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ADMINISTRATOR JACKSON

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Tri-County area communities get brownfield grants (*Midland Daily News*)

Published: Sunday, May 10, 2009 2:13 AM EDT

Bay City and Saginaw County are among the Michigan communities receiving money to clean up sites known as brownfields that may be contaminated by hazardous chemicals or pollutants.

A total of $10.3 million in grants for Michigan communities were announced Friday by EPA Administrator Lisa Jackson, including $2.5 million from the American Recovery and Reinvestment Act of 2009 and $7.8 million from the EPA brownfields general program funding.

“Cleaning and reusing contaminated properties provides the catalyst to improving the lives of residents living in or near brownfields communities,” Jackson said. “A revitalized brownfields site reduces threats to human health and the environment, creates green jobs, promotes community involvement and attracts investment in local neighborhoods.”

Bay City will receive two grants — a $200,000 hazardous substances assessment grant to conduct at least 16 site assessments and a $200,000 grant to assess properties with potential petroleum contamination.

Saginaw County Brownfield Redevelopment Authority will receive a $1 million grant to assess hazardous substances and potential petroleum contamination at about 70 properties.

“Providing these grants to Michigan communities is an important step forward for both the environment and local economies,” said Bharat Mathur, acting Region 5 administrator.

The grants will help to assess, clean up and redevelop abandoned, contaminated properties known as brownfields. Brownfields are sites where expansion, redevelopment or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. Brownfields also include mine-scarred lands or sites contaminated by petroleum or the manufacture of illegal drugs.

EPA chief to speak at Princeton (*Associated Press*)
This story also appeared: *Philadelphia Inquirer*

The Associated Press
Posted on Fri, May. 8, 2009
Pennsylvania
PRINCETON, N.J. - U.S. Environmental Protection Agency administrator Lisa Jackson will be on the Princeton University campus Friday.

The 1986 graduate school alumna will discuss the impact of the economic downturn on the environment.

Jackson also will lecture about several other environmental issues.

Before going to Washington, Jackson served as chief of staff to y Gov. Jon S. Corzine and was New Jersey's environmental protection commissioner from 2006 to 2008.

AIR

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Species Act Won't Be Used to Force Lower Emissions (*Washington Post*)

By David A. Fahrenthold; Washington Post Staff Writer
The federal bureaucracy that safeguards endangered species isn't equipped to tackle climate change, Interior Department officials said yesterday -- declining to protect Alaskan polar bears by cracking down on polluters in the Lower 48.

The decision, announced yesterday by Interior Secretary Ken Salazar, was the Obama administration's first word on an emerging environmental question.

The 35-year-old Endangered Species Act was designed to save animals from close-by threats such as hunting, trapping and logging. But, now that U.S. species from mountainsides to tropical seas are threatened by climate change, can it be used to fight a global problem?

Salazar, upholding a decision made in the last months of the Bush administration, said no.

"The Endangered Species Act is not the appropriate tool for us to deal with what is a global issue," Salazar said in a conference call with reporters. Instead, he said, the administration will push Congress to enact legislation setting national caps on greenhouse gases.

Polar bears were listed as threatened last year, the first time any species had been given protection primarily because of climate change. Scientists say that warming temperatures erode the bears' sea-ice habitat. If current trends continue, three of the world's four major populations may be extinct by 2075.

Environmental groups said this ought to trigger federal action against the source of the problem, greenhouse-gas emissions.

But yesterday, federal officials said that was impractical. They said the law requires a

causal connection between a particular polar bear and a particular polluter's emissions -- an impossible task, they said, given that greenhouse gases come from factories, power plants and automobiles, many of them thousands of miles away.

"We have to have the smoking gun and the dead animal," said Valerie Fellows, a spokeswoman for the U.S. Fish and Wildlife Service.

In this case, Fellows said, agency scientists cannot prove that sort of link: "You can't link the power plant in Florida with a dead bear in Alaska." Officials from several industry associations used this same logic yesterday in applauding the decision.

Fish and Wildlife Service officials said they will still protect the bear from threats closer to home, such as hunting and oil and gas exploration in Alaska. They added that, for procedural reasons, rejecting the Bush administration rule would not have immediately changed the rules that apply to polar bears anyway.

But the decision could still set an important precedent, as legislation to cap greenhouse-gas emissions is still a long way from passage, and a number of other animals with climate-related problems are already on the federal docket.

The Fish and Wildlife Service is already pondering how to help two Caribbean corals dying in a warmer ocean -- and this week it agreed to consider the possibility of protecting the American pika, a mountain mammal that can't live above 77.9 degrees.

"If we were in a situation where we already had very, very strong climate legislation," the polar bear decision would be less important, said Melanie Duchin, a Greenpeace "campaigner" in Anchorage, Alaska. "Right now, it's a vacuum."

Businesses 'Not Ready' to Tackle Carbon Reductions (*Environmental Leader*)

May 8, 2009
Businesses in the United States and United Kingdom are increasingly flinching at the prospect of complying with government targets to reduce carbon emissions.
U.S. climate legislation could put smaller manufacturers and other businesses at risk of litigation over their carbon emissions, said Regina McCarthy, who has been nominated to be EPA's Director of Air and Radiation.

In its proposal to require reporting of greenhouse gas emissions, the EPA has said only about 13,000 of the largest emitters, including refiners, smelters and cement plants, stand to be regulated.

Some legal experts, however, say that Clean Air Act statutes may extend application of the rule to facilities that emit more than 100-250 tons a year, such as hospitals, schools and farms, reports WSJ. The U.S. Chamber of Commerce estimates there are 1.5

million facilities that produce in excess of 250 tons of emissions. Large office buildings with their own boilers, for instance, may exceed that amount.

In the UK, 83 percent of businesses feel that government plans to reduce CO2 emissions 80 percent by 2050 are "unrealistic," reports EPR Energy News. Citing data from Npower, the article states that only 31 percent of businesses think they can generate new commercial opportunities as a result of having a lower carbon footprint.

Still, 68 percent of UK businesses say the UK should take a leading role in reducing global emissions. This number is down, however, from 88 percent in 2008.

Meanwhile, more than half of UK bosses say their companies have not begun any efforts to reduce their carbon footprints, according to New Civil Engineer.

More than 40 percent say they need assistance in understanding how new carbon emissions regulations affect their businesses.

Stinkin' Up the Joint (*Metroblogging.com*)
By maigh
May 8th, 2009 @ 8:55 AM **Politics, Rants, Traffic/Commuting**

With a nod to the EPA, there's an anti-idling law in Atlanta for buses and trucks. It states that they can't idle for more than 15 minutes, and that if they do, there's presumably a minimum $500 fine.

I'll give you this: it's not green, and it's certainly not good for tiny – and not so tiny - pedestrians wandering around downtown Atlanta with no clue where they're going who are obliviously huffing the invisible clouds of emissions into their otherwise pink lungs. While I have my own opinions about how this applies to a trucker trying to get a good nights rest in 30 or 90 degree temperatures, that's not the point of my post.

My point is this: the dozens of buses that line up along Centennial Olympic Park in various shapes, sizes, colors and with a veritable cornucopia of propaganda and marketing dripping from their sides: sitting there for hours on end, oozing emissions while their inhabitants frolic in the spray of the dancing rings or ambush the CNN Center food court or are pressing their dirty little hands up against the glass of the whale tank at the aquarium.

There's an exemption for weather as well as for passenger loading and unloading, and I ask you: at what point does Atlanta not have "weather"?

With all of the Segway-riffic ambassadors, suck-it-up machine drivers, lawn watering monitors and are we left without funds in the coffers for enforcement officers visit these drivers and enforce the law?

Once again I'm scratching my wee noggin and asking: what's the point of establishing a law if you (seemingly) have no means or plans to enforce them?

I'm tempted to ask if this is just me being old and crotchety, but I fairly certain I already know the answer.

Coalition: Plant's pollution mars Canyon views (*AZ Central.com*)

by Shaun McKinnon - May. 8, 2009 12:00 AM
The Arizona Republic
A coalition of conservation groups and tribal organizations has petitioned the National Park Service to formally declare that pollution from the Navajo Generating Station near Page impairs the view at Grand Canyon National Park, whose eastern boundaries lie 12 miles from the power plant.

A Park Service declaration would require the Environmental Protection Agency to seek tighter pollution controls at the plant, which burns coal to produce electricity for customers in Arizona and neighboring states.

But the plant's owners, including Salt River Project and Arizona Public Service Co. in Arizona, say the plant already is working to reduce pollution.

In 1999, the plant's owners installed equipment to reduce sulfur dioxide emissions, which reduced wintertime pollutants by about 30 percent.

In their petition, the groups say that the plant still spews nitrogen oxide and particulate matter and that the pollution forms a brown haze over the canyon and threatens the health of park visitors and workers.

"Navajo Generating Station doesn't emit as much sulfur dioxide as it used to, but its other pollutants continue to obscure visibility through the Grand Canyon region," said Roger Clark, air and energy program director for the Flagstaff-based Grand Canyon Trust.

SRP officials said they weren't sure why the groups filed the petition because the EPA is already reviewing air-quality controls at the Navajo power plant. The agency is expected to act on the same issues raised by the conservation groups, perhaps later this year.

The utility, the plant's primary operator, submitted a report to the federal government last year and is conducting additional monitoring in advance of an EPA resolution, said Kevin Wanttaja, SRP's manager of environmental services.

SRP has agreed to voluntarily install new burners on the plant's three units to reduce nitrogen oxide emissions. That process, which requires a shutdown of the unit, should be complete by 2011, Wanttaja said.

The sulfur dioxide scrubbers installed a decade ago made Navajo one of the most efficient-burning plants in the country, he said. SRP owns Navajo along with the U.S. Bureau of Reclamation, the Los Angeles Department of Water and Power, APS, Nevada Power and Tucson Electric Power.

The petition seeking new controls on the plant was filed by the National Parks Conservation Association, the Grand Canyon Trust, the Sierra Club, the San Juan Citizens Alliance and the tribal groups Diné CARE and To Nizhoni Ani.

It was filed less than two weeks after the EPA decided to review and possibly rescind an air-quality permit for a coal-fired power plant near the Four Corners, several hundred miles east of the Navajo plant. Advocacy groups had accused the agency, under the Bush administration, of failing to consider the effects of the Desert Rock plant on the environment.

Desert Rock was designed to produce 1,500 megawatts of electricity and was planned for a site near Farmington, N.M., on the Navajo Reservation. The plant would be built and operated by the tribal enterprise Diné Power Authority and the New York-based Sithe Global Power.

KW T800 LNG tractors ready for order (*Fleet Owner*)

May 8, 2009 11:56 AM
Kenworth Truck Co. has announced its T800 Liquefied Natural Gas (LNG) trucks are now available for factory order.

Equipped with a Westport Innovations LNG fuel system and Westport GX 15-liter engine, which provides up to 450 hp and 1,650 lb.-ft. of torque, the tractor meets U.S. **EPA** and **California Air Resources Board (CARB)** emissions certification standards, Kenworth said. The GX 15 liter is based on the **Cummins** ISX 15-liter diesel engine.

"Customers who purchase Kenworth T800 LNG trucks make a strong commitment towards a better environment, and can also benefit from fuel cost savings, tax credits, state air quality grants and lower regulatory fees," said Andy Douglas, national sales manager for specialty markets.

With a stated operating range of 300 to 500 mi., the trucks reduce nitrogen oxide and greenhouse gas emissions an estimated 33 and 20%, respectively, compared to a diesel-fueled truck. There is a dash-mounted display to monitor the fuel level of the vehicle, which is available in day cab, extended day cab or 38-in. AeroCab sleeper configurations.

Under the American Recovery and Reinvestment Act, the trucks may qualify for Diesel Emissions Reduction Act grants as well as for state or local emissions tax credits. They may also qualify for up to $28,800 in IRS tax credits, according to Kenworth.

Enviro groups petition to protect Grand Canyon views (*Greenwire*)

05/08/2009
A coalition of conservation groups is petitioning the National Park Service to formally declare that pollution from an Arizona power plant impairs the view at Grand Canyon National Park, whose eastern boundaries lie 12 miles from the plant.

The federal Clean Air Act gives national parks and wilderness areas additional protection and includes visibility safeguards. A declaration from the park service would force U.S. EPA to seek tighter pollution controls at the coal-burning Navajo Generating Station, which produces electricity for Arizona and neighboring states.

The plant's owners, including Salt River Project and Arizona Public Service Co., said they were confused as to why the groups filed the petition as EPA is already reviewing air-quality controls at the plant and is expected later this year to act on the same issues raised by the groups.

The plant is already working to reduce pollution, company officials said (Shaun McKinnon, *Arizona Republic*, May 8). **-- TL**

CLIMATE CHANGE / GLOBAL WARMING
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U.S. Curbs Use of Species Act in Protecting Polar Bear (*New York Times*)

May 9, 2009 Saturday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 13
By ANDREW C. REVKIN
The Obama administration said Friday that it would retain a wildlife rule issued in the last days of the Bush administration that says the government cannot invoke the Endangered Species Act to restrict emissions of greenhouse gases threatening the polar bear and its habitat.

In essence, the decision means that two consecutive presidents have judged that the act is not an appropriate means of curbing the emissions that scientists have linked to global warming.

The bear was listed as a threatened species under the act last May. But the special rule, adopted in December, said this designation did not give the Interior Department

the authority to limit greenhouse gases outside the bears' Arctic range.

In announcing Friday that the rule would stand, Interior Secretary Ken Salazar said, "The single greatest threat to the polar bear is the melting of Arctic sea ice due to climate change." But, Mr. Salazar said, the global risk from greenhouse gases, which are generated worldwide, requires comprehensive policies, not a patchwork of agency actions carried out for particular species.

"It would be very difficult for our scientists to be doing evaluations of a cement plant in Georgia or Florida and the impact it's going to have on the polar bear habitat," Mr. Salazar said. "I just don't think the Endangered Species Act was ever set up with that contemplation in mind."

"I do think what makes sense is for us to move forward with climate change and energy legislation," he added. "It is a signature issue of these times."

Environmental groups have turned in recent years to a variety of legal tools, including the endangered species law, as a strategy to force government agencies to rein in emissions that scientists say are the dominant cause of recent warming.

This year, for example, the Environmental Protection Agency, prodded by a lawsuit, agreed under the Clean Water Act to start assessing the risks posed by the main greenhouse gas emission, carbon dioxide, as it is absorbed in seawater.

And only this week, also in response to a lawsuit, the Interior Department announced that a study was being undertaken to assess whether another mammal, the diminutive American pika, should be listed as threatened because of climate change.

The administration's decision to retain the polar bear rule appears to signal President Obama's willingness to let such suits play out in the courts as broader policies are developed to fight global warming.

Environmentalists who had been pressing the White House to drop the Bush-era rule criticized the decision, predicting that the rule would ultimately be deemed illegal in the courts.

"The action taken by Salazar today, and the spin on that action, is every bit as cynical, abusive and antiscientific as the Bush administration," said Kieran Suckling, executive director of the Center for Biological Diversity, one of several environmental groups that have sued to challenge the rule.

Some critics of the decision said it contradicted the approach the administration took when it chose to pursue restrictions on greenhouse gases under the Clean Air Act. That measure, which applies to national air pollution standards, is also not a perfect fit for a globally dispersed gas like carbon dioxide, they said.

Yet Democratic lawmakers, dozens of whom had signed a letter to Mr. Salazar urging that the rule be dropped, were largely silent on Friday. They are pushing hard for climate legislation limiting greenhouse gases and are still working out details with Mr. Obama.

Republicans in Congress and industry representatives had argued that without the rule, any proposed housing development, power plant or other project requiring a government permit could face a review of how its emissions might harm not only polar bears but eventually a list of other species that could be imperiled by climate change.

Jack N. Gerard, president of the American Petroleum Institute, endorsed Friday's move by the administration, saying it would provide "greater regulatory certainty not only to the oil and natural gas industry but also to all U.S. manufacturers."

Some environmental campaigners offered a mixed view of the situation.

John Kostyack, executive director for wildlife conservation and global warming at the National Wildlife Federation, criticized the decision to retain the rule, which he said falsely asserted that there was no direct link between specific greenhouse gas emissions and the decline in the polar bear's habitat.

But Mr. Kostyack said there was no way that the Fish and Wildlife Service, the Interior Department agency responsible for carrying out the Endangered Species Act, could handle the burden of trying to police emissions.

In addition to conventional threats, a vital focus for wildlife managers should be figuring out how to help vulnerable species adapt to climate stresses, he said.

"The last thing we want to do," he said, "is saddle them with solving the causes of global warming, too."

Warming rules won't change for polar bears (*Los Angeles Times*)

May 9, 2009 Saturday
Home Edition
SECTION: MAIN NEWS; National Desk; Part A; Pg. 20
The Nation; Warming rules won't change for polar bears;
The Interior secretary says the Endangered Species Act is not the right tool for taking on global climate change.
By: Jim Tankersley
WASHINGTON
The Interior Department on Friday let stand a Bush administration policy barring the federal government from using the precarious state of the U.S. polar bear population as a reason to crack down on global warming, upsetting environmentalists and cheering oil and gas companies.

The decision means the government cannot use the Endangered Species Act to regulate greenhouse gas emissions, though Interior Secretary Ken Salazar explicitly has blamed those emissions for the habitat erosion that last year landed the polar bear on the list of threatened species.

"The single greatest threat to the polar bear is the melting of Arctic Sea ice due to climate change," Salazar said in a conference call announcing the decision. But the Endangered Species Act "is not the appropriate tool for us to deal with what is a global issue," he added.

Like Bush administration officials before them, Interior officials said it would be impossible to directly link any one factory or power plant to the decline in polar ice, and thus impractical to regulate their emissions.

Environmental groups promised to sue.

"It just doesn't make any sense to recognize that the polar bear is threatened and then exempt the primary threat to the species," said Noah Greenwald, biodiversity program director for the Center for Biological Diversity.

Andrew Wetzler, who directs the endangered species project for the Natural Resources Defense Council, said the decision was illegal and that the group would "continue to fight it in court."

Energy industry groups celebrated Friday, as did many Republicans.

"The Endangered Species Act is not the proper mechanism for controlling our nation's carbon emissions," said Jack Gerard, president of the American Petroleum Institute.

Rep. Doc Hastings of Washington, the top Republican on the House Natural Resources Committee, praised Salazar for what he called "a common-sense decision that will ensure more jobs are not lost due to excessive regulations of greenhouse gases by the government."

President George W. Bush's Interior Department listed the polar bear as threatened last year. But shortly before Bush left office, the agency issued a rule prohibiting the government from using the bear's status under the Endangered Species Act to curb greenhouse gas emissions, closing what Bush officials called a "back door" to climate regulation.

Salazar pledged to reconsider the rule when he took office in January. On Friday, he said that revoking the rule would lead to "uncertainty and confusion" in the department's efforts to protect polar bears.

Instead, he said, the U.S. must tackle climate change with a comprehensive set of

emissions limits, such as the one President Obama is pushing Congress to enact this year.

Congress never intended for the species act to regulate climate change, Salazar said. He sidestepped the question of how that was different from the Clean Air Act, which Obama critics contend was not intended to address climate change either, but which is being used by the EPA to regulate emissions.

Salazar has overturned several last-minute Bush environmental rules. He rescinded one that would have allowed federal agencies to bypass expert biologists and determine on their own whether their projects threatened endangered plants or animals. He also blocked the issuance of oil and gas drilling leases near national parks in Utah.

Yet Salazar sided with Bush on another high-profile species issue, moving ahead with a plan to remove gray wolves from the endangered list in the Great Lakes region and parts of the Mountain West.

Gov't faces weekend deadline on polar bear rule (*Associated Press*)

By H. JOSEF HEBERT –
WASHINGTON (AP) — A decision involving the iconic polar bear could determine whether protecting endangered species might also help save the earth from global warming.
The Obama administration is approaching a weekend deadline to decide whether it should allow government agencies to cite the federal Endangered Species Act, which protects the bear, for imposing limits on greenhouse gases from power plants, factories and automobiles even if the pollution occurs thousands of miles from where the polar bear lives.

The species law that affords protection for plants, animals and fish that face possible extinction became entangled with the need to reduce pollution linked to global warming more than a year ago. The Interior Department declared the polar bear a threatened species, citing the decline of Arctic sea ice due to global warming.

Fearful that the declaration putting the bear under the federal species law might be used to force regulation of carbon dioxide, the leading greenhouse gas from burning fossil fuels, the Bush administration issued a special rule: No action outside of the bear's Arctic habitat could be considered as endangering its survival.

The limitation, hailed by business groups, prompted lawsuits from environmentalists and action by Congress.

In March, federal lawmakers authorized Interior Secretary Ken Salazar to rescind the Bush administration's special rule, thus avoiding any complicated and time-consuming

regulatory procedures. The deadline for such action is Saturday, 60 days after Congress acted.

Salazar, who was said to be weighing the issue, scheduled a news conference for 11:30 a.m. EDT Friday to discuss it. Lobbying on the matter has been heavy, and Salazar has given little hint on whether he will rescind the Bush rule.

Environmentalists complained last week when Salazar failed to address the polar bear rule when he rescinded another Bush regulation involving endangered species consultation — one Congress also authorized to be scrapped.

"From our perspective the job is half done" without a reversal of the polar bear rule, Noah Greenwald of the Center for Biological Diversity, an advocacy group, said after last week's action.

The special rule "significantly undercuts protections for the polar bear by omitting global warming pollution as a factor in the polar bear's risk of extinction," said Jane Kochersperger, a spokeswoman for Greenpeace, which delivered 80,000 petitions to the Interior Department after they were collected by the two environmental groups.

Environmentalists also circulated a letter to Salazar, signed by 49 law professors, that urges him to reverse the Bush rule, arguing that its restrictions are so broad as to be illegal under the Endangered Species Act.

Business groups have expressed concern about the Endangered Species Act being used to regulate greenhouse gases, especially industrial and power plant emissions.

On Thursday, Rep. Doc Hastings of Washington, the ranking Republican on the House Natural Resources Committee, urged Salazar to keep the Bush rule in place.

Along with the recent ruling by the Environmental Protection Agency that carbon dioxide is a health hazard, "withdrawing this rule would give the federal government vast new climate change power to regulate any federal or federally permitted activity in our country that emits greenhouse gases," said Hastings. "This reaches far beyond the scope of polar bears in the Arctic and could put jobs and economic activity across the entire nation at risk."

EDITORIAL/COMMENTARY/OP ED/LETTERS

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The Clean-Water Imperative (*Pittsburgh Post-Gazette*)

Pennsylvania

May 10, 2009 Sunday
TWO STAR EDITION
OPED; Pg. G-6
THE CLEAN-WATER IMPERATIVE -- AND A BETTER, GREENER SOLUTION LET'S LEAD THE NATION IN LANDSCAPING OUR WAY OUT OF THE STORM-SEWER CRISIS -- TO BECOME A TRULY GREEN CITY. AHEAD OF THE MAY 19 MAYORAL PRIMARY, THREE VOICES FROM PITTSBURGH'S ARCHITECTURE AND DESIGN COMMUNITY FOCUS ON IDEAS CENTRAL TO THE CITY
By Vivian Loftness
Between $2 billion and $4 billion in scarce resources will be needed to address the storm-sewer crisis in Pittsburgh. While Pittsburgh's population is half of 100 years ago, our storm runoff is at historic highs due to increased paving for parking lots and roads, and of course climate change.

The uncontrolled runoff during each storm has resulted in sewage overflows right into our rivers, and those of many older cities -- causing EPA to mandate money be spent (in budget-busting amounts). Yet the only solution on the table is a conventional big-pipe solution (actually two big pipes) that will tear up our streets, our sidewalks and street trees -- and leave a city poor and scarred.

We have a strategic opportunity to landscape our way out of the storm-sewer crisis, to create a world-class city and create a new green "export" industry.

Imagine every drop of rain is captured by new gardens and landscaped surfaces. Imagine tree-lined streets, rebuilt porous sidewalks edged by colorful plantings and parking lots defined by green swales and tree canopies. Imagine green roofs and connected parks, watersheds that are micro "waterfalls in the rain" and riverfronts that are ribbons of indigenous plants. Combined with investment in water-conserving fixtures, these investments in greening our city will eliminate storm water runoff, and ensure that our relined sewers can continue to meet the cities demand for generations.

We will need to be visionary, to convince the EPA that we can landscape our way out of a crisis, especially with public investment in water conserving fixtures throughout the city -- all at lower first cost and greater gains in quality of life. The mayor of Pittsburgh does not hold sole responsibility for this project, but whoever occupies the office must take a leading role.

Neighborhoods in Denver enjoy a water-supply system distributed in a "daylit" or open canal, which provides joggers and bicyclists with a green park access to the city center. Chicago's pervasive commitment to green roofs has already reduced storm runoff, even with less than 5 percent of the roofs greened to date. The University of Virginia has shifted its investments in retention tanks to lakes, to reduced hard surfacing, and to diverse landscaping -- eliminating the modern flooding of Charlottesville while brilliantly enhancing their campus.

Pittsburgh has the potential to lead the nation in city-beautiful surface solutions to the

storm/sewer challenges through water conservation, on-site water management and water management through landscape -- a solution set that generates new professional and industrial growth for our region.

NOTES: Vivian Loftness is university professor of architecture at Carnegie Mellon University, where she served as head of the School of Architecture from 1994 to 2004 (loftness@cmu.edu).

Poisoning public trust (*Chicago Tribune*)

May 10, 2009 Sunday
Final Edition
SECTION: NEWS ; ZONE C; Pg. 27
When it comes to treating citizens as chumps, it's hard to top what has happened in south suburban Crestwood.

For years, the village mixed water from a chemically contaminated well with water from Lake Michigan and pumped that ghastly concoction into the homes of residents.

For years, village officials attested that this wasn't happening. When the well water was found in 1986 to be contaminated by toxic dry-cleaning chemicals, officials told state regulators that the citizens would get clean, treated Lake Michigan water, the water safely used by the rest of Chicagoland.

The water from the Crestwood well? The village said it would be used only in an emergency.

Every year, Crestwood officials sent a report to the residents, as required by federal law, saying that Crestwood used Lake Michigan water.

But that wasn't the truth. As the Tribune's Michael Hawthorne recently reported, the village kept using the well, apparently in an effort to save money. The village often used that contaminated water. In some months, well water accounted for 20 percent of the village's supply.

According to the U.S. Environmental Protection Agency, one of the chemicals in the well, vinyl chloride, is so toxic that no level of exposure to it is considered safe.

What an amazing, appalling story.

Crestwood Mayor Robert Stranczek has been busy trying to tamp down the justifiable outrage of his community. He has been busy trying to convince his constituents that they weren't fed a pack of lies, that their health wasn't knowingly put at risk.

Good luck trying to convince them of that, Mayor.

The leaders of Crestwood may have more to worry about.

EPA investigators, acting on a search warrant obtained by U.S. Atty. Patrick Fitzgerald, recently seized boxes of records and computers from various Crestwood government agencies. "We're looking for evidence of any environmental crimes we can find," said Randall Ashe, the special agent in charge of the EPA Midwest criminal office.

Sen. Dick Durbin is pressing for a separate federal investigation into whether Crestwood residents suffered any ill effects from the contaminated water they didn't know was getting pumped into their homes. That investigation could look into cancer rates in the village.

The hope is that both investigations will give some answers to two burning questions for Crestwood citizens: How and why did our leaders deceive us? Were we poisoned?

The Illinois EPA says the answer to the second question is "no." State EPA Director Doug Scott wrote in a recent letter "that the public's health was never at risk." But Durbin, and a lot of people in Crestwood, aren't taking that answer on faith.

Stranczek, whose father Chester was mayor for four decades before he took the job, says the village's water supply has always been safe. "No one in the village of Crestwood government, past or present, would ever intentionally allow a hazard to threaten our community," he told a roomful of residents at a meeting last month.

They weren't exactly mollified. And why should they be?

Crestwood officials have known for more than 20 years that using water from their well except in an emergency was forbidden. Chester Stranczek served as mayor from 1969 to 2007. Robert Stranczek was a village trustee for 10 years before he succeeded his father as mayor.

The well would probably still be in use today if the Illinois EPA hadn't decided in 2007 to test all municipal wells in the state. Only when those tests confirmed what was known in 1986 -- and the inspection showed that the well was still being used -- did village officials cap the well.

The citizens of Crestwood are left to wonder about their health. Their faith in government? That probably can't be revived.

Show me the green (*Grand Junction Free Press*)

LOU VILLAIRE
GRAND VALLEY CLEAN ENERGY CENTER,
Friday, May 8, 2009

Who needs 100 days? By Day 93, better known the celebration of “Earth Day,” there was a lot to celebrate with a restored national commitment to protecting our economy and our natural places.

And while most of the press will spotlight the big political fights, the new record on energy, the economy, and conservation offers many positive reasons to observe the first 100 days.

A highlight was Day 7, when the new head of the Environmental Protection Agency reconsidered a previous biased decision preventing 14 states from reducing CO2 from cars and light trucks.

On Day 29, Colorado was the location to sign into law the single largest green funding initiative in American history, the American Recovery and Reinvestment Act, which doubles America’s commitment to renewable energy production, improves the wise use of existing fuels, increases energy efficiency, and invests in clean transportation — all while creating 1.5 million energy jobs.

On Day 38, a national budget was unveiled that sets the stage for a national energy independence plan that reduces CO2 emissions and drives the nation to a modern and balanced energy economy.

That’s only three of dozens of environmental first days; yet, there is more work to do. The renewed national promise of energy innovation, invention, and independence lies before us.

During the first 100 days, the nation has set itself on a new direction when it comes to protecting our national heritage, natural preservation, and growing the economy through reconstruction and efficiency while reducing waste. I hope that the next 1,325 days are as productive as the first 100.

Coal always dirty (*Pittsburgh Tribune-Review)*

Friday, May 8, 2009

The news in The Washington Post story "Power plants flush poison into waterways, EPA says" (May 3) that the EPA has found that power plants, including the one in Homer City, "have flushed wastewater with levels of selenium and other toxins," all of which are byproducts of burning coal, "that far exceed the EPA's freshwater and saltwater standards" serves to underline the fact that, despite utility industry propaganda to the contrary, there is not and never will be any such thing as "clean" coal.

And while U.S. Rep. John Boozman of Arkansas is correct when he says that "we're not going to be done with coal tomorrow," it is imperative that we move as quickly as

possible away from coal toward green sources of energy, for the sake of all living species, including humans.

Michael Pastorkovich

Oakland

ENERGY

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Western purchases energy certificates to create 'green' production in Iowa (*Western Front*)

by Anne Maertens
Friday, May 08, 2009

Western has completed the purchase of its first 10,000 renewable energy certificates from its new provider, the EarthEra Renewable Energy trust, a part of NextEra Energy Resources.

Western buys the certificates, which support "green" energy, to offset greenhouse gases emitted from its electrical use.

In total, Western will purchase 40,000 certificates, which are optional, in 2009, totaling $140,000. The certificates are paid for through Western’s $7 Renewable Green Energy Student Fee, one of the many fees of a full-time student.

The certificates represent the difference in the cost of producing renewable energy versus the cost of traditional energy production, like coal, said Ron Bailey, operations support manager at Western.

Each certificate equates to one megawatt-hour of electricity produced. While Western will continue to purchase all of its electricity from Puget Sound Energy, they will spend an additional amount of money in certificates to support EarthEra's Endeavor Wind Farm in Iowa.

For EarthEra, the excess cost for one certificate, or one megawatt-hour of electricity produced is $3.50, Bailey said. Previously, Western was paying PSE $6 for certificates, he said.

By supporting a wind farm in Iowa, Western is chipping away at the overall production of non-renewable energy. Producing wind power creates a lower demand for coal, which is the main energy generator used in Iowa, Bailey said.

Bailey said Iowa is in greater need for green energy production than Washington because the Pacific Northwest predominately uses hydropower, which produces significantly less greenhouse gas than coal.

“The general belief within the scientific community is that greenhouse gases cause climate change, and it is necessary to take steps to reduce [the gases] in order to stop the change,” said Rose Woofenden, president of Students for Renewable Energy.

Influencing a region of the United States in need of cleaner production was one of the criteria considered by a panel made up of Students for Renewable Energy, faculty and staff when they evaluated the nine possible certificate providers, Bailey said.

The panel used a formula developed by Western economics professor Dan Hagen to analyze the companies. It determined that EarthEra had the greatest greenhouse gas offset while costing $100,000 less than PSE, Bailey said.

“The formula is unique to Western and unique to the whole process,” Bailey said. “We came out with a method to purchase [certificates] based on their environmental attributes.”

The local environmental impact, negative or positive, created by the facility, was another determining factor. A wind farm in the middle of a farmer’s field will have a different environmental impact than a wind farm in the middle of a city, Bailey said.

Finally, the panel wanted to support “additionality,” which means Western’s financial support will help the certificate provider go beyond its normal development and create more green energy through wind or solar power, he said.

Not only was the decision to use EarthEra unanimous, Woofenden said she was pleased with the process as a whole and hopes to improve the process further over the years. Students had a say in nearly 60 percent of the decision.

“They came to us and said, ‘You’re the students, how would you like to do things?’” Woofenden said. “This is our future, our money, and they were here to assist us, which we really appreciated.”

Many schools in the U.S. buy certificates to offset their environmental impacts, said Blaine Collison, director of Environmental Protection Agency’s Green Power Challenge. Holding the most certificates out of the nine schools in the Great Northwest Athletic Conference, the EPA has recognized Western as an individual conference champion in its 2008-09 College and University Green Power Challenge.

The challenge uses athletic conferences as a means of comparison because the conferences usually contain colleges of similar size, Collison said.
It highlights pockets of leadership to encourage other schools to join in and help create more demand for green energy, he said.

“We’re trying to leverage the demand side of the market in order to stimulate the supply side,” Collison said. “We want to show producers that people care about where their energy comes from.”

FUEL
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Flaws in the Fine Print Undermine the Case for E15 Gasoline (*New York Times*)

May 10, 2009 Sunday
Late Edition - Final
Section AU; Column 0; Automobiles; Pg. 7
By CHRISTOPHER JENSEN
WHEN a trade group for the ethanol industry asked the Environmental Protection Agency to raise the permissible amount of ethanol in gasoline to 15 percent from 10 percent, it supported the request with a series of studies.

But others concerned about such an increase say that not only is more research needed, but that some claims by the trade group, Growth Energy, are incorrect or misleading. Growth Energy denies the assertions.

Critics say one problem is a summary of a report by the National Renewable Energy Laboratory and the Oak Ridge National Laboratory, both part of the Energy Department. Growth Energy sent the entire report to the E.P.A., but the summary it provided with its formal waiver request -- and uses in press materials -- said that when using E15 and E20, "there were no significant changes in vehicle tailpipe emissions, vehicle drivability or small nonroad engine emissions as ethanol content increased."

Others disagree. "They cherry-picked the data," said Kris Kiser, executive vice president of the Outdoor Power Equipment Institute, which represents makers of machines like lawn mowers and chainsaws.

Mr. Kiser said the summary did not note that some tested engines ran poorly on E15, losing power, running hotter than normal or stalling. On three weed trimmers that were supposed to be idling, the clutch engaged and started the cutting mechanism, he said. "It is really scary if you are a manufacturer," Mr. Kiser said. "We don't want our customers hurt."

One researcher, Wendy Clark, group manager in the fuels performance group at the National Renewable Energy Laboratory, said the summary, while accurate, was misleading because it omitted problems noted in the full report. For example, the summary said researchers did not find drivability problems. The full report noted that the drivers were not trained to detect such problems and that all testing was done at only two temperatures.

Ms. Clark said the study was preliminary and should be followed up with comprehensive research on emissions and durability. "The sample size is way too small," she said.

Accompanying the waiver request is a letter from Growth Energy that mentions support for the waiver from Ford. It mentions "Ford's endorsement of blends up to E15."

While that statement might be interpreted as suggesting that Ford approves the use of E15 in its vehicles, a company spokeswoman, Jennifer Moore, said that was not true. She said Ford favored the use of biofuels but still had concerns about E15 because not enough research had been done.

Asked about the seeming contradiction, Growth Energy provided a letter from a Ford executive to an ethanol supplier. But the letter does not say Ford endorses E15. It says, "Ford endorsesefforts to increase base-level blends up to E15." By that, Ms. Moore said, Ford means it favors research.

Tom Buis, chief executive of Growth Energy, said there had been no intent to mislead anyone and that the reports were valid. "I think we're on solid ground," he said. "We wouldn't have filed this submission if we weren't."

Ethanol Industry's 15% Solution Raises Concerns (*New York Times*)

May 10, 2009 Sunday
The New York Times on the Web
Section ; Column 0; Automobiles; Pg.
By CHRISTOPHER JENSEN
The Environmental Protection Agency is preparing to make an important and far-reaching decision this year that will affect more than 500 million gasoline engines powering everything from large pickups to family cars to lawn mowers: whether to grant the ethanol industry's request to raise the maximum amount of ethanol that can be added to gasoline.

That request has engine manufacturers and consumer advocates worried about possible damage, service station owners in a tizzy over the financial and legal implications and a leading petroleum industry group saying the move is unwise and premature.

Specifically, ethanol producers are asking that the maximum ethanol content in the most common blend of gasoline be increased from 10 percent -- a limit set about three decades ago -- to as much as 15 percent. The blend the industry hopes will become common is known as E15, but the **E.P.A.** could approve a blend between E10 and E15.

Last year, nearly three-quarters of the gasoline sold in the United States contained some ethanol, according to the American Petroleum Institute. E10, which is 10 percent ethanol, is by far the most common fuel, though the **E.P.A.** has approved the use of ethanol blends up to 85 percent -- but only for the limited number of new and late-model cars and trucks certified by manufacturers as "flexible fuel vehicles." The ethanol industry wants E15 to replace E10 as the standard fuel found at most stations.

The issue came before the **E.P.A.** in early March when Growth Energy, an ethanol lobbying group, and 54 ethanol manufacturers asked the agency for a waiver of the **Clean Air Act** so that more ethanol could be added to gasoline.

Although the request went largely unnoticed by the public, it got the attention of anyone who makes or sells gasoline engines, as well as some environmentalists and consumer advocates.

Approving E15 would have a huge impact on consumers, said Clarence Ditlow, executive director of the Center for Auto Safety, and could cause problems including the voiding of car warranties. "There's a lot to worry about," he said. "All a consumer has to do is look at the fuels section of the owner's manual, which says that the use of fuel above 10 percent ethanol may result in denial of warranty claims."

Nearly 250 million cars and light trucks are registered in the United States, according to Experian Automotive. But the impact would be even broader. Kris Kiser, executive vice president of the Outdoor Power Equipment Institute, a trade group, estimates that a change would affect 300 million engines in everything from chainsaws to weed trimmers.

The National Marine Manufacturers Association says 12 million boat engines would also be affected.

Growth Energy, whose co-chairman is Wesley K. Clark, the retired Army general and former Democratic presidential candidate, has told the **E.P.A.** that it has proof from several studies that E15 will not damage engines and will result in cleaner air while reducing the nation's reliance on oil.

The studies were done by groups including the federal Energy Department, the State of Minnesota, the Renewable Fuels Association, the Rochester Institute of Technology, the Minnesota Center for Automotive Research and Stockholm University in Sweden.

Michael Harrigan, a former Ford Motor Company fuel-system engineer who is now a consultant to Growth Energy, said automakers had been doing enough testing that

there should be no problems using E15.

And Tom Buis, the chief executive of Growth Energy, said, "We are confident in the science we prepared."

But confident or not, Growth Energy has plenty of opposition from groups that say some of the studies it cites are inconclusive. The critics also say its assertions are unproved and in some cases misleading.

While automakers generally favor wider use of biofuels, Charles Territo, a spokesman for the Alliance of Automobile Manufacturers, a trade group representing 11 automakers, said Growth Energy had failed to prove that E15 would not damage vehicles engineered to run on a maximum of 10 percent ethanol. More testing is needed, he said.

"We are not asking for this to be delayed forever," Mr. Territo said. "We are asking for this to be delayed until the testing is complete."

Mr. Kiser, of the outdoor power equipment group, said some initial tests already indicated that E15 could cause serious problems -- including safety issues -- with some small engines.

At Honda, which makes a wide range of engines for products from minivans to power generators, the concern is that the effects of a big increase in an additive like ethanol are unknown, said Edward B. Cohen, vice president for government and industry relations at American Honda. "The impact can be on the emissions system, like the catalytic converter," he said. "It can be on the various tubes or couplings that are part of the fuel system, and it could affect the performance of the vehicle, particularly cold starting."

Honda can design engines to run well on new gasoline blends, Mr. Cohen said. The issue is the legacy fleet, whose engines were designed over two decades for varying requirements. There is no single answer, Mr. Cohen said, to the question of how E15 would affect them.The American Petroleum Institute is also concerned, said Robert Greco, the group director of downstream and industry operations. He said more research was needed -- probably several years' worth -- before the institute would be convinced that E15 was safe for so many different kinds of engines.

"We think that the current waiver request is premature," Mr. Greco said. "The science isn't in yet."

And Jeremy Martin, a senior scientist at the Union of Concerned Scientists, an environmental advocacy group based in Cambridge, Mass., said there was simply not enough solid information on which to make a decision that would have such a broad impact.

"We shouldn't just look at a little data and extrapolate," he said. "There are rules here, and there are procedures. And there is a proper engineering way to come to this determination. One can guess about the most likely outcomes, but that is not sufficient to put all the fleet at risk."

Wendy Clark, group manager and principal researcher in the fuels performance group at the Energy Department's National Renewable Energy Laboratory, said a lot of credible organizations were studying E15. But she said it was too early to know for sure how engines would be affected.One question is how many of the studies will be done before Dec. 1, the date by which the **E.P.A.** is required by law to make its decision.

Mr. Ditlow of the Center for Auto Safety said: "What the ethanol people are asking the consumer to do is bear the risk. If only 1 percent of the vehicles on the road today had E15-related problems, that would be about 2.5 million vehicles."

Among those concerned about the proposed change are service station owners, many of whom fear that their pumps and fiberglass storage tanks would need to be replaced. They also fear legal problems including lawsuits from customers claiming their vehicles were damaged by the fuel.

"It is a horrible thing for our members," said Carl Boyett, president of the Society of Independent Gas Marketers of America.In their March request to the **E.P.A.**, proponents of the waiver said E15 would provide "increased energy security, enhanced economic development, creation of American jobs, reduced transportation costs and environmental benefits." The ethanol manufacturers contend that the increase is necessary because of the Energy Independence and Security Act of 2007. That act includes a renewable fuels standard that requires a steady increase in the use of biofuels in the United States -- to 36 billion gallons in 2022 from 11 billion gallons this year. To meet the goals, refiners must add biofuels to gasoline.

The industry has been meeting the requirements. In 2007 , it was required to use 4.7 billion gallons of ethanol and it actually used 6.85 billion, according to the petroleum institute. Last year, when the requirement was 9 billion gallons, the industry used 9.6 billion.

But Americans are now buying far less gasoline than was expected when the law passed. That decline has the industry worried that as early as 2011 or 2012 it will be impossible to meet the renewable fuels standard with a 10 percent limit, Mr. Greco said.

Mr. Buis of Growth Energy said: "We are up against a blend wall. That cap needs to be raised."

While adding more ethanol would help refiners meet the law, it would not improve fuel economy. An October 2008 study for the Energy Department tested 16 late-model cars and found, on average, that mileage dropped 5 percent with E15 compared with gasoline that contained no ethanol.

In deciding whether to raise the cap, the **E.P.A.** says it must consider not just emissions, but also vehicles' durability and drivability "over their useful lives." The agency has acknowledged that E15 is a complex issue, given that engines vary widely in their age and sophistication. Some might run fine on E15 while others might be susceptible to problems.

The **E.P.A.** says one possibility is that it could approve the use of E15 for some vehicles or engines but not for others.

Mr. Martin of the Union of Concerned Scientists says tests may show that vehicles produced starting with 2004 models could run safely on E15. That year, more sophisticated engine controls were required, making it more likely their systems could detect and compensate for fuel variations.About 79 million cars and light trucks have been produced since the 2004 model year, Experian Automotive says.

Mr. Buis of Growth Energy said that the advantages and safety of E15 were clear and that allowing higher ethanol content would help to make the nation less dependent on petroleum. He said there was no reason to delay.

"You know, some people don't want to do anything -- they just want to test, test, test or study, study, study," Mr. Buis said. "You know, this nation has been stalling for 30-some years from becoming energy independent."

Laboratory Will Not Certify Pumps for Gas With 15 Percent Ethanol (*New York Times*)

By CHRISTOPHER JENSEN
May 10, 2009

GROUPS representing the nation's service station operators say they fear the possible legal and economic consequences of increasing the amount of ethanol in gasoline to 15 percent, from 10 percent, a change that ethanol producers have urged the Environmental Protection Agency to make.

The station owners say they fear lawsuits from customers claiming their cars were damaged by the E15 fuel. But they also note that existing pumps are not certified by Underwriters Laboratories as safe for use with E15 — and U.L., which certifies the safety of a wide range of products, says it will not provide that certification.

John Drengenberg, U.L.'s consumer safety director, said previous testing showed that the existing pumps were safe for up to 15 percent ethanol. But U.L. will not guarantee them for 1 percent more, he said.

That means E15 certification cannot be given because there can be slight variations in the mixture of gas and ethanol, Mr. Drengenberg said — E15 might actually include 16 percent ethanol. "It cannot ever be said that this is exactly 15 percent."

Furthermore, while U.L. says 15 percent ethanol would be acceptable, it cannot retroactively and officially certify the existing pumps for dispensing E15, a spokesman, Joseph Hirschmugl, said.

That is a problem because state and local fire codes usually require stations to use equipment that a third party — typically U.L. — has certified as compatible with the fuel being sold. A fuel with much higher ethanol content, E85 — which can be used only in flexible-fuel vehicles — is dispensed through a different type of pump, which the U.L. has approved.

That leaves service station owners wondering what they will do if E15 is approved. Those retailers will have two choices, said John Eichberger, vice president for government relations at NACS, an association for convenience stores and gas stations. "One, sell a product with noncompatible equipment, violate those rules and open themselves up to gross-negligence lawsuits," he said. "Or try to find compatible equipment and replace their entire system. Unfortunately there are no dispensers certified for E15."

Joseph Hirschmugl, a spokesman for U.L., said his organization knew of no specific problem but must be cautious because adequate testing had not been done.

For the gas station owners, the scary thing is the possibility of an accident or mishap that could result in a lawsuit, said Tim Columbus, general counsel for another service station trade group, the Society of Independent Gasoline Marketers of America. Then people might start asking why uncertified equipment was being used, he said.

In Growth Energy's request to the Environmental Protection Agency to allow an increase to E15, it insists that service stations won't have a problem. It says U.L.'s research "supports that existing dispensers may be used successfully with ethanol blends up to E15."

But Mr. Drengenberg of U.L. says that is not true. U.L. approves of using up to 15 percent ethanol in existing dispensers, he said, but it does not approve of E15.

Coddling the ethanol industry Will feds even whitewash its carbon footprint? (*Denver Post*)

May 9, 2009 Saturday
FINAL EDITION
Pg. B-11
By Vincent Carroll The Denver Post
It seems like only yesterday that President Obama was complaining about "rigid ideology" overruling "sound science." But how about crass politics overruling sound science? Apparently, we'll just have to put up with that.

When it comes to the ethanol lobby - that coalition of corn growers, agribusiness companies and ethanol distilleries that makes its living picking taxpayers' pockets - the federal government has been a soft touch for years. It has showered the industry with subsidies that would make most self-respecting business people blush.

But now Obama's **Environmental Protection Agency** may take this coddling of ethanol to new heights. The **EPA** has "raised the possibility," according to The Washington Post, "of computing greenhouse gas costs (for ethanol) over a 100-year period instead of a 30-year period."

Why on Earth? Perhaps because when the the **EPA** uses a 30-year analysis, ethanol compares unfavorably to plain old gasoline in terms of greenhouse gas emissions. And we can't have that, can we? Plug in a 100-year scenario, however, and voila! Ethanol leaps into the lead from an environmental perspective. Mission accomplished.

To be sure, the **EPA** hasn't actually chosen the 100-year model and is asking for public comment before it moves ahead. But the mere fact that it would consider measuring ethanol's carbon impact over 100 years - or should we say guessing at it? - is evidence enough of the ethanol lobby's stature.

Forecasts over 30 years are hard enough to credit, given the necessarily arbitrary nature of some assumptions. But a full century? Why not just resort to a Ouija board?

Despite the kid-glove treatment of biofuels, the ethanol lobby and its political allies - such as a bipartisan group of 12 farm-belt senators who recently wrote the agency's chief - decry the **EPA's** approach. They particularly object to its attempt to measure biofuels' effects on land use - such as the expansion of cropland in other countries because of ethanol's unfortunate impact on food production and prices.

The critics may actually have a point in arguing that scientists don't know enough to fully assess ethanol's "life-cycle" greenhouse gas emissions. But imagine if a dozen senators wrote the **EPA** urging it to proceed with caution on its **global warming** agenda given all of the uncertainties involved in the official models. They'd be derided as Flat Earth ostriches.

None of this would matter much if it weren't for the fact that the government is determined to force-feed an ever-expanding stream of ethanol into the fuel supply. Two years ago, Congress decreed that 15 billion gallons of corn ethanol be used by 2015 (doubling production) with the quota rising to 36 billion gallons by 2022.

By then, Congress expects cellulosic ethanol - produced from wood chips, feedstock, corn stalks and other nonfood biomass - to account for a large chunk of the mix. In short, Washington has mandated a future quota for a fuel that currently doesn't exist in commercially viable form.

Then again, why not? Corn ethanol's sales rely overwhelmingly on the artificial stimulants of government subsidies and mandates.

On its own, corn ethanol is an unattractive fuel: Gallon for gallon, it boasts less energy than gasoline and would be much more expensive, too, absent the subsidies.

Here in Colorado, ethanol once seemed a major pillar of Gov. Bill Ritter's New Energy Economy. Shortly after his election, for example, the governor touted a program to boost the number of "E-85" fueling stations around the state.

These days, the Governor's Energy Office appears a tad defensive about biofuels. It notes on its website that "numerous media pieces have raised concerns" about the fuels and then offers readers a Department of Energy paper titled "New Studies Portray Unbalanced Perspective on Biofuels," which rebuts two studies critical of ethanol's effect on land use.

The sad thing is, it probably doesn't matter which set of experts is right given Washington's devotion to the ethanol lobby. Sound science may be the slogan, but raw politics has always fueled the ethanol juggernaut.
E-mail Vincent Carroll at vcarroll@denverpost.com

EPA Slowly Lifts The Veil On Corn-Based Ethanol (*Progress Illinois*)

by Adam Doster on May 08, 2009 - 9:58am

The corn-based ethanol industry is having a tough 2009. While output remains up, the Agriculture Department estimated in February that production growth will slow over the next two years as operating margins tighten and demand sinks. Then in April, the Congressional Budget Office released a report reinforcing the long-held concern of environmentalists and economists that the production of corn-based biofuels increases food prices and does not significantly limit the nation's transportation emissions. Yesterday, the Obama administration issued its anticipated proposed draft rules on how the Environmental Protection Agency (EPA) will measure the amount of carbon emissions ethanol generates. Agribusiness can't be too happy with the results, which

confirm that the EPA plans to consider ethanol's indirect land-use effects. Brad Plumer explains:

> For those who haven't followed this issue, indirect land-use has been the source of much contention. A lot of studies, like this landmark report in 2008 by Tim Searchinger et. al., have found that when you pull corn out of the world's food supply in order to make fuel, that causes farmers in developing nations to cut down rain forests to plant their own corn. As a result, corn- and soy-based ethanol do far more damage to the climate than burning gasoline does.

Why is this a big deal?

When Congress passed a bill that mandated an increase in biofuels production two years ago, environmentalists fought to include a stipulation that ethanol had to emit 20 percent less pollution than gasoline. When indirect land-use is factored in, the corn and soy versions likely won't make the cut. Producers would, in turn, fail to qualify for $3 billion a year in federal tax breaks.

Could the EPA's ruling ruin the economic viability of corn ethanol, given its dependence on government assistance? Not necessarily. The ruling still calls for 15 billion gallons of traditional ethanol blending per year to be grandfathered in by 2015, which is *a lot* of fuel. Tree Hugger's Alex Pasternack also points out that the EPA will dispense a "slate of subsidies, credits, and financing opportunities" to the ethanol industry, which will supplement the nearly $1 billion in stimulus funds already earmarked. But the hidden costs of corn-based ethanol are slowly coming to the fore, which is good for taxpayers and the planet.

Also encouraging is the effect the ruling might have for cellulosic ethanol -- made from crops like switchgrass and miscanthus -- which is expected to pass the EPA's threshold. In fact, the agency is calling for 16 billion gallons of cellulosic ethanol by 2016, which increases the chance that the technology will become commercially viable. For more on what Illinois scientists are doing to promote this fuel, check out our posts here and here.

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No change for polar bear rule (*Miami Herald*)

May 9, 2009 Saturday
SECTION: A; Pg. 10
No change for polar bear rule;
The Interior Department has concluded that it is impossible to use the Endangered Species Act to regulate greenhouse gases that contribute to the loss of polar bears' habitat.

BYLINE: ERIKA BOLSTAD, ebolstad@mcclatchy.com

BODY:

Global warming will lead to declining polar-bear populations, Interior Secretary Ken Salazar acknowledged Friday, but the Interior Department will let stand a Bush administration rule that proposes to manage the threatened animals without taking into account greenhouse gases that heat the planet and threaten their sea ice habitat.

Salazar announced Friday that he'll keep in place the Bush administration rule limiting government scientists from looking at anything other than the Alaska habitat of polar bears as they develop wildlife management plans.

Environmentalists had sought a change to the rule, which effectively limited federal regulators from considering the effects of greenhouse gas emissions as they worked to address the bears' loss of habitat in Alaska.

The rule was announced last May when former Interior Secretary Dirk Kempthorne determined that under the Endangered Species Act, the bears are threatened. However, Kempthorne warned at the time that the Bush administration didn't want polar bears to be used as a "back door" for setting climate-change policy and issued the rule to keep greenhouse gas emissions from consideration.

On Friday, President Barack Obama's Interior Department reluctantly agreed with the Bush administration, saying it's scientifically impossible to use the Endangered Species Act to regulate the greenhouse gases that contribute to the destruction of the bears' habitat.

Slowing global warming by capping greenhouse gas emissions will have to be addressed with comprehensive climate-change legislation supported by the administration, said Tom Strickland, the assistant interior secretary for fish and wildlife and parks.

"On a parallel track, this administration, in contrast to [the] previous administration, is actively engaged in trying to get a comprehensive climate-change bill passed," Strickland said.

PESTICIDES

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Flea treatments for pets prompt an EPA warning (*Los Angeles Times*)

May 10, 2009 Sunday
Bulldog Edition
MAIN NEWS; National Desk; Part A; Pg. 6
By Diane C. Lade
FORT LAUDERDALE, FLA.
Federal environmental regulators are warning pet owners and veterinarians to closely follow instructions and monitor pets if they use several popular flea and tick treatments, lest the animals have a serious reaction.

The **Environmental Protection Agency** last year received 44,000 complaints about "spot-on" pest prevention products -- liquid **pesticides,** usually packaged in small tubes, that are squeezed onto a dog or cat's fur and rubbed into the skin. The reactions included mild skin irritation, seizures and even death, the **EPA** said.

Among the well-known brands on the review list: Hartz Mountain, Sergeant's and Frontline. Others include Farnam Companies, Zodiac, ProMeris and Tradewinds.

ProMeris for Dogs is one of the 24 products out of the 44 on the **EPA's** list that are registered in Florida, said Charlie Clark, state environmental administrator for **pesticide** registrations. Florida Department of Agriculture and Consumer Affairs officials, who by law must examine even **EPA**-approved **pesticides** before they can be sold in the state, last year flagged ProMeris when they discovered it contained the chemical amitraz.

The **EPA** recently posted the list online, but has since removed it from its website. In its place, the agency posted a note saying it is "reviewing the completeness of the list" and will re-post it when finished.

None of the items have been pulled or labeled hazardous, but all still are being reviewed, **EPA** spokesman Dale Kemery said.

"We are advising consumers to take precautions, to make sure they use the products correctly," he said.

Regulators required manufacturer Fort Dodge Animal Health to draft an advisory for veterinarians to give their clients. It warns that amitraz can cause neurological damage, especially to children.

In a written statement, Fort Dodge said consumers might be confused about how to use ProMeris because it is a new product, and that the company is cooperating with the

EPA.

The EPA said in late April that it was concentrating on those products that had constituted about 80% of the complaints. The majority were lower-cost treatments available in pet and discount stores, not products that must be purchased through veterinarians.

Dr. Melinda Fernyhough of Hartz, the top brand in retail stores, said its five cat products on the **EPA** list accounted for only 2%, or 956, of the reports -- and among those, 75% were considered "minor" or "asymptomatic." A total of 3 million doses were sold in the U.S. alone last year.

"I think it is important to stress all topical drops are regulated in the same manner . . . and are held to the same standards of efficacy and safety, whether sold through vets or at retail," said Fernyhough, the company's manager of scientific affairs.

But Dr .Marcia Martin, a holistic veterinarian at Calusa Veterinary Center in Boca Raton, Fla., said she advises against over-the-counter flea-control methods. With most products purchased through vets, "you could put the whole package on and not get a toxic reaction," she said.

Clark said federal regulators were trying to determine whether the recent complaints were due to pet owners misapplying the product or to a chemical formulation issue. He said the state would take no action until the **EPA** finished its review.

POLITICAL

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GOP concerns about climate regs ensnare air nominee *(Greenwire)*

Robin Bravender, E&E reporter
05/08/2009
A Republican senator blasted President Obama's nominee to lead U.S. EPA's air office yesterday for failing to outline a clear path for protecting small businesses from climate regulations under the Clean Air Act.

Sen. John Barrasso of Wyoming has placed a "hold" on the nomination of Gina McCarthy to lead EPA's Office of Air and Radiation, saying the agency's proposed finding that greenhouse gases endanger human health and welfare would lead to costly regulations of small sources.

EPA lawyers and environmental groups insist that any new rules would be flexible enough to avoid regulating emissions from small sources like hospitals and commercial

buildings. But Barrasso and the U.S. Chamber of Commerce say environmental groups will likely sue EPA, pushing the agency to regulate the smallest sources of greenhouse gas emissions.

"Special interest groups are scheming to sue the EPA to prosecute hospitals, farms, nursing homes, commercial buildings and any other small emitter of greenhouse gases," Barrasso said in a statement. "These regulations are a dangerous loose cannon in the wrong hands."

In a written response to questions posed by Republican members of the Senate Environment and Public Works Committee, McCarthy sought to downplay the possibility of EPA regulations stretching beyond major emitters like power plants and industrial sources.

"While I understand that EPA does not have authority to revise federal laws," she wrote, "it is my understanding that the [Clean Air Act] leaves EPA discretion, if the agency regulates greenhouse gas emissions under the act, to do so in a way that takes account of the size of emission sources."

Still, McCarthy did not rule out the possibility that lawsuits might drive EPA to regulate smaller sources.

"As you know, the [Clean Air Act] requires that citizens give EPA and the relevant state 60 days notice before bringing a citizen suit," she wrote. "If confirmed, I will request that I be informed if any such notice is filed with regard to a small source, and I will follow-up with the potential litigants."

That is not enough to satisfy Barrasso.

"The solution to this problem is not to have government officials go around asking litigants not to sue," he said.

Major environmental groups have indicated they have no plans to push EPA to regulate smaller emitters and would prefer instead to concentrate their efforts on larger sources. But some lawmakers and industry groups have argued that there is no assurance that EPA would be able to legally stave off such challenges should they arise.

Barrasso pointed to a recent *Wall Street Journal* article, which quoted Kassie Siegel, director of the Center for Biological Diversity's Climate Law Institute, saying her organization is prepared to sue EPA to regulate smaller emitters if the agency stops at simply large sources.

"This confirms my worst fears," Barrasso said.

But lawyers for the advocacy group say their position has been misrepresented.

"The Center for Biological Diversity is not going to sue the EPA to regulate small sources of carbon dioxide, nor is anyone else," Siegel said in an e-mail. "Characterizing it that way is an incredibly cynical ploy by Barrasso and [Sen. James] Inhofe to block solutions to the climate crisis and create a distraction from the real issues."

In order to stave off the effects of climate change, EPA may eventually have to regulate sources like big hospitals that emit large amounts of carbon dioxide, said William Snape, senior counsel with the center, but he added that EPA would then work with the polluters to help bring them within clean air limits.

"No one is talking in any regime about shutting down institutions in our society that are helping us," he said.

Senior reporter Darren Samuelsohn contributed.

SUPERFUND

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Costly Superfund dredging set for Hudson River (*Associated Press*)
Story also appeared: *Washington Post*

By MICHAEL HILL
The Associated Press
Saturday, May 9, 2009 12:30 PM

SARATOGA, N.Y. -- People look funny at David Mathis when he takes a dip off his dock in the Hudson River. Health officials have long warned people not to eat fish caught from this slow-flowing stretch south of the Adirondacks and swimming here is unthinkable to many.

The reason: tons of oily PCBs _ probable carcinogens _ have been packed in with the river mud so heavily that the federal government named the river a Superfund site in 1984. Environmentalists and local residents like Mathis say the only way to rid the river of PCBs is to dredge out 1.8 million cubic yards of contaminated mud _ a job that could take six years and cost far more than $100 million a year. Opponents along the river are just as adamant that the river is cleaning itself and that dredging will be a gigantic folly. The argument has gone on for a generation.

Metal scoops are set to be lowered from barges this month and chomp out the first loads of river bottom in one of the largest and most complex federal Superfund cleanups ever. The dredging will be paid for and coordinated by General Electric Co.

A thin stretch of river around Fort Edward, 10 miles north of Mathis' dock, will be jammed with an armada of boats scraping away at the river bottom night and day, six days a week. A multimillion dollar, 114-acre treatment site built by GE will treat the contaminated mud and pump the clean water back into the river; the processed mud will be shipped to Texas for disposal.

"I've got a couple of kids. I don't have any grandkids yet," Mathis, 61, says as he pilots his 32-foot boat along the contaminated run of river. "But when I do, I want them to be able to swim in the river."

PCBs, or polychlorinated biphenyls, were commonly used as coolants and lubricants in transformers before they were banned in 1977. Considered a probable carcinogen, they have been linked to immune, reproductive and nervous-system problems.

Over several decades before the ban, GE plants in Fort Edward and neighboring Hudson Falls discharged wastewater containing more than a million pounds of PCBs into the river. A dam at Fort Edward kept the PCBs largely bottled up. But when the dam was removed in 1973, the chemicals flowed all the way to river's mouth at New York City, concentrating along a 40-mile stretch down to Albany.

New York state environmental officials considered dredging in the mid '70s, but had trouble finding a spot to bury the contaminated mud. With the Superfund site listing in 1984, the federal Environmental Protection Agency acquired broad powers to force the cleanup on GE. The EPA initially decided against a cleanup, citing technical challenges, but reconsidered in the '90s.

What followed was a decade on the river that had the air of a political campaign. Neighbors in Fort Edward placed pro- or anti-dredging signs on their front laws. Heated arguments broke out at public meetings.

GE, on the hook for the massive cleanup cost, waged an aggressive media campaign against dredging. One typical newspaper ad said dredging would "disrupt life on the river for years, and there's no guarantee it will work."

Jack Welch, then GE's top executive, was especially outspoken. He even argued with a nun at a shareholders' meeting, telling her: "... there is no correlation between PCB levels and cancer, Sister."

While federal officials have stopped short of saying PCBs cause cancer, the Department of Health and Human Services says PCBs may reasonably be anticipated to be carcinogens.

GE found local allies. Many residents feared dredging would turn a quiet stretch of river into rumbling, klieg-lit construction site. Tim Haven, longtime president of the anti-dredging group CEASE, says he'll give the project "a fair shake," but still believes a full dredging could take more than 15 years and will kick up PCBs into the river.

"I have a suspicion, or a gut feeling, this baby not going to go as well as planned," Haven said.

The EPA called for dredging in 2002. The start date was pushed back several years as the sides haggled over details and legal issues. Under a GE and EPA agreement, 265,000 cubic yards of river bottom _ or about 15 percent of the total _ will be dredged this year under Phase 1. The results will be studied before the start of Phase 2, the final and much larger stage.

Still in federal court is a suit by down-river towns concerned about whether dredging will stir up the PCBs and contaminate their drinking water. But EPA spokeswoman Kristen Skopeck said the project is scheduled to start sometime mid- to late-May.

Twelve dredgers, using clamshell-like scoops, will scrape up to 5,000 cubic yards a day, a bite at a time. Operations manager Tim Kruppenbacher said every effort is being made to keep light and noise to a minimum, but acknowledges "you're going to hear us."

Toxic muck will be barged about a mile up the Champlain Canal to the sprawling cleanup facility. Muck will be offloaded, processed, piped and dewatered. Water will be filtered again and again until it can go back in the canal. The pressed and dried toxic sludge cake will be shipped by rail to a Texas burial ground.
There are bigger Superfund projects that are expected to cost more to clean. But GE spokesman Mark Behan said there is likely none so complex.
"What's different is the unprecedented logistics," said GE spokesman Mark Behan, "the scale of it."
The EPA estimates that the project will cost GE around $750 million. GE is not providing its own cost estimate.
Phase 1 of the work will continue through the fall.
Then comes the potential catch.
GE has yet to agree to perform Phase 2 _ the vast majority of the cleanup over some 35 miles. GE reserved the right to review Phase 1 results before making a commitment. In a recent Securities and Exchange Commission filing, GE noted blandly that after the peer review "we may be responsible for further costs."
Environmentalists _ who have fought GE so bitterly for so long _ remain suspicious that the company will find a rationale to stop dredging after this year. But even if GE bows out, EPA could continue with Phase 2 and seek to recoup triple costs from GE. "No matter what," said Skopeck, "we will complete this project."
On the Net:
http://www.epa.gov/hudson/
http://www.hudsondredging.com/

Burlco site set for cleanup (*Philadelphia Inquirer*)

May 10, 2009 Sunday
JERSEY-C Edition
PHILADELPHIA; P-com News Local; Pg. B01
Burlco site set for cleanup;
The Roebling section has learned not to get its hopes up.
By Cynthia Henry; Inquirer Staff Writer
A $25 million federal stimulus check would excite many towns, but the residents of Florence Township in Burlington County don't get their hopes up easily anymore.

The U.S. Environmental Protection Agency announced last month that the Roebling section of Florence would share in a $600 million pot dedicated to hazardous-waste cleanups in 28 states, including eight Superfund sites in New Jersey and two in Pennsylvania.

"The cleanup is a real sore spot," said Mark Dimon, a school board member and lifelong resident of Florence. "Off and on we've been promised the money to have it cleaned up and then been told there's no money."

The town welcomes the cash, said Florence administrator Richard Brook, but "the pace

of remediation is extremely slow. It will take at least another 10 years."

Roebling became famous for the wire-cable factory that opened in 1905 and gave the area its name. Its workers made possible the George Washington and Golden Gate bridges, the Slinky, elevator cables for the Empire State Building and the Washington Monument, and retractable tape measures.

But the mill was guilty of the industrial carelessness of another era. "In the very old days they just disposed of everything right there," Brook said.

Cleanup, which began in 1987, has involved frustrating starts and stops.

A village bright spot - a museum in the factory's historic gatehouse, on the **Superfund** site whose renovation the **EPA** is supervising - was to open last summer. But it fell behind schedule, in part because of contractor errors. The ribbon-cutting is tentatively set for next month.

"Florence Township has grown reluctantly accustomed to dealing with the financial downsides of being an abandoned industrial site," Brook said.

The Roebling mill was put on the **EPA's** National Priorities List - for sites with the worst contamination - in 1983, nearly a decade after the facility closed. Its 200 acres on the edge of the Delaware River were strewn with 70 asbestos-laden buildings, two sludge lagoons, an abandoned landfill and contaminated river and creek sediment, groundwater and wetlands. Dangers included exposed asbestos and heavy metals such as lead, cadmium, nickel, zinc and copper.

Prior to the stimulus funds announcement, the **EPA** had spent about $60 million. Another $35 million is needed to complete the building, soil and sediment remediation, project manager, Tamara Rossi said.

The $6.3 million refurbishment of the factory gatehouse continues under supervision of the U.S. Army Corps of Engineers. In the mill's heyday, 5,000 employees passed through its narrow doors to clock in. Their children, now retired themselves, remember waiting for them at shift's end along Second Street.

Late last month, workers were reinstalling the building's slate roof, which a previous contractor botched, and lacquering a rebuilt floor. Seven surrounding acres have been prepared to exhibit industrial artifacts from the plant.

"So many people never gave up on this dream," said Patricia Millen, who was hired in October to run the 7,500-square-foot museum.

She's sorting through oral histories, objects salvaged from the site, and proposed exhibit designs - while continuing to raise money.

Millen is recruiting docents from the school district, who also will give village tours. All 767 homes Charles Roebling designed to house workers remain, as do the Romanian and Hungarian orthodox churches built in the early 20th century.

When the museum is finished, site cleanup will continue around it.

Work stopped temporarily in 2003 when Congress altered **Superfund** financing. Since then, the project has received about $5 million a year, Brook said. Rossi, of the **EPA,** called it "incremental funding."

In 2007, former state Environmental Commissioner Bradley Campbell told the U.S. Senate that the cleanup was on "an extended hiatus."

"Given . . . funding shortfalls and cleanup delays over the past six years, the Township of Florence can have no optimism as to whether and when the site will be available for redevelopment and returned to productive use," Campbell testified. "Prospective purchasers have little or no reason" to choose it, he said.

This year's $25 million in stimulus funds will be used in the slag area and in Crafts Creek and Back Channel Delaware River. Polluted sediment will be treated, wetlands restored, and shoreline stabilized.

"The site progresses every year, but **EPA** does not tend to move at warp speed," said Brook, who added that he was grateful for the new money nonetheless.

But, Dimon said, "In today's money, how far is $25 million going to get us? It can't take care of the whole 200 acres."

Hazardous-waste cleanup is far more expensive than Congress anticipated when it created the **Superfund** in the 1980s. The cost can be hundreds of millions to remediate a single polluted site, said Michael Greenberg, director of the National Center for Neighborhood and **Brownfields** Redevelopment of Rutgers University.

Where possible, cleanup standards have been revised to allow development - a parking lot, perhaps, on stabilized soil. "A site can become neutral," Greenberg said.

Progress toward cleanup increases surrounding property values, Greenberg's studies show. Most towns hope to redevelop industrial land.

Several years ago, a developer was interested in building a golf course and marina on the Roebling site, but the deal fell through.

"The township is trying to attract developments all the time," Brook said. "There are many hurdles to overcome, especially in this economy."

In the meantime, newcomers are slowly moving into town to take advantage of the easy

light-rail and New Jersey Turnpike access to Princeton, New York and Philadelphia.

"For them, it's just a commuter town," said Dimon, also a member of the museum board. They don't know about the Roebling family, he said, or the town's rich contribution to industrial history - what came before the fenced-off no-man's land.

Contact staff writer Cynthia Henry at 856-779-3970 or chenry@phillynews.com.

TOXICS

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Staten Islanders take pro-active approach to dealing with contaminated soil(*Staten Island Advance - SILive.com*)

Posted by dbalsamin May 10, 2009 22:42PM
Staten Island Advance/Bill LyonsVeterans Park now has big signs in Spanish and English warning people to stay away because of lead in the soil. EPA discovered high levels of lead several moths ago, but according to community activists, have done little to warn public.

Port Richmond community members are taking matters into their own hands when it comes to soil contamination in their neighborhood.

Last week, residents created giant signs warning people away from a lead contaminated empty lot on the corner of Richmond Terrace and Park Avenue and informing them not to play at nearby Veterans Park.

At a meeting tomorrow, the Port Richmond Improvement Association will continue the conversation about the high levels of lead confirmed by the federal Environmental Protection Agency to be in the soil in the former lead factory site at 2000 Richmond Terr. as well as the lead and arsenic contamination at Veteran's Park.

The association requested the relocation of the bus stops bordering the lead-laced empty lot and the closing of the park until further soil tests can determine their degree of contamination.

Their efforts came in response to what many community members call a lackluster approach by the EPA, which disclosed the presence of lead in the area in early April, but has yet to schedule promised meetings or take other substantive steps to help calm anxieties about the toxins.

"What they're failing to do is listen to what the community is asking. If they're going to talk about respect and establishing partnerships in the community, you have to

respond," said Beryl Thurman, executive director of the North Shore Waterfront Conservancy and a member of the Improvement Association.

Requests to move the bus stops alongside the empty lot were stymied by the EPA, with its assurances the silt fence and hay bales placed around the perimeter mitigated the public health risk, she said.

"Do people need to be exposed standing and waiting for the bus every day with your children?," she said rhetorically. "We're just asking for them to move the bus stops until he finishes the remediation. We're not asking for anything unreasonable."

Although details and a timeline have yet to be made public, the EPA will be conducting a full-scale remediation effort by carting away the contaminated soil and potentially putting a cap in place, officials have said.

The EPA and city Department of Parks and Recreation could not be reached for comment today.

--- *Contributed by Deborah Young*

Minn. becomes first state to ban BPA in baby bottles *(Greenwire)*

Sara Goodman, E&E reporter
05/08/2009
Minnesota became the first state today to ban the controversial plastics additive, chemical bisphenol A, or BPA, from baby bottles, marking what many see as a key step in moving toward national action.

Gov. Tim Pawlenty (R) signed the legislation requiring that no baby bottles or "sippy" cups contain BPA starting in 2011.

"We expect that Minnesota's decision to ban BPA will have a major impact on the legislative debate in Washington, D.C.," said state Rep. Karen Clark (D), one of the bill's authors. "The next step is to secure a federal ban so people everywhere are protected from BPA in food and beverage containers."

Several other states, including California, Connecticut, Michigan and New York, are considering similar bans. Meanwhile, on Capitol Hill, Sen. Charles Schumer (D-N.Y.) has introduced a bill that would ban BPA in products for children 7 years old or younger, while Sen. Dianne Feinstein (D-Calif.) and Rep. Edward Markey (D-Mass.) have introduced one that would ban BPA from food and beverage containers.

New York's Suffolk County last month became the first local government to ban BPA, while Canada last year announced a BPA ban in baby bottles, the first national restriction on the chemical.

Meanwhile, some retailers and manufacturers have announced that they will no longer use the chemical in their products.

BPA is an industrial chemical used to make polycarbonate plastics and epoxy linings for food containers. It mimics estrogen and has been shown to cause developmental problems and precancerous growth in animals.

The Food and Drug Administration said last year that people are not at risk because of the low levels to which they are exposed, but that decision came under fire from scientists and advocacy groups, which said the agency did not look at a growing body of literature that suggests harm at low levels.

Industry groups say there is inadequate evidence linking BPA to human health problems.

Pawlenty also signed into law a bill to revamp the state's chemical policy by requiring the state Health Department to prioritize and evaluate chemicals used in consumer products according to their toxicity.

WATER

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Groundwater pollution concerns in Helena (*Associated Press*)

May 10, 2009 5:44 PM ET

HELENA, Mont. (AP) - Five new monitoring wells have been drilled amid concern about spreading arsenic and selenium pollution in the ground beneath East Helena.
New maps from the Environmental Protection Agency show that arsenic spread beneath East Helena neighborhoods last year. The pollution contains nearly 40 times the amount of arsenic the federal government allows in drinking water.

Other samples collected have shown arsenic at the maximum level, or 1 part per 100 million.

Jim Stimson, a state hydrogeologist, says the pollution seems to be moving toward municipal water wells. Stinson says it's not an immediate threat but an effort is needed to track the pollution.

The pollution is thought to have originated at a former lead smelter.

Information from: Independent Record, http://www.helenair.com

Dredging lawsuit dropped (*Schenectady Gazette*)

Action could have delayed project until next year
May 8, 2009
Updated 10:07 a.m.
By Lee Coleman (Contact)
Gazette Reporter
WATERFORD — A lawsuit that threatened to delay the Hudson River PCB dredge project for another year has been dropped, clearing the way for the start of dredging later this month, officials said Thursday.
The towns of Waterford, Halfmoon and Stillwater; the villages of Stillwater and Waterford; and Saratoga County filed legal papers in U.S. District Court earlier this year seeking to delay the start of dredging until 2010.
The reason for the court action was to give the federal government and the General Electric Co. time to provide a safe, alternate source of water for the communities that take their drinking water from the Hudson River.
"We agreed to withdraw our lawsuit without prejudice," Waterford Supervisor John "Jack" Lawler said Thursday.
He said the towns, villages and county dropped their request for a dredge delay because the Environmental Protection Agency has met its obligation to provide alternate water to the municipalities.
The alternate water will come from a recently completed $8.2 million pipeline that runs from Troy, under the Hudson, and into the water systems of Waterford and Halfmoon. The EPA and GE paid for the alternate water line.
"We were successful in getting our conditions met," Lawler said. He referred to the towns' battle to get the EPA to provide a safe, alternate water source during the dredge project, which could take six to 10 years to complete.
David King, director of the EPA's Hudson River Field Office in Fort Edward, said Thursday that a stipulation agreement was approved this week that drops the request for another delay in the long-awaited, and often-delayed, Hudson River cleanup.
"It's certainly good news," King said.
The EPA ordered General Electric Co. in 2002 to pay for the estimated $780 million dredging of the upper Hudson River between Fort Edward and Troy to remove sediment containing polychlorinated biphenyls, a probable carcinogen. GE capacitor plants in Fort Edward and Hudson Falls discharged the PCBs into the river for 30 years until the federal government banned the practice in 1977.
Contractors for the EPA, including W.M. Schultz Construction of Ballston Spa, have been working on the Troy-to-Waterford water line since last fall.
David Rosoff, the EPA's on-scene project coordinator, said the new water line was successfully tested this week in both Waterford and Halfmoon. The state Department of

Health has also reviewed test results and project details and has approved the startup of the new line.
The EPA says it will pay for the difference between the more-expensive Troy water and the cost of Hudson River water to the two towns only when river water test monitors show PCBs have been resuspended by the dredging and are present in a concentration of at least 500 parts per trillion.
But EPA officials note the towns can start buying and using Troy water from the new pipeline any time they want to.
The towns maintain they should be using Troy water, and the EPA should be paying the cost difference, throughout the entire dredge project.
Lawler said Thursday that the towns' and villages' lawsuit in U.S. District Court asking for compensation from the EPA and GE for the increased cost of Troy water remains and has not been withdrawn.
"We refuse to pay the increased cost for Troy water," Lawler said.
He said buying water from Troy will be 15 percent to 25 percent more expensive than filtering and treating Hudson River water at the Waterford water plant.
Rosoff said a $1 million carbon filtration system for the village of Stillwater's well system is nearly complete and will be tested this week and soon be operational. The Stillwater wells are located near the Hudson River and their water was found to have low levels of PCBs. The carbon filters will remove more than 95 percent of the PCBs from the water, the EPA says.

Poisoning public trust (*Chicago Tribune*)
May 10, 2009 Sunday
Final Edition
NEWS ; ZONE C; Pg. 27
When it comes to treating citizens as chumps, it's hard to top what has happened in south suburban Crestwood.

For years, the village mixed water from a chemically contaminated well with water from Lake Michigan and pumped that ghastly concoction into the homes of residents.

For years, village officials attested that this wasn't happening. When the well water was found in 1986 to be contaminated by toxic dry-cleaning chemicals, officials told state regulators that the citizens would get clean, treated Lake Michigan water, the water safely used by the rest of Chicagoland.

The water from the Crestwood well? The village said it would be used only in an emergency.

Every year, Crestwood officials sent a report to the residents, as required by federal law, saying that Crestwood used Lake Michigan water.

But that wasn't the truth. As the Tribune's Michael Hawthorne recently reported, the village kept using the well, apparently in an effort to save money. The village often used

that contaminated water. In some months, well water accounted for 20 percent of the village's supply.

According to the U.S. **Environmental Protection Agency,** one of the chemicals in the well, vinyl chloride, is so toxic that no level of exposure to it is considered safe.

What an amazing, appalling story.

Crestwood Mayor Robert Stranczek has been busy trying to tamp down the justifiable outrage of his community. He has been busy trying to convince his constituents that they weren't fed a pack of lies, that their health wasn't knowingly put at risk.

Good luck trying to convince them of that, Mayor.

The leaders of Crestwood may have more to worry about.

EPA investigators, acting on a search warrant obtained by U.S. Atty. Patrick Fitzgerald, recently seized boxes of records and computers from various Crestwood government agencies. "We're looking for evidence of any environmental crimes we can find," said Randall Ashe, the special agent in charge of the **EPA** Midwest criminal office.

Sen. Dick Durbin is pressing for a separate federal investigation into whether Crestwood residents suffered any ill effects from the contaminated water they didn't know was getting pumped into their homes. That investigation could look into cancer rates in the village.

The hope is that both investigations will give some answers to two burning questions for Crestwood citizens: How and why did our leaders deceive us? Were we poisoned?

The Illinois **EPA** says the answer to the second question is "no." State **EPA** Director Doug Scott wrote in a recent letter "that the public's health was never at risk." But Durbin, and a lot of people in Crestwood, aren't taking that answer on faith.

Stranczek, whose father Chester was mayor for four decades before he took the job, says the village's water supply has always been safe. "No one in the village of Crestwood government, past or present, would ever intentionally allow a hazard to threaten our community," he told a roomful of residents at a meeting last month.

They weren't exactly mollified. And why should they be?

Crestwood officials have known for more than 20 years that using water from their well except in an emergency was forbidden. Chester Stranczek served as mayor from 1969 to 2007. Robert Stranczek was a village trustee for 10 years before he succeeded his father as mayor.

The well would probably still be in use today if the Illinois **EPA** hadn't decided in 2007 to

test all municipal wells in the state. Only when those tests confirmed what was known in 1986 -- and the inspection showed that the well was still being used -- did village officials cap the well.

The citizens of Crestwood are left to wonder about their health. Their faith in government? That probably can't be revived.

Water treatment process tested (*Atlanta Journal-Constitution*)

May 9, 2009 Saturday
Main Edition
METRO NEWS; Pg. 3B
Water treatment process tested;
Gwinnett system does well, study shows.;
Goal was to see if it was effective in removing certain compounds.
BY: Patrick Fox; Staff
Gwinnett County's water treatment system has passed a test showing it is capable of removing certain compounds that may become regulated by the government.

The study, conducted by the University of North Carolina, tested water for 19 compounds primarily found in pharmaceuticals, cleaners, lotions and sunscreens. The study used an unusually low reporting limit of 10 ng/L (nanograms per liter or parts per trillion), which requires special lab equipment to detect.

Tests were conducted at four points: the raw water intake for the Shoal Creek Filter Plant at Lake Lanier; processed drinking water after treatment; wastewater entering the Hill Water Resources Center; and treated effluent returned to the Chattahoochee River.

The U.S. **Environmental Protection Agency** sets national standards for water quality under the Safe Drinking Water Act, but it has not issued regulations for these particular compounds, collectively known as PPCPs.

Results showed most of the 19 targeted compounds were removed to below detection limits by the Hill plant. Four compounds --- sulfamethoxazole, primidone, caffeine and DEET --- were detected at concentrations above 10 ng/L.

Intermediary treatment steps reduced the levels further.

None of the compounds was found at concentrations above the level of 10 ng/L in the finished drinking water.

These compounds can enter the environment when people flush medications or rinse other products down the drain, through excretion by humans or animals, and other disposal methods both proper and improper.

"Although it's not been required, we believe it's important to know what's in our water and how effective our treatment processes are at removing these compounds," said Lynn Smarr, Gwinnett's acting director of Water Resources.

The **EPA** has published a strategy to address the issue of PPCPs that includes expanding the science as well as providing education, partnerships and regulations as necessary.

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