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ADMINISTRATOR JACKSON
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Struggling to gain control of the unknown (*Washington Post*)

June 6, 2010 Sunday
Suburban Edition
A-SECTION; Pg. A01
Maryland
By Karen Tumulty and Juliet Eilperin
In a time of crisis, no resource is so precious, or so perishable, as credibility. Last weekend, the Obama White House discovered that it had sprung another leak.

At a public briefing on May 29, BP's chief operating officer, Doug Suttles, described the company's latest last-ditch maneuver to contain the Gulf of Mexico oil spill: hacking the gushing pipe at the bottom of the gulf, so that a cap could be installed over it. Twice, Suttles said that shearing the riser would have little effect on the size of the leak.

White House officials could not believe what they were hearing. The administration's own analysis suggested the opposite, that cutting the riser could increase the flow of oil by 20 percent, at least temporarily.

For weeks, federal officials had stood alongside BP executives at the briefings, reinforcing doubts about who was really in charge and putting the government in the position of vouching, by its mere presence, for BP's veracity. No longer. The White House informed BP that it was putting an end to the joint appearances.

The administration is now scrambling to reclaim control, the appearance and the reality of it, over a situation that defies both.

It has been a hasty and somewhat chaotic mobilization of a wide array of disparate government resources -- including the Environmental Protection Agency, the Federal Emergency Management Agency, the Food and Drug Administration and the military -- that is unlike anything attempted before. The procedures "on the books aren't ready for this," said one official, speaking on the condition of anonymity. "Nobody has ever done what we are trying to do."

The new normal at the Obama White House has required that a whole new schedule be laid on top of the old one. There is a daily oil-spill conference call for Cabinet officers,

one for their deputies, yet another with the governors of affected states, and sometimes as many as three briefings a day that include the president himself.

"It's not as herky-jerky as it may come across," said Carol Browner, Obama's energy and climate adviser. "It's much more systematic."

But bureaucracies being what they are, it is also far from seamless. Though every day is jammed with interagency conference calls and a river of e-mails in between, some officials complain that at times they still feel like they are talking past each other.

Occasionally, signals get crossed. On Wednesday, the Minerals Management Service approved two shallow-water drilling permits, only to reverse both the next day, along with those for three other shallow-water operations. Some officials in the Gulf Coast region have complained that they can't figure out what the administration's drilling policy really is these days.

"Until they give us the new rule book, there is effectively a moratorium," said Sen. David Vitter (R-La.), who has criticized the government's response.

In his radio address Saturday, Obama enumerated the scope of his endeavor to contain the damage, including 17,500 National Guard troops; 20,000 personnel protecting the waters and coasts; 1,900 vessels; 4.3 million feet of boom.

Obama has also called in some of the many scientists on the federal payroll, led by Energy Secretary Steven Chu, a Nobel Prize-winning physicist. Chu at one point pushed the unusual idea of using gamma rays to peer into the blowout preventer to determine if its valves were closed, a technique he experimented with in graduate school while studying radioactive decay.

The suggestion at first elicited snickering and "Incredible Hulk" jokes. Then they tried it, and it worked. "They weren't hot on his ideas," a senior White House official said of BP's initial reaction to Chu's suggestions. "Now they are."

The president has pressured other oil companies to step up. At a May 3 dinner at the White House with business executives, says one official who was there, Obama bluntly told Exxon Mobil Chairman Rex Tillerson that he expected the entire petroleum industry to dedicate its engineering talent to fixing the spill and preventing others. It is a question of duty, Obama told him -- and also of the industry's own financial interest.

But Obama and his team are still feeling their way, and it is not at all clear what this vast marshaling of resources will accomplish. Despite all its efforts, the government is still depending on BP to plug the leak. That is not likely to happen until August at the earliest.

The administration is focusing many of its resources on the cleanup operation, which will continue for years, and on mitigating the effects on the environment, which could be

felt for decades. The Coast Guard has taken over the enormous effort to restore oil-blackened beaches.

"There's the acute, and there's the chronic," Browner said. "We have moved very much into 'How do you manage this, a difficult situation, over an extended period of time?' "

Obama has at times expressed frustration that the government continues to rely on BP for basic information about the spill. He has insisted that Washington develop its own, more accurate estimates of how much oil is flowing out of the hole.

BP spokeswoman Anne Kolton said the company has tried to "give our best estimate" and to be "open and honest and transparent." Yet whatever trust there was between the administration and BP has seemingly all but disappeared.

The White House has worked to keep the focus of public anger on the company -- and with it, give reassurance that there will be consequences and restitution. Attorney General Eric H. Holder Jr. has launched criminal and civil investigations, and the government has presented BP with a first bill for $69 million in cleanup costs. On his visit to the region Friday, Obama warned the firm against "nickel-and-diming" people and businesses harmed by the spill.

Kolton said the company's relationship with the federal government remains one of "coordination and cooperation." Yet she acknowledged: "The frustration is growing on their part. It's growing on our part. It's growing on the part of the people in the gulf."

The White House has also prospected for political opportunity in the crisis. Obama has tried to direct some of the public outrage toward reviving climate-change legislation, a key part of his agenda that is suddenly showing glimmers of life in the Senate.

The uncertainty surrounding the future of drilling is no small concern in a region so heavily dependent on the oil industry.

"This is our most important issue right now. I mean, oil on the ground is almost secondary," said Lafourche Parish President Charlotte Randolph. "This is the entire region's future. It's that significant, that we can't spend a moment on anything else."

Some area officials say the administration is doing a better job of delivering resources to help protect and clean up the Gulf Coast shore. "I think they've finally realized this needs to be a major federal response, so they're ramping that up," Vitter said.

It might also help that the administration is sending as its emissaries officials who have ties to the region, including EPA Administrator Lisa P. Jackson, a New Orleans native, and Tom Strickland, the Louisiana State University-educated chief of staff to Interior Secretary Ken Salazar. At the request of Louisiana Gov. Bobby Jindal (R), the White House has also assigned each parish president in Louisiana a personal Coast Guard liaison.

White House officials complain, with some justification, that they are caught between contradictory narratives about their handling of the crisis: that the president is not engaged enough in the details of the response, or that he is getting bogged down in them; that he should spend more time in the gulf making common cause with its residents, or that his repeated trips down there are merely publicity stunts.

And there remains the question of whether, for all its efforts, the administration can really gain control, or even the illusion of it. BP did indeed shear the riser and put the cap on it as planned. But days later, everyone at the White House was still waiting to see if it had succeeded. And how would they know? When they got the word from BP.

Staff writers Michael D. Shear and David A. Fahrenthold contributed to this report.

Battle lines formed over Texas air quality (*Houston Chronicle*)

Story also appeared: *San Antonio Express*

Biggest polluters find they'll now be dealing with environmentalists
By R.G. RATCLIFFE
HOUSTON CHRONICLE
June 6, 2010, 7:52PM
AUSTIN — The Texas air quality war — a conflict pitting environmental health against money — now is fully engaged because of a rare crosscurrent of political timing.

The companies that produce gasoline for our cars, electricity for our lights, gas for our stoves and noxious fumes as a byproduct have held sway over Texas regulators for almost two decades.

Now, environmentalists appear to have the upper hand:

• • The Obama administration named as regional Environmental Protection Agency administrator a longtime critic of the Texas Commission on Environmental Quality, TCEQ. That administrator, Al Armendariz, is threatening to take over aspects of Texas air quality permitting at the end of this month.

• • Democrats nominated environmentally oriented former Houston Mayor Bill White to challenge industry-friendly Republican Gov. Rick Perry in November.

• • The TCEQ faces a sunset review by the Legislature next year, scrutiny that has potential to overhaul the agency or to receive lawmakers' approval for business as usual.

“This has been brewing for about 15 years,” said Tom “Smitty” Smith, state director of Public Citizen. “But what's happening now is you've finally have an EPA administrator who's got enough guts to stand up to the polluters.”

Perry is presenting the battle as another attempt by the federal government to tell Texas what to do.

“Texas' common-sense approach to air quality permitting works because it avoids the damage caused by Washington's command and control approach, while cleaning the air, helping create jobs and growing our state economy,” Perry said at a Deer Park news conference last week.

Environmentalists are excited by the EPA's new aggressive posture and hope it prompts an overhaul of the TCEQ and Texas environmental regulation in the sunset process.
Fear of a backlash

Former TCEQ Commissioner Larry Soward, who is helping environmentalists prepare for the fight, fears the opposite is about to occur.

“I'm almost concerned that there's going to be a legislative backlash and the Legislature is going to join the governor and the agency and say, ‘Hell, no!'” Soward said.

He may be right.

State Sen. Glenn Hegar, R-Katy, chairman of the Sunset Commission, said he wants the process to be about agency operations and efficiency, not about state environmental regulations. Hegar said he is deeply concerned that the EPA is attempting to “federalize” a state program.

“The sunset process cannot resolve this very disturbing position we've been put in,” Hegar said. “I'm very suspicious. What's the real agenda?”
Flexible permits targeted

While the fight could escalate to all aspects of state environmental regulation by the TCEQ, the initial contest is over the state's policy of issuing so-called flexible air quality permits.

There are fewer than 140 such permits, but they cover some of the largest petrochemical refineries and power plants in the state.

The permits cap noxious emissions for an entire site rather than individual units within that site. Environmentalists argue that permits for individual units would force operators to upgrade equipment. State officials say the permits brought plants built before the 1990 federal Clean Air Act into the state regulatory system by giving operators flexibility to manage their overall emissions.

The Texas Clean Air Act creating the permitting system was passed under Gov. Ann Richards in 1993, and the state began using the law to issue permits in 1995. Perry and TCEQ officials say the EPA never formally objected to the state's process.

However, more than once, EPA officials wrote the state complaining about the process. In 2007, EPA Bush administration regional administrator Richard Greene sent a letter to all the flexible permit holders notifying them they may be out of compliance with federal clean air laws.

In response, a consortium of Houston-area refiners, the Texas Oil and Gas Association and the Texas Association of Business sued the EPA, demanding it follow federal law and issue a ruling on 30 state permitting rules.

Business won, and the court set a schedule that EPA now is following for ruling on the programs.

‘Eco-warrior' at meeting

Last June, members of the Texas environmental community met in Dallas with new EPA Administrator Lisa Jackson, whom Rolling Stone magazine described as an “eco-warrior” and the most activist agency administrator in history.

The environmentalists told Jackson the state's system of regulation favored polluters and how on more than one occasion TCEQ regulators had left the agency to work for the companies they had regulated. While air quality had improved in Texas over the past decade, they said it was due to EPA enforcement actions and lawsuits, not state regulation, recalled Neil Carman, clean air director for the Sierra Club of Texas.

Jackson, as a result, named Armendariz the new regional administrator.

Armendariz was an engineering professor at SMU with a history of challenging the TCEQ over air pollution from gas wells in North Texas. As one of his top aides, Armendariz chose Layla Mansuri, a former EPA lawyer pushing the agency to be more aggressive in enforcing environmental laws.

Suddenly, an activist administrator was in place with the industry-demanded schedule to rule on the legality of Texas' permitting process. Armendariz took it a step further last month by declaring the air quality permit for the Flint Hills refinery in Corpus Christi invalid and indicating he may do the same for other permit holders after a June 30 deadline.

Matthew Tejada, executive director of Air Alliance Houston, said the industry in its lawsuit may have outsmarted itself.

“They were trying to get in on the back end of the Bush EPA,” Tejada said. “It was a grand miscalculation on their part.”

Soward, a former Perry aide, said the fundamental problem of the TCEQ is that state law set it up to favor industry. He said he often had to vote for permits he did not like because state law does not allow the agency to change a permit up for renewal without the operator's agreement.

“We have a culture at the agency and in the state that economic interests are more protected … than the environment,” Soward said.
Texas as battleground

Because the state has about 60 percent of the nation's refining capacity, Soward said he believes the Obama administration is going to make an example out of Texas to bring other states in line on clean air issues.

TCEQ Chairman Bryan Shaw said the fight already is having economic impact on Texas.

Shaw said Motiva and Total refineries in Port Arthur, a Southwestern Public Service Co. power plant in Amarillo and a Conoco Phillips refinery in Borger all have state permits to expand, but cannot do so as long as their permits are in question. He said that threatens 7,160 jobs at two plants and halts the installation of modern pollution control equipment at two others.

Armendariz's staff earlier this year sent TCEQ a presentation arguing there is an environmental cost to not replacing the program.

The debate already has become a core part of the governor's race.

White said Perry has mismanaged the agency on behalf of polluting industries that have contributed to his political funds and now wants to turn his own failings into part of his campaign against Washington.

“Perry has politicized the commission,” White said. “The governor has played chicken with the EPA to create a new chapter in his book on states rights.”

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EDITORIAL / OP-ED / COMMENTARY / LETTERS
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Letters (*New York Times*)

June 6, 2010 Sunday
Late Edition - Final

Section MM; Column 0; Magazine Desk; LETTERS; Pg. 10
The article on Cass Sunstein and the Office of Information and Regulatory Affairs (May 16) suggests that the government's estimates of the value of life draw on "surveys - taken at malls, among other places - that asked passers-by how much more they would need to be paid to take on a job that carried, for instance, a 1-in-10,000 risk of death." The standard governmental practice for over a quarter century has been to rely instead on labor-market studies that analyze data from thousands of workers. My labor-market estimates of the value of life have been used by government agencies since 1982. The article also indicates that E.P.A. regulations costing a bit more than E.P.A.'s value-of-statistical-life estimate "would be scuttled." There are many E.P.A. regulations that involve a cost per expected life saved in excess of $100 million - far above any value-of-statistical-life estimate used for benefit-cost tests. The real challenge continues to be that of striking a meaningful balance between cost and risk so that we target our life-saving resources most effectively. W. Kip Viscusi University Distinguished Professor of Law, Economics and Management Vanderbilt University Nashville

Clearing the air (*Houston Chronicle)*

Stop the grandstanding and work together to resolve air quality issues
HOUSTON CHRONICLE
June 5, 2010, 5:15PM
Time is running out for Texas officials to get their act together and make meaningful changes in how they safeguard Texans and their environment from toxic emissions.

Late last month, after more than a year of sparring with state officials, the Environmental Protection Agency announced that it was taking over the Texas Commission on Environmental Quality's permitting authority for a refinery in Corpus Christi — one of the largest in the state — and plans to do the same with operating permits for 39 other Texas facilities.

It said that TCEQ had failed to correct problems with its original draft permit for the refinery, even after a 90-day grace period, and that the agency needs to make major changes to comply with the federal Clean Air Act.

TCEQ protested, with some justification, that Texas has dramatically improved its air quality, decreasing its ozone levels by 22 percent and nitrogen oxide emissions by 46 percent in the past 10 years.

True, but Texas was starting from way behind in that race, and its major cities still rank among the most polluted in the nation: Houston ranks seventh in ozone pollution, with Dallas/Fort Worth placing 13th.

And Gov. Rick Perry does not help matters much when he calls this action a “power grab” by EPA. He has used the same rhetoric far too often, railing against federal

involvement in what he sees as sovereign state issues — a long list that includes unemployment stimulus funds, uniform academic standards and delivery of food stamp services.

TCEQ has never inspired confidence from clean air advocates, largely due to its “flexible permitting” process, which allows plants to regulate pollutants for a whole facility — a violation of the Clean Air Act, which requires regulation of each emissions source in a plant. Even the permissive, industry-friendly Bush administration found fault with that process on several occasions.

Another potential concern for TCEQ is that it faces Sunset hearings at the end of this year, a once-every-12-years review of its operations by Texas lawmakers.

While the Legislature en masse generally tends to smile on business interests, some members are eager to see substantive changes.

Several of them, all Democrats, along with environmental activists, joined a press conference last Friday called by Sen. Rodney Ellis of Houston to urge TCEQ to work with EPA to resolve the federal agency's concerns.

Ellis reminded TCEQ that the Legislature would “closely examine” its programs during the Sunset process to make sure they “best protect the health of all Texans, as well as the environment.” He added that he fully expects the agency “to have corrected any outstanding issues well before then.”

We fervently hope this is the case. TCEQ needs to work seriously with EPA to address its discrepancies with the requirements of the Clean Air Act. And Gov. Perry should be happy to let them do so. He, along with every other Texan, regardless of ideology, deserves to breathe clean air.

AIR

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JUNE 4, 2010

The Smog Squad of Hong Kong Has Truckers on the Run (*Wall Street Journal*)

Eyes Peeled for Naughty Tailpipes, Certified 'Spotters' Rat Out Polluters
Article Video Slideshow Comments (2) more in US »
By JONATHAN CHENG
HONG KONG—Some workers in the central business district here like to pop out of the office for a smoke. Lincoln Chan slips out to spot smoke—the kind that pours out of old trucks.

Mr. Chan, a 41-year-old construction-industry executive, is one of Hong Kong's 5,000-plus "smoky vehicle spotters." These government-accredited citizen volunteers are

charged with ridding the roads of the trucks, buses and delivery vans whose smoke-belching tailpipes make Hong Kong one of the world's smoggiest cities.

Jonathan Cheng/The Wall Street Journa

A government trainer revved the engine on an old vehicle to demonstrate different smoke levels.

More photos and interactive graphics After Mr. Chan passed his spotter test, he found himself leaving the office for "spotting breaks." He got so good, he says, he could recognize polluting vehicles from a mile away, nabbing up to 10 of them in a half-hour session. Today, he regularly devotes lunch breaks to staking out vehicles from a secret vantage point in the central business district.

"I don't want to give away my location, or else drivers will know how to avoid me," says Mr. Chan, who got into the pursuit because he is bothered by asthma.

Tailpipe spotters like Mr. Chan turn in thousands of smoking vehicles a year. Suspects are hauled into designated inspection centers for a spin on a modified treadmill. If tailpipe smoke exceeds government limits, owners lose their vehicle license and must upgrade their vehicles—or junk them. Fail to show up, and your vehicle license is yanked.

Hong Kong has reason to be hot and bothered: The World Health Organization finds its air is three times as polluted as New York's and more than twice as bad as London's. While factories in nearby southern China get much of the blame, environmental scientists say homegrown pollution is a factor, too. A 2007 study by Hong Kong University of Science and Technology found that local sources such as vehicles are the "primary influence" on Hong Kong's air quality 53% of the time.

Bad air has driven a number of eminent people out of the city, including bankers, the conductor of Hong Kong's philharmonic orchestra, and, last month, Anthony Hedley, a 69-year-old public-health academic. Mr. Hedley, who had lived here for 22 years, called dirty air his "biggest health threat."

Thousands of volunteer Smoky Vehicle Spotters in Hong Kong are trained to identify and report cars and trucks that emit too much dirty smoke. WSJ's Jonathan Cheng reports.
The "Smoky Vehicle Control Program," rolled out by the city's Environmental Protection Department in 1988, is one tool in the government's arsenal. It followed efforts in the 1970s by San Francisco, where a small fleet of cars known as the Air Pollution Patrol roved the streets in search of dirty vehicles.

Hong Kong's smog spotters, who aren't paid, labor to keep up with the territory's 588,000 vehicles. In the first four months of 2010, they hauled in 1,945 for testing. About a third flunked.

Truckers hate spotters. Leung Kun of the Kowloon Truck Merchants Association sighs when asked about the smog squad. Mr. Leung says he supports environmental protection, but questioned the wisdom of putting truckers' livelihoods in the hands of others.

"There's nothing we can really do about it," says the 74-year-old Mr. Leung, who drove a truck for nearly 40 years.

Spotting a smoky vehicle is trickier than it sounds. Esoteric rules govern when and under what circumstances tailpipe emissions are deemed hazardous. Spotters must take hours of training to master such concepts as smoke density, measured in "Hartridge units."

Then they have to pass a test quizzing them on tough calls, such as the differences between a puff of black tailpipe smoke that is, say, 40 Hartridge smoke units (acceptable) and 60 Hartridge smoke units (unacceptable). The offending smoke must be emitted for at least five continuous seconds.

At a training session last month, students positioned themselves in a quiet Hong Kong parking lot around an old truck with a smoke-detecting gauge affixed to its tailpipe. As a government instructor revved the vehicle, spotters squinted and quibbled over the readings. "Looked like a 64," said one.

In addition to gauging smoke density, spotters have to be able to quickly jot down the license plate number, axle count, vehicle class, body color and spotting location to avoid potential disputes with drivers.

Spotters who make inaccurate reports lose their spotting privileges. Those who don't report frequently must undergo remedial training.

Andrew Mak, a 48-year-old chemical engineer, seems to be holding up well under all the pressure.

Mr. Mak files dozens of reports each month, scribbling license plate numbers of polluting vehicles onto scraps of paper from the front seat of the double-decker bus he takes to work. When waiting at bus stops, he often lets his bus go by several times, so he can check out more tailpipes. He sometimes shows up early at his appointments so he can cram in a few minutes of spotting outside.

"It's like a video game, you take one down and then you take another one down and you feel good about it, because there will be fewer vehicles putting out smoke," he says.

Mr. Mak grew up in Hong Kong, studied in the U.K. and later worked for DuPont Co. in the U.S. before returning to a smoggy Hong Kong in 1995. After years of clear West Virginia skies, "the contrast was significant," Mr. Mak recalls.

His zeal for spotting caused some tensions in his marriage, he says. "Whenever we took the bus, I would never talk to my wife, I was too tense, just watching," he says. Mr. Mak's wife complained that his reports weren't making a difference, but now their 12-year-old daughter is catching the bug, too.

"When she sits with me, she says, 'Daddy, look at that bus. It looks suspicious,'" Mr. Mak says.

Write to Jonathan Cheng at jonathan.cheng@wsj.com

Posted on Sat, Jun. 05, 2010

EPA raises questions about E. Ky. Power plant (*Lexington Herald Leader*)

joins others who say better options exist than planned facility in clark county
By Scott Sloan
ssloan@herald-leader.com

In a letter last month to the U.S. Army Corps of Engineers, the federal Environmental Protection Agency raised concerns over East Kentucky Power Cooperative's proposed coal-fired power plant in Clark County.

It's the latest in mounting criticism that has plagued the long-discussed plant, which was effectively placed on hold earlier this year by the cooperative, though leaders say they still intend to go forward and build it after assessing the co-op's finances.

In the letter, which was obtained and released by a number of environmental groups that have long opposed the plant, the EPA objects to the cooperative's proposed coal technology to power the plant and noted other more environmentally friendly options including natural gas.

The EPA's Heinz J. Mueller, chief of the National Environmental Policy Act program office, wrote that other options might cost more than the cooperative's favored coal-fired design, but the "EPA does not believe that the cost differential justifies selection of a power plant design that would generate substantively greater emissions."

Mueller's comments came as part of an environmental study that is being done by the Army Corps of Engineers for the plant, which would provide power for 150,000 homes.

The co-op produces power for its 16 member co-ops that in turn service more than 500,000 homes, farms and businesses throughout Central and Eastern Kentucky.

Mueller noted, too, that renewable energy sources such as wind and solar could allow the cooperative to "reduce or even eliminate the need" to build a new power plant for its electric load.

That echoes what environmental groups, including Kentuckians for the Commonwealth, the Kentucky Environmental Foundation and the Sierra Club, have preached for years. They've argued the cooperative, which has struggled to maintain a strong financial condition, would be better off spending money to educate customers about consuming less electricity.

"EPA is right to call out EKPC as failing to justify this expensive, unnecessary coal plant," Lois Kleffman, a customer of EKPC distribution cooperative Jackson Energy, said in a statement. "There are cleaner, better ways to meet energy demands that won't force EKPC to saddle its customers with a billion dollars in debt that they'll be paying off for generations.

"EKPC should stop wasting taxpayers' and ratepayers' dollars and start pursuing cleaner options now."

Cooperative spokesman Nick Comer said the proposed plant is "the most reliable, affordable option" and noted that the state Division for Air Quality has agreed it will meet federal and state air-quality standards.

He also disputed the EPA's assertion about solar and wind power, saying it would not be reliable enough given "sunshine and wind tend to be very intermittent in this part of the U.S."

The EPA also expressed concern that "significant portions of the information relied upon" in a draft version of the environmental impact study is outdated, "sometimes 20 years or older," according to the letter. "For the environmental impacts of the proposal to be adequately evaluated, this information must be updated."

The cooperative effectively delayed the building of the plant earlier this year when it asked the state Public Service Commission to allow it to withdraw its request for approval of private financing for the project. While East Kentucky Power would have obtained the money from banks and other lenders, such action requires the approval of the three-person commission, which regulates utilities in Kentucky.

The cooperative's filing stated only that it thinks financial prudence requires that it reassess its immediate need for financing. Comer said later "it was a business decision" and that the cooperative intends to re-file pending the outcome of the reassessment.

Opponents have seized on the cooperative's financial condition as a reason to stop the costly plant, which at one point was to cost $553 million but now could be as much as $900 million.

The cooperative's position deteriorated so much that it failed in 2006 to meet one of the financial ratios required by its loan covenants. It lost money during 2004 and 2005 and narrowly had a profit in 2006. It has since applied for and received approval for two rate increases and recently filed for another increase, which would raise the average customer's bill by $5 to $6 a month.
Reach Scott Sloan at (859) 231-1447 or 1-800-950-6397, Ext. 1447.

Feds set new sulfur dioxide air standard (*Gary Post Tribune*)

June 5, 2010
BY GITTE LAASBY, (219) 648-2183

The federal government has set a new standard for a pollutant that aggravates asthma and other respiratory illnesses. The purpose is to better protect public health.

The new sulfur dioxide standard comes with more monitoring and better notification of the public. Health associations say it will help reduce emergency room visits and premature deaths and help people with respiratory illnesses take health precautions when air quality is bad.

The U.S. Environmental Protection Agency says because short-term exposure to sulfur dioxide is of the most concern, a new one-hour health standard will replace the annual and 24-hour limit. The agency is under a court order to issue a new standard for the first time since 1971.

Lake County meets the standard now, but the EPA expects the county to be in violation come 2020. Lake County had an average level of 64 parts per billion in 2007 to 2009 based on monitoring data. EPA projects Lake County will be at 82 parts per billion in 2020 based on monitoring data from 2005 to 2007. That would be above the 75-parts-per-billion hourly standard the EPA has set.

"Compared to the new standard of 75 (parts per billion), there is an ample margin of safety between current measured values and the standard itself," Indiana Department of Environmental Management spokesman Rob Elstro said in an e-mail. "According to U.S. EPA's analysis, nine Indiana counties currently measure air quality that may exceed the standard. However, we cannot estimate the actual impact on the state due to additional studies that U.S. EPA is requiring states to conduct."

Porter County measured 65 parts per billion from 2007 to 2009 and is projected to reduce it to 60 parts per billion by 2020.

Sulfur dioxide tightens the airways, making it harder for people with asthma, chronic obstructive pulmonary disease and other lung diseases to breathe, according to the American Lung Association. It also worsens coughing and wheezing and increases asthma attacks.

"Breathing sulfur dioxide sends people with lung diseases to the emergency department or the hospital for breathing problems," said Charles Connor, president and CEO of the American Lung Association.

EPA estimates that the health benefits from the new standard will range from $13 billion to $33 billion annually. The benefits include preventing 2,300 to 5,900 premature deaths and 54,000 asthma attacks a year. The estimated implementation cost in 2020 is about $1.5 billion.

EPA said the change will improve states' ability to alert the public when short-term sulfur dioxide levels may affect their health. That's normally done by indicating it's a red, orange or green day for air quality.

"It's going to pick up many more days when we have short-term peaks of sulfur dioxide that are going to have the greatest impact on people's health. Before this, people weren't even telling them when short-term levels were high. Now, if it happens, people will know because that will be communicated through the statements the government gets out," said Brian Urbaszewski, director of environmental health programs with the Respiratory Health Association of Metropolitan Chicago.

That means people who are extremely sensitive to bad air quality can take preventive action by limiting their exercise and making sure to take their medication with them, he said.

"It's not a substitute for breathing clean air, but it's going to assure that fewer people will end up in the hospital," he said.

Sulfur dioxide has a pungent smell and comes from the burning of coal and oil at power plants and refineries.

Communities will place new monitors by Jan. 1, 2013, and do computer modeling to identify where problems are.

EPA expects to identify or designate areas not meeting the new standard by June 2012. After that, states will have to come up with a plan for how to get counties that don't meet the standard into compliance.

BP SPILL

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At Issue in Gulf: Who Was in Charge? (*New York Times*)

June 6, 2010 Sunday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 1
At Issue in Gulf: Who Was in Charge?
By IAN URBINA; Robbie Brown contributed reporting from New Orleans, and Tom Zeller from New York.
NEW ORLEANS -- Over six days in May, far from the familiar choreography of Washington hearings, federal investigators grilled workers involved in the Deepwater Horizon disaster in a chilly, sterile conference room at a hotel near the airport here.

The six-member panel of Coast Guard and Minerals Management Service officials pressed for answers about what occurred on the rig on April 20 before it exploded. They wanted to know who was in charge, and heard conflicting answers.

They pushed for more insight into an argument on the rig that day between a manager for BP, the well's owner, and one for Transocean, the rig's owner, and asked Curt R. Kuchta, the rig's captain, how the crew knew who was in charge.

"It's pretty well understood amongst the crew who's in charge," he said.

"How do they know that?" a Coast Guard investigator asked.

"I guess, I don't know," Captain Kuchta said. "But it's pretty well -- everyone knows."

Looking annoyed, Capt. Hung Nguyen of the Coast Guard, one of the chief federal investigators, shook his head. The exchange confirmed an observation he had made earlier in the day at the hearing.

"A lot of activities seem not very tightly coordinated in the way that would make me comfortable," he said. "Maybe that's just the way of business out there."

Investigators have focused on the minute-to-minute decisions and breakdowns to understand what led to the explosion of the Deepwater Horizon, killing 11 people and setting off the largest oil spill in United States history and an environmental disaster. But the lack of coordination was not limited to the day of the explosion.

New government and BP documents, interviews with experts and testimony by witnesses provide the clearest indication to date that a hodgepodge of oversight agencies granted exceptions to rules, allowed risks to accumulate and made a disaster more likely on the rig, particularly with a mix of different companies operating on the Deepwater whose interests were not always in sync.

And in the aftermath, arguments about who is in charge of the cleanup -- often a signal that no one is in charge -- have led to delays, distractions and disagreements over how to cap the well and defend the coastline. As a result, with oil continuing to gush a mile below the surface in the Gulf of Mexico, the laws of physics are largely in control, creating the daunting challenge of trying to plug a hole at depths where equipment is straining under more than a ton of pressure per square inch.

Tad W. Patzek, chairman of the Petroleum and Geosystems Engineering Department at the University of Texas, Austin, has analyzed reports of what led to the explosion. "It's a very complex operation in which the human element has not been aligned with the complexity of the system," he said in an interview last week.

His conclusion could also apply to what occurred long before the disaster.

Exceptions Are the Rule

Deepwater oil production in the gulf, which started in 1979 but expanded much faster in the mid-1990s with new technology and federal incentives, is governed as much by exceptions to rules as by the rules themselves.

Under a process called "alternative compliance," much of the technology used on deepwater rigs has been approved piecemeal, with regulators cooperating with industry groups to make small adjustments to guidelines that were drawn up decades ago for shallow-water drilling.

Of roughly 3,500 drilling rigs and production platforms in the gulf, fewer than 50 are in waters deeper than 1,000 feet. But the risks and challenges associated with this deeper water are much greater.

"The pace of technology has definitely outrun the regulations," Lt. Cmdr. Michael Odom of the Coast Guard, who inspects the rigs, said last month at a hearing.

As a result, deepwater rigs operate under an ad hoc system of exceptions. The deeper the water, the further the exceptions stretch, not just from federal guidelines but also often from company policy.

So, for example, when BP officials first set their sights on extracting the oily riches under what is known as Mississippi Canyon Block 252 in the Gulf of Mexico, they asked for and received permission from federal regulators to exempt the drilling project from federal law that requires a rigorous type of environmental review, internal documents and federal records indicate.

As BP engineers planned to set certain pipes and casings for lining the well in place in the ocean floor, they had to get permission from company managers to use riskier equipment because that equipment deviated from the company's own design and safety

policies, according to internal BP documents obtained by The New York Times.

And when company officials wanted to test the blowout preventer, a crucial fail-safe mechanism on the pipe near the ocean floor, at a lower pressure than was federally required, regulators granted an exception, documents released last week show.

Regulators granted yet another exception when BP sought to delay mandatory testing of that blowout preventer because they had lost "well control," weeks before the rig exploded, BP e-mail messages show.

The Minerals Management Service, which regulates offshore drilling, went along with these requests partly because the agency has for years had a dual role of both fostering and policing the industry -- collecting royalty payments from the drilling companies while also levying fines on them for violations of law.

Its safety inspections usually consist of helicopter visits to offshore rigs to sift through company reports of self-administered tests.

Even Ken Salazar, the interior secretary, who oversees the minerals agency, has said that oil companies have a history of "running the show" at the agency, a problem he has vowed to correct.

The minerals agency shares responsibility for oversight of drilling in the gulf with many others. The **Environmental Protection Agency** and others review offshore drilling for potential damage to wildlife and the environment. The Coast Guard inspects vessels for seaworthiness and licenses crew members to work on the rigs. The National Oceanic and Atmospheric Administration monitors dangerous weather conditions over deep seas.

And regulatory duties extend even past the federal government. Foreign countries, or "flag states," where many oil rigs are registered, have their own sets of safety requirements and inspections.

Regulations have not kept up with the risks that deepwater drilling poses.

On the Deepwater Horizon, for example, the minerals agency approved a drilling plan for BP that cited the "worst case" for a blowout as one that might produce 250,000 barrels of oil per day, federal records show. But the agency did not require the rig to create a response plan for such a situation.

If a blowout were to occur, BP said in its plan, the first choice would be to use a containment dome to capture the leaking oil. But regulators did not require that a containment dome be kept on the rig to speed the response to a spill. After the rig explosion, BP took two weeks to build one on shore and three days to ship it out to sea before it was lowered over the gushing pipe on May 7. It did not work.

(The rig's "spill response plan," provided to The Times, includes a Web link for a contractor that goes to an Asian shopping Web site and also mentions the importance of protecting walruses, seals and sea lions, none of which inhabit the area of drilling. The agency approved the plan.)

More broadly, regulators have not required technology and strategies for dealing with deepwater spills to be improved.

Engineers trying to control the blowout are using the same tactics they used in 1979 when the Ixtoc I well blew up in the Bay of Campeche off the coast of Mexico. In the earlier blowout, they first tried lowering a containment dome over the leak. When that failed, they unsuccessfully tried to inject golf balls and other material in a move called a junk shot, which was also tried and abandoned for the Deepwater Horizon.

Questions of oversight also came up in the New Orleans hearings last month. For example, Michael J. Saucier, an official with the Minerals Management Service, said that his agency "highly encouraged" -- but did not require -- companies to have backup systems to trigger blowout preventers in case of an emergency.

"Highly encourage?" Captain Nguyen of the Coast Guard asked. "How does that translate to enforcement?"

"There is no enforcement," Mr. Saucier answered.

Problems Early On

In some ways it was jinxed from the start.

As early as June 2009, BP engineers had expressed concerns in internal documents about using certain casings for the well because they violated the company's safety and design guidelines. But they proceeded with those casings.

Mechanical problems started in March with the Deepwater, setting the stage for the April 20 explosion.

More than five weeks before disaster, the rig was hit by several sudden pulsations of gas called "kicks" and a pipe had become stuck in the well. The blowout preventer, designed to seal the well in an emergency, had been discovered to be leaking fluids at least three times.

Dealing with these problems required teamwork, a challenge to the throng of different companies with responsibilities on the rig. Of the 126 people present on the day of the explosion, only eight were employees of BP. The interests of the workers did not always align.

In testimony to government investigators, rig workers repeatedly described a "natural

conflict" between BP, which can make more money by completing drilling jobs quickly, and Transocean, which receives a leasing fee from BP every day that it continues drilling.

Halliburton was also on hand to provide cementing services, while a subsidiary monitored various drilling fluids. A different company provided drilling fluid systems, another provided technicians to operate the remote-control vehicles that are they eyes of the rig crew deep underwater, and yet another provided the well casing.

Amid this tangle of overlapping authority and competing interests, no one was solely responsible for ensuring the rig's safety, and communication was a constant challenge.

"I don't have a feeling that there is somebody who has a handle on the coordination of all the activities on this vessel, going from routine to crisis," Captain Nguyen said during one hearing. "BP is in charge of certain things, Transocean is in charge of certain things."

Financial concerns added pressures on the rig.

BP had fallen behind schedule and over budget, paying roughly $500,000 a day to lease the rig from Transocean. The rig was 43 days late for starting a new drilling job for BP by the day of the explosion, a delay that had already cost the company more than $21 million.

With the clock ticking, bad decisions went unchecked, warning signs went unheeded and small lapses compounded.

On April 1, a job log written by a Halliburton employee, Marvin Volek, warns that BP's use of cement "was against our best practices."

An April 18 internal Halliburton memorandum indicates that Halliburton again warned BP about its practices, this time saying that a "severe" gas flow problem would occur if the casings were not centered more carefully.

Around that same time, a BP document shows, company officials chose a type of casing with a greater risk of collapsing.

Despite noticing cementing problems, BP skipped a quality test of the cement around the pipe. Federal regulators also gave the rig a pass at several critical moments. After the rig encountered several problems, including the gas kicks and the pipe stuck in the well, the regulators did not demand a halt to the operation. Instead, they gave permission for a delay in a safety test of the blowout preventer.

An initial investigation by BP points to a range of missteps.

Tests shortly before the well blew out found a buildup of pressure that was an "indicator

of a very large abnormality," BP concluded and disclosed to Congress in a preliminary report last month. Yet, the rig team was satisfied after another test was deemed successful, and it proceeded.

About 10 hours before the explosion, the challenges of trying to keep the pressure in the well under control led to an argument among the workers about how best to finish the well and move the rig to the next site.

Douglas Brown, a Transocean mechanic on the rig, told investigators that an unnamed BP official whom he called "the company man" had instructed rig workers to execute a new plan for removing the riser and sealing the well. Mr. Brown testified that workers thought the plan was too risky. But he could not hear details of the argument that ensued.

"The company man was basically saying, 'Well, this is how it's going to be,' " Mr. Brown told investigators at a hearing on May 26 near New Orleans, adding that the Transocean rig workers "reluctantly agreed."

When the explosion occurred around 9:50 p.m. on April 20, there was pandemonium on the rig. Most workers headed for lifeboats. Others rescued shipmates trapped under equipment. On the bridge, Captain Kuchta gathered with at least eight other managers and crew members to decide on an emergency plan.

Steve Bertone, the chief engineer for Transocean, wrote in his witness statement that he ran up to the bridge where he heard Captain Kuchta screaming at a worker, Andrea Fleytas, because she had pressed the distress button without authorization.

Mr. Bertone turned to another worker and asked him if he had called to shore for help but was told he did not have permission to do so. Another manager tried to give the go-ahead, the testimony said, but someone else said the order needed to come from the rig's offshore installation manager.

A Strained Partnership

After the spill, the government and BP were supposed to cooperate, partly a consequence of laws written after the 1989 Exxon Valdez spill that were intended to make polluters more accountable for cleaning up their own messes.

One example of what was supposed to be a unified front was the Joint Information Center. Housed in a Shell-owned training and conference center in Robert, La., the center includes roughly 65 employees, 10 of whom work for BP. Together, they write and issue news releases and coordinate posts on a Web site, Facebook and Twitter.

But the partnership between BP and the government has strained along with the failure of efforts to plug the well. Mr. Salazar, for example, assured the public on May 2 that the administration was keeping its "boot on the neck" of BP. Next he was being publicly

chastised by President Obama for using antagonistic language.

BP's chief executive, Tony Hayward, told reporters at one point that the spill was "relatively tiny." Federal officials soon released estimates indicating that the spill had far outpaced the Exxon Valdez disaster.

Under intense media scrutiny, at least a dozen federal agencies have taken part in the spill response, making decision-making slow, conflicted and confused, as they sought to apply numerous federal statutes.

In one stark example of government disputes, internal e-mail messages from the minerals agency obtained by The Times reveal a heated debate over whether to ignore some federal environmental laws about gas emissions in an effort to speed the drilling of relief wells.

One agency official, Michael Tolbert, warned colleagues on April 24 that emissions of nitrous oxide from the well were "pretty far over the exemption level," an issue that his colleague Tommy Broussard said could result in "BP wasting time" on environmental safeguards in a way that would be "completely stupid."

But a third colleague, Elizabeth Peuler, intervened to demand that the agency take "no shortcuts."

"Not even for this one," she said. "Perhaps even especially for this one."

Debates over the speed -- or lack thereof -- of the government response have also played out in Louisiana, where state officials spent much of May repeatedly seeking permission from the federal government to construct up to 90 miles of sand barriers to prevent oil from reaching the wetlands.

For three weeks, as the giant slick crept closer to shore, officials from the White House, Coast Guard, Army Corps of Engineers, Fish and Wildlife Service, National Oceanic and Atmospheric Administration and **Environmental Protection Agency** debated the best approach.

They ultimately approved the use of only one barrier, called a berm, to be paid for by BP.

Comparing the federal government's response to "telling a drowning man to wait," Gov. Bobby Jindal of Louisiana asked: If one berm is safe, then why not the 23 others that he had requested? Slowly, the federal government approved more berms.

From the start, BP had played down the extent of the problem in miscalculating the rate of the leak and in denying the existence of underwater oil plumes. By deferring to the company, federal officials underestimated the problem they were facing and thus what was needed to respond to it.

It took more than a week after the explosion for the homeland security secretary, Janet Napolitano, to declare, on April 29, "a spill of national significance" a legal categorization that was needed before certain federal assistance could be authorized.

Because of such delays, critics have charged, more coastline will be hit, more animals will die, more habitats will be ruined and more money will be lost in tourism, fishing and real estate.

And yet, the administration is limited in its ability to divorce itself from BP, because federal officials rely on the company for technology, personnel and financing for the cleanup. The relationship reached a turning point last week when the administration said the national incident commander, Adm. Thad W. Allen of the Coast Guard, would start giving solo briefings. He will no longer share a podium with BP, which will offer its own briefings.

That move, however, does not resolve the matter of who is actually in charge in the gulf -- of ensuring safety and regulating the dangerous extraction of vast riches under the deepest waters there, as well as of handling the continuing emergency.

The question is proving equally vexing as investigators try to place blame for events on the rig the day of the explosion-- as was clear on Tuesday when Attorney General Eric H. Holder Jr. announced that he had begun a criminal investigation.

Citing "a wide range of possible violations," Mr. Holder declined to specify the target of the investigation, because, he said, the authorities were still not clear on "who should ultimately be held liable."

Town in oil's path vents anger at BP (*Los Angeles Times*)

June 5, 2010 Saturday
Home Edition

MAIN NEWS; National Desk; Part A; Pg. 12D
Town in oil's path vents anger at BP;
A company official gets an earful in Grand Isle, La., a tourism and fishing center that fears for its survival.
By Tina Susman
GRAND ISLE, LA.
Leoda Bladsacker's voice shook with emotion as she recalled the 40 families who fled Grand Isle after Hurricane Katrina, never to return. It can't happen again, even if oil begins oozing down the narrow lanes of this popular fishing and tourist town. Everyone knows that once people leave, they never come back, the City Council member told a BP official.

"Why can't we just go out there with a supertanker and suck it up?" Bladsacker said of the oil soiling Grand Isle's beaches and smothering its pelicans, as scores of locals at a community meeting erupted in applause.

The gathering Thursday night, on the eve of President Obama's visit to the enclave, put a spotlight on the deepening anger, fear, suspicion and rumors coursing through this region as surely as the oil that now stains the waters and shorelines of four states. Will townspeople be forced to evacuate? Will oil poison the air and drinking water? Isn't the dispersant being used against the oil bound to have long-term health effects?

"Look at Love Canal!" one woman said of the infamous toxic dumpsite in New York. "You look at that and wonder, 'What the hell is going on here?' "

Jason French, the BP representative at the forum held at a Baptist church, nodded patiently as one speaker after another walked to the microphone. Beside him were federal, state and local officials, and a woman with a hand-held bell that she jangled when anyone exceeded the two-minute speaking limit.

Grand Isle is directly in the path of oil moving northeast, and its sandy shores were among the first hit last week by the massive slick. In recent days, heavy oil has penetrated four channels around the island, which could send it into neighboring bays.

Oil is also plaguing pelicans on neighboring Grand Terre Island, where several oil-drenched birds were rescued Thursday. Gooey globs have formed along Grand Isle's sand, and its beaches are closed to swimming.

Over the years the narrow barrier island has been slammed by hurricanes Katrina, Rita and Gustav. Now the oil disaster has emptied the wooden houses that, with summer approaching, should be filled with residents. The fish rodeos that raise money for scholarships to graduating high school seniors have been canceled. The motels are jammed, not with holiday-makers but with officials and contractors in town to clean up oil.

The town of the same name that occupies the island, with a population of just 1,500, could die if the catastrophe drives off more people, said Bladsacker, who's lived there all her life.

Speakers fired off questions: How long will it take to fix the problem? How long will it take financial claims to be settled? How will BP compensate places like Grand Isle for lost incomes and save them from ruin?

Susan Felio-Price compared the crisis to roller-skating uphill. "You keep going and going and you get knocked down. Now suddenly we find ourselves trying to roller-skate up a mountain," she said.

French acknowledged that there were few clear answers and that much of what is known is not what anyone wants to hear.

There is "significant tar ball" impact on Grand Isle, with more expected, he said. The dispersant has **EPA** approval and BP has no plans to stop using it, he said to murmurs of disapproval. The time needed to fix the disaster won't be short, he warned.

John Young, the chairman of the council that governs Jefferson Parish, which includes Grand Isle, went further, demanding that Obama approach the spill as if it were a hostile army marching toward the coast. "This is a war and we're being attacked by an enemy. This oil is going to destroy our way of life if we don't stop it soon," Young bellowed from behind a speaker's table at the front of the room.

Nearly three hours later, the meeting ended. The organizer, Sharon Gauthe, who has set up similar forums in neighboring communities, nudged the crowd to give French a round of applause. Then, French, Young, the rest of the officials and the crowd stood and joined hands in prayer.

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Jun 06, 2010

Senate might vote this week on climate measure (*USA TODAY*)

07:32 PM

The Senate might vote on a climate change measure this week -- but not the comprehensive overhaul that Democrats say is needed in light of the Gulf oil spill.

Sen. Lisa Murkowsk, R-Alaska, backs a proposal to block the Environmental Protection Agency from regulating greenhouse gas emissions.
CAPTION
By Mark Wilson, Getty Images
Sen. Lisa Murkowski, R-Alaska, will push her measure, backed by a few Democrats, to block the Environmental Protection Agency from regulating greenhouse gas emissions, reports The Hill. She argues that Congress should set such standards, not the executive branch.

Murkowski has 41 co-sponsors, according to Roll Call, which says the final vote is expected Thursday evening.

"Such regulation will ultimately endanger job creation, economic growth and America's competitiveness," Murkowski wrote last week in The Hill.

Opponents are mobilizing to defeat the measure. Americans United for Change says it's spending about $40,000 on cable TV ads in the Washington area this week against what it calls Murkowski's "big oil bailout."

Sen. John Kerry, D-Mass., who introduced a broad climate-energy bill in May with Sen. Joe Lieberman, I-Conn., called Murkowski's measure a "distraction."

Sens. John Kerry, D-Mass., and Joe Lieberman, I-Conn., unveiled an energy-climate bill in May.
CAPTION
By Paul Sancya, AP
"If you don't want the EPA to do it, then the Senate needs to provide some adult leadership to pass a comprehensive climate and energy bill instead of keeping our heads in the sand and then tying the hands of the EPA," Kerry told The Hill.

Kerry said Sunday on ABC's "This Week" that the Gulf oil spill shows the need to "put America on the course to true energy independence and self-reliance," reports Roll Call.

President Obama cited the Gulf spill last week in calling for passage of Kerry's bill, which Republicans oppose.

Sen. John Cornyn, R-Texas, also appearing on "This Week," said he's open to parts of it but remains opposed to the entire package as currently written, The Hill reports.

"We need to be very careful here. I think rather than hit a grand-slam home run, I'd like to work with Sen. Kerry and others to try to hit some singles," Cornyn said.

Kerry responded with his own baseball analogy: "Let me tell you, Joe DiMaggio and Ted Williams and Babe Ruth never stepped up to bat in the World Series and said, 'I want to try and hit a single.'"

Published June 06 2010

IN THE MAIL: Hoeven puts public last, oil firms first (*Grand Forks Herald*)

When Gov. John Hoeven stated in a recent radio interview that it wasn't necessary for the U.S. Environmental Protection Agency to review North Dakota's water permitting process in our state's oil patch, it caught my attention. I asked myself, what is the

governor hiding? Is this another cozy relationship of government promoting corporate interests at a potential risk to people in North Dakota?

By: Sharon Clancy, Valley City, N.D.

VALLEY CITY, N.D. — Once again, the people lose.

Corporate abuses in pursuit of economic greed and a government watchdog in the corporate tent have caused a catastrophe.

Together, BP and the Minerals Management Service have ruined major ecosystems and the economy for all life in the Gulf Coast region.

The government's Minerals Management Service ordered research conducted on the blowout preventer before it was installed in the ocean well-head a mile beneaththe surface. This was a good thing. But when the research determined that the blowout preventer was apt to fail 10 percent of the time, the service simply turned its back and did nothing as a favor to the corporations.

The corporation, BP, had been developing this well for seven years and now was behind schedule. To catch up, executives ordered the removal of the mud that held back the oil and gas. Subsequently, there was a blowout, and the blowout preventer failed.

So far, more than 19 million gallons of oil have spilled out, and the count continues with an estimated half-million gallons a day spilled into the Gulf.

When Gov. John Hoeven stated in a recent radio interview that it wasn't necessary for the U.S. Environmental Protection Agency to review North Dakota's water permitting process in our state's oil patch, it caught my attention. I asked myself, what is the governor hiding? Is this another cozy relationship of government promoting corporate interests at a potential risk to people in North Dakota?

Remember, huge quantities of water are used to fracture shale to release the oil in the Bakken formation. Water also is used to extract potash far beneath the Earth's surface. Yet, potable water already is a scarce commodity in the oil patch counties.

North Dakotans simply must choose a senator whose priority is to serve the people, not the corporations. One candidate, Hoeven, has shown that he is all about corporate economic gain, meaning more protections for big business.

Gulf Oil Spill Update : BP Turns Down Cameron's Offer To Plug The Oil leak (*LA News Monitor)*

5 June, 2010
The maker of Hollwood top grosser "Avatar and "Titanic" has offered to help find a solution to the Gulf of Mexico's oil spill, but British oil giant BP has turned down his offer.

The Oscar-winning director is an avid campaigner for environment protection and he had offered to use his expertise of working with underwater submarines to find a solution to plug the leak. Cameron also attended a meeting called by the Environmental Protection Agency (EPA) this week to look for was to check the oil spill, dubbed as the worst in US history.

"Over the last few weeks I've watched, as we all have, with growing horror and heartache, watching what's happening in the Gulf and thinking those morons don't know what they're doing," Cameron said, reported New York Post.

Cameron, 55, made it clear at that time that although his deep sea expertise was not in drilling for oil, he knows people who are very good in operating various underwater vehicles and electronic optical fiber systems.

"I know really, really, really smart people that work typically at depths much greater than what that well is at. Most importantly they know the engineering that it requires to get something done at that depth," he said.

Cameron today revealed that BP had "graciously" turned down his offer. Earlier this week, Cameron had said in an interview at the D8 tech conference, "Over the last few weeks I've watched as we all have with growing sort of horror and heartache watching what's happening in the Gulf and thinking, those morons don't know what they're doing."

U.S. EPA hands tied on tough BP sanctions (*Reuters*)

Fri, Jun 4 2010
* EPA to weigh sanctions' effects on military, economy
* EPA waiting for US investigation before weighing options
* BP US government contracts worth billions
* EPA-BP talks on Alaska, Texas on hold due spill
By Timothy Gardner

WASHINGTON, June 4 (Reuters) - BP (BP.L: Quote, Profile, Research, Stock Buzz) Plc's role as the top supplier of jet fuel to the U.S. military may delay U.S. environmental regulators from barring the company's lucrative government contracts even if BP is eventually found to have broken laws in the Gulf of Mexico oil spill disaster.

As a result of the spill, the Environmental Protection Agency will consider its options in limiting future BP government contracts, worth billions of dollars, in a process known as debarment.

Before doing so, the EPA needs information from the federal investigation announced this week into the disaster that killed 11 workers and led to the worst oil spill in the country's history, said a source at the agency who did not want to be named.

Some sanctions barring contracts are automatically triggered at specific production units of a company, such as a factory or refinery, after the company is convicted of violating federal clean air and clean water laws.

But an agency can impose far wider sanctions barring nearly all of a company's future government contracts -- even without convictions -- if it finds a company has had a pattern of dangerous behavior.

As the United States fights wars in Iraq and Afghanistan, the EPA may be hard pressed to bar billion dollar contracts such as those supplying jet fuel to the military.

Robert Meunier, an EPA's former debarment officer, said the agency would have to consider the effect on the U.S. government of any wide sanctions, since the oil industry has a limited number of huge companies like BP that could provide such services.

BP was the top supplier of refined fuel, including jet fuel, to the Department of Defense last year. It was also one of the top suppliers of gasoline, diesel and other fuels to the federal government.

"There are times, that even with a criminal conviction in hand, it's not in best overall interest of the United States to issue that debarment," he said.

During the first Gulf War for instance, at least one company that had been convicted of environmental crimes did not face wide debarment because it supplied military equipment to the fight.

MEDICINE WORSE THAN THE DISEASE?

The EPA will also have to weigh the effect of debarment on the economy. Barring future BP leasing contracts in the Gulf of Mexico could hurt jobs in an economy that faces 10 percent unemployment.

"If the medicine is worse than the disease you need to consider another treatment," than stopping a company from doing business with the government, Meunier said.

One alternative to barring contracts would be to require a company to be monitored by an independent party in an effort to report on any bad behavior such as potential reckless cost cutting that could endanger the environment.

The EPA had been trying for years build a case to apply the broader sanctions on BP, including monitoring in Alaska, because of environmental crimes it had been convicted of before the Gulf of Mexico spill.

Those cases were the 2005 Texas City refinery explosion that killed 15 workers, and the 2006 oil leak from a pipeline in Alaska that was the worst spill on the state's North Slope.

The Gulf of Mexico oil spill, however, has put those talks between EPA and BP on hold, leading to further doubts that the EPA will take tough action on BP.

Former EPA investigators and debarment officials feared that the EPA's waiting for the federal investigation into the Gulf spill could delay action on the previous accidents.

"Not only is that ink dry, it's beginning to fade," said Scott West, a former top investigator for the EPA about the Alaska case, which he feared would be eclipsed by the Gulf of Mexico spill.

The EPA official with knowledge of the debarment process said the agency could not say exactly when it would consider debarment options on BP over the Gulf of Mexico spill but added said it "would not wait years."

Meunier said the EPA should take action on the Alaska case and install monitors to help regain public trust in the company.

"It would seem better to go ahead and get those matters concluded and put a federal monitor on the project to give the U.S. people confidence we can proceed with business while we try to deal with the current crisis," he said.

(Reporting by Timothy Gardner, additional reporting by Tom Doggett; Editing by Alden Bentley)

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EPA Should Stop Dispersants NOW As Concerns Rise Of BP PR Ploy *(The Moderate Voice*)

Posted by JERRY REMMERS, Columnist in At TMV, Breaking News, Health.
Jun 4th, 2010
If there is one department in the federal government that is shirking its responsibilities as responders to the Gulf of Mexico oil spill it would be the Environmental Protection Agency.

It must act fast and now to determine the toxic damage the dispersant Corexit 9500 is inflicting on humans, sea and plant life, birds, and the underground water tables on the Gulf coastline.

The pungent oil globs permeated in the toxic chemicals sprayed on the surface and at the source of the Deepwater Horizons leak by BP could be making the disaster worse and its residual effects lasting hundreds of years — perhaps as deadly as DDT on its commercial use applied by farmers after World War II.

Lisa Jackson, EPA administrator, did order BP to cut back the aerial drops of 800,000 gallons of Corexit on the Gulf surface waters May 14 but not those applied at the source, 5,000 feet on the Gulf floor where the gusher is estimated conservatively at 12,000 barrels per day.

As of Friday, June 4, the EPA has not reported its findings of samples sent to a Florida laboratory nor soil and plant samples in areas the slick has saturated in marshes and barrier islands of the wetlands near New Orleans.
The chemical dispersants applied by BP on the surface accelerates the evaporation process in which bacteria eat the oxygen-choking tendencies of the fluid while diluting its viscosity from microscopic to fist-sized globs. No one has explained to my satisfaction what long-term effect Corexit has when applied at the source at a mile's depth.

The Coast Guard's efforts of isolating the slick with booms and then setting them on fire seems the better of two bad choices.

But never before has so much volume of chemicals been used — BP has purchased 2 million gallons of Corexit from the oil industry's favorite supplier — in a body of water even as large as the Gulf of Mexico.

The risks have been “substantially underblown,” according to Christopher D’Elia, dean of Louisiana State University’s School of Coast and Environment. “I’m frankly surprised by the lack of discussion of it at the federal level, or from BP.”

The National Academy of Sciences published a report on dispersants in 2005 describing current understandings of their effects “not adequate.” It recommended further studies. They never happened.

James Diaz,.a medical toxicologist who heads LSU’s environmental and occupational health sciences program, said the dispersants contain ethylenes which cause peripheral nerve damage in humans, especially among painters and auto mechanics who use them for cleaning solvents.

The Coast Guard pulled all commercial fishing boats contracted by BP for cleanup efforts in Breton Sound after seven workers were hospitalized from exposure to the toxic-coated oil.

The LSU scientists believe the chemicals have created huge oil plumes at 2,000 to 4,000-foot depths that are now reaching shores from Louisiana to the Florida Panhandle.

This has incensed some environmentalists.

Critics have accused BP of being less interested in the chemical’s effectiveness than in its ability to shape perceptions of the disaster by making it harder to see the oil. “They’re trying to dissolve it at the source so we don’t see it,” said Carl Safina, an ecologist and founder of the Blue Ocean Institute, a conservationist organization in New York. “They’re just trying to hide the body, to hide the extent of the problem from view. It’s a PR ploy.”

Even BP acknowledges risks. David Nicholas, a spokesman for BP, announced a $500 million donation over 10 years for a study of the potential risks to sea life and underground water sources local municipalities draw their drinking water.

LSU’s D’Elia hopes to be the first recipient. “When you add dispersant, you keep that toxic phase in the water column. Does it ultimately reach the shore? What effect does it have when it gets there? What are the long-term problems to worry about?”

LSU’s Diaz frets the complexity of the region’s waterways often means water from the Gulf finds its way inland, and not only during a surge resulting from a storm or hurricane. “There comes a point in the summer when water level in the rivers and the bayous are very low, and the Gulf begins to creep up,” Diaz said.

If Gulf water is full of dispersed oil that was impossible to skim from the surface, or managed to get below the protective booms now lining the coast, toxins could come

with it. “If it goes up high enough to get to the freshwater intake of municipal water-treatment systems, that could cause a significant problem,” Diaz said.

The EPA is monitoring air and water in the region for signs of contamination. Chris Ruhl, EPA incident coordinator for field operations in the area, acknowledged that BP’s reliance on dispersants added urgency to the monitoring, and described the potential threat to municipal water supplies as a “valid concern.”

In the rural fishing communities of southeastern Louisiana, most of the anger about the use of dispersants is directed at BP. The oil has become “an invisible monster,” said Billy Nungesser, the president of Plaquemines parish. “Plus, we don’t know the health risks.”

EPILOGUE

The EPA should have halted the dispersants in early May when first concerns were raised and cooler heads other than BP making PR business decisions prevailed. It’s late in the game now but not THAT late, no matter what the government studies show. Better be safe than sorry. But as the 400-pound gorilla in the room says on TV. what do I know?

Cross posted onThe Remmers Report

Posted comments are welcome and automatically go to my email address at jkremmers@gmail.com. Remmers’ varied career spans 26 years in the newspaper business. Read a more thorough resume on The Remmers Report.

HAZARDOUS WASTE

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TVA may have weakened EPA's coal ash stance (*The Tennessean*)

Watchdog criticizes utility's 'sneak peak' at EPA proposal
By Anne Paine • THE TENNESSEAN • June 6, 2010
TVA may have weakened the Environmental Protection Agency's stance on regulating coal ash
when it was allowed to comment before the public on the issue, a government watchdog group says.

An accidentally released internal federal document shows that the public power producer, still cleaning up from a massive coal ash spill in 2008, criticized EPA's original

draft proposal, which said coal ash should be classified as a "special" waste, making it fall under hazardous waste rules.

Before the public — including TVA's critics — got to see that original draft, the EPA issued a rewritten proposal last month that added a weaker alternative that would allow each state to decide on any regulations for coal ash, with lawsuits serving as the main enforcement tool.

Coal ash can be laced with varying levels of potentially toxic substances, including lead, arsenic
and mercury, and environmental groups have pushed for more than a decade for regulating its
disposal.

While federal departments, including Transportation, Energy and Interior, also commented on the original EPA draft, TVA, an independent federal corporation that relies heavily on burning coal to generate electricity, had a direct conflict of interest, said OMB Watch, a D.C.-based
group that advocates for open government.

"You have this federal corporation that is at least in part responsible for EPA even writing the regulation in the first place now getting a sneak peak at it," said Matt Madia, regulatory policy analyst for OMB Watch.

"TVA has the same right to comment as everybody else, but this was happening before the public ever saw it. They were given privilege in this case."

OMB Watch contends that TVA was enjoying the perks of its government ties while keeping the
mindset of an anti-regulatory, private polluter.

Barbara Martocci, a TVA spokeswoman, said it would have been irresponsible for TVA not to comment.

"It is standard practice for federal agencies to do that," she said. "We do have expertise and
knowledge on managing coal ash."

7 million tons of ash

TVA, which has 11 coal-fired plants, including one in Gallatin, produces about 7 million tons of coal ash a year, with some ponds and unlined dumps holding decades' worth.

When a dike broke at the Kingston coal-fired plant in East Tennessee in December 2008, about 5.4 million cubic yards of the ash avalanched into the Emory River and across 300 acres, damaging homes and destroying woods and wetlands.

TVA's comment to EPA said coal ash should not receive a special designation because it could make the material difficult to recycle, could be costly and could add to air emissions.

Martocci wouldn't directly answer questions about whether there was a conflict of interest.

She said what TVA did was a routine practice and it provided information from its base of knowledge.

EPA checks second site for hazards (*Battle Creek Enquirer*)

Sarah Lambert • The Enquirer • June 5, 2010

ALBION — Several suited, masked people entered the dim, filthy warehouse Friday afternoon. Breathing heavily into their masks, the workers approached a stack of metal canisters.

Some 200 industrial drums were labeled “non-hazardous,” but that didn’t put Calhoun County
Treasurer Ann Rosenbaum at ease. Rosenbaum was standing outside of the former Pickens Plating, a metal plating facility at 1000 Industrial Ave. in Albion.

“They’re labeled non-hazardous, but we don’t know that,” Rosenbaum said. That’s why Rosenbaum and the city of Albion asked the U.S. Environmental Protection Agency to investigate.

The building was shut down after the county foreclosed on the property in March. The site is the
second county-confiscated, abandoned facility to be examined by the EPA in the past month. In May, 400 containers of unknown, corrosive materials were found at an abandoned foundry in Marshall Township.

“We know there are some drums in there,” said the EPA’s federal on-scene coordinator Jeff Lippert as he donned protective clothing at the Albion site. “Today we’re going to do some sampling and see what’s in those drums.”

If toxic waste is discovered, the EPA will have to do a cleanup and extraction. The Marshall Township cleanup cost taxpayers nationally about $200,000.

“It potentially could be nothing,” Rosenbaum said of the Albion site. “If that’s the case, then they’d say, (to the county) ‘Here, it’s your problem now.’”

Lippert when he was overseeing the cleanup in Marshall Township, and asked him to take a look at Albion. Officials from the city of Albion were not available for comment Friday.

The two recent cases of abandoned waste in Calhoun County are not uncommon, said EPA on-
scene coordinator Tricia Edwards. About 30 to 40 abandoned industrial waste cleanups happen
throughout the Midwest each year, she said.

These cleanups can cost anywhere from tens of thousands to millions of dollars, said EPA
spokesperson Mick Hans. But in the long run, “well over half” of that money is recovered, he said, from corporations.

“Here in Region 5 (the Mid-west), there are typically several dozen short-term cleanups going on at any one time,” Hans said. “It takes as long as it takes to recover the funds. The point is to do it thoroughly and quickly and recover dollars if they’re available so the taxpayer doesn’t have to pay for it.”

The process of pursuing a responsible party can take years, Hans said, while cleanup is done in a few weeks or months.

“The EPA will go after them,” Rosenbaum said. “They have the attorneys. They have the knowledge. They will do the cleanup.”

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WATER

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Local wastewater facilities on EPA 'violators' list (*Geneva Sun*)

But that's not cause for alarm, say operators
June 6, 2010
By MATT HANLEY mhanley@stmedianetwork.com

Three local wastewater treatment plants are on the Environmental Protection Agency's list of frequent water pollution violators, although none shows any serious toxic episodes in the last five years.

Fox Metro Water Reclamation District, the village of Elburn and a DuPage County Public Works facility in Burr Ridge are three of Illinois' 50 larger facilities that were labeled "frequent violators" -- meaning they had 10 significant chemical releases in three years or less.
» Click to enlarge image
Dale Wagner takes a sample of water to be tested at the facility's onsite lab.
(Brian Powers/Staff Photographer)

Of 262 Kane County wastewater facilities, only Elburn and Fox Metro were cited as frequent violators. Fox Metro reported 14 "effluent exceedances" -- unusual levels of foreign chemicals -- in three years, while Elburn reported 12.

But wastewater operators say that with context, those numbers are not necessarily cause for alarm. Several Illinois facilities ranged as high as 40 or 50 exceedances in the same three years.

"Most every plant I know of will have an exceedance at some point," said Kevin Buoy, operations manager for DuPage Public Works. "These exceedances don't continue, and they don't recur month after month."
Scrubbing the water
The EPA recently unveiled a new website designed to give greater access to wastewater facility records. The site gives users new levels of transparency, although it's questionable whether those charts can be dissected and understood by people not associated with the wastewater industry.

Even after they were contacted by the media, most wastewater operators had trouble explaining what the numbers meant for the general public. Most agreed the violations, while important, rarely affect the quality of the water.

Wastewater treatment plants take used water from homes and businesses, filter out harmful chemicals and solids, then release the water back into the environment -- such as the Fox River.

On a recent walk through his facility, Fox Metro Water Reclamation District manager Tom Muth said about 35 million gallons of wastewater come into the plant every day, entering through one nondescript point on the south end of the facility.

"It's hot -- our microorganisms are happy," Muth said as he watched brown, foul-smelling water come in.

Happy microorganisms mean happy treatment workers because the microorganisms start processing the water. When the water enters one of the facilities, it begins passing

through a series of filters that first remove large objects (like rags or tennis balls), then grit (like sand and dirt). Air is forced into the water to help filter it, then the water is scrubbed clean again through chlorination.

Twelve to 14 hours after the wastewater enters Fox Metro, the treated water is released into the Fox River.

That last step -- just before the water is sent into the river -- is where workers are constantly monitoring for unusual chemical levels.

Over the last three years, Fox Metro has conducted about 4,050 tests on the water. Of those approximately 4,050 tests, 14 showed too high levels of some chemical -- less than 1 percent of total tests, but enough to end up labeled a "frequent violator" by the EPA.

Muth makes no excuses for the number and only says they have to do better.

"We want to make sure our plant is as healthy as we think it is," he said.
Few major violations
But wastewater treatment plants do not control all the factors that could lead to an unusual chemical reading.

Intense rains for several days can often flood systems, making the facilities run at less than full efficiency.

When that happens two months in a row, the facility will typically receive a letter from the EPA asking for an explanation of what caused the exceedance. The facility sends back a letter detailing its plan to deal with the problem. Then the EPA approves or disapproves of the plan.

It's rare for the situation to continue to the point where fines are assessed.

"We all address those in a timely manner, as you can see by some of the tables there are very few fines imposed," Buoy said. "I think at that point (when fines are assessed), you have a serious problem."

Indeed, none of the local facilities had any EPA fines, and none had been cited for releasing any toxic chemicals into the water. (Of the 50 large-facility frequent violators in Illinois, six had released chemicals and one had been fined.)

None of the local facilities had current or significant violations.

Like most of the frequent violators, both the village of Elburn and Fox Metro had one informal enforcement action and one formal enforcement action in the last five years. According to the EPA records, 71 percent of the facilities reviewed had a violation, but only 3 percent had enforcement action taken by the EPA.

Non-major facilities
Large facilities weren't the only ones cited as frequent violators. Phillips Park Family Aquatics Center -- the water park on Aurora's East Side -- and Thornton Oil in North Aurora were "non-major" facilities that had more than 10 exceedances in three years.

Neither had ever been fined by the EPA or faced formal enforcement action.

Representatives from the Fox Valley Park District were surprised they showed up on the list with 15 exceedances.

"For over 10 years, Deuchler Environmental has collected water samples and made reports to the Illinois EPA for waters flowing from the district's Phillips Park Aquatic Center," said Bill Donnell, director of natural resources, forestry and special projects for the Fox Valley Park District. "While the new EPA website reports some minor violations, neither Deuchler nor the Park District has ever received a violation notice from IEPA or been asked to take any corrective action."

Thornton Oil did not return calls for comment.

EPA orders county to test isle waters (*Maui News)*

Agency: Studies show effluent seeping off Kaanapali's coast
By ILIMA LOOMIS, Staff Writer
Posted June 6, 2010

WAILUKU - The U.S. Environmental Protection Agency has ordered the county to conduct water sampling and testing off West Maui, saying two studies found "substantial evidence" that wastewater injected into the ground was seeping out of submarine springs off Kaanapali.

The federal agency sent a letter to the county in January, saying it was investigating the possible discharge of pollutants into the ocean along the Kaanapali coast and ordering the county to take samples from its wastewater system and from submarine "seeps," and to conduct a tracer study that would determine how quickly the effluent is being released into the ocean.

The order comes as the federal agency continues to review the county's application to renew underground injection control permits for the wastewater injection wells in Lahaina.

Department of Environmental Management Director Cheryl Okuma said the county was in talks with the EPA over its order to study the wells' impacts. But she said the county had several concerns about the order, including the projected cost of the studies, which a consultant for her department has estimated could be $1 million or more. She also said any studies of offshore contamination should include all potential polluters,

including urban and agricultural runoff, and not single out the county's wastewater injection program.

And because of the county's budget process, Okuma said, it would be more than a year before funding could even be available to start work on the studies.

"We're still in the process of discussion" to determine the scope of the studies, she said. "We haven't agreed to anything at this point because we need to know what we're talking about."

EPA officials and local environmental groups said they think the county has not been responsive enough. While the federal agency's initial order set a deadline of March 15 for the county to come up with a proposal for the tracer study, and until April 26 to submit a water sampling plan, the county did not reply at all until March 15, when it asked for more clarification of the EPA's request.

"I can't say I'm pleased by the response of the county," said David Albright, manager of the EPA's Ground Water Office. "We asked the county to conduct these studies. We provided them certain dates to submit information to us and start work. Obviously some of these dates have now passed, and we have not gotten from the county what we asked them to provide."

Maui County Council members earlier this year indicated that they were frustrated with the administration's response to the federal agency and added provisions to the county's 2011 budget that would require the Department of Environmental Management to start work on the studies before spending money budgeted to rehabilitate existing wastewater injection wells.

Irene Bowie, president of Maui Tomorrow, said she would have liked to see the department comply immediately with the EPA's letter, instead of engaging in lengthy negotiations over the studies' scope and cost.

"It's not a request. It's an order," she said. "That's where Department of Environmental Management seems to be kind of in denial about this."

She added that it was disingenuous of the department to claim that it didn't have the money to carry out the studies when Okuma didn't even request funding for it.

But Okuma said the county's reply to the EPA was appropriate and responsible, considering the high potential costs of the studies and her department's questions about their benefit.

The county took about six weeks to review the EPA's letter and its implications, she said, noting that the document was extremely technical and contained a lot of details.

"I think that's reasonable," she said.

Her department couldn't request money for the studies until it knew how much they would cost, she added.

She also noted that the EPA has not found the county in violation of any environmental regulations or permit requirements for the wells.

"That's one of the misunderstandings," she said.

In its January letter, the EPA cited studies conducted by the University of Hawaii and U.S. Geological Survey in 2007 and 2008 that found evidence that nutrients from the Lahaina Wastewater Reclamation Facility were emerging from springs under Kahekili Beach Park and along the Kaanapali coastline.

"We believe the wastewater being injected at Lahaina is getting to the near-shore environment and is being discharged there," the EPA's Albright said in an interview. "We feel that's probably happening relatively quickly, but we want a tracer study to see exactly where it's going and how long it takes to get there."

A tracer study involves adding a chemical marker to the wastewater before dumping it into the injection well, then sampling ocean water to determine where it comes out of the ground and how long it takes to emerge.

"The faster it's traveling there and being discharged, the more it's like you're just piping it there," he said.

The Lahaina injection wells' depth of about 200 feet and their location near the shoreline are reasons for concern, Albright added.

"Anywhere you have substantial injection so close to the coastal environment, you could have this issue," he said. "In this case, you've got 4 million to 5 million gallons of wastewater being injected every day within a quarter- to a third-mile of the coast, and it's not being injected very deep."

The nutrients found in wastewater have been associated with blooms of invasive algae that kill coral reefs and destroy habitat important to native fish.

Okuma noted that the county treats the wastewater it injects into the ground to a level that meets all state Department of Health requirements, and which she said was "very clean."

She said she was concerned the county was being singled out for blame over an issue that had many contributing factors.

"People are drawing the conclusion that because you see (certain nutrients) in the water, that wastewater is causing algae blooms and killing the reefs," she said. "We disagree with that."

Urban and agricultural runoff are also major sources of those pollutants and nutrients, she noted, and no study had been done to determine how much each various source is contributing to the problem.

She said she didn't think it was fair for the EPA to force county taxpayers to cover the cost of expensive studies that wouldn't look at all sources of potential contamination.

"There's many other sources of impact on marine waters," she said. "What if agricultural runoff is 95 percent of the problem, and you're spending all your money on 5 percent of the problem?"

Albright said it wasn't unusual for the EPA to engage in discussions about scope and timing with an agency or municipality over its orders.

"That said, your question was am I happy with the progress being made, and I'm not happy," he said. "I'd like to see greater progress, a faster timetable, more focus by the County of Maui on this situation, which we see as being problematic."

- Ilima Loomis can be reached at iloomis@mauinews.com.

Officials reject the EPA's letter regarding clean-up of the Chicago River (*Examiner.com*)

June 5, 3:43 PM · Mary Egan - Chicago Government Examiner

Officials at the Metropolitan Water Reclamation District claim that the Chicago River would actually be more dangerous if they cleaned it, as the EPA has demanded. They are saying that a cleaner river would mean more encouragement for swimmers and the river is simply not safe for swimming.

Last month, the EPA sent a letter to Illinois Pollution Control Board, strongly suggesting that they clean up the Chicago River so that its water meets the standards put forth by the Clean Water Act of 1972.

Officials, however, have cited last month's drowning of 8-year-old Cashmere Castillo as evidence of the waterways being unsafe. Unpredictable currents and barge traffic creates an unsafe environment for swimming, they said.

Chicago is also the only city that does not disinfect the water in the waterways, since it has always been assumed that no one would swim in the Chicago River. Clean-up would mean costly renovations to sewer pipes that often leak into the waterways.

Last Wednesday, Mayor Daley called the clean-up the EPA's "unfunded mandate."

EPA investigators search Sanitary District (*Herald Argus*)

By Dave Hawk
Published: Saturday, June 5, 2010 3:06 AM CDT
Staff writer

MICHIGAN CITY — Federal agents swarmed the Michigan City Sanitary District premises Thursday morning searching for evidence of “environmental crimes.”

Randall Ashe, special agent in charge for the Environmental Protection Agency’s Criminal Investigation Division in Chicago, said at the District’s gate, “We are executing a search warrant on the Michigan City Sanitary District looking for evidence of environmental crimes.” He said he couldn’t elaborate on the search or investigation, referring questions to the office of the U.S. Attorney for the Northern District of Indiana in Hammond. A message left there wasn’t immediately returned.

Tina Tabisz, administrative assistant at the Sanitary District, reached by telephone, said neither General Manager Al Walus nor anyone else was available.

Indiana State Police parked their police cars at the two entrances to the Sanitary District property on East Eighth Street, controlling access to the premises to prevent any disruptions as the agents performed their search. Ashe said a reporter would not be allowed to enter.

Ashe said 25 or 30 agents were involved in the effort, including EPA law enforcement, the U.S. Coast Guard and Indiana State Police.

He said the agents were seeking documents and “samples” in carrying out the search, and that he expected the investigators to be there most of Thursday.

The treatment plant was not shut down and is continuing operations, he said.

The Sanitary District recently has been investigated by the Indiana Department of Labor for possible whistleblower retaliation against District employee Ron Meer, who lost his job after being accused of going to state officials with his concerns about job safety at the plant, rather than going through the chain of command.

The state Department of Environmental Management also has looked into several sanitary sewer overflows over the last several months, but until now, there has been no indication of “environmental crimes.”

Mayor Chuck Oberlie said this morning he was surprised that the agents were at the Sanitary District, and that he had had no contact with General Manager Walus or anyone else at the district Thursday morning.

Asked what might have prompted an investigation into an environmental crime, he said, “At this point, I don’t know. I’m not sure what an environmental crime is. I know an EPA team was in here a couple of weeks ago and everything went well.”

Oberlie said that EPA officials periodically are at the Sanitary District to review records.

Asked to comment on the situation, he said, “The proper role is to let investigators do what are here to do, and don’t weigh in to the issues til you know what they are.”

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