U. S. Environmental Protection Agency
E-Clips
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(BNA articles can be viewed online http://Intranet.epa.gov/desktop/news.htm

ADMINISTRATOR JACKSON

Lisa Jackson (*TIME*)

By William D. Ruckelshaus Thursday, Apr. 29, 2010

Andrew Cutraro / Redux for TIME

Lisa Jackson is doing exactly what an Environmental Protection Agency Administrator is supposed to do — thoughtfully and carefully but aggressively implementing our environmental laws to protect public health and our environment. The job of the EPA Administrator is not to make people happy but to make them and their environment healthier.

She arrives equipped with a rare combination of assets to help her do her job: in equal measure, experience, fairness, sure-footedness, determination and the ability to sound a credible and measured voice in defense of citizens' rights to fresh air, clean water and a stable climate.

A chemist by training, Jackson, 48, grew up in New Orleans, went to Tulane and Princeton and spent 16 years at the EPA before becoming New Jersey's environmental commissioner. She inherited an EPA suffering from a reputation as a political wind sock. It is tempting to conclude that the EPA's authority is drawn primarily from its regulatory power, as indeed much of it is. But Jackson has correctly sensed that restoring public trust in the agency is essential. In this era of growing public mistrust of government, that same public — as well as states, industry, small businesses and, importantly, EPA staff — must have confidence that decisions are being driven by science and an unbiased interpretation of the law, and not a political agenda. Jackson is inspiring this kind of confidence.

Ruckelshaus was the EPA Administrator from 1970 to '73 and 1983 to '85

EDITORIAL / OP-ED / COMMENTARY / LETTERS
Guest column:

Regulating greenhouse gases an EPA power grab (*Green Bay Press Gazette*)

By Mark Block and Phil Kerpen • Guest commentary • April 30, 2010
Gov. Jim Doyle has failed to push expensive new energy mandates through the state Legislature, but energy tax activity has not slowed on the federal level.
It's too soon to tell whether Sen. Lindsey Graham's (R-S.C.) decision to pull out of cap-and-trade revival efforts will stick. But even if Graham comes on board, such an unpopular bill is unlikely to appeal to a Congress still trying to sell its health-care law to a skeptical public. That's why the Obama administration, more committed than ever to its global warming agenda, has turned to the Environmental Protection Agency to regulate without a vote of Congress.
The EPA has started developing and issuing global warming regulations under the 1970 Clean Air Act, the first steps toward sweeping government control that includes just about everything that moves and a lot of things that don't. It's not enough for Congress to simply reject cap-and-trade; they must proactively block the EPA's regulatory power grab, or suffer the blame for what EPA does.
EPA's efforts are based on a legal theory conceived by now-White House Climate Czar Carol Browner in the late 1990s. A 5-to-4 2007 Supreme Court decision in Massachusetts v. EPA took this concept — that greenhouse gases could be regulated under the Clean Air Act — from curiosity to reality. The EPA is now using that case to implement what amounts to central economic planning.
It would regulate motor vehicles, light-duty trucks, heavy-duty trucks, buses, motorcycles, planes, trains, ships, boats, tractors, mining equipment, RVs, lawn mowers, fork lifts and just about everything that has a motor. Because there is no control technology for greenhouse gases, the EPA would require complete redesigns and operational changes.
They would require permitting for structures that emit as little as 100 tons of greenhouse gases per year and will be phased in over years, so smaller entities might think at first that they have been spared. Small businesses, restaurants, schools, and hospitals that have kitchens with gas burners would eventually be subject to onerous federal regulation.
A top Wisconsin official is adamant the regulations are unworkable. Matthew Frank, secretary of the Wisconsin Department of Natural Resources, "believes that EPA has greatly underestimated the number of PSD permitting actions the regulation of GHG will cause." He is concerned that "many of Wisconsin's 3,000 schools, 83 hospitals, and 42 paper and pulp manufacturers" will be buried with paperwork, and the process "will further overwhelm state permitting resources, diverting them from other permit actions that may have a greater environmental benefit."
Congress doesn't have to sit on the sideline. The U.S. Senate will soon vote on a resolution sponsored by Lisa Murkowski (R-Alaska), S.J. Res. 26, that would overturn EPA's global warming regulations and stop their power grab.

It has bipartisan support, including members with many different views of the underlying global warming issue. If Senators Herb Kohl and Russ Feingold do not support Murkowski's resolution, they will have to explain to voters why they are outsourcing their legislative responsibility to EPA bureaucrats.

BROWNFIELD

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Article published Apr 30, 2010

EPA 'brownfield' awards give $3 million to 8 communities (*Barre Montepelier Times Argus*)

Times Argus Staff
The federal government has awarded eight Vermont communities nearly $3 million to clean up and redevelop abandoned or contaminated properties.

According to a press release from the Environmental Protection Agency, the so-called "Brownfields" grants will fund the reclamation of sites tainted by hazardous substances left by obsolete industrial and commercial enterprises.

"These grants will strengthen our communities while also building a stronger, green economy," Curt Spalding, regional administrator of EPA New England office, said in a statement. "Cleaning and revitalizing contaminated sites provides a solid foundation for a community to create new businesses and neighborhood centers, while making our environment cleaner and the community healthier."

The Rutland Regional Planning Commission will use its $200,000 appropriation to assess levels of hazardous substances around the community.

The Bennington County Regional Planning Commission received $356,000 for similar activities.

The Bellows Falls Historical Society will use a $200,000 grant to for a cleanup of its Riverfront Park and trail system.

The Southern Windsor Regional Planning Commission got $200,000 grant for a hazardous-materials assessment.

The Chittenden County Regional Planning Commission, Northwest Regional Planning Commission, Two Rivers-Ottauquechee Regional Commission, and city of St. Johnsbury also won grants.

ENERGY

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Energy Update: EPA fines Magellan subsidiary after gasoline pipeline leak (*NewsOk.com*)

By ROD WALTON -
Published: April 30, 2010
The U.S. Environmental Protection Agency has levied a $418,000 fine against a subsidiary of Magellan Midstream Partners LP for a pipeline leak that allowed up to 45,150 gallons of gasoline to enter a creek near Oologah.

A failed weld at a coupling point on the 12-inch pipeline caused the leak on Jan. 5, 2008, the EPA reported Thursday. The gasoline reached Four Mile Creek, a tributary of the Verdigris River that flows into Lake Oologah.

The penalty against Magellan Pipeline Co. is for a violation of the federal Clean Waters Act, EPA officials said.

EPA fines Magellan for leak (*Tulsa World*)

By ROD WALTON World Staff Writer
Published: 4/30/2010 2:24 AM
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The U.S. Environmental Protection Agency has levied a $418,000 fine against a subsidiary of Magellan Midstream Partners LP for a pipeline leak that allowed up to 45,150 gallons of gasoline to enter a creek near Oologah, EPA officials said Thursday.

A failed weld at a coupling point on the 12-inch Magellan pipeline caused the leak on Jan. 5, 2008, the EPA reported. The gasoline reached Four Mile Creek, a tributary of the Verdigris River that flows into Lake Oologah.

"Pipeline owners and operators must ensure necessary steps are taken to minimize the potential of fuel spills," EPA Regional Administrator Al Armendariz said in a statement.

The penalty against Magellan Pipeline Co. is for a violation of the federal Clean Waters Act, officials said.

Tulsa-based Magellan performs regular integrity testing on its pipelines but did not anticipate the failed weld on this line, company spokesman Bruce Heine said.

The line transports gasoline from Magellan's terminals in west Tulsa to customers in Missouri, he said.

The company cooperated with the EPA and will fully comply with the consent decree, Heine said.

"Magellan takes safety and environmental stewardship very seriously, and our policies and procedures meet or exceed state and federal requirements," he said.

"We are pleased that this matter has been resolved."

Magellan Midstream Partners is a publicly traded refined petroleum storage and transport company.

SOLID WASTE

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EPA proposes new limits on emissions of cancer-causing pollutants from boilers, incinerators (*Associated Press*)

Story also appeared: *Los Angeles Times*

MATTHEW DALY
Associated Press Writer
9:06 AM PDT, April 30, 2010
WASHINGTON (AP) — New federal rules are in the works to limit the amount of mercury and other harmful pollutants released from boilers and solid waste incinerators.

A proposal Friday by the Environmental Protection Agency targets mercury emissions from about 200,000 industrial boilers, heaters and solid waste incinerators. Mercury can damage the brain and nervous system, especially in fetuses and children.

The EPA says the new rule should cut mercury emissions in the United States by more than 50 percent.

The public has 45 days to comment on the proposal before the EPA moves ahead.

THIS IS A BREAKING NEWS UPDATE. Check back soon for further information. AP's earlier

story is below.

WASHINGTON (AP) — New federal rules are in the works to limit the amount of mercury and other cancer-causing pollutants that can be released from boilers and solid waste incinerators.

A proposal Friday by the Environmental Protection Agency targets mercury emissions from about 200,000 industrial boilers, heaters and solid waste incinerators. Mercury can damage the brain and nervous system, especially in fetuses and children.

The EPA says the new rule should cut mercury emissions in the United States by more than 50 percent.

The public has 45 days to comment on the proposal before the EPA moves ahead.

(This version CORRECTS that pollutants are harmful rather than cancer-causing.)

TOXICS

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Mock terrorist attack staged at Franklin Station (*WHYY-Radio News*)

Thursday, April 29th, 2010
By: Peter Crimmins
pcrimmins@whyy.org
Philadelphia's “ghost station” has been contaminated with imaginary radiation.
PATCO's unused Franklin Square subway station was the site of a fake terrorist attack being staged by the Environmental Protection Agency (EPA) Wednesday.

Almost 40 people from dozens of Federal agencies move in and out of the concrete hole on 7th street – the entrance to Franklin Square Station. They are all imagining that a small radioactive bomb has gone off in the subway system. Bob Kelly of the EPA says they are testing a new spray-on epoxy that removes radioactive particles.

“There's a process where you put it on and peel it off,” says Kelly. “So we're putting it on to see if it peels off to the manufacturer's specifications.”

They are testing the *process* of using the epoxy. They are not testing how effective it is with radiation, because, in reality, there is no radiation in the subway.

“We're trying to get some real-world venues, deal with the impact of the train,” says EPA spokesman David Polish. “Some people have never had to react to a situation like this, and this gives them a chance to react.”

Radiation clean-up tests are being conducted in five locations around Philadelphia this week, including the Navy Yard and FDR Park.

WATER

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EPA seeks to reconsider VT's Lake Champlain rules (*Associated Press*)

April 30, 2010 8:45 AM ET
MONTPELIER, Vt. (AP) - The federal Environmental Protection Agency is asking a federal court for permission to reconsider its approval of Vermont's rules governing pollutants released into Lake Champlain.
The EPAÂ’s decision comes in response to a 2008 lawsuit filed in U.S. District Court in Burlington by the Conservation Law Foundation.
Reconsideration would not necessarily mean the federal agency will reject the plan approved in 2002.

The plan determines how much of the pollutant phosphorus the lake can absorb while still providing good water quality.

CLF argued the plan wasn't working.

Vermont Natural Resources Secretary Jonathan Wood says the state is disappointed by the decision.

EPA will reconsider Lake Champlain cleanup plan (*Burlington Free Press*)

By Candace Page, Free Press Staff Writer • Friday, April 30, 2010
The U.S. Environmental Protection Agency formally agreed this week to reconsider its 2002 approval of the Lake Champlain cleanup goals, an action that could lead eventually to tougher controls on lake pollution.

The EPA’s decision came in response to a 2008 lawsuit filed in U.S. District Court in Burlington by the Conservation Law Foundation. CLF alleges the pollution-reduction goals set for the lake

are deeply flawed, and the EPA erred in approving them.

Vermont has been struggling to make progress to reduce phosphorus pollution of the lake but has been unable to demonstrate any pollution reductions or to halt periodic algae blooms.

"In light of allegations in (CLF's) complaint, including allegations related to wasteload allocations ... EPA has determined that reconsideration of the 2002 approval decision is warranted," the agency wrote in a motion filed late Wednesday with the court.

Reconsideration of the cleanup goals does not necessarily mean the federal agency will reject them or require them to be rewritten, although that could happen.

The plan is known formally as the Lake Champlain TMDL, or total maximum daily load. The document establishes a pollution budget — a calculation of how much phosphorus the lake can absorb while still providing good water quality.

Among other things, the TMDL set a cap on the amount of pollution that can be contributed by sewage-treatment plants. CLF maintains that cap was set too high, and the sewer plants should be required to reduce further the amount of phosphorus they discharge.

With CLF's concurrence, the EPA asked the court to stay the legal case for 180 days while it reconsiders its 2002 decision.

CLF and EPA also agreed the nonprofit advocacy group will withdraw its lawsuit after the EPA completes its reconsideration — whatever the EPA decides. The EPA agreed to pay CLF's legal fees of $38,826 at that time.

The state of Vermont has intervened in the case, defending the TMDL and asking that the case be dismissed. The state is not a party to the EPA-CLF agreement filed in court this week.

"This is a milestone, a step in a process toward what we hope will be a much overhauled effort to clean up Lake Champlain," CLF lawyer Anthony Iarrapino said of EPA's reconsideration decision.

Contact Candace Page at 660-1865 or cpage@bfp.burlingtonfreepress.com. Read her blog, Tree at My Window, at www.burlingtonfreepress.com and follow her on Twitter @candacepage.

EPA Launches New Web Tools for Clean Water (*Executive Gov*)

Written by Ellen Scott Green IT, Latest News Apr 30, 2010

Now you can stay informed about clean water and check water violations in your own community. The Environmental Protection Agency is launching a new set of web tools to better inform citizens about Clean Water Act violations.

These tools will include interactive maps and datasets listed state-by-state. According to Cynthia Giles, the assistant administrator for EPA's Office of Enforcement and Compliance Assurance, "Making this information more accessible and understandable empowers millions of people to press for better compliance and enforcement in their communities."

EPA is also taking a step towards more transparency, and the administrations goals of open government, with the launch of these interactive tools. "EPA is taking another important step to increase transparency and keep Americans informed about the safety of their local waters," said Giles.

The new tools are part of the Clean Water Act Action Plan developed by the EPA. One of EPA Administrator Lisa Jackson's priorities has been to improve water quality and this new web page will hold facilities and states more accountable.

Check out water violations in your community.

EPA orders action on pollution control (*Harrisburg Patriot News*)

Friday, April 30, 2010
BY LARA BRENCKLE
%%par%%lbrenckle@patriot-news.com
Since early April, engineers and work crews in East Pennsboro Twp. have been mapping the more than 300 places that rainwater goes after it runs off local streets and surfaces.

Once all the sources are located, the township will test a number of the sites to comply with the federal Environmental Protection Agency's mandates for stormwater management and a wide-reaching Chesapeake Bay strategy.

"This has the potential to be an expensive proposition," said Robert Gill, East Pennsboro's township manager. He hoped only 40 or 50 outfalls would need regular testing. The cost could range from $8,000 to $10,000, he said.

East Pennsboro is one of more than two dozen midstate municipalities recently cited by the EPA for administrative failures in their stormwater management programs.

The programs are crucial to preserving the bay's delicate ecosystem, federal officials said. The citations amount to being warned to do the things they should have been doing all along, the agency said.

Stormwater, which can carry sediment and chemicals leaching off roads, industrial sites and homes, is just as much a threat to the bay as the nitrogen and phosphate that can be discharged by municipal sewer plants, EPA officials said.

"If you're not paying attention from an administrative standpoint, you won't be prepared to implement the strategies," said Martin Harrell, the acting branch chief for the EPA's permitting enforcement unit.

Municipalities have 120 days from the day citations were received to make the necessary changes.

While the EPA is not levying fines now, officials said it will be conducting surprise inspections before the 120 days are up.

Those inspections could reveal places where municipalities need to spend money on upgrades, said David McGuigan, the head of permits enforcement.

On May 5, the EPA will host a one-day compliance conference for all cited municipalities.

Townships and boroughs, already squeezed by a down economy, said they'll comply. However, they remain frustrated that so many edicts come while they don't get money to make repairs.

David Sanko, the executive director of the Pennsylvania State Association of Township Supervisors, said it was "typical" that the EPA would cite municipalities and then offer them a training course on compliance three weeks later, rather than the other way around.

"It's not smart policy, and it costs too much," Sanko said.

Sanko said he has much more faith in regulations set and enforced by local governments, who have a vested interest in maintaining clean water in their communities, than in federal bureaucrats.

David Sternberg, a spokesman for the EPA, said the agency "certainly understands the plight of municipalities and understands they are feeling constraints, but we want to bring them into compliance."

Amy Richards, a spokeswoman for Dauphin County, said it was cited because it has facilities in municipalities that were also cited. The EPA might be failing to take into account Pennsylvania's government structure, Richards said.

The county is limited in what it can tell municipalities to do, and its stormwater permits are only for the facilities it owns, such as the Dauphin County Prison and Fort Hunter, Richards said.

In the meantime, the county is working with affected municipalities to help them comply with the EPA and making minor, cost-free adjustments at facilities it does have control over, she said.