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

Monday, February 18, 2013

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

Wednesday, May 12, 2010

ADMINISTRATOR JACKSON 3
Fishermen question use of dispersants (*St. Petersburg Times*) 3
EPA: Better air monitoring needed after Gulf spill (*Associated Press*) 5
Story also appeared: *Miami Herald* 5
New plan, tough fights loom for cleanup efforts (Greenwire) 6
BP's Dispersant Strategy on Spill Veers Into Uncharted Science (*Bloomberg Businessweek*) 8
EDITORIAL / OP-ED / COMMENTARY / LETTERS 10
The Chesapeake Bay could be set for a rebound (*Washington Post*) 10
Easing congestion depends on you (*Atlanta Journal-Constitution*) 12
Alternative fuels (*Salt Lake Tribune*) 13
EPA accusation not true (Denver Post) 17
AIR 19
EPA Blows off the San Joaquin Valley (*Courthouse News Service*) 19
Texas office weighs options on Barnett Shale drilling (*Greenwire*) 20
ASBESTOS 20
EPA plans soil excavation, containment in Libby (*KULR-TV*) 21
EPA Plans Soil Excavation, Containment in Libby (*Associated Press*) 21
Story also appeared: *Flathead Beacon* 21
CLIMATE CHANGE/GLOBAL WARMING 22
States may get more of a voice on oil drilling (*Boston Globe*) 22
Kerry cites urgency on climate change bill (*Los Angeles Times*) 25
U.S. climate bill isn't the key to a global treaty -- U.S. envoy (*Greenwire*) 26
Expanded offshore drilling will be part of Senate climate bill -- Lieberman (*Greenwire*) 27
ENERGY 29
EPA Drafting Green Standards for Data Center Storage (*Web Host Industry Review*) 29

Critics of 2 Ga. plants challenge air, water permits (*Greenwire*) 30
FUEL 32
EPA to Streamline Fuel Conversion Systems Approval Process (NACS Online) .. 32
GENERAL 32
Las Vegas man added to EPA fugitive list (*Las Vegas Sun*) 32
HAZARDOUS WASTES 33
Westlawn residents voice health concerns as EPA readies to test soil (*South Coast Today*) 33
Senate hearings prompting spill blame game (*Associated Press*) 35
Federal agency's duties to be split in wake of Gulf oil spill (*Miami Herald*) 36
Is coal ash public health concern? (*Lake Wylie Pilot*) 40
HERBICIDES 41
Modified bacteria seek and destroy controversial herbicide (*Greenwire*) 42
TOXICS 44
EPA Poised To Rank Formaldehyde Among Highest-Risk Chemicals (*Inside EPA*) 44
WATER 47
Chesapeake Bay settlement has EPA agreeing to enforce pollution reduction goals (*Washington Post*) 48
New Dome Is Prepared To Contain Leaking Oil (*New York Times*) 50
Chesapeake Bay Foundation settles suit against EPA (*Associated Press*) 51
This story also appeared: *Washington Post, Baltimore Sun, Boston Globe* 51
CBF lawsuit against EPA settled (*Washington Post*) 52
Obama Seeks to Split Agency That Monitors Oil Drilling (*New York Times*) 52
With Utility MACT Looming, EPA Seek New State Steps To Limit Mercury (*Inside EPA*) 55
Site remains a stain in Wharton's fabric Tainted plant, land's future hinges on EPA water testing (*Star-Ledger*) 58
Effects of dispersants unclear, EPA official says (*Dallas Morning News*) 61
WSU Researchers: PCBs Still High In St. Clair shores Canals (*WWJ Newsradio 950*) 61
Is coal ash public health concern? (*Lake Wylie Pilot*) 62
More residents sue Sandvik over pollution concerns (*Times Tribune*) 63

ADMINISTRATOR JACKSON

==========

Fishermen question use of dispersants (*St. Petersburg Times*)

(Florida)
May 12, 2010 Wednesday
A; Pg. 1A
Fishermen question use of dispersants
BY CRAIG PITTMAN
Times Staff Writer

Everyone agrees that the Deepwater Horizon oil spill is a disaster for the Gulf of Mexico. But now fishing industry groups and Louisiana officials are wondering if chemical dispersants being used to limit the spill may lead to a more long-lasting disaster.

"It's very scary," said John Williams, executive director of the Tarpon Springs-based Southern Shrimper Alliance, which has written to federal officials to challenge the use of chemical dispersants on the oil. "They say it's the lesser of two evils, but how do we know it's the lesser evil?"

Fishermen say they are afraid the dispersants could create a series of widespread dead zones in the gulf, contaminating or killing marine life.

"Our entire seafood industry in the gulf is at risk here," said Williams, whose group represents shrimpers from North Carolina to Texas.

No one but the Texas-based manufacturer, Nalco Energy Services, knows exactly what's in Corexit 9500, the dispersant BP has been spraying on the slick. The company says it may pose a risk for eye and skin irritations and can cause respiratory problems, but "no toxicity studies have been conducted on this product."

So far, airplanes have sprayed 315,000 gallons across the gulf's surface to control the spill.

On Monday, three Louisiana officials wrote to Tony Hayward, BP's chief executive, expressing "serious concerns about the lack of information related to the use of dispersants." They said they wanted "a BP commitment that the dispersants being used to fight the oil spill will not cause irreparable short term or long term harm to our wetlands, coast, environment, marine life, wildlife or people."

Corexit 9500 has been approved for use by the U.S. **Environmental Protection Agency,** although tests indicate it can be stored in the tissue of organisms. More than half of the agent in tests wound up storing in sediment, with less absorbing into the water.

Every time **EPA** Administrator **Lisa Jackson** has met with fishing groups about the spill, she has faced questions about what effect the chemicals in the dispersants might have on seafood, agency spokeswoman Andora Andy said. For now, she said, the agency is awaiting test results.

"A dispersant doesn't get rid of oil," said George Henderson, a senior scientist with the Florida Fish and Wildlife Research Institute in St. Petersburg who is the state's top science adviser on the oil spill. "It just transforms its movement."

As the name implies, the chemicals break up the slick "into very finely dispersed oil droplets," according to a statement on BP's website. At that point, the oil could evaporate or be consumed by oil-eating bacteria.

It could also be eaten by fish, poisoning them. Or it could wind up coating their scales, harming their ability to swim.

Five years ago, a 400-page National Academy of Sciences study concluded that the decision to use a dispersant requires making a choice: saving the beach at the expense of the ocean.

"It's all about trade-offs," said Beth McGee, senior water quality scientist with the Chesapeake Bay Foundation and one of the authors of the 2005 study. "You look at the resources at risk and you make a choice." While there may be some sickness and fatalities among the fish population, she said, "you hope you're saving some beaches or marshes."

However, she added, anywhere the oil ends up, "it's going to take a while for the system to recover."

"You're making a decision to save your birds at the expense of your larval fish and shellfish population," agreed Henderson. But marine life should be able to bounce back more rapidly, he said.

That's when the dispersants are sprayed on the surface, as their manufacturer recommends. Over the past week, BP has been testing a radical approach, shooting the dispersants at the source of the leaks a mile beneath the surface, even though **EPA** officials say the effects of underwater use "are still widely unknown."

The most recent subsea test occurred Monday, according to BP's Bryan Ferguson, and it was "viewed as very satisfactory with regard to the results." However, Ferguson could not say how many gallons of dispersant BP has sprayed underwater.

One 2006 study found that oil droplets treated with a chemical dispersant didn't degrade nearly as fast when they were in very cold water - and the water a mile deep is just above freezing.

The shrimpers are worried that using dispersants at such a depth would guarantee that it would spread the oil droplets and dispersant on the sea floor, where shrimp larvae and other organisms could be affected.

There are no federal standards for how much dispersant could be present in seafood consumed by humans, said Nancy Thompson, director of the Northeast Fisheries Science Center under the National Oceanic and Atmospheric Administration. Thompson has been dispatched to Mississippi to lead a NOAA team testing the effects of the spill and cleanup activities on fish.

"It's kind of disturbing," said Robert McKee, a Fort Lauderdale lawyer who's part of a consortium of attorneys representing the United Commercial Fishermen's Association and the Louisiana Environmental Action Network. "There's no way of knowing how many generations of sea life and how many generations of human life are going to be affected."

Times researcher Caryn Baird

contributed to this report, which

contains information from the Associated Press and the Los Angeles Times. Craig Pittman can be reached

at (727) 893-8530 or

craig@sptimes.com

Posted on Tuesday, 05.11.10

EPA: Better air monitoring needed after Gulf spill (*Associated Press*)

Story also appeared: *Miami Herald*

By JASON DEAREN
Associated Press Writer
NEW ORLEANS -- The head of the Environmental Protection Agency says regulators need to do a better job monitoring health hazards in the air over waters where shrimpers and fishermen are helping to contain a massive oil spill.

EPA administrator Lisa Jackson also said in an interview with The Associated Press on Tuesday that the air quality along the Gulf coast poses no immediate threat.

Jackson says a chemical being shot deep beneath the sea that is used to break apart the oil at the spill site was tested a third time on Monday. The EPA has not formally approved using the experimental chemical undersea because it hasn't collected enough data.

Some 420,000 gallons of the chemical have been used thus far on the surface and in the three underwater tests.

Read more: http://www.miamiherald.com/2010/05/11/1624598/epa-better-air-monitoring-needed.html#ixzz0nhyPuOBo

New plan, tough fights loom for cleanup efforts (Greenwire)

Paul Quinlan, E&E reporter
05/11/2010
Chesapeake Bay's crabs may be bouncing back, but the larger story about the bay has been one of continuing decline, promises made and broken, and restoration deadlines blown.
This time, policymakers say, they have learned their lesson.

Since 1983, the restoration has been largely voluntary and, as a result, fruitless. This time, all agree, there should be consequences.

At Kingman Island tomorrow on the Anacostia River, one of the most polluted rivers in the sprawling bay watershed, U.S. EPA Administrator Lisa Jackson will unveil the latest restoration plan. But while the plan is aimed at curing the bay's major ailments by 2025, the blueprint itself would do little to change the status quo.

The plan is expected to get its teeth later this year, when EPA is expected to unveil pollution limits for each of the bay's 92 segments -- 89 of which were listed as "impaired" in 2008. Those standards are what bay advocates hope will force farms, cities, sewage systems and other polluters to clean up or face penalties.

Another key component of the new restoration push -- and likely the most difficult to secure -- is a Senate bill sponsored by Maryland Democrat Ben Cardin.

Intended to complement a renewed federal effort begun with an executive order issued by President Obama last May, Cardin's legislation aims to give EPA the muscle it needs to enforce cleanup plans in the watershed, which sprawls over seven states. The bill would vest EPA with power to restrict pollution being washed by storms from "nonpoint sources" such as farms and parking lots by requiring landowners to obtain pollution-discharge permits.

The nonpoint permit proposal is spurring intense industry opposition. Don Parrish, senior director of regulatory relations at the American Farm Bureau, called the bill "too heavy-handed," saying the additional pollution regulation would open farmers up to a potential raft of lawsuits.

"We understand the bay's important. We understand it's important to make progress," Parrish said. "But that's just not the right approach."

Opposition to the Cardin bill remains strong despite provisions that supporters characterize as nods to farmers and other targeted polluters, including $2 billion in grants to help bring polluters into compliance. That would also help establish a pollution-credit trading system that aims to create an economic incentive for the cleanup.

The plan that Jackson will released tomorrow corresponds with the deadline Obama set for EPA with his executive order, which gave bay lovers a reason to cheer despite the failure of regulators to meet a previous 10-year cleanup deadline.

"The announcement of the executive order really raised expectations for the community that has been working on the cleanup of Chesapeake Bay for decades," said Jan Jarrett, president and CEO of Citizens for Pennsylvania's Future, one of 40 groups in the Choose Clean Water Coalition.

The coalition sent a letter to EPA last week urging the agency to "exercise leadership and authority to the fullest."

Coalition leaders told reporters yesterday they want EPA to hold animal-feeding operations and stormwater systems to tough permitting requirements. They also want to clear expectations for watershed cleanup plans and the establishment of two-year milestones aimed at achieving 60 percent of pollution-reduction goals by 2017 and 100 percent of those goals by 2025.

"Maybe now is the time that we're really going to get serious about the Chesapeake Bay," Jarrett said.

Group settles EPA lawsuit

EPA sent a signal of its intentions last month, when it took action against 79 municipal stormwater systems in south-central Pennsylvania. The systems -- some of which date back a century -- won't face fines now, but penalties could follow if "pervasive violations" are uncovered during planned inspections, EPA officials said (*E&ENews PM*, April 23).

In a vote of confidence in EPA, the Chesapeake Bay Foundation announced today that it had settled a lawsuit filed against the agency last year that demanded action on the Chesapeake Bay cleanup.

The settlement requires EPA to commit to timelines for establishing by December "a whole series of very specific pollution-reduction related issues," said Roy Hoagland, the foundation's vice president for environmental protection and restoration.

"We're locking them in on schedule and substance," Hoagland said.

Still, the group acknowledges the powerful opposition and hurdles that stand in the way of both the Cardin bill and the regulatory effort.

"It's an uphill climb," said Doug Siglin, the foundation's federal affairs director. "I think there is a path. I think it's possible we could get it done by the end of the year. But Senator Cardin and the sponsors in the House are really going to have to work hard to make sure that happens."

BP's Dispersant Strategy on Spill Veers Into Uncharted Science (*Bloomberg Businessweek*)

May 12, 2010, 12:37 AM EDT
By Jessica Resnick-Ault and Jim Polson
May 12 (Bloomberg) -- BP Plc's effort to curb damage from the Gulf of Mexico oil spill is venturing into uncharted scientific territory as the company sprays more dispersant than has ever before been used in the U.S.

BP is using airplanes to spray the detergent-like chemicals on oil reaching the ocean surface from its Macondo well after the April 20 blast that destroyed the Deepwater Horizon rig and caused it to sink two days later. BP has also used dispersants almost a mile under the water close to the leak, a method not tried before.

"People are concerned about the dispersants, but it's important to understand that what we are trying to do is deal with a pretty large situation," Environmental Protection Agency Administrator Lisa Jackson said in an interview yesterday. The EPA is trying to assess whether applying the chemicals underwater makes "a bad situation better."

The chemicals are an environmental tradeoff, James Jones, a deputy assistant administrator for chemical safety and pollution prevention in the EPA, told a Senate Environment and Public Works subcommittee in Washington yesterday. About 5,000 barrels of oil a day is gushing from the well, BP said May 5, threatening the coast of states from Louisiana to Florida.

The EPA and National Oceanographic and Atmospheric Administration will review results of London-based BP's third test of sub-sea dispersant applications, completed yesterday, to determine whether the practice can continue.

Like Household Soap

The dispersant chemicals, described by their manufacturer, Nalco Holding Co., of Naperville, Illinois, as similar to household soaps and detergents, scrub the oil from the water, breaking the crude into small clumps that microbes will eventually be able to digest.

The dispersant chemical, Corexit, contains surfactants, the same type of chemicals that make soap work. The ingredients of Corexit include 2-butoxyethanol, according to a data sheet from the company. That's a clear, colorless liquid that smells like ether, and can cause irritation of the nose and eyes, headaches, and vomiting, if inhaled in large volumes, according to the Centers for Disease Control.

The chemicals will cause environmental damage, said Senator Benjamin Cardin, a Maryland Democrat, speaking at the Senate subcommittee hearing. While using the dispersing agents may be less damaging than allowing the oil to go untreated, the public may not realize the tradeoff being made, he said.

'No Choice'

"We have no choice," Cardin said. "We've got to prevent the oil from coming to the surface and getting into the currents or getting onto the beaches and destroying wildlife."

The Gulf of Mexico is one of the country's largest fishing grounds. Louisiana provides almost one-third of the seafood in the lower 48 states, with values exceeding $2.85 billion a year, according to Governor Bobby Jindal.

Jindal, a Republican, said the state has told the EPA it is concerned about the impact of subsea dispersants on fisheries.

A trade organization representing shrimpers has said the agents could be harmful.

"The widespread use of dispersants on the surface of the water and deep in the Gulf of Mexico near the spill is an unprecedented and risky response that may be more damaging than the oil itself," John Williams, executive director of the Southern Shrimp Alliance, said in a May 10 statement.

The open Gulf has fewer juvenile fish and shrimp vulnerable to oiling than do the coastal marshes, NOAA spill trajectory forecaster Charlie Henry said last week. Using dispersant in the open ocean also lowers the amount of oil that could foul whales, sea turtles, and sea birds, he said.

Exxon Valdez

The EPA had previously approved dispersants for use on the surface, and the EPA and NOAA are reviewing their use underwater.

Teams responding to oil slicks have used dispersants in the past, including on Alaska's Prince William Sound after the Exxon Valdez spill in 1989.

BP sprayed the most dispersant ever used on a single slick in the U.S. within a week of the Macondo leak beginning, Dagmar Schmidt Etkin, a Cortland, New York-based oil spill consultant who has worked for BP, said April 30. At the time, the company had applied about 98,000 gallons of the chemicals.

Since then, planes have dropped a further 274,000 gallons of dispersant, the Joint Information Center said yesterday.

"We're basically shifting the oil when dispersants are being used to a short-term potential threat offshore, to protect against a long-term threat near shore that we think is much more important in the balance," Henry at the NOAA said. "All we can do is minimize the impact to the environment."

--With assistance from Jim Efstathiou Jr. and Jeff Plungis in Washington, D.C.; Kim Chipman in New Orleans; Mark Chediak in Kenner, Louisiana, and Aaron Kuriloff in New York. Editors: Charles Siler, John Viljoen.

To contact the reporters on this story: Jessica Resnick-Ault in New York at jresnickault@bloomberg.net

To contact the editor responsible for this story: Susan Warren at susanwarren@bloomberg.net.

EDITORIAL / OP-ED / COMMENTARY / LETTERS

==========

The Chesapeake Bay could be set for a rebound (*Washington Post*)

Wednesday, May 12, 2010; A16
ENVIRONMENTAL progress in the Chesapeake Bay is as rare as a pearl in an oyster. So the quick recovery of the bay's blue crab population after almost 15 years of decline is cause for celebration for epicures and watermen alike. Even more heartening is a landmark settlement in a lawsuit by bay advocates, announced yesterday, in which the federal government committed to achieving specific pollution-reduction targets for the entire Chesapeake watershed over the next 15 years. If properly enforced, it could

mean a sustained rehabilitation not just for crabs but for the entire ailing ecosystem of the bay.

First, the crab comeback. Credit for that goes to the two governors who signed a compact in 2008 to protect sooks, or female crabs, from being overfished. Timothy M. Kaine of Virginia (who's since completed his term in office) and Martin O'Malley of Maryland, both Democrats, took political heat from crabbers to safeguard one of the mid-Atlantic's signature natural resources.

Thanks to effective enforcement and crabs' quick maturation and natural fecundity, the governors' gamble appears to have paid off with lightning speed: After the governors sharply limited the harvest of sooks, the bay's crab population is estimated to have more than doubled in two years. Although it remains about a quarter below 1993 levels, the progress is dramatic.

At the risk of sounding a sour note, it's a pity the two states didn't act years earlier. Armed with an annual dredging census, scientists began warning in the mid-1990s that crabs were at risk; by the turn of the century, a bi-state commission was at work devising ways to stop overfishing. But the commission was disbanded in 2003 -- a victim of political opposition from watermen -- and the annual crab harvest, already depleted, wallowed below the historical average until Mr. Kaine and Mr. O'Malley acted.

Crabs, unlike oysters, are exceptionally well suited to a rapid rebound. But the point remains that it pays dividends when policymakers heed scientific evidence and apply it to managing a depleted resource. The question now is whether the gains in the crab harvest are sustainable, and whether state and federal authorities will act to improve the bay's overall health.

On that front, the news Tuesday that the Environmental Protection Agency agreed to a new regime of pollution-reduction targets could be a milestone. For the first time, the EPA has entered into a legally binding agreement to enforce pollution limits on the six states (plus the District) with territory in the bay's 64,000-square-mile watershed. Under the accord, strict caps on nitrogen, phosphorus and sediment flow will be monitored and reduced, with benchmark goals set every two years beginning in 2011.

The settlement is likely to face tough legal challenges from farmers, who would have to cut back sharply on the use of fertilizers and other runoff pollutants. The best way to lock in the agreement's goals is to enact legislation pending in the Senate, the Chesapeake Clean Water and Ecosystem Restoration Act. The bill, sponsored by Sen. Benjamin L. Cardin (D-Md.), would buttress the pollution-reduction goals against legal challenges, ensure they would be pursued by future administrations and provide the possibility of significant federal funding to make it all work. By putting the full weight of the federal government behind the bay's recovery, Mr. Cardin's bill would be a bulwark against further deterioration of a unique American waterway.

Easing congestion depends on you (*Atlanta Journal-Constitution*)

May 12, 2010 Wednesday
Main Edition

OPINION; Pg. 11A
By Kevin Green; For the AJC
Let's pretend for a minute that it's 10 years from now. How did you get to work today? (Don't say personal jet pack. Despite our childhood dreams, it's clear that we're not going to be the Jetsons anytime soon.) Was your imaginary 2020 commute better or worse than your real commute this morning? If you're a realist, you said it was worse.

We cleared a major hurdle by passing legislation that will allow citizens in regions across the state to vote on taxing themselves an additional penny of sales tax to provide more funding for transportation projects. This additional penny will be voted on by citizens in 2012, and if it doesn't pass, your future commutes could be a disaster.

But even with this additional funding, there's not a transportation plan on the books that promises that your drive to work is going to be any better five, 10 or even 20 years from now. And that's to be expected. After all, our region is going to have 2 million more people by 2020. Based upon past experience in metro Atlanta, more people equals more cars equals more traffic. And we still face an enormous challenge with growing traffic but shrinking budgets for the region's transit operators and the Georgia Department of Transportation.

By the way, does your 2020 world include cleaner air, or have we returned to the days of regular code red and code purple smog alerts?

Half of all air pollution in metro Atlanta comes from tailpipes, so more traffic also means more pollution. And more pollution carries a host of negative effects, especially on the health of our children.

Just last week a study was released showing a strong relationship between ground-level ozone and other pollutants from vehicles and an increase in emergency room visits for children with asthma. One of the most alarming results was that the effects could be seen on days when pollution was at a level below what is currently deemed "safe."

Later this summer, the **Environmental Protection Agency** will likely announce new, stricter limits on ground-level ozone. We simply can't wait for the transportation improvements that may come our way 10 or 20 years from now.

So we're left to tackle our near-term air quality and traffic problems using what we have available today.

It's not an exciting solution. Making the most of what we've got is about as exciting as opening up that can of soup in the pantry instead of going out to a hot, new restaurant.

But lean times call for breaking out the can opener, not the credit card. And in terms of transportation improvements, we're likely to be living in lean times for quite some time.

So we've got to find a way to reduce the number of cars on the road, especially at peak times of the day. The good news is that small changes every day add up to big improvements.

Just think about how much easier it is for you to get to work on a bank holiday, or during the summer when school is out. Taking a few thousand cars off the road during the peak times of a weekday has a big impact.

The hard part is convincing you to keep your car off the road --- we all know that traffic would be better if that person in the lane next to us would just car pool or take transit.

So how was your commute today? If you're waiting for a new road or a new lane to make it better, you've got a lot of traffic in your future.

But what if your commute tomorrow didn't involve driving at all? Instead, you're sipping coffee in a friend's car, snoozing on the bus or working on the train. Or commuting across your living room carpet to your home office. Imagine the possibilities.

If you really want a better commute --- one that saves you money, reduces your stress and improves air quality --- now is the time to make a change.

Kevin Green is executive director of the Clean Air Campaign and serves on the board of the Atlanta Regional Health Forum.

Alternative fuels (*Salt Lake Tribune*)

EPA thwarts CNG initiative

Tribune Editorial

Salt Lake Tribune

Updated:05/11/2010 03:36:56 PM MDT

The U.S. Environmental Protection Agency needs to live up to its name. By thwarting a new Utah law designed to help clean the air, the agency's actions seem to be at odds with its mission.

Utah House Bill 70, which has been signed into law, would make it more affordable for vehicle owners to convert dirty gasoline engines to run on clean-burning compressed natural gas. Increased use of this abundant, affordable, alternative fuel would help curb air pollution, cut greenhouse gas emissions and reduce our dependence on foreign oil.

However, the state law runs afoul of EPA regulations that require the use of federally approved aftermarket conversion parts kits, which drive up the cost to a prohibitive $14,000 per vehicle. The state law would cut the cost to about $6,000, increasing the likelihood that consumers would embrace this environmentally sound option, helping counties along the Wasatch Front meet the EPA's new and enhanced air pollution standards.

But the EPA is unwilling to look the other way, not even for the sake of the environment. In fact, the agency has threatened to take action against shops that follow the state law instead of federal rules.

By requiring model and year-specific conversion kits, the agency is attempting to ensure that the vehicles are safe, and their engines function properly. But by making federally approved retrofits cost-prohibitive, the regulations have had the opposite effect, encouraging potentially dangerous backyard and bootleg conversions. Utah's law, by contrast, helps keep the jobs in the hands of the experts by making professional conversions more affordable without compromising safety.

To ensure that mechanics conducting conversions are competent, state law requires they be trained, tested and certified. And to ensure that their work holds up, safety inspections would be conducted on converted vehicles every three years or 36,000 miles, whichever comes first. Utah appears to have the bases covered, and its new initiative could fuel a renaissance in CNG-powered cars.

Rising gasoline costs, concern about dirty air and an abundance of compressed natural gas fueling stations along the Wasatch Front and the I-15 corridor have positioned Utah to be a leader in the use of this attractive alternative fuel. But the EPA decision could stifle the growth of CNG-powered cars in Utah, and nationwide, unless the agency gets out of the way.

The EPA should consider adopting Utah's law as the federal standard. It's a common sense approach that reduces the cost without sacrificing safety.

EPA accusation not true (Denver Post)

By Dane Cobble
Posted: 05/12/2010 01:00:00 AM MDT

Re: "EPA's attempted power grab," April 2 online-only guest commentary
A recent online-only guest commentary by Sam Susuras advanced the inaccurate, misleading and downright dangerous talking points of the U.S. Chamber of Commerce.

The author sought to rally Coloradans against their own best interests, by engaging us to prevent the EPA from fulfilling its core public interest duties. It claimed that the EPA, in regulating carbon dioxide pollution, is trying to circumvent the legislative process.

Let's remember our history and recognize that the EPA exists at the will of the legislative branch and was signed into law by Republican President Richard Nixon. If you want a history lesson in how supportive of the EPA Nixon was, go to this link: http://www.epa.gov/history/org/origins/reorg.htm.

Let's also recognize that the U.S. Chamber of Commerce is the same organization that claimed to have an impressive 3 million member businesses. In October of last year, the chamber was forced by investigative journalists to admit that in fact their membership is but 1/10th of their claim. They now claim just 300,000 members. That is an "error" of a full order of magnitude. Remember that as you consider any claim the chamber makes.

You may have seen coverage this past week of Massey Energy, the coal company responsible for the death of at least 25 miners in its most recent "accident waiting to happen." Don Blankenship, Massey's CEO, vehemently opposes worker rights, most especially the right to unionize and the concordant right to safe working conditions. Massey has been cited for literally thousands of violations over the past few years alone. Did you know that Don Blankenship is on the Board of the U.S. Chamber of Commerce?

How do we explain this behavior? We are creatures of the system we live in and unfortunately our system requires publicly traded corporations, by way of their fiduciary responsibilities, to maximize shareholder profit, above all else. As a result, the biggest corporations are "cost externalizing" machines, ever more adept at avoiding responsibility and costs for the cancer, desertification, denied health care, unemployment, Wall Street bailouts and climate change they cause.

It is why NAFTA and the World Trade Organization have been so devastating to the American middle class and to the environment. It explains why your pet's dog

food from China may well have melamine in it. It explains the occasional lead paint on your kids' "Thomas the Tank Engine" toys.

It explains the mass amounts of toxic drywall in many Florida homes recently built. Corporations are in a desperate race to the bottom, dragging down you, me and planet-wide systems along with them. Just as the tobacco industry fought the irrefutable science that exposed how dangerous cigarettes are, the U.S. Chamber, Massey and others today fight the irrefutable science of climate change right now.

Compounding these problems is the precisely wrong, popular understanding of "free markets." When Adam Smith, the father of market economics, wrote of free markets, he meant free from the abuse of monopolies and overly powerful interests. He most emphatically did not mean free of the regulations critical to keeping markets fair and open.

Equally dangerous is the unquestioned expectation and pursuit of unlimited growth. Not only is unlimited growth on a finite planet impossible, its pursuit is suicidal.

There is, thank God, another path that is welcoming, deeply sane and more practical than any other. It is the path of "Prosperity without Growth." Look for the book by that name, authored by Professor Tim Jackson. Study up on "Steady State" economics, pioneered by Herman Daly one of our (few) greatest economists. Ask yourself "What is the purpose of the economy?" Should we serve the economy or should our economy serve us? Are you satisfied with how our economy is serving us now? What do you expect for your children?

If you want to do something concrete, join Mark McKinnon, a conservative Republican and Lawrence Lessig, a progressive Democrat, who have teamed up with each other to call for a Constitutional Convention. The Convention seeks, through constitutional amendment, to restore to the People, its government. The Progressives, the Tea Partiers and the Independents are not so far apart in some surprising and important ways. Go to their website http://callaconvention.org to join the effort and spread the word.

Finally, know that sources with far greater credibility, guided by the greatest good for the greatest number, have carefully analyzed and quantified the dramatic economic boon to be had with a clean, efficient, green and safe economy. Such an economy is one you can be proud to turn over to your children when it is their turn to be Stewards of God's green earth.

Let Sens. Mark Udall and Michael Bennet know you appreciate and demand their defense of the Clean Air Act and the EPA's duty to manage CO2 pollution.

Dane Cobble works as a business architect in the utility industry. He lives in Boulder. EDITOR'S NOTE: This is an online-only column and has not been edited.

AIR

==========

EPA Blows off the San Joaquin Valley (*Courthouse News Service*)

By SONYA ANGELICA DIEHN
Tuesday, May 11, 2010Last Update: 11:18 AM PT
SAN FRANCISCO (CN) - Clean-air advocates say the Environmental Protection Agency refuses to enforce smog standards for the San Joaquin Valley. "This suit addresses yet another chapter in EPA's long history of neglecting its statutory duties to protect the Valley's breathing public," the Sierra Club and Medical Advocates for Healthy Air claim in Federal Court.

Although a national 8-hour ozone standard was introduced in 1997, the EPA still has not approved or disapproved an ozone plan for the Valley, missing a deadline that passed 1 year ago.

The Valley first hit "serious nonattainment" for a 1-hour standard in 1990, and reached the designation for the 8-hour standard in 2004.

The Valley, surrounded by mountains and often marked by stagnant weather, acts as a sink, becoming filled with exhaust from agricultural activities and highway traffic. Although mostly rural, "boom and bust sprawl" has contributed to the pollution problem, the Sierra Club says.

Emissions from industry and autos react in the sun to form ground-level ozone, or smog, which reduces plants' ability to absorb carbon dioxide and damages lung tissue in humans and animals.

According to the Sierra Club, 1 in every 5 children in the Valley suffers from asthma - twice the national average. The San Joaquin Valley consistently has some of the worst air quality in the nation.

The Sierra Club says local and state agencies produced a weak and inadequate ozone plan, which is "not approvable," as it does not provide any strategy for reaching attainment.

Although this has tied the federal agency's hands, the groups say the EPA has "enabled this behavior by ignoring statutory deadlines and torturing its interpretations of the law."

Represented by Paul Cort of Earthjustice in Oakland, the groups seek declaratory and injunctive relief under the Clean Air Act.

In January this year, the EPA proposed to strengthen the national ambient air quality

standard for ground-level ozone, which was weakened under President George W. Bush in 2008.

Texas office weighs options on Barnett Shale drilling (*Greenwire*)

05/11/2010
U.S. EPA lacks the legal authority to impose some tougher restrictions on the emerging natural gas sector in North Texas' Barnett Shale, the agency's regional administrator said yesterday, but the agency is weighing its options as residents complain that drilling operations are causing air and water pollution.

Region 6 Administrator Al Armendariz recently met with about 100 natural gas industry representatives, warning them that they could face a crackdown if they don't improve their understanding of potential pollution from drilling. Federal statutes don't allow the agency to automatically require measures such as mandatory distances between wells and communities, he said in an interview, but the agency could require those distances as part of a comprehensive plan for a problematic drilling site.

"I don't have a way-of-life act I can enforce," Armendariz said. "At the same time, the EPA is not toothless."

Shale gas drilling has raised pollution concerns in North Texas, most notably the small town of Dish, which is adjacent to a complex of pipelines and compressor stations. A study commissioned by Dish found high levels of carcinogenic chemicals in the air last fall, and now the town is preparing to test claims by residents that hydraulic fracturing operations have caused pollution of groundwater wells.

Industry groups contest Dish's claims. The Texas Commission on Environmental Quality installed an air pollution monitor in the town last month, and in the monitor's first three weeks of operations, no emissions levels exceeded state and federal guidelines.

"When you have a continuous air monitor and the results are in the same range, hour by hour, day in and day out -- you can't argue with it," said Ed Ireland, executive director of the Barnett Shale Energy Education Council (Mike Lee, *Fort Worth Star-Telegram*, May 10). **-- GN**

ASBESTOS

==========

EPA plans soil excavation, containment in Libby (*KULR-TV*)

May 12, 2010
Originally printed at http://www.kulr8.com/news/state/93473179.html
LIBBY, Mont. (AP) — The Environmental Protection Agency plans a combination of soil removal and containment at two former vermiculite processing areas in Libby to keep asbestos in the ground from reaching the air.

The decision is part of the EPA's cleanup of the asbestos-plagued Superfund community and was signed Monday by officials with the EPA and the Montana Department of Environmental Quality.

The plan calls for a combination of excavating contaminated soil around the two plants and capping contamination below the surface by covering it with fresh soil.

EPA officials say the plan will be reevaluated after a risk assessment is completed at the site of the former mine itself.

Libby is a decade into a massive cleanup of an asbestos problem that has caused almost 300 deaths and sickened hundreds of people.

EPA Plans Soil Excavation, Containment in Libby (*Associated Press*)

Story also appeared: *Flathead Beacon*

By Associated Press, 05-11-10
LIBBY – A combination of soil removal and containment should be used to keep asbestos that is still in the ground from reaching the air near two former vermiculite processing areas in Libby, the Environmental Protection Agency said.

The records of decision signed Monday by officials with the EPA and the Montana Department of Environmental Quality are part of the EPA's cleanup of the asbestos-plagued Superfund community.

The idea calls for a combination of excavating contaminated soil while capping other contamination below the surface with fresh soil around the former W.R. Grace Export and Screening plants. Doing so will "break soil exposure pathways and prepare these important properties for reuse," the EPA said in a statement.

The agency said it will work closely with the city in developing the plan so the properties can be used again.

The plants are two of the eight areas identified by the EPA as the Libby Asbestos Site. The former export plant is just north of the downtown area, situated on the Kootenai River. The former screening plant is to the east.

EPA is still conducting a risk assessment of the mine itself, and the plans for the two plants will be reevaluated once that assessment is done, the agency said.

Libby is a decade into a massive cleanup of an asbestos problem that has caused almost 300 deaths and sickened hundreds of people.

The vermiculite mine and its processing plants spewed asbestos over the northwestern Montana town for more than 70 years before it was closed in 1990. Libby residents suffer 40 to 80 times the national average in its rate of death from asbestosis, a breathing disorder caused by inhaling asbestos fibers.

CLIMATE CHANGE/GLOBAL WARMING

==========

States may get more of a voice on oil drilling (*Boston Globe*)

May 12, 2010 Wednesday
NEWS; National; Pg. 2
States may get more of a voice on oil drilling;
Kerry to unveil bill without GOP support
By Matt Viser, Globe Staff
WASHINGTON - Senator John F. Kerry, acknowledging the mounting anger over the massive oil spill in the Gulf of Mexico, has changed his signature climate change bill to give states more say over offshore drilling, according to a summary of a proposal he plans to unveil today.

States would be allowed to veto plans for any drilling within 75 miles of their shores. In addition, they could veto plans for drilling off neighboring states if they can show significant impacts, according to a copy of the summary.

Salazar wants to split agency overseeing drilling. A9

In addition to confronting a new reality on offshore drilling since the spill, Kerry and Senator Joe Lieberman are taking a political gamble in releasing their much anticipated climate and energy bill without the Republican support that Kerry once called crucial. Senator Lindsey Graham, a South Carolina Republican, had spent months helping to craft the proposal, only to back away several weeks ago.

``We're proceeding forward because we believe it's critical to the country,'' Kerry said in an interview. ``Obviously these are very turbulent political times and we're going to have to navigate very rough waters.''

Graham pulled his backing because Democrats suggested support for immigration reform would have priority over climate change. Kerry and Lieberman tried to persuade him to rejoin their efforts but decided late last week to move forward without bipartisan support, a departure from the approach Kerry had taken during seven months of negotiations. ``You cannot pass a bill without a coalition of all of these senators,'' Kerry told the Globe in January.

Graham said last week the oil spill makes passing a climate bill ``impossible in the current environment.''

The spill has prompted even supporters of offshore drilling to reconsider its expansion and how government oversees the industry. As Kerry and Lieberman, an independent from Connecticut, unveil the legislation today, senators are expected to hold a second day of hearings over what caused the spill and who is to blame.

In a bid to attract the support of businesses and Republicans, Kerry's bill had been expected to call for additional offshore drilling. In recent days, however, Kerry tempered that call by giving coastal states more control over what is generated off their shores. In addition to veto power, states would be allowed to share federal royalties from leases they support.

``We'd be crazy not to react to what's going on down in the Gulf,'' Kerry said in an interview.

He is continuing to reach out to Republicans.

``You have to consider the context of the economy with which we find ourselves,'' Senator Olympia J. Snowe, Republican of Maine, said yesterday after meeting earlier with Kerry. ``I had concerns about [drilling] in any event . . . not to mention the devastation on the environment and on our ecosystem that we're now witnessing in the Gulf.''

Kerry has also met several times with Senator Scott Brown, the newly elected Massachusetts Republican.

``We've been so busy with financial reform, I haven't really focused on it,'' Brown said yesterday.

In lieu of Republican support, Kerry is banking on politically-connected industry executives to pressure their home-state senators to pass the bill. A key bargaining chip for Kerry is that the Environmental Protection Agency has considered developing its own greenhouse gas rules. Such regulations could be more far-reaching, which worries

Republicans and oil-producing states. Kerry's bill would prohibit the EPA from developing its own rules.

For Kerry and Lieberman to succeed, President Obama would have to aggressively push for the bill, both through public appearances and behind-the-scenes appeals to recalcitrant Democrats. The White House has been supportive of Kerry's efforts but has been more focused on a financial regulation overhaul, the Supreme Court nomination of Elena Kagan, and immigration reform.

Some outside observers say the bill, while possibly provoking discussion toward a future solution, stands little chance of coming up for a final vote.

``The chances [of it passing this year] were already very small,'' said Robert N. Stavins, an environmental policy professor at Harvard University. ``And I don't know if substantive changes will make a difference to a Republican who doesn't want to give a victory to the Democrats and President Obama at this time.''

Kerry is hopeful but will not predict victory.

``It's possible. Of course it's possible,'' he said. ``But it's going to take a lot of lifting.''

Yesterday, oil executives faced irate lawmakers over their role in the Gulf spill. BP officials told a Senate committee that the spill was partially caused by a failure of a safety system controlled by a different company. That company blamed a third company.

``I hear one message - don't blame me,'' said Senator John Barrasso, a Wyoming Republican. ``Shifting the blame game doesn't get us very far.''

About a dozen congressional hearings are expected in the coming weeks; in the House, Representative Edward J. Markey, a Malden Democrat, is planning to hold a hearing today with executives from BP, Halliburton, and Transocean before his Energy and Commerce subcommittee.

Kerry's legislation would put a price on carbon emissions and provide billions of dollars in incentives to industry to drastically cut greenhouse gases. Most of the proceeds would be directed back to the public in the form of rebates - an approach Kerry has called ``reduce and refund.''

The bill would also halt a groundbreaking regional effort to curb emissions from power plants in Massachusetts and other states, replacing such programs with a single federal version. The goal is to slice carbon pollution 17 percent from 2005 levels by 2020 and 80 percent by 2050.

Matt Viser can be reached at maviser@globe.com

Kerry cites urgency on climate change bill (*Los Angeles Times*)

May 12, 2010 Wednesday
Home Edition
MAIN NEWS; National Desk; Part A; Pg. 9
Kerry cites urgency on climate change bill;
As he and Lieberman wrap up work, the senator sees a message in the gulf oil spill.
By Jim Tankersley
WASHINGTON
After months of negotiations and weeks of delay, Sens. John F. Kerry (D-Mass.) and Joe Lieberman (I-Conn.) will unveil their plan to limit greenhouse gas emissions and spur clean energy growth Wednesday -- and the biggest challenge will be selling the notion that the bill has any chance of passage.

Kerry and Lieberman's efforts took a major hit when their Republican co-architect, Sen. Lindsey Graham of South Carolina, walked away from the bill shortly before its scheduled rollout last month.

Since then, partisan polarization has intensified and the politics of energy have been muddled further by the massive oil spill in the Gulf of Mexico. Though Kerry and Lieberman added new curbs on drilling -- including allowing states to block their neighbors' plans to drill offshore -- the legislation does not ban new drilling altogether.

Still, Kerry and Lieberman say they've lined up wide support from utilities, oil companies and other business leaders they've courted for months. They hope that backing will lead to support from moderate Democrats and crossover Republicans.

The senators, along with environmental groups, say the gulf spill has focused public attention on America's thirst for oil, giving new momentum to a bill that could represent the last, best chance for several years for the Senate to act forcefully to curb **global warming**.

"The oil spill creates urgency," Kerry said in an interview Tuesday.

"In my judgment, the oil spill says: 'Get this done, folks. You've got to get to it and to change America's energy posture,' " he said.

The proposed legislation mandates reductions in greenhouse gas emissions from fossil fuels via a so-called cap-and-trade system for power plants and, eventually, factories -- with strict curbs on the types of trading that could be done.

It would require oil companies to obtain emission permits at a set price not determined by the trading market.

The legislation would immediately send two-thirds of the revenue from emissions permit sales directly back to consumers as refunds on their utility bills, Kerry said, and eventually refund nearly all of the proceeds to consumers, in an effort to blunt energy cost increases.

Small sums would be dedicated to reducing the federal budget deficit, investing in energy research and financing international **climate change** efforts.

Also included are several efforts to win support from Republicans and business groups, such as the U.S. Chamber of Commerce, including incentives for new nuclear power plants and a variety of protections and sweeteners for Rust Belt manufacturers.

As written, the bill would stop the **Environmental Protection Agency** from regulating greenhouse gases under the **Clean Air Act** and restrict state environmental powers.

But it would allow California to implement energy efficiency standards and other provisions of its signature **global warming** law, AB 32.

"We will not undermine California," Kerry said.

Groups such as the Sierra Club have threatened to fight any bill that strips **EPA** and state regulatory authority.

No issue figures to pose as much political difficulty as offshore drilling. In the wake of the BP spill, several coastal Democrats have threatened to block any legislation that expands drilling.

Some Republicans and centrist Democrats, such as Sen. Mary L. Landrieu of Louisiana, have insisted on continued expansion of offshore drilling.

Critics of climate legislation have long argued that emission limits would raise energy costs and cripple the economy.

"This bill is a compilation of just about every bad idea that has emerged in the energy debate," said Patrick Creighton, spokesman for the free-market Institute for Energy Research think tank. "Two things are certain if this bill becomes law: Energy prices will skyrocket, and jobs will be shipped overseas."

jtankersley@latimes.com

U.S. climate bill isn't the key to a global treaty -- U.S. envoy (*Greenwire*)

05/11/2010
Congress may not pass an energy and climate bill by the next round of global climate negotiations in Cancún this December, the Obama administration's envoy to the

negotiations said yesterday, but that does not mean there won't be progress on efforts to craft a binding treaty to replace the Kyoto Protocol.

"I hope to get it this year. If we don't get it this year, we'll keep pressing to get it next year," Todd Stern told reporters in Mexico, referring to the energy and climate bill. "Whether the legislation is done or not by the time of Cancún we will be working hard to get a good outcome there, and there is every reason to think if countries work together the right way there will be a good outcome.

"So useful, yes, but a good outcome is obtainable one way or another," Stern added.

The energy and climate bill, designed by Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.) is slated for release tomorrow, but Graham has pulled his support for the bill and claimed it has "become impossible" to pass it (*E&E Daily*, May 10).

Some backers of a binding international climate treaty say it will be difficult to reach such an agreement unless the United States moves unilaterally to shrink its own carbon footprint. The Kerry-Graham-Lieberman bill would set a target of reducing U.S. greenhouse gas emissions 17 percent from 2005 levels by 2020.

The December talks follow last year's negotiations in Copenhagen, which did not result in a binding treaty but produced the Copenhagen Accord. Countries agreed to "take note" of the text, which will serve as a framework for this year's talks.

Stern said he does not expect to finalize a binding treaty in Cancún, but would consider the round of talks successful if negotiators reach agreements on thorny issues such as greenhouse gas reductions and adaptation aid for developing countries (Alexandra Olson, Associated Press, May 10). **-- GN**

Expanded offshore drilling will be part of Senate climate bill -- Lieberman (*Greenwire*)

Darren Samuelsohn, E&E reporter
05/11/2010
The Senate climate bill to be unveiled tomorrow will have provisions to expand domestic oil drilling, including revenue sharing for states that agree to allow more production off their shores, according to one of the measure's lead co-sponsors.

Sen. Joe Lieberman (I-Conn.) said in an interview that the massive Gulf of Mexico oil spill raises serious concerns about the safety of offshore energy production. Still, he said the climate bill that is set for rollout at a 1:30 p.m. EDT press conference tomorrow

with Sen. John Kerry (D-Mass.) reflects their long-standing plans to grow the domestic supply of oil.

"Yes, there will be a drilling provision in it," Lieberman said. "We've stuck with what we've had. We've made one slight alteration. And we expect we'll make some more alterations as this goes on based on what we've learned, particularly from [Interior Secretary Ken] Salazar's 30-day review about what more could be done to protect the safety."

Lieberman did not go into specifics about what the alteration to the energy bill would be on the issue. "I've got to save some suspense for you," he said.

Environmentalists and some coastal-state Democrats have raised the red flag over more oil drilling in the wake of the Gulf Coast oil spill, including a threat of a filibuster from Sen. Bill Nelson (D-Fla.).

"Anybody who thinks that you're going to approve, as part of the deal on climate change, offshore drilling is not living on planet Earth," Nelson said today.

But Lieberman said he agrees with many other senators who do not think the Gulf Coast spill should lead to a snap judgment.

Thousands of gallons of crude have been belching into the Gulf of Mexico daily since an April 20 explosion at the drilling rig Deepwater Horizon about 50 miles off the coast of Louisiana.

"As I watch the TV every night, the heartbreaking spill in the Gulf just reminds us we've got to rush to a non-oil energy system in our country," Lieberman said. "But it's not going to happen overnight. We're going to need oil, and every barrel we get from American land or water is a barrel we don't have to pay Iran or Venezuela for."

Lieberman has previously spoken about several offshore drilling provisions, including revenue-sharing incentives for states and a veto for drilling within 75 miles of a state's shores. States would have no veto for drilling more than 75 miles out, and neighboring states would have no say.

The Kerry-Lieberman bill is also expected to call by 2020 for a 17 percent cut in emissions below 2005 levels, with the emission limits applying in different ways to power plants, petroleum refiners and trade-sensitive manufacturers. It also will include more loan guarantees for nuclear power and provisions that pre-empt U.S. EPA from regulating greenhouse gases under several sections of the Clean Air Act.

At tomorrow's press conference, Kerry and Lieberman are expected to be joined by a large coalition of business, environment, faith and national security groups, which Lieberman said "creates a new reality" in their uphill push for 60 votes.

"We've got a really impressive set of networks in the environmental and business communities who are prepared to go to work to support this bill," he said. "And to spend a fair amount of money doing it. This is not a pyrrhic effort."

'Quiet' expected from API on climate bill

Lieberman said he expects the American Petroleum Institute "to be quiet" about the climate proposal. And he sees a similar role for the U.S. Chamber of Commerce. "The chamber will certainly be at least neutral and I hope after will give a generally optimistic or encouraging reaction, but not an endorsement," he said.

Senate Majority Leader Harry Reid (D-Nev.) said last weekend he is open to moving just a "smaller" energy plan that passed last year out of the Energy and Natural Resources Committee. That measure includes a nationwide renewable energy standard, an overhaul of federal financing for "clean energy" projects, a suite of efficiency measures, mandates for new federal electricity-transmission siting power, and allowances for wider oil and gas leasing in the eastern Gulf of Mexico. But Reid also told the Univision network that he would push to include the Kerry-Lieberman climate bill if it picked up more GOP support.

Kerry and Lieberman have been working on their climate proposal since last fall with Sen. Lindsey Graham, but the South Carolina Republican is now on the sidelines because of what he describes as uncertainty over the Gulf oil spill and immigration politics.

Lieberman said he expects the Senate to debate energy and climate legislation in June or July after EPA and the Energy Information Administration complete their economic studies of the proposal.

ENERGY

==========

EPA Drafting Green Standards for Data Center Storage (*Web Host Industry Review*)

By Justin Lee, May 11, 2010
(WEB HOST INDUSTRY REVIEW) -- The US Environmental Protection Agency (www.epa.org) is expected to make an announcement on establishing final standards for its Energy Star (www.energystar.gov) certification for data centers.
The green organization is currently holding meetings with various storage firms and looking for feedback so that it can move forward with draft standards for enterprise storage systems.

In February, the EPA announced it had nearly completed the process of creating an Energy Star rating for data centers.

So far, the agency has already established Energy Star ratings for servers, however, setting up a standard for storage solutions is a considerably more complex task.

The EPA says it has made good progress since last April, when it first announced it would be moving forward with the program.

The organization has been trying to collect data from December 2009 through March 2010 to gain a deeper understanding of the dynamic between hardware/software configuration and energy efficiency, active and idle state performance, and sensitivity to single-configuration changes.

The EPA has released the results of the research at this stage, entitled Draft 1 Version 1.0 Specification, which can be downloaded for free from the Energy Star.

Draft 1.0 comprises the idea of a "product family" certification, as storage devices have a greater level of customization and configurability of products.

The report also sharpens key definitions. For example, storage product includes components and subsystems that are an "integral part" of a storage product architecture, but excludes products that are typically attached to a data center storage solution.

Critics of 2 Ga. plants challenge air, water permits (*Greenwire*)

Robin Bravender, E&E reporter
05/11/2010

Opponents of two coal-fired power plants slated for Georgia have filed legal challenges against state-approved air and water permits.

Several environmental groups represented by GreenLaw and the Southern Environmental Law Center yesterday filed petitions for hearings with the Georgia Office of State Administrative Hearings over the permits issued to the Longleaf Energy Station planned for southwest Georgia and the smaller Plant Washington to be built in the central part of the state.

LS Power Group's 1,200-megawatt Longleaf plant and the 850-megawatt Plant Washington, backed by a consortium of six electric membership cooperatives known as Power4Georgians, both secured their final permits last month from the Environmental

Protection Division of the Georgia Department of Natural Resources (*E&ENews PM*, April 13).

But environmental groups that have long opposed the construction of these plants argue that the state permits fall short.

"These permits as issued will not adequately protect the air we breathe or the water we drink," said GreenLaw Executive Director Justine Thompson. "The law requires, and Georgians deserve, air permits that are based on the most modern pollution controls. These permits contain flaws for pollutants that are known to be hazardous."

GreenLaw, on behalf of Friends of the Chattahoochee and the Sierra Club, filed two petitions challenging Longleaf's air quality permit and construction deadline. The groups argue that listing Longleaf as a "minor source" of air pollution would allow the plant to skirt stringent control requirements for hazardous pollution. The groups also challenged the regulators' decision to grant Longleaf an extension for when it must begin construction, arguing that the extension will allow the plant to be constructed with outdated technologies.

LS Power spokesman Mike Vogt said the legal challenges deal with small amendments to the plant's permits, and the developers are still on track to begin construction, possibly by the end of the year. "We're pretty confident, based on the way we structured the amendments, that they'll withstand court challenge," he said.

GreenLaw and the Southern Environmental Law Center -- on behalf of the Fall-line Alliance for a Clean Environment, Ogeechee Riverkeeper, the Sierra Club's Georgia Chapter and the Southern Alliance for Clean Energy -- also filed three petitions challenging Plant Washington's permits.

The petitions argue that the state permits fail to set safe limits on harmful air pollutants like sulfuric acid mist and particulate matter. The water permits fail to set necessary limits on the amount of water the plant can take from the Ogeechee River watershed and fail to limit the temperature of the heated wastewater discharged by the plant into the Oconee River, the groups argue.

"Obviously, we think the state complied with all the federal and state requirements -- both statute and regulations," said Dean Alford, a spokesman for Power4Georgians.

"In a brief review of their petition, it appears that once again their strategy is one of throwing as much as they can against a wall to see what sticks and not moving toward a way to provide clean, reliable and affordable electricity," Alford added. "GreenLaw appears more interested in trying to delay this process as much as possible than they are in finding a solution."

FUEL

==========

EPA to Streamline Fuel Conversion Systems Approval Process (NACS Online)

Goal is to encourage innovative and environmentally friendly conversions
Posted: May 11, 2010
WASHINGTON – The U.S. Environmental Protection Agency (EPA) has proposed an easier process for manufacturers to gain approval to sell fuel conversion systems. The proposal reflects the agency's interest in encouraging and stimulating conversions that use clean energy technologies.
Conversion systems alter a vehicle or engine to enable it to run on a different type of fuel than originally intended (i.e., a gasoline only vehicle to also run on E85). The EPA advises consumers to use systems only that have EPA approval.
The EPA has determined that the compliance process for older vehicles and engines could be streamlined without sacrificing environmental safeguards. As such, under their proposal, compliance requirements would be flexible and based on the age of the vehicle or engine being converted. This stands in contrast to the current approach that applies a uniform process, regardless of vehicle or engine age.
NACS has noted that a more streamlined mechanism for converting vehicles to be flexible fuel vehicles (capable of running on gasoline or E85) could increase the number of FFVs and, consequently, the potential market of consumers for retailers who choose to sell E85.
The EPA is accepting public comments on the proposal until July 23.
More information, visit EPA's Web site.

GENERAL

==========

Las Vegas man added to EPA fugitive list (*Las Vegas Sun*)

By Stephanie Tavares (contact)
Tuesday, May 11, 2010 | 4:42 p.m.
The U.S. Environmental Protection Agency is on the hunt for a Las Vegas man they say is running from justice.
Joseph DeMatteo was added to the EPA fugitive list today after failing to surrender to federal authorities following his indictment for criminal violations of the Clean Air Act. DeMatteo and several others are accused of falsifying vehicle emission test reports in the Las Vegas area between November 2007 and May 2009. If convicted, DeMatteo faces up to two years in prison and a fine of up to $250,000.

Anyone with information about DeMatteo's whereabouts is being encouraged to contact local police.

HAZARDOUS WASTES

==========

Westlawn residents voice health concerns as EPA readies to test soil (*South Coast Today*)

By DAN McDONALD
dmcdonald@s-t.com
May 12, 2010 12:00 AM
&byline;and ANIKA CLARK
&byline2;aclark@s-t.com
NEW BEDFORD — Many who packed the Park Street VFW Tuesday night were not keen on waiting for scientific evidence of soil contamination in the Westlawn development.
Testing will begin next week in that complex to determine whether there are any pollutants from the Parker Street waste site in the soil.

But the dozens of Westlawn residents who attended the community forum Tuesday night had already drawn their own conclusions. Many correlated the contamination of the Parker Street site with a wide range of maladies from earaches to rashes to learning disabilities to autism.

The U.S. Environmental Protection Agency is in the midst of an attempt to determine where the original Parker Street waste site ends. Presently, the waste site includes the city's high school, Keith Middle School, McCoy Field and Walsh Field, among other properties. Next week, EPA officials will drill in Westlawn. The agency recently completed testing at the Parkdale development and plans to test the wetlands near Potter Road this week.

Once taken, the samples will be tested for polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons, arsenic, barium, cadmium, chromium and lead.

There were no city or state public health officials present, which left officials from EPA and the Massachusetts Department of Environmental Protection fielding health-related questions they could not answer. Officials listened to the concerns and told residents such issues would be communicated to the proper public health agencies.

Eddie Johnson, president of CLEAN, a local environmental advocacy group, said there are plenty of unexplained rashes and unexplained sicknesses in Westlawn that pose burning questions about the Parker Street site.

Dave Johnston, MassDEP's southeast regional director, was among those peppered with inquiries.

Is it safe to grow a garden? Could the public water infrastructure be affected by the contamination? What about the smell of raw sewage in some Westlawn basements?

Westlawn resident Stephaney Santiago said she noticed environmental officials donning white "haz-mat" suits while testing soil near a playground her son frequents. Since the testers are wearing such protection, she wanted to know: Is the spot safe for her child?

Johnston's response was emblematic of the night's proceedings and could have applied to any of the inquiries. He said, "We have no information that suggests you should be worried."

Asked about health trends such as widespread rashes among Westlawn children, Jim Murphy, EPA spokesman, said earlier in the week: "Unfortunately, we really can't answer those types of questions. We haven't even sampled out there yet."

In multiple instances, Johnston stressed that the first step will be to determine whether there are any contaminants in the soil.

If there are, the second step would determine the level of contamination.

Thirdly, Johnston said, environmental officials will determine "what should we do about it."

Before the meeting, Santiago said her son has had a rash since November. The severity has fluctuated. Her son's misery has not.

"It's completely covering his whole body. He's miserable," she said. "From head to toe. It's literally on his feet to his head."

Fellow Westlawn resident Deidre Ramos said she knows of at least 10 residents with rashes, an ailment she connects to the Parker Street waste site.

"I think maybe we live near contamination," she said.

Westlawn resident Jean Guzman was among those who correlated the Parker Street site with her children's ailments. Two of her three children, aged nine and 13, suffer from attention deficit hyperactivity disorder, while her other child, age five, has severe breathing problems, she said.

"The soil can be changed. Our lives can't," Guzman said.

Senate hearings prompting spill blame game (*Associated Press*)

By H. JOSEF HEBERT (AP) –
WASHINGTON — The blame game is in full throttle as Congress begins hearings on the massive oil spill threatening sensitive marshes and marine life along the Gulf Coast.

Executives of the three companies involved in the drilling activities that unleashed the environmental crisis are trying to shift responsibility to each other in testimony to be given at separate hearings Tuesday before two Senate committees, even as the cause of the rig explosion and spill has yet to be determined.

Lawmakers are expected to ask oil industry giant BP, which operated the Deepwater Horizon drilling rig 40 miles off the Louisiana coast, why its drilling plans discounted the risk that such a catastrophic pipeline rupture would ever happen, and why it assumed that if a leak did occur, the oil would not pose a major threat.

The morning hearing by the Energy and Natural Resources Committee and the afternoon session before the Environmental and Public Health Committee give lawmakers their first chance to question the executives publicly about the April 20 rig fire, attempts to stop the flow of oil and efforts to reduce the damage.

Copies of planned testimony, obtained Monday by The Associated Press, brought into the open fissures among the companies caught up in the accident and its legal and economic fallout.

A top executive of BP, which leased the rig for exploratory drilling, focuses on a critical safety device that was supposed to shut off oil flow on the ocean floor in the event of a well blowout but "failed to operate."

"That was to be the fail-safe in case of an accident," Lamar McKay, chairman of BP America, says, pointedly noting that the 450-ton blowout protector — as well as the rig itself — was owned by Transocean Ltd.

Of the 126 people on the Deepwater Horizon rig when it was engulfed in flames, only seven were BP employees, said McKay.

But Transocean CEO Steven Newman was seeking to put responsibility on BP.

"Offshore oil and gas production projects begin and end with the operator, in this case BP," said Newman, according to the prepared remarks. His testimony says it was BP that prepared the drilling plan and was in charge when the drilling concluded and the crew was preparing to cap the well 5,000 feet beneath the sea.

To blame the blowout protecters "simply makes no sense" because there is "no reason to believe" that the equipment was not operational, Newman argues.

Newman also cites a third company, Halliburton Inc., which as a subcontractor was encasing the well pipe in cement before plugging it — a process dictated by BP's drilling plan.

A Halliburton executive, Tim Probert, planned to assert that the company's work was finished "in accordance with the requirements" set out by BP and with accepted industry practices. He says pressure tests were conducted after the cementing work was finished to demonstrate well integrity.

BP and Transocean are conducting separate investigations into what went wrong.

In Louisiana, the Coast Guard and the Interior Department's Minerals Management Service were beginning two days of hearings on the cause of the explosion. The list of witnesses scheduled to testify includes a Coast Guard search and rescue specialist, crew members from a cargo vessel that was tethered to the Deepwater Horizon rig and two Interior inspectors.

In other developments:

_ Interior Secretary Ken Salazar will propose splitting up the Minerals Management Service, an administration official, who asked not to be identified because the plan is not yet public, told The Associated Press. One agency would be charged with inspecting oil rigs, investigating oil companies and enforcing safety regulations, while the other would oversee leases for drilling and collection of billions of dollars in royalties.

_ The Environmental Protection Agency gave the go-ahead Monday to use oil dispersing chemicals near the sea bottom where the oil is leaking, although the agency acknowledged ecological effects of the chemical are not yet fully known. Two tests have shown the procedure helps break up the oil before it reaches the surface.

_ BP said it has spent $350 million so far on spill response activities.

_ President Barack Obama, after being briefed on the latest developments Monday, directed that more independent scientists get involved in seeking a solution to the spill. Energy Secretary Steven Chu will take a team of scientists to BP in Houston.

_ BP said it has received 4,700 claims for damages related to the spill and so far has paid out $3.5 million on 295 of the claims.

Associated Press writers Matthew Daly and Frederic J. Frommer contributed to this report.

Federal agency's duties to be split in wake of Gulf oil spill (*Miami Herald*)

By ERIKA BOLSTAD, MARK WASHBURN AND JENNIFER LEBOVICH
jlebovich@miamiherald.com

Posted on Tue, May. 11, 2010

Interior Secretary Ken Salazar will hold a news conference Tuesday afternoon to announce the Minerals Management Service, the troubled federal agency that oversees all aspects of offshore leasing, will be split in two in the wake of the Gulf of Mexico oil rig explosion, an Interior official confirmed.

The split addresses one of the main criticisms of the agency in the days following an oil explosion that killed 11 workers and continues to spew oil from the sea floor into the Gulf of Mexico: that the agency is too cozy with the industry it regulates.

Splitting its functions will address that conflict. Currently the Minerals Management Service is responsible for regulating offshore drilling, but also for leasing tracts on the outer continental shelf and collecting royalties on the oil and gas they produce.

An Interior official said the move won't require congressional approval, although such a proposal had been advanced on Capitol Hill and is expected to be discussed Tuesday as two Senate committees begin oversight hearings.

Top executives from three companies involved in the Deepwater Horizon oil rig disaster faced a barrage of questions Tuesday on Capitol Hill. Angry senators are eager to make it clear they intend to hold someone responsible for a blowout that killed 11 workers and continues to spew 210,000 gallons of oil each day into the Gulf of Mexico.

But it's also clear the three companies will have another source of finger-pointing -- each other.

In testimony released Monday before the first of Tuesday's two Senate hearings, the executives, from BP America, which owned the well, Transocean Ltd., which owned the rig, and Halliburton, a contractor on the rig, blame the other companies for the as-yet-undetermined cause of the explosion.

Meanwhile, in New Orleans, a two-day public hearing into the events surrounding the April 20 explosion got under way Tuesday morning. The investigation is being conducted jointly by the MMS and the U.S. Coast Guard.

In a related development, Florida Gov. Charlie Crist said Tuesday that a special legislative session will be called in the next couple of weeks to focus on a proposed constitutional amendment to ban offshore oil exploration, as well as new tax incentives to encourage utilities to promote renewable energy sources.

The public inquiries come at a time when BP is struggling to stop the flood of oil and authorities in Louisiana prepare for the likely arrival of a massive oil slick along the state's marshy shoreline.

BP officials call their latest effort to stop the leak a ``top hat'' and say engineers could try to place it over the main leaking pipe as early as Thursday.

The oil captured inside would then be pumped to a barge on the surface. The strategy is similar to BP's failed weekend effort to place a massive 78-ton steel and concrete cofferdam the size of a four-story house over the pipe, but the ``top hat,'' just four feet in diameter and five feet tall, is the size of a shed.

BP officials said the small size should help avoid the formation of the slushlike hydrates that thwarted the earlier cofferdam effort by clogging the cofferdam's opening and making it too buoyant to form a watertight seal against the sea floor.

To make certain, the ``top hat'' will be warmed with hot water and injected with methanol, a solvent whose use under water required EPA approval.

``The rationale is there will be less seawater in the smaller dome, and therefore less likelihood of hydrate formation,'' BP Group CEO Tony Hayward said.

BP engineers plan to follow that effort with a so-called ``junk shot,'' which foresees shooting shredded tires, golf balls and knotted rope into the well at high pressure to clog it and stop the flow. That effort won't be ready for two weeks, however.

In Washington, Lamar McKay of BP, in prepared testimony to the Senate Energy and Natural Resources Committee, said the company wants to answer two questions at the root of the disaster: What caused the explosion and fire, and why did the blowout preventer fail? He makes it clear Transocean owned the blowout preventer.

``The systems are intended to fail-closed and be fail-safe. Sadly and for reasons we do not yet understand, in this case, they were not,'' McKay is to testify. ``Transocean's blowout preventer failed to operate.''

That directly counters Transocean CEO Steven Newman's statement.

``Over the past several days, some have suggested that the blowout preventers used on this project were the cause of the accident,'' Newman is expected to testify. ``That simply makes no sense.''

Their investigative team has looked at numerous possible causes, Newman will say, but the company's blowout preventers ``were clearly not the root cause of the explosion.'' The well had been sealed with casing and cement, and within a few days, the blowout preventers would have been removed, anyway. At that point, the cementing and casing were responsible for controlling any pressure, he says in his testimony.

Although Newman does not single out Halliburton for blame, he does make it clear that Halliburton was the cementing subcontractor -- and as such ``is responsible for encasing the well in cement, or putting a temporary cement plug in the top of the well, and for ensuring the integrity of the cement."

Tim Probert of Halliburton has a different take, and points back to BP in his prepared testimony. The well owner is ultimately responsible, said Probert, who is the president of the company's global business lines and its chief health, safety and environmental officer.

``I need to start this section with an important statement of disclosure," he is expected to testify. ``Halliburton, as a service provider to the well owner, is contractually bound to comply with the well owner's instructions on all matters relating to the performance of all work-related activities.

``It is also important to understand the roles and responsibilities of the various parties involved in the construction of a well," he added. ``The construction of a deep water well is a complex operation involving the performance of numerous tasks by multiple parties led by the well owner's representative, who has the ultimate authority for decisions on how and when various activities are conducted."

Regardless of who is to blame for the accident, McKay said in his prepared testimony that he wishes to underscore BP's ``intense determination to do everything humanly possible to minimize the environmental and economic impacts of the resulting oil spill on the Gulf Coast."

Already, the company has mobilized a fleet of 294 response vessels and has recovered more than 97,000 barrels of oil-and-water mix from the sea, McKay said in his statement.

``BP is under no illusions about the seriousness of the situation we face," he said. ``In the last three weeks, the eyes of the world have been upon us. President Obama and members of his Cabinet have visited the Gulf region and made clear their expectations of BP and our industry. So have members of Congress, as well as the general public."

In Kenner, La., the captain of a boat that was beside the Deepwater Horizon when it blew up said he was surprised when a geyser of mineral ``mud," a standard lubricant for drilling operations, shot up through the rig's derrick on the night of April 20.

``I saw mud falling on the back of my boat, sort of a black rain," said Alwin Landry, standing watch on the support vessel Damon B. Bankston.

Testifying in a federal inquiry Tuesday into the rig's sinking, Landry said he immediately radioed the rig.

``I was advised they were having trouble with the well. . . . I heard the concern in the voice of the operator,'' Landry said, and he ordered his crew to disconnect a hose tethering his ship to the Deepwater.

Suddenly, a green flash on the main deck aft of the derrick caught his eye, then the concussion of the initial blast.

Crewmen of the Bankston were able to rescue the surviving workers from the Deepwater, including some who leaped into the Gulf to escape the flaming rig.

In reaction to the rig explosion and oil spill, Obama has temporarily halted all new offshore drilling until the Interior Department submits a safety report due May 28.

Is coal ash public health concern? (*Lake Wylie Pilot*)

Published: Tuesday, May. 11, 2010 / Updated: Tuesday, May. 11, 2010 10:22 AM
John Marks - jmarks@lakewyliepilot.com
LAKE WYLIE --
Some see potential economic benefits in coal ash, while others see the potential for endangering public safety. But experts on both sides say the rules governing the chemical byproduct could be changing.
Last week, the U.S. Environmental Protection Agency proposed new rules for the regulation of coal ash, the first set of national guidelines on safe disposal and management of the residual material created by combustion at coal power plants.
The options include listing coal ash as a hazardous material or as non-hazardous, as it is now. The hazardous material listing would require the installation of liners for liquid surface impoundments, phasing them out in favor of the landfill storage of coal ash in solid form. The non-hazardous option would still require liners, but would allow continued use of surface impoundments.
Currently plants dispose of coal ash as a liquid in large impoundments or in solid form in landfills. Coal ash, according to the EPA, contains mercury, cadmium, arsenic, selenium and lead, among other potentially harmful materials. The agency states that coal ash can cause “significant public health concerns” when not disposed of properly; it can seep into groundwater and end up in drinking water sources.
“The time has come for common-sense national protections to ensure the safe disposal of coal ash,” said Lisa P. Jackson, agency administrator. “We’re proposing strong steps to address the serious risk of groundwater contamination and threats to drinking water and we’re also putting in place stronger safeguards against structural failures of coal ash impoundments. The health and the environment of all communities must be protected.”
Last summer, the coal ash controversy came to a head locally when the EPA listed three Duke Energy impoundments on the Catawba River north of Lake Wylie as among 44 “high hazard potential” sites nationwide. In all, the list included 10 company sites.

Duke argued the listing only considered the potential impact of coal ash contamination, not the likelihood that one would occur, making local populations and proximity to drinking water the only reasons one pond at Allen Steam Plant in Belmont and two at Riverbend in Mount Holly made the list. Catawba Riverkeeper David Merryman argued the ponds put the drinking water of as many as 2 million people in “direct, immediate risk.”

“These are engineered ash basins,” said Andy Thompson, spokesman for Duke. “They did inspect Plant Allen in 2009, and they gave us the highest rating they could give us. Our goal is safety, just as the EPA’s goal is safety. We agree on that.”

Thompson said the existing classification of coal ash as “non-hazardous” should be upheld, and that “nothing has occurred to warrant a change in that.” He agrees that companies like Duke and the EPA should look for safer and better ways to protect against contamination, but does not believe coal ash ponds should be eliminated.

“From our perspective the designation of coal ash should not change,” Thompson said. “Coal combustion byproduct right now is regulated as a non-hazardous material. We believe when you compare the makeup of coal ash and its composition to the makeup of other non-hazardous materials, they’re very similar.”

Merryman disagrees. His group favors the hazardous listing and the elimination of ash basins, which he says create a risk to water supplies.

“Our Catawba River – our drinking water supply – deserves absolute assurances that the four coal ash ponds along its banks will be cleaned-out, lined, monitored and closed for usage as soon as possible,” Merryman said. “(The hazardous listing option) provides those assurances.”

One point made clear by the EPA is that “beneficial uses” of the residue will continue to be explored. Currently coal ash byproducts can be used in gypsum, wallboard, concrete, cement and other materials.

“Environmentally sound beneficial uses of ash conserve resources, reduce greenhouse gas emissions, lessen the need for waste disposal units and provide significant domestic economic benefits,” said Mathy Stanislaus, assistant administrator for the EPA Office of Solid Waste and Emergency Response. “This proposal will clearly differentiate these uses from coal ash disposal and assure that safe beneficial uses are not restricted and in fact are encouraged.”

One point agreed on by environmentalists and coal plant power producers is the 90-day comment period and accompanying rule can bring attention, and hopefully safer methods, to coal ash disposal.

“The four coal ash ponds along the Catawba River have long been under the radar,” Merryman said. “These proposed rules are a first step toward helping protect our drinking water supply.”

HERBICIDES

==========

Modified bacteria seek and destroy controversial herbicide (*Greenwire*)

Paul Voosen, E&E reporter
05/11/2010
Atrazine, watch out: There's a killer from the future tracking you down.

Scientists working in Georgia have engineered a common bacteria that will, in the lab, detect and seek out atrazine, a controversial herbicide sprayed over cornfields and sugar plantations across the United States.

And this bacteria, a genetically engineered version of *E. coli*, is no mere scout, mobile but powerless. It is armed -- specifically, equipped with a gene that allows the bacteria to strip atrazine of its punch, reducing it into a harmless chemical cousin.

Atrazine, banned in Europe, is one of the most common contaminants found in U.S. water supplies, though it remains uncertain at what concentration it begins damaging animal and human health. U.S. EPA is currently reviewing its risk assessment of the chemical after several studies linked low levels of atrazine to sexual defects in frogs and fish (*Greenwire*, March 2).

The atrazine-hunting bacteria remain far from real-world use. But the bleeding-edge techniques used to develop them point to a future where scientists will create designer microbes that can track and clean a wide variety of environmental contaminants, said Justin Gallivan, a synthetic biologist at Emory University and author of a report this week describing the seek-and-destroy bacteria in *Nature Chemical Biology*.

"This is a specific application in picking one target molecule [atrazine] and developing a way to sense this inside a cell and develop a predictable response," he said. But the methods used in developing the tracking could vastly expand the previously small number of chemicals that bacteria can be engineered to detect, Gallivan added.

There are other promising approaches to cleaning atrazine. Several years ago, scientists developed biotech alfalfa and tobacco lines that degraded the herbicide into a nontoxic relative. And after decades of use, natural selection, always working at a feverish pace in microbes, has allowed some bacteria to evolve robust talents to chew through the chemical, no human intervention required -- except for spraying vast amounts of weedkiller.

Previously, bacteria engineered to eat through atrazine was tested at the field scale, used on soil contaminated by a chemical spill. (Atrazine eventually degrades but can linger in soil for months on end.) While these tests were promising, the bacteria were dumb bombs compared to the precise munitions developed by Gallivan and his team of researchers.

Synthetic biology's promise

Programming bacteria to take on evolutionally unnatural tasks is one of the foundations of synthetic biology, the rapidly growing field that leverages recent strides in biotech that allow scientists to manufacture, if imprecisely, the building blocks of life. Few programmed bacteria have so far had feasible applications, and Gallivan's herbicide hunters represent the shape of things to come.

The Emory team's work depends, in effect, on a sensory back door. While it remains challenging to synthesize the protein-based sensors most commonly used by bacteria to detect amino acids or sugars, recent discoveries in an intermittently neglected realm of biology -- the role of RNA, the single-stranded sibling of DNA -- have allowed scientists to begin manipulating how bacteria observe and interact with their environment.

In particular, the atrazine hunters depend on messenger RNA, the chain of nucleotides previously thought only to carry instructions from genes, the body's architects, to proteins, its construction workers. Over the past two decades, scientists have discovered that these RNA strands can also independently act as switches -- called "riboswitches" -- to control whether genes are expressed.

Despite their single-strand backbone, riboswitches can possess three-dimensional structure, particularly the "nets" they use to catch and detect chemicals. These nets, called aptamers, are fitted to specific molecule shapes, and once filled, they flip a switch, in effect allowing the RNA to activate or smother the expression of a protein, among other functions.

While riboswitches were first created artificially, they are now known to play an active role in regulating some microbe behavior, perhaps as a sign of a previous time when, it is theorized, RNA determined the functions of life. Their influence on animal and plant behavior is less established. But what is clear is that these strands can be synthesized with high-tech lab equipment.

Still, manufacturing effective riboswitches is far from the construction-block analogies sometimes used to describe synthetic biology. The most challenging aspect is weaving nets that can catch a larger variety of chemicals than occurs in nature. Gallivan's team, following similar groundwork in Germany, combined two complex screening methods to eventually find a net shaped to catch atrazine.

After finding this net, which required sifting through far more than a trillion randomly generated sequences of RNA, Gallivan tied the net to a previously known gene that controls bacteria's ability to move. Since the bacteria are more likely to move when more atrazine is present, a seeking mechanism is created.

It is similar to "taking the foot off the brake when atrazine is around," Gallivan said.

In comparison, the weapon used by Gallivan's bacteria once they track down atrazine is far more prosaic. Thanks to widespread atrazine use, many bacteria have developed genes that convert the herbicide to hydroxyatrazine, which is not toxic and is easily absorbed into soils. Transfer that gene into *E. coli* -- it is easy compared to concocting ribosome switches -- and the herbicide hunter is armed.

Major hurdle looms

The bacteria are a rare example of a synthetic bacteria that could have a feasible use in the real world. Largely, scientists are focusing on ways to develop better aptamers and more foundational work, said Christina Smolke, a bioengineer at Stanford University who is working to apply riboswitch systems in immunotherapy.

"However, there will be more coming out in the future as researchers begin to link the riboswitches to the control of interesting cellular functions," Smolke said.

One great hurdle that remains will be programming bacteria to have more complex responses to their environment by switching more genes on or off, said Jason Micklefield, the head of chemical biology at the University of Manchester.

"A key challenge is to establish that the synthetic riboswitches can be used to control a larger range of different genes across a wider range of organisms," Micklefield said.

Once the limitations of creating riboswitches are overcome, Smolke added, the systems will have exciting applications in genetic medical therapy, agricultural biotech and synthetic biology.

Gallivan's herbicide hunter possesses great limitations. It is useful only for much higher concentrations than would be found in nature and, without the presence of atrazine, the bacteria grind to a halt. They are pampered creatures of the lab, and dumped into the wild, they would be outcompeted by native microbes.

"This isn't something that we're going to put into a field and solve all the world's problems," Gallivan said. This is often true in biotech, when engineered bacteria are weak compared to their natural counterparts.

"Our main challenge is developing systems that are much more robust," he said.

TOXICS

==========

EPA Poised To Rank Formaldehyde Among Highest-Risk Chemicals (*Inside EPA*)

Tuesday, May 11, 2010
EPA is preparing to issue its long-delayed draft risk assessment of formaldehyde that is expected to set one of the agency's strictest cancer inhalation safety limits for a chemical, stricter even than the safety limits EPA has set for benzene and vinyl chloride -- which industry acknowledges are known carcinogens.

The move is likely to drive stringent new regulations for air emissions and other environmental releases of the substance, including rules governing natural gas turbines, ethanol plants, plywood manufacturers and other pollution sources, prompting significant fears among industry representatives. "The implications for air limits -- nobody knows," one industry source says. "Everybody's in a cold sweat."

The new draft Integrated Risk Information System (IRIS) assessment is expected to be released publicly June 2, an industry source says, just days before a National Academy of Sciences panel -- demanded by the substance's manufacturers and Sen. David Vitter (R-LA) -- is expected to begin its review.

The agency is moving to complete the draft IRIS assessment after other federal agencies submitted their comments to EPA on the draft assessment in recent weeks. EPA last published a formaldehyde assessment in 1991, labeling the chemical a "probable human carcinogen."

But the agency's effort to revise the assessment was delayed several years in 2004 at the urging of then-Senate Environment & Public Works Committee Chairman James Inhofe (R-OK), who asked EPA to wait until the National Cancer Institute collected additional data on the deaths of workers who were exposed to formaldehyde on the job.

The agency, however, restarted its assessment after receiving a briefing from NCI on the new data about a year ago. While EPA was awaiting the new NCI data, Bush administration officials relied on industry-funded modeling data as the basis for its regulation of formaldehyde emissions from plywood facilities in 2004. The agency declined to regulate natural gas turbines, which also emit formaldehyde, until staff finished an update of the IRIS assessment.

But sources say the upcoming EPA assessment is anticipated to be more stringent than existing risk-based standards for formaldehyde, given new data -- from NCI and a controversial Chinese worker study -- suggesting that exposure to formaldehyde could be linked with leukemia.

These studies are hotly disputed by industry, which argues that there is no known biological way in which formaldehyde can enter the bloodstream to cause cancer. Shifting EPA's cancer risk numbers from nasal cancers -- widely agreed can be caused by formaldehyde exposure -- would lead to more stringent risk numbers in part because leukemia is far more prevalent than nasal cancers.

“The implication that it causes leukemia, so much biology is seemingly ignored to come to that conclusion,” an industry source says. “The whole idea of setting a number so much lower than what we exhale -- we’re emitting 1 to 2 parts per billion with our breath -- I don’t know if we’ve ever seen anything like this. Formaldehyde is . . . present in every living cell, and if you didn’t have it, you’d die.”

Inhalation Risk

Federal government sources indicate that the inhalation cancer risk number in the draft document -- also known as the inhalation unit risk (IUR) -- are “likely to be 10 times more potent,” or health protective than those listed for vinyl chloride and benzene, both chemicals that are known human carcinogens.

EPA presents a range of IURs for both benzene and vinyl chloride on its website, all measured in terms of 10-6 micrograms per cubic meter of air (ug/m3). The 2000 benzene assessment provides an IUR range of 2.2x10-6 -- 7.8x10-6 ug/m3. Vinyl chloride’s IUR range, also published in 2000, is 4.4x10-6 -- 8.8x10-6 ug/m3. EPA’s existing IRIS assessment, also published on its website and dating from 1991, provides an IUR of 1.3x10-5 ug/m3.

Whatever the exact number, it would be thousands of times more stringent than the industry-funded modeling data EPA used to craft its plywood MACT. That number is some 10,000 times less stringent than EPA’s existing IRIS number -- and the revised draft is expected to be more stringent in turn.

Though there have been hints that EPA staff intended to base the risk numbers in the new draft on human epidemiological endpoints, using leukemia, and not nasal cancer, as the basis for concern, EPA staff discussed more evidence of links between formaldehyde exposure and leukemia in presentations earlier this spring at the annual meeting of the Society of Toxicology.

EPA staff presented two posters in which they sought to explore the link between formaldehyde exposure and leukemia, though they emphasized that their research does not represent EPA’s position.

The first poster, presented by EPA scientists Danielle DeVoney, John Whalen and Babasaheb Sonawane, found for the first time another animal toxicology study that supports a controversial study published by the Italian Ramazzini Institute in 2002 linking formaldehyde exposure to leukemia.

Industry has protested EPA’s use of Ramazzini studies in other recently released draft IRIS assessments, including those for methanol and the fuel additive ethyl tertiary butyl ether. In both cases, industry argued that their results were not supported by other studies, due to the unusual nature of the Ramazzini study design. One of the signature features of Ramazzini studies is that they are lifetime studies, rather than the two year-long studies usually used by regulatory agencies in the U.S. A Ramazzini source tells

Risk Policy Report that the lab's studies are designed this way as part of the lab's efforts to ensure that their studies mimic lifetime human exposure.

EPA staff say in their poster that a 1999 study conducted by Battelle Laboratories provides "detailed organ histopathology data . . . available for analysis." The study exposed rats and mice to formaldehyde for up to two years. "Our analysis revealed evidence for increased lymphoma in female B6C3F1 mice (28 percent versus 18 percent) and increased leukemias in female F344 rats (24 percent versus 15 percent)," according to the abstract.

The poster from EPA staff noted that unpublished data from the Battelle study "are consistent with increased formaldehyde-induced lymphohematopoitic malignancies reported" in the Ramazzini study, according to the abstract. This data was considered by the International Agency for Research on Cancer last fall when it determined that formaldehyde is a human carcinogen, an EPA source says.

An expert panel that considered formaldehyde for the National Toxicology Program also considered formaldehyde a known human carcinogen, but did not consider the Battelle data because it was unpublished, the agency source says. "Overall, these two studies [Battelle's and Ramazzini's] provide support for the plausibility of formaldehyde-induced lymphohematopoietic cancer," the abstract concludes. The abstract indicates that it "does not necessarily reflect EPA policy."

The second poster, also authored by the same EPA staff along with colleague Thomas Bateson, considers the different types of leukemia presented in two epidemiological studies, the most recent NCI data on industrial workers and a 1990 study of garment workers. "Available data were analyzed by etiologically-related subtype in an effort to better understand which disease, or disease groupings are consistently associated with formaldehyde exposure, thereby providing a better basis for judging biological plausibility," according to the second abstract. It also indicates that it "does not necessarily reflect EPA policy."

The results "suggest" that the increases of leukemia in the data were not due to an increase in one particular subtype, as had been thought from the NCI data. "The finding of positive association for the lymphoid subtypes, especially Hodgkin's disease, multiple myeloma and other diseases which arise from mature lymphocytes, reframes the debate on the biological plausibility of formaldehyde-induced lymphohematopoietic malignancies," according to the abstract. -- *Maria Hegstad*

WATER

==========

Chesapeake Bay settlement has EPA agreeing to enforce pollution reduction goals (*Washington Post*)

By Ashley Halsey III
Washington Post Staff Writer
Wednesday, May 12, 2010; A01

The Environmental Protection Agency will be legally bound to clean the soiled waters of the Chesapeake Bay after reaching an agreement Tuesday to enforce tough new standards for pollution reduction.

The settlement reached to end a lawsuit brought by bay advocates has potentially far-reaching consequences for the bay's watershed, a huge sweep of territory from Upstate New York to the Shenandoah Valley.

The pollution reductions could affect how lawns and farm fields are fertilized; how livestock is managed; what sewage treatment costs taxpayers; where housing developments, office complexes and shopping centers can be built; and other aspects of life with the potential to taint the water that flows into the 200-mile-long bay.

Tuesday's agreement is the latest in a series of landmarks that so far have not survived the test of time. They began with the Clean Water Act in 1972, which was followed by Chesapeake Bay agreements in 1983, 1987 and 2000. Those efforts all faltered, with much finger-pointing, as federal overseers sought to manage a coalition of states whose enthusiasm and commitment often were fractured by parochial issues.

This time, there are several differences, foremost among them that the EPA is legally obligated to achieve the goals established in the settlement. The agency has agreed to force states to do what has not been done voluntarily in the past. In addition, the Obama administration has demonstrated the political will to tackle bay pollution, beginning a year ago with an executive order empowering the EPA to set more stringent standards and penalize states that failed to meet them.

"For the first time in bay history, the EPA has said in a legally enforceable document that 'We are responsible for bay restoration,' " said Jon A. Mueller, a lawyer for the Chesapeake Bay Foundation, one of the lead groups in the lawsuit filed last year.

Mueller said advocates would return to court if the EPA misses targets.

"We share the goals," said EPA Deputy Administrator Bob Perciasepe, a former secretary of the environment in Maryland. "EPA will be there and will be living up to these commitments. We want the states to take the leadership here, but we are going to be developing a stronger federal backstop than ever existed before."

Under the agreement, the EPA will mandate that states limit their nitrogen, phosphorus and sediment flow into the bay in compliance with an overall daily maximum being formulated by the federal agency.

Calculating the maximum volume of pollution that can be absorbed by a healthy bay that draws from a 64,000-square-mile watershed is a monumental challenge. Each of the six states and the District must develop a plan to comply with the limits. States that violate the limits could be denied federal funds or construction permits for major developments.

Nitrogen, primarily from farm fertilizer but from lawn use as well, is the single leading cause of pollution in the bay. Farm runoff is also blamed for half of the phosphorus entering the bay.

The EPA has also agreed to formulate regulations to control barnyard pollution. With advancements in sewage treatment plants, manure has surpassed human waste as a bay pollutant.

"This agreement is a game changer," said William C. Baker, bay foundation president. "In 1983, 1987 and 2000, those were good words on paper, but this is a legal document. We've had promises before but never a legal document."

Despite the optimism, Baker said his group harbors a "healthy skepticism" and will scrutinize the EPA's compliance.

The lawsuit, in which the foundation joined with watermen, fishermen and several public officials, was filed after state governments and the EPA admitted three years ago that they would fall far short of meeting bay cleanup goals set under the 2000 agreement.

Despite spending almost $6 billion over a quarter-century to try to restore the bay, it still had just as many heavily polluted "dead zones" as it did at the outset. Over the course of those decades, the EPA presented overly rosy progress reports, officials later conceded, for fear that more truthful accounts would jeopardize annual funding that hovered around $20 million in the 1990s.

As indicators of distress abounded -- oysters virtually disappeared, critical underwater grasses died and the crab population that breeds in that grass declined -- and the population in the bay watershed mushroomed to 17 million, the charade continued until the 2007 admission that goals set for 2010 weren't remotely close to being realized.

Bernie Fowler, a former waterman and Maryland state senator from Calvert County, was among the lawsuit plaintiffs who expressed satisfaction with Tuesday's settlement.

"After 40 years of personal involvement," said Fowler, 86, "I'm beginning to see a little light at the end of the tunnel."

New Dome Is Prepared To Contain Leaking Oil (*New York Times*)

May 11, 2010 Tuesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 12
By CLIFFORD KRAUSS and SUSAN SAULNY; Clifford Krauss reported from Houston, and Susan Saulny from New Orleans.
HOUSTON -- After a 98-ton steel containment dome failed to stop a leak that continues to pour oil from a runaway well in the Gulf of Mexico, BP executives said on Monday that they would take another attempt at stemming some of the flow later this week with a far smaller containment device.

An estimated 5,000 barrels of oil a day has been spilling into the gulf since the April 20 explosion on the Deepwater Horizon drilling rig leased by BP 50 miles offshore. Ever since, the company has tried one highly technical maneuver after another with little success.

Heavy winds and choppy seas became another challenge on Monday, with workers on cleanup vessels forced to wear respirators to protect themselves from fumes coming from burning the oil slick. "This is a very challenging environment to work in," Doug Suttles, BP's chief operating officer for exploration and production, told reporters at a briefing in Robert, La.

With no chance of capping the well in the next few days, the company was left with few options except shooting a chemical dispersant from a remote-controlled submarine robot into the thick of the leak, 5,000 feet under the gulf.

The company used the dispersant last week, but suspended the operation so the **Environmental Protection Agency** could begin to test the potential impact on the environment. Workers began spraying the dispersant again Monday, and BP executives said they had successfully broken up much of the oil and kept much of it from reaching the surface.

In another containment effort, National Guard helicopters in Louisiana's Lafourche Parish dropped sandbags onto outlying island beaches on Monday in an attempt to safeguard the area's wetlands.

BP executives concede that containment has been easier than plugging the leak, which must be the ultimate solution to the problem well. Officials had hoped that a four-story, 98-ton containment dome deployed over the weekend would funnel 85 percent of the leak from the riser pipe to a pipeline connected to a containment ship. But it became clogged by an unexpectedly high buildup of gas hydrates, crystal structures that form when gas and water mix in the low temperatures and high pressures of deep ocean waters.

The new hope is that a far smaller, two-ton container, known as a top hat, will capture less seawater, eliminating some of the risk of hydrate formation at its opening. But Tony Hayward, BP's chief executive, acknowledged on Monday that due to the container's much smaller size, "It's unlikely to be as effective in capturing all the oil."

The **E.P.A.** has also given BP permission to inject methanol into the containment dome as the equivalent of antifreeze in another effort to keep the gas hydrates from clogging the system.

The containment vessel will be lowered while still attached to a drill ship. Kent Wells, a BP senior vice president for exploration and production, compared the operation to "heart surgery under 5,000 feet" of water.

The work is monitored around the clock from a crisis management center at BP headquarters in Houston, where BP technicians, along with technicians from other oil companies and government officials, view a bank of three-dimensional seismic images transmitted to them by the submarine robots.

As early as next week, the company is preparing to execute a technique called a "junk shot," reconfiguring the crippled blowout preventer above the well and injecting golf balls, pieces of rubber tire, knots of rope and other materials to choke off the well.

The technique was used to stop leaking Kuwaiti wells that Saddam Hussein's army set on fire during the Persian Gulf war, but it has never been tried at such depths below water.

"There's a little bit of science to it, even if it sounds odd," Mr. Wells said.

If nothing else succeeds, BP has begun drilling one relief well and is planning another. One will intercept the leaking well and fill it with concrete to close it for good. But the wells take 90 days to complete.

"It's clearly a situation that is serious for BP," Mr. Hayward said. "The relief wells ultimately will be successful."

URL: http://www.nytimes.com

Chesapeake Bay Foundation settles suit against EPA (*Associated Press*)

This story also appeared: *Washington Post, Baltimore Sun, Boston Globe*

By ALEX DOMINGUEZ
The Associated Press
Tuesday, May 11, 2010; 1:11 PM

ANNAPOLIS, Md. -- The Chesapeake Bay Foundation has settled its lawsuit against the Environmental Protection Agency, calling it a "game changer" for the health of the nation's largest estuary.

The foundation had sued the federal agency over the slow pace of Chesapeake cleanup efforts, but put the suit on hold while the EPA developed a restoration strategy.

The settlement made public Tuesday comes a day before the EPA is to announce a strategy mandated last year under executive order by President Barack Obama.

The foundation says that unlike previous agreements, the settlement is a legally enforceable commitment requiring EPA to take specific actions to cut certain pollutants.

An EPA Deputy Administrator, Bob Perciasepe, has said the agency shares the foundation's goals.

CBF lawsuit against EPA settled (*Washington Post*)

By Monica Norton | May 11, 2010; 11:18 AM ET
The Chesapeake Bay Foundation announced Tuesday that they have reached an agreement with the Environmental Protection Agency to end their lawsuit after the agency agreed to a settlement that requires mandatory pollution reductions across the watershed.
The settlement requires the EPA to take specific actions by certain dates to ensure that pollution to the Bay, local rivers and streams is reduced enough to remove them from the dirty waters list.

Stay with the Post for more details.

Obama Seeks to Split Agency That Monitors Oil Drilling (*New York Times*)

By SHERYL GAY STOLBERG and JOHN M. BRODER
May 11, 2010
WASHINGTON — President Obama is proposing to split the agency that oversees offshore oil drilling into two parts, one to inspect oil rigs and enforce safety and the other to oversee leases for drilling and collect royalties, the White House said Tuesday.

The shift would be the first major structural change in government regulation of oil and gas operations since the destructive Gulf Coast oil spill that began on April 20.

Interior Secretary Ken Salazar, who announced the change in an afternoon news conference, said that he intended to create a safety and environmental enforcement bureau separate from the minerals service leasing and revenue collection duties.

“The job of ensuring energy companies are following the law and protecting the safety of their workers and the environment is a big one, and should be independent from other missions of the agency,” Mr. Salazar said. “We will responsibly and thoughtfully move to establish independence and separation for this critical mission so that the American people know they have a strong and independent organization holding energy companies accountable and in compliance with the law of the land.”

Mr. Salazar said that he was asking the National Academy of Engineering to conduct an independent study of the causes of the Deepwater Horizon drilling accident and requesting additional funding for inspections of offshore drilling operations. And he also announced that the administration would propose eliminating the current 30-day deadline for acting on oil and gas exploration plans, extending the review period to 90 days or longer if needed to perform thorough assessments of potential environmental harm.

The Minerals Management Service has been caught up in scandals repeatedly in recent years and has been accused of being too cozy with the industry it is supposed to regulate. Its current mission includes collecting royalties and negotiating leases while at the same time acting as a policeman, overseeing safety and environmental protection rules.

The minerals service supervises one of the federal government’s largest sources of revenue after personal and corporate income taxes. It collects an average of $13 billion a year in royalties and fees from oil and gas on public and Indian lands and offshore.

The proposal to divide the agency reflects the shift in attitude by the Obama White House since the Gulf spill began. In March, a few weeks before the drilling-rig explosion and fire that led to the spill, the president laid out plans for comprehensive energy legislation that called for new offshore drilling in the Atlantic Ocean from Delaware to central Florida. That legislation faced an uncertain path in the Senate even before the accident.

After the spill, Mr. Obama suspended his oil drilling plan, saying his administration would not approve any new offshore leases unless rigs had new safeguards.

Mr. Salazar's announcement on Tuesday coincided with hearings about the disaster on Capitol Hill, where members of Congress grilled executives of BP, the oil company responsible for the sunken rig and leaking well, as well as its chief contractors, Transocean and Halliburton.

The White House has been trying to respond aggressively to the April 20 disaster in hopes of avoiding comparisons between the spill, which is threatening wildlife and causing widespread environmental damage off the coast of Louisiana, and Hurricane Katrina, which devastated the same region in 2005.

The White House press secretary, Robert Gibbs, announced the proposed changes in the mineral agency Tuesday morning over Twitter.

Mr. Salazar came to office last year promising to clean house at the agency, where officials in the Denver office were found to have accepted lavish gifts and travel and engaged in sex and drug use with oil company officials. The former Interior Department Inspector General, Earl E. Devaney, described the agency as an ethical wasteland and repeatedly called for fundamental reforms.

The agency has also historically lacked the staff and money needed to adequately police the large and lucrative oil industry, and has instead often relied on the industry's assurances that its practices were safe. Under the Bush administration, the agency was run by two officials from Wyoming with ties to former Vice President Dick Cheney, himself a former chief executive of Halliburton, one of the world's largest oilfield service firms.

Mr. Salazar instituted a new code of conduct for the agency's officials and halted a royalty program that allowed oil companies to keep billions of dollars in payments that were owed to the government.

Other countries have moved to end the conflicts of interest that are inherent in having a single agency responsible both for encouraging production and for enforcing oil drilling safety regulations. Norway created a separate safety agency in 2004, and Australia in 2005; both countries have extensive offshore oil and gas operations.

Referring to its Petroleum Safety Authority, the Norwegian Ministry of Labor said in an e-mailed statement, "When the P.S.A. was created, an important purpose was to create

even clearer borders between the authority for resources in the petroleum activities and the authority concerning health and safety issues."

Mr. Salazar's staff is conducting a study of offshore drilling policy and practices, and he is to report the findings to President Obama as the end of the month. He has also formed an offshore drilling oversight board to make recommendations about safety and environmental regulations that are needed.

Mr. Salazar has suspended almost all new offshore leases, including one already approved off the coast of Virginia.

In addition to the Congressional hearings on Tuesday, the United States Coast Guard and the mineral agency, which are conducting a separate investigation of the disaster, begin two days of public hearings in Louisiana on Tuesday.

With Utility MACT Looming, EPA Seek New State Steps To Limit Mercury (*Inside EPA*)

Tuesday, May 11, 2010
With the Obama EPA poised to issue a strict rule regulating mercury and other air toxics emissions from power plants nationwide, the agency is now urging regulators from upwind and downwind states to use a landmark Clean Water Act (CWA) meeting next month to develop additional "collaborative" approaches to limit depositions of the neurotoxin.

While the agency has agreed to a request from Northeast states to hold the first-time water act meeting to discuss ways to control pollution from sources outside their borders, the agency stopped short of making a formal determination that any of the 11 downwind states is contributing "significant" levels of mercury pollution that is harming Northeast waters -- a determination that could result in an uncertain regulatory regime.

Instead, EPA determined that the aggregate contribution from the downind states "in whole or in part is contributing to impairments" in the Northeast, according to EPA's response to the state's request.

One state source says the upcoming meeting could provide an important opportunity to coordinate multi-media approaches to control air emissions that travel among states and inhibit water quality. "I think historically there's been a lot of problems getting water and air programs in sync when they intersect," the source notes, adding that the Northeast states' petition to seek the first-time meeting "is an attempt to get that kind of traction."

EPA and state officials are quietly preparing for the first-of-its kind meeting next month at which New England regulators will press EPA and upwind states -- especially Pennsylvania -- to implement new controls on mercury emissions and take other actions to reduce mercury releases that New England states say are needed to meet water quality standards in the Northeast.

The meeting, triggered under a never-before-used provision of the CWA, stems from Northeast states' completion of a landmark regional total maximum daily load (TMDL) for mercury in 2007, in which the region's states observed that they could not limit mercury sufficiently to meet fish consumption and water quality standards unless upwind states cut their mercury emissions by up to 90 percent.

But the Bush administration declined to craft a rule that would require such stringent emissions limits, prompting the Northeast states to subsequently petition EPA in 2008 -- during the final months of the Bush administration -- to convene the conference under CWA section 319(g) to determine how best to reduce mercury pollution coming from nonpoint sources. Section 319(g) says that if states are not meeting their water quality standards "as a result, in whole or in part, of pollution from nonpoint sources in another state," EPA shall convene a conference "to develop an agreement among such states" to reduce pollution to improve water quality.

Scheduled for June 22-23 in Philadelphia, the closed-door conference will bring together regulators from the seven states that compiled the Northeast TMDL -- Connecticut, Maine, New Hampshire, New York, Rhode Island, Vermont and Massachusetts -- and 11 states that are contributing mercury pollution to the region -- Pennsylvania, New Jersey, Ohio, West Virginia, Maryland, Michigan, Virginia, Indiana, Kentucky, North Carolina and Illinois.

Mercury Deposition

Atmospheric deposition is responsible for nearly 98 percent of the total mercury load in the Northeast, but regulators have struggled to implement regulations on the primary sources of atmospheric mercury because the pollutant can travel from other states or countries and the power plants and industrial facilities that emit it are regulated as stationary source emissions under the Clean Air Act, rather than the CWA, which considers atmospheric deposition a nonpoint source.

But the Obama EPA has already announced that it will develop a power plant MACT, an issue that EPA will discuss at the upcoming conference while shifting the focus to state efforts to control mercury. "This information sharing [among states] would provide an understanding of mercury reduction efforts in other states and could form the basis for collaborative efforts as well as an opportunity for participants to benefit from others' experiences in reducing mercury sources," Denise Keehner, director of EPA's Office of Wetlands, Oceans & Watersheds, told EPA and state regulators in an April 26 memo on the upcoming meeting.

EPA is merely the “convener” of the conference and will provide a “facilitator” for the discussions, but “the nature and content of any agreement and/or followup actions emerging from the conference will be determined collectively by the state participants,” Keehner writes.

The memo notes that although states are the focus of the conference, EPA will provide an update on the agency’s MACT rulemaking for coal-fired utilities and other actions to reduce mercury but that the agency is seeking stakeholder input on the air toxics rule “apart from this conference.”

While EPA has declined to make a formal determination that any state is contributing significant amounts of harmful mercury emissions, the agency and states have nevertheless identified Pennsylvania as a significant contributor. Of the atmospheric mercury that is impairing waters in the Northeast, 30 percent comes from within the United States, and nearly half of that load comes from states outside the region. Pennsylvania is the largest single out-of-region contributor, responsible for about 22 percent of the domestic mercury impairing the northeast; the other 10 out-of-region states contribute between about 1 percent and 5.5 percent each, according to EPA.

While EPA is not singling out individual states for action, the issue of out-of-state contributions to Northeast water quality impairment is up for discussion at the conference. A draft schedule Keehner distributed includes presentations from the Northeast states on their TMDL, from EPA on its findings on the out-of-region contributions and from all participating states on their ongoing mercury reduction program experiences.

Support For Stringent MACT

Northeast state sources say they still plan to stress to EPA their support for a stringent power plant mercury MACT, but that they hope to explore other sectors where mercury reductions can be achieved from states within and outside the region, such as sewage sludge incinerators, municipal waste combustors and dental amalgam.

It is not clear what will come out of the conference, but one Northeast source says the primary question participants will be grappling with is, “How do you get mercury out of the product cycle?” The source says this conference should allow states and EPA to “get way beyond the discharge pipe and smokestack” in looking for ways to control mercury sources. “We don’t want these conversations to be bound by one particular statute or one particular regulation,” the source says.

For example, the source says participants would push EPA for national rules on amalgam separators, which activists have said should be required in dentists offices to separate mercury from fillings. Activists have estimated that eight to 10 tons of mercury from dental amalgam is flushed into waterways every year.

The Northeast source says participants in the conference also may develop model legislation that could be implemented at the state or federal level to give regulators more tools to control mercury pollution. “I think there’s a lot of ideas out there. We don’t need to create the solutions, we’re really at the, ‘How are we going to do this?’” the source says. “We know the sources [of mercury]. How are we going to get at them?”

An industry source says EPA seems to be taking a hands-off approach to the conference, judging by the identification of states as “primary participants” and EPA simply as the “convenor” in Keehner’s memo. The source also criticizes EPA’s decision to hold the conference behind closed doors. An EPA spokeswoman says in an e-mail that the agency plans to publicly release a “summary of the proceedings” but is not inviting public participation because the conference is aimed merely at “facilitating a dialogue” among the involved states and “is not a decision forum in which actions affecting stakeholders will be enacted. Any state actions that do emerge out of the conference would be enacted through state processes which have their own public involvement components.”

Sources say the conference could serve as a model for future proceedings to address similar issues such as nutrient pollution, although it is not clear at this point that other states are looking to the 319(g) petition process in other areas.

Meanwhile, EPA is continuing to explore how it could use controls on air emissions to control water pollution in other areas, such as reducing nutrients in the Chesapeake Bay. In a series of draft strategy reports released in September -- and expected to be finalized this month -- EPA proposed a series of steps to limit nitrogen oxide (NOx) emissions from power plants to limit nitrogen deposition in the Bay, including enforcing new source review, new source performance standards and state implementation plan requirements for NOx and by “obtaining either judgments or enforceable settlement agreements to install pollution control technology and incorporate best management practices to achieve NOx emissions reductions.”

Sources in states in the Chesapeake Bay airshed, which stretches from North Carolina to the Canadian border and as far west as Indiana, say little formal work has been done to implement new NOx controls specifically targeted at water quality, but they suspect some discussion of water quality needs will be included in EPA’s forthcoming replacement to the Clean Air Interstate Rule, which a federal court remanded to the agency in 2008. -- *Nick Juliano*

Site remains a stain in Wharton's fabric Tainted plant, land's future hinges on EPA water testing (*Star-Ledger*)

Newark, New Jersey

May 11, 2010 Tuesday
MORRIS EDITION
COUNTY NEWS; Pg. 013
Site remains a stain in Wharton's fabric Tainted plant, land's future hinges on EPA water testing

By Dan Goldberg, FOR THE STAR-LEDGER
There isn't much left.

A rusty building with broken windows, mounds of earth and a pile of tires in a large field.

This was once the heart of Wharton, the site of L.E. Carpenter, which employed hundreds of residents and provided a steady flow of tax revenue.

"They were very much a part of the fabric of our community," said Mayor Bill Chegwidden.

Now, the only activity at this **Environmental Protection Agency** Superfund site is groundwater testing, but borough officials hope the day will soon come when the land can be returned to the tax rolls.

The problem is that no one knows when that day will arrive.

It depends in part on the results from groundwater monitoring wells being installed on the 14.5 acre tract on North Main Street, part of an ongoing investigation into how contaminants are dissolving in the soil.

L.E. Carpenter manufactured vinyl in Wharton from the early 1900s until 1987.

During plant operations, various solid and liquid wastes were disposed of in on-site lagoons, located approximately 20 feet from the Rockaway River.

The 30-year-old Superfund program's goal is to clean up the most hazardous sites in the nation. The **EPA** priority is to track down those responsible for the pollution and force them to pay for the damage.

As part of the cleanup, L.E. Carpenter excavated more than 47,000 tons of contaminated soil.

"Give L.E. Carpenter all the credit in the world," Chegwidden said. "They have done a great job as a neighbor."

Representatives from L.E. Carpenter, based in Avon Lake, Ohio, did not return telephone calls seeking comment.

The chemicals most often found at the site are heavy metals (including lead and nickel) and polychlorinated biphenyls (PCBs).

Though much of it was removed, some chemicals remain in the soil to degrade. The monitoring wells are put in place to ensure that those chemicals are indeed being broken down.

In addition to the new wells, the **EPA** continues to test the groundwater, said Patricia Pierre, the **EPA's** project manager.

Samples are taken quarterly and measured to see if the chemicals in the ground -- specifically, volatile organics -- are being broken down or if further remediation is required.

Pierre said it was too soon to know the results.

"We would like to wait until we have enough data to determine a trend," Pierre said.

Though the site cannot yet be redeveloped, Morris County's plans to build a road through the property should begin in the next couple of months, said Jon Rheinhardt, the borough administrator.

The county road would connect East Dewey Avenue with North Main Street, two of Wharton's busiest roads.

"We have done a lot to alleviate congestion and traffic in town," Chegwidden said. "It's coming. It's a slow process but it's nice to see the pieces fit together."

Rheinhardt estimates the property eventually could bring in at least $1 million in ratables. "I think that could be on the light side, but it's difficult to say," he said.

There are no definitive plans for the site once the cleanup is finished, but Chegwidden said it will be zoned for light industrial use and he would prefer to see something that regains what was lost when GHE Lock Joint, L.E. Carpenter and Thatcher Glass left town in the 1980s.

"I don't want retail," Chegwidden said. "I want something that will produce lots of jobs, a place where people will go to work from 8 a.m. to 4:30 p.m."

Dan Goldberg is a reporter for the New Jersey Local News Service. He may be reached at (908) 243-6235 or dgoldberg@njlns.com

Effects of dispersants unclear, EPA official says (*Dallas Morning News*)

12:00 AM CDT on Wednesday, May 12, 2010
Dispersants' effects unclear, EPA says
WASHINGTON – A top Environmental Protection Agency official told a congressional hearing Tuesday that the agency doesn't know if chemical dispersants will work to break up the oil slick off the Gulf Coast – or what impact the chemicals might have on the environment.
Jim Jones, the EPA's deputy assistant administrator in charge of the Office of Chemical Safety and Pollution Prevention, told a Senate Environment and Public Works Committee panel that the Coast Guard and the EPA have authorized BP to test the dispersants underwater, "at the source of the leak."
Jones said the tests would show if the dispersants are breaking up the oil and slowing leak. But he said the EPA also wants to ensure that the dispersants work the way they are supposed to and that the agency can quantify the toxicity levels of the chemicals. Environmental groups contend that they could create a larger ecological disaster than the spill.

Posted: Wednesday, 12 May 2010 5:49AM

WSU Researchers: PCBs Still High In St. Clair shores Canals (*WWJ Newsradio 950*)

St. Clair Shores (WWJ) -- The Environmental Protection Agency has spent $11 million to clean up toxins from the canals in Saint Clair Shores, but
a team of Wayne State University researchers discovered PCB levels as high as ever.

The team of WSU geologists is even suggesting that people not eat fish caught from the canals along Revere and Lange Streets, near 10 Mile Road and Jefferson Avenue, even though no contaminants have been found in them.

Sediment samples found PCB levels of 1,700 parts per million, well above standards acceptable to the EPA.

One theory offered by Wayne State researchers: A 1983 tornado which knocked down utility poles and transformers filled with PCB oil. They theorize that oil has been seeping into the ground ever since, eventually into the canal drains.

PCB's, or polychlorinated biphenyls, are used in various industries as coolants and additives.

Published: Tuesday, May. 11, 2010 / Updated: Tuesday, May. 11, 2010 10:22 AM

Is coal ash public health concern? (*Lake Wylie Pilot*)

Lake Wylie's Belmont plant among three on Catawba in nationwide controversy
John Marks - jmarks@lakewyliepilot.com
LAKE WYLIE --
Some see potential economic benefits in coal ash, while others see the potential for endangering public safety. But experts on both sides say the rules governing the chemical byproduct could be changing.
Last week, the U.S. Environmental Protection Agency proposed new rules for the regulation of coal ash, the first set of national guidelines on safe disposal and management of the residual material created by combustion at coal power plants.
The options include listing coal ash as a hazardous material or as non-hazardous, as it is now. The hazardous material listing would require the installation of liners for liquid surface impoundments, phasing them out in favor of the landfill storage of coal ash in solid form. The non-hazardous option would still require liners, but would allow continued use of surface impoundments.
Currently plants dispose of coal ash as a liquid in large impoundments or in solid form in landfills. Coal ash, according to the EPA, contains mercury, cadmium, arsenic, selenium and lead, among other potentially harmful materials. The agency states that coal ash can cause "significant public health concerns" when not disposed of properly; it can seep into groundwater and end up in drinking water sources.
"The time has come for common-sense national protections to ensure the safe disposal of coal ash," said Lisa P. Jackson, agency administrator. "We're proposing strong steps to address the serious risk of groundwater contamination and threats to drinking water and we're also putting in place stronger safeguards against structural failures of coal ash impoundments. The health and the environment of all communities must be protected."
Last summer, the coal ash controversy came to a head locally when the EPA listed three Duke Energy impoundments on the Catawba River north of Lake Wylie as among 44 "high hazard potential" sites nationwide. In all, the list included 10 company sites. Duke argued the listing only considered the potential impact of coal ash contamination, not the likelihood that one would occur, making local populations and proximity to drinking water the only reasons one pond at Allen Steam Plant in Belmont and two at Riverbend in Mount Holly made the list. Catawba Riverkeeper David Merryman argued the ponds put the drinking water of as many as 2 million people in "direct, immediate risk."
"These are engineered ash basins," said Andy Thompson, spokesman for Duke. "They did inspect Plant Allen in 2009, and they gave us the highest rating they could give us. Our goal is safety, just as the EPA's goal is safety. We agree on that."
Thompson said the existing classification of coal ash as "non-hazardous" should be upheld, and that "nothing has occurred to warrant a change in that." He agrees that companies like Duke and the EPA should look for safer and better ways to protect against contamination, but does not believe coal ash ponds should be eliminated.
"From our perspective the designation of coal ash should not change," Thompson said. "Coal combustion byproduct right now is regulated as a non-hazardous material. We

believe when you compare the makeup of coal ash and its composition to the makeup of other non-hazardous materials, they're very similar."
Merryman disagrees. His group favors the hazardous listing and the elimination of ash basins, which he says create a risk to water supplies.
"Our Catawba River – our drinking water supply – deserves absolute assurances that the four coal ash ponds along its banks will be cleaned-out, lined, monitored and closed for usage as soon as possible," Merryman said. "(The hazardous listing option) provides those assurances."
One point made clear by the EPA is that "beneficial uses" of the residue will continue to be explored. Currently coal ash byproducts can be used in gypsum, wallboard, concrete, cement and other materials.
"Environmentally sound beneficial uses of ash conserve resources, reduce greenhouse gas emissions, lessen the need for waste disposal units and provide significant domestic economic benefits," said Mathy Stanislaus, assistant administrator for the EPA Office of Solid Waste and Emergency Response. "This proposal will clearly differentiate these uses from coal ash disposal and assure that safe beneficial uses are not restricted and in fact are encouraged."
One point agreed on by environmentalists and coal plant power producers is the 90-day comment period and accompanying rule can bring attention, and hopefully safer methods, to coal ash disposal.
"The four coal ash ponds along the Catawba River have long been under the radar," Merryman said. "These proposed rules are a first step toward helping protect our drinking water supply."

More residents sue Sandvik over pollution concerns (*Times Tribune*)

By Erin L. Nissley (Staff Writer)
Published: May 12, 2010
Three months after a federal judge approved a settlement that requires the construction of a public water line and one-time payments of up to $16,000 to more than 20 people who live near Ivy Industrial Park, more than 100 people have filed a lawsuit against the three companies responsible for pollution.

The lawsuit, filed in county court last week, is the third pending civil action against Sandvik Inc., Bostik Inc. and Metso Paper USA Inc.

In February, U.S. District Judge A. Richard Caputo approved a settlement that required Metso and Sandvik to install a water line to serve properties in the area where contamination was discovered and to pay for people named in the settlement to hook up to public water.

The water line cost more than $20 million to install; the settlement also called for payments between $8,000 and $16,000 depending on how much contamination was

found in well water, and payments of $4,000 for any property within the contaminated area that did not have a contaminated well.

In February 2009, letters were mailed to more than 400 homes within the contaminated area asking them to decide whether to accept or reject the settlement offer. Between 20 and 25 plaintiffs were included in the class action settlement, said attorney Thomas Marrone.

"The claims have been paid and the money was enough to compensate these people for their loss," Mr. Marrone said. "I've had nothing but positive feedback."

In 2005, officials discovered that groundwater near Ivy Industrial Park was contaminated with trichloroethylene, or TCE, and tetrachloroethylene, or PCE. TCE has been known to cause several types of cancer as well as neurotoxicity, developmental toxicity, liver toxicity and kidney toxicity if it is ingested or absorbed through the skin, according to reports issued by the federal Environmental Protection Agency.

Over the next four years, testing by the state Department of Health and the federal Department of Health and Human Services determined there was no apparent public health hazard, according to court documents.

Residents continue to be concerned and have filed several lawsuits in an attempt to hold Sandvik, Metso and Bostik accountable.

The newest lawsuit was filed by attorney David J. Gromelski on behalf of more than 100 people who live near or own property within the contaminated area. In it, residents accuse the companies of failing to clean up spills and remedy leaks and notify authorities of the spills and leaks. The lawsuit asks for an unspecified amount of money for actual, compensatory and exemplary damages.

"These are people who rejected the class action settlement ... or were not eligible to participate in it," Mr. Gromelski said.

Contact the writer: enissley@timesshamrock.com

****

E-Clips contain copyrighted materials and are made available to designated recipients. Neither the E-Clips nor any individual article within may be further distributed.

****