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

Monday, February 18, 2013

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

Thursday, July 15, 2010

ADMINISTRATION JACKSON 3
Suit filed seeking more details on dispersants (*Associated Press*) 3
'Unlikely' To Meet Deadline, EPA Urges Narrow SAB Review Of Dioxin Study (*Inside EPA*) 3
EDITORIAL / OP-ED / COMMENTARY / LETTERS 5
The gulf vs. the bay (*Baltimore Sun*) 5
Environmentalists lose battle for public mind (*Washington Times*) 7
Realty InSites: Lead paint law adds layer to renovation (*TheDoings-ClarendonHills.com*) . 8
AIR 10
Agency says air near Mirant was a concern (*Washington Post*) 10
Lawsuit settled against parent company of Clow (*Zanesville Times Recorder*) 10
U.S. Business Groups Air Policy Concerns (*Wall Street Journal*) 12
Wisconsin Counties Receive Clean Air Status From EPA (*Gov Monitor*) 14
After Backlash, EPA Seeks Input On Assessing Biomass GHGs In Permits (*Inside EPA*) . 15
EPA seeks more information on biomass emissions (*Greenwire*) 17
EPA proposes new clean-air regulations for power plants (*Adirondack Daily Enterprise*) . 17
Judge orders EPA to file amended lawsuit against Erie Coke by Aug. 2 (*Erie Times News*) 19
Kind: EPA's Oil Spill Prevention Plans for Dairy is 'Ridiculous' (*Wisconsin Ag News*) 20
ASBESTOS 21
Calif. lawmakers consider scrapping state rock designation for mineral that contains asbestos (*Associated Press*) 21
Story also appeared: *Los Angeles Times* 21
Calif may dump 'state rock' that contains asbestos (*Herald & Review*) 24
AWARDS 27
Hillsboro wins EPA award (*Portland Business Journal*) 27
BP SPILL 27

Natural-Gas Driller to Disclose Chemical Use (*Wall Street Journal*) 27
Groups sue to find out about dispersants (*St. Petersburg Times*) 29
Oil Spill: EPA and CDC asks Gulf Coast residents to report odors on coastline (*Examiner*) 29
Panel votes to block new BP offshore leases (*Boston Globe*) 31
Crucial test on containment cap delayed (*Greenwire*) 31
ENERGY 33
State sues over energy-saver funds (*Los Angeles Times*) 33
Senate Democrats to Pursue a Smaller Energy Package (*New York Times*) 35
Tips for buying an air conditioner or dehumidifier (*Cleveland Plain Dealer*) 37
Smaller Energy Package (*Boston Globe*) 40
ENFORCEMENT 41
EPA, McWane resolve environmental violations (*Associated Press*) 41
Story also appeared: Bloomberg Businessweek, *Chicago Tribune* 41
FUEL 42
EPA may ban lead gas that fuels aircraft (*Kodiak Daily Mirror*) 42
US may turn to less-used feedstocks for RFS2 targets (*AgraNet*) 44
GENERAL 44
Businesses Target EPA In Push To Cut Regulations' Economic Impacts (*Inside EPA*) 44
HAZARDOUS WASTE 47
EPA fines Spirit for mishandling hazardous waste (*KSN News Channel 3*) 47
EPA OKs Kettleman landfill, targets 2nd cleanup (*Fresno Bee*) 47
MINING 48
A Mining Bellwether (*New York Times*) 48
Project's Fate May Predict the Future of Mining (*New York Times*) 51
Story also appeared: Tuscaloosa News 51
PESTICIDES 54
Montgomery South (*The Gazette*) 54
SUPERFUND 56
EPA poised to change focus of N. Idaho cleanup (*Associated Press*) 56
Story also appeared: *KHQ Right Now, Ventura County Star* 56
TOXICS 57
Agency says air near Mirant was a concern (*Washington Post*) 57
Marcellus driller volunteers to disclose fracking chemicals (*Philadelphia Inquirer*) 57
Reversal By Asbestos Risk Reviewer Prompts Doubts About Cleanup Decisions (*Inside EPA*) 59
WATER 61
American Water Partners with U.S. EPA to Launch National 'We're for Water' Campaign in Los Angeles (*Victoria Times Colonist*) 62
EPA Wants Airport to Help Clean Groundwater (*San Fernando Valley*) 63
W.Va. DEP hopes water monitors will find cause of fish kill (*Pittsburgh Post Gazette*) 63
EPA gives approval of Kennecott discharge pipes (*Indian Country Today*) 64
How to save water? Four families compete in EPA contest (*USA Today*) 66
Range Resources to disclose chemicals used in well fracking *(Fort Worth Star-Telegram)* 67
Flood Risk Management Team meets in St. Louis Thursday (*St. Louis Globe-Democrat*) . 69

ADMINISTRATION JACKSON

==========

Suit filed seeking more details on dispersants (*Associated Press*)

NEW ORLEANS — BP's use of chemicals to disperse the Gulf of Mexico oil spill is coming under renewed scrutiny, as environmentalists head to court to seek more information about potential health hazards and a Senate panel plans a Thursday hearing on the issue.

The company has used at least 1.8 million gallons of dispersants on the Gulf's surface and 5,000 feet deep at the source of the leak.

Earthjustice filed a federal lawsuit Wednesday in Florida to force the Environmental Protection Agency to turn over safety studies on the chemicals.

On Thursday, EPA chief Lisa Jackson is scheduled to testify on dispersants before the Senate Subcommittee on Commerce, Justice and Science.

BP says the chemicals have kept much of the spill from reaching the Gulf coast.

'Unlikely' To Meet Deadline, EPA Urges Narrow SAB Review Of Dioxin Study (*Inside EPA*)

Posted: July 14, 2010
EPA is urging a Science Advisory Board (SAB) panel reviewing the agency's re-assessment of dioxin to focus on the core risk assessment document, not related risk and regulatory documents, saying the agency has been working on the measure for decades and is “really unlikely” to meet Administrator Lisa Jackson's December 2010 deadline for completing the measure.

Peter Preuss, director of EPA's National Center for Environmental Assessment, urged the panel in July 13 comments to help agency staff quickly complete the long-delayed assessment, by focusing on recommendations the agency could complete in a reasonable amount of time.

“Our goal is simple. We’d like to finish this document,” Preuss said. “Twenty-one years ought to be enough gestation time to finish just about anything.”

But a speedy panel review may be unlikely as the agency's draft document is already drawing significant concerns from industry and others (*see related story*).

The SAB panel is meeting July 13-15 to review EPA's response to the National Academy of Sciences (NAS) review of its 2003 draft assessment of 2,3,7,8-tetrachlorodibenzo-*p*-dioxin (TCDD) -- the most toxic form of the ubiquitous class of chemicals and the basis for estimating risks of mixtures of dioxins and related compounds at contaminated sites. The NAS in 2006 suggested several changes EPA needed to make to its 2003 assessment.

The SAB panel meeting is the first of two meetings the panel will hold as it conducts its review of the document, which includes newly calculated cancer and non-cancer risk estimates for TCDD, released in May.

Jackson in a May 2009 letter to community activists said the agency's "goal is to issue a final dioxin assessment by the end of 2010." But Preuss, who oversees the center that crafts assessments for the agency's key Integrated Risk Information System (IRIS) database, told the SAB panel that the agency "is really unlikely" to meet Jackson's goal "unless SAB sends a one-page letter" saying that the dioxin document does not require any changes.

Dioxin is a ubiquitous contaminant produced from combustion and other industrial processes. It is persistant and exists in fatty foods, such as meat and dairy products. The agency published its current IRIS assessment of dioxin in 1985, and began reassessing the risks of TCDD in 1990. But the reassessment has faced numerous delays and reviews.

In his remarks, Preuss urged the panel to separate any long-term recommendations from those short-term suggestions needed to finalize the document, noting that that "many things" are awaiting the outcome of the assessment, including regulations and site cleanup decisions.

Jackson's broader dioxin plan includes two other related documents: a set of cleanup targets, known as preliminary remediation goals (PRGs), which were to be published before the agency finalizes the TCDD assessment, and used until that time. The agency has yet to finalize those preliminary numbers, with industry complaining bitterly about the confusion that interim numbers could present.

EPA also released last fall a document adopting a set of World Health Organization factors, known as toxicity equivalency factors, or TEFs, which are used to estimate the potency of mixtures of dioxins and dioxin-like compounds relative to TCDD.

But Preuss urged the panel to focus its energy on the TCDD assessment itself, and not get bogged down in discussions of the related documents. "You're likely to hear about TEFs and PRGs [in the public comments]," Preuss said, "but they are not part of our document."

Industry toxicologists and consultants, disagreed, however, arguing that many of the studies on which EPA based its assessment include exposures to mixtures of dioxins --

not TCDD alone. As a result, the board needs to consider the effects of these confounding exposures on the data, they argued.

EDITORIAL / OP-ED / COMMENTARY / LETTERS

==========

The gulf vs. the bay (*Baltimore Sun*)

Resources to restore the Chesapeake must not be diverted in the wake of the oil spill
By Lincoln Saunders
4:54 PM EDT, July 14, 2010
The Deepwater Horizon spill has rightly focused America's attention on the fragility of our natural environment and the importance of our waters. But as a native of the Chesapeake Bay area, I worry that our response to the Gulf of Mexico oil spill will come at a direct cost to another environmental tragedy years in the making: the destruction of the Chesapeake Bay.

We shouldn't have to pit cleaning oil-soaked gulf shoreline against curbing mercury and nitrogen pollution in the bay. But unless the gulf spill helps us widen our focus and investment on environmental preservation across the country, we will soon be trapped in a zero-sum environmental game that forces us to choose between our nation's precious waters.

It was nearly 30 years ago that the Environmental Protection Agency first signed an agreement to clean up the Chesapeake, but half-measures and under-funding have failed to do more than slow its decline. The loss of Maryland and Virginia's oyster industries alone has been cost the region billions over the last three decades; my own family's shucking house begrudgingly shuttered its doors in the 1960s, a victim of declining catches and other forces.

We need to do more — not less — to restore and protect the bay. That's why, as devastated as we all are by the damage in the gulf, those of us who care about the bay should be aware of who will pick up the tab for Gulf Coast restoration. We know BP will foot a large portion of the bill, but oversight alone will siphon EPA resources for the next several years.

The question boils down to this: Can the EPA "restore the gulf" and "save the bay" at the same time?

The answer: Not likely, unless a new national commitment to our nation's waters is forthcoming.

Diminishing Treasury revenues and a spending freeze on all nonmilitary discretionary spending means federal agencies will have to learn to get by with less for the next few years, and the crisis in the gulf is just one more monumental problem on the EPA's plate.

The EPA's proposed budget for 2011 has already been cut to $10.2 billion — $300 million less than in 2010. Because $63 million for bay restoration was set aside by the White House months before the Deepwater Horizon became a household name, there is really no telling how this new national crisis will affect the final budget.

But these two environmental tragedies don't have to conflict. Bay-area leaders can and should use this crisis to build political support for restoration of all our troubled waters.

For those of us lucky enough to live in its watershed, restoring the bay is a deeply personal issue. We've come to recognize that we bear the responsibility for its current disrepair, and for failing to pressure our local, state and federal government to do more to protect it.

But for the rest of the nation, the connection between our quality of life and the health of our waters is generally more easily ignored.

If there is an upside to the gulf oil spill it's that it has brought national attention to the crucial role wetlands and marshes play in aquatic ecosystems and coastal economies. For perhaps the first time, America's interior has shared the pain from what's happening along our shores.

Rather than sit with fingers crossed that bay funding will survive any spending cuts the EPA makes, our local representatives in Congress should use national outrage over the gulf tragedy to push for more funding — not just for the bay or the gulf but also for the Ohio and Colorado rivers, the Great Lakes and all other threatened U.S. waters.

U.S. Sens. Benjamin Cardin of Maryland and Russ Feingold of Wisconsin have both had success in the last few weeks pushing bills through the Environment Committee that capitalize on recent enthusiasm and give the EPA new authority to protect our waterways.

With momentum behind expanding the Clean Water Act's coverage, and a national audience that cares about the state of our waters, now is the time for our leaders to make sure new EPA authorities aren't hamstrung by a lack of funding, or that EPA doesn't have to rob Peter to pay Paul when overseeing Gulf Coast restoration.

If bay residents miss this opportunity to demand greater support — not just for ourselves but for every U.S. water body that has been damaged by pollution and maltreatment — we'll be the ones to blame when bay funding is sent down the Mississippi to Louisiana.

Lincoln Saunders, a native of the Chesapeake Bay area and former finance director for the Democratic Party of Virginia, is completing graduate work at the School of Public and Environmental Affairs at Indiana University. His e-mail is jamesaun@indiana.edu.

Environmentalists lose battle for public mind (*Washington Times*)

July 15, 2010 Thursday
COMMENTARY; Pg. 1
Environmentalists lose battle for public mind;
BP disaster is one crisis liberals can't use to force their agenda on us
By Paul Chesser SPECIAL TO THE WASHINGTON TIMES
The BP rig explosion has caused the greatest oil mess in U.S. history, and eco-activists are puzzled as to why they can't exploit it to advance initiatives such as climate-change legislation. "It's hard to imagine a more useful disaster," wrote two Washington Post environmentalist reporters, noting a squandered opportunity.

Could it be because we've heard similar alarms before? We were told in past decades about the pulled pin on the overpopulation grenade, an impending ice age and a nuclear-caused scorched earth. Photos of starvation and Hollywood "Day After" productions accompanied the ominous predictions.

More recently, we've been lectured about so-called hazards such as fossil-fuel-caused global warming, mountaintop coal mining and hydraulic fracturing to reach natural-gas deposits. Smokestacks and drills interchanged with unaltered woods and wildlife conveyed approaching doom, thanks to human corruption of the planet.

But now the Homo sapiens are tired of the blame, not to mention the photoshopped images that falsified many of the accusations. Coca Cola's polar bears seemed more real.

The Post reported that while the BP leak concerns everyone, public reaction reflects a desire to address our oil-exploration problems so we can continue to access and use fossil fuel resources, as opposed to the environmentalists' "end it all" plan.

"People's outrage is focused on BP," said Yale University public-opinion researcher Anthony Leiserowitz. The spill "hasn't been automatically connected to some sense that there's something more fundamental wrong with our relationship with the natural world."

Missing those signals, environmental extremists want to use the disaster as an excuse (once again) to modify human behavior via forced curbs on greenhouse gases.

Their approach was to corrupt science with the climate-change cause. Degreed leftists

like the Union of Concerned Scientists have pushed the global-warming agenda for years, and not just in objective disguises like the National Academy of Sciences. One of their top alarmists, Stephen Schneider of Stanford University, is author of the November release "Science as a Contact Sport." The researchers at the University of East Anglia in England and Penn State University's Michael Mann took this principle to heart when they conspired to exclude the works of skeptical climate scientists from research journals. And Lawrence Livermore National Laboratory's Benjamin D. Santer was famously revealed in the Climategate e-mails to want to "beat the crap out of" skeptical climatologist Patrick J. Michaels, formerly of the University of Virginia.

Not quite Mel Gibson, but the revelation of this secretly menacing attitude wasn't the beginning of the climate activists' woes anyway. The global-warming movement had lost standing (according to several polls, including quarterly ones from Rasmussen Reports, as well as Gallup) before the Climategate scandal broke in November. Now their credibility is at an all-time low, as illustrated by their current failed messaging.

The environmentalists' public displays have become hackneyed and cliched. A Hands Across the Sand demonstration against offshore oil drilling, co-sponsored by nearly all the recognizable groups (including Greenpeace, Sierra Club and Audubon, plus MoveOn.org and others) drew scant media attention and participation only from the activists' marginal ranks.

If the environoiacs want to capture the minds and the energy of average Americans, blaming them for their "addiction to oil" is the wrong way to go about it. Whoever came up with the public relations idea to equate our everyday low-cost, lifesaving energy use to back-alley junkie dependencies needs to go back to marketing school.

Put all the ingredients together - the Climategate deception, fraudulent scare tactics, guilt trips and stupid messaging - and the recipe flops. Americans have figured out they don't like the taste, and they don't believe the environmentalists when they say it's good for their health.

Paul Chesser is a special correspondent for the Heartland Institute.

Realty InSites: Lead paint law adds layer to renovation (*TheDoings-ClarendonHills.com)*

July 15, 2010
By JULIE MORSE Realty InSites
Do you own a home built before 1978? If so, Uncle Sam wants your attention.

New Environmental Protection Agency laws make sweeping changes in the way home contractors must deal with potential lead paint in homes built before 1978.

Lead was found in some paints through 1977. Studies now substantiate that common renovation activities like sanding, cutting or demolition can create hazardous lead dust and chips by disturbing lead-based paint. Such exposure carries health risks, from neuro-toxic problems to cardiovascular issues, with children and pregnant women most vulnerable.

The new law requires contractors whose work in any way disturbs lead-based paint in residential housing to become EPA-Certified Renovators, at their own expense. The law also applies to other child-occupied facilities, such as schools and day care centers. Contractors must follow very specific work practices and reporting rules to prevent potential lead contamination of homeowners, neighbors and themselves. Failure to do so can result in fines -- starting at a whopping $37,500 a day!

According to Thomas Kearin, a certified contractor and COO of the Vernon Hills-based Heidbreder Building Group, LLC, "The law will have a huge impact on contractors and their clients from an economic standpoint. The rules add significant time and costs to many, though not all, projects. For example, we need to define and seal off the 'work area', attend to how debris is wrapped up and transported through the rest of the home, and use special HEPA vacuums."

He added, "At a time when customers are looking to us for ways to cut prices, it's a tough one, though it's a very important issue."

Kearin estimates the lead regulations could add several hundred to several thousand dollars per typical home renovation, when applicable. It even applies to installers of new windows and doors, as such installations disturb the paint.

There are exceptions. Repair work to an interior area less than 6 foot square, or an exterior area under 20 foot square, per day, is exempt. Also, if you paint or renovate your own home, you're exempt -- but educated precautions are clearly advisable for everyone's health. Also, anyone can simply paint over paint, as long as there is no significant scraping or sanding required.

How likely is it your house has lead? Paint manufacturers phased out lead gradually beginning in the 1940s. Thus, according to the EPA's Renovate Right Handbook, homes built between 1960-1978 are 24 percent likely to contain lead; 1940-1960 homes, 69 percent; and before 1940, 87 percent.

How is the new lead removal rule being policed? It relies mainly on contractor professionalism, as well as consumer complaints.

Homeowners should ask to see a contractor's state certification, with photo, and can refer to www.epa.gov/lead for more information. Landlords should be especially diligent in following the rules specific to tenants. Note also that home-selling disclosures must reference any lead testing reports, if they exist.

Julie Morse is a licensed Realtor.

AIR

==========
IN BRIEF

Agency says air near Mirant was a concern (*Washington Post*)

The federal Agency for Toxic Substances and Disease Registry's public health assessment of air quality near the Mirant Potomac River Generating Station in Alexandria found that levels of some contaminants near the site and in the region were of concern during 2007 and 2008.

Since 2004, the Virginia Department of Environmental Quality and the Environmental Protection Agency have been working to reduce emissions at the plant. In January of last year, the plant completed a stack merge project that was designed to increase the dispersal of air pollutants from the facility, but the federal agency has not tested the air since then.

The federal agency will host an open house from 7 to 9 p.m. July 29 at the Lyceum, 201 S. Washington St. It is accepting public comments on the report until Aug. 12.

The public health assessment is at http://www.atsdr.cdc.gov/hac/pha/hcpha.asp?state=va. Information about the agency's work at the site is at http://www.atsdr.cdc.gov/sites/mirant.

July 15, 2010

Lawsuit settled against parent company of Clow (*Zanesville Times Recorder)*

McWane Inc. agrees to pay $4 million to resolve more than 400 environmental law violations
BY KATHY THOMPSON
Staff Writer
COSHOCTON -- A $4 million settlement was reached with McWane Inc., a national cast iron pipe manufacturer who is the parent company of Clow Water Systems Co. in Coshocton.

McWane has agreed to pay the money to resolve more than 400 violations of federal and state environmental laws covering 28 of the manufacturing facilities in 14 states and also requires the company to perform seven environmental projects valued at $9.1

million, according to the Justice Department and the U.S. Environmental Protection Agency.

At the Coshocton plant specifically, the company has agreed to enhance the air quality at the plant.

Included in the settlement is the condition that McWane will operate a cupola furnace, which is a particulate emissions source, at the plant in Coshocton. The furnace will be in accordance with the newly revised Clean Air Act Title V permit and establishes operating conditions and emission limits for the cupola furnace that are enforceable by the EPA.

Clow Water Systems produces ductile iron pipe and fittings and has been in business since 1910. McWane is a manufacturer of ductile iron pipes, valves, hydrants and fittings and its products provide many of the water distribution and wastewater treatment systems throughout North America.

McWane is based in Alabama and operates 25 manufacturing plants including 13 iron foundries across the United States, Canada, Australia and China.

In response to the settlement, McWane's president, Ruffner Page Jr., released a statement saying the comprehensive settlement will include environmental enforcement matters at 28 of the companies plants, including Coshocton.

"This settlement establishes a fresh and positive relationship with the EPA that will help us maintain our position as the industry leader in environmental, health and safety performance."

McWane will addess storm water contamination at numerous locations, reduce mercury emissions in Utah and Texas, reduce volatile organic compounds in Indiana and Alabama and enhance air quality in Coshocton.

Page stated he wanted to make clear the settlement does not involve new matters that reflect the current state of operations, rather this settlement is the beginning of the final chapter in the resolution of the questions that have been under discussion over the past several years.

In the past, multiple McWane divisions and facilities have been the subject of criminal investigations that have resulted in five federal prosecutions and the company has paid more than $25 million in criminal fees and penalties and spent approximately $5 million on environmental projects, according to the Department of Justice.

"This is a comprehensive settlement that brings McWane into full environmental compliance at 28 facilities nationwide," said Ignacia S. Moreno, assistant attorney general for the Environment and Natural Resources Division. "As a result of this agreement, McWane has completely re-engineered its environmental management

systems to ensure that it remains in compliance and has committed over $9 million to environmental projects that will remove significant amounts of pollutants from the environment and benefit the surrounding communities."

ECONOMY JULY 14, 2010, 2:45 P.M. ET

U.S. Business Groups Air Policy Concerns (*Wall Street Journal*)

By ELIZABETH WILLIAMSON
U.S. President Barack Obama speaks on the economy and jobs creation at Smith Electric Vehicles in Kansas City, Missouri, July 8, 2010.

WASHINGTON—Washington's major business groups plan a united front Wednesday in their confrontation with the Obama administration over economic policy, calling on the White House to cut taxes and curb its regulatory agenda.

Business groups including the U.S. Chamber of Commerce, the Business Roundtable and the National Federation of Independent Businesses will air a list of concerns about government policy at a "Jobs for America Summit" at the Chamber's offices Wednesday.

Open Letter to President Obama More from Washington Wire The Chamber will issue an open letter to President Barack Obama asking that the administration cut taxes, act on pledges to expand export markets, and streamline government rules, according to a copy of the letter obtained by The Wall Street Journal.

Summit participants include legislators with leadership roles on business-related congressional committees, including Sen. Judd Gregg (R-N.H.); Sen. Mary Landrieu (D-La.); Rep. Melissa Bean (D-Ill.); and Rep. Paul Ryan (R-Wis.).

Also attending from the administration side are Erskine Bowles, President Bill Clinton's chief of staff and former Wyoming Sen. Alan Simpson (R)—the two men co-chair Mr. Obama's National Commission on Fiscal Responsibility and Reform.

"There's a lot more unanimity than you may have seen over the past year" among business leaders, particularly in their opposition to tax and regulatory policy, said Stan Anderson, executive director of the chamber's Campaign for Free Enterprise, which promotes its job-creation policies.

"We are not going to engage in a debate over whether the White House is pro- or anti-business. We really want to talk about policy."

The White House will issue a written response to the chamber's concerns, an administration official said Tuesday.

The Obama administration, struggling with a 9.5% unemployment rate in a congressional election year, has made a series of economic announcements in recent weeks that have so far failed to quell business groups' furor.

Mr. Obama last month pledged to renew efforts to move a South Korea free trade agreement through Congress, and to work on treaties with Panama and Colombia. This week, administration officials said they've asked business leaders to submit specific regulations that inhibit economic growth, and are open to a broad regulatory review.

In the letter, which was sent to the White House Tuesday, the chamber says this Congress has passed $700 billion in tax increases, and demands that all tax cuts passed in the previous decade be extended, including those to individual, estate, capital gains and alternative minimum taxes. "In one bold, swift move, this would substantially boost investor, business, and consumer confidence," the letter reads.

To reduce the deficit, the chamber urges the government to trim entitlement spending, expand logging in national forests, and revive inactive leases on oil, gas, and shale reserves.

It urges passage of free-trade agreements with South Korea, Colombia and Panama, estimating that 380,000 existing U.S. jobs will be lost to Canada and the European Union should they conclude agreements with the three nations before the U.S. does.

On the regulatory front, "What we're looking at here is a tsunami of regulations coming online slowly because of legislation that has either been enacted or legislation that people expect in some form will be enacted," said Bruce Josten, the chamber's chief lobbyist.

The letter points out that the Environmental Protection Agency is moving forward with 29 major economic rules (a major rule would have an impact on the economy of at least $100 million) and 173 major policy rules.

Legislation overhauling financial-markets regulation now nearing passage in Congress would create more than 350 rule makings, 47 studies and 74 reports.

"You can find in these numbers a principal reason why businesses are so reluctant to make investments," the letter reads.

The nation's biggest business groups have become increasingly vocal in recent weeks, issuing public demands that the administration trim rules, speed trade deals and limit its intervention in private industry.

"I think the concerns have always been aligned but it's really just a matter of tone and tenor," said John Castellani, president of the Business Roundtable, which encompasses the nations' biggest multinationals. Last month the roundtable, usually more friendly to

the administration than the chamber, gave the White House a 54-page report detailing policies that it said are inhibiting growth.

Some in the White House express frustration with growing demands from businesses that it do immediately what takes months to accomplish in Congress.

"This economy is in a transitional phase and transitions engender uncertainty," said Jared Bernstein, chief economic adviser to Vice President Joe Biden.

"Addressing the long-term fiscal challenges, as well as the excesses of the financial sector, was essential."

Wisconsin Counties Receive Clean Air Status From EPA (*Gov Monitor*)

Posted By admin On July 14, 2010 @ 10:03 am
Governor Jim Doyle today announced that the U.S. Environmental Protection Agency (EPA) has approved his request to redesignate Door and Manitowoc Counties as in attainment with health standards for ozone, or smog.
The EPA also approved Wisconsin's plans to meet the ozone standard through 2020 and approved motor vehicle emission budgets for Manitowoc and Door counties.

"Under my Administration, we have taken strong action to reduce air pollution in Wisconsin and protect public health and the environment," Governor Doyle said. "Meeting these standards not only means cleaner air, but also ensures that local businesses will be able to grow and create jobs."

The EPA redesignated the counties' attainment status based upon complete, quality-assured, outdoor air monitoring from 2006 to 2009 showing the two counties in compliance with the federal standards for ozone.

Complete quality-assured monitoring data for 2009 show that the areas continue to meet the standard.

Last fall, Governor Doyle requested the EPA redesignate nine Wisconsin counties as in attainment of the ozone standard.

The EPA also is expected to act on the other seven counties that have met federal smog standards. Those counties are: Sheboygan, Ozaukee, Washington, Milwaukee, Kenosha, Racine and Waukesha counties.

Kewaunee County previously was designated as in compliance.

Since taking office, Governor Doyle has helped Wisconsin make major strides to reduce air pollution, implementing the Clean Air Interstate Rule, NOx Reasonable Available Retrofit Rule, and Best Available Retrofit Technology Rule.

The Mercury Multi-Pollutant Rule that went into effect last year will substantially reduce sulfur dioxide and nitrogen oxide pollution throughout the state.

In addition, the Governor announced last year that a new biomass boiler will be installed at the Charter Street Heating Plant as part of his commitment to stop burning coal at state-owned heating plants on Madison's Isthmus.

Ground will be broken on the project this year and should be complete by summer 2013.

After Backlash, EPA Seeks Input On Assessing Biomass GHGs In Permits (*Inside EPA*)

Posted: July 14, 2010
EPA is seeking comment on how to assess greenhouse gas (GHG) emissions from biomass energy in upcoming best available control technology (BACT) reviews for first-time facility GHG permits, after industry and lawmakers criticized the agency's recent GHG permitting rule for ignoring the climate benefits of biomass energy.
In a Federal Register notice slated for publication July 15, EPA puts out a "call for information" on a wide range of issues for assessing biomass GHGs in the Clean Air Act permit process. Among the input the agency seeks are methods to assess bioenergy at the facility or unit scale rather than the national scale, and alternative approaches to assess the climate impact of bioenergy.

The information could further shape EPA's final stance in an ongoing debate about the climate impact of burning biomass for energy. EPA also plans to issue later this year a final rule determining whether biofuel from pulpwood reduces GHGs sufficiently to win credits under the agency's renewable fuel standard, a rule that could show EPA's position on the issue.

The notice comes after EPA has faced strong criticism from the biomass industry and some lawmakers over the agency's initial decision not to exempt biomass facilities from regulation in its GHG "tailoring" permit rule.

The June 3 final rule establishes thresholds for triggering first-time GHG limits for stationary source air permits starting in January next year. In the rule, EPA raised traditional thresholds for triggering permit requirements under the air act's prevention of significant deterioration from 100 or 250 tons per year (tpy), depending on the source type, to 75,000 tpy for GHGs. The rule argues the higher threshold is necessary to avoid triggering millions of GHG permit requirements for smaller sources.

EPA defended the approach using a legal claim of "absurd results," which the agency said would result if it kept the 100/250 tpy threshold for GHGs because 100/250 tpy is a very low threshold for GHGs compared to conventional pollutants and, EPA argues,

would capture millions of small stationary sources Congress never intended for regulation.

But biomass proponents criticized the tailoring rule because EPA said the legal doctrines used to justify raising the trigger for Clean Air Act permits do not justify exempting particular energy sources -- such as biomass -- from permitting at this time, though the agency noted it would take further comment on the issue.

For example, 62 members of the House and 37 members of the Senate signed letters arguing the tailoring rule discouraged the use of biomass and urging EPA to reconsider its position.

Carbon Neutral

Backers of biomass say the fuel is carbon neutral because plants reabsorb the same amount of carbon dioxide (CO2) that is emitted when it is burned for energy, and they point to EPA's inventory of emissions and sinks, which they say excludes biomass emissions. EPA is yet to take a final position on the issue.

EPA acknowledges that the inventory, which the agency submits to the United Nations Framework Convention on Climate Change, does not include emissions from biomass combustion in its calculations for energy emissions, but says the biomass emissions are included in the inventory's calculations of land use change and forestry emissions. This approach avoids double counting of the emissions, but does not ignore the emissions altogether, the notice says.

As a result, the agency seeks comment on the extent to which -- given this information -- the inventory suggests biomass is carbon neutral. EPA also seeks comment on the extent to which a national-scale inventory can be applied in Clean Air Act permitting purposes, which are issued on a facility or unit level.

EPA also warns of the complexity of the issue and seeks comment on how to account for the amount of time it takes biological feedstocks to grow and the geographic scale that should be used for determining the impact of bioenergy. “Both a default assumption of carbon neutrality and a default assumption that the greenhouse gas impact of bioenergy is equivalent to that of fossil fuels may be insufficient because they oversimplify a complex issue,” the notice says.

Regina McCarthy, EPA's air chief, argues that EPA never intended to make a determination on the climate impact of biomass in the tailoring rule and is open to considering the climate benefits of the fuel.

“The fact that in the tailoring rule EPA did not take final action one way or another concerning such an exclusion does not mean that EPA has decided that there is no basis for treating biomass CO2 emissions differently from fossil fuel CO2 emissions,”

according to a July 9 letter McCarthy sent to the 37 senators that previously wrote to the agency criticizing the tailoring rule for not exempting biomass from regulation.

EPA seeks more information on biomass emissions (*Greenwire*)

(07/14/2010)
Patrick Reis, E&E reporter
U.S. EPA is requesting more information on how climate regulations should treat greenhouse gas emissions from biomass combustion.
EPA has been under fire over its proposed treatment of biomass since it did not exempt its emissions in final rules determining which pollution sources will be subject to greenhouse gas permitting requirements next January (Greenwire, May 14).
Industry groups are criticizing the decision, arguing that biomass emissions are part of a natural carbon cycle of plant growth and decomposition that does not increase the concentration of greenhouse gases. Biomass critics say that improperly harvested biomass can release new carbon dioxide into the atmosphere while decreasing the planet's capability to reabsorb and want EPA to set up an accounting system to measure biomass's contributions to climate change.
EPA last month said it has not yet taken a final position on the issue.
"In separate legal contexts, EPA has ignored the greenhouse gas emissions of biomass facilities, partly under the rationale that some portion of the carbon dioxide emissions is canceled out in the intermediate term by re-growing the fuel," the agency said last month. "EPA is mindful of this and is committed to work with stakeholders to examine whether treating biomass-derived carbon emissions as carbon neutral is appropriate."
The request for more information is scheduled for publication tomorrow in the Federal Register, initiating a 60-day public comment period.

EPA proposes new clean-air regulations for power plants (*Adirondack Daily Enterprise*)

By MIKE LYNCH, Enterprise Outdoors Writer
POSTED: July 14, 2010
The U.S. Environmental Protection Agency has proposed a new regulation that would require power plants in 31 states to reduce emissions of sulfur dioxide and nitrogen oxide.

The Transport Rule is meant to curb air pollution that travels across state lines. Both sulfur dioxide and nitrogen oxide react in the atmosphere to create acid rain and ground-level ozone, often in eastern states downwind from Midwestern power plants.

"Both of these pollutants cause a series of human health effects and environmental damages, including premature mortality, chronic and acute bronchitis, heart attacks,

hospitalizations, emergency room visits, asthma attacks, lost days at work and school, acid deposition (acid rain), damage to sensitive forests and nitrogen-sensitive coastal waters, and impaired visibility at national parks and wilderness areas," according to the EPA.

The rule would replace EPA's 2005 Clean Air Interstate Rule (CAIR), which a federal court determined in December 2008 was not in compliance with the Clean Air Act. The rule would apply to 31 states in the eastern half of the U.S. and also to the District of Columbia.

The EPA says that by 2014 the rule would reduce sulfur dioxide emissions by 71 percent over 2005 levels. Nitrogen oxide levels would drop 52 percent in that span.

The EPA says that would yield more than $120 billion to $290 billion in annual health and welfare benefits in 2014 and would help avoid between 14,000 and 36,000 premature deaths as a result of air pollution.

"The health benefits to New York state should be extremely high," said Adirondack Council spokesman John Sheehan. "New York, Pennsylvania and Ohio appear to be in line to reap the highest benefit in terms of human health and the amount of money we spend to protect it or fix health problems as a result of bad air quality."

The EPA also says the rule change would help reduce acid rain in the Adirondacks.

"Areas especially sensitive to acidification include portions of the Northeast (particularly, the Adirondack and Catskill Mountains, portions of New England, and streams in the mid-Appalachian highlands) and southeastern streams," according to the proposed rule. "This regulatory action will decrease acid deposition in the transport region and is likely to have positive effects on the health and productivity of aquatic ecosystems in the region."

Neil Woodworth, executive director of the Adirondack Mountain Club, has fought hard for these tougher regulations. He said one reason is that acid rain not only effects Adirondack waterways but also the soil, which doesn't recover as quickly.

"Given time, the lakes and streams of the Adirondacks will flush clean if we turn off the spigot of nitrogen oxides and sulfur dioxide," he said, "but what happens on a daily and nightly basis in the Adirondacks is that when precipitation falls on the ground, soil calcium is neutralized."

When soil loses its calcium and becomes more acidic, it can have a negative effect on the ecosystem. Calcium is an essential element in plants and trees.

"Let's face it. Plants of all kinds, including trees, have to have soil calcium for proper cellular structure," Woodworth said.

The regulation will be open to a 60-day comment period. More information about the proposed rule is available at www.epa.gov/airtransport.

Contact Mike Lynch at 891-2600 ext. 28 or mlynch@adirondackdailyenterprise.com.

Published: July 14. 2010 1:15AM

Judge orders EPA to file amended lawsuit against Erie Coke by Aug. 2 (*Erie Times News*)

By LISA THOMPSON
lisa.thompson@timesnews.com
Federal environmental regulators have until Aug. 2 to spell out what claims they plan to pursue against Erie Coke Corp. in the wake of the settlement reached between Erie Coke and the state Department of Environmental Protection.

U.S. District Judge Sean J. McLaughlin issued an order Monday directing the U.S. Environmental Protection Agency to file an updated version of its federal lawsuit.

The new lawsuit could lay out the final regulatory claims against the troubled plant on East Avenue.

Erie Coke and DEP resolved their protracted dispute over pollution from the plant in June with a $21 million consent decree. Erie Coke paid a $6 million fine. The company and its owner, J.D. Crane, must also pay an additional estimated $15 million over the next three years to bring the East Avenue plant into compliance with Pennsylvania's Air Pollution Control Act, the Clean Air Act, other regulations and the plant's air-quality permit.

The settlement will allow Erie Coke to continue operating under its current Title V air permit as it follows a specific schedule of improvements.

The plant, however, must also pay an estimated $40,000 a month in fines for pollution that occurs during the time that improvements are made.

In exchange, DEP agreed to withdraw from the federal lawsuit. It formally withdrew from the lawsuit on Monday. McLaughlin then filed his order, asking EPA to restate its case against Erie Coke.

It is not yet known what claims EPA might pursue.

The federal lawsuit when EPA first filed it in September sought to force the company to stop polluting and make improvements at the plant.

At a status conference in late June, Elliott Rockler of the Department of Justice acknowledged that the consent decree Erie Coke entered with the state DEP on June 17 has taken "a big bite" out of the federal case.

But he said the federal government still has "viable" claims and intends to seek injunctive relief; that is, ask the judge to order Erie Coke to refrain from committing environmental violations.

He said the state's consent decree goes a long way toward resolving long-term pollution problems at the plant. But some regulatory concerns, presumably the ongoing pollution that will occur at the plant as repairs are made, remain, he said. "We want to continue," Rockler said.

The company, meanwhile, is scheduled to begin working on the three-year improvement plan laid out in the consent decree it reached with DEP.

Freda Tarbell, a spokeswoman for DEP, said the company so far has abided by the agreement.

Sept. 12 is the company's next milestone. The company needs to submit a permit application "on or about" that date for its emergency generator, addressing air emissions and air quality issues, she said.

LISA THOMPSON can be reached at 870-1802 or by e-mail.

Kind: EPA's Oil Spill Prevention Plans for Dairy is 'Ridiculous' (*Wisconsin Ag News*)

Wisconsin Ag Connection - 07/14/2010
A Wisconsin lawmaker says the Environmental Protection Agency is being 'inappropriate' in releasing a proposal to require dairy farmers to submit an oil spill prevention and clean-up plan for their bulk tanks. Last week, Congressman Ron Kind sent a letter to EPA Administrator Lisa Jackson asking her to rethink the policy. He says the agency's new oil spill response program includes a provision that would require dairy producers to submit a cumbersome 'Spill, Prevention, Control and Countermeasure' policy for the unlikely event of a butterfat spill.

"It is inappropriate to treat butterfat as if it poses as much danger to the nation's natural resources as oil and I urge the EPA to exempt milk from this regulation," Kind wrote. "The important purpose of oil spill response plans is to prevent and mitigate the damage from spills. However, over broad attempts to regulate farmers and butterfat damage the EPA's credibility as it attempts to deal with legitimate oil spill issues of great national importance."

According to EPA regulations, farms with a storage capacity of at least 1,320 gallons of oil products would be required to put together a countermeasure plan to guard against potential spills. Under the law, butterfat in milk is considered a form of oil.

The agency's proposed program comes in wake of the gulf oil spill. But Kind says a bad milk spill would not cause any significant damage to the environment.

"The tremendous burden of requiring dairy farmers to complete oil response plans vastly outweighs any nominal potential environmental impact that might occur in the unlikely event of a butterfat spill," the La Crosse Democrat added. "I hope we can work to better foster a positive dialogue between the EPA and Congress as you look to implement future rules and regulations."

Meanwhile, Kind says he is co-sponsoring legislation that would prohibit the EPA from regulating greenhouse gases under the Clean Air act for two years after the agency recently came out with strict guidelines that would have placed a burden on the livestock industry.

ASBESTOS

==========

Calif. lawmakers consider scrapping state rock designation for mineral that contains asbestos (*Associated Press*)

Story also appeared: *Los Angeles Times*

TREVOR HUNNICUTT
Associated Press Writer
2:19 AM PDT, July 15, 2010
SACRAMENTO, Calif. (AP) — In 1965, California lawmakers named serpentine the state rock because it symbolized the Gold Rush years and contained a mineral being put to myriad industrial uses.

Nearly half a century later, attitudes toward that mineral — asbestos — have changed, and one state lawmaker wants serpentine stripped of its status.

Health authorities say asbestos, which is no longer mined in the U.S., can cause an incurable cancer called mesothelioma as well as other diseases when its fibers are inhaled.

"This is a question of health and public awareness," said Democratic state Sen. Gloria Romero of Los Angeles, who proposed the bill. "We know that California has the highest rates of mesothelioma deaths in the nation and we don't think it's appropriate to be celebrating as the state rock something which contains asbestos."

Romero's proposal to remove serpentinite, as the jade-green rock is formally known, as the state rock has hit a wall of opposition from geologists and industry advocates. Contending the rock is being unfairly maligned, they have started a social-media crusade on Twitter and blogs to stop the proposal.

"The rock is an ideal symbol for our state," said Garry Hayes, a Modesto Community College geology teacher who was among the first to protest the bill online. "The asbestos issue is there, but it's a small part of what serpentine is."

Some opponents have accused trial lawyers of pushing Romero's plan so they can pursue a whole new type of lawsuit by plaintiffs alleging their health was damaged when they were exposed to naturally occurring asbestos in serpentine found on property throughout the Sierra Nevada foothills and 42 of California's 58 counties.

Serpentine is found throughout the country but is particularly plentiful in the same places where gold was found in California. In the 1960s, it was increasingly mined for its asbestos that was often was used in construction.

The rock was crushed or broken to release the asbestos minerals' durable and fire-resistant fibers, which were used in household appliances, construction materials and other goods.

Lawmakers hoped the designation would help expand the then-$6 million California asbestos industry.

Just how big of a problem the rock poses today is being debated. Geologists say not all serpentine rocks contain asbestos, and chrysotile, the type found most frequently, is not as dangerous as other types.

The World Health Organization has said that all types of asbestos, including those in the air from natural sources, cause cancer. But the Environmental Protection Agency says naturally occurring asbestos that remains undisturbed in the ground presents no risk.

Dr. Marc B. Schenker, a University of California, Davis, public health sciences professor who has studied the issue, said he supports the proposed law to strip serpentine of its status as state rock.

"On the other hand," he said, "I wish the efforts were being put into improving public health and preventing disease due to environmental exposure rather than these symbolic gestures."

Residents of the Sierra foothills are not entirely convinced of the risk.

"To declare naturally occurring asbestos as a danger and a health hazard has not been proven," said John Knight, a county supervisor who represents unincorporated El Dorado Hills. "We should not create a hysteria about something that's not scientifically proven."

The town was the subject of a 2005 study by the EPA that showed elevated levels of asbestos in the air.

About 2,500 Americans die from mesothelioma every year, according to statistics from the Centers for Disease Control and Prevention. Dr. Heather Wakelee, a physician at the Stanford Cancer Center, said most of those cases are connected to occupational exposure, and relatively few are people who were exposed to naturally occurring asbestos.

The state Senate has approved the proposed law, and it is working its way through the Assembly. Since it has been amended, it would need approval from the Senate again.

If the bill becomes law, some think its impact will be more than symbolic.

"The state is already being hit with lawyers moving here to sue over asbestos that's been used in manufactured products," said John H. Sullivan, president of the Civil Justice Association of California, which advocates tort reform. "I believe that these and other lawyers would feel they've struck gold if they can also bring lawsuits over naturally occurring asbestos."

But many lawyers dismissed that claim.

"It's just not true, no matter how many times other people say it is," said J.G. Preston, a spokesman for Consumer Attorneys of California. "The Civil Justice Association of California ... planted this seed because it's in their interest to make trial lawyers look greedy and foolish."

The group's political action committee has donated $14,700 to Sen. Romero's political campaigns since 2000, state records show.

Ben DuBose, whose Dallas-based law firm pursues asbestos-related cases, said he didn't think the law would open up new avenues for litigation. He added, however, that it might help show there's a worldwide consensus about the health danger of naturally occurring asbestos.

Asbestos litigation has been a major business for lawyers since the 1960s. Lawyers seeking clients with mesothelioma have become a fixture on late-night television advertisements in California.

Defendants and insurers have paid out more than $70 billion in asbestos litigation since lawsuits began, according to a 2005 study by the nonpartisan RAND Institute for Civil Justice. The average jury award for a mesothelioma victim is around $4 million.

Aides from Sen. Romero's office said language in the bill was developed in consultation with the Asbestos Disease Awareness Organization, a California group with significant funding from law firms that specialize in asbestos litigation.

But Romero said she took the lead in crafting the bill and moving it forward.

"It's not a giveaway to the trial lawyers," she said.

Calif may dump 'state rock' that contains asbestos (*Herald & Review*)

Story Discussion Image (4) By TREVOR HUNNICUTT | Posted: Thursday, July 15, 2010 4:19am
Garry Hayes, a geology teacher at Modesto City College, displays an example of a serpentine rock in his classroom in Modesto, Calif., Wednesday, July 14, 2010. Hayes opposes a proposed measure carried by State Sen. Gloria Romero, D-Los Angeles, that would strip the rock of it's status as the official state rock citing that Serpentinte, as it is formally known, can contain asbestos. Asbestos is not found in all serpentine, but when it is found it has been known to cause health problems if the asbestos fibers are crushed and inhaled

In 1965, California lawmakers named serpentine the state rock because it symbolized the Gold Rush years and contained a mineral being put to myriad industrial uses.

Nearly half a century later, attitudes toward that mineral _ asbestos _ have changed, and one state lawmaker wants serpentine stripped of its status.

Health authorities say asbestos, which is no longer mined in the U.S., can cause an incurable cancer called mesothelioma as well as other diseases when its fibers are inhaled.

"This is a question of health and public awareness," said Democratic state Sen. Gloria Romero of Los Angeles, who proposed the bill. "We know that California has the highest rates of mesothelioma deaths in the nation and we don't think it's appropriate to be celebrating as the state rock something which contains asbestos."

Romero's proposal to remove serpentinite, as the jade-green rock is formally known, as the state rock has hit a wall of opposition from geologists and industry advocates. Contending the rock is being unfairly maligned, they have started a social-media crusade on Twitter and blogs to stop the proposal.

"The rock is an ideal symbol for our state," said Garry Hayes, a Modesto Community College geology teacher who was among the first to protest the bill online. "The asbestos issue is there, but it's a small part of what serpentine is."

Some opponents have accused trial lawyers of pushing Romero's plan so they can pursue a whole new type of lawsuit by plaintiffs alleging their health was damaged when they were exposed to naturally occurring asbestos in serpentine found on property throughout the Sierra Nevada foothills and 42 of California's 58 counties.

Serpentine is found throughout the country but is particularly plentiful in the same places where gold was found in California. In the 1960s, it was increasingly mined for its asbestos that was often was used in construction.

The rock was crushed or broken to release the asbestos minerals' durable and fire-resistant fibers, which were used in household appliances, construction materials and other goods.

Lawmakers hoped the designation would help expand the then-$6 million California asbestos industry.

Just how big of a problem the rock poses today is being debated. Geologists say not all serpentine rocks contain asbestos, and chrysotile, the type found most frequently, is not as dangerous as other types.

The World Health Organization has said that all types of asbestos, including those in the air from natural sources, cause cancer. But the Environmental Protection Agency says naturally occurring asbestos that remains undisturbed in the ground presents no risk.

Dr. Marc B. Schenker, a University of California, Davis, public health sciences professor who has studied the issue, said he supports the proposed law to strip serpentine of its status as state rock.

"On the other hand," he said, "I wish the efforts were being put into improving public health and preventing disease due to environmental exposure rather than these symbolic gestures."

Residents of the Sierra foothills are not entirely convinced of the risk.

"To declare naturally occurring asbestos as a danger and a health hazard has not been proven," said John Knight, a county supervisor who represents unincorporated El Dorado Hills. "We should not create a hysteria about something that's not scientifically proven."

The town was the subject of a 2005 study by the EPA that showed elevated levels of asbestos in the air.

About 2,500 Americans die from mesothelioma every year, according to statistics from the Centers for Disease Control and Prevention. Dr. Heather Wakelee, a physician at the Stanford Cancer Center, said most of those cases are connected to occupational exposure, and relatively few are people who were exposed to naturally occurring asbestos.

The state Senate has approved the proposed law, and it is working its way through the Assembly. Since it has been amended, it would need approval from the Senate again.

If the bill becomes law, some think its impact will be more than symbolic.

"The state is already being hit with lawyers moving here to sue over asbestos that's been used in manufactured products," said John H. Sullivan, president of the Civil Justice Association of California, which advocates tort reform. "I believe that these and other lawyers would feel they've struck gold if they can also bring lawsuits over naturally occurring asbestos."

But many lawyers dismissed that claim.

"It's just not true, no matter how many times other people say it is," said J.G. Preston, a spokesman for Consumer Attorneys of California. "The Civil Justice Association of California ... planted this seed because it's in their interest to make trial lawyers look greedy and foolish."

The group's political action committee has donated $14,700 to Sen. Romero's political campaigns since 2000, state records show.

Ben DuBose, whose Dallas-based law firm pursues asbestos-related cases, said he didn't think the law would open up new avenues for litigation. He added, however, that it might help show there's a worldwide consensus about the health danger of naturally occurring asbestos.

Asbestos litigation has been a major business for lawyers since the 1960s. Lawyers seeking clients with mesothelioma have become a fixture on late-night television advertisements in California.

Defendants and insurers have paid out more than $70 billion in asbestos litigation since lawsuits began, according to a 2005 study by the nonpartisan RAND Institute for Civil Justice. The average jury award for a mesothelioma victim is around $4 million.

Aides from Sen. Romero's office said language in the bill was developed in consultation with the Asbestos Disease Awareness Organization, a California group with significant funding from law firms that specialize in asbestos litigation.

But Romero said she took the lead in crafting the bill and moving it forward.

"It's not a giveaway to the trial lawyers," she said.

AWARDS

==========
===

Wednesday, July 14, 2010, 2:32pm PDT

Hillsboro wins EPA award (*Portland Business Journal*)

by Robert Goldfield Special sections editor
The city of Hillsboro has been recognized by the U.S. Environmental Protection Agency as an EPA Green Power Community, becoming the 14th community in Oregon and 30th in the nation to receive the designation.
The EPA extends the honor to communities that show their commitment to environmental sustainability by purchasing renewable energy in amounts that meet or exceed the federal agency's purchase requirements.
The city also announced the results of its Green Power Challenge. Hillsboro business and residential electricity customers have surpassed the challenge goal of 300 new renewable power sign-ups set by the city council. The community-wide challenge, announced in March, resulted in 731 new sign-ups for renewable energy from Portland General Electric Co.
Those included 51 businesses.

BP SPILL

==========
JULY 14, 2010

Natural-Gas Driller to Disclose Chemical Use (*Wall Street Journal*)

By RUSSELL GOLD
Extracting natural gas from shale requires forcing in water and some chemicals to crack the rock open, worrying residents about pollution.
Range Resources Corp. says it plans to disclose the chemicals used to hydraulically fracture natural-gas wells in Pennsylvania, confronting rising pressure from environmental groups worried that drilling could contaminate drinking water.

The decision, which Range said was voluntary, reflects the mounting distrust that energy companies face, especially in the wake of the ongoing oil spill in the Gulf of Mexico. Even before the offshore spill, the industry was facing increasing scrutiny as gas drilling in the Marcellus Shale spreads across Pennsylvania and neighboring states.

In a significant break from past practice, Range says it will begin submitting a detailed list of all chemicals and additives, and the volumes, used to fracture each of its gas wells to the state.

"There has been so much misinformation about the Marcellus, we think it's prudent" to begin making this information public, says John Pinkerton, chairman and chief executive of the Fort Worth, Texas, company. Range holds leases for 1.3 million acres in the Marcellus and its ability to develop the gas is central to future growth. "It's the right thing to do morally and ethically, but it's also right for our shareholders," he says.

Range plans to make the disclosures with state Department of Environmental Protection within 30 days of "frac" jobs, and post the information online.

The decision was praised by environmental groups and some members of Congress who have proposed a law to require similar levels of disclosure.

The industry has resisted disclosing the chemicals it uses, although that has been softening recently. Exxon Mobil Corp. Chairman and Chief Executive Rex Tillerson told Congress earlier this year he "wouldn't object to any disclosure."

Loosening gas molecules from dense shale rock requires drilling a well, then pumping in thousands of gallons of fluid under high pressure to crack the rock open. Range used 4.5 million gallons in a simple fracture of a recent well—the overwhelming majority being water, according to a sample of the disclosure provided by the company. It also used smaller amounts of chemicals such as sodium hydroxide, ethylene glycol, hydrochloric acid and benzalkonium chloride.

Range says the purpose of disclosure was to dispel concerns that chemicals added to fracture fluids are a risk. The fluid is being pumped a mile beneath the groundwater and is 99.8% water and sand, the company says. And the chemicals are "comparable to household chemicals in a very diluted form," says Ray Walker, a Range executive.

Some politicians and environmental groups that support increased use of natural gas as a cleaner alternative to coal have expressed frustration with the industry's disclosures. Tim Wirth, a former Democratic senator from Colorado who has been a prominent advocate for natural gas, says the industry's penchant for secrecy is making it harder to win over skeptics.

"If there's no problem, then disclose," Mr. Wirth said. "That's the price of admission in this day and age."

Amy Mall, senior policy analyst with the Natural Resources Defense Council, says the industry has used hundreds of different chemicals in fracture fluids in the past. She said the disclosure will help homeowners who have had difficulty figuring out what chemicals to test for when they grew suspicious that their water well had been contaminated. "Many of these chemicals aren't part of a standard test; you have to know what to test for," she says.

Also, John Hanger, secretary of the Pennsylvania Department of Environmental Protection, said he was pleased with Range's new policy. "If one company can do it, everyone can do it—and should do it. The holding back of information in this area has fueled public suspicion." He said these Range disclosures and an ongoing study by the federal Environmental Protection Agency into chemicals used in fracture fluids should go a long way to create confidence.

Jan Jarrett, president of Citizens for Pennsylvania's Future, an environmental advocacy group, applauded Range's disclosure program as a "step in the right direction." She said the state should make it mandatory.

Write to Russell Gold at russell.gold@wsj.com

Groups sue to find out about dispersants (*St. Petersburg Times*)

A coalition of environmental groups filed suit Wednesday, seeking information about the chemical dispersants being used on the gushing oil from the Deepwater Horizon disaster. Earthjustice, the Gulf Restoration Network and the Florida Wildlife Federation sued the U.S. **Environmental Protection Agency** in federal court in Washington, D.C. The suit contends the **EPA** should disclose the dispersants' contents as well as all health and safety information. Since the spill began in April, BP has been using unprecedented amounts of dispersant, both on the surface and under the sea, where it has never been used before.

Oil Spill: EPA and CDC asks Gulf Coast residents to report odors on coastline (*Examiner*)

July 14, 12:32 PM · Charisse Van Horn - Oil Spill Recovery Examiner
Dexter Vernon, of McComb, Miss., wears an oxygen mask during an oil rig hazmat training

Oil Spill: EPA and CDC asks Gulf Coast residents to report odors on coastline

The EPA and CDC are asking Gulf Coast residents to report any odors they suspect are from the BP oil spill. Both government organizations are concerned regarding the

harmful health effects that may be present due to pollutants within the oil as well as those emitted from the burning of oil. According to the EPA's report regarding the air quality index, levels of ozone and other particulate matter (particulate pollution) present in the air ranged from good to unhealthy for sensitive groups.

Hydrogen Sulfide has been detected in the Venice, Louisiana area and some residents may notice side effects. According to the EPA, the current levels of hydrogen sulfide detected in Louisiana and near Mobile, Alabama are reportedly not enough to cause severe or long lasting effects but could cause eye and throat irritation as well as headaches. You may detect hydrogen sulfide by its rotten egg smell. If you suspect you smell hydrogen sulfide you are asked to call and report it at: 1-866-448-5816. Hydrogen sulfide may also come naturally, through marshes and sewage treatment facilities. The EPA will monitor the levels of Hydrogen Sulfide and determine whether they are low or high.

The type of odor being detected by those on the Gulf Coast includes a rotten egg smell, a smell like a gas station, and an oily or tar like smell. Any odor that you smell indicates there are chemicals remaining in the weathered oil that is coming ashore.

A smell that resembles a gas station may be the result of toxic VOC or volatile organic compounds. The EPA continues to measure the levels of VOCs in the Gulf Coast. Even low levels of VOCs can result in eye, nose, throat and skin irritation. It may also prove problematic for those with asthma and other respiratory conditions.

An oily or tar like smell is said to come from semi-volatile organic compounds or SVOCs.

The EPA released a statement regarding air quality along the Gulf Coast. It reads as follows.
"EPA has observed odor-causing pollutants associated with oil on the shore in the gulf region at low levels. Some of these chemicals may cause short-lived effects like headache, eye, nose and throat irritation, or nausea. Some people may be able to smell several of these chemicals at levels well below those that would cause short-term health problems.

EPA is also conducting additional air monitoring for ozone and airborne particulate matter. The air monitoring conducted through July 12 has found levels of ozone and particulates ranging from the "good" to "unhealthy for sensitive groups" levels on EPA's Air Quality Index."

You may report odors believed to be a result of the BP oil spill at 1-866-448-5816

Panel votes to block new BP offshore leases (*Boston Globe*)

July 15, 2010 Thursday
NEWS; National; Pg. 2
Panel votes to block new BP offshore leases
BY: BLOOMBERG NEWS
WASHINGTON - A US House subcommittee voted yesterday to bar BP from new US offshore leases to drill for oil or natural gas because of past safety violations.

The House Natural Resources Committee adopted the provision by voice vote while considering legislation to toughen safety standards for offshore drilling after the BP oil leak in the Gulf of Mexico. The panel delayed a vote on the broader measure until today.

Companies with violations of federal or state safety standards more than five times the industry average going back seven years would be barred under the amendment. The measure also would ban leases to companies that have received Clean Water Act fines of $10 million or more, as well as those that have had more than 10 fatalities at their facilities over the period.

The House panel also approved yesterday an amendment by Representative Edward Markey, Democrat of Massachusetts, affecting companies with deep-water leases in the gulf that do not require royalty payments to the government. Holders of such leases would be barred from bidding on new tracts if they decline to renegotiate and pay fees.

The US Supreme Court last year rejected an Obama administration appeal and refused to allow the federal government to collect an estimated $20 billion in royalties from Anadarko Petroleum Corp. and other oil and gas companies.

The dispute turned on a 1995 law that limited royalties to promote drilling. ``At $80 a barrel, we don't have to provide incentives to drill for free on public lands,'' Markey said. ``It gives us a chance to collect this money and use it to reduce the federal deficit.''

Crucial test on containment cap delayed (*Greenwire*)

(07/14/2010)
Katie Howell, E&E reporter
BP PLC and federal officials have delayed a critical test that will assess the condition of the leaking wellbore in the Gulf of Mexico, sounding a note of caution after yesterday's rare string of successes in the oil-containment effort.

The pressure test will help the team of scientists responding to the spill determine the integrity of the wellbore, information that will affect future decisions.

"Yesterday was not my best day in forecasting," Kent Wells, BP's senior vice president of exploration and production, told reporters today. He had predicted the test would start last night.

"I'm disappointed in that," Wells said. "We want to move forward with this as soon as we're ready to do it, but we don't want to move forward with a test that gives us inconclusive results."

The top federal official in charge of the spill response effort made the call on delaying the test, Wells said, although he indicated BP scientists were in agreement with the decision.

In a statement released last night, retired Coast Guard Adm. Thad Allen said the test was delayed because "we decided the process may benefit from additional analysis that will be performed tonight and tomorrow."

Wells echoed that reasoning today. "Our team of scientists and industry experts is looking at all the analysis and procedures put in place to make sure the test is designed to maximize what we learn from it and minimize risk under every scenario," he said. "That is so important that a decision was made to give them another 24 hours."

The team of scientists will gather again at midday today to make a decision about moving forward, Wells said.

Officials are designing the pressure test to indicate whether the new sealing cap installed Monday can contain the crude bubbling up to the surface until a relief well intercepts the failed wellbore later this month or if containment ships need to be kept on scene to keep crude out of Gulf waters.

Two containment ships -- the Q4000 and Helix Producer -- are capturing crude during the delay. Wells said the two ships collected just more than 714,000 gallons in the past day.

But drilling crews have paused relief well drilling operations as a precaution until after the well integrity test is completed, Wells said.

"We're only 4 feet away horizontally," Wells said, adding that pressure from the failed wellbore could affect the relief well when the sealing cap is closed off during the pressure test. "We don't think that's going to happen, but it's a precaution."

Commission to assess deepwater moratorium
The leaders of President Obama's seven-member panel tasked with investigating the causes and effects of the BP oil spill said they would press the administration on why a prolonged ban on deepwater drilling is necessary.

The comments from former Sen. Bob Graham (D-Fla.) and former U.S. EPA Administrator William Reilly represent a sharp shift from a day ago, when both said assessing the moratorium was not one of their duties.

"We're going to look over their shoulder and have some comments to make as to whether we think the judgments they made are appropriate," Graham said.

The commission's leaders said they had been persuaded by Louisiana businesspeople, citizens and politicians, including Sen. Mary Landrieu (D), to weigh in on the issue.

"Frankly, I have less understanding why it's going to take so long to reassure people that the existing rigs are safe," Reilly said yesterday. "We probably have a contribution to make to the thinking" on the moratorium.

Rig owner sues U.S. over safety standards
A British rig owner yesterday filed a lawsuit accusing the Obama administration of illegally imposing new requirements on the industry and dragging its feet on permitting new shallow-water drilling projects.

Ensco Offshore Co.'s suit argues against the original six-month ban that has been challenged in federal court. It also raises issue with new safety standards imposed on the industry.

The new directive issued Monday was rewritten so it would apply regardless of water depth, but it maintains the status quo in the Gulf, where deepwater drilling has been blocked since May 27.

Ensco's challenge questions the way the administration has imposed new requirements on drillers, using "notices to lessees" effective immediately rather than a formal rulemaking process with extended public comment periods. Ensco says those changes, which apply to shallow-water operations, were arbitrary and hastily implemented.

ENERGY

==========

State sues over energy-saver funds (*Los Angeles Times*)

July 15, 2010 Thursday
Home Edition
BUSINESS; Business Desk; Part B; Pg. 5
State sues over energy-saver funds;

A program that helps homeowners pay for upgrades is blocked by federal agencies.
By Tiffany Hsu
California is suing the federal government to stop it from derailing a program that allows homeowners to finance solar panels and other energy-saving improvements through their property tax bills.

Atty. Gen. Jerry Brown on Wednesday filed suit in federal court in Oakland against Fannie Mae, Freddie Mac and their regulatory agency, the Federal Housing Finance Agency, which have effectively shut down the financing vehicle in California and nationwide.

The Property Assessed Clean Energy program, known as PACE, was pioneered in Berkeley. The program makes it affordable for homeowners to invest in energy efficiency by allowing them to pay in installments over a decade or more.

Local governments raise money through bonds, then lend it to homeowners who use it to purchase equipment such as solar panels, which can cost tens of thousands of dollars. The homeowners then repay the funds through special assessments added to their property tax bills. The assessment are senior liens, which take priority over an existing mortgage in the case of a foreclosure.

PACE has been hailed by clean-energy advocates and community leaders as a way to speed the adoption of solar and other technologies to help fight global warming. Homeowners have lauded the program for making solar energy systems affordable and helping them slash their energy bills. The Obama administration has devoted more than $150 million in stimulus money to the effort nationwide.

But on July 6, the Federal Housing Finance Agency said that PACE loans presented "unusual and difficult risk management challenges" for lenders, servicers and mortgage securities investors in a "fragile housing finance market."

The decision effectively suspended many PACE efforts across the country. That's because Fannie Mae and Freddie Mac either own or guarantee about half of all U.S. mortgages.

Calling the move a "regulatory strangulation of the state's grass-roots program," Brown alleged in the suit that the federal government had mischaracterized PACE funds as "loans" instead of "assessments" and improperly portrayed the program as violating Fannie Mae and Freddie Mac's standard lending procedures.

The stakes are high, said Brown, who is the Democratic gubernatorial nominee for the fall election.

California could stand to lose more than $100 million in federal stimulus money, he said. He said San Diego's idle PACE program, for example, has left more than 100 newly

trained workers without jobs while clean-energy companies around the state are facing layoffs.

Michael R. Peevy, president of the California Public Utilities Commission, and Commissioner Dian M. Grueneich sent letters to top Obama administration officials, including Treasury Secretary Timothy F. Geithner, lamenting that more than $450 million in retrofit projects were in limbo in more than 200 communities across the state.

Thousands of local construction jobs and other positions are now at risk, as are other state energy efficiency and low-income programs that had been molded to work with PACE, the officials said.

Senate Democrats to Pursue a Smaller Energy Package (*New York Times*)

July 15, 2010 Thursday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 20
By PETER BAKER and DAVID M. HERSZENHORN

WASHINGTON -- President Obama and Senate Democrats have decided to press ahead in the next two weeks with a scaled-back energy bill that limits carbon pollution by power plants but not by other industries in an effort to salvage the legislation before midterm elections.

After months of gridlock, the White House and Democratic leaders have concluded that the sweeping measure they once envisioned cannot pass, so they will try to get what they can rather than pass nothing at all. The developing plan is intended to appeal to enough Republicans to overcome a filibuster but could disappoint liberals who argue that more needs to be done.

"If not now, when?" said Senator Harry M. Reid of Nevada, the Democratic majority leader, who plans to bring the compromise bill to the Senate floor the week of July 26. "We have to move to do something about our dependence on foreign oil. That's what this legislation is all about."

Mr. Reid also presented it as a way to further stimulate the economy, saying, "This as I've indicated is a huge jobs bill."

The strategy of pushing forward with a more limited bill acknowledges the complicated politics in the Senate and the short time on the clock with elections approaching.

While the House last year passed a measure capping the greenhouse gases blamed for climate change across the economy, the White House and its Senate allies will push only to limit those from electric utilities, which are responsible for about a third of the emissions produced by the United States.

Such a measure would allow Mr. Obama to make a down payment on his larger goal.

"He's always believed there should be an economywide solution but recognizes that may not be where we are," Carol M. Browner, the president's energy and climate adviser, said in an interview. "Getting started is hugely important, and he's willing to work with senators in that direction."

Passage would also give the president another legislative victory following the overhaul of the health care system passed in March and new regulations for Wall Street expected to pass this week. And House Democrats said it would be a relief for them to have at least something pass since they have been left trying to explain politically dicey votes for the broader cap.

It remains far from certain, however, that Mr. Obama and Mr. Reid can win passage even for the limited legislation. Most Republicans remain firm in their opposition to any cap on emissions, and six Democrats recently joined an effort by Senator Lisa Murkowski, Republican of Alaska, to pass a resolution criticizing new Environmental Protection Agency rules relating to greenhouse gases.

"Senator Murkowski won't support a utility cap-and-trade bill because it raises energy prices on Americans at a time when they are already struggling financially," said Robert Dillon, a spokesman for the senator. "It's a light-switch tax."

Moreover, the utility industry has expressed reservations or sought concessions, like pulling back on new pollution rules in other areas, something White House officials rejected last week at a meeting with industry representatives on Capitol Hill.

The National Rural Electric Cooperative Association "has consistently called for an economywide approach," said Tracy Warren, a group spokeswoman.

Some environmental advocates said they were resigned to the new approach. "Is it adequate to address the problem? No," said Daniel J. Weiss, the director of climate strategy at the Center for American Progress, a liberal research organization. "Is it a good plan to start, given where we are with the calendar and politically? Yes."

By some calculations, the White House and Senate Democrats have only until the August recess to pass a meaningful energy bill this year. Few expect serious legislation to pass in the fall with members focusing on re-election campaigns.

Mr. Obama has been pushing for the legislation by meeting with senators and holding events to highlight clean-energy projects. He plans to fly to Holland, Mich., on Thursday for the groundbreaking of a plant manufacturing batteries for electric cars, financed in part by his stimulus program.

Several senators, including John Kerry, Democrat of Massachusetts, and Joseph I.

Lieberman, independent of Connecticut, are trying to create specific plans to draw enough votes across the aisle.

Mr. Reid outlined four main elements: responding to the Gulf of Mexico oil spill, promoting greater energy efficiency, developing more clean-energy production and curbing power plant emissions.

He said he was prepared to incorporate a plan championed by T. Boone Pickens, the oil and gas executive, to sharply expand the use of natural gas as a transportation fuel in large vehicle fleets. The proposal, supported by Senators Orrin G. Hatch, Republican of Utah, and Robert Menendez, Democrat of New Jersey, would provide tax breaks for natural-gas-powered vehicles and fueling stations.

"This legislation, it's not all green stuff -- you know, Sierra Club stuff," Mr. Reid said. "We're importing 70 percent of the oil that we use. We have a need to change the paradigm in America. And that is, we need to have a move to renewable energy."

The White House and Senate Democratic leaders hope to appeal to several Republicans, like Senators Olympia J. Snowe and Susan M. Collins of Maine, Scott Brown of Massachusetts, Richard G. Lugar of Indiana and George LeMieux of Florida.

Democrats said that if the utility cap was drawn narrowly enough, they hoped to win over Senator Lindsey Graham, Republican of South Carolina, who helped draft the initial plan by Mr. Kerry and Mr. Lieberman before withdrawing his support.

But Democratic aides conceded that they could lose even more Democrats from coal-producing states. If the utility cap fails to win the 60 votes needed to overcome a filibuster, the White House and Senate Democrats will be faced with a tough choice: go ahead with the rest of the bill or pull the whole thing.

Some Democratic senators worry that a so-called energy-only bill investing in alternative-energy development without any limits on carbon emissions would effectively give away the popular policy items necessary for any eventual deal.

Tips for buying an air conditioner or dehumidifier (*Cleveland Plain Dealer*)

Published: Thursday, July 15, 2010, 6:00 AM
Roxanne Washington, The Plain Dealer

If you're planning to purchase a room air conditioner unit or a dehumidifier, don't wait until it gets unbearably hot and muggy to go shopping.

"This is the time of year when it's tough to get [more units] from suppliers," said John Yancheck, kitchen and bath installation expediter at Home Depot in Steelyard Commons. Because of that, he added, "we've been transferring units around to stores as needed."

You'll save yourself a headache if you do some research before hitting the stores.

"A window air conditioner can be a lifesaver in the heat, but if it's not the right size or is incorrectly installed or used, the A/C could be noisy, use more energy and won't cool the room properly," said Celia Kuperszmid Lehrman, deputy home editor at Consumer Reports.

Julie Burstyk, assistant manager at Sears in Mentor, advised choosing a name brand.

"Make sure you're not picking a brand that you don't know anything about," Burstyk said. "Go to a retailer that sells appliances and has someone knowledgeable who can assist you."

You might be able to get a good deal at discount stores, but if the unit goes kaput soon thereafter, you're on your own.

Consider energy efficiency when shopping.

Many air conditioners are rated for energy efficiency by EnergyStar.gov, a service of the U.S. Department of Energy and the Environmental Protection Agency. The Energy Efficiency Rating, or EER, is the cooling capacity in British thermal units divided by the watts of electrical power the unit uses. To earn the Energy Star compliant rating, a unit must have an EER 10 percent higher than conventional models.

The Department of Energy calculates that replacing a 10-year-old room air conditioner with a similar but new Energy Star-qualified model saves an average of $25 a year on the typical electric bill.

Air conditioners are becoming more eco-friendly. All units made in 2010 must use a refrigerant that does not deplete ozone, according to Consumer Reports. Most makers have switched to R-410A.

Remember the old air conditioners with settings limited to "cool" and "cooler"? Units now have advanced electronic controls that can adjust one degree at a time. Electronic controls also may regulate the fan speed, operation mode, timer to turn on the unit right before you arrive home, and other settings. In addition, many air conditioners at a variety of price points include a remote.

You also should decide if you prefer a window unit that will need to be anchored with brackets on the outside, a portable unit that includes a kit for venting and can be rolled

from room to room, or a built-in unit that is a permanent installation. Some of these models include a heat or dehumidifier option.

Here is a some shopping advice from Yancheck, Burstyk, homedepot.com, Consumer Reports, Lowes.com and the website products.howstuff works.com/air-conditioners:

• An air conditioner unit's cooling power is measured in Btu per hour. Generally, the more Btu, the larger an area the air conditioner can cool.

For a small room (100 to 300 square feet), select an air conditioner of 5,000 to 6,000 Btu/hour. For a medium-size room (300 to 600 square feet), choose one of 8,000 to 9,000 Btu/hour. For larger rooms (600 to 1,000 square feet), 10,000 to 15,000 Btu/hour.

These are guidelines. If your insulation is minimal or the air conditioner sits in a hot south-facing window, opt for a unit with higher Btu. These calculations are for standard room heights. If your ceiling is taller than standard, you'll need about 10 percent more Btu.

According to Yancheck, the number of people consistently using a room affects the Btu needed. For example, a 165-square-foot room calls for 5,200 Btu. But if three or more people will be in the room, add 600 more Btu per person.

• Quietness is another important factor. Quieter air conditioners are well insulated to minimize rattling when the fan is running. A window air conditioner that has little support -- or that is not installed correctly -- also can rattle within a window frame.

• An important feature is the filtration system. Nearly all units have a cleanable foam filter. Some use electronic air filtration to remove dust and pollen from the air. Make sure that the filtration system is adequate and easy to maintain.

• How much can you spend? Room air conditioners range from $100 to $1,500 with most in the $250-$600 range. Lower-price models often have manual controls; higher-price units may include a dehumidifier or a heater. For about $350, you'll get an energy-efficient 8,000 to 10,000 Btu air conditioner with adequate features and a remote control, which is just right for many applications.

• Is an extended warranty worth it? Yes, said Yancheck and Burstyk. The electronic bells and whistles on contemporary units can mean more potential problems.

Selecting a dehumidifier

Similar to air conditioners, dehumidifiers now use a more ozone-friendly refrigerant, R-410A. Here's more:

• Go larger. A model with a capacity of 60 to 70 pints per day tends to work more quickly and efficiently than one with a capacity of 25 to 40 pints per day. Consider a small-capacity model for dehumidifying a small room that is only occasionally damp.

• Consider accuracy. Most dehumidifiers use a built-in humidistat and cycle on and off to stay as close as possible to the set level of relative humidity.

• Weigh the features. Frost control prevents evaporator coils from freezing, while an automatic shut-off turns the unit off when the bucket is full, and auto restart turns the unit back on after a power outage.

• Look for rebates. Several states and utilities offer $10 to $65 rebates on Energy Star-qualified dehumidifiers. Go to dsireusa.org.

• Address the source. If a space has standing water or a chronic musty smell, even the best dehumidifier won't fix the issue. Address the source of the moisture by possibly patching foundation walls, installing a sump pump, adding a bathroom exhaust fan, or regrading the soil near the foundation and maintaining gutters and downspouts to guide rainwater away from the house.

Smaller Energy Package (*Boston Globe*)

WASHINGTON - President Obama and Senate Democrats have decided to press ahead in the next two weeks with a scaled-back energy bill that limits carbon pollution by power plants but not by other industries in an effort to salvage the legislation before midterm elections.

After months of gridlock, the White House and Democratic leaders have concluded that the sweeping measure they once envisioned cannot pass, so they will try to get what they can rather than pass nothing at all. The developing plan is intended to appeal to enough Republicans to overcome a filibuster but could disappoint liberals who argue that more needs to be done.

``If not now, when?'' said Senator Harry M. Reid of Nevada, the Democratic majority leader, who plans to bring the compromise bill to the Senate floor next week. ``We have to move to do something about our dependence on foreign oil. That's what this legislation is all about.''

Reid also presented it as a way to further stimulate the economy, saying, ``This, as I've indicated, is a huge jobs bill.''

While the House last year passed a measure capping the greenhouse gases blamed for climate change across the economy, the White House and its Senate allies will push only to limit those from electric utilities, which are responsible for about a third of the

emissions produced by the United States.

Such a measure would allow Obama to make a down payment on his larger goal. ``He's always believed there should be an economywide solution but recognizes that may not be where we are,'' said Carol M. Browner, the president's energy and climate adviser. ``Getting started is hugely important.''

It remains far from certain, however, that Obama and Reid can win passage even for the limited legislation. Most Republicans remain firm in their opposition to any cap on emissions, and six Democrats recently joined an effort by Senator Lisa Murkowski, Republican of Alaska, to pass a resolution criticizing new Environmental Protection Agency rules relating to greenhouse gases.

ENFORCEMENT

==========

July 14, 2010, 5:17PM

EPA, McWane resolve environmental violations (*Associated Press*)

Story also appeared: Bloomberg Businessweek, *Chicago Tribune*

WASHINGTON
The U.S. Environmental Protection Agency, the Justice Department and the state of Iowa have resolved more than 400 violations of federal and state environmental laws by McWane Inc.

Birmingham, Ala.-based McWane, manufacturer of cast iron pipes, valves, fittings, fire hydrants and propane tanks, agreed to pay $4 million to be divided between the United States, Alabama and Iowa.

A division of McWane, Clow Valve -- a manufacturer of gate valves and fire hydrants -- operates in Oskaloosa, Iowa.

The settlement resolves civil violations over the past decade of the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act and other environmental laws.

The settlement, filed in federal court Wednesday, covers 28 of McWane's manufacturing facilities in 14 states. It also requires the company to perform seven environmental projects valued at $9.1 million to end pollution.

FUEL

==========

EPA may ban lead gas that fuels aircraft (*Kodiak Daily Mirror*)

Article published on Wednesday, July 14th, 2010
By SAM FRIEDMAN
Mirror Writer
The aviation gas that powers most of the Kodiak's aircraft is receiving scrutiny this summer in Washington for its lead content.

Long ago phased out of automobile fuel, the lead additive faces new regulations and maybe a complete ban by the Environmental Protection Agency (EPA).

Kingfisher Aviation pilot Glen Eaton said potential federal regulation of leaded gas is a serious issue, but a perennial one for Kodiak aviators. In Kodiak piston-engine planes make up the charter fleet and the commercial fleet that serves the villages and remote sites.

"They've been trying to do this since the 1960s," Eaton said. "It comes up every new administration. They get focused on it, but it doesn't happen because it would decimate the aviation industry in Alaska. I honestly don't believe it will pass, because every time it gets brought up Alaska representatives come out against it."

Alaska's three members of Congress have all made their concerns about leaded aviation gas regulation known. Sen. Mark Begich sent a letter to the director of the EPA asking to move the end of a public comment period from Aug. 27 to Oct. 31.

Rep. Don Young introduced a bill to make the EPA work with the Federal Aviation Administration when considering regulations.

But the Anchorage-based Alaska Air Carriers Association (AACA) is still concerned about this round of proposed regulations because of pressure from the Washington, D.C.-based environmental protection group Friends of the Earth U.S.

The EPA decided to consider leaded aviation fuel this April in response to a 2006 petition from Friends of the Earth.

In response, the AACA wrote a seven-page white paper asking the EPA to extend the public comment period and consider a 25-30 year timeline to give the aviation industry time to overhaul planes for new fuel.

“While we absolutely concur that we don’t want to put pollutants in the air, we need to fly, we need to deliver groceries,” said Joy Journeay, executive director. “Often when regulations are put out they deal with a specific problem, not the whole issue.”

Piston-driven aircraft have engines similar to automobile engines, but they operate at much higher temperatures. Automobile gasoline can function briefly in piston-engine aircraft, but it destroys the engine. Leaded gas is now the only approved fuel for most piston-engine planes.

“If you’re out in the Bush and someone has cut off their arm you can use motor gasoline, but for no more than 10 hours,” Journeay said.

A transition to turbine-engine planes like those used by Era Aviation is another option.

But they are still far too costly for Kodiak’s fleet, Eaton said.

“The problem with turbines is they’ve never gone down in prices,” he said. “There are too many regulations on them.”

Lead is one of six air pollutants monitored by the Clean Air Act of 1990. It is especially associated with neurological disorders in young children and may cause behavioral problems, learning deficits and lowered IQ, according to the EPA.

Nationally, leaded gasoline has been banned in almost all cars since 1996.

The most common grade of leaded aviation gas, 100LL, is now only made only by Chevron in the U.S. It is sold directly in 27 states.

Piston-engine planes play a much larger roll in daily life in Alaska than in the rest of the country.

Nationally, aviation gasoline makes up 0.15 percent of motor fuel consumption.

In Alaska — which has 16 times more planes per capita than the rest of the country — aviation gasoline accounts for 3.38 percent of motor fuel consumption.

Jet fuel accounts for 8.73 percent of fuel use nationwide and 36.97 percent in Alaska.

Mirror writer Sam Friedman can be reached via e-mail at sfriedman@kodiakdailymirror.com.

US may turn to less-used feedstocks for RFS2 targets (*AgraNet*)

Thursday July 15 2010
PROPOSALS from the US Environmental Protection Agency (EPA) could pave the way for biofuels made from other feedstocks to count towards advanced biofuel targets.
The EPA is seeking comment on the possibility for biofuels made from canola oil, grain sorghum, pulpwood or palm oil to be used towards Renewable Fuel Standard 2 (RFS2) targets if it rules that they achieve certain greenhouse gas reduction levels. Producers of these biofuels could be allowed to issue renewable fuel credits retrospectively for fuels sold back to July 1, 2010.

GENERAL

==========

Businesses Target EPA In Push To Cut Regulations' Economic Impacts (*Inside EPA*)

Posted: July 14, 2010
Business organizations are urging the Obama administration to reduce federal regulations that they say hinder economic growth, targeting several EPA air, waste and other rules they say significantly contribute to a negative economic climate by imposing burdensome costs on industry and creating regulatory uncertainty.

The Business Roundtable (BRT) and the Business Council (BC), coalitions of CEOs with close ties to the White House, have released a letter they recently sent to the White House Office of Management & Budget (OMB) outlining rules they say are contributing to the ongoing poor economy, citing more than a dozen EPA rules as having adverse economic impacts. OMB asked the two business groups to identify rules with a “dampening” effect on the economy.

Meanwhile the U.S. Chamber of Commerce -- which has taken a more antagonistic approach to the Obama administration, including filing lawsuits over several EPA rules -- sponsored a daylong summit July 14 focusing on ways to remove what it says are government barriers to job growth, such as agency regulations.

Combined, the efforts could indicate an effort by industry to try and win OMB support for weakening or blocking some EPA rules by citing the potential economic benefits if the rules were not in place.

A source with the Center for Progressive Reform (CPR), which opposes burdensome regulatory reviews, says the efforts shows that industry continues to see OMB as a possible ally in softening agency rulemakings.

The source says the fact that OMB asked the business groups to identify rules that have a dampening effect on the economy "may mean old habits die hard" at OMB's Office of Information & Regulatory Affairs (OIRA), which reviews agency proposed and final rules before their publication in the *Federal Register*. CPR has attacked OIRA for taking steps to weaken EPA rules, including the agency's proposed rules for coal combustion waste disposal.

OIRA has "always been a part of the White House that's had a business constituency, and apparently that's still partially the case," according to the CPR source. However, the source cautions that, despite OMB's outreach to industry, "Obviously, there's a huge difference between reaching out [for input] and actually acting on it."

The BRT-BC joint 54-page letter, sent to OMB June 21, puts a substantial focus on EPA rules to limit air pollution; revise the agency's process for approving surface mining operation water permits; regulating coal combustion waste; and other rulemakings.

Notably, the business groups say their letter comes in response to OMB's "request . . . for examples of pending legislation and regulations that have a dampening effect on economic growth and job creation."

Listing EPA Actions

The groups detail more than a dozen EPA actions it says are creating additional burdens on industry and creating regulatory uncertainty. Numerous pending policies related to efforts to limit climate change are discussed throughout, including renewable fuel and energy requirements and EPA's pending greenhouse gas regulations.

The groups say pending EPA climate rules are creating uncertainty for industry, amid questions over whether Congress will act to establish a price on emissions and in the absence of how firms would comply with potential EPA limits on GHGs. Industry has raised concerns over what best available control technology (BACT) emission controls they will have to install under EPA's GHG permitting rule that takes effect next year.

In their letter to OMB, the business groups note that EPA has yet to issue guidance on what would constitute BACT, worrying that "those sources subject to BACT will undergo a particularly time-consuming and burdensome process with an unknown outcome, to the commercial detriment of those sources."

The groups also address concerns that EPA could mandate fuel switching from coal to natural gas as BACT, a strategy some environmentalists are pushing because natural gas emits less GHGs than coal. EPA says it has not mandated fuel switching in past BACT requirements but is keeping an "open mind" on the issue. The groups however

warn that requiring fuel switching as BACT for GHGs “cannot be supported legally” and could lead to increased reliance on foreign imports of natural gas if domestic shale gas production experiences shortfalls.

On EPA's efforts to crack down on mountaintop mining, the letter notes that EPA's review of pending Clean Water Act permits issued by the Army Corps of Engineers and efforts to coordinate EPA and Corps actions “have not worked, as evidenced by the hundreds of permits held in limbo” and “could lead to eventual coal shortages.”

The Chamber meanwhile sent an four-page open letter to the White House July 14 that is less detailed than the Roundtable's offering but also criticizes EPA, which it says is pursuing “an unprecedented level of regulatory action” by moving forward with 29 rules that would have an impact on the economy of at least $100 million, and claim EPA has 173 “major policy rules,” but the Chamber does not define what it means by policy rules.

The CPR source says the industry groups tend to overstate the costs of regulation to the economy. For example, the source says, firms tend to look at costs they incurs installing pollution controls as an absolute loss, while other businesses that manufacture controls, such as power plant scrubbers, see economic benefits from regulation.

Other policies noted in the BRT-BC letter as having adverse economic impacts include EPA's proposal to tighten its ozone air standard, which the groups say could cost up to $90 billion and drive firms overseas; EPA's attempt to regulate coal ash, which the group worries would harm companies that beneficially reuse the waste in products; EPA's revised new source performance standards for refineries, which would impose costs up to $2 billion; and its air toxic rules for boilers, which “will establish limits that are technically infeasible for many” facilities.

The groups also target pending Democratic legislation to overhaul the Toxic Substances Control Act, saying its proposed safety standard “appears to be nearly impossible and will result in a flood of litigation” and that EPA would be unable to meet product-approval deadlines, “which will effectively bar new products from the market.”

Higher Priorities

While environmental policies are prominent in the letter, the groups appear to have some higher priorities for changes it would like to see from the Obama administration. A subsequent July 8 letter from BRT Chairman Ivan G. Seidenberg to top White House adviser Valerie Jarrett says that the group wants to see reforms to corporate tax policy, deficit reduction, implementation of pending financial regulation reforms, continuation of the recently passed healthcare reforms and implementation of several free trade agreements.

Jarrett in a July 12 reply notes that the administration will continue to work with the Business Roundtable on the regulations it highlighted in its recent letter. “While we may disagree on some issues, we have an open door and are always willing to consider

input and ideas from everyone. . . . We can all agree that when lax or poorly crafted regulations contribute to problems such as the financial crisis, or the oil spill, ultimately America's businesses and economy suffer," she writes. -- *Nick Juliano*

HAZARDOUS WASTE

==========

EPA fines Spirit for mishandling hazardous waste (*KSN News Channel 3*)

Last Update: 7/14 4:41 pm
WICHITA, Kansas – Spirit AeroSystems has agreed to pay a large fine to the Environmental Protection Agency for hazardous waste violations.

The $132,000 penalty was ordered after inspectors found problems with the way Spirit transported waste, the way the company stored and disposed of hazardous waste and failing to provide documented hazardous waste training for employees.

As part of the settlement, Spirit has certified that it is now in compliance with regulations.

EPA OKs Kettleman landfill, targets 2nd cleanup (*Fresno Bee*)

Posted at 12:18 AM on Thursday, Jul. 15, 2010
By Lewis Griswold / The Fresno Bee
Waste Management can keep accepting hazardous wastes at its Kettleman Hills landfill, now that an area where cancer-causing PCBs were found has been cleaned up, the federal Environmental Protection Agency has told the company.

But Waste Management is not completely off the hook yet.

An EPA official, in a letter that the company made public Wednesday, said the landfill must now find the source of other PCBs that the company found and clean them up. Waste Management told the federal agency last month about the new finds.

A rash of birth defects have rocked Kettleman City and are being investigated by the state. In April, the EPA inspected the landfill, which is near the town. Some residents have blamed the landfill for the birth defects, although the company says there is no evidence linking them to the landfill. Exposure to PCBs can cause reproductive problems.

After the EPA's inspection, Waste Management "took the extra step to investigate further" and detected additional areas of PCB contamination, said spokeswoman Jennifer Andrews.

"It is important to note that there is no public health impact from these findings," Andrews said in an e-mail. "The areas are restricted to our facility's PCB storage unit vicinity -- a place specifically dedicated to the treatment and storage of PCBs."

MINING

==========

A Mining Bellwether (*New York Times*)

July 15, 2010 Thursday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 16
By ERIK ECKHOLM
BLAIR, W.Va. -- Federal officials are considering whether to veto mountaintop mining above a little Appalachian valley called Pigeonroost Hollow, a step that could be a turning point for one of the country's most contentious environmental disputes.

The Army Corps of Engineers approved a permit in 2007 to blast 400 feet off the hilltops here to expose the rich coal seams, disposing of the debris in the upper reaches of six valleys, including Pigeonroost Hollow.

But the **Environmental Protection Agency** under the Obama administration, in a break with President George W. Bush's more coal-friendly approach, has threatened to halt or sharply scale back the project known as Spruce 1. The agency asserts that the project would irrevocably damage streams and wildlife and violate the **Clean Water Act.**

Because it is one of the largest mountaintop mining projects ever and because it has been hotly disputed for a dozen years, Spruce 1 is seen as a bellwether by conservation groups and the coal industry.

The fate of the project could also have national reverberations, affecting Democratic Party prospects in coal states. While extensive research and public hearings on the plan have been completed, federal officials said that their final decision would not be announced until late this year -- perhaps, conveniently, after the midterm elections.

Environmental groups say that approval of the project in anything like its current form would be a betrayal.

"Spruce 1 is a test of whether the **E.P.A**. is going to follow through with its promises,"

said Bill Price, director of environmental justice with the Sierra Club in West Virginia.

"If the administration sticks to its guns," Mr. Price predicted, "mountaintop removal is going to be severely curtailed."

Coal companies say politics, not science, is threatening a practice vital to local economies and energy independence. "After years of study, with the company doing everything any agency asked, and three years after a permit was issued, the **E.P.A**. now wants to stop Spruce 1," said Bill Raney, president of the West Virginia Coal Association. "It's political; the only thing that has changed is the administration."

While the government does not collect statistics on mountaintop mining, data suggest that it may account for about 10 percent of American coal output, yielding 5 percent of the nation's electricity. The method plays a bigger economic role in the two states where it is concentrated, Kentucky and West Virginia.

The proposal to strip a large area above the home of 70-year-old Jimmy Weekley, Pigeonroost Hollow's last remaining inhabitant, was first made in 1997 by Arch Coal, Inc., of St. Louis. The legal ups and downs of Spruce 1 have come to symbolize the broader battle over a method that produces inexpensive coal while drastically altering the landscape.

Spruce 1 started as the largest single proposal ever for hilltop mining, in which mountains are carved off to expose coal seams and much of the debris, often leaking **toxic substances,** is placed in adjacent valleys.

After years of negotiations and a scaling back of the mining area to 2,278 acres, from its original 3,113 acres, the Spruce 1 permit was approved by the Army Corps of Engineers in 2007 and limited construction began. But this spring, the **E.P.A**. proposed halting the project.

The announcement caused an uproar in West Virginia. The **E.P.A**. held an emotional public hearing in May and stopped accepting written comments in June. Arch Coal has objected publicly, but did not respond to requests to comment for this article.

The Obama administration's **E.P.A**. has already riled the coal companies by tightening procedures for issuing new mining permits and imposing stronger stream protections. But environmental groups were worried in June, when the agency approved a curtailed mountaintop plan in another site in Logan County, W.Va. Now, as negotiations between the **E.P.A**. and Arch Coal continue, the Spruce 1 battle is being closely watched as a sign of mountaintop mining's future.

Feelings run high in the counties right around the project area.

"Spruce 1 is extremely important to all of southern West Virginia because if this permit is pulled back, every mine site is going to be vulnerable to having its permits pulled,"

said James Milan, manager of Walker Machinery in Logan, which sells gargantuan Caterpillar equipment.

The loss of jobs, Mr. Milan said, would have devastating effects on struggling communities.

Maria Gunnoe, an organizer for the Ohio Valley Environmental Coalition and a director of SouthWings, which organizes flights to document environmental damages, said that if Spruce 1 went forward, "it's going to mean the permanent erasure of part of our land and our legacy."

"We can't keep blowing up mountains to keep the lights on," said Ms. Gunnoe, a resident of nearby Boone County who has received death threats and travels with a 9 millimeter pistol.

Mr. Weekley, whose house is in sight of the project boundary, remembers the day in 1997 when he decided to fight it. Nearby mining under previous permits had filled his wooded valley with dust and noise.

"You couldn't see out of this hollow," he recalled. "I said, Something's got to be done or we're not going to have a community left."

He and his late wife became plaintiffs in a 2008 suit claiming that the project violated environmental laws. A ruling in their favor was overturned, setting off litigation that continues.

Mr. Weekley said that he had rejected offers of close to $2 million for his eight acres and that he had seen the population of the nearby town of Blair dwindle to 60 from 600, with most residents bought out by Arch Coal.

A rail-thin man who enjoys sitting on his porch with a dog on his lap, Mr. Weekley uttered an expletive when told that coal industry representatives, including Mr. Raney in an interview, referred to the upper tributaries filled in by mining as "ditches" that can be rebuilt. In fact, some of the streams to be filled by Spruce 1 are intermittent, while others, including Pigeonroost Creek, flow year-round.

"I caught fish in that stream as a child, using a safety pin for a hook," Mr. Weekley said. "If they get that permit, there won't be a stream here."

In documents issued in March, the **E.P.A**. said the project as approved would still smother seven miles of streambed.

Filling in headwaters damages the web of life downstream, from aquatic insects to salamanders to fish, and temporary channels and rebuilt streams are no substitute, the agency said. The pulverized rock can release toxic levels of selenium and other pollutants, it noted.

The effects of Spruce 1 would be added to those of 34 other past and present projects that together account for more than one-third of the area of the Spruce Fork watershed, the agency said.

The debate over Spruce 1 and other mountaintop mine permits has been a source of division and anguish among local residents.

Michael Fox, 39, of Gilbert, is a mine worker who like many other miners here thinks the objections are overblown. "I have three kids I want to send to college," Mr. Fox said.

One former mountaintop miner who says he now regrets his involvement is Charles Bella, 60. He is one of the remaining residents on Blair's main street, along the Spruce Fork, which is fed in turn by Pigeonroost Creek.

"I know it put bread on my table, but I hate destroying the mountains like that," Mr. Bella said.

July 14, 2010

Project's Fate May Predict the Future of Mining (*New York Times*)

Story also appeared: Tuscaloosa News

By ERIK ECKHOLM
BLAIR, W.Va. — Federal officials are considering whether to veto mountaintop mining above a little Appalachian valley called Pigeonroost Hollow, a step that could be a turning point for one of the country's most contentious environmental disputes.

The Army Corps of Engineers approved a permit in 2007 to blast 400 feet off the hilltops here to expose the rich coal seams, disposing of the debris in the upper reaches of six valleys, including Pigeonroost Hollow.

But the Environmental Protection Agency under the Obama administration, in a break with President George W. Bush's more coal-friendly approach, has threatened to halt or sharply scale back the project known as Spruce 1. The agency asserts that the project would irrevocably damage streams and wildlife and violate the Clean Water Act.

Because it is one of the largest mountaintop mining projects ever and because it has been hotly disputed for a dozen years, Spruce 1 is seen as a bellwether by conservation groups and the coal industry.

The fate of the project could also have national reverberations, affecting Democratic Party prospects in coal states. While extensive research and public hearings on the plan

have been completed, federal officials said that their final decision would not be announced until late this year — perhaps, conveniently, after the midterm elections.

Environmental groups say that approval of the project in anything like its current form would be a betrayal.

“Spruce 1 is a test of whether the E.P.A. is going to follow through with its promises,” said Bill Price, director of environmental justice with the Sierra Club in West Virginia.

“If the administration sticks to its guns,” Mr. Price predicted, “mountaintop removal is going to be severely curtailed.”

Coal companies say politics, not science, is threatening a practice vital to local economies and energy independence. “After years of study, with the company doing everything any agency asked, and three years after a permit was issued, the E.P.A. now wants to stop Spruce 1,” said Bill Raney, president of the West Virginia Coal Association. “It’s political; the only thing that has changed is the administration.”

While the government does not collect statistics on mountaintop mining, data suggest that it may account for about 10 percent of American coal output, yielding 5 percent of the nation’s electricity. The method plays a bigger economic role in the two states where it is concentrated, Kentucky and West Virginia.

The proposal to strip a large area above the home of 70-year-old Jimmy Weekley, Pigeonroost Hollow’s last remaining inhabitant, was first made in 1997 by Arch Coal, Inc., of St. Louis. The legal ups and downs of Spruce 1 have come to symbolize the broader battle over a method that produces inexpensive coal while drastically altering the landscape.

Spruce 1 started as the largest single proposal ever for hilltop mining, in which mountains are carved off to expose coal seams and much of the debris, often leaking toxic substances, is placed in adjacent valleys.

After years of negotiations and a scaling back of the mining area to 2,278 acres, from its original 3,113 acres, the Spruce 1 permit was approved by the Army Corps of Engineers in 2007 and limited construction began. But this spring, the E.P.A. proposed halting the project.

The announcement caused an uproar in West Virginia. The E.P.A. held an emotional public hearing in May and stopped accepting written comments in June. Arch Coal has objected publicly, but did not respond to requests to comment for this article.

The Obama administration’s E.P.A. has already riled the coal companies by tightening procedures for issuing new mining permits and imposing stronger stream protections. But environmental groups were worried in June, when the agency approved a curtailed mountaintop plan in another site in Logan County, W.Va. Now, as negotiations between

the E.P.A. and Arch Coal continue, the Spruce 1 battle is being closely watched as a sign of mountaintop mining's future.

Feelings run high in the counties right around the project area.

"Spruce 1 is extremely important to all of southern West Virginia because if this permit is pulled back, every mine site is going to be vulnerable to having its permits pulled," said James Milan, manager of Walker Machinery in Logan, which sells gargantuan Caterpillar equipment.

The loss of jobs, Mr. Milan said, would have devastating effects on struggling communities.

Maria Gunnoe, an organizer for the Ohio Valley Environmental Coalition and a director of SouthWings, which organizes flights to document environmental damages, said that if Spruce 1 went forward, "it's going to mean the permanent erasure of part of our land and our legacy."

"We can't keep blowing up mountains to keep the lights on," said Ms. Gunnoe, a resident of nearby Boone County who has received death threats and travels with a 9 millimeter pistol.

Mr. Weekley, whose house is in sight of the project boundary, remembers the day in 1997 when he decided to fight it. Nearby mining under previous permits had filled his wooded valley with dust and noise.

"You couldn't see out of this hollow," he recalled. "I said, Something's got to be done or we're not going to have a community left."

He and his late wife became plaintiffs in a 2008 suit claiming that the project violated environmental laws. A ruling in their favor was overturned, setting off litigation that continues.

Mr. Weekley said that he had rejected offers of close to $2 million for his eight acres and that he had seen the population of the nearby town of Blair dwindle to 60 from 600, with most residents bought out by Arch Coal.

A rail-thin man who enjoys sitting on his porch with a dog on his lap, Mr. Weekley uttered an expletive when told that coal industry representatives, including Mr. Raney in an interview, referred to the upper tributaries filled in by mining as "ditches" that can be rebuilt. In fact, some of the streams to be filled by Spruce 1 are intermittent, while others, including Pigeonroost Creek, flow year-round.

"I caught fish in that stream as a child, using a safety pin for a hook," Mr. Weekley said. "If they get that permit, there won't be a stream here."

In documents issued in March, the E.P.A. said the project as approved would still smother seven miles of streambed.

Filling in headwaters damages the web of life downstream, from aquatic insects to salamanders to fish, and temporary channels and rebuilt streams are no substitute, the agency said. The pulverized rock can release toxic levels of selenium and other pollutants, it noted.

The effects of Spruce 1 would be added to those of 34 other past and present projects that together account for more than one-third of the area of the Spruce Fork watershed, the agency said.

The debate over Spruce 1 and other mountaintop mine permits has been a source of division and anguish among local residents.

Michael Fox, 39, of Gilbert, is a mine worker who like many other miners here thinks the objections are overblown. “I have three kids I want to send to college,” Mr. Fox said.

One former mountaintop miner who says he now regrets his involvement is Charles Bella, 60. He is one of the remaining residents on Blair’s main street, along the Spruce Fork, which is fed in turn by Pigeonroost Creek.

“I know it put bread on my table, but I hate destroying the mountains like that,” Mr. Bella said.

PESTICIDES

==========

July 15, 2010 Thursday
Every Edition
EXTRAS; Pg. GZ21

Montgomery South (*The Gazette*)

By Alex Ruoff; The Gazette
Richard Bajana remembers when he started working as a landscaper more than 20 years ago. He hated being told to spray pesticide.

"I did not like it when I had to spray the chemicals," Bajana said. "It was not what I wanted to do. I wanted to let things grow naturally."

These days, he does not spray anything except water on the lawns around Garrett Park

and Kensington where he works.

Bajana's organic landscaping service, Richard Landscaping of Bethesda, is among a growing number of landscapers who forgo chemicals and work directly with the environment to create nearly self-sustaining gardens and lawns meant to leave less of a "footprint" on the land.

Bajana is one of three landscapers in Maryland and the District certified by the Northeast Organic Farming Association, which started in Connecticut to promote organic gardening, said Kate Mendenhall, the group's executive director. The other two landscapers are in Towson and Cecil County.

"Organic farming has really been our focus," Mendenhall said. "It wasn't until home gardening became in higher demand that we started organic landscaping."

She said her organization's turf management and organic land care training programs were instituted more than seven years ago, but have seen the majority of their participation in the past three years.

New York leads the country in Organic Land Care Professional accreditations with 108. Fewer than 500 people in the United States are accredited by NOFA.

Bajana said that since he started his business in 2003, the popularity of organic landscaping has grown. He said his client base has been growing as more people gain interest in cutting back on their home's environmental footprint.

"In the past three years, it's been more and more and more," he said. "It's starting here."

Bajana declined to comment on what he charges on average for lawn care, but said the prices typically are above average, because his methods are more labor-intensive.

"It's harder to be organic, but it's better," he said.

The system Bajana and his crew of five employs differs from most residential landscapers in a number of ways, from the tools and plants he uses to how he plants.

Bajana said he first aims to see what kinds of plants a property can naturally support by looking beyond pH levels and seeing what kinds of microorganisms exist in the soil to determine what is appropriate for a specific property.

"We don't try to impose plants on your property or grow something that doesn't want to be there," he said. "We want to grow what will be there naturally."

In addition to reducing the use of chemicals and pesticides, organic landscaping focuses on improving drainage to make better use of water resources, using a variety of plants to keep the area lush and green, and maintaining natural plant cycles, Bajana

said.

"Richard loves to use water elements like dry stone creeks and rain gardens to keep water in and let nature do what it is supposed to do: grow," said Parkwood's Charlotte Taylor, one of Bajana's earliest clients, who works with him on marketing and management. "There's more to the impact of your lawn than most people realize."

Taylor said they have designed and managed more than a dozen properties, from Garrett Park and Kensington to Potomac.

Although the popularity of organic landscaping is relatively new, its methods are not, Bajana said. "These are techniques that have been around for a long time, it's just now that people are asking for it."

SUPERFUND

==========

EPA poised to change focus of N. Idaho cleanup (*Associated Press*)

Story also appeared: *KHQ Right Now, Ventura County Star*

Associated Press - July 14, 2010 12:24 PM ET
COEUR D'ALENE, Idaho (AP) - Federal environmental officials are getting ready to focus on fisheries, habitat and wetlands in the effort to cleanup historic mining pollution in northern Idaho.

The Environmental Protection Agency made public this week its plans for the next phase of its Superfund mining waste project for the Upper Coeur d'Alene River Basin.

Early phases focused on cleaning up residential properties polluted by lead and other contaminants.

The next stage is aimed at ecological resources, like surface water, soil, sediments and fisheries.

The Coeur d'Alene Press reports that projects could include treating tainted groundwater in rivers or removing metals from sediments in wetlands.

The EPA is taking public comment on the $1.3 billion project until Aug. 25.

Information from: Coeur d'Alene Press, http://www.cdapress.com

TOXICS

==========

Agency says air near Mirant was a concern (*Washington Post*)

The federal Agency for Toxic Substances and Disease Registry's public health assessment of air quality near the Mirant Potomac River Generating Station in Alexandria found that levels of some contaminants near the site and in the region were of concern during 2007 and 2008.

Since 2004, the Virginia Department of Environmental Quality and the Environmental Protection Agency have been working to reduce emissions at the plant. In January of last year, the plant completed a stack merge project that was designed to increase the dispersal of air pollutants from the facility, but the federal agency has not tested the air since then.

The federal agency will host an open house from 7 to 9 p.m. July 29 at the Lyceum, 201 S. Washington St. It is accepting public comments on the report until Aug. 12.

The public health assessment is at http://www.atsdr.cdc.gov/hac/pha/hcpha.asp?state=va. Information about the agency's work at the site is at http://www.atsdr.cdc.gov/sites/mirant.

Marcellus driller volunteers to disclose fracking chemicals (*Philadelphia Inquirer*)

July 15, 2010 Thursday
CITY-C Edition
BUSINESS; P-com Biz; Pg. C01: Marcellus driller volunteers to disclose fracking chemicals
By Andrew Maykuth; Inquirer Staff Writer
The company that pioneered Marcellus Shale exploration announced Wednesday that it was voluntarily disclosing the chemicals used to hydraulically fracture its natural gas wells, in an effort to defuse criticism about the process.

Range Resources Corp., which has developed more Pennsylvania Marcellus wells than any other company since it drilled the first well in 2003, said it would provide a list of the chemical additives in an effort to demystify a technique the company says has been safely employed thousands of times.

"I'm confident, when people see the information, think about it, and understand it, our

hope is that it will alleviate the concerns," said John Pinkerton, chief executive officer of the Fort Worth, Texas, firm.

Environmental groups and legislators, who have pressed for tighter regulation of the industry, welcomed Range's move.

"We need to see more details and the disclosure in action, but providing more information is a step in the right direction," U.S. Sen. Bob Casey (D., Pa.), a sponsor of the Fracturing Responsibility and Awareness of Chemicals (FRAC) Act, said through a spokesman. One of the FRAC Act's provisions is to require operators to disclose their chemical recipes.

Environmentalists said they were encouraged by the firm's step.

"Range is a big company, and now they've committed to this, it increases the pressure on other operators to follow," said Bruce Baizel, senior staff attorney with Earthworks' Oil & Gas Accountability Project.

Though the oil and gas industry has employed hydraulic fracturing for decades to stimulate well production, the process has come under close scrutiny recently as fossil-fuel exploration has moved into more "unconventional" geologic formations like shale and as well size has grown dramatically through the use of horizontal-drilling techniques.

In "fracking," millions of gallons of high-pressure water, sand, and chemicals are injected into a well to shatter the shale to release trapped natural gas. Sand particles remain in the hairline fractures to allow pathways for the gas to escape to the well. Some of the wastewater is recovered and recycled or treated and disposed of.

In the Marcellus, operators say that the fracturing occurs more than a mile below the surface and that the chemicals cannot migrate upward through thousands of feet of rock into aquifers.

But the industry's assurances have come under fire, and the process is being studied by the U.S. Environmental Protection Agency.

The industry's reluctance to disclose "proprietary" chemical recipes has raised further suspicions. Some anti-drilling activists say the industry injects a "toxic brew" of as many as 596 chemicals into the wells.

Most companies say they use fewer than a dozen chemicals, most of them not toxic.

"A lot of the naysayers on the other side are just winging things out there with no scientific basis, and that's really troubling," Pinkerton said.

Range says that the chemicals used in its frack fluid typically amount to 0.14 percent of

the total volume injected into a well and that the chemicals listed as hazardous amount to 0.04 percent. The additives reduce the fluid's friction and inhibit formation of scale or bacterial slime that can clog fractures.

By disclosing the chemicals, Pinkerton said, the industry can look for more environmentally friendly solutions.

"If there's something to replace it with that's greener, we'll do it," he said. "I'm a believer that the more light you shine on it, the more people will look at it and the better solutions we'll come up with," he said.

For two years, the Pennsylvania Department of Environmental Protection has posted online a list of chemicals used in hydraulic-fracturing operations.

Drilling companies are also required to post the chemicals at their well sites to provide emergency responders with recommended first-aid treatments and handling instructions.

But environmentalists say the existing information is inaccessible or indecipherable. They said new federal laws were needed to force a uniform disclosure.

If Range Resources is planning to disclose the chemicals it uses in its drilling operations, there is no reason other companies can't do the same," said Elizabeth Maclin, TU's Vice President for Eastern Conservation. "With thousands of wells being drilled throughout Pennsylvania, knowing what is in fracking fluids is an important step toward protecting the state's natural resources."

Contact staff writer Andrew Maykuth at 215-854-2947 or amaykuth@phillynews.com.

Reversal By Asbestos Risk Reviewer Prompts Doubts About Cleanup Decisions (*Inside EPA*)

Posted: July 14, 2010
An engineer tasked with peer reviewing a recent draft evaluation of asbestos exposure risks at a California site has reversed his initial approval of the document -- a move activists say underscores the deficiency of similar studies EPA and the Agency for Toxic Substances & Disease Registry (ATSDR) have conducted at other sites around the country and calls into question the adequacy of past and future cleanups.

Robert French, along with two other peer reviewers, initially approved ATSDR's conclusion in the March 29 draft evaluation of EPA data that a more detailed health study of the El Dorado Hills, CA, community "would not provide helpful information at this time." But French has now reversed his position, saying in June 30 comments to ATSDR that he has since "had the occasion to find out more specific information about

the conditions at El Dorado County," where EPA and ATSDR have in recent years been studying natural deposits of asbestos minerals in local soils and rock formations that potentially could cause dangerous exposures when disturbed by human activity.

Among French's concerns are that the evaluation fails to make a distinction between chrysotile and amphibole asbestos, the latter of which some experts believe is more toxic. "Much of the basis of the [ATSDR] and EPA methodology was flawed by the idea that 'all asbestos exposures are equal,'" French says in his comments.

French also raises concerns that "activity based sampling" data the evaluation relies on is "highly limited," in part because data "taken at the El Dorado High School was apparently taken after the fields and track had been covered with 'clean' backfill." French also complains the sampling "is primarily from sports activities, and misses mechanized activities" that could cause exposures, such as an "ATV or car going down a dirt road that has asbestos-containing gravel." Data are also missing "from the interior of personal homes," French says.

"We should be looking to get the best data available on the actual effects of living near or on different types of asbestos deposits, not saying . . . 'we anticipate there would be very few cases of disease,'" French adds. "What if your anticipation is incorrect?"

French's comments are significant in that "one of ATSDR's own peer reviewers finally acknowledges that EPA and ATSDR make huge 'guestimates' using inferior data to evaluate environmental risks from asbestos," an activist with concerns about how risk assessments have been conducted at several asbestos sites across the country says. "Imagine if ATSDR and EPA admit that the studies they do on asbestos risk have no scientific basis. . . How many sites and how much money has been spent (or not spent) to address potential asbestos risks from environmental exposures?"

Other sites where activists have raised concerns about the adequacy of the agencies' asbestos risk assessments include those in Libby, MT, Jefferson Parrish, LA, and those located along the Illinois shoreline of Lake Michigan. At some of these other sites activists have made criticisms similar to those French is making regarding the California site, charging like French that the relevant assessments are based on flawed activity based sampling and fail to make a distinction between chrysotile and amphibole asbestos.

In Libby, which includes several sites contaminated by asbestos as a result of W.R. Grace's former mining operations, citizen groups -- backed by Sen. Max Baucus (D-MT) -- are opposing cleanup plans EPA recently finalized for two of the sites because they rely in part on risk data for chrysotile asbestos even though the contaminants at issue in Libby are amphiboles. The groups also say EPA did not do sufficient activity-based sampling, for example conducting samples during mowing at one of the sites, but only after its soil had been wetted.

Activity-Based Sampling

Similarly, activists in Illinois have complained EPA conducted its activity-based sampling on the state's shoreline during the rainy season instead of the dry beach season and that the agency used air sampling filters designed for chrysotile instead of amphibole asbestos.

Regarding El Dorado Hills, French is not the only expert who has submitted comments to ATSDR challenging the draft evaluation. In June 30 comments, Bruce Case, an associate professor of pathology at McGill University in Montreal and a former director of the EPA Center for Environmental Epidemiology at the University of Pittsburgh, points out that ATSDR admits in the draft evaluation that the high end of the risk range in the document "is not an overly conservative estimate" and that "the activity-based sampling was conducted in public areas of El Dorado Hills that may not represent the highest . . . exposures that could be possible."

Case says that despite "the clear admissions . . . ATSDR does not take these deficiencies to their logical conclusion, which in fact invalidates the entire exercise."

ATSDR officials declined to provide additional public comments it received regarding the El Dorado Hills evaluation, saying the agency would release the comments when it publishes the final document in several months.

One asbestos researcher that has been involved with studies relevant to the amphibole sites says the EPA and ATSDR exposure assessments for the sites are deficient in part because they rely on "the current out-of-date (1986) EPA IRIS model [which] does not account for the large differences in mesothelioma risk potency between chrysotile asbestos and the amphibole forms of asbestos."

EPA under the Bush administration attempted to update the model, but abandoned the effort after its Science Advisory Board (SAB) found the agency's proposed replacement to be "weak and inadequate." Attorneys representing people stricken with asbestos-related diseases also opposed the proposed change, arguing that industry could use any suggestion that one form of asbestos is more toxic than another as a legal defense.

The asbestos researcher says it is "best for anybody anywhere to avoid any exposure to any asbestos fiber type," but adds that "by ignoring the difference as a practical matter, people in the risk situations [at amphibole sites] are put at increased risk when a level of cleanup is chosen" based on EPA's current model. The replacement model EPA proposed under the Bush administration was "rightly" rejected by SAB, the source says, but adds that "unfortunately a new and appropriate model has not yet been chosen." -- *Douglas P. Guarino*

WATER

==========

American Water Partners with U.S. EPA to Launch National 'We're for Water' Campaign in Los Angeles (*Victoria Times Colonist*)

BusinessWireVOORHEES, N.J.
American Water (NYSE: AWK), the nation's largest publicly-traded water services provider, is partnering with the U.S. Environmental Protection Agency's WaterSense program to launch the national "We're for Water" campaign, coinciding with peak water use season in many parts of America. The campaign kicks off today in Los Angeles with two families, located in American Water's California service area of Baldwin Hills, competing against each other to see who can save the most water by checking for leaks, twisting on faucet aerators, and replacing inefficient fixtures with WaterSense labeled ones.

Zeke and Nigeria James and their children, Alana, 6, and Reina, 3, and Michael and Ellen Walls and their children, Michael, Jr., 27 and Ashley, 24, reviewed the EPA's WaterSense website (www.epa.gov/watersense) and made changes in their everyday lives to reduce their water usage. American Water monitored the two families' water use over the course of one week and compared it to their usage during a previous week this summer. During today's kickoff event, the families are showing off what they learned by battling each other in a "check, twist, replace" competition, and the family that reduced their weekly water usage the most will be revealed. A gallon of water from the competition will be saved and become Flo, the We're for Water "spokesgallon."

Flo and the EPA's We're for Water team will then depart from L.A. and travel across the country for two weeks, stopping at national landmarks, taking photos with tourists, educating citizens about water efficiency, and recording the trip via Facebook, Twitter, widgets, and the We're for Water Website (www.epa.gov/watersense/wereforwater). The road trip will culminate on August 2, 2010, with an event in New York City. In addition to the kickoff event, American Water will help host events in conjunction with the tour stops in St. Louis, Missouri and northern New Jersey/New York City.

The We're for Water campaign is a national effort to educate consumers about water-saving behaviors and WaterSense labeled products. The campaign, which kicks off during "peak" water use season in many parts of the country, encourages consumers to adopt simple changes at home to start saving water.

WaterSense is a partnership program sponsored by the U.S. EPA with the goal of protecting the future of the nation's water supply by promoting and enhancing the market for water-efficient products and services. There are currently 525 WaterSense labeled toilets, more than 1,800 labeled faucets and faucet accessories, 74 labeled showerheads, and more than 900 WaterSense irrigation partners. WaterSense labeled products are independently tested and certified meet EPA's criteria for both efficiency and performance. For more information, visit www.epa.gov/watersense or follow the tour at www.epa.gov/watersense/wereforwater.

Founded in 1886, American Water is the largest investor-owned U.S. water and wastewater utility company. With headquarters in Voorhees, NJ, the company employs more than 7,000 dedicated professionals who provide drinking water, wastewater and other related services to approximately 16 million people in 35 states, and Ontario and Manitoba, Canada. More information can be found by visiting www.amwater.com.

EPA Wants Airport to Help Clean Groundwater (*San Fernando Valley*)

Wednesday, July 14, 2010
The U.S. Environmental Protection Agency has ordered the Burbank-Glendale-Pasadena Airport Authority to help pay to clean up polluted groundwater left behind by decades of aircraft manufacturing.

The EPA notified the authority, owner and operator of the Bob Hope Airport, it was being designated a "potentially responsible party" for the cleanup. The letter did not give details for the reasoning behind the designation, the authority said.

The $108 million cleanup is on property that used to be owned by Lockheed Corp., which for decades manufactured aircraft. The authority acquired the airport property in 1978 and later purchased other parcels from Lockheed.

The authority is disappointed in the EPA's designation and does not believe the airport contributed to the contamination of the groundwater, said airport Executive Director Dan Feger.

"The costs of this cleanup that the Airport may be forced to pay could result in increased

parking rates, increased concession fees, and increased rents that will ultimately be shouldered by the travelling public," Feger said.

A lawsuit is pending in federal court to have Lockheed honor a contractual obligation to defend and indemnify the airport authority from any damages the aerospace company caused to the property.

Mark R. Madler

W.Va. DEP hopes water monitors will find cause of fish kill (*Pittsburgh Post Gazette*)

Wednesday, July 14, 2010
Pittsburgh Post-Gazette

The West Virginia Department of Environmental Protection said it hopes water monitors on Dunkard Creek will provide clues next week to what caused a fish kill on a one-mile section of the North Fork of the West Virginia Fork of the creek earlier this month.

Approximately 7,000 minnows and darters died in the Dunkard Creek tributary near Wadestown, W.Va., on July 1, probably due to illegal dumping of a harmful substance into the stream. Crayfish and freshwater mussels in the area of the fish kill were unaffected.

"We do have continuous water monitors in the area and will get the readings next week," Kathy Cosco, a West Virginia DEP spokeswoman, said Tuesday. "Those may tell us what was put into the stream."

In September 2009, a bloom of toxic, non-native golden algae caused by high concentrations of total dissolved solids discharged from mines in the area killed almost all fish, mussels, crayfish and salamanders in a 43-mile long stretch of the stream that meanders into Greene County along the Pennsylvania-West Virginia state line.

The two fish kill incidents do not appear to be related, Ms. Cosco said.

EPA gives approval of Kennecott discharge pipes (*Indian Country Today*)

Originally printed at http://www.indiancountrytoday.com/national/EPA-gives-approval-of-Kennecott-discharge-pipes--98443004.html

BIG BAY, Mich. – Kennecott Eagle Minerals received a favorable ruling from the U.S. Environmental Protection Agency that means the mine's redesigned plan for its wastewater discharge pipes does not require an EPA permit, although an agency official warned that it expects the company to continue dialogue with opposition groups to consider making positive environmental changes to the entire project.

At issue are the mine's wastewater pipes that originally were to be covered by soil, but a new design essentially covers the pipes in a container rather than earth. The pipes remain at the same level as originally proposed.

Mine opponents said the new plan was a way to skirt the federal Safe Drinking Water Act and allowed the mine to start its site preparation work this past April – earlier than expected – because Kennecott had all the grants required for the mine thus its leasing of the land from the state of Michigan.

The ruling means the EPA agrees that the nickel and copper mine doesn't need a permit for Underground Injection Control to comply with the federal SDWA for its Treated Wastewater Infiltration System.

“We have reviewed the revised plans for the construction of the TWIS and agree that a permit is not required the federal UIC programs for the infiltration system as currently designed,” said, EPA Assistant Administrator for Water Peter S. Silva in a July 1 letter to Jon Cherry, manager of Environmental and Governmental Affairs for Kennecott.

“Based upon our review of the modified TWIS design, the lateral perforated piping that constitutes the fluid distribution system is above ground and thus is not a subsurface system,” Silva wrote.

Environment groups, the Keweenaw Bay Indian Community and other tribes have been trying to stop the mine for six years because they consider the entire area sacred as its ceded land covered by federal treaties.

Silva added a warning in his letter that the EPA will be keeping a close eye on the mine.

The EPA “retains authority under the SDWA, as well as other laws, to take necessary action to address possible contamination from the TWIS that may endanger underground sources of drinking water regardless of the design or the unit or its permit status,” Silva wrote. “We understand that discharges from the TWIS are subject to a state permit that includes monitoring and response requirements.” The EPA “will continue to coordinate with the state to determine whether any federal response action with respect to TWIS is necessary.”

Silva told mine officials to notify the EPA if there are “further changes” to TWIS because if there are additional modifications, the EPA “will have to reconsider whether federal UIC requirements apply.”

The National Wildlife Federation, KBIC and several groups still have lawsuits pending against the mine that are being heard in circuit court.

Silva noted that the mine has “significant community and tribal interests involved” and encouraged Kennecott to continue “dialogue” with KBIC – “in an attempt to resolve some of the issues associated with the proposed mine.

“It is the EPA’s expectation that Kennecott will follow through on efforts to consider all viewpoints, and consider any appropriate environmentally beneficial changes to the project.”

The mine, being constructed on the Yellow Dog Plains near Lake Superior, is targeting a huge mineral-rich ore body underneath the Salmon Trout River, the only known place that species of trout reproduce naturally in North America. Based on one expert’s review of the plan, mine opponents fear the river could collapse into the mine thus triggering a large amount of sulfuric acid that could flow into Lake Superior. The mine experts disagree and say the entire project is safe. Sulfuric acid is a byproduct of sulfide mining caused when oxygen and water mix with the ore.

Ojibwa tribes are saddened because the company has bulldozed a portion of the Yellow Dog Plains including around most of sacred Eagle Rock, with plans to blast through an underground portion of the sacred site for the port and tunnel of the underground mine.

Meanwhile, the Marquette area Christian and Buddhist community are organizing a day of fasting and prayer from sunrise to sunset on Lake Superior Day, July 18, said Rev. Jon Magnuson, a Lutheran pastor in Marquette, Mich.

The interfaith event is being held by the invitation of those who live on the Yellow Dog Watershed and will be held as close to sacred Eagle Rock as possible, as the site is under the control of the mine owner.

Every three hours religious leaders will hold services and liturgies to pray for Lake Superior, Magnuson said.

July 14, 2010

How to save water? Four families compete in EPA contest (*USA Today*)

5:04PM
To promote water conservation, the U.S. Environmental Protection Agency kicked off an educational campaign today that features four families competing in reality-TV fashion to see which can save the most water.

The "We're for Water Campaign" campaign began in Los Angeles, where two families will spend the next week competing, and will travel across the country to New York, where two more families will face the same week-long challenge. In each city, the winner will show off its efficiency by performing timed events such as toilet flapper repair and shaving at the sink.

Sound corny? The EPA says that from 1950 to 2000, the U.S. population nearly doubled but public demand for water more than tripled. It says at least 36 states anticipate local, regional or statewide water shortages by 2013.

Besides, summer is peak season for water use, so the EPA decided it was a good time to showcase ways to save water such as using low-flow toilets, showerheads and faucets, many of which bear its WaterSense label for efficiency.

"Whether by replacing an old, inefficient plumbing fixture with a WaterSense labeled product or adopting more water-efficient behaviors, together we can help save water for future generations," said Peter Silva, assistant administrator for the EPA's Office of Water.

The EPA says consumers can start saving water with three simple steps: check, twist and replace.

* Check toilets for silent leaks by putting a few drops of food coloring in the tank; if the color shows up in the bowl indicating a leak, fixing it may be as simple as replacing the toilet's flapper.
* Twist on a WaterSense-labeled bathroom faucet aerator to use 30% less water without a noticeable difference in flow.
* Replace a showerhead with a WaterSense-labeled model that uses less water and energy but has all the power of a water-hogging model.

The EPA's campaign, which will stop at national monuments including Mt. Rushmore in South Dakota before culminating Aug. 3 at Rockefeller Center, is a joint effort with American Water, the nation's largest publicly traded water services provider.

Range Resources to disclose chemicals used in well fracking *(Fort Worth Star-Telegram)*

Texas
July 15, 2010 Thursday
SECTION: C
By JACK Z. SMITH; jzsmith@star-telegram.com
Range Resources Corp. said Wednesday that it will immediately begin voluntarily disclosing the chemical additives it uses in hydraulic fracturing of new natural gas wells in the Marcellus Shale in Pennsylvania, where the Fort Worth-based company is a leading producer.

The information will be posted on Range's website, www.rangeresources.com , and submitted to the Pennsylvania Department of Environmental Protection, which regulates oil and gas drilling in the state.

Similar information will also become available sometime "in the near term" for Range's wells in the Barnett Shale in North Texas, as well as in other areas where the company has operations, Senior Vice President Rodney Waller told the Star-Telegram on Wednesday.

Range spokesman Matt Pitzarella said the company will list additives used for all Pennsylvania well completions going forward, no more than 30 days after completion. Hydraulic fracturing, or "fracking," is a major part of the completion phase that follows drilling in shale formations.

Range's announcement was well-received by the nonprofit environmental group Clean

Water Action.

"This has been the most responsive thing we've seen industry do," said Myron Arnowitt, the group's Pennsylvania state director. "It sounds like they are starting to get what would be helpful for people."

Still, Arnowitt said, he worries that the chemicals are not diluted enough to be safe for human exposure and needs time to study the list and concentrations.

"The concentrations are certainly high enough that ... I don't think anyone looking at this could say, 'Oh yeah, this looks fine,'" Arnowitt said.

In June, the Pennsylvania DEP became the first in the nation to post a comprehensive list online of all additives used in surface and fracturing operations at well sites.

But Range said it will identify specific additives used at each of its Pennsylvania well sites, the purposes for using them and the extent to which they are diluted in water.

Agency Secretary John Hanger said Range's announcement that it "intends to go even further" in providing information "is welcome news and represents a model that other operators in the Marcellus must follow without further delay."

Range CEO John Pinkerton said the company's disclosure initiative "will increase transparency and allow people to better understand that the Marcellus Shale is a valuable resource that can be pursued responsibly and for the benefit of all the citizens of Pennsylvania."

Range said it uses four chemical additives, mixed with much larger volumes of water and sand, in its Marcellus fracturing. The "highly diluted" additives collectively make up about 0.14 percent of the total fracturing mix, with 99.86 percent consisting of water and sand, the company said.

The company, which has permits to drill hundreds of wells in Pennsylvania's Marcellus Shale, does not use carcinogenic materials in its process, Pitzarella said.

Waller said Range has 13 rigs drilling in the Marcellus Shale, where it has a leasehold of 1.3 million net acres.

Jennifer Powis, senior regional representative for the Sierra Club in Texas, said in a statement that while the group is "glad to see the company announce this first step, it's only through full, nationwide disclosure and tough regulation of fracking chemicals that we can protect water and communities."

The **Environmental Protection Agency** is undertaking a major study of hydraulic fracturing to determine what risk of contamination it poses to underground sources of drinking water. The agency will also examine whether potential water pollution from

fracturing could pose a threat to human health.

Residents in some states have cited hydraulic fracturing as a potential source of groundwater contamination and expressed concerns about surface spills of well wastewater containing fracturing fluids, which in some instances have polluted waterways and killed small fish.

Houston-based EOG Resources and C.C. Forbes Co., a contractor for EOG on a Pennsylvania well, have agreed to pay maximum fines of more than $400,000 combined and to take corrective actions as a result of a well blowout June 3. The blowout occurred as a Forbes crew did work related to fracturing.

The well spewed gas and wastewater for 16 hours. The gas did not ignite, but 35,000 gallons of water containing fracturing fluids was collected after seeping into nearby creeks, The Associated Press reported.

In May, the Pennsylvania environmental agency fined Range $141,175 for spilling about 250 barrels of diluted fracturing fluids into a waterway in 2006. The incident killed at least 168 small fish, along with salamanders and frogs, the agency said.

Range said the spill resulted from a defective joint in a water transfer line.

JACK Z. SMITH, 817-390-7724

Flood Risk Management Team meets in St. Louis Thursday (*St. Louis Globe-Democrat*)

According to the nation's first-ever Regional Flood Risk Management Team (RFRMT), they will meet in St. Louis Thursday to discuss the unseasonably high water levels from consistently heavy rains throughout the Upper Mississippi River watershed. The team's prime goal is to minimize risk to life, property, and agriculture, while also protecting natural resources in a reasonable and cost-effective manner.

The RFRMT's overall purpose is to assist federal, tribal, state, and local governmental partners to coordinate, communicate and collaborate on flood risk management initiatives within the Upper Mississippi River basin.

The RFRMT reports that they are working on ideas to integrate pre-flood mitigation with a long-term strategy to plan and implement pre-and post-flood emergency actions to reduce regional flood risks this coming spring and in the future.

The framework for the RFRMT is designed so that important disaster planning and dialog occurs before a flood event. For example, the quarterly meetings allow member

states to discuss immediate and long range plans for flood risk reduction within their jurisdictions.

The team is chartered with signatory members from five states, including senior flood risk management officials from Illinois, Iowa, Minnesota, Missouri and Wisconsin. Other members include senior leaders from the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, the U.S. Geological Survey, National Resource Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency and the National Weather Service.

****

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

****