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ADMINISTRATOR JACKSON

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June 29, 2010

Jamie Mayo interviewed on MSNBC; meets with EPA administrator Wednesday (*Monroe News Star*)

By Stacy Temple
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Monroe Mayor Jamie Mayo discussed the oil spill in the Gulf of Mexico and environmental concerns on a live national news broadcast on Tuesday.

Mayo was a guest on Andrea Mitchell Reports, an MSNBC cable news show that airs Monday through Friday from noon until 1 p.m. central standard time.

Mayo is in Washington, D.C. attending a training seminar for the National Conference of Black Mayors called “Green the City.”

While on the newscast, Mitchell questioned Mayo about the devastating and lasting effects of the oil spill on Louisiana’s economy. He was interviewed along with Buck Lee of the Santa Rosa Island Authority in Pensacola, Fla. Information about Vice President Joe Biden’s trip to the Gulf Coast flashed at the bottom of the screen during the short interview.

After clarifying that he is mayor of Monroe, a city in the northeast quadrant of the state, Mayo told her the entire state has been affected in one way or another by the oil leaking in the Gulf of Mexico.

After hearing about the Florida beaches from Lee, Mayo was then asked about his green efforts and his thoughts on the Comprehensive Energy Bill, particularly off-shore oil drilling in the Gulf of Mexico

Lee said that Florida does not support off-shore drilling simply because it interferes with the “large military contention” in Gulf waters off the coast of Pensacola and Fort Walton Beach.

“We realize there is a difference in opinions and that is why we are here,” Mayo said. “To get both parties to come together on a comprehensive plan.”

Mayo said he hopes the bill will be “considerate” to the common man as well as the environment.

Mayo and 25 other mayors will meet with White House officials and the Environmental Protection Agency Administrator Lisa Jackson on Wednesday to discuss the bill.

Mayo highlighted all of Monroe’s “green” programs during the “Green the City” program

earlier this week and he said he hopes to bring more ideas back to the city on how to conserve energy, recycling plans and other initiatives.

The “Green the City” initiative began in 2009 in response to President Barack Obama’s agenda promoting clean energy innovation.

Coast is Clear According to EPA (*Hollywood Backstage*)

By Jason Strombowski
Hollywood Backstage Staff Writer
Tuesday, June 29, 2010

NEW ORLEANS (Hollywood Backstage) - According to the EPA, their is little sign of any impact to the air, water and beaches from the BP Oil Spill. The Environmental Protection Agency, headed by Administrator Jackson, {link to Ms. Jackson's facebook page} has promised from the beginning of the spill to be monitoring closely the ocean waters, the air in the Gulf of Mexico, and the surrounding beaches and the fragile marine estuaries. The EPA has many monitoring stations surrounding the oil spill. Nearly every report that has come from the EPA shows little to no effect from the oil spill and no air quality degradation from the controlled burns and toxic dispersant released into the water.

EPA has observed odor-causing pollutants associated with oil on the shore in the gulf region at low levels. Some of these chemicals may cause short-lived effects like headache, eye, nose and throat irritation, or nausea. Some people may be able to smell several of these chemicals at levels well below those that would cause short-term health problems.

Surface water results collected along the Gulf coast on June 15, 18, 20, & 21, 2010 found no compounds exceeding chronic water benchmarks.

Sediment samples collected June 20, 2010 along the Gulf coast did not reveal elevated levels for chemicals that are usually found in oil.

* For information about validated environmental air and water sampling results, visit www.epa.gov/bpspill.

Secretary Napolitano and Carol Browner Visit to New Orleans to Inspect the Response

Homeland Security Secretary Janet Napolitano and Assistant to the President for Energy and Climate Change Policy Carol Browner traveled to New Orleans to receive updates from National Incident Commander Admiral Thad Allen and senior federal officials leading the frontline response to the BP oil spill.

In their meetings, Secretary Napolitano and Ms. Browner discussed ongoing efforts to prevent oil from reaching the shoreline along the Gulf Coast and to mitigate its impact where it does. They were also joined by Federal Emergency Management Agency Administrator Craig Fugate for a portion of the briefings to discuss preparations in the event a hurricane or tropical storm should strike the Gulf Coast.

Admiral Allen, Secretary Napolitano & Carol Browner Provide Daily Operational Update

Secretary Napolitano and Carol Browner joined Admiral Allen to provide a briefing to inform the American public and answer questions on the progress of the administration-wide response to the BP oil spill. Secretary Napolitano and Ms. Browner reiterated that the federal government's aggressive response efforts and oversight of BP will continue until BP stops its leaking well, the damage is cleaned up, and Gulf Coast communities are made whole, and stressed that the federal government is working closely with state and local authorities to ensure that they have the resources they need to meet the evolving threat from this oil spill.

BP Continues to Optimize Oil Recovery Rates from its Leaking Well

Under the direction of the federal government, BP continues to capture some oil and burn gas at the surface using its containment dome technique—collecting oil aboard the Discoverer Enterprise, which is linked by a fixed riser pipe to the wellhead, and flaring off additional oil and gas on the Q4000, which is connected to the choke line. BP has finished installing the first free standing riser, which has greater survivability than a fixed riser and will be connected to a third vessel, the Helix Producer—a redundancy measure also taken under the direction of the federal government.

Progress Continues in Drilling Relief Wells; Ranging Process Continues

The Development Driller III continues to drill the first relief well to a depth of approximately 16,545 feet. The Development Driller II has drilled the second relief well—a redundancy measure taken at the direction of the administration—to a depth of more than 12,000 feet below the Gulf surface.

BP continues the "ranging" process—which involves periodically withdrawing the drill pipe and sending an electrical signal down to determine how close they are getting to the wellbore.

NOAA-Supported Scientists Predict Increase in Area Containing Depleted Oxygen Levels

While it is unclear what impact, if any, will be linked to the BP Deepwater Horizon oil spill, a team of NOAA-supported scientists from the Louisiana Universities Marine Consortium, Louisiana State University, and the University of Michigan, predict that the northern Gulf of Mexico hypoxic zone, an underwater area with little or no oxygen

known commonly as the “dead zone,” could be larger than the recent average by 500-1,800 square miles.

This forecast is based on Mississippi River nutrient flows compiled annually by the U.S. Geological Survey. Dead zones off the coast of Louisiana and Texas are caused by nutrient runoff, principally from agricultural activity, which stimulates an overgrowth of algae that sinks, decomposes, and consumes most of the life-giving oxygen supply in the water. The federal government continues to engage the best scientific minds available to monitor the impacts of the BP oil spill on all aspects of the environment, including oxygen levels in the water column.

NOAA Expands Fishing Restriction in the Gulf; More than 66 Percent Remains Open

As part of continued efforts to ensure the safety of seafood from the Gulf of Mexico and protect consumers, NOAA has expanded the closed fishing area in the Gulf of Mexico to include portions of the oil slick moving beyond the area’s current northern boundary, off the Florida panhandle’s federal-state waterline. This boundary was moved eastward to Cape San Blas. The closed area now represents 80,228 square miles—approximately 33.2 percent—of federal waters in the Gulf of Mexico. This closure does not apply to any state waters. This leaves more than 66 percent of Gulf federal waters available for fishing.

Approved SBA Economic Injury Assistance Loans Top $8 Million

SBA has approved 121 economic injury assistance loans to date, totaling more than $8 million for small businesses in the Gulf Coast impacted by the BP oil spill. Additionally, the agency has granted deferments on 493 existing SBA disaster loans in the region, totaling more than $2.25 million per month in payments. For information on assistance loans for affected businesses, call (800) 659-2955 (800-877-8339 for the hearing impaired).

Administration Continues to Oversee BP’s Claims Process

The administration will continue to hold the responsible parties accountable for repairing the damage, and repaying Americans who’ve suffered a financial loss as a result of the BP oil spill. To date, 82,351 claims have been opened, from which more than $128.4 million have been disbursed. No claims have been denied to date. There are 933 claims adjusters on the ground. To file a claim, call BP’s helpline at 1-800-440-0858. Those who have already pursued the BP claims process and are not satisfied with BP’s resolution can call the Coast Guard at (800) 280-7118.

By the Numbers to Date:

* The administration has authorized the deployment of 17,500 National Guard troops from Gulf Coast states to respond to this crisis; currently, 1,675 are active.

* Approximately 38,600 personnel are currently responding to protect the shoreline and wildlife and cleanup vital coastlines.

* More than 7,200 vessels are currently responding on site, including skimmers, tugs, barges, and recovery vessels to assist in containment and cleanup efforts—in addition to dozens of aircraft, remotely operated vehicles, and multiple mobile offshore drilling units.

* Approximately 2.75 million feet of containment boom and 4.86 million feet of sorbent boom have been deployed to contain the spill—and approximately 883,000 feet of containment boom and 2.14 million feet of sorbent boom are available.

* More than 28.2 million gallons of an oil-water mix have been recovered.

* Approximately 1.58 million gallons of total dispersant have been applied—1.03 million on the surface and 552,000 sub-sea. More than 446,000 gallons are available.

* 275 controlled burns have been conducted, efficiently removing a total of approximately 10 million gallons of oil from the open water in an effort to protect shoreline and wildlife. Because calculations on the volume of oil burned can take more than 48 hours, the reported total volume may not reflect the most recent controlled burns.

* 17 staging areas are in place to protect sensitive shorelines.

* Approximately 213 miles of Gulf Coast shoreline is currently oiled—approximately 69 miles in Louisiana, 45 miles in Mississippi, 45 miles in Alabama, and 54 miles in Florida. These numbers reflect a daily snapshot of shoreline currently experiencing impacts from oil so that planning and field operations can more quickly respond to new impacts; they do not include cumulative impacts to date, or shoreline that has already been cleared.

* Approximately 80,228 square miles of Gulf of Mexico federal waters remain closed to fishing in order to balance economic and public health concerns. More than 66 percent remains open.

* To date, the administration has leveraged assets and skills from numerous foreign countries and international organizations as part of this historic, all-hands-on-deck response, including Canada, Germany, Mexico, Netherlands, Norway, the United Nations' International Maritime Organization and the European Union's Monitoring and Information Centre.

AIR

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Murchison: A bogus air quality argument even judges can see through (Fort Worth Star-Telegram)

June 30, 2010
The word federalism carries for many the smell of the "poli-sci" lecture hall or the secondhand college textbook. That's until we start to see what it can mean in the lives of real people.

And Texas Attorney General Greg Abbott's mid-June intervention against the U.S. Environmental Protection Agency affects real people, not to mention real jobs and real liberties.

Abbott wants the 5th U.S. Circuit Court of Appeals to block the EPA from shoving Texas aside in the quest for clean air.

Texas' guidelines for regulating industrial air pollution were devised under a 1995 legislative mandate and filed the following year with the EPA, which let them lie on the table without action. No longer! A new EPA administrator for Texas has begun taking over the permitting process for industrial plants, including the refineries in Texas and neighboring states that make up 50 percent of national capacity.

It's odd. Very odd. The Texas rules, you see, appear to work. Under them, Abbott says, Texas has reduced ozone emissions by 22 percent and nitrogen oxide (NOx) by 46 percent. Pretty good, especially when compared with the national rate of reductions -- 8 percent for ozone, 27 percent for NOx.

Better still, Texas has achieved these reductions while growing economically and maintaining one of the nation's lowest unemployment rates.

Naturally one wouldn't wish to impute malignant motives to a federal agency -- would one? But prudence usually dictates that when a policy works, you let it go on working, even encourage it to work even better. That's not precisely the EPA line.

EPA insists Texas air is cleaner in spite of the Texas system, which aims at overall success by streamlining regulatory requirements and regulating emissions from entire plants, rather weighing this smokestack against that one. Texas says it complies rigorously with federal mandates not to increase emissions or release new contaminants.

A few deft rhetorical strokes can't do justice to the complexity of scientific arguments on anything. The federalism question -- having to do with who makes rules for the people most directly affected by those rules -- speaks to the ways we live together and who controls what.

The Clean Air Act of 1970, as Abbott notes, makes air pollution prevention the primary responsibility of states and local governments. Another section of the same act, Abbott says, assigns primary responsibility to states for assuring air quality within their borders. That's just what Texas thought it was doing all along, giving due regard for air quality and also the jobs of those who breathe the air.

A state-by-state approach to regulation entails risk of one kind. (What if somebody doesn't get it right?) But a draconian, one-size-fits-all approach, imposed from the top would seem to entail even larger risks. What if the Big Plan doesn't get it right? What if the whole nation, rather than just one component of that nation, over-regulates, over-exacts, over-requires?

The beauty of the Tenth Amendment to the Constitution is the trust it puts in the instincts and motives of the people nearest a given challenge: people who just might understand or suspect something their more distant counterparts don't.

To assert that Texas would deliberately expose Texans to bad air -- because that's what the EPA seems to mean -- is an insulting and basically ludicrous accusation. That the federal government knows more about Texas air than people who breathe that air every day is a truly arrogant presumption -- one we can hope the judges of the 5th Circuit Court will, because the air is already so clean, see through.

Bill Murchison is a senior research fellow with the Lewisville-based Institute for Policy Innovation. www.ipi.org

Austin American-Statesman/Ralph Barrera via AP

Texas Attorney General Greg Abbott is asking the 5th U.S. Circuit Court of Appeals to block EPA action

EPA Issues Greenhouse Gas Reporting Requirements For Four Emissions Sources (*Pollution Online*)

June 30, 2010
The U.S. Environmental Protection Agency (EPA) is finalizing requirements under its national mandatory greenhouse gas (GHG) reporting program for underground coal mines, industrial wastewater treatment systems, industrial waste landfills and magnesium production facilities. The data from these sectors will provide a better understanding of GHG emissions and will help EPA and businesses develop effective policies and programs to reduce them.

Methane is the primary GHG emitted from coal mines, industrial wastewater treatment systems and industrial landfills and is more than 20 times as potent as carbon dioxide at warming the atmosphere. The main fluorinated GHG emitted from magnesium production is sulfur hexafluoride, which has an even greater warming potential than methane, and can stay in the atmosphere for thousands of years.

These source categories will begin collecting emissions data on January 1, 2011, with the first annual reports submitted to EPA on March 31, 2012.

In a separate proposed rule, EPA is requesting public comment on which industry related GHG information would be made publicly available and which would be considered confidential. Under the Clean Air Act, all emission data are public. Some non-emission data, however, may be considered confidential, because it relates to specific information which, if made public, could harm a business's competitiveness. Examples of data considered confidential under this proposal include certain information reported by fossil fuel and industrial gas suppliers related to production quantities and raw materials. EPA is committed to providing the public with as much information as possible while following the law.

The GHG reporting program requires suppliers of fossil fuels or industrial GHGs and large direct emitters of greenhouse gases to report to EPA. Collecting this data will allow businesses to track emissions and identify cost effective ways to reduce emissions. EPA is preparing to provide data to the public after the first annual GHG reports are submitted in March 2011.

There will be a 60-day public comment period on the proposed rules that will begin upon publication in the federal register.

For more information on the final rule to add reporting requirements for four source categories, visit: http://www.epa.gov/climatechange/emissions/remaining-source-categories.html.

For more information on the proposal on data confidentiality, visit: http://www.epa.gov/climatechange/emissions/CBI.html.

Published: Wednesday, June 30, 2010

Ammonia leak in Mukilteo brings EPA fine (*Herald Net*)

The Environmental Protection Agency has fined a seafood company $35,000 for not reporting the release of ammonia at its Mukilteo warehouse. The EPA said that about 210 pounds of ammonia were released on May 29 by Pacific Seafood, which uses it as a refrigerant. The leak was reported to the Mukilteo Fire Department by people at a

neighboring business who detected a strong odor. In addition to not reporting it, Pacific Seafood did not submit a completed hazardous chemical inventory form, the EPA reported. Regulators said the leak was caused by an incorrect pressure setting that triggered a relief valve. The valve has been replaced. Nobody was injured, but ammonia is a colorless gas that can cause severe burns to the eyes, throat and lungs.

June 29, 2010 - 11:22 AM

California Lawmakers Back EPA Law (Cycle News)

Not a good thing, the AMA says...
A key California State Assembly committee has endorsed a proposal to require motorcyclists to have EPA-compliant exhaust systems on their model year 2011 and newer motorcycles, the American Motorcyclist Association (AMA) reports.

On June 28, the Committee on Transportation voted 8-4 to approve Senate Bill 435, introduced by Sen. Fran Pavley (D-Oxnard-Los Angeles), which would make it illegal to ride a motorcycle on the road built on, or after, Jan. 1, 2011, that doesn't display a federal Environmental Protection Agency (EPA) label certifying the exhaust system meets sound emissions standards.

Riders caught riding model year 2011 or newer motorcycles without this stamp would be issued "fix it" tickets by law enforcement officers.

The measure now goes to the Assembly Appropriations Committee for further consideration.

"Many EPA labels are very difficult to locate on motorcycles," said AMA Western States Representative Nick Haris. "This proposed law could lead to a flurry of tickets for motorcyclists who have legal exhaust systems on their machines with EPA labels that can't be easily seen. It's unreasonable to expect a law enforcement officer to easily locate an EPA label, and it's simply unfair to expect a motorcycle owner to partially dismantle an exhaust system alongside the road to prove the label exists.

"Requiring that a motorcycle display a readily visible EPA label isn't the correct way to address concerns about excessive motorcycle sound," he added. "The only objective way to determine whether a motorcycle complies with sound laws is for properly trained personnel to conduct sound level tests using calibrated meters and an agreed-upon testing procedure."

Haris suggested that concerned California motorcyclists contact their state lawmakers and urge them to reject Senate Bill 435. To do so, go to AmericanMotorcyclist.com > Rights > Issue & legislation and select "CA" in the drop down menu.

The AMA has long maintained a position of strong opposition to excessive motorcycle sound. In September 2009, the AMA developed model legislation for use by cities and states seeking a simple, consistent and economical way to deal with sound complaints related to on-highway motorcycles within the larger context of excessive sound from all sources. The model legislation offers an objective method to evaluate motorcycle sound based on the Society of Automotive Engineers' (SAE) J2825 standard, "Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles." For more information, see AmericanMotorcyclist.com > Rights > Resources > Model Legislation.

ASBESTOS

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Developers face criminal charges in asbestos removal at Citadel Plaza project (*Kansas City Star*)

June 30, 2010
Two developers who promised an $85 million retail jewel in a blighted East Side neighborhood instead face criminal charges that they degraded the environment.

A federal grand jury in Kansas City on Tuesday charged William M. Threatt Jr. , 69, former president of the Community Development Corp. of Kansas City, and Anthony Crompton , 40, a real estate director at the agency, with improperly removing and disposing of asbestos-containing materials.

The charges allege that during redevelopment at the 250,000-square-foot site from April 2001 through July 2006, Threatt and Crompton failed to properly inspect for asbestos inside structures that were being demolished or ensure that it was being removed safely. The developers also failed to properly dispose of the material, according to court records.

On Tuesday afternoon, Threatt said he did not know that he had been charged and he declined to comment further. Crompton could not be reached for comment.

Instead of providing a positive economic engine for the area near 63rd Street and Prospect Avenue, the troubled Citadel Plaza project has become a symbol of mismanagement, blight and environmental risk in the urban core.

Neighbors of the Citadel Plaza have been waiting for years for the land to be developed. Paul Tancredi , president of the Blue Hills Neighborhood Association , said he didn't know if the indictments would help move the project forward in any way.

"I would like to see something productive done with that land," he said Tuesday.

Because Congress has determined that asbestos is a hazardous air pollutant, the charges came under the federal Clean Air Act.

Plans for the project called for a 35-acre shopping center, including a full-service grocery, restaurants, other retailers and residential living.

In 2006, The Kansas City Star found that scores of homes had been demolished and no asbestos permits had been obtained nor had the asbestos been properly contained.

The neighborhood was littered with building materials that had been crunched and left in huge piles on sites and in nearby woods. Some houses had been demolished so long before that weeds had grown in a canopy over the debris.

Threatt, a longtime developer, told The Star at the time that he never knew that federal, state and local laws required asbestos inspections.

Bill Worley , owner of Kingston Environmental who Threatt then hired to assess the problem, said his workers found the site "absolutely shocking."

In 2007 the Missouri Department of Natural Resources reached a settlement with the Community Development Corp. of Kansas City, also known as CDC-KC, for violating state asbestos laws.

The agreement called for CDC-KC to pay $450,000, including a $50,000 civil penalty to the Jackson County school fund and $300,000 that the developer would spend removing asbestos.

In addition, the development company agreed to spend $100,000 on green initiatives that promised to turn Citadel Plaza into one of the most visionary environmental projects in the city.

That never happened.

Citadel made two installment payments on the penalty and did minimal remediation work, said Judd Slivka , a spokesman for the Department of Natural Resources .

A spokesman for the Environmental Protection Agency declined to comment.

The Missouri attorney general's office has filed an action against Citadel for not completing the agreement.

Neighbors complained last summer that weeds and trash covered the proposed shopping center site. When city crews went in to mow, the site was so contaminated with asbestos that they had to wear protective respirators.

The city and the Tax Increment Financing Commission have terminated the financial and development agreements with CDC-KC to renovate the site. In February, CDC-KC sued the city and the TIF Commission , alleging those agreements should not have been terminated.

Meanwhile, efforts to develop the site have stalled.

City Councilwoman Cindy Circo, who lives in the district that includes the development site, said Tuesday that the city continued to mow the property and tried to keep it from becoming even more blighted. The city is open to new development proposals, but nothing specific has emerged, she said.

Threatt and Crompton were charged with two violations of the Clean Air Act. If convicted, each faces up to seven years in prison and up to $500,000 in fines.

BP SPILL

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June 29, 2010

EPA, not Jones Act, blocking use of foreign skimmers (*Marine Log)*

EPA rules. rather than the Jones Act, appear to be a major reason why more foreign skimming vessels are not at work in response to the Gulf oil spill.

Anti Jones Act activists, including Senator John McCain, have pointed to skimmers being offered for the clean-up effort by the Netherlands and rejected "because of the Jones Act."

That is not, in fact, the case.

According to a report in Canada's Financial Post:

"Three days after the BP oil spill in the Gulf of Mexico began on April 20, the Netherlands offered the U.S. government ships equipped to handle a major spill, one much larger than the BP spill that then appeared to be underway. 'Our system can handle 400 cubic metres per hour,' Weird Koops, the chairman of Spill Response Group Holland, told Radio Netherlands Worldwide, giving each Dutch ship more cleanup capacity than all the ships that the U.S. was then employing in the Gulf to combat the spill."

"The U.S. government responded with 'Thanks but no thanks,' remarked Visser, despite BP's desire to bring in the Dutch equipment and despite the no-lose nature of

the Dutch offer --the Dutch government offered the use of its equipment at no charge. Even after the U.S. refused, the Dutch kept their vessels on standby, hoping the Americans would come round. By May 5, the U.S. had not come round. To the contrary, the U.S. had also turned down offers of help from 12 other governments, most of them with superior expertise and equipment --unlike the U.S., Europe has robust fleets of Oil Spill Response Vessels that sail circles around their make-shift U.S. counterparts."

"Ironically, the superior European technology runs afoul of U.S. environmental rules. The voracious Dutch vessels, for example, continuously suck up vast quantities of oily water, extract most of the oil and then spit overboard vast quantities of nearly oil-free water. Nearly oil-free isn't good enough for the U.S. regulators, who have a standard of 15 parts per million -- if water isn't at least 99.9985% pure, it may not be returned to the Gulf of Mexico."

Now the same sort of hurdle seems to be facing Taiwan's Nobu Su of TMT Group. TMT has brought in a 319,869 dwt ore/ oil carrier. the A Whale, which has been converted into a gigantic skimmer.

According to the Virginia Daily Press:

"The A Whale ... is designed to work 20 to 50 miles offshore where smaller skimmers have trouble navigating. The ship would take in oily water and transfer it into specialized storage tanks on the flanks of the vessel. From there, the oil-fouled seawater would be pumped into internal tanks where the oil would separate naturally from the water.

"After the separation process, the oil would be transferred to other tankers or shore-based facilities while the remaining water would be pumped back into the gulf.

"Because the process wouldn't remove all traces of oil from the seawater, TMT will likely have to gain a special permit from the EPA, said Scott H. Segal of the Washington lobbying firm, Bracewell &Giuliani, which TMT has retained to help negotiate with federal regulators."

CLIMATE CHANGE

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Obama Stresses Need for Price on Carbon as Dems Look to Compromise (*New York Times*)

Key Senate Democrats offered today to scale back their ambitious efforts to cap greenhouse gas emissions but stressed that they and President Obama remain committed to putting a price on carbon this year.

Obama told a bipartisan group of senators he is unwilling to give up on his goal of pricing carbon as a way to curb emissions.

"He was very strong about the need to put a price on carbon pollution and make polluters pay," Sen. Joe Lieberman (I-Conn.) told reporters.

"The president told the senators that he still believes the best way for us to transition to a clean energy economy is with a bill that makes clean energy the profitable kind of energy for American businesses by putting a price on pollution -- because when companies pollute, they should be responsible for the costs to the environment and their contribution to climate change," the White House said in a statement.

But the White House cautioned that "not all of the senators agreed with this approach" and noted that Obama "welcomed other approaches and ideas that would take real steps to reduce our dependence on oil, create jobs, strengthen our national security and reduce the pollution in our atmosphere."

Lieberman and his cap-and-trade co-sponsor, Sen. John Kerry (D-Mass.), said they are prepared to make concessions to move a climate and energy package.

"All of us have to compromise," Kerry said. "We believe we have compromised significantly, but we're prepared to compromise further."

There was a strong sentiment at the White House meeting that most senators and the president are in favor of bringing to the floor "the strongest bill we could," said Sen. Jeff Bingaman (D-N.M.). Whether or not that legislation will include climate provisions will be up to Majority Leader Harry Reid (D-Nev.), he added.

Kerry and Lieberman have so far been unable to convince skeptical Republicans and moderate Democrats to touch cap-and-trade legislation that would price carbon on an economywide basis, and in recent days, the pair have signaled their openness to a smaller carbon cap that would be placed only on the utility sector.

During the roughly 90-minute meeting, Obama refrained from advocating for any of the legislative proposals already on the table, according to Sen. Sherrod Brown (D-Ohio.)

"He went around the table and expressed a sort of admiration for [specific] provisions in the different bills," Brown told reporters. "He's not saying, 'Here's what I want you to do.' He probably needs to say that and push one approach at some point."

A handful of Republicans who attended today's White House climate talks suggested they would be open to discussing the smaller carbon-pricing plan, Kerry and Lieberman said.

"Some of our colleagues, who up until this time have been at least publicly reluctant about the 'polluter pays' putting a price on carbon pollution, said that they'd be willing to

discuss limited forms of doing that in this bill," Lieberman said. "And to me, that's a breakthrough that Senator Kerry and I want to begin to take advantage of by sitting and talking to those colleagues across party lines as quickly as we can."

One such GOP senator is Olympia Snowe (R-Maine), who indicated a utility-only bill could work for her. Snowe said that while an economywide approach to carbon reduction would be too expensive, the prospect of U.S. EPA climate regulations would threaten businesses if Congress fails to act.

"Which is why I believe that one possibility is to more narrowly target a carbon pricing program through a uniform nationwide system solely on the power sector, which is the sector with the most to lose from the EPA regulations and it's also the sector in which businesses actually make decisions today based on prices 20 to 30 years in the future," Snowe said in a statement.

Speaking to reporters after the meeting, Sen. Lamar Alexander (R-Tenn.) said that Republicans remained united in their opposition to Democratic efforts to directly curb emissions.

"As long as we take a national energy tax off the table, there's no reason we can't have clean energy legislation," said Alexander, the chairman of the Senate Republican Conference.

"A cap-and-trade proposal, a national energy tax, will not sell," added Sen. Lisa Murkowski (R-Alaska).

Democratic leaders have previously suggested that they plan to combine legislation responding to the ongoing Gulf of Mexico oil spill with their climate bill in an effort to bully Republicans into voting for the package.

But both parties focused most of their public post-meeting comments on the idea of pricing carbon.

"My suggestion was that if you want a clean energy bill, take the national energy tax off the table in the middle of a recession while we clean up the oil spill," Alexander said.

Brown said senators talked about legislative efforts to respond to the ongoing BP PLC oil leak during the meeting, but that there was little talk of expanding offshore drilling.

"There was talk of nuclear, wind and solar, and biomass and clean coal," Brown said. "There was talk of the drilling [safety] issue, but no real support that I saw for expanding offshore drilling."

Majority Leader Reid has said that he hopes to bring a climate bill to the floor this summer.

"Our caucus is energized on this issue and our resolve to act on energy legislation this summer remains strong," Reid said in a statement.

Kerry said Obama was clear that he wanted the chamber to work "as fast as possible," but Brown said that the president stopped short of setting a firm deadline.

"But he knows there's not a lot of floor time left," Brown said.

Utilities-only option gaining steam?

Kerry said that a scaled-back carbon plan could serve as an important first step in the United States' efforts to curb greenhouse gas emissions.

"We believe, and I think the president believes very strongly, what is important is for America to get started," he said.

One such approach on the table today was legislation to cap emissions from just the electric utility sector. Bingaman has drafted such a measure, although he says he is unsure whether he will introduce it or whether it will get the needed 60 votes (E&E Daily, June 29).

"We have a draft proposal, but we have not introduced anything; I don't have any immediate plans to do so," Bingaman said on a conference call after the meeting.

Bingaman said he thinks there are ways to design Kerry-Lieberman or a "cap and dividend" bill from Sens. Maria Cantwell (D-Wash.) and Susan Collins (R-Maine) to have them focus solely on the power sector if that decision is made.

"There was some discussion about it during our meeting with the president, but it was somewhat inconclusive," Bingaman said, adding that Reid will have to decide whether or not to bring such a measure to the floor for consideration. "I frankly don't know whether the support would be there to do it or not," he added.

Sen. Tom Carper (D-Del.), who also attended the meeting today, said that approach might be more politically feasible than an economywide approach this year.

"I sensed a willingness to address a carbon dioxide with respect to utilities," Carper said. "The question is, do we get started, or do we wait until next year to do something? I think there is a real eagerness, a real appetite to get started, to focus on the utility sector to send a price signal and to not only address CO2 but SOx [sulfur oxides], NOx [nitrogen oxides] and mercury." Carper is the author of pending Senate legislation aimed at slashing smokestack emissions of those pollutants.

Kerry said today that a utility-only cap is among the scaled-back approaches that he would consider. "That would certainly be one of them," he said. "But there are some other possibilities."

Sen. Lindsey Graham (R-S.C.), who helped draft the Kerry-Lieberman bill and subsequently dropped out as a co-sponsor, has said he would consider backing a utility-only approach, but not this year. "We're not going to have an economywide pricing on carbon, probably utility-only," Graham said, "and that can't be done until the oil spill is dealt with."

Graham did not attend the meeting at the White House today, citing a scheduling conflict with the Armed Services Committee confirmation hearing for Gen. David Petraeus, who was nominated to take over the top U.S. military post in Afghanistan.

Some Republicans, meanwhile, advocated an energy-only approach as the best way to reach a compromise.

"I think most, not most, but many of us made it very clear that we think if we're going to do anything in the area that we ought to do the bill coming out of the Energy Committee that's rather bipartisan," said Sen. George Voinovich (R-Ohio). "But I made it clear this cap and trade, cap and tax ... that there aren't 60 votes for it in the Senate."

An energy-only bill would not go far enough, Kerry said, because it would not slash emissions at the same levels and would create fewer jobs. "I think we feel very very strongly that we have to find a place of compromise that's real," he said. "That's not a compromise."

Bingaman, the Energy and Natural Resources Committee chairman, has stated the Senate should take up an energy bill if Democrats cannot get 60 votes for pricing carbon. "I'm saying what I've been saying for months, and that is, let's do all we can do, but let's not leave undone those things that we can clearly do if it turns out we don't have 60 votes to do everything," he said yesterday. Bingaman is the lead sponsor of a bipartisan bill that includes a renewable electricity standard and expands offshore oil drilling.

Reporters Noelle Straub and Alex Kaplun contributed.

Murkowski Facing Opponent With 'Serious' Questions About Climate Science (*New York Times*)

There's at least one conservative man in Alaska who might be hoping Sen. Lisa Murkowski leaves the White House today as a supporter of pricing carbon dioxide.

It's not because Joe Miller is focused in fixing climate change. That's a liberal theory based on "dubious science," he says, "at best."

Rather, a sharp reversal by Murkowski, a moderate Republican who has rejected

Democratic appeals to support capping carbon emissions this year, might help him win an election.

"The science is certainly not conclusive that man-made global warming is a fact," Miller, an attorney who is trying to unseat the single-term senator, said yesterday in an interview. "I think it absolutely is going to hurt her if she comes out of that meeting supporting cap and trade."

It's against that backdrop that Murkowski and a knot of other senators will meet today with President Obama, who will attempt to find traction behind energy and climate legislation that prices carbon emissions from at least some sources, like electric power plants.

The timing, however, is difficult. Murkowski is approaching an Aug. 24 primary election with Miller, who is targeting her support for a limited cap-and-trade bill in 2007 as a way to connect her to the liberal administration and its perceived appetite for bulging government programs.

"Murkowski has crossed that line to the left on numerous votes," said Frank Bettine, an engineer with the utility industry and a member of the Conservative Patriots Group, a tea party organization in Wasilla, Alaska, that endorsed Miller. "There's a huge distrust by us conservatives of how she's actually going to vote. She's very liberal."

The group distributes a questionnaire -- one Murkowski aide called it a "purity test" -- asking candidates to "reject the argument that man made CO2 emissions are causing significant global warming" and promise to oppose "costly new regulations." Miller affirmed the statement.

Murkowski looked for 'far-right' move

It's unclear if Alaska -- like Kentucky, Nevada and Utah -- will become the next frontier for a conservative uprising. Like successful candidates in those other states, Miller has gained the support of local and national tea party groups and the endorsement of former Gov. Sarah Palin (R).

So far, though, there's been little sign of a conservative wildfire, according to observers. Murkowski is a household name, thanks in part to the former governor, her father. She enjoys the advantages of incumbency, having risen quickly into the party's leadership circle and to the top Republican slot on the Energy and Natural Resources Committee, a key assignment for a senator from a state rich in oil.

Then there's cash. Murkowski's campaign has $2.1 million. Miller has yet to file a federal campaign finance report, but says money is coming in. The Tea Party Express, which helped Sharron Angle surge to victory in Nevada's GOP primary, is also promising to provide foot soldiers and advertising help.

"That's major," said Miller's spokesman, Randy DeSoto, who called the group's involvement a "force multiplier."

It's likely that Miller will need all the troops he can muster, because Murkowski has been preparing for this race -- perhaps with an eye toward Palin as the potential challenger -- for more than a year, observers say. She spearheaded an unsuccessful effort to undercut U.S. EPA's scientific findings that greenhouse gases threaten human health. The maneuvering, which appealed to many conservatives, marked a retrenching of Murkowski's once moderate position on climate issues.

"She wanted to do something sort of far-right that would appeal to the base and help strengthen her position against a primary challenger," said a former climate adviser to a Republican senator. "So that's why she went after the EPA so strongly, but otherwise was willing to be fairly constructive on climate."

Climate bills 'slam us'

Murkowski rejects those types of assertions. Cap-and-trade bills proposed this year, or stringent EPA regulations on thousands of businesses, would cripple employment and hike energy prices as the nation slogs through a recession, she and her aides say.

"Not at all. Not at all. Not at all," Murkowski said when asked if she was maneuvering to the right for her primary. "You look at what I've been advocating for a year, before there was any opponent at any level saying anything. I was saying, 'We've got an energy bill that is good and solid and bipartisan,' and there is no way, no shape, a cap-and-trade piece in that, because we know it doesn't make sense for our economy."

She was referring to the "energy only" bill that she co-sponsored in her committee with the panel's chairman, Sen. Jeff Bingaman (D-N.M.). It also encourages energy efficiency and establishes a renewable electricity standard.

"What I have been saying time and time again is we've got to reduce our emissions and do so in a responsible way, but we've got to do it in a way that doesn't kick the economy in the head," Murkowski added. "And that's exactly what these cap-and-trade proposals [will do], whether it's Waxman-Markey, whether it's Kerry-Lieberman. I mean the proposals that are out there absolutely slam us at a time when our economy is hurting."

That jab was aimed at Reps. Henry Waxman (D-Calif.) and Edward Markey (D-Mass.), who introduced a climate bill that the House passed last year. The Senate plan, offered by Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.) would regulate emissions in the utility, manufacturing and transportation sectors.

"This makes no sense," she said of the bills. "So where I am on standing up and speaking on cap and trade has nothing to do with the campaigns or who's saying what."

Others find that unlikely. Murkowski has slid to the right recently, says Jerry McBeath, a

political science professor at the University of Alaska, Fairbanks. Last week, she went to the Senate floor and called for a reversal of the controversial health care law championed by the president. The campaign's first radio ads aired last week, too, lampooning Democratic spending and promoting her opposition to the economic stimulus plan.

"She is trying to satisfy everybody," McBeath said. "She is not a goddess of political virtue, where she would look at the integrity of each and every statement, in terms of its truth value. She just wants to get re-elected and make it as easy as possible. And I think that she'll get there. She's been cautious."

Tea party uprising in Alaska?

On climate change, some sense a shifting position from her on its cause. Not long ago, Murkowski was widely seen as a strong climate advocate, driven in part by Alaska's vulnerability to climatic affects like melting sea ice, diminished permafrost, coastal erosion, altering seasons and ocean acidification.

All of those things are happening, she says, but she's not sure why.

"I don't know how much of that is attributable to man's emissions," Murkowski said. "What I do know is there are more of us on planet Earth who are driving more vehicles, we are doing more, and where we can responsibly reduce our emissions, we should be doing so. That's just good, smart policy."

The sour economy and the current climate bills make up a different picture than in 2007 when Murkowski co-sponsored a cap and trade bill that locked the price of carbon allowances at no more than $12, according to her supporters.

So the senator, it seems, is on a path that is too conservative for Democrats and too liberal for her opponent. She appears unwilling to support carbon pricing, despite the president's expected appeals today, and at the same time takes a more measured position than Miller.

"My perspective, and I think this is shared by most Alaskans, is that man-made, or I guess it's also considered anthropogenic, global warming, is I think in serious question," Miller said.

Murkowski's careful climate approach could benefit her in the primary, observers say. The race is open to independent voters, a factor that could help the moderate Murkowski if traditional voters go to the polls.

There is, of course, the unknown influence of the tea party movement. It has energized conservative voters in other states. "The question is, will that happen in Alaska?" a Murkowski aide wondered.

Senators predict a narrower climate bill (*Washington Post*)

June 30, 2010 Wednesday
Regional Edition
A-SECTION; Pg. A04
Maryland
Senators predict a narrower climate bill;
At bipartisan meeting, talk of an emissions cap just for utilities
By Juliet Eilperin
A bipartisan group of senators emerged Tuesday from a meeting with President Obama still divided over how to craft a climate and energy bill, with lawmakers predicting scaled-back legislation that would cap emissions from electric utilities rather than impose an economy-wide limit on greenhouse gases.

Last month Sen. John F. Kerry (D-Mass.) and Sen. Joseph I. Lieberman (I-Conn.) unveiled a bill that includes a broader emissions cap along with subsidies for the nuclear industry and limits on the Environmental Protection Agency's ability to regulate carbon. Kerry said in an interview that they would make more concessions to win Republican support, but he added: "My question is, which is the compromise of any of the others? Show me the compromise."

In the hour-and-a-half meeting Tuesday, Obama urged the 23 senators to "aim high," several lawmakers said. But the president also made it clear that "he wasn't putting out a particular recipe" for a bill, said Sen. Jeff Merkley (D-Ore.). "The Senate is going to have to figure this out."

Two GOP senators -- Susan Collins and Olympia J. Snowe, both of Maine -- said they would support forcing emitters to pay for their carbon output. But many Republicans remained unconvinced.

Sen. Lisa Murkowski (Alaska), the top Republican on the Senate Energy and Natural Resources Committee, said any measure that imposes mandatory limits on greenhouse gases and makes emitters pay for carbon dioxide output "will not sell in this country." And Sen. Lamar Alexander (R-Tenn.), who also attended the meeting, said he told the president to focus instead on pouring federal dollars into energy research and development, building nuclear power plants, and electrifying the nation's auto fleet.

Lawmakers discussed a more modest climate and energy bill that would target electric utilities and other stationary sources: Power plants account for roughly 40 percent of the nation's greenhouse gas emissions. Snowe issued a statement after the meeting supporting such a plan.

However, it is unclear whether there are enough votes for a utility-only carbon cap, said Joe Stanko, who heads government relations at the law firm Hunton & Williams and

represents several industries that would face new regulation under a climate bill. Major power companies probably would demand several concessions for backing the bill, including exemption from regulation under the Clean Air Act and new rules on mercury, sulfur dioxide and nitrogen oxide emissions.

And Collins, who has authored her own climate bill with Sen. Maria Cantwell (D-Wash.), said she could support a price on carbon only if revenue from pollution allowances was returned to consumers. She added, "It's going to be very difficult" to find any bill that can muster 60 votes, the number needed to avoid a filibuster in the Senate. "The White House meeting underscored to me how many diverse views there are on how to proceed with any clean-energy bill."

Ralph Izzo, president and chief executive of the New Jersey-based utility PSEG, said Tuesday that his company could support a utilities-only bill: "It's a second choice to economy-wide, but if you have to start with a single sector, this would be the logical sector to start with."

Environmentalists such as Joe Mendelson, director of global warming policy for the National Wildlife Federation, questioned Republicans' resistance to a sweeping carbon cap.

"Republican leadership emerged from a meeting today saying nothing different than from a year ago," Mendelson said in a statement. "With a Gulf disaster and the public galvanized in favor of climate action, unfortunately they are still reading from Joe Barton's playbook" -- a reference to the Texas Republican's controversial apology to BP.

But several senators made it clear in the meeting that they do not feel compelled to meet environmentalists' expectations. At the outset, according to sources who spoke about the private session on the condition of anonymity, Senate Majority Leader Harry M. Reid (D-Nev.) suggested that Kerry and Lieberman's climate bill should serve as the basis for a broad energy bill. After some senators objected, the group discussed having as the base text either an oil spill bill authored by Murkowski and Sen. Jeff Bingaman (D-N.M.), chairman of the Senate Energy and Natural Resources Committee, or an energy bill the two senators wrote.

ENERGY

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Carbon tax seen as hurdle to energy bill (*Washington Times*)

June 30, 2010 Wednesday

A, POLITICS; Pg. 3
Carbon tax seen as hurdle to energy bill;
Senators huddle with Obama, but parties remain far apart
By Kara Rowland THE WASHINGTON TIMES
Democratic and Republican senators alike on Tuesday said they want to move forward with a clean-energy bill, but even after a meeting with President Obama there were few signs the lawmakers will be able to bridge a long-standing impasse over putting a price on carbon emissions.

Key Senate Democrats emerged from the meeting, which included 23 senators from both sides of the aisle, saying they'll still try to make companies pay for carbon pollution - a concept that's a nonstarter with most Republicans, who say it's tantamount to a tax on consumers. The White House said Mr. Obama told the lawmakers he supports pricing carbon but most importantly wants to see action this year on measures both sides can agree upon.

"As long as we take a national energy tax off the table, there's no reason we can't have clean-energy legislation," Senate Republican Conference Chairman Lamar Alexander told reporters at the White House.

The Tennessee Republican said the GOP is willing to work with Democrats on a scaled-down bill that would include the goals of electrifying half of the nation's vehicles over the next 20 years; building more nuclear power plants; and boosting investments in energy research and development.

The chief authors of Senate Democrats' energy bill said they are willing to seek a compromise with Republicans, but stood firm on the need to put a price on carbon, raising questions about just how a compromise can be achieved.

"An energy-only bill - we have passed 10 of them since Richard Nixon was president," Sen. John Kerry, Massachusetts Democrat, said. "None of those bills have done the job. An energy-only bill will produce one-tenth the number of jobs, and it will result in one-tenth the reduction in emissions."

Nevertheless, Mr. Kerry said he and co-author Sen. Joe Lieberman, Connecticut independent, are "prepared to scale back the reach of our legislation in order to try to find that place of compromise."

In the aftermath of the BP oil spill, Mr. Obama in recent weeks has repeatedly called for a comprehensive energy bill that would help wean the nation off fossil fuels. But in his public comments he has not delved into the specifics of what he'd like to see in such a measure.

In a readout of the meeting Tuesday, the White House said Mr. Obama "told the senators he still believes the best way for us to transition to a clean-energy economy is with a bill that makes clean energy the profitable kind of energy for America's

businesses by putting a price on pollution."

The House last summer passed a broad bill that would impose a cap-and-trade approach to global warming, but the Senate has struggled to come up with a similar measure that could garner the 60 votes needed for consideration.

Mr. Lieberman said some Republicans who have been publicly reluctant about the idea of pricing carbon said in the meeting that they would be willing to discuss "limited forms of doing that in this bill," though he didn't elaborate, and no Republicans mentioned such an idea.

Sen. Olympia J. Snowe of Maine, one of the Republicans whose votes Democrats would likely require to move ahead, said Tuesday now is not the right time to pursue an "economy-wide" approach on carbon reduction, given the weak economy.

"The bottom line is that this should be an era of practicality, given our economic situation - and whatever Congress pursues should be viewed through that prism, to develop legislation that is pragmatic, reduces uncertainty, and creates business opportunities for a carbon-free economy of the future, without further harming our economy of today," Mrs. Snowe said.

White House Energy Session Changes No Minds (*New York Times*)

June 30, 2010 Wednesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 21
By JOHN M. BRODER
WASHINGTON -- The senators who emerged from a White House meeting with President Obama on energy policy on Tuesday made no effort to paper over the large differences that remain between them.

Democrats continued to insist on putting some sort of price on greenhouse gas emissions; Republicans continued to insist that to do so would be to impose a tax that would smother the economy.

"We have to take a national energy tax off the table," said Senator Lamar Alexander, Republican of Tennessee.

"There is no energy tax," said Senator John Kerry, Democrat of Massachusetts, sponsor of a bill that would significantly raise the cost of greenhouse gas pollution.

This battle has divided the Senate for a year and must be somehow resolved in the coming weeks if the Senate is to produce a comprehensive energy bill that also addresses the gases contributing to climate change.

It does not appear that Tuesday's meeting moved either side, although Mr. Kerry said Tuesday that he was willing to scale back the bill he and Senator Joseph I. Lieberman, independent of Connecticut, proposed this spring to cut energy use and reduce global warming pollution. Mr. Kerry suggested starting with electric utilities only, a plan tentatively embraced Tuesday by Senator Olympia J. Snowe, Republican of Maine.

Mr. Obama summoned the 23 senators, of both parties, to the White House to try to find some way out of the impasse. He repeated his call for putting a price on climate-altering pollution through a cap-and-trade system or some other sort of emissions tax, but acknowledged the adamant opposition to the idea from most Republicans as well as some Democrats.

"Not all of the senators agreed with this approach," noted an account of the meeting provided by the White House, "and the president welcomed other approaches and ideas that would take real steps to reduce our dependence on oil, create jobs, strengthen our national security and reduce the pollution in our atmosphere."

Among the ideas circulating in Washington are a so-called energy-only bill that would encourage conservation and greater efficiency in buildings and vehicles; more government incentives for alternative fuels; a plan to cap greenhouse gas emissions from electric power plants while delaying regulation of other major sources of pollution for years; and a measure to rapidly build nuclear power plants and electrify the American vehicle fleet.

Mr. Obama neither offered specific ideas of his own nor endorsed any of these proposals, but said all parties shared an urgency about enacting some form of energy legislation this year, the White House account said.

Senator Sherrod Brown, Democrat of Ohio, said Mr. Obama was attentive but noncommittal.

"He's not saying, 'Here's what I want you to do,' " Mr. Brown said. "He probably needs to say that and push one approach. He hasn't done that yet."

Mr. Brown said no one offered support for expanded offshore drilling as a way to reduce dependence on imported oil. Mr. Obama proposed just such a plan three weeks before the BP Deepwater Horizon rig exploded in April, killing 11 workers and sending an uncapped geyser of oil into the Gulf of Mexico.

As Mr. Obama tried to nudge the Senate forward on a comprehensive energy package, both chambers were moving swiftly on measures to address the oil leak in the gulf and the industry and regulatory practices that contributed to it.

House and Senate committees will begin debate on Wednesday on bills that will change the way offshore drillers operate and the government oversees them.

There are several proposals to lift the current $75 million limit on liability for drilling accidents; the strongest, by Senator Robert Menendez, Democrat of New Jersey, would eliminate the cap entirely.

There are bills before both chambers to revamp the Interior Department agency that regulates drilling on public lands and waters. Interior Secretary Ken Salazar has already proposed splitting the agency formerly known as the Minerals Management Service into three separate offices and renaming the minerals service the Bureau of Ocean Energy Management, Regulation and Enforcement. Two Congressional panels are studying alternative overhaul plans.

The House Energy and Commerce Committee will take up a bill called the Blowout Prevention Act that will require oil companies digging high-risk wells in deep water to use more sophisticated emergency equipment with backup systems to ensure they work in the case of a blowout. The bill also sets strict new rules for how wells are designed, cemented and encased and requires that a relief well be started within 15 days of an accident.

There is broad support in both parties for new regulations on offshore operations, for measures to aid the Gulf Coast and for some form of energy legislation that tries to reduce dependence on imported oil. But consensus ends there.

Mr. Lieberman said he believed that he and other proponents of a strong energy bill could win some Republican support, though he said he had not yet found the formula for gaining those votes.

"I'm not naive about the difficulty of doing this in an election year," he said.

Energy companies clamoring for a policy (*Columbus Dispatch*)

Some of Ohio's clean-energy businesses are waiting for coherence in the country's energy policies, and the lack of certainty has customers and investors unsure about where to put their money.

"We need some consistency in that outlook," said Rodger McKain, vice president of government programs for Rolls-Royce Fuel Cell Systems, with offices in Canton.

He was one of the panelists yesterday at a conference on the clean-energy economy held at COSI Columbus in Franklinton. The event was sponsored by business, government and academic groups.

The discussion is occurring as Congress continues to try to pass some form of an energy bill, while the Environmental Protection Agency is taking its own steps to change the regulatory system.

One of the flashpoints in the debate is whether the measure will include a cap-and-trade system designed to limit carbon emissions. Under such a system, companies would be assigned a cap, or maximum amount of carbon emissions. Companies that emit less than the cap amount could trade what's left to another company.

Supporters of such a plan, including many of the people at the conference, say it would bring stability to a market that is now governed by a hodgepode of rules and the short-term spending decisions brought on by tax credits.

"We're going to get (carbon-dioxide) regulations one way or another," said Kevin Leahy, managing partner for climate policy at Duke Energy, a utility based in North Carolina with customers in southwestern Ohio.

Duke and Columbus-based American Electric Power are two of the utilities that have signed on as supporters of one form of cap and trade. Other power companies have aggressively fought the idea.

As Leahy sees it, a carbon-trading system is an effective way to gradually phase in the changes. He noted that the underlying idea came from Republicans in the 1980s and was regarded as a market-based alternative to stricter rules.

"What people forget so often is that markets work," he said.

Opponents of cap and trade contend that new regulations would raise costs for everyone and undermine the economy.

"Cap and trade is an effective solution to raise energy prices for years to come and choke our economy, but that's about it," said an analysis issued last week by the conservative Heritage Foundation.

Smaller companies lament that the current system is based largely on the availability of tax credits and not on long-term factors. This is particularly true for the solar- and wind-power industries.

"In order to have a commercial business, you need predictability," said Al Frasz, vice president of Dovetail Solar and Wind, an installer of renewable-energy systems in Athens.

And his industry does not have predictability right now, which makes some customers reluctant to invest in new energy systems, he said.

dgearino@dispatch.com

Cantwell: Energy bill coming, but how strong? (*Seattle Post-Intelligencer*)

A key player on multiple issues, Sen. Maria Cantwell, D-Wash., was burning the late-evening oil at her Washington, D.C., office Tuesday night, and sweating details of a package of financial reforms that badly need her vote.

Cantwell was at the White House earlier Tuesday for a 90-minute meeting on energy legislation with Democratic and Republican senators, and "Independent Democrat" Sen. Joe Lieberman of Connecticut.

Cantwell

"We'll get energy legislation," Cantwell said in an interview with seattlepi.com. "The question is how comprehensive. Will it start to get us off our dependence on fossil fuels? Will it get us on an aggressive path to developing new energy resources and creating green jobs?"

The session ended without answering these questions.

A carefully worded White House "Readout" fessed up to disagreement on a key issue: Will polluters be made to pay for despoiling the environment and emitting greenhouse gases that contribute to climate change?

"The president is confident we will be able to get something this year," the White House statement added.

Sen. George Voinovich, R-Ohio, hinted at possible passage of a limited bill that would seek to lower pollution from power plants.

"I do not support an economy-wide piece of legislation," Voinovich said in a statement. "As far as a cap-and-trade program for the electric power sector, I understand there is no consensus in the utility industry."

A bevy of West Coast industries, from major utilities (Pacific Gas & Electric) to technology pace settlers (Microsoft) to the retail sector have called for legislation that would set America down a new energy path.

But Republicans have seized on the cap-and-trade issue, and Sen. Lamar Alexander, R-Tenn., on Tuesday said the only way to get a workable bill is "to take a national energy tax off the table."

"I have not concluded we can get to the 60 votes to get us off carbon," Cantwell said after the meeting. Sixty votes are needed to break a filibuster in the U.S. Senate.

Obama was a conciliator, Cantwell reported.

"The president exuded what he does best, which was to talk about the policy issues and say, 'You guys aren't as far apart as it sounds'," she added. "He did what he had to do."

Three West Coast Democrats at the meeting are outspoken advocates of new energy technologies and curbs on greenhouse gas emissions. They are Cantwell, freshman Sen. Jeff Merkeley of Oregon, and Senate Environment Committee chair Sen. Barbara Boxer of California.

Cantwell and GOP Sen. Susan Collins of Maine have sought to craft a bipartisan bill and sell it in The Washington Post.

Lieberman and Sen. John Kerry, D-Mass., have sponsored a more sweeping energy bill that puts an overall cap on carbon emissions, while letting polluting companies buy and sell permits to pollute. After the meeting, however, Kerry told Politics Daily: "All of us have to compromise."

There is a cap on time for negotiations - next January.

The U.S. Supreme Court has ruled that the U.S. Environmental Protection Agency can regulate greenhouse gas emissions. "The decision is made," Cantwell said. "Greenhouse gases are polluters. They will be regulated (by EPA). The question is whether we can find a better way."

The meeting talked about focusing on electrical generation, where 40 to 50 percent of production comes from coal.

Senate Majority Leader Harry Reid said leaving the White House that Democrats are ready to move, but he acknowledged "this effort can go nowhere without bipartisan support."

"We need brave Republicans to step up and demonstrate the same commitment and leadership on this issue that Democrats have."

The reason Cantwell was working late on Tuesday? She was one of two Democrats (along with Sen. Russ Feingold, D-Wisconsin) to vote against financial reform when it passed the Senate, arguing the bill was not strong enough.

The bill has grown somewhat stronger in House-Senate negotiations.

With the death of Sen. Robert Byrd, D-West Virginia, Cantwell's vote is desperately needed to pass the legislation. (Sen. Scott Brown, R-Massachusetts, is insisting on relief for banks before he will back it.)

What will Cantwell do?

"I am in my office going over the details as we speak," she replied. "I want to see the

details."

ENFORCEMENT
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Agency Delays Enforcement on Lead Paint Certification (*EP Magazine*)

* Jun 30, 2010

The U.S. Environmental Protection Agency decision to delay enforcement of the new Lead: Renovation, Repair and Painting rule will provide much-needed time to get more remodelers and other contractors trained – and for EPA to get the word out to consumers about the importance of hiring a certified remodeler, according to the National Association of Home Builders (NAHB).

In revised guidance, EPA acknowledged that remodelers in many parts of the country have been unable to obtain the required training to comply with the rule – a problem that NAHB has urged the agency to solve since the rule was announced two years ago.

The issue came to a head in May after floods devastated parts of Tennessee and there weren't enough certified remodelers to complete much-needed home repairs.

While remodelers, electricians, heating and air conditioning technicians and other contractors must adhere to lead-safe work practices, including special equipment filters and a ban on open flames, EPA will not take enforcement action against firms that have been unable to obtain certification until Oct. 1 of this year.

Individual contractors must apply to enroll in a training class by Sept. 30 and complete the training by Dec. 31, 2010.

GENERAL
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GSA drops plan for a training site (*Washington Times*)

June 30, 2010 Wednesday
A, POLITICS; Pg. 3
GSA drops plan for a training site;
Disruption opposed in Maryland
By Matthew Cella THE WASHINGTON TIMES

The State Department has abandoned plans to build an anti-terrorism training center funded in part with stimulus dollars on Maryland's Eastern Shore after residents of the rural county slated to host the facility made clear that it was not wanted.

General Services Administrator Martha Johnson wrote in a letter to Sen. Barbara A. Mikulski, Maryland Democrat, on Monday that a 2,000-acre farm that was to be the site of the Foreign Affairs Security Training Center (FASTC) "will no longer be considered for the proposed project.

"In this case, the preliminary analysis showed that, among other potential concerns, there would be a significant change in land use and considerable noise and traffic impacts," Ms. Johnson wrote.

The letter does not mention the broad and vocal local opposition that came to characterize the project.

The federal government's selection, and then withdrawal, of the Maryland site created some awkwardness for politicians, who initially courted the project but clumsily backtracked after residents complained that the federal government was dismissing their concerns, misrepresenting its plans and withholding key information.

Miss Mikulski initially said the project would bring "jobs, jobs, jobs" to Maryland but vented her frustration with GSA after residents complained that during a January public meeting federal officials seemed unprepared to answer basic questions.

"I have fought hard for this process to work and for the voices of the residents of Queen Anne's County to be heard," she said after federal officials announced the decision not to pursue the site.

Gov. Martin O'Malley, another early supporter, thanked the "many local citizens who participated in this process and let their voices be heard."

Both Miss Mikulski and Mr. O'Malley said they would like to see the facility built at an alternative Maryland site.

The Washington Times profiled the project and the opposition in a March 29 article.

The planned center, which includes shooting ranges, driving tracks, reproductions of city streets for live-fire simulations and explosives detonations, would annually train 10,000 students to protect embassies and diplomats in the United States and abroad for the Bureau of Diplomatic Security Services.

Residents complained that the facility would spoil the rural character of the area, strain the local infrastructure and further harm the environment around the Chesapeake Bay, and they forcefully voiced their opposition at a series of contentious town hall meetings earlier this year.

The project, which would consolidate functions currently performed at more than a dozen training locations, was awarded $70 million in stimulus funds with total cost projections of up to $500 million. It had come under fire from Republicans as wasteful, with two GOP senators in recent weeks unsuccessfully attempting to amend bills with provisions that would prohibit federal money being spent to build the center.

The GSA, the real estate arm of the federal government, was awaiting the results of an environmental assessment before acquiring the farmland, and the project fell behind months schedule due to delays in completing the report.

In March, the Environmental Protection Agency suggested that GSA consider preparing a more rigorous environmental impact statement - a process that could have created additional delays of months, if not years.

The Queen Anne's Conservation Association in May sued the State Department and GSA in U.S. District Court seeking the release of documents relating to the project. Spokesman Jay Falstad said the group was "delighted" with the decision.

"It has been our belief since the beginning that FASTC in Ruthsburg was a poor choice," Mr. Falstad said. "There are simply too many costly environmental and social impacts to justify this type of project in this location."

HAZARDOUS WASTE

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JUNE 30, 2010

Smelter's Shut, So Now What? (*Wall Street Journal*)

By ANA CAMPOY
El Paso Times
ASARCO's smelter in El Paso, shown this month, has been closed. The city is asking the public for ideas on what to do with the polluted site.
EL PASO—After fighting for years to close a pollution-belching copper smelter, residents of this border city are now wrestling with what to do with the plant, which closed permanently last year.

At meetings convened by the city this month, local residents have been outlining hopes for everything from a white-water-rafting park to an observation deck atop the smelter's 800-foot tall smokestack.

But a limited cleanup budget, and the heavy toxins that contaminate the old smelter, are narrowing the options as the city prepares to seek developers for the 458-acre site near downtown.

Some people here say the plant, which sparked protests in Mexico over air pollution that drifted across the Rio Grande, should be bulldozed and its entrance barred.

"That is no man's land," said Mario Lorenzo Nevarez, a former smelter worker who attended one of the meetings.

The plant, which started operations in 1887, was part of American Smelting & Refining Co., known as Asarco. Controlled by the Guggenheim family for decades, it turned ore from Mexican and Southwest mines into copper ingots. Left behind is a moonscape of waste material known as slag.

Saddled by contamination claims, Asarco, now owned by Mexican mining conglomerate Grupo Mexico, filed for Chapter 11 protection in 2005. The company emerged from bankruptcy in 2009 by signing one of the largest environmental settlements in U.S. history: $1.79 billion to clean and restore more than 80 locations around the country.

But El Paso's $52 million share isn't enough, locals say.

"They passed the liability from the pollution to the public," said state Sen. Eliot Shapleigh, a Democrat who represents the area around El Paso.

The Environmental Protection Agency and the Texas Commission on Environmental Quality, parties to the settlement, say the designated cleanup plan and funding are adequate.

Left to reconcile the grand visions with the fixed amount of cleanup money is Roberto Puga, a plainspoken geologist from Orange County, Calif. entrusted with the site's management by federal and state environmental agencies.

"You have to temper your expectations," he said recently from his office at the Asarco plant.

He has told locals to cross homes, schools and hospitals off their wish lists because his budget doesn't cover scrubbing the land to the level required by those options.

Mr. Puga estimates he has enough money to bury and pave over about 150,000 cubic yards of contaminated slag now sitting in a pile across 4.5 acres and to install a pumping system to prevent water laced with toxic metals from feeding into the nearby Rio Grande. Arsenic has been found in the groundwater under the smelter at concentrations more than 6,000 times the federal government's maximum level for drinking water.

But it's up to Mr. Puga to procure the additional several million dollars needed to dig arsenic out from under one of the site's old processing facilities and to dispose of other nontoxic slag strewn around the plant.

He has a few fund-raising ideas, including allowing the crew of a ghost-hunting television show to monitor for paranormal activity at the smelter's power house, a place said to be haunted by dead workers.

"That's a $50,000 fee!" he estimated recently.

Another challenge is cleaning the plant's reputation. Aside from discharging pollutants from smelting ores, Asarco at the plant burned hazardous waste from the Rocky Mountain Arsenal, a military chemical-weapons plant in Colorado, without alerting authorities.

Over the years, the government has fined Asarco for its offenses, but some say those efforts fell short.

Some critics also feel that not enough has been done to address pollution that crossed into Mexico. The EPA says it is discussing pollution from the smelter with Mexican authorities.

Mr. Puga has dispensed his practical views to those El Pasoans who want to keep the smelter's iconic smokestack and convert it into a tourist attraction.

He is studying how much it would cost to maintain the iconic structure, which regularly sheds pieces of crumbling concrete, and whether it can withstand an earthquake.

"It will require a fair amount of maintenance," he said matter of factly. "Who will bear that cost?"

Write to Ana Campoy at ana.campoy@dowjones.com

EPA fines engine company $104K for hazardous waste (Associated Press)

Story also appeared: News & Observer, Ventura County Star

Staff Reports
Tuesday, June 29, 2010
OSCODA, Mich. (AP) - The U.S. Environmental Protection Agency says it has fined a Michigan airplane engine repair plant $104,100 over what the agency says were violations of hazardous waste rules.

The EPA's Chicago office said Tuesday the penalty is part of a settlement with TIMCO Aviation Services Inc.'s engine center in Oscoda.

TIMCO is an aircraft engine maintenance company based in Greensboro, N.C.

Messages seeking comment were left with the company Tuesday.

The government cited TIMCO for deficiencies in updating its contingency plan; training of employees; labeling, dating and closing containers; and maintaining adequate aisle space.

EPA Plans Additional Soil Tests (*KOLR-KSFX Ozarks*)

(Cameron) -- The Environmental Protection Agency plans further soil testing at sites near a Cameron soccer complex after initial test results came back inconclusive from a lab.

EPA Region 7 tested the Ore Stockpile Area after residents told the agency that the site was used for off-loading of railroad cars that carried ore and other materials to be taken to the former Rockwool Industries Facility.

The EPA says current information is not sufficient to characterize long-term health risks, so the agency will retest the Ore Stockpile area and seek permission to test three nearby properties.

Environmental health probe ongoing at Momentive (*Troy Record)*

Wednesday, June 30, 2010
By Danielle Sanzone
The Record
WATERFORD — One year later, an environmental health investigation by the Environmental Protection Agency, the Department of Environmental Conservation and the U.S. Attorney's Office is still ongoing at Momentive Performance Materials.

"The case remains open and no charges have been filed yet," said Elias Rodriguez, a public information officer with the regional office of the EPA.

Since the investigation is pending, none of the federal or state agencies could confirm what instigated the raid last year on, June 30, 2009.

"The company has resolved the irregularities that it identified and reported and that led to the government investigation, and we are continuing to cooperate with the state and federal agencies," added Momentive spokesman John Scharf.

Employees at the silicone plant, however, feel not much as changed.

One anonymous worker said that, at around 7:45 p.m. on Friday, a reactor blew a rupture disk and released a cloud of methyl chloride gas and silicon ore material, which are both hazardous. He said the DEC and the Occupational Safety and Health Administration were contacted.

No other information was available on the incident.

High-ranking sources in the plant have all confirmed that the pending investigation has focused on the plant's rotary kiln incinerator, which burns most of the company's waste, sometimes at temperatures as high as 2,500 degrees.

"It's about procedures that have been done over the years, not just recently," said one source noting that a plant manager had reported the environmental health hazard, but the investigation is probing to see which plant officials authorized a bypass in the kiln's safety interlocks.

Also, at least one OSHA complaint was filed in April against the plant regarding workplace health and safety, confirmed Ted Fitzgerald with the agency. He said that is also an open investigation which could result in a fine for the former General Electric facility.

Most recently, the plant's union members ratified a contract giving some back pay and a $2 per hour increase to union employees but some said this was unsatisfactory after having their wages dropped on average 25 percent 18 months ago.

The NLRB complaint, in which the agency found Momentive had to repay the 400 affected workers with backpay and interest, is also dropped as part of the contract.

Momentive, located on Hudson River Road in Waterford, has about 1,000 employees and is the largest manufacturing plant in Saratoga County.

The EPA, DEC, and U.S. Attorney's Office could not say how far along the investigation is or when a conclusion might be reached.

Danielle Sanzone may be reached at 270-1292, @DanielleSanzone on Twitter, or by email at dsanzone@troyrecord.com.

PESTICIDES

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Monsanto Seeks Genuity VT Double Pro Corn RIB Registration (*Farm Chemicals International*)

June 29, 2010
ST. LOUIS, Missouri, US -- Monsanto Co. has submitted for registration to the US Environmental Protection Agency (EPA) a 5% refuge-in-the-bag (RIB) option for its Genuity VT Double PRO corn, the company announced in a press release. The RIB option would enable US farmers to plant one bag that contains both Bt seed and refuge seed, without having to maintain a separate refuge. EPA is also currently reviewing Monsanto's RIB application for Genuity SmartStax corn, which the company submitted in Dec. 2009. Pending registrations, Monsanto expects both RIB product options to be commercially available to US corn belt farmers for the 2012 growing season.

The dual modes of action in Genuity VT Double PRO (MON 89034 × NK603) provide protection from the European corn borer, southwestern corn borer, fall armyworm, and corn earworm, while offering tolerance to Roundup agricultural herbicides. The technology is the first dual mode of action product on the market to include a reduced structured refuge option at 5% in the corn belt for above-ground pests.

SUPERFUND
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JUNE 30, 2010

Appeals Court Rejects GE Challenge to Superfund Law (*Wall Street Journal*)

By BRENT KENDALL
WASHINGTON—A federal appeals court Tuesday rejected General Electric Co.'s constitutional challenge to part of the federal Superfund law that gives the Environmental Protection Agency the power to order companies to clean up sites contaminated with hazardous waste.

The U.S. Court of Appeals for the District of Columbia Circuit ruled unanimously that the Superfund law didn't violate GE's constitutional due-process rights.

GE, which has been subject to several cleanup orders, had argued that the law violated companies' constitutional rights because they have no meaningful opportunity to contest the EPA's cleanup orders before they are issued. GE also argued that companies' have little choice but to comply with a cleanup order because the potential financial costs of noncompliance are very high.

The Justice Department argued in response that the EPA gives companies multiple chances to present their positions to the agency before it makes the decision to issue cleanup orders. The department said EPA issues the orders instead of suing the companies first because it is a quicker way to get hazardous sites cleaned up.

Siding with the government, the D.C. Circuit, in an opinion by Judge David Tatel, said the Superfund law satisfies due-process requirements because a company can refuse to comply with a cleanup order and force the EPA to sue in court.

Judge Tatel said the potential consequences of a cleanup order, such as a drop in the company's stock price or harm to the company's reputation, result not from the EPA's order but from market reactions to it.

GE's concerns didn't implicate the constitutionality of the law "or of the policies and practices by which EPA implements it," Judge Tatel said.

Write to Brent Kendall at brent.kendall@dowjones.com

GE Loses 10-Year-Old Challenge to EPA Superfund Law (*Bloomberg Businessweek*)

June 29, 2010, 6:09 PM EDT
By William McQuillen
June 29 (Bloomberg) -- General Electric Co. lost a federal appeals court challenge to the U.S. Environmental Protection Agency’s Superfund law that governs cleanup of hazardous waste sites.

The U.S. Court of Appeals for the Federal Circuit in Washington sided with a lower court, rejecting the company’s argument that the agency violated its due process rights under the U.S. Constitution.

GE was contesting a provision of the Superfund law that denies the company the ability to go to court to challenge the government’s claims. The lawsuit was filed in 2000, before GE agreed to and began to clean up 40-mile stretch of the Hudson River polluted with polychlorinated biphenyl.

“GE is evaluating the decision and reviewing its options,” said Mark Behan, a spokesman for Fairfield, Connecticut-based GE. The ruling will have no effect on the company’s dredging, where one phase of work was completed last year and the next is scheduled to start in 2011, he said.

The case is General Electric Co. v. Jackson, 09-5092, U.S. Court of Appeals for the District of Columbia (Washington).

--Editors: Peter Blumberg, David Rovella

To contact the reporter on this story: William McQuillen in Washington at bmcquillen@bloomberg.net

To contact the editor responsible for this story: David Rovella at drovella@bloomberg.net

WATER

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Honolulu agrees to upgrade sewer system (*Water Tech)*

Tuesday, June 29, 2010
HONOLULU — As part of a settlement with the U.S. Environmental Protection Agency (EPA), the city of Honolulu will upgrade its sewer system to prevent future wastewater spills, The Associated Press reported.

In 2006, 48 million gallons of sewage was discharged into a Waikiki canal before being released into the ocean, the article stated.

The proposed agreement, which still needs to be approved by the city council and federal court, settles four lawsuits filed between 1994 and 2010 by environmental groups.

“Everyone from residents to tourists care about clean water, especially when they come to a pristine place like Hawaii,” said Jared Blumenfeld, regional administrator for the EPA. “This is the right decision, the right time, and we're very proud to be part of the settlement.

Tuesday, June 29, 2010, 11:10am PDT

Highland Light Seafoods fined $135K by EPA (*Puget Sound Business Journal*)

(Seattle)
Highland Light Seafoods LLC has been fined $135,000 by the Environmental Protection Agency for violating the Clean Water Act.
The Seattle company, which processes seafood in Alaska, uses a 160-foot-long catcher-processor boat called the Westward Wind, which didn’t comply with its National Pollutant Discharge Elimination System Permit while in Alaskan waters.

According to the EPA, the Westward Wind on numerous occasions, “discharged seafood waste in quantities greater than the company specified in its application,” along with other violations.
Here’s the EPA release on the penalty:
Alaskan seafood processor fined $135,000 for Clean Water Act violations
(Seattle – June 29, 2010) Highland Light Seafoods, LLC, an Alaskan seafood processor headquartered in Seattle, has agreed to pay a $135,000 penalty to settle federal Clean Water Act violations, according to an EPA order.

Based on an inspection in December 2008, EPA found that the Highland Light Seafoods’ 160 foot catcher-processor vessel, Westward Wind, was not in compliance with its National Pollutant Discharge Elimination System Permit while operating in Alaskan waters. Highland Light Seafoods had the following NPDES violations:

· Over the past five years, the company failed to maintain records documenting visual monitoring of the effluent grind size and waste conveyance systems.

· During 2004 and 2005, the company failed to maintain records documenting visual monitoring of the shoreline and sea surface.

· In 2005, the company violated its NPDES permit when the Westward Wind discharged to Nazan Bay.

· In 2006, the Westward Wind discharged near the Pribilof Islands without an authorized NPDES permit.

· On numerous occasions, the Westward Wind discharged seafood waste in quantities greater than the company specified in its application, and

· The company failed to update its application after it made significant changes in its operation.

According to Kim Ogle, NPDES Compliance Manager, the penalty amount was driven by the lack of demonstration that the crew of the Westward Wind was monitoring its operation for the last five years.

“Monitoring is a cornerstone of the NPDES Program and provides real time input for the company on the effectiveness of its operations,” said EPA’s Ogle. “Using monitoring to improve operations is an important step in reducing the effects of discharges on the environment.”

The NPDES permit program, a key part of the Clean Water Act, controls water pollution by regulating sources that discharge pollutants into waters of the United States.

For more information about EPA’s NPDES discharge program, visit:
http://cfpub.epa.gov/npdes/index.cfm

EPA releases 5 year plan for ground water contamination (*KNDO/KNDU*)

Posted: Jun 29, 2010 7:53 PM EDT Updated: Jun 29, 2010 7:54 PM EDT
Zillah, Wash.- Lower Valley families with contaminated water will soon get relief. Employees from the Environmental Protection Agency are working to eliminate contamination and help families buy clean water.

Sandra Simmons and her daughters hurry to the groundwater meeting. They are one of many with a contaminated private well.

"You just stop drinking it and you spend a lot of money on bottled water and you have a lot of jugs to recycle and frankly, it's a pain," said Sandra Simmons, who has contaminated water.

It is also a health risk. Contaminated water from chemicals or bacteria can affect anyone who drinks it. Employees from the Environmental Protection Agency say too many people are at risk.

"If you play off the numbers that's about up to 6,000 people that could be drinking contaminated water and we think that is a significant concern," said Tom Eaton from the EPA.

A big part of the problem is fertilizers. Farmers use them daily and some of it is made up of the toxic chemical nitrate. When the crops are watered this chemical spreads.

"It's about determining where the sources are and cutting back to the point where nutrients are used for crops but not in excess amounts," said Eaton.

That is the EPA's long-term plan, to limit what goes into the ground. Their immediate plan includes spending several thousands of dollars to provide families with healthy drinking water.

"In natural processes like this maybe 5 years is what it takes, but as soon as possible but with things like this I think it may take same time," said Simmons.

EPA employees encourage people to test their water and to contact them if they are concerned about contamination.

June 29, 2010

EPA gives tentative OK to Logan mine permit (*Charleston Gazette*)

The Obama administration has given its tentative approval to a new mountaintop removal permit, provided the Logan County operation makes changes federal regulators say are needed to protect downstream water quality.
By Ken Ward Jr., Staff writer
The Charleston Gazette
Advertiser

CHARLESTON, W.Va. -- The Obama administration has given its tentative approval to a new mountaintop removal permit, provided the Logan County operation makes changes federal regulators say are needed to protect downstream water quality.

Last week, the U.S. Environmental Protection Agency quietly signed off on federal Army Corps of Engineers issuance of a Clean Water Act permit for Arch Coal Inc. subsidiary Coal-Mac Inc.'s Pine Creek Surface Mine near Omar.

EPA officials praised the company for taking steps to reduce downstream water pollution, but said they also want the company to agree to build its valley fill waste piles one at a time.

Coal-Mac cut its stream impacts by 22 percent, agreed to haul waste rock and dirt for disposal on an adjacent mine site rather than in streams, and increased the deck of its valley fills in another move to reduce the length of waterways buried.

"Where practicable, the applicant has maximized the amount of spoil returned to the mine bench and minimized the amount of excess spoil that must be disposed of in streams," EPA regional environmental assessment director John Pomponio wrote in a June 21 letter to corps District Engineer Robert D. Peterson.

The permit involves a 760-acre mountaintop removal operation that was among the mining applications receiving additional scrutiny from the EPA under the Obama administration's effort to reduce impacts from Appalachian strip mining.

While the coal industry favors mountaintop removal's efficiency and local political leaders praise the jobs provided, there is a growing scientific consensus that the practice is causing widespread and irreversible damage to the region's forests, water quality and communities.

In one recent first-of-its kind study, for example, scientists from EPA and the University of Kentucky found that ditches mine operators build to channel runoff do not replicate the important ecological functions of headwater streams.

"Our findings suggest that these channels should not be considered as on-site mitigation for the natural channels buried under [valley fills]," said the study, published in the Journal of the North American Benthological Society.

EPA officials in April issued new guidance for state regulatory agencies aimed at reducing mine pollution that increases streams' electrical conductivity, a key measure of water quality and potential for harm to aquatic life. Coal industry officials oppose the EPA action, and the West Virginia Department of Environmental Protection is considering a lawsuit to challenge the federal guidelines.

In reviewing the Coal-Mac permit, EPA officials found the operator originally proposed to have the full mining area disturbed and all three proposed valley fills active within 12 to 18 months.

EPA persuaded the company to delay the use of one of the three valley fills for about three years, but said wants Coal-Mac to go further and build each fill separately, waiting to start the next one until the previous one is finished. Federal officials said this would allow monitoring of each fill "prior to initial construction of subsequent fills, to ensure that predicted water quality outcomes are achieved."

Arch Coal officials did not immediately say whether they would accept the new EPA conditions.

The Rainforest Action Network criticized EPA's decision to sign off on the permit, saying it was "devastating" and did not live up to the agency's commitment to reduce mountaintop removal pollution.

"This continues the inconsistent and contradictory decisions that have plagued the EPA's process on mountaintop removal coal mining all along," the group said.

Reach Ken Ward Jr. at kw...@wvgazette.com or 304-348-1702.

Highland Light Seafood fined by the EPA (*KUCB News*)

(2010-06-29)
UNALASKA, AK (kucb) - Highland Light Seafoods, a Seattle-based seafood company, has been fined $135,000 by the Environmental Protection Agency for violating the Clean Water Act in Alaska waters.

An EPA inspection in 2008 revealed that the company's catcher-processor the Westward Wind had been in violation of environmental standards for 5 years. The Westward Wind did not comply with its National Pollutant Discharge Elimination System permit, and discarded more seafood waste than it was permitted to by law.

In 2006, the Westward Wind dumped waste near the Pribilof Islands without a permit. Chris Gebhardt, a compliance officer with the EPA, says that the area is given special

protections because of the islands' exceptionally diverse bird population and its large marine mammal population.

"We created a special general permit in the Pribilof Islands with more reporting requirements because of the sensitivity and ecological importance of the islands," says Gebhardt.
Gebhardt says that the Westward Wind also violated its pollutant elimination permit when it discarded seafood waste in Nazan Bay off Atka Island. Nazan Bay is a shallow cove with little water flow, which increases the likelihood that waste could collect on the ocean floor.

For almost five years, the Westward Wind failed to maintained accurate records that would keep track of how much waste was discarded and how large the pieces of waste were. Because vessels self-report this information, the figures they provide are crucial to the EPA.

"They never kept logs of their monitoring activities, which we need to ensure that the right kind of monitoring was taking place," says Gebhardt.

Highland Light is part of the Yardarm Knot Group. In 2004, Yardarm Knot was fined $11,000 by the EPA for fish waste violations at its land-based facility in Naknek.

Alan Chafee, president of Yardarm Knot, did not return a request for comment.

EPA to seek public comment on hydraulic fracturing in Fort Worth (*Fort Worth Star Telegram*)

Posted Tuesday, Jun. 29, 2010
By JACK Z. SMITH
jzsmith@star-telegram.com
Mike Paque, executive director of the national Ground Water Protection Council, laments that hydraulic fracturing has "become the synonym for everything people don't like" about the drilling of natural gas and oil wells.

Hydraulic fracturing, a process routinely employed in the Barnett Shale in North Texas, is a long-used procedure under which huge volumes of water and sand, along with a much smaller amount of chemicals, are injected deep underground to fracture rock formations and allow gas and oil to flow into a wellbore.

But "fracking," as the process is dubbed, has become increasingly controversial in recent years because of concern that it can lead to contamination of groundwater supplies and because of the large volumes of fresh water -- often several million gallons per well -- that it requires.

As a result, the U.S. Environmental Protection Agency is launching a study of fracturing that is expected to focus on potential negative effects on groundwater supplies.

Another major issue is whether energy companies should be required to fully disclose the specific chemicals used in fracturing.

The EPA, to help determine the proper scope of its study, is conducting four public meetings across the nation, including July 8 in Fort Worth.

The meeting is expected to attract people representing a variety of viewpoints. Environmental groups are calling for federal regulation of fracturing. Oil and gas industry officials, meanwhile, maintain that the process has been employed safely for 60 years, has never been proven to be a direct cause of groundwater contamination and is vital to a strong domestic energy supply.

"We feel that disclosure of the chemicals is imperative," said Esther McElfish of Fort Worth, president of the North Central Texas Communities Alliance, a group that supports a moratorium on new Barnett Shale drilling permits until the effects of drilling can be more fully assessed.

A Johnson County couple, Jim and Linda Scoma, sued Chesapeake Energy this month, blaming "drilling-related activities," including fracturing, for contamination of their water well. Chesapeake spokesman Brian Murnahan said the company "disputes the claims in the lawsuit."

Fracturing of Barnett Shale wells typically occurs more than a mile below underground aquifers that provide drinking water. Industry practice is to install multiple layers of pipe, known as casing, and cement inside the wellbore to isolate petroleum and chemicals from groundwater.

Regulatory officials in some states have said that, in rare instances, improper cementing or casing of the upper portions of wellbores probably contributed to groundwater contamination. Surface spills of fracturing fluids also occur, but they are usually relatively small and quickly cleaned up.

Environmental groups have called for new federal oversight of hydraulic fracturing. But the Oklahoma City-based Ground Water Protection Council that Paque heads takes the position that states should continue to play the chief regulatory role because they already have experienced staffs in place and are more knowledgeable about the unique geology and hydrology of their regions.

The council is an association of state regulatory agencies that oversee the oil and gas industry and impose rules to protect groundwater. Members include the Texas Railroad Commission and the Texas Commission on Environmental Quality, which deals with various water issues.

"It would be nigh impossible for the federal government to step in and replace the thousands of people the states have doing it now," Paque said.

Hydraulic fracturing gets negatively associated with other things that people don't like about the oil and gas industry, such as the noise of drilling, Paque said.

McElfish said, however, that her alliance favors passage of the proposed federal regulation of hydraulic fracturing because "the scope of the problem is nationwide."

JACK Z. SMITH, 817-390-7724

Texas may allow more E. coli bacteria in water (*Associated Press*)

Story also appeared: D*allas Morning News*

06/30/2010
Associated Press
Texas environmental regulators will consider lowering the standard for E. coli bacteria in recreational waters, a move that increases the risk to public health.

The governor-appointed, rule-making body of the Texas Commission on Environmental Quality will meet Wednesday. Its staff and scientists recommend the standards be loosened.

However, environmental groups warn that would put the public at risk. The U.S. Environmental Protection Agency hasn't lowered its standards.

TCEQ aquatic scientist Jim Davenport says loosening the standards slightly would increase the risk of stomach illness. However, he says it's necessary to allow the state to focus more on heavily polluted bodies of water.

If approved, the rule could take effect by July 22. It also requires EPA approval.

YUCCA MOUNTAIN
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Administration Cannot Drop Bid for Nuclear Waste Dump in Nevada, Panel Finds (*New York Times*)

June 30, 2010 Wednesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 19
By MATTHEW L. WALD
WASHINGTON -- In a setback for the Obama administration, a panel of judges at the Nuclear Regulatory Commission ruled on Tuesday that the Energy Department could not withdraw its application to open a nuclear waste dump at Yucca Mountain in Nevada.

Making good on a campaign pledge by President Obama, the Energy Department had formally sought to drop its plan for Yucca Mountain, a volcanic structure about 100 miles from Las Vegas. But states with major accumulations of waste from nuclear weapons production had petitioned to prevent the department from doing so.

In a 47-page decision, the three-member panel of administrative judges said the Energy Department lacked the authority to drop the petition because it would flout a law passed by Congress.

In the Nuclear Waste Policy Act of 1982, Congress directed the Energy Department to file the application and the commission to consider it and "issue a final, merits-based decision approving or disapproving the construction," the judges said. "Unless Congress directs otherwise, D.O.E. may not single-handedly derail the legislated decision-making process."

The effect of the decision is unclear for now. Congress would have to appropriate hundreds of millions of dollars a year for the Energy Department to pursue the application. But the president's budget for next year proposes no money at all; and while some members of the House are eager to appropriate funds, the Senate majority leader, Harry Reid of Nevada, is adamantly opposed to the project.

Yet the decision could keep the application alive long enough for the politics to change.

That would not end the debate over scientific and engineering issues related to the project, which is markedly different from the waste burial strategy being pursued in other countries. Some experts say the geology of the Nevada site, selected by Congress in 1987, is unsuitable. The Energy Department would have to convince the commission that the repository could contain the waste for hundreds of thousands of years.

The three-judge panel noted that the Energy Department was not claiming that Yucca was unsafe or that there was anything wrong with the 86,000-page application, but was saying only that the site was "not a workable option."

The decision on Tuesday could be overruled by the five-member Nuclear Regulatory

Commission itself. The commission is studying the order, said a commission spokesman, Eliot Brenner.

President Obama had promised in his election campaign to drop the Yucca Mountain plans if he were elected. But the states of Washington and South Carolina, with major stores of waste, had petitioned to prevent the Energy Department from withdrawing the application. So did the Nuclear Energy Institute, the industry's trade association; several counties in Nevada; and the National Association of Regulatory Utility Commissioners, made up of state officials who sit on public service commissions.

The state officials are concerned because the Energy Department's waste program has been mostly financed by electricity consumers, who pay one-tenth of a cent per kilowatt-hour into a nuclear waste fund. The state commissioners have also asked that payments to the fund be suspended because there is now effectively no program to find a burial spot. About $10 billion has been spent so far.

In announcing his intention to give up on the Yucca Mountain plan, Mr. Obama said he would establish a commission to seek solutions to nuclear waste. But the commission, which began meeting this year, is not looking for alternative sites but considering ways of recycling and reusing some of the waste.

That could reduce the number of repositories needed, but at least one would still be required; national policy still dictates that the waste should eventually be buried.

Stephanie Mueller, an Energy Department spokeswoman, said the agency was "confident that we have the legal authority to withdraw the application for the Yucca Mountain repository."

"We believe the administrative board's decision is wrong and believe that the Nuclear Regulatory Commission will reverse that decision," Ms. Mueller said.

But Steve Kerekes, a spokesman for the Nuclear Energy Institute, said the ruling signaled that the Yucca Mountain licensing effort would continue.

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