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

Specialty Media Clips
Monday, February 18, 2013

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

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AFRICAN AMERICAN

EPA Takes New Look At Gas Drilling, Water Issues (*Black Enterprise Magazine*)

July 20, 2010
HARRISBURG, Pa. (AP) — So vast is the wealth of natural gas locked into dense rock deep beneath Pennsylvania, New York, West Virginia and Ohio that some geologists estimate it's enough to supply the entire East Coast for 50 years.

But freeing it requires a powerful drilling process called hydraulic fracturing or "fracking," using millions of gallons of water brewed with toxic chemicals, that some fear could pollute water above and below ground and deplete aquifers.

As gas drillers swarm to this lucrative Marcellus Shale region and blast into other shale reserves around the country, the U.S. Environmental Protection Agency is taking a new look at the controversial fracking technique, currently exempt from federal regulation. The $1.9 million study comes as the nation reels from the Deepwater Horizon environmental and economic disaster playing out in the Gulf of Mexico.

The oil and gas industry steadfastly defends the process as having been proven safe over many years as well as necessary to keep the nation on a path to energy independence.

Studies have "consistently shown that the risks are managed, it's safe, it's a technology that's essential ... it's also a technology that's well-regulated," said Lee Fuller, director of the industry coalition Energy In Depth.

"A fair study," Fuller added, "will show that the procedures that are there now are highly effective and do not need to be altered — the federal government does not need to be there."

But because of the oil disaster, conservation groups say the drilling industry has lost it credibility and the rapid expansion of shale drilling needs to be scrutinized.

"People no longer trust the oil and gas industry to say, 'Trust us, we're not cutting corners,' " said Cathy Carlson, a policy adviser for Earthworks, which supports federal regulation and a moratorium on fracking in the Marcellus Shale.

Just six years ago, an EPA study declared the fracking process posed "little or no threat to underground sources of drinking water" and with that blessing, Congress a year later exempted hydraulic fracturing from federal regulation.

Now the agency, prodded by Congress even before the Gulf disaster and stung by criticism that its 2004 study was scientifically flawed and maybe politically tainted, will bring the issues to the heart of the land lease rush in the Marcellus Shale: Canonsburg, Pa., on Thursday and Binghamton, N.Y., on August 12.

EPA hearings earlier this month in Fort Worth, Texas and Denver focused on issues including drilling in the Barnett Shale of Texas, and in Colorado and Wyoming, which have experienced similar natural gas booms. Natural gas is also being recovered from the Haynesville Shale in north Louisiana, the Fayetteville Shale in northern Arkansas and Woodford Shale in southern Oklahoma.

In Texas, where drillers have sunk more than 13,000 wells into the Barnett Shale in the past decade, fear of the cancer-causing chemical benzene in the air above gas fields from processing plants and equipment has spurred tests by environmental regulators and criticism of the state's safeguards. In Colorado, numerous residents contend gas drilling has spoiled their water wells.

Advancements in horizontal drilling and hydraulic fracturing technology in the late 1990s significantly increased the yield and economic viability of tapping shale gas wells and led to the current natural gas boom, starting in Texas with the Barnett Shale. Fracking is now considered the key to unlocking huge, untapped natural gas reserves across the United States at a time when natural gas is emerging as a greener energy alternative to coal or oil.

The Marcellus Shale is 10 times the size of the Barnett, spanning 50,000 square miles compared with the 5,000-square-mile Barnett. It is also three times thicker than the Barnett at up to 900 feet, and is estimated to have a potential yield of 10 times as much gas (500 trillion cubic feet versus 50 trillion cubic feet).

At stake in the debate over how best to manage and regulate this enormous new natural resource is not just the safety of water supplies but also thousands of jobs, profits for the gas drilling and delivery industry and a bonanza of royalties for landowners.

"We've got to get it right," said Sen. Bob Casey, D-Pa., a sponsor of the so-called FRAC Act, which would repeal the 2005 exemption and require regulation of fracking by the EPA under the federal Safe Drinking Water Act.

"We allowed coal over many, many decades to be an industry that was so unregulated that it was allowed to do virtually whatever it wanted, and now we have numerous environmentally adverse impacts," he said.

Though the drilling rush into Pennsylvania is barely two years old, more than 3,500 permits have been issued and about 1,500 wells drilled, with thousands more expected. Environmental problems are already bubbling up: methane leaks contaminating private water wells, major spillage of diesel and fracking chemicals above ground, and fish kill in a creek.

A well blowout in north central Pennsylvania last month spewed natural gas and toxic fracking water out of control for 16 hours. State regulators found EOG Resources Inc. of

Houston had failed to install a proper blowout prevention system — taking cost shortcuts. The state fined EOG Resources and a contractor more than $400,000.

A wary New York state has had a virtual moratorium on drilling permits for the Marcellus Shale region for two years while it completes an environmental review.

Fear of water pollution is so high that a sweet spot of the Marcellus Shale — the Delaware River watershed in southern New York and northeastern Pennsylvania that provides drinking water for 17 million people from Philadelphia to New York City — is virtually off-limits to drilling for now.

The industry says there is no evidence that fracking chemicals — some of them suspected human carcinogens — contaminate drinking water, wells or aquifers once blasted deep underground.

EPA summarized numerous reports of "water quality incidents" in residential wells, homes, or streams in Alabama, Colorado, Montana, New Mexico, Virginia, West Virginia and Wyoming but said there was inconclusive evidence linking the incidents to fracking.

Hydraulic fracturing, first used commercially in 1949 by petroleum services giant Halliburton Co. of Houston, was developed to eke gas and oil from impermeable rock. Water mixed with chemicals and sand is injected at high pressure to fracture shale, the sand holding fractures open so gas can flow up the well.

Each frack job uses an average of 4 million gallons of water, delivered to a well site by hundreds of tanker trucks. Some of the "produced" wastewater remains in the well — estimates range from 20 percent to 90 percent. What comes back up the well — briny, chemical-laden and possibly radioactive from exposure to naturally existing radon underground — is usually stored in open pits until it's trucked to treatment plants or underground injection wells.

In the northeastern Pennsylvania town of Dimock, state regulators have repeatedly penalized Houston-based Cabot Oil & Gas Corp. for contaminating the drinking water wells of 14 homes with leaking methane and for numerous spills of diesel and chemical drilling additives, including one that contaminated a wetland and killed fish.

Even as Pennsylvania officials work to improve their regulation of drilling, the state's environmental protection secretary does not want to cede authority.

"I'm not ready to turn Pennsylvania's resources over to the federal government," said John Hanger. "Right now, Pennsylvania has just about the very best drilling oversight in the country and we continue to keep working at it every day."

Hanger is quick to criticize the regulatory debacle of the federal Minerals Management Service and its cozy relationship with oil and gas corporations before the Deepwater Horizon explosion on April 20.

"That agency was captured by the drilling industry," he said.

The industry says it believes state oversight is sufficient and worries the new EPA study will lead to new and costly safety and environmental rules that would rob them of decades of profits.

In West Virginia, however, state officials concede they're overwhelmed trying to regulate the Marcellus juggernaut that has added hundreds of Marcellus wells to tens of thousands of traditional, shallow gas wells.

If passed, the FRAC Act would remove what's widely known as the "Halliburton loophole" — which exempted fracking from the Safe Drinking Water Act when the 2005 energy bill was passed.

The EPA, in a statement to The Associated Press, did not criticize its previous study. But given the rapid expansion of the industry and "serious concerns" about the impact of hydraulic fracturing, the agency said it concluded it was necessary to conduct a peer-reviewed study that draws upon best available science, independent experts and the public.

EPA's hydraulic fracturing website:
http://www.epa.gov/safewater/uic/wells_hydrofrac.html

HISPANIC

Governor signs three energy bills (*Puerto Rico Daily Sun*)

Moreover, for every $100 that a Puerto Rican earns, $12 goes to pay for electricity.

We are facing an energy crisis, because of our dependence on oil and an obsolete infrastructure, said Gov. Fortuño as he signed three measures that, taken together, create an aggressive plan to rescue the environment, reduce energy costs and create thousands of so-called green jobs.

The unbridled use of sources of energy derived from petroleum adds to the volatility of energy costs on the island, and therefore adversely affects Puerto Rico's competitiveness.

Every year, the cost of petroleum increases and it is expected to continue climbing. This year, we spent more than $5 billion in the importation of combustibles.

The first of the measures signed is the Law for Energy Diversification by Means of Sustainable Renewable Energy. It sets compulsory targets for reduction in conventional energy use and increased use of renewable energy. Under this portfolio, the law requires us to produce 12 percent renewable energy by 2015 and 15 percent for 2020. Development of a plan to achieve 20 percent energy production from renewable and alternative sources by 2035 is also required..

The law creates renewable energy certificates. These will be awarded to each energy supplier to produce one megawatt hour of electricity using renewable energy, setting a financial market around this new industry. The certificates also serve to promote the achievement of companies that produce electricity through renewable sources. The Renewable Energy Commission will ensure compliance of our goals for economic development, environmental protection and public health.

The second measure is the Energy Tax Incentives Act of Green Puerto Rico. This law allows all citizens to contribute to solving the energy problem. Citizens who qualify may receive up to 60 percent cash reimbursement for investment in renewable energy for homes and small businesses, and up to 50 percent for midsize businesses that install energy efficient equipment.

In addition, the bill provides for a Green Energy Fund, which provides $20 million in 2011 and increases to $40 million in five years for a total of $290 million intended to promote this industry.

These two legislative measures will create more than 10,000 green jobs over the next five years and achieve an estimated investment of $4 billion over the next 10 years, said the governor.

At the same time, Fortuño issued an Executive Order to implement faster processes for development projects that promote diversification in the use of alternates to oil, while promoting the use of renewable and alternate energy sources.

This allows us to use available federal credits for certain initiatives, starting alternate energy projects this year, he said. To date, the PR Electric and Power Authority has signed contracts with seven companies, investors who are ready and willing to work on renewable energy projects under these new laws. Taxpayers will be able to see a relief in his out-of- pocket costs, while protecting our island. Among the companies are: Pattern (Santa Isabel), AES Solar (Guayama), Energy Answers (Arecibo), Sunbeam Caribbean (Barceloneta), Windmar (Guayanilla), GO Green (Naguabo) and IWT (Caguas).

I am convinced that today we take an advanced step to rescue our environment, and [in so doing] we all win. Our consumers will see a reduction in heir electric bill, business

people will have more efficient businesses, investors can enter and be competitive the global market for green energy, and every Puerto Rican enjoy a better quality of life and better employment opportunities, concluded the Governor.

Former 'Green Jobs Czar' Van Jones Opposes Prop. 23, Lauds Clean-Tech Sector (*Hispanic Business)*

July 20--President Barack Obama's controversial former "green jobs czar" Van Jones said efforts to roll back California's landmark climate change law will not only hurt Sacramento's budding clean-tech sector but also open the door for competing cities and states to wrest away green jobs and businesses.

Jones, author of a book called "The Green Collar Economy" is in town today to speak at Sacramento Mayor Kevin Johnson's monthly green initiative meeting. He will discuss the economic fallout of Proposition 23, which seeks to suspend the state's greenhouse gas reduction law.

"It's like taking a sledgehammer to a job-creating machine," Jones said in a telephone interview Monday.

"It sends an awful message, and other states are going to take advantage of it" to attract green companies, he said.

Jones' message came as more than 100 California economists specializing in California's energy and climate policies on Monday issued an open letter opposing efforts to roll back the state's landmark greenhouse gas reduction law.

The economists, including Nobel laureate and former Stanford University professor Kenneth Arrow, warned that any delays in implementing the climate change law, also known as Assembly Bill 32, will be financially disastrous.

"Postponing the implementation of California's 2006 Global Warming Solutions Act will make it more expensive in the end for California to clean up our air pollution," said Michael Hanemann, co-director of the Climate and Energy Policy Institute at the University of California, Berkeley.

Signed by Gov. Arnold Schwarzenegger in 2006, AB 32 aims to reduce greenhouse gas emissions to 1990 levels by the end of the decade.

The law's supporters say it will create jobs and nurture a growing clean-tech industry.

Backed by funding from Texas oil companies, advocates of the ballot initiative to suspend the law, Proposition 23, say AB 32 is a job killer. They want the law rolled back until the statewide unemployment rates drops to 5.5 percent.

Anita Mangels, spokeswoman for the California Jobs Initiative, which is spearheading the measure, said that while the legislation may create green jobs, it will destroy far more existing blue-collar jobs in the manufacturing, refining and energy sectors.

"There will be jobs lost and it increases energy (costs) exponentially," she said.

Jones noted that Sacramento is already "a national success story" when it comes to building a green economy.

A recent study by MonsterTrak.com ranked the city among the top 10 in the nation when it came to creating green-collar jobs.

Jones, now a senior fellow at the Center for American Progress in Washington, D.C., praised Johnson for bringing various interest groups -- unions, businesses and environmentalists -- together to boost Sacramento's green profile.

As the green jobs adviser to the Obama White House, Jones was a key player in the administration's clean energy policies.

But he abruptly resigned last year amid heavy criticism for negative comments he made about Republicans prior to joining the administration.

NATIVE AMERICAN

Iyall: Nisqually take lead in environmental stewardship (*Indian Country Today*)

By Cynthia Iyall
Story Published: Jul 16, 2010
Story Updated: Jul 16, 2010
Despite the occasional token outreach, the mainstream leadership of this country hasn't looked our way too often for guidance. But a new wind suggests that is about to change.

When President Barack Obama signed the Omnibus Public Lands Management Act of 2009, he said we would no longer "take our forests, rivers, oceans, national parks, monuments, and wilderness areas for granted; but rather we will set them aside and guard their sanctity for everyone to share."

Finally, someone's been listening.

Ironically, on March 4, 2010, the Obama administration released a Roadmap for Restoring Ecosystem Resiliency and Sustainability on the Gulf Coast, specifically in

Louisiana and Mississippi. The report emphasized the need for collaboration between the administration's working group, the states, local governments – and tribes.

This was ironic, of course, because a little more than a month later, on April 20, an off-shore oil rig exploded, killing 11 workers. Two days later, when our nation celebrated the 40th anniversary of Earth Day, the U.S. Coast Guard found a massive oil leak, which continues to spew millions of gallons of toxic crude into the Gulf of Mexico.

What's really tragic about this is that we knew commercial practice – drilling, fishing, damming, shipping – in that region were unsustainable even before this disaster, just as we know that commercial practices are similarly unsustainable in nearly every corner of the country.

Environmental stewardship means that we carefully consider the consequences of our actions on the world around us.

Environmental stewardship means consideration of our inaction, as well.

Nothing has changed for Indian country. Our relationship to the earth is not just our cultural heritage; it is part of our spirit and our being.

What has changed, however, is the readiness for others to listen and learn. And we can act on this opportunity to engage in a process that had once shut us out.

My tribe, the Nisqually, will host a summit of Washington state tribal leaders in September with state Commissioner of Public Lands Peter Goldmark. We will talk about the state's natural resource management and the tribes' role in it.

Tribal leaders in other regions could take similar steps to build bridges and bring their voices back to the circle. Federal, state and local leaders coast-to-coast are in the mood to hear us, and they are seeking guidance.

We can no longer retreat to our reservations and practice traditions on our own land, while the country around us continues with reckless and misguided management of America's natural resources.

We – the tribes, federal, state and local governments, and private landowners – are bound together by the land and water. What we do on one side of the fence affects the other.

The Nisqually have been able to use our fortune to strengthen our society, support cultural activities and pursue a mission that preserves our heritage and ancient values. The Exxon Valdez destroyed natural coastal resources for all, just as the oil gushing from the Deepwater Horizon continues to plague the Gulf Coast.

Timber cutting affects all regional wildlife. Upstream waste contaminates surrounding watershed and downstream estuaries.

Here in Washington, toxic waste from the Hanford Nuclear Reservation threatens all tribes who depend on the Columbia River salmon for their livelihood.

The Columbia River is a perfect example of why tribes should unite in defense of the environment. Underneath the vast reservoir of the Grand Coulee Dam lay Kettle Falls, the ancient fishing grounds and gathering spot for the Colville, Tulalip, Blackfoot, Nez Perce, Yakima, Flathead and Coeur d'Alene people.

To feed an increasing appetite for electricity, irrigation and navigation, dozens of dams were constructed against tribal appeals and warnings. More than a half century has passed and we all are still trying to nurture the salmon population to recovery.

The Nisqually, like many modern tribes, have had the good fortune of recent economic development and stability. We have been able to use our fortune to strengthen our society, support cultural activities and pursue a mission that preserves our heritage and ancient values.

The most important of those values is preserving our relationship with the earth.

We recently made an agreement with the City of Olympia, Washington state's capital, to re-open access to the headwaters of Medicine Creek, a historically spiritual site we call She-nah-num. We have also created unique inter-governmental partnerships with the state and our surrounding county to manage and maintain public parks.

It took the Nisqually tribe more than a decade working diligently with Ducks Unlimited and the U.S. Fish and Wildlife Service to restore more than 900 acres in a nearby estuary. The tribe was also awarded $600,000 last month from the Environmental Protection Agency for research in the Nisqually Delta.

We are entrepreneurial while building a reputation for our environmental stewardship programs. On our reservation in Thurston County, Washington, the tribe has literally made the care and management of natural resources our business.

One of those businesses, Nisqually Aquatic Technologies, has been working with federal officials to clean derelict fishing gear and other debris from Puget Sound. In addition, NAT has created a certified oil-spill response team that uses state Department of Ecology equipment to tackle oil spills.

Just this spring, the tribe purchased a 120-acre shellfish harvesting property on Henderson Inlet in the South Puget Sound. The inlet has seen better days. And returning the old Yamashita Oyster farm to a working, quality shellfish-producing operation will take work. But we are more than committed. Tribal leaders have already begun fostering relationships with our new neighbors, as well as reaching out to

communities upstream. Together, all of us will clean up the adjacent land, thereby cleansing the creeks feeding this estuary, and ultimately returning the property to its original pristine condition producing exceptionally high-quality oysters.

The Nisqually people are proud of a heritage espousing environmental activism and stewardship not only as our cultural mission, but as a viable enterprise. Other sovereign tribes have similar opportunities.

Tribal members can get excited about these conservation projects and new enterprises because they fulfill the basic promises of stewardship that our ancestors made to us – and the promise we make to our children. Native American communities, our values and traditions, are finding a new sense of appreciation in the movement toward a greener future for the United States.

Cynthia Iyall is chairman of the Nisqually Indian Tribe in Washington state. Among her priorities, Iyall has focused on growing and diversifying the tribe's interests; providing tribal members with better services, raising awareness and visibility of the tribe and its accomplishments; and solidifying its relationships with the community.