, from 135,000 in 1988 to about 230,000 in 2007. In Virginia, white-tailed deer number about 1 million. Biologists estimate that an area's carrying capacity--the point at which the deer population is in balance with the habitat that sustains it -- is, at most, 20 deer per square mile. In parts of the metro area, there may be as many as 200 deer per square mile; at one point, Bull Run Regional Park in Centreville had an estimated 400 per square mile.

The same population explosion is going on all over the country. According to Clay Nielsen, a wildlife ecologist at the cooperative wildlife research laboratory at Southern Illinois University at Carbondale, there may be more white-tailed deer in the United States now than ever, though arriving at accurate counts is notoriously difficult. By the early 20th century, their numbers had dwindled to perhaps less than half a million; now, there may be as many as 29 million.

They're thriving because of the environment we've created, says Kevin Sullivan, a mid-Atlantic director for the U.S Department of Agriculture's Wildlife Services, chatting in a USDA office in Riverdale. Like many suburban federal buildings, this one is surrounded by a grassy campus bordered by thickets: perfect habitat for deer. quot;Deer are probably watching this building from every angle,quot; Sullivan says. quot;They're probably within a stone's throw of your house when you wake up in the morning.quot;

The result of such close contact is sometimes dramatic. In March, a deer crashed through the window of a Greek restaurant in Silver Spring, sending glass flying; the startled animal then galloped, pursued by a dog, into a Giant supermarket. With some regularity, newspaper articles feature deer in churches, deer in shopping malls, deer in boutiques in Georgetown. Three years ago, a pair of deer were found swimming, slightly bewildered, in the Tidal Basin.

And then there are the encounters that don't make the papers. Not long ago, Anne Doll, who lives on a steep street in Arlington, was walking her son to the bus stop when she heard clopping and looked back to see a deer ambling down to the bus stop with them. Another morning, she heard her dog barking and looked out the window to see two people waving. She waved back, went to get her glasses and realized that the passersby were deer, and the things she saw waving were their white upright tails. Like Joe Sutherland, she loves the small moments when her world intersects with that of a wild creature. quot;It's something about the surprise,quot; she says. quot;A fox, a deer: It's unexpected.quot;

Others are less enthusiastic. Tina Richter, who lives near Seneca Creek State Park in Gaithersburg, recounts hearing a knock on her door. Her husband opened it to see that the noise was being made by the antlers of a buck who was eating the geraniums out of planters on her doorstep. The buck seemed as alarmed as the husband, who quickly slammed the door.

quot;I'm so glad he didn't get in,quot; says Richter, who thinks that deer have become so common, and have eaten so much of her landscaping, that close encounters aren't so miraculous.

George Leventhal knows exactly what she means. In 2007, the Montgomery County Council member suffered several broken facial bones when a deer came flying through his car window while he was driving on the Beltway. In 2000 -- the last time the Centers for Disease Control and Prevention did a count -- there were about 247,000 crashes involving animals, mostly deer, on roadways. Annually, there are about 200 human fatalities involving a vehicle and an animal. Just last month, a deer almost ran into quot;Todayquot; show host Matt Lauer while he was biking on Long Island, resulting in a spill that separated Lauer's shoulder. And though they don't contract Lyme disease, deer carry ticks that can spread the illness, a public health problem that prompts some parents to keep their children indoors during tick season or swaddled in long sleeves and pants or covered in bug spray. Reported cases of Lyme disease doubled in

Maryland and Virginia from 2006 to 2007.

But if the stories of deer running amok raise concerns that the overall population is panicked or in poor condition, that would be misleading. The reason there are so many deer in this region is that deer, like humans, savor the amenities available to them in cities and suburbs. Predators such as wolves and cougars are mostly gone; hunting is often prohibited; there is plenty to eat, if not in the woods, then in yards nearby. Asked whether deer in urban and suburban areas are starving -- an idea found frequently in news reports and on the Internet -- wildlife biologists laugh.

quot;Not a single one of them,quot; at least not in this region, says Kevin Sullivan.

Every now and then, deer in an overpopulated area will become undernourished--this happened to deer stranded when a mid-Atlantic Department of Energy facility was fenced after 9/11 -- but for the most part, the Washington area is what one expert calls the quot;ultimate salad bowl for deer.quot;

And yet while we are surrounded by them, most people know little about how deer dwell -- quietly, strategically and surprisingly close at hand -- among us. Deer are highly adaptable animals, equipped with slender but muscular legs, and cloven hooves that allow them to easily leap and balance. They are a browsing species, capable of eating a huge variety of vegetative matter, which they digest in their four-chambered ruminant stomach.

quot;Deer are like--I compare them to goats; they can eat almost anything and it won't hurt them,quot; Doug Tregoning, a University of Maryland extension agent, says at a Montgomery County Sierra Club meeting for homeowners weary of deer laying waste to their yards. The session is held at Brookside Gardens in Wheaton, which, Tregoning says, installed a state-of-the art deer fence only to discover that deer figured out how to enter through a spot where a stream ran underneath. Tregoning provides homeowners with lists of plants that deer dislike, but when he mentions chrysanthemums, a woman's hand shoots up. quot;Excuse me! They ate mine! Just trimmed off the flowers and left the plants!quot;

Deer like to feast on acorns, berry brambles, yew, sweet ground covers and scores of other plants, but in a pinch they are perfectly willing to eat poison ivy, twigs or tree bark. They can get up on their hind legs to reach branches. They can jump fences as high as eight feet, or can squeeze under them. They can, if necessary, crawl.

And though they look vulnerable with their wide eyes, soft noses and graceful necks, they are anything but fragile. quot;It takes a lot to kill a deer,quot; says Earl Hodnett, a wildlife biologist who until recently worked for Fairfax County police and now works for USDA. quot;Deer are very tough animals. The dead deer that we see on the side of the road--in order for that to happen, the deer's back or neck has to be broken. Otherwise, even if they're mortally injured, they'll make it into the woods.quot;

In Fairfax County, at least 5,000 deer-car collisions occur annually, an estimate based on the fact that 1,300 to 1,400 deer carcasses are retrieved in the county by the Virginia Department of Transportation; studies show the number hit is usually exponentially higher. Deer can live with severe injuries.

quot;I've got a deer in my yard that I see frequently that has three legs,quot; says Hodnett. quot;He's missing one front leg below the knee. That leg used to just dangle, but eventually wrung itself off, and he's just got a callused nub on the end. I've seen him run. He is not handicapped.quot;

While layers of local, state and federal deer bureaucracies try to quot;managequot; their numbers, the deer are busy figuring out how to take evasive action. We may be driving their evolution, creating a deer that is not only attracted to suburban areas, but adapted to live easily within them. Already, the urban or suburban deer is quot;a different creature than we find walking about in rural areas,quot; says Steve Ditchkoff, an associate professor of wildlife biology at Auburn University.

Deer are a crepuscular species, for example -- they emerge to feed at dusk and dawn. But deer in developed areas appear more nocturnal, bedding down during the day and coming out at night. As long as they avoid being hit by cars, their life spans can be longer than deer in huntable populations, many of whom do not live beyond four or five years. And they may be more fertile: Does typically give birth to twins, but well-fed suburban deer have been known to produce triplets.

Even as they remain largely mysteries to us, deer have become intimately familiar with our habits. Biologists say they come to anticipate the times when garbage is picked up, when school buses stop, when dogs are walked, when human beings return from work -- and adjust their habits accordingly. The thickets and green spaces of suburbia become refuges from which deer can observe our behavior.

quot;Remember what deer do for a living,quot; Ditchkoff says. quot;They stay alive. That's what they're designed to do. They are a prey species. There's always something trying to eat them. If the predator is a dog, or human disturbance, they're going to learn those patterns. You can go walking through some little creek bottom, through a neighborhood, and be 15 feet from a deer bedded down. It may be watching. You won't see it.quot;

The success of white-tailed deer is a classic tale of unintended consequences. Before the advent of European settlers, deer were plentiful in North America. Native Americans hunted them, as did cougars and other large predators. Colonists, when they came, did the same and traded pelts to Europe. Later, market hunting -- killing deer to transport their meat to American cities -- severely reduced their numbers. Until the 20th century there was little in the way of game laws. quot;People thought, We'll never run out of game,quot; says George Timko, an assistant deer project leader for Maryland's Wildlife and Heritage Service.

By the early 1900s, though, deer were almost extinct in many parts of the country, including Maryland and Virginia. States enacted hunting restrictions, even moratoriums. Biologists relocated deer from areas where they were still plentiful to areas where they had dwindled. Nobody foresaw how resoundingly the effort would succeed. quot;We didn't know that deer were so adaptive,quot; Timko says. quot;We thought they'd be confined to the rural areas and the agricultural areas in the state. We never thought that deer would be living in cul-de-sacs.quot;

Timko takes a drive around the South Mountain area in Maryland's Frederick and Washington counties, contemplating the other factor that contributed to the deer renaissance: the rise of the American suburb.

Deer are what's known as an edge species. They can exist in many environments, but they prefer boundary regions between woods and grasslands. The deep center of a mature forest is not ideal for deer. They do better at the edge of a forest, where sunlight and ground vegetation are abundant, and where they can venture to browse in the open but retreat easily into cover. And what is suburbia but edge? Little patches of forest that give way to lovely little patches of fertilized grass, ringed with tasty daylilies?

In fact, it may be exurbia -- sprawl -- that caused the deer population to explode, particularly in places with large houses on one-, two- or 10-acre lots. The typical exurban subdivision is a ready-made deer park. A single property may contain woods, water and lawn, everything a deer needs for cover and comfort. And it may be the skyrocketing number of deer in exurban areas that is propelling them into the city. Ken Ferebee says officials in Rock Creek Park suspect it was the development of Montgomery County that prompted deer to migrate down the Rock Creek valley. quot;The numbers of deer have become so high in these newer-style suburban areas, they're almost forced to come intoquot; older neighborhoods, says Auburn's Steve Ditchkoff.

In these environments, deer create conflict just by living their normal lives. Much of a deer's existence is driven by the seasons and the reproductive cycle. Throughout the summer, bucks grow antlers, which are fed by capillaries and covered with furred skin called velvet. The point of antlers is to intimidate other bucks and impress does during mating season.

By August, antlers have reached their mature size, and the bucks rub off the velvet by scraping their antlers against trees, making gashes in the bark. Beginning in October, the rut -- bucks chasing does, sometimes for miles -- creates a surge in car collisions. In the late spring and summer, when fawns begin to follow their mothers, there will be another spike in accidents. And some homeowners in areas with high deer concentrations, such as Cub Run Stream Valley in Fairfax County, attribute a surge in Lyme disease cases to the number of deer.

And then there is their impact on the landscape. Here around South Mountain, Timko points out exurban properties where homeowners are trying to tame the forest --

planting trees, shrubs and vegetable gardens in what used to be a heavily wooded area, and resorting to every possible means to keep deer away. He drives by a clutch of Leyland cypresses protected by a rope fence; a walnut orchard with tubes around the trunks. Then he comes upon an example so stark he uses it in PowerPoint presentations to garden clubs and homeowners associations: a house whose owners attempted to line the driveway with a row of American yews that have been chewed so thoroughly that they look like lollipops.

And it's not just individual landowners who are seeing their flora endangered. In the South Mountain area, where deer number as many as 45 per square mile, they inflict catastrophic damage to local forests, denuding them of future growth. Timko stops at a patch of woods to show the impact: a quot;browse line,quot; below which there is little vegetation. A mountain laurel has been eaten to the point where there are leaves only at the top. On the forest floor, an oak seedling has been stripped of early shoots. Deer will nibble the shoots until the plant loses the energy to grow. The result is a quot;dead forest that will not replace itself,quot; Timko says, and can't provide shelter for songbirds and other wildlife that depend on cover. Environmental groups such as the Sierra Club are increasingly alarmed by the devastation deer are wreaking on the landscape.

Homeowners' growing ambivalence is easy to see in the South Mountain area. As Timko drives, he points out houses whose occupants keep feeders stocked with corn to attract deer to their yards. They either don't realize, or don't care, that they may be encouraging deer to cross residential streets to get to the feeders, endangering the deer as well as motorists. Elsewhere are the houses with ravaged shrubbery, sometimes directly across from a house with a feeder, a juxtaposition guaranteed to fuel discord. Timko and other government biologists spend a lot of time acting as peacekeepers, meeting with people exasperated by the deer or people exasperated with their neighbors for feeding the deer. While the experts can suggest ways for homeowners to discourage deer, at least temporarily, they say the real solution lies in reducing their numbers. Which is to say, hunting them.

quot;Stir this area up,quot; says Charles Smith, a natural resource specialist with Fairfax County, who is standing on a hillock just off of Pleasant Valley Road, pointing on an aerial map at a thicket he knows is full of deer.

On a February morning at the height of rush hour, Smith and Earl Hodnett are leading a managed hunt -- a controlled culling effort organized by government officials -- in the Sully Woodlands Park area in western Fairfax. The hunt started just before sunrise, targeting a part of Fairfax County that was once home to not only deer but also to elk and bison. Now it's classic suburbs: chopped-up habitat that includes a sod farm, a private plant nursery, a hardwood forest, an old air field purchased by the county to preserve it as natural habitat, along with subdivisions, bike paths, a golf course, and, of course, car-choked roads.

A variety of hunters have been stationed in tree stands on county parkland, at strategic areas where deer are known to pass. On the larger parcels are experienced private

hunters who have passed a test to prove their marksmanship, while closer to human habitation are police officers. With the exception of some sharpshooters, all are required to use shotguns; they are too close to people's houses to use rifles and risk bullets piercing walls or windows. Over at the golf course, employees--strongly motivated by the damage deer do to greens--are the day's hunters.

Before the hunt, notices went out to citizens; though managed hunts were once controversial, the county rarely hears objections now.

The only opponents these days are the deer, who are getting wise to these operations. Smith and Hodnett scrutinize the aerial map, trying to come up with a strategy to outwit them. quot;They'll use this area as a back door,quot; predicts Smith, pointing to a subdivision off-limits to the hunt. Already, they say, the older, more experienced deer had fled.quot;They recognize this activity and they know what it means,quot; says Hodnett, meaning that the deer see the tree stands, smell humans, sense that things feel different today, and seek refuge in places they know are safe.

And he is right: Around 8 a.m., Hodnett leads a group of quot;driversquot; into the old airfield, the area that Smith had instructed him to stir up. Their mission is to hoot and holler and scare the deer toward a group of hunters stationed ahead of them.

The hunters have been instructed to take only antlerless deer, which in most cases will be does. This policy represents an important adaptation by game officials. For years, hunters concentrated on the wrong gender. They traditionally hunted bucks, both because hunting regulations encouraged it, and because an antlered buck is such a desirable prize. But it is the does that are increasing the deer population so exponentially, and it is the does, therefore, who need to be quot;managed.quot;

Indeed, it is does who are central to deer society. Highly social animals, deer congregate not in herds but in small matrilineal groupings dominated by a female. In the second year of a buck's life, his mother will evict him, a process that helps prevent inbreeding. Depending on the time of year, the males will travel alone or clump loosely together. The doe hangs out with her daughters, who may drift when they have fawns of their own, but never far away.

Creatures of habit, deer have home ranges, patches of landscape they know intimately. Bucks can have a wide range; bucks that were ear-tagged in Gaithersburg have been found in Fairfax County. (Deer are very competent swimmers, particularly in winter, when their hairs are hollow, a quality that provides insulation but also buoyancy.) Does usually spend their lives within a fairly small area, and studies have shown that if they're driven from their home range, they will invariably return.

And they can populate that home range quickly, thanks to the doe's tendency to have twins and, when well fed and healthy, triplets. (If she is malnourished, she may only have one, and can even re-absorb the fetus during pregnancy.) Owing to this fecundity, it's possible for a deer population to double annually. quot;You can take all the bucks

you want,quot; says Nelson Lafon, a deer manager for the state of Virginia, quot;and it hasn't made a difference. You have to take does.quot;

As the drivers for the managed hunt move off of Braddock Road and into the patch of nature, it is easy to understand how the does and their offspring thrive in the suburbs. Almost instantly the noise of traffic subsides and there is the feeling of being in a haven. The drivers push through blackberry brambles and native grasses, seeing innumerable deer trails punctuated by droppings. Here, in this intimate space so close to the chaos of suburban life, deer can rest against a cedar to catch the sun. They can go out at night to forage in a subdivision, and return to digest without being seen or bothered. They can drink water from a pond. But as the drivers move through, it is apparent that today, the deer have skedaddled.

All except one: a doe. No, two. With her is another deer, smaller, a yearling. The two creatures rise up suddenly out of a bramble, and the drivers whistle and shout, trying to send them toward the hunters. The doe is too crafty. With her yearling following closely, she angles and runs in the opposite direction they want her to go. Hodnett watches her admiringly. The problem, for her, is that she is heading toward Braddock Road, on the other side of which is a hardwood forest stocked with hunters.

After the hunt is over, Hodnett is curious to see what became of that sharp-witted doe. Around midmorning hunters start bringing in carcasses, which are delicate and incongruously twisted in the tall grass. They are weighed by a biologist who also gauges their ages. Many are just two or three, not yet old enough to be wise to the ways of hunters; there are also quot;zeros,quot; fawns born last summer who had not yet reached their first year. All together, 32 deer were taken: 25 does, and seven antlerless bucks. Hodnett sees this as a sign of success. In last year's three managed hunts, they took 80 deer in the first, 54 in the second and 26 in the third. Declining numbers suggest the hunts are working. Problem is, the county budget needs cutting, and the police chief has proposed curtailing hunts. Even a single remaining doe could begin repopulating the areas they've thinned.

And they know for sure that a doe remains. Eventually the hunters come in from the hardwoods. The doe got away, and so did her yearling. quot;They probably knew where the hunters were better than I did, quot; says Hodnett. quot;The sharp ones,quot; he says, quot;are very sharp.quot;

Despite their effectiveness in reducing deer populations in parts of Maryland and Virginia, managed hunts aren't feasible -- or politically viable -- in many areas that are laden with deer. Many neighborhoods call for a more surgical strike -- and for hunters willing to forgo the big woods and cater to the sensibilities of suburbanites who want the deer gone but are uncomfortable with the messy reality of killing them.

That's where Eric Huppert comes in. Huppert is the president of an organization of bowhunters with the delightfully corporate-sounding name Suburban Whitetail Management of Northern Virginia. In areas where bowhunting is legal, his operation

allows homeowners to outsource their deer problem, just as they outsource so many other things; he and his volunteer hunters will hunt their parcels for them.

Suburban White Tail Management imposes stringent restrictions on its 100-odd members. For safety, they are not allowed to shoot a deer more than 20 yards away, though they must show their ability to hit a six-inch target from 30 yards. quot;I tell people that I just want to know that you can do it,quot; says Huppert. He has also set strict conduct rules designed to minimize the hunters' presence. quot;We want you to get in and out without getting noticed,quot; he tells his bowmen. quot;Come in and go out in civilian clothes. We don't allow camouflage clothing in public view. We don't allow deer [carcasses visible] in the back. All your hunting equipment is out of sight. It's all very -- covert, I guess.quot;

quot;We're trying to give hunting a good image,quot; explains Steve Barry, the organization's Loudoun County coordinator.

Barry is a prime example of the new, suburbanized breed of deer hunter, someone who sees hunting as a public service and an opportunity to de-stress, not just a chance for a trophy. A partner at the accounting firm KPMG, he works a 50-to-70 hour week but still finds time to hunt about 100 times a year, in part because he loves the outdoors and loves contemplating deer, in part because he can get quot;some of my best problem-solvingquot; done in a tree stand.

An accomplished shot, Barry won't even try unless he is certain it will be lethal. He will let a buck go by in favor of a doe. He often gives the venison to Hunters for the Hungry, which donates it to soup kitchens. Other times, he has the carcass butchered locally, then sends the meat by UPS to a couple of butchers in other states, who turn it into pepperoni, salami, and/or breakfast sausage, and ship it back. He may feed his family with it, or give it to the homeowners who let him hunt their land.

Or, rather, the homeowners who beg him to hunt their land. Recently, he was contacted by one exurbanite desperate for him to set up on his property and kill the deer ravaging his expensive landscaping. Driving by the property, part of a subdivision of massive new houses in Leesburg, Barry points out a deer standing near a swing set and another one bedded down in a side yard. The problem is that bow hunters need to set up stands high in sturdy large trees, something new subdivisions often don't have. Barry couldn't help the individual but agreed to meet with the homeowners association.

This day, his destination is farther out: a quasi-rural property in the Round Hill area, where the owner values the deer but worries about the damage that they are doing to the environment. Barry sits in a tree stand for two hours and watches as several deer -- a solitary male, and a doe with two offspring -- make their hesitant way through a forest, never close enough to shoot. Hunting like this requires an incredible amount of patience. Barry takes a deer one in every 10 excursions.

quot;People think that hunting deer is so easy, and it's really not,quot; says Eric

Huppert. quot;You're not dealing with a dumb animal.quot;

And that is the interesting thing about deer. Studies have shown that they have the capacity to learn. Or some do. They can figure out which land is hunted, and which is safe.

Jacob Bowman, an associate professor of wildlife ecology at the University of Delaware, conducted a study that confirmed this. At managed hunts in Cecil County, Md., Bowman found that the deer knew about areas near a horse stable and a nature center, spots where hunting was impossible because of the proximity of humans, and congregated there until the hunt was over. Like schoolkids playing tag, they understood the concept of quot;base.quot; Deer may not be rocket scientists, but in addition to memorizing the path to your hosta, they are capable of modifying their own behavior.

Given this, the question is what to do in jurisdictions where large-scale hunting is not safe. Among these is Rock Creek Park, whose deer population is creating rancor among neighbors. On a Chevy Chase listserve, the marauding park deer are a topic of controversy: One e-mailer declared them a quot;public health and property menacequot; and angrily opined that park officials had lost control of their management, while another urged quot;a spirit of tolerance and the ability to co-exist.quot;

While they argue, Ken Ferebee is trying to come up with a deer management plan, which he will submit for public comment. He's open to any number of possibilities. A managed hunt is not one of them, but he'd consider fences, sharpshooters and contraceptives.

The last option is one that animal protection groups would prefer, but so far the choices are limited. The USDA's National Wildlife Research Center has developed one, GonaCon, which is currently before the U.S. **Environmental Protection Agency.** It works by immunizing against the release of a sex hormone; the female never comes into estrus. quot;They don't get chased, and the males treat them as if they're not there,quot; says Kathleen Fagerstone, the USDA official who helped develop it. The problem is, it has to be injected--meaning the doe has to be handled--and eventually wears off. It is only workable, Fagerstone says, in conjunction with culling.

In the meantime, the deer are coming up with their own game plan. Biologists are not sure how deer understand vehicular traffic. They proverbially freeze when they see headlights, not necessarily because they know a car can crush them, but more likely because noise and lights signal danger. One study found that given the opportunity to cross a road safely using a special culvert, deer will seize it.

quot;They adapt,quot; says Southern Illinois' Clay Nielsen, who thinks car-savviness is one way suburban deer may differ from their rural counterparts. quot;They learn to cross roads in areas that minimize their mortality . . . Some deer have the ability to learn and some don't, and those that don't, die . . . They have not evolved knowing what a car is, or knowing how to avoid cars and vehicles in the landscape. They are trying to

learn.quot;

And, he adds: quot;These are the ones that are surviving and passing along their genes and learning how to thrive in the urban landscape.quot;

Perhaps the Rock Creek Park doe that Ferebee fitted with the leather collar is among the survivors. On a morning in late February, Ferebee goes looking for her. He knows he's running out of time. Spring is coming, and her coat soon will have filled in and changed color. Hiking around the woods by the police stables, he spots a little herd down the hill near Beach Drive -- five or six deer hanging about in the woods. He scrutinizes them with binoculars, but none has a bare patch at the neck. After a few minutes, he comes upon another herd, not far away. Not there.

As he walks, it's easy to see the impact of browsing. Across the ground, even spicebush plants are being denuded of their vegetative buds. quot;They didn't used to touch that,quot; he reflects.

A number of years ago, park officials created a small plot with a high fence that deer could not get into. The contrast between what's growing within the fenced plot--quite a bit--and what's growing outside it has gotten stark. quot;The vegetation has really changed,quot; Ferebee says. quot;Tree seedlings is what we're most interested in. They've really dropped. We think the deer are starting to change the vegetation structure in the park.quot;

Then, rounding the hillside, he sees yet another herd, four deer in all, two does and two yearlings. He raises his binoculars. quot;That's her,quot; he announces. quot;That's her little herd.quot; Through the binoculars, he can see the bare patch on her neck. She is browsing happily, unharmed, unfazed. He is quietly satisfied, caught between his desire to preserve Rock Creek's foliage and his pleasure at finding the doe alive. quot;I know she's still kicking.quot;

Later, the mystery of the collar's location will be explained by the person who lives beside the little park at the Episcopal Center for Children. Claudia Russell is quite familiar with the Rock Creek deer, who regularly make a beeline through her vinca, and even -- suspects Russell, who is tolerant of their presence -- ate the knobs off her gas grill.

One day, Russell found the leather collar in her yard -- the canvas breakaway strip finally wore through. Not knowing what else to do, she laid it in a prominent spot in her front yard, hoping an official might come looking for it and pick it up. There was a lot of street construction going on, however, and apparently when workers poured a new sidewalk and built the retaining wall, which runs beside her yard, they thought the collar was trash and buried it in the dirt.

But the doe that shed the collar made it back to Rock Creek Park, safe and sound. Darted as an adult in 2003, she is at least 7 years old, having crossed Oregon Avenue

hundreds of times, and taught six generations of offspring how to do it.

She is standing there, now, in her habitat, a forest yards from ordinary houses, comfortable with the beep beep beep of garbage trucks backing up, the revving of chain saws, the hum of engines, the voices of men pulling invasive plants. These are the sounds that are her daily life, just as they are ours.

Liza Mundy is a Magazine staff writer. She can be reached at mundyl@washpost.com

Man vs. Deer [Let's get practical]

For homeowners struggling with deer devouring their landscaping, there are few sure-fire solutions, deer management officials say. Among the options homeowners can consider:

Fences. Probably the most reliable (and definitely the most costly) solution, though many homeowners associations have restrictions on them. Fences should be at least eight feet high, with no space underneath.

Commercial and noncommercial repellents. There are many products on the market, often made from rotten eggs or coyote urine, that are designed to repel deer. Home remedies, including soap and packets of clipped human hair, can sometimes work, too. But all repellents lose effectiveness as plants grow, and if deer are hungry enough, they won't care what the plants smell like.

Scare tactics. You can buy devices that make loud noises, squirt water and otherwise frighten them, though deer get used to these.

Defensive landscaping. Avoid planting hostas, azaleas and other plants that deer adore eating. Some better bets are butterfly bush, lilac, catmint, iris and tiger lily.

For more information on deer discouragement strategies, go to these Web sites:

www.dnr.state.md.us/wildlife/ddmtintro.asp

www.dnr.state.md.us/wildlife/2008_Deer_Mgmt_Options.pdf

pubs.agnr.umd.edu (click on quot;lawn, garden and homequot; and go to quot;wildlifequot;)

www.deerdamage.org

The Perfect Deer Habitat

[The typical suburban subdivision is a ready-made deer park]

Learning and adapting: Given the opportunity to cross a road safely using a special culvert, deer will seize it, a study showed. A growing car-savviness may be one way suburban deer differ from their rural counterparts.

Suburban spies:. Deer come to anticipate the times when garbage is picked up, when school buses stop, when dogs are walked, when human beings return from work -- and adjust their habits accordingly

Accidents waiting to happen: In 2000, there were about 247,000 crashes involving animals, mostly deer, on roadways, according to the most recent count by the U.S. Centers for Disease Control and Prevention.

Thriving in the underbrush: In thickets and green spaces close to the chaos of suburban life, deer can bed down or fawn without being seen. They can go out at night to forage in a subdivision,and return to digest without being disturbed.

An edge species: Deer prefer boundary regions between woods and grasslands, where they can venture into the open to browse on abundant ground vegetation, but retreat easily into cover.

Environ-mental time bombs: When their numbers grow beyond 20 per square mile, deer can inflict catastrophic damage on local forests, denuding them of future growth.

PESTICIDES

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EPA: Some spot-on pesticide products harmful to pets (*Dayton Daily News*)

By Laurie Denger
Staff Writer
3:34 PM Friday, April 24, 2009
Just in time for flea and tick season comes the news that the U.S. Environmental Protection Agency is taking a new look at spot-on pesticide products because of increasing numbers of pets having bad reactions to them.

The reactions have ranged from skin irritation to seizures and even death.

The EPA notes that flea and tick products can be the right thing to do for your pet because the parasites can transmit disease. But it also warns pet owners to follow precautions when using the topical products.

• Always carefully follow label directions when applying.

• Monitor pets for any signs of adverse reactions after applying, especially the first time.

• Consult your vet about which product to use and how to use it.

According to the EPA, problems can happen with sprays, shampoos or collars, but most of the incidents have focused on the spot-on products applied to the skin of a pet, usually between the shoulders or down a line on the back.

The EPA is also asking vets to report any incidents to the National Pesticide Information Center's Veterinary Pesticide Adverse Effects Reporting portal at http://npic.orst.edu/vet.

Pet owners can find more information on products and safety tips at www.epa.gov/pesticides/health/pets.htm.

Pet Airways to serve five cities to start

A couple weeks ago, I wrote about a new airline to carry only pets. Here's an update.

Pet Airways, in which pets fly in the main cabin and not in the cargo hold, will launch its first flights July 14.

The flights will serve five cities to start — New York, Washington, D.C., Chicago, Denver and Los Angeles. A proprietary Web-enabled reservation system will allow customers to book pet travel on the Web site and check their pet's travel progress at www.petairways.com.

The airline hopes to dip into the pool of about 76 million cats and dogs that travel each year with their owners. Dan Wiesel, president/CEO of Pet Airways says, "Currently, most pets traveling by air are transported in the cargo hold and are handled as baggage. The experience is frightening to the pets, and can cause severe emotional and physical harm, even death."

While small pets can travel in carriers under the seat, larger pets are put into the cargo hold. And some airlines are refusing to accept even small pets on board.

Pet owners also worry when they fly in winter or summer months because pets can be subjected to cold or heat.

A study by the San Francisco SPCA found that of the 2 million animals transported in the cargo holds of commercial airliners per year, approximately 5,000 are injured in transit.

Pet Airways says pets or “pawsengers” will be monitored by pet attendants from the time they are dropped off until they reach their destination and offered toilet facilities, food and water during stops.

Scottish Terrier show at expo center

• Hoot, man. Grab your kilts and bagpipes. It’s a Scottish Terrier weekend this weekend (April 25-26) with the Scottish Terrier Club of Greater Dayton hosting a national club at the Dayton International Airport Expo Center, 3900 McCauley Drive in Vandalia. The show actually started Saturday but is continuing today, April 26, and starts with a Puppy Sweepstake at 9 a.m., followed by all-age classes and obedience and rally trials.

Admission is free and the public is welcome. For more information, call (513) 367-7927 or (937) 833-5191.

Contact this reporter at (937) 225-2248 or ldenger@DaytonDailyNews.com.

Injuries From Flea and Tick Prevention on the Rise: Is Your Pet Safe? (*ABC News*)

EPA Re-Evaluating Chemicals Used in Popular Products After Injury Reports Skyrocket
By SARAH NETTER
April 24, 2009

When Michele Worcester applied a popular flea and tick medication to her miniature dachshund last year, she thought she was doing the right thing to keep her puppy healthy.

Instead, her dog Ellie is permanently disfigured from ugly scars that run the length of her tiny back, the result, Worcester said, of severe chemical burns caused by the flea and tick products.

"She's lucky she didn't die," Worcester of La Vernia, Texas, said. "It was very miserable for her."

Ellie is one of a growing number of animals that have suffered adverse reactions to common flea and tick prevention, according to the Environmental Protection Agency.

The EPA is now preparing to take a closer look at the chemicals in several popular brands of flea and tick products after reports of injuries and side effects increasing more than 50 percent last year.

Worcester said she applied Bio Spot brand flea and tick prevention to Ellie's back as directed and when bumps started appearing on her back a day later, they didn't initially make the connection. But when the bumps spread down her entire back and began leaking pus and blood, the Worcestors took Ellie to their veterinarian, who deduced that the medication had burned her skin.

The wounds, Worcester said, were so severe, Ellie had to be put under general anesthesia to remove the rotting skin, a procedure she had done more than once, the other times fully awake.

At home, Ellie stopped eating and drinking as Worcester's husband took time off work to change her bandages every three hours.

"That was the least of her problems, actually," she said. "We were dealing with huge wounds."

After a month of treatments, Ellie began to heal. She's now a year old, but the Worcester's once-perfect puppy has massive scars on her back where her fur has not regrown.

"I try to tell everybody not to use this stuff," Worcester, a mom of three, said. "They don't listen."

Worcester said she filed reports that included Ellie's veterinary records with Bio Spot and the EPA. Bio Spot, she said, paid for Ellie's vet bills.

Dale Kemery, a spokesman for the EPA's pesticides and toxic substances division, said the new evaluation is a "fact-finding effort" to determine the causes of some of the more severe side effects reported by pet owners.

Kemery said the EPA got 44,263 reports from animal owners last year, up from 28,905 in 2007. Of those more than 44,000 reports, he said, only 1,200, or 2.7 percent, were considered to be "major incidents" like severe injuries or death.

Among the more common adverse reactions the EPA saw were rashes, tremors and seizures, Kemery said.

OTC Brands 'Not as Good?'

The Washington, D.C.-based Center for Public Integrity released a report last year called the "Perils of the New Pesticides" that detailed adverse reactions to pyrethrins and pyrethroids, chemicals commonly found in many of the flea and tick control products found on store shelves.

Looking at numbers provided by the EPA, the center reported that those chemicals were responsible for more moderate to severe injuries than any other class of insecticide from 2003 to 2007.

"Good Morning America" resident veterinarian Dr. Marty Becker, who has a practice in Idaho, said the adverse reactions to flea and tick control products are typically caused by two things -- owners not using the products properly and the stark difference in quality among certain products on the market.

Becker said the many pet owners look to the shelves of their local stores to buy what he calls "over the counter" flea and tick prevention that is often inferior to the products typically sold through a vet's office, such as Frontline or Advantage.

He called out products made by Hartz, Bio Spot and Sergeant's as being popular grocery store-type brands that simply can't compete on quality.

"In my opinion, they're not as good," Becker said. "They tend to have older generation chemicals."

Becker noted that certain breeds such as collies and Rottweilers have an innate sensitivity to any tick and flee product.

Hartz, Bio Spot and Sergeant's are three of several companies listed by the EPA as products named in 80 percent of their reports in 2008. The others were Zodiac, Promeris, TriForce, Sentry and Adams. There were also two Frontline products -- Frontline Plus for Dogs and Frontline Plus for Cats -- that were added to the list.

Sergeant's released a statement to ABCNews.com that read, in part, "As the EPA continues to update its list of scrutinized flea and tick control products, it's clear this is

an industry-wide issue that affects both over-the-counter products and products sold through veterinarians as well. Sergeant's works with the EPA on a continuous basis and welcomes the EPA's increased evaluation of the use of spot-on pesticides to better protect pets. The health and safety of pets is Sergeant's number one priority."

And Central Life Sciences, a division of Farnam Companies, which distributes Bio Spot, said adverse reactions to its products are extremely rare, only in about 1 percent of all applications.

"Through our investigations, we have found that in many cases, the reaction is the result of a pre-existing medical condition or misapplication of the product," the statement read, in part. "We urge all pet owners to carefully follow all recommended application guidelines."

Central Life Sciences also puts out the Adams and Zodica brands of flea and tick prevention.

Hartz also released a statement saying it supported the EPA's latest evaluation of the chemicals and defended its products as safe and effective when used properly. "Flea and tick products make an important contribution to the health of pets and families, since fleas and ticks can transmit disease," the statement read in part.

One Owner Staying Away From Flea and Tick Products

Cari Becker, no relation to the doctor, said she no longer uses any flea or tick control on her Italian greyhounds since two of her dogs were sickened after she applied it to their backs in 2001.

Becker, who lives in Batavia, Ill., said she had moved into a house in the country and wanted to make sure fleas and ticks didn't find their way into Mia's and Skye's fur.

"I was careful to make sure they didn't touch each other," she said. "But in a very short amount of time they were shaking, they were vomiting."

As her dogs were seized by tremors, Becker said she immediately scrubbed them with soap and water to get the medication off, and the effects wore off. Though Mia and Skye have since died, Becker said she refuses to use any flea or tick prevention on the

two dogs she has now or any of the rescue Italian greyhounds she fosters before placing them into permanent homes.

"I don't recommend it to anyone," she said. "I'm not a believer in it at all."

Instead, Becker said she's diligent about checking her dogs' short coats to make sure nothing is crawling on them and, so far, there never has been.

"When we're sitting with them and stuff, we just check," she said.

The Humane Society offers several other remedies to flea and tick prevention on its Web site, including regular vacuuming and grooming with a flea comb as well as frequently lawn mowing and washing of pet beds and blankets.

But Kemery and doctor Becker advised against forgoing flea and tick control all together, pointing out that there are insects that can spread to humans as well and cause a hard-to-control infestation. Owners just need to be smart about their use, they said.

Becker said it's not uncommon for owners to use products meant for other animals as they try to save a few bucks by buying one product and using it on all animals in the household or buying a product meant for a larger animal and dispersing it among several smaller animals.

Because each product is formulated for each species' biology and size, using one product for all animals can cause severe reactions. Cats, for example, often can't process the pyrethrins found in many dog products.

"It's not apples and apples," he said. "You can't use a dog product on a cat, you can't use a horse product on a dog."

Going to the vet to buy flea and tick medication not only ensures owners are getting the proper dosage and instructions for use, Becker said, the products are usually superior. Vets, he said, are also becoming more sensitive to the economic crunch and will often match prices if pet owners find the same products cheaper online.

And the products, even those listed by the EPA, he said, have vastly improved from even just 20 years ago when vets were prescribing baths in pesticides known as "dips" and owners were bombing their house with heavy chemicals to treat infestations.

As for Worcester, they now give Ellie a combination medication for heart worm and flea and tick prevention, something that has been decidedly less toxic for her.

"The companies do not care," she said. "They're just making their money."

Citing fraud, judge dismisses Dole lawsuits (*Greenwire*)

04/24/2009
A California judge yesterday dismissed two lawsuits by men who said they were Nicaraguan banana plantation workers against U.S. food giant Dole and other companies, calling the cases "fraud" and "blatant extortion."

Los Angeles County Superior Judge Victoria Chaney's ruling came after three days of testimony about a scheme to recruit men who would claim that exposure to a pesticide on Dole plantations in the 1970s had rendered them sterile. Witnesses and investigators said they feared that exposing the fraud put their lives at risk.

Chaney said there was a group of corrupt Nicaraguan judges "devouring bribes" to make judgments and further the scheme. The lawsuits landed in the California court seeking enforcement of extravagant damages determined by the Nicaraguan judges.

Chaney said the scheme means that nobody will ever know whether workers really suffered injuries from pesticides in Nicaragua (Linda Deutsch, AP/*San Francisco Chronicle*, April 23). **-- TL**

SUPERFUND
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Sunday, April 26, 2009 - Page updated at 03:37 AM

Stimulus steps in to mop up Superfund mess (*New YorkTimes*)

Story also appeared: *Seattle Times*

By JOHN M. BRODER
The New York Times
VINELAND, N.J. — The Superfund program to clean up the nation's most contaminated industrial sites was established nearly 30 years ago on the principle that those responsible for toxic pollution should pay for it.
So why is the government spending nearly $600 million in stimulus money to work on sites such as the defunct arsenic-fouled Vineland Chemical plant in Vineland in South Jersey?

Environmental Protection Agency (EPA) officials and environmentalists said the Superfund program has been chronically underfinanced since a tax that supported it expired in 1995.

The plant, like hundreds of other toxic dumps, is a so-called orphan site, meaning that either no responsible party has been found or money from the original polluter has been exhausted. So the taxpayer is on the hook for the remedial work.

Vineland's former owners, now dead, paid $3 million toward a cleanup that began a decade ago and has cost more than $120 million. The site will get $10 million to $25 million in stimulus money to speed a project to purge arsenic and other chemicals from soil and water on the site's 54 acres.

Lisa Jackson, administrator of the EPA, said the use of stimulus money would accelerate progress at 50 Superfund sites in 28 states, including Washington.

Until 1995, cleanups at orphan sites such as Vineland were paid in part from a trust fund based on taxes from polluting industries. But that year, the Republican-run Congress, responding to industry complaints, refused to reauthorize the Superfund tax, which once collected hundreds of millions of dollars a year from chemical and oil companies.

President Obama wants to restore the tax and assumes it will provide $1 billion in revenues for his 2011 budget.

Until then, financing for work at the nation's nearly 1,600 Superfund sites will come from taxpayers in the form of EPA appropriations or stimulus money. The nearly $600 million in stimulus money virtually doubles the amount available for Superfund work in the current fiscal year, officials said.

"The money we provided in the recovery package for Superfund sites in New Jersey and nationwide is critical for putting people to work cleaning up polluted sites to protect the health of our communities," said Sen. Frank Lautenberg, D-N.J., who is sponsoring legislation to restore the tax. "Ultimately, however, it should be polluters that pay for these cleanups, not taxpayers."

Officials said the 50 sites receiving stimulus money were chosen because their cleanups had progressed considerably. The goal at most sites is to remove the toxins and to allow the property to return to productive or recreational use.

Two Puget Sound region Superfund sites are among the 50. Up to $10 million will be spent to remove contaminated soils from residential backyards and park areas within a mile of the former Asarco smelter along Tacoma's Commencement Bay. And $5 million will be used to remove old wood-treating equipment and clean up groundwater at the Wyckoff-Eagle Harbor site on Bainbridge Island.

The American Chemistry Council, the industry's trade association, said it favored making the parties responsible for the messes pay for them but opposed renewing a Superfund tax that makes all manufacturers pay.

Material from The Seattle Times archive is included in this report.

EPA Adds Another Site to Superfund Cleanup List (*Blogger News Network*)

Posted on April 24th, 2009
by Deon Scott in All News, Asbestos Exposure, asbestos, asbestos cancer
.
According to recent reports the US Environmental Protection Agency had added another site to its Superfund National Priority list for asbestos cleanup. The site is located in Ambler, Pennsylvania, and was once a dump for asbestos containing materials.
More than fifteen hundred sites are currently on the superfund cleanup list, and these are all sites that the Environmental Protection Agency deems as being priority for cleanup for the good of public health. This latest addition covers almost two acres of land.

The EPA said: “The site is on the NPL because the nearby residential population could potentially be exposed to airborne asbestos and to asbestos contamination along Tannery Run, Rose Valley Creek and the Wissahickon Creek.”

The site was used between the 1900s and the 1980s as an asbestos dump according to EPA officials, and it poses a danger as there is a nearby creek that has become a popular spot for fishing, putting people at increased risk of exposure.

Brooklyn fears stigma will come with cleanup aid (*Greenwire*)

04/24/2009

U.S. EPA wants to declare Brooklyn's Gowanus Canal a Superfund cleanup site, but residents and the mayor's office fear the designation will hurt the neighborhood's image and property values.
The canal has been contaminated with heavy metals and carcinogens by more than a century of industrial activity.

Some residents are relieved to be getting help for the cleanup, and the designation is being backed by the New York State Department of Environmental Conservation.

Studies show property values decline after a Superfund listing but bounce back after cleanup, sometimes to much higher levels, said Kris Wernstedt, a professor at Virginia Tech's Alexandria campus who specializes in Superfund issues. He said the conflict playing out in New York is common to Superfund designations.

But Mayor Michael Bloomberg is opposing the listing, saying it could jeopardize more than $500 million in committed private investment along the waterfront (Mireya Navarro, *New York Times*, April 24). **-- PR**

NY Times covers Superfund debate (*Cobble Hill Blog*)

April 24, 2009

The Times ran a story on the debate surrounding the possible designation of the Gowanus Canal as a Superfund site, talking to local residents, politicians, and representatives from the Environmental Protection Agency.

The proposed designation has put Mayor Michael R. Bloomberg, who has championed a greener New York, in the odd position of opposing the New York State Department of Environmental Conservation, which requested the Superfund listing for the canal.

City environmental officials say they would welcome a cleanup, but not the stigma of a Superfund designation, which authorizes federal officials to pursue parties responsible for the pollution, and have them pay for the removal of hazards. They object to that process because it can extend the cleanup period into decades.

They also argued that the Superfund designation would give the Environmental Protection Agency veto power over the city’s own Gowanus plans, including rezoning 25 blocks of industrial land to allow for residential and commercial development and

spending $175 million to diminish odors and prevent sewage discharges that have contributed to the canal's pollution.

"Everything would have to be looked at fresh," Daniel Walsh, director of the mayor's Office of Environmental Remediation, said of a Superfund designation. "There's no way to predict what would happen."

TOXICS
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Peoria County climbs toxic rankings (*Peoria Journal Star*)

Community ranks 14th nationally with 35.3 million pounds of toxic chemicals
By TERRY BIBO
Journal Star
Posted Apr 26, 2009 @ 12:21 AM
PEORIA —
Even as the amount of toxic chemicals reported to the federal government by industries dropped nationwide, the amount reported in Peoria County rose — a lot.

Nationally, industries reported 5 percent less to the U.S. Environmental Protection Agency's Toxic Release Inventory for 2007, which was unveiled recently. In Peoria County, local industries reported 13 percent more.

We now rank 14th among the TRI's top 100 counties, up four spots from 2006.

"I think people need to be aware of it," Peoria County Administrator Patrick Urich said. "It was designed so the public could be aware of what's going on in their community."

For more than two decades, the U.S. EPA has gathered information on toxic chemicals. Although no new chemicals have been added since 2000, and the Bush administration reduced reporting requirements in 2006, that still included 650 chemicals from 22,000 facilities in the most recent report.

"The community has the right to know what is placed in air, land and water," said Thelma Codina of the U.S. EPA.

In 2007, TRI data shows 1.3 billion pounds of chemicals were released into the nation's air, which is 7 percent less than 2006. More than 230 million pounds went into the water, which is a drop of 5 percent. Although the overall numbers were down, the amount reported for mercury was up 38 percent. Polychlorinated biphenyls, or PCBs, increased 40 percent, even though U.S. manufacturers have not been allowed to

produce them since 1979.

In Illinois, 114.3 million pounds of on- and off-site releases were reported for 2007. That's almost a million pounds more than the 113.3 million listed for 2006, although Codina said Illinois itself is not particularly high on the list.

"It did not even make the top 10," she said.

Nevertheless, there are three Illinois counties listed on the top 100 counties in the nation. Cook County is 66th, up two spots from 68th place. Madison County is now 69th, up six spots from the previous list. (Northwest Arctic Borough County in Alaska holds first place both years.)

Still, Peoria County leads the Illinois pack. As Urich pointed out, that's partly a reflection of our manufacturing sector, which would include Keystone Steel and Wire Co. and ADM.

"We still have 21 to 24 percent of the specialized manufacturing facilities in Illinois," he said. "You're going to have those wastes."

But the high ranking is primarily due to the Peoria Disposal Co. hazardous waste landfill near Pottstown. It accounts for nearly 25 million pounds of the 35.3 million pounds the county contributed to the TRI list.

"In the case of Peoria, we know a lot of it is PDC, which is controlled and monitored and doesn't get off the site," Illinois Environmental Protection Agency spokesman Maggie Carson said.

While that might sound relatively positive, continuing use of that site for a hazardous waste facility above the Sankoty aquifer remains a touchy issue. Peoria Families Against Toxic Waste and the Heart of Illinois Sierra Club opposed PDC's expansion plans a couple of years ago, and remain concerned.

"When that County Board voted, I think the public thought that landfill was going to close," said Joyce Harant, who lives nearby and has testified against the landfill. "Now the public has tuned that out."

That may be more a function of the civic attention span than PDC.

"We've always been very clear with the public that we weren't going to shut down," PDC director of sales and business development Chris Coulter said. "We will continue to operate for at least the next 10 years, if not more. … The landfill's still up and running. We're not handling the quantity of waste we were before. It's being diverted."

That is perhaps the sorest spot for the company's opponents. Although PDC appealed the board's decision all the way to the Illinois Supreme Court and lost, it was successful

in getting one of the main components in its hazardous waste delisted. Now, by treating electric arc furnace dust with a process that remains proprietary, the company can send it to Indian Creek Landfill in Tazewell County. That will keep the Pottstown facility open a lot longer.

“They’re going to remain the TRI No. 1 for a long, long time,” said the Sierra Club’s Joyce Blumenshine.

She said hazardous wastes from surrounding states will continue to come here and be shipped along Tri-County roads. But Indian Creek won’t show up on the TRI because it is not a hazardous waste landfill.

“From our perspective, Peoria County is still going to bear a lot of the burden,” she said. “Although we’re not going to be piling it over the Sankoty aquifer, we’re going to pile it instead on the Mahomet.”

Coulter said the company seems to be doing what opponents want by getting the waste out of Peoria County.

“What’s the solution? To stop it?” he said. “I don’t know what else they wanted, unless it’s to close us down. … We generate these wastes. They have to be treated. And they have to be managed responsibly and safely. That’s exactly what we’re doing.”

PDC’s Ron Edwards handles the TRI reports. He pointed out that these are lawful releases.

“It’s proper disposal,” he said. “It’s not getting into the environment. In fact, it’s the opposite — making sure this doesn’t get into the environment.”

To illustrate some of the difficulties in using TRI data, mercury releases at PDC actually dropped almost 40 percent from 2006 to 2007. That is, the amount of mercury dropped from 100 pounds to 63 pounds — out of 25 million pounds. By far, the biggest percentage of the 2007 total — almost 20 million pounds — is zinc. But there is also 23,000 pounds of cadmium and more than a million pounds of lead, and Peoria County has a well-publicized lead problem.

PDC opponents plan to continue raising awareness of these high numbers of chemicals. The TRI might be a starting place, and the Obama administration may be reinstating more strict reporting standards. But thousands of new chemical compounds have been developed since TRI began that are not included.

“There’s a thousand new threats coming up every day, and we’re still grappling with the same things we have been for the last 30 years,” said local environmental activist Tracy Meints Fox.

Terry Bibo can be reached at 686-3189 or tbibo@pjstar.com.

EPA steps up communication about fish consumption risks as Walleye Fest begins (*The Michigan Messenger*)

By Eartha Jane Melzer 4/24/09 9:19 PM
FREELAND — As Walleye Fest began today in Saginaw County, the U.S. Environmental Agency issued a note to reporters on the need for people to have current and accurate information when making decisions about eating local fish. The agency also announced that the Saginaw County Health Department would attend this weekend's festival and distribute flyers with information about the state's updated fish consumption advisory.

The Michigan Department of Community Health has recommended strict limits on eating fish from the Tittabawasee and Saginaw rivers which are heavily contaminated with toxic chemicals.

Midland-based Dow Chemical company, a main sponsor of Freeland's Walleye Fest, is negotiating with the state and federal government over how it will clean up dioxin that has contaminated 50 miles of the Saginaw River watershed.

State officials told Michigan Messenger this week that they have no funds to issue fish advisories to anglers. They also said that they have been unable to compel Dow to fulfill a promise to fund the posting of fish consumption warning signs along the banks of the Tittabawasee and Saginaw rivers. Some local officials have also resisted warning the public about dioxin contamination.

Local media coverage of the walleye festival did not mention official warnings about eating river fish.

EPA spokeswoman Anne Rowan said that her agency is a aware of the need for greater communication about the risks of eating fish from the Saginaw River watershed.

Rowan said that last month, EPA awarded a $75,000 grant to the Michigan Department of Community Health to make sure that vulnerable populations such as women of childbearing age, children and people who fish because they need food are better informed about the potential risks of eating fish.

Concerns that the walleye festival could pose a public health threat prompted the agency to publicize its recent grant, which will fund work beginning next month.

In the meantime, Rowan said, staff from the Saginaw County Health Department will attend Walleye Fest and distribute the state's updated fish advisory.

The advisory urges those considering eating fish from the Saginaw and Tittabawasee rivers to “Protect your family’s health — Before you cook, take a second look!”

It states that no one should eat catfish, carp, or white bass from the rivers.

Women of childbearing age and children under 15 should also avoid small mouthed bass or walleye larger than 18 inches. According to the advisory, this population can safely eat one meal per month of walleye smaller than 18 inches.

The complete current fish advisory is available on the website of the MDCH.

NRDC files lawsuit over carcinogen in flea collars (*Greenwire*)

Sara Goodman, E&E reporter
04/24/2009
Some companies that make or sell flea collars in California have failed to warn consumers that their products contain a cancer-causing chemical as they are required to do under state law, an advocacy group alleged in a lawsuit filed yesterday.

The Natural Resources Defense Council sued 16 pet-product retailers and manufacturers in the California Superior Court in Alameda County, alleging a violation of Proposition 65, which mandates warnings on products that might cause cancer or damage reproductive systems.

By failing to label the collars as containing propoxur, a known carcinogen, the lawsuit contends, the companies are liable for penalties of up to $2,500 per violation.

NRDC tested a small sample group of pets wearing flea collars from different manufacturers and found detectable levels of propoxur and another carcinogen, tetrachlorvinphos (TCVP), on their fur.

The lawsuit deals only with propoxur because it is listed under Proposition 65, but California is considering adding TCVP to the list.

NRDC is urging U.S. EPA to ban both chemicals from pet products.

"Just because a product is sold in stores does not mean it is safe," said Gina Solomon, an NRDC senior scientist. "Under California law, consumers have a right to know if a flea control product exposes them to health risks before they buy it."

NRDC tested nine dogs and five cats that had been wearing flea collars for three days and then tested them again after 14 days. The results showed pesticide residue on the animals' fur weeks after the pet collar was applied.

EPA recently expressed concern about the number of reported problems with flea and tick treatments, announcing plans to evaluate toxicity and exposure data for all reported incidents.

NRDC wants EPA to act quickly because the pet collars left behind enough residue to pose the risk of cancer and neurological damage to children. Levels were up to 1,000 times higher than levels established as safe by EPA, the group said.

None of the companies contacted returned requests for comment on the lawsuit.

Go Green / Cookware (*Atlanta Journal-Constitution*)

April 25, 2009 Saturday
Main Edition
LIVING; Pg. 1D
GO GREEN / COOKWARE ;
Newest nonstick pans designed with the environment in mind
By JAMILA ROBINSON; Staff
Nonstick pans are great for obvious reasons. But the coating that keeps your eggs from clinging to the pan, polytetrafluorethylene, emits harmful gases and fumes that are especially harmful to birds.

That's why Thermalon launched the GreenPan cookware line in 2007, using a ceramic-based nonstick coating free of PFOA, a chemical identified by the **Environmental Protection Agency** as a potential carcinogen. Several cookware manufacturers have volunteered to eliminate the use of PFOAs by 2015.

The newest additions to the GreenPan line include lightweight stainless steel pots and pans that have an induction bottom for better heat distribution. The cookware also can withstand temperatures up to 850 degrees. The pans are also available in hard-anodized aluminum.

The entry-level family gourmet set, which includes a skillet, saucepans and a griddle, retails for $134.90. If you add just one piece to your kitchen collection, try the 10-inch stainless steel fry pan. It will have to be seasoned before use, but is dishwasher safe. It retails for $39.90.

GreenPan cookware products be found at Target, Crate & Barrel and www.hsn.com.

Farmers perplexed over free fertilizer's health issues (*Kansas City Star*)

April 25, 2009 Saturday
A; Pg. 1
By LAURA BAUER, DONALD BRADLEY and KAREN DILLON, The Kansas City Star

The fertilizer was free and, by all accounts, great for crops.

To top it off - the St. Joseph tannery handing it out even delivered it.

But farmers in northwest Missouri who used this nitrogen-rich sludge now find themselves in the middle of a mystery that has perplexed residents of the Cameron, Mo., area for at least a couple of years:

Why have so many people there and in surrounding communities been diagnosed with brain tumors?

Could it be the sludge?

quot;There are a lot of unanswered questions, and I think everybody is very concerned,quot; said Debbie Davis of Clinton County University of Missouri Extension, who fielded calls from farmers this week.

If it was the sludge, quot;farmers using it are going to have feelings and emotions to deal with. They're going to have been an unknowing partner in this,quot; Davis said. quot;We feel very much for them.quot;

Two lawsuits filed this week point the finger at the tannery, which was acquired by National Beef Leathers last month. It had been owned by Prime Tanning Corp.

The lawsuits claim fertilizer the tannery gave farmers in a four-county area for more than two decades contained hexavalent chromium, a carcinogen also known as chromium 6.

The tannery denies that chromium 6 was in the sludge. National Beef Leathers suspended land application of sludge until its internal investigation is complete.

Early next week, **Environmental Protection Agency** investigators will go to the farms that received sludge and obtain samples for testing, said Rich Hood, **EPA** spokesman.

Farmers in the four counties - Andrew, Buchanan, DeKalb and Clinton - are asking questions.

quot;A couple of farmers called me asking what all the hullabaloo is,quot; said Bob Kelly, a farm specialist for the MU Extension office in DeKalb County. He said the sludge had never been a health concern before.

Farmers used the sludge for two main reasons: it was free and it worked.

The downside was the smell. But the savings was worth the stench.

Farmer Ellis Lafollette said the sludge saved him about $3,000 a year. He used it for six or seven years as fertilizer for corn and soybeans and said he never had any problems.

quot;I've worked on the field when they've been spreading it,quot; said Lafollette of Buchanan County. quot;I was right behind the spreader. It ain't worrying me any. I'd take it out here today if I could get it.quot;

Kyle Roach, a farmer in Buchanan County, said he used the sludge for years.

quot;It doubles your grass,quot; Roach said. quot;And I've never had any three-headed calves.

quot;But I do get hair on my screen door when the wind blows.quot;

According to the lawsuit filed Wednesday, the tannery used the chromium in its process to remove hair from the hides during the tanning process. The tannery, according to the lawsuit, told the state the sludge did not contain chromium 6.

The Missouri Department of Natural Resources is also involved in the investigation, but top officials did not return numerous phone calls this week. Late Friday they sent an e-mail that said the department was quot;going through a normal process of testing to assess conditions.quot;

Soil and agronomy experts said it was too early for people to panic. Too many questions remain.

quot;You need to know, what were the conditions when it was applied? Was it windy, what were the temperatures? How much was applied?quot; said Randy Miles, associate professor of soil science at the University of Missouri in Columbia. quot;We need more science, more information. Sometimes you throw out words and chemical compounds and it scares people. But you need to know more.quot;

For a year, investigators have studied what residents believe are a high number of brain tumors in the area - more than 70 since 1996.

Previous lawsuits had been filed by another law firm against Rockwool Industries, which operated a factory about three miles west of Cameron until 1991.

But the focus turned to the sludge and Prime Tanning Corp. on Wednesday when the Kansas City law firm of Wagstaff & Cartmell, with the assistance of Thomas V. Girardi of Los Angeles, filed suit. That evening, environmental activist Erin Brockovich told residents about the chromium 6 discovery.

Bob Bowcock, the scientist and environmental investigator for Brockovich's law firm, said that he stood by his findings.

quot;My laboratory didn't make up chromium 6,quot; Bowcock said. quot;I found it in their sludge. I found it on their truck, I found it in their field, and I found it on a farm. Where it came from, it didn't fall out of the sky.quot;

Another lawsuit was filed Friday, this one a class-action suit seeking medical monitoring for residents in the four-county area. That lawsuit was filed by Charlie Speer, a Kansas City attorney who specializes in agriculture justice cases.

Kelly, the DeKalb County farm specialist, questions any connection to brain tumors from the sludge.

quot;I can understand those people wanting to find out what's going on,quot; Kelly said. quot;But we know that when we get desperate, we clutch at straws.

quot;Is this another straw?quot;

To reach Laura Bauer, call 816-234-4944 or send e-mail to lbauer@kcstar.com

WATER

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Ill. residents angry over alleged tainted water (*Associated Press*)
Story also appeared: *Washington Post*

The Associated Press
Saturday, April 25, 2009 10:28 PM

CRESTWOOD, Ill. -- Hundreds of outraged residents packed a community meeting Saturday to confront village officials about allegations that they knowingly drew drinking water from a contaminated well for more than two decades.

During a meeting called to discuss the findings of a Chicago Tribune investigation published earlier this month, Mayor Robert Stranczek insisted the village's drinking water was safe.

The newspaper found that officials in Crestwood, a suburb south of Chicago, knowingly drew drinking water from a well that state environmental officials had said contained dangerous chemicals related to a dry-cleaning solvent.

"Here's what I can tell you about our water: Our water has always been safe to drink," Stranczek said, quoting an April 20 release from the Illinois Environmental Protection Agency. "I can tell you the water is safe today, will be safe tomorrow and will be safe into the future."

At least 200 people attended the meeting. Some defended village leaders, while others demanded to know why officials didn't tell residents about the contamination. Many later said they didn't get a satisfactory answer.

"If they were told to stop using the well water, they should have stopped using the well water," said Harold Brady, a 20-year Crestwood resident.

According to the Tribune, records show that EPA officials cited contaminated tap water in Crestwood in the mid-1980s, saying it contained chemicals linked to perchloroethylene, or PCE, which is believed to cause cancer.

The newspaper reported that village officials told state regulators they would use water from Lake Michigan, but the village of about 11,000 continued to draw from the contaminated well. It said that at times, up to 20 percent of the village's water supply came from the well and that officials touted the village's cheap water rates during the two decades.

The well was not shut off until late 2007, after EPA officials tested the water and found contamination.

Stranczek said Saturday the well was used only for "emergency backup purposes."

"No one in the village of Crestwood government, past or present, would ever intentionally allow a hazard to threaten our community," he said.

After a separate meeting with Crestwood residents Saturday, U.S. Rep. Bobby Rush, D-Ill., said he would ask the Justice Department to investigate village officials' response to the alleged contamination.

At least one Crestwood resident has filed a lawsuit, which seeks class-action status, based on the newspaper's findings.

On Friday, Gov. Pat Quinn's administration called for increased testing of drinking water.

The governor also wants to make it a felony to make false statements in the annual reports required by the federal Safe Drinking Water Act.

Rush, Madigan promise help in Crestwood (*Southtown Star*)

(http://www.southtownstar.com/news/1544497,042609crestwoodmeeting.article)
April 26, 2009
BY SUSAN DEMAR LAFFERTY, Staff Writer
With an Easter banner proclaiming "the mystery of misery," about 300 Crestwood residents filled Moraine Valley Church in Palos Heights on Saturday afternoon praying for answers about their contaminated water supply.

Those prayers may be answered with help from their congressman and their attorney general, both of whom pledged to help them find the truth about how the village of Crestwood and the Illinois Environmental Protection Agency allowed chemical-laden well water to mix with Lake Michigan water and be sent into residents' homes.

The meeting was organized by Tricia Krause, of Orland Park, a former Crestwood resident who began researching the water issue in 1999 when her son was diagnosed with leukemia and her daughter and two baby sitters developed brain tumors.

U.S. Rep. Bobby Rush (D-1st) said he will hold a town hall meeting at noon May 9 at the Oak Forest Hospital auditorium with government officials, including the federal EPA, and invited residents.

"Government is supposed to protect its people," said Rush, who is battling cancer himself. "It is almost unheard of. It is atrocious. It is shameful. It is criminal for government to knowingly and willfully feed its people contaminated water and year after year lie about it. We are going to get to the truth."

According to IEPA records, Crestwood officials ignored warnings in 1986 from the IEPA that its well was contaminated with dry cleaning solvents. They told the state agency they would not use the well, but continued to anyway, up until December 2007, mixing in as much as 26 percent of toxic water, records showed.

"These chemicals did not cause every cancer in Crestwood," said Shawn Collins, an environmental attorney from Naperville. "But if what happened here - this deliberate infiltration of the water system - caused one, it is wrong."

He said scientific studies must be done to determine if individuals with cancer were exposed to the tainted water for a long period of time and if their type of cancer is caused by those chemicals. Collins urged people to talk to their doctors and said a detailed health study needs to be done immediately in the village by the Illinois Department of Public Health.

Collins said he did not come to file a lawsuit but to help residents seek truth and accountability.

Another attorney, Larry Drury, was there to seek participants in a class action lawsuit against the village, which he filed Thursday.

"I'm not waiting around for the investigation. I'm not waiting around for the IEPA. I'm doing something now," Drury said.

So far, he has one plaintiff, Joe Marzano, a 30-year resident, who said, "Why didn't the mayor just say, "Don't drink the water?"' Marzano said he suffered a massive heart attack and feared for his children and grandchildren.

Representatives from Illinois Attorney General Lisa Madigan's office said they are investigating the source of the contamination and are looking for people who have information about the village's water system and for people who are on private wells. In response to numerous questions about whether the water is safe now, they said the tainted well has been capped and cannot be used for any purpose.

Both Rush and Collins said the people have the power to affect change, to hold government accountable and to make sure this does not happen to anyone again.

"You are not fighting for Crestwood. You are fighting for America," Rush said, and he urged them to write to Lisa Jackson, administrator of the federal EPA.

Krause told the crowd to call and write to the mayor, the attorney general and the IEPA. "Ask them why you were not notified of these chemicals in the water," she said. "There will be a thorough investigation, and we pray for a successful conclusion."

Susan DeMar Lafferty can be reached at slafferty@southtownstar.com or (708) 802-8805. She also blogs about the Lincoln-Way communities at blogs.southtownstar.com.

What to do

* To share information with Attorney General Lisa Madigan, call Paula Wheeler at (312) 814-1511 or Steve Sylvester at (312) 814-2087.

*For health related questions, call the Illinois Department of Public Health Environmental Health Division at (217) 782-5830.

*Attend a town hall meeting at noon May 9 at the Oak Forest Hospital auditorium.

April 26, 2009

Schweitzer mulling grants for area water, sewer projects (*Great Falls Tribune*)

By KARL PUCKETT and JOHN S. ADAMS Tribune Staff Writers

HELENA — Four bills with more than $1.5 million in grants for Great Falls-area water and sewer projects, environmental work and arts programs are on their way to the governor's desk.

The measures recently cleared the state House and Senate by comfortable margins, and now await Gov. Brian Schweitzer's signature. Schweitzer spokeswoman Sarah Elliott said the governor was reviewing the bills as of Friday and had not yet made a decision on whether to sign them.

Nearly $1 million in state grants contained in two of the bills would help pay for improvements in the Upper and Lower River Road Water and Sewer District and the Gore Hill County Water District.

"We feel very fortunate," said John Stephenson-Love, president of the Upper/Lower River Road district.

The money will be used to extend public water and sewer lines to a section of Upper River Road where many residents are of lower and moderate income, he said.

The multi-phased project, which involves replacing individual septic systems and wells with public systems, has been under way for a few years.

The funds for Gore Hill would be used to install a filter to limit arsenic levels in a groundwater well. Testing has shown arsenic levels to be above acceptable limits, said Dennis Peppenger, a member of the Gore Hill County Water District Board. In 1999, the federal Environmental Protection Agency lowered the acceptable threshold for arsenic in water from 50 parts per billion to 10 ppb, which Peppenger said put the well out of compliance. Arsenic levels in the well's water range from 12 ppb to 17 ppb, he said.

The new filter could be installed this summer, he said.

Another $500,000 contained in the bills would be put toward a soil cleanup on county property on 3rd Street Northwest and a study of central Montana's Madison aquifer.

Cascade County is cleaning up the former county shop site, where petroleum products have contaminated soil.

If the funding is approved, the Montana Bureau of Mines and Geology would study where the Madison aquifer is getting its water from and losing it to so a water budget can be developed to guide future utilization, said Marvin Miller, its assistant director.

The Madison aquifer, which is the state's largest aquifer, currently is underutilized but development could pick up, Miller said.

The Great Falls Symphony, Paris Gibson Square Museum of Art, the Mansfield Center for the Performing Arts and The History Museum in Great Falls also are set to receive a total of $30,000 in grants through the Montana Arts Council.

Here's how the arts funding break down:

- Paris Gibson Square Museum of Art will receive $13,000, which museum director Kathy Lear said will be used to support exhibits and educational programs over the next two years;
- The Great Falls Symphony is set to receive $10,000 over the biennium to help fund education and outreach programs, said Symphony Association Director Carolyn Valacich.

"That money will help supplement the costs of our ensembles when they travel out to rural communities and perform school programs," Valacich said;

- The Mansfield Center for the Performing Arts will put $5,000 in grant funding to use on an upgrade to the Civic Center theater's sound system, according to Donna Hughes, events supervisor; and
- A Senate amendment to the measure added $2,000 in grant funding for The History Museum. However, if the interest cultural trust earnings in the 2011 biennium are more than $20,000 below the projected earnings of $1.3 million, then The History Museum's funding may be reduced to provide adequate funds for other projects.

Marcia Clary, the museum's interim director, said the money would be used to fund public exhibits and educational programs, such as the upcoming "Ghost Signs" exhibit.

"It will be celebrating Great Falls' 125th birthday and feature photography of old building signs by Amy Coe (of Augusta)," Clary said.

Group backs Housatonic River cleanup (*Berkshire Eagle*)

By Jack Dew, Berkshire Eagle Staff
Updated: 04/26/2009 06:00:18 AM EDT
Sunday, April 26
LENOX — As the U.S. Environmental Protection Agency considers how to tackle PCB pollution in the Housatonic River, an environmental advocacy group wants to explain why the cleanup is necessary.

On Wednesday at 7 p.m., in the Lenox Community Center, the Housatonic River Initiative will host Dr. David Carpenter, a professor in the department of health and toxicology in the School of Public Health at the State University of New York, Albany to discuss the known health effects of PCBs and what emerging studies are finding.

"Science changes from year to year, and we have been doing these forums every couple of years to update ourselves and the community on what we know about PCBs," said Tim Gray, Housatonic River Initiative's executive director. "Through the years, the concerns about the health effects only get worse."

General Electric used PCBs, or polychlorinated biphenyls, until 1977, when the federal government banned the chemical's use. But the toxin spilled, leaked or was dumped into the river over the decades, and is found in relatively high concentrations in the Housatonic as it flows out of Pittsfield and through South County.

Under a federal settlement, GE and the U.S. Environmental Protection Agency have already cleaned the first two miles of the river. The EPA is now weighing how much of the remaining pollution must be cleaned.

PCBs have long been considered a probable cause of cancer, but studies have tied the chemical to a host of other problems. Children exposed to relatively low levels of PCBs had reduced IQ, and Carpenter's own research suggests that living near PCB pollution increases the risk of heart disease, stroke, diabetes and other ailments.

To reach Jack Dew: jdew@berkshireeagle.com, or (413) 496-6241.

April 25, 2009

Rapid test for waters introduced in Congress (*Asbury Park Press*)

By KIRK MOORE
TOMS RIVER BUREAU
Legislation to mandate "rapid test" monitoring for beach waters, and to double federal water-testing funds to $60 million a year, was introduced in Congress on Friday by members from coastal states including Sen. Frank R. Lautenberg and Rep. Frank J. Pallone Jr., both D-N.J.

Their Clean Coastal Environment and Public Health Act of 2009 would reauthorize grants to states by extending the eight-year-old Beaches Environmental Assessment and Coastal Health Act through 2013 and doubling funding levels from the present $30 million.

The bill also directs the U.S. Environmental Protection Agency to approve the use of rapid testing methods — a long-sought goal of clean water advocates, who have pushed for technology to detect contamination in two hours or less.

"This legislative effort has been going on for many sessions. It just hasn't gotten through," said Cynthia A. Zipf of Clean Ocean Action, which has pressed for the adoption of rapid tests for years. "It was really, really close last year" with passage by the House of Representatives, but it failed to get through the Senate before the end of the 110th Congress, she said.

Backers are hopeful this time around and anticipate support from EPA administrator Lisa Jackson, the former New Jersey environmental commissioner, Zipf said. But it would still take "a couple of years" for the EPA to set up the new system, she added.

For their help in developing the rapid test, officials at the EPA Region 2 office in New York City gave their 2009 environmental quality awards to the Monmouth County and Ocean County health departments, the Ocean County Utilities Authority and the New Jersey Department of Environmental Protection. The agencies participated in a task force that performed the first large-scale study of new methods, with results reported back in as little as three hours, EPA officials say.

With the new beach water quality bill, lawmakers say they are looking to "hold states accountable" to the law's standards, with annual reviews of their performance by the EPA administrator. States that fail that review would be required to post a 50 percent match to the federal beach funds until they come back into compliance. "That was in the House version that passed last year," said David Byer, Clean Ocean Action's water policy lawyer who helped congressional staffers working on the bills.

Beach water quality testing was greatly expanded after New Jersey's summer tourism crises of 1987-88, when the summer beach season was marred by trash washups and other pollution incidents. State and county health agencies still rely on bacterial tests that take 24 to 48 hours to return verified results so local authorities can order swimming restrictions.

"During this time many beachgoers can be unknowingly exposed to harmful pathogens," the legislators said in a prepared statement. "More immediate results would prevent beaches from remaining open when high levels of bacteria are found."

Ohio apartment owners fined more than $3M for sewage, drinking water violations (*Associated Press*)

Story also appeared: *Cleveland News – Fox 8*

By Associated Press
10:54 AM EDT, April 25, 2009
AKRON, Ohio (AP) — The owners of an Ohio apartment complex have been fined more than $3 million for sewage and drinking water violations.

Joel Helms and his father, James Helms, both of Green, were fined $3.1 million for violating a consent order on sewage violations and $825,000 for drinking water problems.

A Summit County judge ordered the apartment complex connected to the county's sewage system within the next 30 days. If they comply, the Helms would be reimbursed for the fines.

The ruling is part of a long legal fight over water quality at the complex.

The Environmental Protection Agency has ruled the drinking water was contaminated with bacteria. The EPA has also said the owners neglected to test the drinking water, treat it with chlorine or notify tenants of the problems.

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