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ADMINISTRATOR JACKSON

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Obama says oil spill potentially unprecedented environmental disaster (*Xinhua*)

WASHINGTON, May 2 (Xinhua) -- President Barack Obama said on Sunday the United States is dealing with a "massive" and " potentially unprecedented" environmental disaster as a result of the expanding oil spill in the Gulf of Mexico caused by a sunken oil rig.

Speaking at a Coast Guard station in Venice on the southern tip of Louisiana, Obama said the spill is a potentially unprecedented environmental disaster, adding that British Petroleum (BP), to which the rig is under contract, is clearly responsible and will have to pay the bill for it.

"We're dealing with a massive and potentially unprecedented environmental disaster, ... let me be clear, BP is responsible for this leak. BP will be paying the bill," said the president.

Obama said the oil spill could jeopardize the livelihood of thousands of Americans, and promised his administration would do whatever it takes to stop the crisis.

"The oil that is still leaking from the well could seriously damage the economy and the environment of our Gulf states ... It could jeopardize the livelihoods of thousands of Americans who call this place home," he said.

The oil spill, caused initially by a huge explosion on April 20 at the Deepwater Horizon platform, is fed by a massive leak in the now sunken rig, which is about 5,000 barrels of oil a day. It has threatened the fragile coastal environment and forced the National Oceanic and Atmospheric Administration (NOAA) to close commercial and recreational fishing in oil-affected waters in the Gulf of Mexico for at least ten days.

Although BP will be held accountable, Obama vowed to do everything in his power to fight the crisis, saying he will "spare no effort to respond to this crisis for as long as it continues."

Obama was touring slick-stricken Louisiana on an overcast Sunday. He was briefed by Louisiana Governor Bobby Jindal, Environmental Protection Agency head Lisa Jackson and Coast Guard Commandant Thad Allen. They discussed well capping procedures used to stop the leak, economic implications of the disaster and environmental impact to the marshlands of Louisiana coast, according to the White House.

In his remarks, Obama also pledged that law enforcement will do "what's necessary" to find the ones responsible for a failed car bombing attempt in New York City on Saturday.

Obama said he talked with New York Mayor Michael Bloomberg, and his administration's national security teams have been taking " every step necessary to ensure that our state and local partners have the full support and cooperation of the federal government."

"We're going to do what's necessary to protect the American people, to determine who's behind this potentially deadly act, and to see that justice is done," he said.

EPA plans to reduce mercury emissions (*Los Angeles Times*)

May 1, 2010 Saturday
Home Edition
MAIN NEWS; National Desk; Part A; Pg. 9
THE NATION; EPA plans to reduce mercury emissions
By Clement Tan
WASHINGTON
The Obama administration on Friday proposed reducing mercury emissions by more than 50% from industrial boilers, process heaters and solid waste incinerators by December.

The U.S. Environmental Protection Agency said the plan would yield at least $18 billion worth of health benefits annually and prevent as many as 5,200 premature deaths and about 36,000 asthma attacks a year. The EPA estimates it would cost $3.6 billion to install and maintain pollution controls at the estimated 200,000 units across the country.

Facilities with boilers also would be required to conduct energy audits to look for cost-effective ways to reduce fuel use and emissions. Smaller facilities, such as schools with smaller boilers, would not be subjected to these requirements, but would have to perform tune-ups every two years.

"Strong cuts to mercury and other harmful emissions will have real benefits for our health and our environment, spur clean technology innovations and save American communities billions of dollars in avoided health costs," EPA Administrator Lisa P. Jackson said in a statement.

Environmental groups, which three years ago blocked attempts by the George W. Bush administration to deregulate toxic emissions from industrial incinerators, boilers and process heaters, praised the EPA for this proposal. The plan is expected to attract significant opposition from some states and industrial groups during public hearings before it is finalized.

clement.tan@latimes.com

Oil disaster dims mood of Katrina victims (*Los Angeles Times*)

May 2, 2010 Sunday
Home Edition
MAIN NEWS; National Desk; Part A; Pg. 1
GULF OIL SPILL: WORRY RETURNS TO COAST;
Oil disaster dims mood of Katrina victims;
Communities newly on the rebound now encounter a threat to the fishing industry.
By Ashley Powers, Richard Fausset, Jim Tankersley
NEW ORLEANS, VENICE, LA., AND WASHINGTON
A massive, quickly growing oil slick steered by unpredictable winds and rough seas lapped closer to land Saturday, bearing down on a stunned gulf coastline that had been just beginning to get its swagger back after Hurricane Katrina.

From shrimpers in Mississippi delta fishing towns such as Venice, La., to urban settlers trying to rebuild lives in New Orleans' Lower 9th Ward, the approaching environmental disaster punctured the upbeat mood with a frightening and uncertain menace.

"People were feeling up for a little while, and people were starting to come back," said Gilbert Lee, 71, a shrimper in Venice, one of the towns closest to the slick. "But what are they going to come back to now? I'll tell you, this ain't nice. It's pitiful."

Outside a Lower 9th Ward church where a waving banner said, "We've Come This Far by Faith," residents meeting with Environmental Protection Agency officials were stoic but fearful that the steps they had taken to recover from Katrina would be undone.

It's a community "that's not fully recovered," said Alice Craft-Kerney, a nurse who runs a clinic there. The oil leak "triggers that anxiety of 'what's going to happen?' You remember that from the storm. It's like, 'Here we go again.' "

As residents fretted, experts argued over the size of the slick, and federal officials acknowledged that no one knows exactly how much oil is still leaking from the underwater well, which ruptured April 20 during an explosion on a drilling platform 130 miles southeast of New Orleans.

"Any exact estimate of what's flowing out of those pipes down there is probably impossible," said Coast Guard Adm. Thad Allen, named Saturday as the point man for the spill. It was Allen whom President George W. Bush turned to after Katrina to take control of the slow and much-criticized response to that disaster.

Allen said the efforts of the federal government, and of BP, which leased the Deepwater Horizon rig, remained focused on stopping the gush from the seabed nearly a mile beneath the surface.

"Estimates are useful, but we are planning far beyond that," said Allen, a four-star admiral and commandant of the Coast Guard. "That's why it is so important to stop [it] at the wellhead."

Already, oil has reached some of the environmentally sensitive islands near the coast. Depending on the weather, Allen said, more significant amounts of oil could hit gulf state shores by Monday or Tuesday.

The Coast Guard has estimated that 200,000 gallons of oil are pouring from the well daily, a figure that would put the total spilled so far at 1.6 million gallons. By comparison, the Exxon Valdez tanker disaster in Alaska in 1989 resulted in a spill of 11 million gallons.

Most of the assessments of the size of the spill have come from studying satellite images of the Gulf of Mexico, though that analysis doesn't calculate the thickness of the oil. However, several academics and consultants said Saturday that the size of the slick is larger than previously thought, and may be growing more rapidly.

A tiny nonprofit group, SkyTruth, said Saturday that its analysis of satellite and radar data suggested that more than 11.1 million gallons of oil was contained in the slick. John Amos, the group's president, also estimated the rate of oil leaking at 25,000 barrels a day (more than 1 million gallons). There are 42 gallons in a barrel of oil.

Last week, SkyTruth challenged BP's initial estimate of 1,000 barrels a day, arguing that it was closer to 5,000. The figure was quickly revised.

Allen said it was fruitless to discuss the differences between spill rates. "The continued leakage of anything for an extended period of time is going to cause an extraordinary amount of problems for us," he said.

BP officials said they were doing all they could to stop the oil gusher. Using robotic submarines, BP is trying to shut the blowout preventer, which would be the quickest fix.

Separately, the company is preparing to drill a hole into the seafloor near the accident site and angle it into the well to seal it off, an effort that would take several months. Also, BP plans to lower 40-foot steel boxes over the gusher in order to contain it. That plan could begin by late this week.

Federal officials have made it clear that they intend to hold BP responsible for costs expected to reach billions of dollars.

Weather continued to hinder efforts to protect the coast Saturday. Winds were kicking up 8- to 10-foot waves, and traditional cleanup techniques such as skimming and using small boats to position booms to corral the fuel were put on hold. The National Weather Service predicted thunderstorms and higher seas Sunday.

President Obama, in a commencement address at the University of Michigan, said the disaster illustrated the importance of government regulation. "Government is what ensures that mines adhere to safety standards and that oil spills are cleaned up by the companies that caused them," the president said.

The White House said Obama planned to visit the Gulf Coast on Sunday to observe the cleanup efforts.

Administration officials had conducted response drills for Katrina-style disasters during the last year, including a mock oil spill in March. The Interior Department sent a crew and established a command center within four hours of the rig explosion.

Commandant Allen said there were few parallels between the response required for Katrina and the oil rig explosion. "We have a failure of critical infrastructure at 5,000 feet under the ocean," Allen said. "That's the only comparison to Katrina, when we had failure of critical infrastructure everywhere on land."

But for those living in these coastal areas, the feeling of powerlessness in the face of an oil slick that could devastate the fishing industry has echoes of Katrina, and comes at a time when the region was beginning to get back on its feet.

Scars of Katrina remain in fishing towns along coastal Louisiana: empty lots where once-humble homes had stood, unrepaired docks, and the empty metal frames that once were billboards.

But shrimpers who lost their homes and trawling boats are back in business, helped by federal loans and a short-lived side effect of Katrina: The hurricane pushed tons of shrimp and fish inland, which boosted business.

In New Orleans, a couple hours' drive from the prime fishing grounds, worry is palpable. That city's culture and self-image is deeply tied not just to the genius of its chefs but to their access to fresh gulf seafood.

The city had begun feeling it had "turned a corner, after years and years of hard work," said D. Eric Bookhardt, a New Orleans art critic and culture writer. Now, "people are just very apprehensive -- not because of any immediate threat, but because [it] is going to require so much extraordinarily hard work to overcome."

Those raw feelings were on display in the Lower 9th Ward at a community meeting Saturday with EPA Administrator Lisa P. Jackson. Some residents said they wanted to make certain that the government would "not let BP off the hook," as one put it. Others were leery of the government.

"We are veterans of disaster," said Ronald Lewis, who runs the House of Dance and Feathers museum. "We survived Katrina. Mentally, we'll be prepared." But, he added, "our fate was in the hands of the government, and the government failed us on all kinds

of levels after Katrina."

"I know everyone's mad," Jackson told the group. She assured them that BP would be responsible for the bill, adding, "I'm still praying they will be able to cut off the source."

In the French Quarter, restaurant owners tried to reassure their staff and patrons that, after Katrina, they could survive anything.

Steve Pettus, one of the owners of Bourbon House Seafood, said New Orleans had been on a high with the Saints' Super Bowl victory and one of the country's lowest unemployment rates.

"We've been to the bottom and we didn't like it, and we're not going to be there again," he said.

Just to be safe, though, Pettus had taken precautions. He bought a four-week supply of shrimp.

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richard.fausset@ latimes.com
ashley.powers@ latimes.com
jim.tankersley@ latimes.com
Staff writers Julie Cart and Scott Kraft contributed to this report.

Overhead and on the Ground, Waiting for a Potential Environmental Disaster to Hit (*New York Times*)

May 1, 2010 Saturday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 11
Overhead and on the Ground, Waiting for a Potential Environmental Disaster to Hit
By CLIFFORD KRAUSS
ROBERT, La. -- Heavy winds and stormy seas drove a spreading oil spill closer to the marshlands and reefs of the Louisiana coast on Friday, and government and BP officials continued a frenzied effort to throttle a gushing oil well before it could do widespread damage.

The Coast Guard said its aerial observations could not verify sporadic local reports of an oozing slick beginning to come ashore and coating some birds, but officials said it was only a matter of days before the slick would hit several gulf states. Gov. Bob Riley declared a state of emergency for Alabama, Gov. Charlie Crist of Florida did the same for several Panhandle counties and Gov. Bobby Jindal activated Louisiana's National Guard to fight the spill.

Homeland Security Secretary Janet Napolitano, Interior Secretary Ken Salazar and the

Environmental Protection Agency administrator, Lisa Jackson, flew over the spill and met with Doug Suttles, BP's exploration and production chief operating officer. Their presence reflected the mounting worries in Washington that a major environmental disaster could be unfolding.

"We still have a long ways to go, and we don't know exactly where we are going," Mr. Salazar said. "Today the situation is still a dangerous one."

Ms. Jackson said that the accident "has evolved into an environmental challenge of the first order" and that she would remain in the area for at least the next two days.

The Deepwater Horizon rig that was leased by BP is now 5,000 feet underwater and the well is leaking about 200,000 gallons of oil a day into the gulf from pipes 40 miles offshore. The rig was overwhelmed by an apparent blowout on April 20, killing 11 workers and critically injuring three more, and sank two days later. It could take three months for BP to drill relief wells to stop the leak.

While acknowledging that recent BP efforts had failed, Mr. Suttles said the company was preparing a new method to shut down the leaking pipeline. Submarinelike robots will try to block the leaking line with shears known as annular rams, an exceedingly delicate operation in deep waters.

"You will see me doing cartwheels if that works," Mr. Suttles said, adding that the technique "has the potential to either stop or substantially reduce the flow of oil."

Without a quick fix, the environmental damage will almost certainly be the worst ever from drilling in the gulf, where hundreds of rigs and a maze of pipelines have long coexisted with a sensitive ecological system. Pelicans, river otters and migrating birds rely on the gulf coastline's barrier marshes and sandy islands for food and nesting.

An oily sheen began oozing close to the Mississippi River Delta area late Thursday night, while thicker oil a few miles out threatened all day to reach the shore. Stormy winds and high tides threatened to push the spill into the lakes and wetland inlets of southeast Louisiana through the weekend and eastward to neighboring Mississippi and as far as the Florida Panhandle over the next five days.

The Coast Guard has warned that bad weather may hamper the efforts of crews to skim oil from the surface or burn it off at least over the weekend. Waves may also wash over booms that are designed to halt the spill before it reaches the coast, particularly the Chandeleur Islands, which are part of a national wildlife refuge.

BP, Transocean and other companies involved in the construction, equipping and managing of the rig are already facing a flood of lawsuits. At least two commercial shrimping companies have filed suit, alleging the livelihood of their workers is in jeopardy. Brent Coon, a Texas lawyer who sued on behalf of victims of the BP Texas City refinery explosion in 2005 that left 15 dead, has also filed suit for an injured worker

aboard the Deepwater Horizon, which is sunken on the gulf floor.

"The losses are already tremendous," said Mike Papantonio, a Florida lawyer who is filing multiple class-action lawsuits on behalf of shrimpers, oystermen and fisheries across the gulf against BP, Transocean and Halliburton.

EPA Jackson holds community meeting in New Orleans (*Associated Press*)

By MICHAEL KUNZELMAN (AP)

NEW ORLEANS — U.S. Environmental Protection Agency Administrator Lisa Jackson says the oil spill in the Gulf of Mexico has spawned a huge environmental challenge, but not yet a catastrophe.

She told community leaders gathered at a New Orleans church Saturday that the spill is a challenge complicated by the well head being 5,000 feet below water.

Jackson says efforts to use dispersant at the surface of the spill have been "moderately successful," but she's skeptical of a proposal to try to disperse oil at the well head.

Audience members vented their anger at BP's response and urged Jackson to hold the company to hire local contractors to assist in the cleanup.

After the meeting, Jackson expressed confidence BP is "working on this with all cylinders."

EPA: Jackson has community meetings in Miss., La. (*Associated Press*)

Story also appeared: *WXVT*

April 30, 2010 11:14 PM ET

NEW ORLEANS (AP) - The U.S. Environmental Protection Agency says Administrator Lisa Jackson will hold a community meeting in New Orleans and Plaquemines Parish and has held a similar meeting in Waveland, Miss.

A news release on the agency's website says she planned a community meeting Saturday morning in New Orleans. It says she then will tour Plaquemines Parish and meet with representatives of the fishing, oyster and shrimping industries.

The agency says the time and place for that meeting were to be released when available.

According to the agency, Jackson was meeting with coastal Mississippi community leaders Friday afternoon in Waveland.

BP Promises 'Major Protection and Cleaning Effort' Onshore (*EP Magazine*)

Apr 30, 2010

Top federal officials from Interior, Department of Homeland Security, and the U.S. Environmental Protection Agency will visit the oil spill zone along the Louisiana coast today as efforts mount to contain the damage onshore.

Secretaries Ken Salazar and Janet Napolitano and Administrator Lisa Jackson will make an aerial tour a day after Louisiana Gov. Bobby Jindal declared a state of emergency Thursday and asked the Department of Defense to send as many as 6,000 active-duty troops to aid in the cleanup.

BP found a third leak in the system and the oil company and the National Oceanic and Atmospheric Administration now estimate that 5,000 barrels of oil per day are spilling from the well, which is five times higher than last week's initial estimate. The drilling of a relief well will take 60 to 90 days, company officials say.

At least 10 state and national wildlife management areas and wildlife refuges in Louisiana and Mississippi are in the path of the oil plume coming from the well a mile down in the Gulf of Mexico because of leaks caused by the sinking of the Deepwater Horizon drilling platform last week, according to Jindal's declaration, which listed the Sandhill Crane National Wildlife Refuge and the Gulf Islands National Seashore National Park among them.

Napolitano designated the incident as a spill of national significance, which allows the government to draw down assets from across the country and other coastal areas.

BP, the responsible party for the cleanup, today said it is "ramping up preparations for a major protection and cleaning effort on the shorelines of Louisiana, Mississippi, Alabama and Florida" and is supplementing its Houma, La., incident command post with a second command post in Mobile, Ala., to oversee the onshore response in Mississippi, Alabama, and Florida.

"We are doing absolutely everything in our power to eliminate the source of the leak and contain the environmental impact of the spill. We are determined to fight this spill on all fronts, in the deep waters of the Gulf, in the shallow waters and, should it be necessary, on the shore," said BP Group Chief Executive Tony Hayward. "In the past few days I have seen the full extent of BP's global resources and capability being brought to bear on this problem and welcome the offers of further assistance we have had from government agencies, oil companies, and members of the public to defend the shoreline and fight this spill. We are determined to succeed."

In a news briefing at the White House, Napolitano outlined the work being done to manage the spill:

- a controlled burn designed to remove large quantities of oil from the open water was consumed in about 28 minutes on Wednesday;
- nearly 100,000 gallons of dispersant had been used Thursday;
- on-water skimming, subsurface wellhead operations, and efforts to see if the response team can get that shut-off valve to close are continuing, and significant booming efforts are under way to protect the shoreline;
- at least 174,000 feet of boom had been deployed by Thursday, and other boom is ready to be deployed at six staging areas;
- approximately 1,100 total personnel are working the spill; and
- 685,000 gallons of oily water had been collected, using nearly 50 vessels and multiple aircraft.

Jackson explained that EPA has air-monitoring aircraft gathering information on the impact of the controlled burn on air quality and is collecting air data from fixed and portable air-monitoring stations in the area. "We'll analyze that data and make it public in the coming days, certainly as soon as possible, along with the air-monitoring plan, which is in draft and which will be revised as we go along, and as the situation changes," she added.

"Finally, as the oil does hit the shoreline, EPA will provide support to assess the impacts on the coastal shoreline and play a key role in implementing the cleanup," Jackson said. "As a daughter of the Gulf Coast, I know that it is our job to ensure people that we will be eyes and ears working with the states who have valuable and vital resources to monitor air, water and land quality."

BP and the other owners of the drilling lease are spending about $6 million per day on the response, a figure that "is expected to rise as activity increases," according to BP, which added, "It is too early to quantify other potential costs and liabilities associated with the incident."

The Department of the Interior's Minerals Management Service on April 28 announced that it has canceled the 2010 Annual Industry SAFE Awards Luncheon scheduled for May 3 at the Offshore Technology Conference in Houston because MMS personnel are busy responding to the spill.

The semisubmersible drilling platform sank two days after an explosion and fire at 10 p.m. April 20, when 126 workers were on the rig. Eleven who have not been found are presumed to have died in the incident.

mply with the EPA and making minor, cost-free adjustments at facilities it does have control over, she said.

Lisa Jackson (*TIME*)

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

Andrew Cutraro / Redux for TIME

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

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

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

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

EDITORIAL / OP-ED / COMMENTARY / LETTERS

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Guest column:

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

By Mark Block and Phil Kerpen • Guest commentary • April 30, 2010
Gov. Jim Doyle has failed to push expensive new energy mandates through the state Legislature, but energy tax activity has not slowed on the federal level.
It's too soon to tell whether Sen. Lindsey Graham's (R-S.C.) decision to pull out of cap-and-trade revival efforts will stick. But even if Graham comes on board, such an unpopular bill is unlikely to appeal to a Congress still trying to sell its health-care law to a skeptical public. That's why the Obama administration, more committed than ever to its global warming agenda, has turned to the Environmental Protection Agency to regulate without a vote of Congress.
The EPA has started developing and issuing global warming regulations under the 1970 Clean Air Act, the first steps toward sweeping government control that includes just about everything that moves and a lot of things that don't. It's not enough for

Congress to simply reject cap-and-trade; they must proactively block the EPA's regulatory power grab, or suffer the blame for what EPA does.
EPA's efforts are based on a legal theory conceived by now-White House Climate Czar Carol Browner in the late 1990s. A 5-to-4 2007 Supreme Court decision in Massachusetts v. EPA took this concept — that greenhouse gases could be regulated under the Clean Air Act — from curiosity to reality. The EPA is now using that case to implement what amounts to central economic planning.
It would regulate motor vehicles, light-duty trucks, heavy-duty trucks, buses, motorcycles, planes, trains, ships, boats, tractors, mining equipment, RVs, lawn mowers, fork lifts and just about everything that has a motor. Because there is no control technology for greenhouse gases, the EPA would require complete redesigns and operational changes.
They would require permitting for structures that emit as little as 100 tons of greenhouse gases per year and will be phased in over years, so smaller entities might think at first that they have been spared. Small businesses, restaurants, schools, and hospitals that have kitchens with gas burners would eventually be subject to onerous federal regulation.
A top Wisconsin official is adamant the regulations are unworkable. Matthew Frank, secretary of the Wisconsin Department of Natural Resources, "believes that EPA has greatly underestimated the number of PSD permitting actions the regulation of GHG will cause." He is concerned that "many of Wisconsin's 3,000 schools, 83 hospitals, and 42 paper and pulp manufacturers" will be buried with paperwork, and the process "will further overwhelm state permitting resources, diverting them from other permit actions that may have a greater environmental benefit."
Congress doesn't have to sit on the sideline. The U.S. Senate will soon vote on a resolution sponsored by Lisa Murkowski (R-Alaska), S.J. Res. 26, that would overturn EPA's global warming regulations and stop their power grab.
It has bipartisan support, including members with many different views of the underlying global warming issue. If Senators Herb Kohl and Russ Feingold do not support Murkowski's resolution, they will have to explain to voters why they are outsourcing their legislative responsibility to EPA bureaucrats.

Is Sherrod Brown an environmentalist? (*Springfield News Sun*)

By Jack Torry, Contributing Writer
Updated 11:39 PM Sunday, May 2, 2010

On Earth Day, Sen. Sherrod Brown test drove a fuel-efficient red Chevrolet Cruze outside the Capitol. It is part of an image he and his staff have carefully cultivated – the modern, progressive Democrat who likes to link cleaner air with more jobs.

But in reality, some environmentalists privately are getting a bit nervous about whether Brown really is one of them. And they may have good reason for thinking that.

Nobody talks the environment as well as Brown. He has described curbing global warming as “a moral question for our generation.’’ His staff overwhelms reporters with press releases professing Brown’s support for making Ohio the Silicon Valley for clean energy production.

But in the past few months, Brown also has broken with environmentalists on a series of critical issues.

Last month, he and seven other Senate Democrats from the industrial Midwest said that any global warming bill would need to protect American manufacturers from imports from countries with weaker regulations of greenhouse gasses.

In February, Brown joined seven other senators in warning the EPA against issuing “ill-timed or imprudent’’ regulations to control emissions of greenhouse gasses, and urged the agency to wait until Congress approves its own global warming package.

And in March, he and Sen. George V. Voinovich, R-Ohio, urged the U.S. Environmental Protection Agency to approve less stringent rules on toxic emissions from boilers that power many factories and universities.

When the EPA issued its tough rules on toxic emissions Friday, Brown’s office issued a “yes-he-does, no-he doesn’t favor them’’ statement. A spokeswoman said Brown favored clean air, but wanted to work with EPA to protect the “economic needs of Ohioans.’’

The statement demonstrated the balancing act Brown likes to perform on the environment. Every time he mentions clean air, he talks jobs.

When he drove the electric car, he boasted about the number of jobs that would be created at the General Motors plant in Lordstown. The letter he signed to the EPA about industrial boilers pointedly noted that “our states and our nations cannot afford job losses associated with rules more stringent than necessary to protect the public health and safety.’’

So far, environmentalists have given him a pass. They like to say he is with the environmental community 85 percent of the time. They acknowledge he represents an industrial state that thrives on production of cars and machinery and whose factories are powered by coal.

And they also know that when it comes to environmentalists from Ohio, Brown probably is the best they’re going to get. The history of Ohio makes it clear there are very few environmentalists who serve statewide.

Former Republican Gov. James A. Rhodes all but blamed the EPA for the collapse of the Youngstown steel mills. Former Sen. John Glenn, D-Ohio, voted against the 1990 Clean Air Act.

But for Brown, the balancing act may come to an end this year. If the Senate holds a floor vote on a global warming bill, he may be forced to choose between the environment and jobs.

Be aware of spill's air pollution risks (*Sarasota Herald-Tribune*)

Published: Saturday, May 1, 2010 at 12:00 p.m.
With the nation's attention fixed on the oil spill in the Gulf, and the health and environmental hazards it poses, the American Lung Association is deeply concerned about Floridians. Harmful emissions from the spill could lead to adverse effects, especially for children, older adults and people with chronic lung disease, heart diseases and diabetes. Even healthy adults can experience coughing and shortness of breath, as well as potential life-threatening effects, such as asthma attacks and heart attacks.

The American Lung Association's State of the Air 2010 report, issued this week, provides grades for ozone and particle pollution, and it ranks cities and counties most polluted by these substances (see stateoftheair.org). Many Florida counties recognized in the report as having the cleanest air are on the Gulf and now susceptible not only to the dangers of this spill's emissions but the air pollution caused by burning the crude oil.

We are encouraging the U.S. Environmental Protection Agency and the impacted areas to deploy air pollution monitors to detect harmful gases, particulate matter and hazardous air pollutants resulting from the oil spill and any burning of the oil. We also encourage health officials to regularly brief citizens of potential health threats.

If your readers smell emissions or are in an affected area, we encourage staying indoors, reducing outdoor physical activity, closing windows and using air conditioners on the recirculation setting. We urge all Floridians, especially Gulf Coast residents, to stay informed and prepared to take appropriate precautions if necessary.

Brenda Olsen
Tallahassee

Editorial: Work to maintain cleaner air (*Herald Times Reporter*)

May 2, 2010

People in Manitowoc County can breathe a little easier now that the county has been declared
compliant with federal clean air standards for smog.

The decision to change the county's air pollution status was announced recently by the U.S.
Environmental Protection Agency, following four years of ozone testing. The county now meets
federal Clean Air Act guidelines.

That is good news to those who always have argued that the bulk of the county's air pollution is an import blown here on winds from industrialized areas to our south.

That is open to debate. Regardless of the air pollution source, however, Manitowoc County has
done enough in the past four years to be removed from the EPA's non-attainment category for air
quality.

That doesn't mean we can let our guard down. The negative health effects of air pollution are well documented. They include reduced lung capacity, airway irritation, worsened asthma and a reduction in the body's ability to fight infections. They particularly affect the very young and the elderly, and Manitowoc County has an aging population.

Manitowoc and Door counties have attained passing air pollution grades, but several other surrounding counties have not, meaning we are a mere ozone reading or two away from losing our newly attained status.

Ground-level ozone forms primarily from reactions between two major classes of air pollutants: volatile organic compounds (VOCs) and nitrogen oxides (NOx). These reactions depend on the presence of heat and sunlight, meaning more ozone forms in the summer months.

According to the website airnow.gov, NOx is emitted by cars, power plants, industrial plants and other sources. Significant sources of VOC emissions include gasoline pumps, chemical plants, oil-based paints, auto body shops, print shops, consumer products and some trees.

We hold the means to control some of these pollutants by driving less, driving cleaner vehicles
and meeting or exceeding environmental regulations in our businesses and industries.

Pollution is not someone else's problem, but something we all can contribute to fight. Let's keep
that in mind as warm weather approaches. Everyone can play a role in helping Manitowoc County maintain its improved air pollution ranking.

The health of many people depends on our willingness to help keep our air clean.

EPA Slips On Oil Spills (*Forbes*)

Henry I. Miller, 04.30.10, 1:45 PM ET

Oil leaking following an April 20 explosion and fire on a drilling rig 50 miles off the Louisiana coast is wreaking havoc. The Coast Guard estimates that as much as 5,000 barrels a day are being released from a pipe resting on the sea floor and causing goo to infiltrate waterways. This has, naturally, terrified fishermen and everyone involved in coastal tourism.

The Obama administration is making a show of concern and offers of aid--two Cabinet secretaries and the head of the EPA were in Louisiana Friday--but nobody has mentioned the government's dirty little secret: What could have been an effective high-tech method to remediate oil spills was killed by federal regulators.

Accidents that cause oil spills are inevitable as long as they can be caused by human or mechanical failures or the vagaries of weather. During the 1980s microorganisms genetically engineered to degrade spilled oil were developed in laboratories, but Draconian federal regulations discouraged their testing and commercialization and ensured the techniques available for responding to these disasters remain low-tech and marginally effective. They include methods such as deploying booms to contain the oil, spraying chemicals to disperse it, burning it and spreading absorbent mats.

At the time of the catastrophic 1989 Exxon Valdez spill in Alaska, there were great expectations for modern biotechnology applied to "bioremediation," the biological cleanup of toxic wastes, including oil. William Reilly, then head of the U.S. Environmental Protection Agency, later recalled, "When I saw the full scale of the disaster in Prince William Sound in Alaska ...my first thought was: Where are the exotic new technologies, the products of genetic engineering, that can help us clean this up?"

He should have known. Innovation had been stymied by Reilly's own agency's hostile policies toward the most sophisticated new genetic engineering techniques. In 1997 the EPA issued the regulation in final form, ensuring that biotech researchers in several industrial sectors, including bio-cleanup, would continue to be intimidated and inhibited by regulatory barriers.

The EPA regulation focuses on any "new" organism (strangely and unscientifically defined as one which contains combinations of DNA from unrelated sources) that might, for example, literally eat up oil spills. For the EPA, then and now, "newness" is synonymous with risk, and because genetic engineering techniques can easily be used to create new gene combinations with DNA from disparate sources, these techniques therefore "have the greatest potential to pose risks to people or the environment," according to the agency press release that accompanied the rule.

That's like arguing that newer, more comfortable automobiles with additional safety appurtenances are actually more dangerous, because people are likely to drive them longer distances.

But science says otherwise. The genetic technique employed to construct new strains is irrelevant to risk, as is the origin of a snippet of DNA that may be moved from one organism to another. What matters is its *function*.

Scientific principles and common sense dictate which questions are central to risk analysis for any new organism. How hazardous is the organism you started with? Is it a harmless, ubiquitous organism found in garden soil, or one that causes illness in humans or animals? Does the genetic change merely make the organism able to degrade oil more efficiently, or does it have other effects, such as making it more resistant to antibiotics and therefore difficult to control?

The EPA's decision to subject new biotechnology to extraordinary regulatory requirements is incompatible with long-standing, widely held scientific consensus, which holds that modern genetic engineering technology is essentially an extension, or refinement, of earlier, cruder techniques of genetic modification. We should be regulating on the basis of the traits of organisms, not because they contain DNA from different sources.

The evidence that is contrary to the EPA's reasoning and policies toward the testing of new biotech products is overwhelming. The U.S. National Academy of Sciences has said there is no evidence that novel hazards are produced by the use of modern genetic engineering techniques or the movement of genes between unrelated organisms.

The U.S. National Research Council has observed that the use of the newest techniques actually lowers the already minimal risk associated with field testing. The reason is that the new technology makes it possible to introduce pieces of DNA that contain one or a few well-characterized genes, in contrast with older genetic techniques that transfer or modify a variable number of genes haphazardly. All of this means that users of the new techniques can be more certain about the traits they introduce into the organisms.

EPA's regulation requires costly case-by-case government review of virtually all field trials of genetically engineered microorganisms. "Naturally occurring" organisms are exempt from this process, however, even if they might foul waterways or pose other serious environmental or public health risks. Moreover, the EPA continues to exempt from review all small-scale field trials of chemicals, including those similar to pesticides and the poison gas sarin.

The bottom line is that organisms crafted with the newest, most sophisticated and precise genetic techniques are subject to discriminatory, extraordinary regulation. Research proposals for field trials must be reviewed case by case, and companies face

uncertainty about final commercial approvals of products down the road, even if they prove safe and effective.

Government policymakers seem oblivious to the power of regulatory roadblocks. The expense and uncertainty of performing R&D with genetically engineered organisms have virtually eliminated them from bioremediation. Companies know that experiments using the new biotechnology will meet a wall of red tape and politics and require vast expense.

Unscientific and regressive regulatory policies have already left a legacy of environmental damage and reliance on inferior methods for the cleanup of wastes. These policies are yet another example of the contempt in which federal environmental regulators hold science, technology and the public interest.

Let's see Obama and his minions pour oil over those troubled waters.

Henry I. Miller is a physician and molecular biologist and a fellow at Stanford University's Hoover Institution. His most recent book is The Frankenfood Myth*.*

AIR

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Obama administration plans to reduce mercury emissions (*Los Angeles Times*)

The EPA hopes to cut such gases from industrial boilers, process heaters and solid waste incinerators by 50% by December.

April 30, 2010|By Clement Tan, Tribune Washington Bureau

Reporting from Washington — The Obama administration on Friday proposed reducing mercury emissions by more than Facilities with boilers also would be required to conduct energy audits to look for cost-effective ways to reduce fuel use and emissions. Smaller facilities, such as schools with smaller boilers, would not be subjected to these requirements, but would have to perform tune-ups every two years.

"Strong cuts to mercury and other harmful emissions will have real benefits for our health and our environment, spur clean technology innovations and save American communities billions of dollars in avoided health costs," EPA Administrator Lisa P. Jackson said in a statement.

Environmental groups, which three years ago blocked attempts by the George W. Bush administration to deregulate toxic emissions from industrial incinerators, boilers and

process heaters, praised the EPA for this proposal. The plan is expected to attract significant opposition from some states and industrial groups during public hearings before it is finalized.

clement.tan@latimes.com

50% from industrial boilers, process heaters and solid waste incinerators by December.

The U.S. Environmental Protection Agency said the plan would yield at least $18 billion worth of health benefits annually and prevent as many as 5,200 premature deaths and about 36,000 asthma attacks a year. The EPA estimates it would cost $3.6 billion to install and maintain pollution controls at the estimated 200,000 units across the country.

Health guidelines to follow as oil slick approaches (Clarion Ledger)

The Clarion-Ledger • May 1, 2010
The Mississippi Department of Health has issued a set of health guidelines for Gulf Coast residents as
an oil slick approaches.

Officials with the department say drinking water in affected areas isn¹t expected to be impacted.

The Environmental Protection Agency is monitoring coastal air quality for changes and possible risks,
the Department of Health says in a news release.

Petroleum fumes from the slick don¹t necessarily pose significant health risks but can be an irritant,
especially for people with asthma or other respiratory ailments, the agency says.

Those who are more sensitive to such odors may experience nausea, vomiting or headaches and should seek medical help if those problems don¹t resolve themselves, according to the agency.

Those who get oil on their skin should wash it off with soap and water and wash their hands to avoid
accidentally swallowing it, the Department of Health says.

Prolonged skin exposure to oil can cause rashes.

The oil spill stems from a rig that exploded and sank about 50 miles south of the mouth of the Mississippi River and could reach the coast in a matter of days.

EPA joins patrol of oil leak from Deepwater Horizon (*Offshore Oil & Gas Magazine)*

Published: Apr 30, 2010
Offshore staff
NEW ORLEANS – The US Environmental Protection Agency is taking air samples along the Louisiana coast to monitor any changes in particulate matter coming from the controlled burn of the oil leaking from the Deepwater Horizon well flow. Plaquemines Parish is the focus of the monitoring.

According to the EPA, as of April 29, no smoke or particulate from the fire were reaching shore.

On April 28, the EPA dispatched its air monitoring aircraft to assist in air sampling and also to photo document any environmental incidents. The Airborne Spectral Photometric Environment Collection Technology aircraft can detect and quantify concentrations of specific chemicals in air.

4/30/2010

Toxic emissions targeted (*Columbus Dispatch*)

EPA proposal would cut mercury pollution released by boilers that generate power
Saturday, May 1, 2010 2:50 AM
By Jack Torry
THE COLUMBUS DISPATCH
WASHINGTON -- The Obama administration yesterday proposed tough rules that would sharply restrict emissions of mercury and other toxic pollutants from the boilers that provide power for many Ohio factories and universities.

The U.S. Environmental Protection Agency's proposed action would reduce mercury emissions by more than 50 percent from tens of thousands of industrial boilers across the country. Environmentalists cheered the move.

The new rules, if put into effect, will have a major impact on virtually every part of the United States, particularly the industrial Midwest. Industrial boilers are second only to coal-fired utility plants in emissions of mercury, which can cause damage to the brains and nervous systems of children.

Jack Shaner of the Ohio Environmental Council called the proposed rules "long overdue, especially in a highly industrialized state like Ohio. Thousands of people live in the shadow of industrial smokestacks, and those folks deserve more protection."

Republican Sen. George V. Voinovich and Democratic Sen. Sherrod Brown had urged EPA Administrator Lisa Jackson in March to adopt less-stringent rules, warning that tougher restrictions could impose higher costs on many Ohio companies and universities, and cost jobs.

Jennifer Scoggins, a Voinovich spokeswoman, said that while Voinovich was still reviewing the proposed regulations, "It appears the standards now under consideration lack sufficient flexibility to reduce emissions at a reasonable cost."

Meghan Dubyak, a Brown spokeswoman, said that while Brown "supports efforts to improve air quality in Ohio and across the nation," he "will continue to work with EPA to ensure that the final rule reflects the health and economic needs of Ohioans."

Many factories, universities, hotels, shopping malls and commercial buildings produce their own electricity and heat from their own boilers, many of which burn natural gas, coal and oil.

In addition, the proposed rules would require steep reductions in toxic emissions from incinerators that burn solid waste at commercial and industrial sites.

Heidi Griesmer, spokeswoman for the Ohio EPA's air division, said the state has hundreds of boilers that provide power for hospitals, schools and factories.

The federal EPA has said it would allow 45 days for public reaction, including hearings, which would let U.S. companies object. The EPA hopes the proposed regulations will go into effect by the end of the year.

Representatives of major industries in Ohio were scrambling yesterday to gauge the impact of the proposed rules. Ryan Augsburger, managing director of public policy purposes for the Ohio Manufacturers' Association, said state industries "will be reviewing the new proposal to see if it imposes unnecessarily burdensome costs on industry."

Jennifer Klein, director of energy and environmental policy for the Ohio Chamber of Commerce, said she had not seen the rules yet, but, "We're always concerned with any new regulations that could impact Ohio's ability to remain competitive in the global marketplace."

By contrast, environmentalists were delighted. Frank O'Donnell, president of the Clean Air Watch, a nonprofit environmental organization in Washington, said, "This is one of the most significant steps taken by the Obama EPA to protect public health. Literally thousands of dirty-air deaths would be prevented each year."

Under the 1990 Clean Air Act, the EPA is required to review its rules on emissions of toxic pollutants. The administration of former President George W. Bush issued rules in 2005 on industrial boilers that environmentalists argued were too weak.

In 2007, a federal appeals court in Washington struck down the Bush administration rules. The EPA had until yesterday to publicly unveil its proposed regulations.

The EPA said the new rules would save as much as $44 billion every year on health costs and prevent as many as 5,200 premature deaths.

jtorry@dispatch.com

EPA ramps up air quality monitoring for oil spill (*Associated Press*)

Story also appeared: *Houston Chronicle*

By JOHN FLESHER AP Environmental Writer 2010 The Associated Press
May 2, 2010, 10:53AM

— The Environmental Protection Agency says it's stepping up air quality monitoring on the Gulf Coast.

There are concerns that vapors from the oil and controlled fires might cause health problems for people living in the region. An oil smell could cause headaches or nausea, but EPA spokesman Dave Bary said Saturday there have been no confirmed reports of such problems.

State health agencies are advising people having such symptoms to stay indoors and ventilate their homes with air conditioning.

Crude oil gives off gaseous vapors. But Jonathan Ward, an environmental toxicology professor at the University of Texas Medical Branch at Galveston, says the vapors likely will be mostly dispersed by brisk sea breezes by the time they reach shore.

Electric, battery-powered mowers gaining ground (*Victoria Times Colonist*)

By John Ewoldt, McClatchy News ServiceMay 1, 2010
About the time you're celebrating that most of your perennials survived the winter, you discover that your lawn mower wasn't as lucky. If you're in the market for a new push mower and haven't shopped for a decade or so, the landscape has changed.

Gas-powered mowers pollute much less than they did 10 years ago, said Rob Little, marketing manager for Toro walk mowers, but more buyers are choosing electric or battery-powered mowers. While about 83 per cent of all mowers sold this year will be gas-powered, Little said, 17 per cent will be electric -- up from eight per cent in 2000.

This year Toro introduced a battery-powered mower, the e-Cycler (Model 20360).

"With the spike in gas prices, more people are looking to get rid of oil and gas machines," he said. "In 2012, the EPA (Environmental Protection Agency) will have new emissions regulations that could increase the cost of gas mowers." With more buyers switching, small-engine repair shop owners are nervous. "My manager says that every time we sell a battery or electric mower, it's another nail in the coffin of our jobs," said Derrick Wood at Cedar Small Engine in Minneapolis. With battery and electric models, there is little to maintain except keeping the mower clean and the blade sharpened.

Pros and cons of electric If you're considering a battery-powered mower, the advantages include a quieter engine, better cutting than a reel mower (but not as good as a gas-powered mower), fewer parts to replace and low maintenance.

Battery-powered models cost about $100 more than a gas-powered push mower but about the same as many self-propelled gas models.

Owners will save a lot in maintenance costs, but they need to figure in the cost of a battery replacement ($60 to $150 US) after four to six years. Most batteries charge overnight and the charge lasts about an hour. If mowing time takes longer, some people cut half the lawn, recharge the battery overnight and finish the job the next day.

Toro's new e-Cycler ($419 US) was top-rated by Consumer Reports in its May issue and is getting five-star customer reviews at Amazon.com. It's giving the popular Neuton model some competition in the cordless category. (Neuton lowered the price of its 19-inch cordless model from $479 to $399 US, possibly in response to Toro's new model.) Online nits about the e-Cycler have concerned its weight (35 kilograms) for a mower that's not self-propelled, its hard-to-remove battery and its small grass catcher.

Gas means performance Gas-powered mowers offer better cutting and easier bagging, Consumer Reports said, but require more work to maintain.

An additive such as Seafoam can extend the life of the gas for up to 60 days, Wood said. He also recommends Echo universal blend oil for two-stroke engines. It works well for people with several machines that have different oil mix ratios of 50:1, 40:1 or 32:1. A small bottle costs less than $2.

Mike Frattalone of Frattalone's Ace Hardware recommends a high-grade small-engine oil called Opti-2 (two-stroke) or Opti-4 (four-stroke). The lubricant's maker doubles the mower manufacturer's warranty (engine only) with the purchase of a six-pack of the oil

for $50. (A typical mower-manufacturer's warranty is two years.) Go human power Of course, the old-fashioned push-reel mower -- now lighter than ever -- is the cheapest to run of the lot. It requires only human power and is also the most eco-friendly way to go.

BUYING TIPS - Get a guarantee: Hate not being able to test a mower before purchasing? Buy one with a six-month money-back guarantee, such as Neuton battery-powered models, or buy from retailers with unconditional return policies.

- Read up on ratings: Check out the May issue of Consumer Reports for mower reviews and manufacturer reliability.

- Consider newer features: Options include electric start, self-propulsion that automatically adjusts to your walking speed, and a port to wash out green gunk with a hose.

AIR POLLUTION: EPA standards aim to curb toxic emissions from boilers, waste incinerators (*Greenwire*)

(04/30/2010)
Sara Goodman, E&E reporter
Boilers, process heaters and solid waste incinerators would have to meet strict hazardous air pollution standards under a series of rules proposed today by U.S. EPA.

"Strong cuts to mercury and other harmful emissions will have real benefits for our health and our environment, spur clean technology innovations and save American communities billions of dollars in avoided health costs," said EPA Administrator Lisa Jackson in a statement. "This is a cost-effective, commonsense way to protect our health and the health of our children, and get America moving into the clean economy of the future."

One rule is aimed at cutting toxic air pollution from industrial, commercial and institutional boilers and process heaters. Such boilers, which burn coal and other fuels to generate heat or electricity, are used by petroleum refiners, chemical and manufacturing plants, paper mills and other facilities.

For new boilers at area sources -- where the facility can emit less than 10 tons per year of any toxic air or 25 tons per year in combination -- coal-fired units would be required to meet emission limits for mercury, particulate matter and carbon monoxide, while biomass- and oil-fired units would have to meet limits for particulate matter and carbon monoxide.

Existing coal-fired units would have to meet emission limits for mercury and carbon monoxide, while biomass- and oil-fired units would need to meet limits for carbon monoxide.

Smaller facilities, such as schools, with some of the smallest boilers are not included in the requirements but would have to perform tuneups every two years.

There are about 183,000 existing area source boilers at 92,000 facilities in the United States, EPA estimates, and 6,800 new area source boilers are expected to be installed over the next three years. EPA says its rule would result in a reduction of 1,500 tons of toxic air pollutants per year.

For major new and existing natural gas- and refinery gas-fired units, EPA is proposing a work practice standard rather than emission limits.

EPA has also proposed standards for new and existing commercial and industrial solid waste incineration units, which it says will apply to 172 of the 176 currently operating units. Four units are already meeting the emissions limits, EPA said.

Jim Pew, an attorney with Earthjustice, called the incinerator rule "good, as far as it goes," but said EPA is exempting from the standards any facility that burns its own waste on-site.

"The idea that there are only 175 facilities burning industrial waste is laughable," Pew said. "EPA's leaving out all the facilities that are burning their own waste; that's why this loophole is so big."

Overall, though, Pew and other environmental groups say the rules will go a long way toward reducing harmful emissions.

"This is one of the most significant steps taken by the Obama EPA to protect public health," said Frank O'Donnell, head of the advocacy group Clean Air Watch. "Literally thousands of dirty-air deaths would be prevented each year."

But some industry groups worry the standards are too stringent and could cost billions of dollars to meet.

Robert Glowinski with the American Wood Council said the rule would require up to five different air pollution control devices and would conflict with other existing control requirements.

"If EPA were to provide more flexible approaches in the Boiler MACT [maximum achievable control technology] rule and appropriately address the diversity of boilers, operations, sectors, and fuels, it could achieve its goal while preventing severe job losses and billions of dollars in unnecessary regulatory costs," Glowinski said in a statement.

Added Lisa Jaeger, a partner with Bracewell & Giuliani: "We're looking at billions and billions of dollars in cost for add-on controls, so we'll be looking closely at the cost impact and whether it's feasible."

EPA is also proposing to narrow a category of waste defined as nonhazardous solid waste, altering a George W. Bush-era notice of proposed rulemaking that would have excluded from regulation a wide range of waste -- including scrap tires, scrap plastics and used solvents -- when burned for energy. That rule would have allowed some facilities like cement kilns and petroleum refineries that use secondary materials and fall below the major source threshold to avoid MACT requirements.

EPA is taking public comment for 45 days once the rule is published in the *Federal Register.*

EPA Air, Waste Proposal Seeks Legal Basis To Close Emissions 'Loophole' (*Inside EPA*)

Environmentalists say EPA's proposal to cut air toxics emissions from combusting waste and other materials retains a Bush-era “loophole” to continue burning some waste without restriction, but groups welcome signals that the Obama EPA appears to be soliciting comment on how it could craft a legally defensible process to close the loophole.

EPA April 30 proposed to broaden the definition of “non-hazardous waste” under the Resource Conservation & Recovery Act (RCRA) -- a key question because facilities burning waste must be subject to strict air toxic limits for incinerators rather than less-stringent rules for boilers. EPA also proposed new Clean Air Act emission rules for incinerators that combust waste and boilers that combust non-waste secondary materials.

Industry is already calling for more flexibility in the final version of the rules, fearing that they would impose massive new costs on industry by requiring facilities to install “up to five different air pollution control devices that will conflict with other existing control requirements,” according to an April 30 statement by the American Forest & Paper Association.

Environmentalists and the National Association of Clean Air Agencies, which represents state air officials, generally offered support for the air and waste regulatory package -- though environmentalists criticize EPA for retaining the Bush-era exemption from the air rules, though they say it is limited to only smaller boilers combusting secondary materials generated on-site. Such boilers would be exempt from EPA's proposed boiler national emission standards for hazardous air pollutants.

But activists note that the agency “left open the possibility that it will change course and close the loophole,” according to an April 30 statement by Earthjustice, Sierra Club and other environmental groups. They say EPA details the legal hurdle to closing the exemption loophole and appears to seek advice on how to overcome it.

EPA notes in the proposal that broadening the rule as activists request would present “legal issues” and seeks comment from the public on ways that the agency could answer questions about the legality of alternative approaches.

The 1990 Clean Air Act amendments -- including section 129, which requires the agency to cut air toxics from solid waste combustion -- left it to EPA to define the term “solid waste” for the purposes of the boiler and incinerator rules. In 2005, the Bush EPA issued a rule defining commercial and industrial solid waste incinerators, which excluded all units that combusted waste materials to recover energy, something environmentalists opposed.

Activists subsequently sued EPA over the rule and the U.S. Court of Appeals for the District of Columbia Circuit in 2007 vacated the definition rule and the boiler emissions rule. EPA in addition sought remand of the incinerator air rule, and its April 30 air and waste package offers the agency's new approach on the rules.

EPA's new proposal to define solid waste would “significantly narrow the current universe of non-hazardous secondary materials that would be identified as non-wastes under RCRA,” according to an agency fact sheet on the waste proposal, saying that non-hazardous secondary materials -- for the purposes of combustion -- would generally always qualify as solid waste and are therefore subject to more-stringent rules under the air act.

But activists say that the new rules retains a Bush-era exception -- albeit considerably narrower than the 2005 rule -- from any emissions regulation for certain facilities.

The proposal for boilers that qualify as area sources -- meaning they emit less than 10 tons per year (tpy) of any single air toxic or 25 tpy of any combination of air toxics -- sets limits for boilers that burn coal, oil and biomass, but would not regulate boilers that combust non-traditional secondary materials.

Boilers under the proposal are facilities that burn non-waste materials. Wastes would not include secondary material that remains with the control of the generator, is used as a fuel and meets a set of “legitimacy criteria” laid out by the agency to prevent “sham” energy recovery operations; that is used as a manufacturing ingredient; that has been been processed to a point that it meets the legitimacy criteria for fuels; or that has been shown, through a case-by-case petition process that it “has not been discarded and is indistinguishable in all relevant aspects from a fuel product.”

The legitimacy criteria requires, among other factors, that the material “contain contaminants that are comparable or lower than in traditional products,” but an

environmentalist source says that provision would not stop an area source boiler from burning waste. “A piece of plastic doesn't necessarily have any hazardous constituents really,” even though such materials do release hazardous materials when burned, the source says.

Alternative, Broader Definition

EPA noted in the proposal that it is considering an alternative, broader definition of non-hazardous waste in response to environmental justice advocates, who have long urged the agency to define it in a way that includes all non-hazardous secondary materials combusted at industrial facilities.

According to the proposal, the key distinction between the two approaches is that within the proposed approach, EPA does not view “material recycled within a continuous industrial process” as waste, but the alternative approach “requires that the secondary material material is both recycled under the control of the generator and complies with the legitimacy criteria to ensure that it is in fact not handled as a waste and is a truly beneficial fuel or ingredient product.” As an example, the proposal cites on-spec used oil generated on-site and combusted in an industrial boiler.

The agency notes the alternative definition may violate the Clean Air Act by being too stringent. “EPA believes that this approach presents legal issues because it provides too broad a definition of solid waste in light of the RCRA case law on the definition of solid waste,” according to an agency “frequent questions” document.

But environmentalists say it is significant that EPA is even considering the approach. “The important thing is that they're taking comment on it. . . . In the rulemaking world if they didn't even take comment on it, then they couldn't do it, and the final rule is due in December so getting them to take comment on this issue is really big. It keeps the administration's options open.” EPA is under court order to issue the final rule by Dec. 16.

“Industry groups have long pushed for a narrow definition [of non-hazardous waste] rule that would allow thousands of facilities that burn spent chemicals and solvents, scrap tires, scrap plastics, industrial sludges, and used oil to avoid pollution requirements,” the environmentalists said. “Although today's proposal would limit this loophole to facilities that burn their own wastes on site, it is likely that thousands of such facilities are currently operating.”

EPA will take public comment on the proposal for 45 days after publication in the *Federal Register*. -- *Molly Davis*

New federal rule targets harmful mercury emissions (*Atlanta Journal Constitution*)

By MATTHEW DALY
The Associated Press
4:21 p.m. Friday, April 30, 2010
WASHINGTON — The Obama administration says 5,000 deaths could be prevented each year under new rules announced Friday to limit the amount of mercury and other harmful pollutants released by industrial boilers and solid waste incinerators.

The planned rules would reduce mercury emissions more than 50 percent by requiring steep and costly cuts from companies operating some 200,000 industrial boilers, heaters and incinerators.

The Environmental Protection Agency proposed the rules Friday and must seek public comment before they are made final.

Industrial boilers and heaters are the second largest source of mercury emissions in the United States, after coal-fired power plants. The boilers burn coal and other fuels to generate heat or electricity and are used by petroleum refiners, chemical and manufacturing plants, paper mills, municipal utilities and even shopping malls and universities.

The incinerators burn waste to dispose of it, and some also turn it into energy.

The EPA said the new federal limits would save lives and prevent up to 36,000 asthma attacks each year by reducing air pollution.

Once airborne, mercury eventually settles in water, where it builds up in ocean and freshwater fish and can be highly toxic to people who eat them. Mercury can damage the brain and nervous system, especially in children and fetuses.

The estimated cost of installing and operating the required pollution controls total about $3.6 billion per year, the EPA said.

Some lawmakers representing industrial states have protested placing the added burden on businesses when many are struggling because of the recession.

Sen. Robert Casey, D-Penn., wrote in a March 17 letter to the EPA that forcing companies to spend so much "will only result in plant closings and further loss of jobs."

A spokesman for Casey said Friday the senator was reviewing the new rule and had no immediate comment.

The EPA estimated the rules would lead to savings of $18 billion to $44 billion annually, measured in work days not missed, hospital visits avoided and illnesses prevented.

EPA administrator Lisa Jackson called the proposed rule "a cost-effective, common-sense way to protect our health and the health of our children, and get America moving into the clean economy of the future."

Frank O'Donnell, president of the advocacy group Clean Air Watch, said the rules are "a huge step toward protecting children from toxic mercury and other hazards from smokestack pollution."

The limits would take effect after a 45-day public comment period. A hearing is likely in June.

On the Net:

EPA mercury rule: www.epa.gov/airquality/combustion/

April 30, 2010 04:21 PM EDT

Concerns over oil spill vapors prompts EPA to step up air quality monitoring on Gulf Coast (*Los Angeles Times*)

JOHN FLESHER
AP Environmental Writer
8:12 AM PDT, May 2, 2010
NEW ORLEANS (AP) — The Environmental Protection Agency says it's stepping up air quality monitoring on the Gulf Coast.

There are concerns that vapors from the oil and controlled fires might cause health problems for people living in the region. An oil smell could cause headaches or nausea, but EPA spokesman Dave Bary said Saturday there have been no confirmed reports of such problems.

State health agencies are advising people having such symptoms to stay indoors and ventilate their homes with air conditioning.

Crude oil gives off gaseous vapors. But Jonathan Ward, an environmental toxicology professor at the University of Texas Medical Branch at Galveston, says the vapors likely will be mostly dispersed by brisk sea breezes by the time they reach shore.

Monday, May 3, 2010
Posted on Fri, Apr. 30, 2010

Obama calls for reduction in mercury emissions (*Kansas City Star*)

By CLEMENT TAN
Tribune Washington Bureau
The Obama administration proposed Friday reducing mercury emissions by more than 50 percent and cutting hundreds of tons of cancer-causing toxic metals emitted by industrial boilers, process heaters and solid waste incinerators by December.

The proposal would require large boilers and all incinerators to meet emission limits for mercury - a toxin that can damage the brains and nervous systems of unborn babies and young children - and other pollutants.

Facilities with boilers are also required to conduct energy audits to look for cost-effective ways to reduce fuel use and emissions. Smaller facilities, such as schools with smaller boilers, would not be subjected to these requirements, but they are required to perform tune-ups every two years. The U.S. Environmental Protection Agency said this move would affect 200,000 industrial boilers process heaters and solid waste incinerators across the country.

The EPA said that when fully implemented, the plan would yield at least $18 billion worth of health benefits annually and prevent up to 5,200 premature deaths and about 36,000 asthma attacks a year. The EPA estimates it would cost $3.6 billion to install and maintain pollution controls required under these rules.

"Strong cuts to mercury and other harmful emissions will have real benefits for our health and our environment, spur clean technology innovations and save American communities billions of dollars in avoided health costs," EPA Administrator Lisa P. Jackson said in a statement. "This is a cost-effective, common-sense way to protect our health and the health of our children, and get America moving into the clean economy of the future."

Coming three years after environmental groups blocked attempts by the George W. Bush administration to deregulate toxic emissions from industrial incinerators, boilers and process heaters, these same groups are praising the EPA for this proposal - which would likely attract significant opposition from some states and industrial groups.

The plan will be finalized after a public hearing is held.

APRIL 30, 2010, 3:47 P.M. ET

EPA Sets New Rules For Mercury Emissions From Industrial Boilers (*Wall Street Journal*)

BY MARK PETERS

The U.S. Environmental Protection Agency will require refineries, paper mills and other facilities to cut emissions of mercury and other air pollutants produced by industrial boilers.
The new regulations are expected to have the biggest impact on an estimated 2,500 large, mostly coal-fired boilers, ...

ASBESTOS

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Asbestos Tile Source Guide (*New York News Today*)

Sunday, May 02, 2010

Asbestos tiles were pretty popular back then in the US from 1920 to the 1960s. Nobody knew anything about the side effects of asbestos. Asbestos were used to manufacture brake pads, filtered cigarettes, electric ovens, battle ships, even asbestos tiles! Imagine that.

Then somebody came along and blew the whistle on asbestos and said, “Asbestos is responsible for serious respiratory illnesses such as mesothelioma, asbestosis, and lung cancer. Do you want my filtered cigarette?”

Since then many countries have banned the use of asbestos in many common household and industry items. Asbestos tiles went out of style. Or at least it was supposed to.

According to the US Environmental Protection Agency, asbestos content in floor and ceiling tiles is safe as long as it doesn’t exceed 1%. But problem is it can range anywhere from 0% to 70%, which is more than enough to poison everyone living under the roof.

The color of the tile is a good indicator of its asbestos content. Dark colored tiles usually have higher concentrations of asbestos, but of course that doesn’t mean all dark colayored tiles contain asbestos. Always make it a point to ask the dealer to show you only asbestos-free tiles.

The thing with asbestos tiles is that they are safe as long as the asbestos doesn’t spread into the air. This happens when the tile is cracked or chipped by another hard object.

For this reason, asbestos tiles are much safer to use as ceiling tiles than floor tiles. But even so, avoid using asbestos tiles if you can help it – floor or ceiling.

For more information and tips On Asbestos Tile Source Guide visit, http://asbestos-tile.info

BROWNFIELD

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May 1, 2010

Clinton County receives brownfield grant funds (*Lansing State Journal*)

The Environmental Protection Agency has selected Clinton County to receive two brownfields assessment grants totaling $400,000.

The county will use the grant funds to conduct assessments on brownfields and to investigate the impact of these sites on nearby sensitive properties such as schools, parks and dwellings.

The assessment grants will also help preserve farmland by promoting the reuse of brownfield properties.

The basis for the county's Assessment Grant Project is the realization that brownfield redevelopment will lead to improved community well-being, wise land use decisions, and increased local tax revenues.

The county's Brownfield Redevelopment Authority will monitor the progress of the assessment with staff support from the Clinton County Economic Alliance.

If you are interested in learning more about the environmental assessment, contact John Czarnecki at the Clinton County Economic Alliance at (517) 669-1345 or czarneckij@cceami.org

- From Clinton County Economic Alliance

Article published Apr 30, 2010

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

Times Argus Staff

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

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

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

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

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

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

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

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

CLIMATE CHANGE / GLOBAL WARMING

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EPA urges court to reject requested 'endangerment' remand (*Greenwire*)

(04/30/2010)
Robin Bravender, E&E reporter
U.S. EPA is challenging a request made by Virginia, Alabama and other critics of the agency's "endangerment" finding that a federal appeals court ought to send the finding back to EPA for review.

The attorneys general from those states, as well as industry groups and other critics of EPA's finding that greenhouse gases threaten public health and welfare, asked the U.S. Circuit Court of Appeals for the District of Columbia earlier this month to remand the

finding (*E&ENews PM*, April 16). Those groups argued that EPA ought to reconsider the finding in the wake of recent controversies surrounding the science underpinning the determination.

Virginia and Alabama are among a host of groups that have asked the appeals court to review the endangerment finding.

EPA earlier this month asked the court to hold the lawsuit in abeyance until it issues a decision on the numerous petitions for reconsideration filed with the agency. EPA said it expects to issue a decision on those petitions in late July.

But Virginia argued in its request for remand that "there can be no realistic expectation that EPA will actually grant reconsideration" based on recent public statements from EPA Administrator Lisa Jackson and the agency's final rule imposing greenhouse gas standards for cars and light-duty trucks. The tailpipe standard, issued earlier this month, hinges on EPA's positive endangerment finding.

EPA shot back in a **motion** filed yesterday with the court.

"Their assertion that EPA has *de facto* denied these petitions is entirely meritless," the agency said. "To the contrary -- EPA is in the process of carefully reviewing the ten petitions for reconsideration (and seven supplements thereto) submitted to the agency, and anticipates that it will issue its decision with respect to all the petitions on or about July 30, 2010."

A coalition of 17 states and New York City also petitioned the court to deny the request to send the finding back to EPA.

The position that the court should remand the finding "while EPA is still reviewing petitions for reconsideration involving the same issue raised in movants' remand motions, seeks to bypass the appeal process that they themselves initiated," the states supporting EPA wrote in a motion submitted yesterday to the court. "Disposal of the case in this manner is not warranted," they said.

Arizona, California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, Minnesota, New Hampshire, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, Pennsylvania's Department of Environmental Protection and New York City are intervenors in the case.

ENERGY

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New, Tougher HDTV Energy Star Standard Takes Effect (*PC World*)

Energy Star 4.0 standard pushes HDTV makers to reduce energy consumption.
Lincoln Spector
Saturday, May 01, 2010 08:30 AM PDT
It's about to get a lot harder for televisions to earn that familiar Energy Star logo. On May 1, the new Energy Star 4.0 standard for televisions, published last September, becomes effective. The maximum amount of power an Energy Star TV can consume will drop by about 40 percent.

May 1, 2010 is what the Environmental Protection Agency--the federal bureau that oversees the Energy Star project--calls the new requirements' "effective date." No televisions manufactured on or after that date will be able to carry an Energy Star logo unless they are 4.0 compliant. If a particular model is only 3.0-compliant, a unit built on April 30 could have the logo, but not one built the next day.

In addition, such models will disappear from the EPA's online list of compliant televisions as of that date. Meanwhile, the EPA's list will continue to be updated with 2010 models that are compliant.

Less Power for the Same Size

The outgoing 3.0 specifications were not particularly strident. A 50-inch set could consume a full 318 watts when turned on and still get to display the logo.

By comparison, Energy Star 4.0 means a 50-inch HDTV will not be able to carry an Energy Star logo if it burns more than 153 watts--just shy of half 3.0's maximum.

The new specifications also require that a set use less than a single watt when in sleep or standby mode--usually referred to colloquially as being "turned off."

While the change in energy consumption is a dramatic one, manufacturers are ready for the switch. Already, the 2010 models for Panasonic, Samsung, Sharp, Sony, and Vizio are Energy Star 4.0 compliant.

California Requirements

Television manufacturers don't have to comply with Energy Star rules to sell their wares in the United States, but they'll have to come close to that in California.

Last year the California Energy Commission introduced regulations, going into effect at the beginning of 2011, that come very close to Energy Star requirements. Effectively speaking, only Energy Star sets will be sellable in the golden state.

Even more strident rules are on the horizon. Energy Star 5.0 becomes effective on May 1, 2012. When that happens, a qualifying 50-inch set will have to burn no more than 108

watts when on. So will a 60-inch set, since the EPA has decided that, for 5.0, the maximum consumption for 50 inches will be the maximum, period.

By comparison, according to the Energy Star 3.0 specs, a 32-inch set can burn more than that.

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

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

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

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

EPA fines Magellan for leak (*Tulsa World*)

By ROD WALTON World Staff Writer
Published: 4/30/2010 2:24 AM
Last Modified: 4/30/2010 2:24 AM

The U.S. Environmental Protection Agency has levied a $418,000 fine against a subsidiary of Magellan Midstream Partners LP for a pipeline leak that allowed up to 45,150 gallons of gasoline to enter a creek near Oologah, EPA officials said Thursday.

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

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

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

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

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

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

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

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

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

Efficiency program for federal agencies is lagging -- IG report (*Greenwire*)

(04/30/2010)
Jenny Mandel, E&E reporter
An Energy Department program to help federal agencies buy the most efficient products has failed to keep up with marketplace changes, according to auditors.

A review by DOE's inspector general found that the Federal Energy Management Program (FEMP), which publishes specifications for the qualities that federal buyers should look for in various products, has not updated its guidelines frequently enough.

Auditors said this lag means that federal purchasing of energy-consuming products, which amounts to about $10 billion per year, is not capturing the full potential of best-in-class devices. FEMP estimates that the energy savings available to the federal government from energy-efficient purchases is well over $200 million per year, the report says.

In a review of the program, inspectors found that FEMP lacked a formal system to decide when to update product specifications and had poorly managed contractors responsible for carrying out the work.

The program also coordinated badly with the Energy Star program, a product rating system run jointly by DOE and U.S. EPA that does similar work for public information, inspectors said. Many of the products for which FEMP maintains specifications are also reviewed under Energy Star, but in some cases, the public-facing program had more recent information available than did the program for federal purchasing managers.

As a result of the lapses, the report says, many product specifications have gone years without review. A FEMP specification for energy use by computers was last updated in 2000, for example, although computer performance has changed significantly since then, and the Energy Star program has published at least two specifications with increasingly tough energy usage criteria.

The auditors recommended that Assistant Secretary for Energy Efficiency and Renewable Energy Cathy Zoi ensure FEMP has sufficient resources to carry out its work, and that the program develop written policies and procedures, improve its contractor management and enhance coordination with Energy Star.

In a written response, DOE managers agreed that some FEMP procedures and documentation needed updating, but they generally blamed the problem on funding cuts in fiscal years 2006 through 2009 that limited the program at times to just half of one full-time employee and sent "mixed messages" about the importance of the program.

They said FEMP funding and staff resources had already been increased and the program re-emphasized, and that performance was expected to improve as a result.

GRANT

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May 1, 2010

Clinton County receives brownfield grant funds (*Lansing State Journal*)

The Environmental Protection Agency has selected Clinton County to receive two brownfields assessment grants totaling $400,000.

The county will use the grant funds to conduct assessments on brownfields and to investigate the impact of these sites on nearby sensitive properties such as schools, parks and dwellings.

The assessment grants will also help preserve farmland by promoting the reuse of brownfield properties.

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The county's Brownfield Redevelopment Authority will monitor the progress of the assessment with staff support from the Clinton County Economic Alliance.

If you are interested in learning more about the environmental assessment, contact John Czarnecki at the Clinton County Economic Alliance at (517) 669-1345 or czarneckij@cceami.org

- From Clinton County Economic Alliance

Bennington County gets $356K in EPA funding (Bennington Banner)

KEITH WHITCOMB JR.
Posted: 04/30/2010 11:11:18 PM EDT
Friday April 30, 2010
BENNINGTON -- Bennington County will be the recipient of $356,000 in grant funding to rehabilitate contaminated properties.

Jeff Mast, regional planner for the Bennington County Regional Commission, said the money is from the federal Environmental Protection Agency through the Brownfields program. The program funds various phases of environmental studies aimed at making contaminated sites more attractive to developers.

In 2008, the BCRC, which applies for and administers the funding locally, was approved for $200,000 to conduct hazardous materials studies at four sites: the Alcaro property, a former car dealership; the north and south portions of the former Vermont Tissue Co. property, both in Bennington, and the Hoosic River dam at the former Pownal Tanning Co. site in North Pownal, which is owned by the town.

Mast said the 2008 grant only applied to hazardous materials, while in the new round, $156,000 will be used for petroleum contamination. Mast said the EPA essentially makes a distinction between contamination from petroleum and other sources and awards funding to them separately.

The Brownfields grants are not easy to get, he said, and it's possible the EPA was impressed with how well the projects are going, which helped with securing the funds.

The money will not be available until Oct. 1, and in the meantime the remainder of the 2008 money will be spent in an effort to finish the previous year's projects.

If the money runs out, Mast said, the new funding will be used to complete them, or the BCRC will work with the state Agency of Natural Resources to secure funding from the America Recovery and Reinvestment Act, better known as the stimulus bill.

The recently selected sites were chosen from a larger pool, said Mast.

The money will likely go to projects cut in the first round, including the Barlow gravel pit site on Dean Road in North Pownal, which once served as a town dump. Mast said an

industrial building near the Pangaea restaurant in North Bennington is another candidate, as is a site in Manchester. He said the owners have not been spoken to yet about the opportunity.

Mast said the selection process will be the same as in 2008, with a large pool of candidates discussed by local leaders and winnowed down to about 10 sites, then out of the smaller pool, sites will be selected based on a point system gauging economic viability.

The Vermont Tissue property was split into two sites for the purpose of the grants, Mast said. The southern portion of the tissue company includes a building and a dam.

The dam is owned by William Scully, who hopes to turn it into a hydroelectric facility.

Mast said the studies show contamination in the sediment behind the dam and in the warehouse building. Mast said the sediment contamination does not appear to be severe, but more tests will have to be done. As for the building, remediation efforts may include painting over the interior.

The northern site, which contains lagoons used by the tissue company to catch "slurry," a byproduct of the paper manufacturing process, had some contamination, although not at alarming levels. Mast said the site is not a residential area, and can be used depending on what a developer seeks to do.

He said the Pownal dam received the least amount of environmental assessment work, with only the Phase I portion being completed. He said a Phase II cost estimate is still pending.

As for the Alcaro site in the downtown, Mast said it was mostly clean, but no petroleum study has been done.

Contact Keith Whitcomb at kwhitcomb@benningtonbanner.com.

PESTICIDES

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Removing parasites from pets takes many steps (*Foster's Daily Democrat*)

Sunday, May 2, 2010
Last week we began a discussion of possible problems with so-called "spot on" flea and tick preventatives and treatments.

We noted that the country's Environmental Protection Agency for more than two years has been investigating a multitude of complaints that dogs and cats have suffered adverse reactions, including skin irritation at the administration site or neurological problems, including seizures and death.

Currently the EPA is developing stricter testing and evaluation rules for these products, as well as drafting requirements for more complete and dire warnings to be placed on packaging. If the numbers of reactions and deaths do not drop dramatically and soon, the EPA is also considering a total ban on the products.

It is important to remember that human carelessness can be just as much at fault as the product. Owners who are devastated by guilt after administering a product that leads to the illness or death of a beloved pet may find it far easier to blame the product than themselves. It is not uncommon to find that someone has used a product intended for dogs on a cat, or that intended for a 80-pound dog on a 20-pound dog. Such mistakes can kill a pet.

Meanwhile, until the EPA completes their studies, we are still left with the problem of how to protect our pets and ourselves from these dangerous parasites. Just as we have grown casual about products that repel or kill fleas and ticks, we have also grown casual about the idea that fleas and ticks are not really very dangerous.

Not so! Fleas and ticks carry a full range of dangerous, and in some cases fatal, disease conditions that can affect our animals and us. The obvious ones include Lyme disease, Plague, Erlichinosis, intestinal parasites, or Rocky Mountain Spotted Fever. I don't want any of these — do you?

After consulting with a few nearby veterinary hospitals, I have gathered a list of suggestions that will, if followed, keep your pets safer while still protecting them from fleas and ticks. Elimination of parasites is a three-step process:

1. Treat the pet

2. Treat the inside of your home

3. Treat your yards and outbuildings.

Here is a list of steps you can take to help make these pests go away without overdoing your use of dangerous chemicals:

1. Bathe all pets once a month when parasites are most prevalent. Use either plain water or an organic shampoo, not a "flea soap."

2. Industriously vacuum clean your home: ALL of the home: carpets, upholstery, beds and bare floors, with a focus on places where walls and floors meet, as well as all cracks in floors and any and every surface that could hide flea or tick eggs.

3. When you use the vacuum cleaner, place about 12 moth balls inside the bag. When done with vacuuming, empty the vacuum cleaner bag into a plastic bag, tie it off and get it out of the house. Wash the cloth bag and dry thoroughly before your next use, or replace the bag. Moth balls in the bag will help to kill any flea or tick eggs picked up during the vacuuming.

4. Launder all scatter rugs, bath mats, slip covers and bedding, yours and the pet's. When possible, dry either in direct sun or a dryer.

While doing all this cleaning and killing, your pets will need to be treated somehow so they do not attract further infestation. This is the time for a consult with your veterinarian. If you have used spot-on products in the past with no side-effects, you could opt to use them again — being very careful to follow directions exactly. If you have seen ANY problem with these products, find another solution now.

We have two new options this year; perhaps one of these will be deemed a good choice for your animals. Vectra, by Abbot Labs, or Myco-Dex may be safe and effective for your animals.

If your pet's doctor does not recommend either of these for your animals, ask about using herbal sprays or powders or citrus oil sprays. Being "organic" does NOT equate with always being safe. Discuss pros and cons with your vet before selecting a product.

Removing parasites and their eggs from your environment will keep them off you and your pets too. After you finish vacuum cleaning, there are two ways you can remove parasites and their eggs from your home and keep them from returning.

Some have had good success with Vet-Kem pump premise spray. Alternatively, the same product is available in a "bomb." Regardless of which you choose, these products are sufficiently toxic to kill parasites in all life stages. Directions must be followed exactly.

You and your pets must be removed from the home until the spray has dried — about 3 hours. Once dry, it is safe for you to resume normal activities.

This treatment (vacuuming and spray) must be repeated once a week until the parasite's life cycle is broken.

The products mentioned may be found in pet supply stores, feed stores or grocery stores. This is one time when I urge you to buy them only from a veterinary hospital.

The "good stuff" can only be sold by a licensed veterinarian. The possibility of saving a few pennies is not worth the risk of buying the wrong product or in the wrong strength.

Better this time to seek advice, information and the product from your trusted

veterinarian. Better for your animals, and in the long run, better for your wallet.

California proposes registering methyl iodide (*Capital Press*)

Updated: Friday, April 30, 2010 5:08 PM
Public-comment period to follow
By Wes Sander
Capital Press
SACRAMENTO -- California's Department of Pesticide Regulation has proposed registering the fumigant methyl iodide.

The chemical is being considered by state officials to replace methyl bromide, which has been phased out under international agreement to reduce ozone-depleting substances.

Mary-Ann Warmerdam, DPR director, said Friday afternoon that California's proposed rules for using methyl iodide commercially include usage restrictions that are stronger than those imposed by the U.S. Environmental Protection Agency.

U.S. EPA registered the pesticide in 2007. Most states do not conduct their own registrations, instead adopting EPA's rules.

DPR will take public comment on the proposed registration through June 14. Warmerdam said the registration process would likely stretch into autumn.

The contentious atmosphere surrounding the chemical has led to a science review that is more rigorous than those applied to most chemicals. It involved conducting a risk assessment, a step that Warmerdam said is reserved for only a few cases.

The assessment was then peer-reviewed by state and federal environmental agencies, as well as an external panel of university researchers. The researchers released a report in February saying that although the state's conclusions were sound, methyl iodide could not be controlled in the field well enough to prevent worker exposure.

Commodity groups have said some farmers would be unable to compete without an effective soil fumigant. Farmworker and anti-pesticide groups have petitioned EPA to rescind its registration.

In the Capitol, legislative committees have held hearings on the process as it drew out. Laboratory researchers described the substance as one of the most toxic they handle -- it is used for inducing cancer in lab specimens -- and said it poses serious risks in the field.

Crop researchers have said the chemical presents little danger if applied according to guidelines. DPR took that approach, and proposed the most stringent restrictions in the country.

Warmerdam said that despite the "particularly challenging" urban-rural boundaries in California, the proposed rules -- involving buffer zones, application limits and local control in tailoring rules to specific regions -- would protect people and groundwater from exposure.

"If we could not assure ourselves that human exposure could be mitigated, we would not have made a proposed decision to register," Warmerdam said.

On the Web: www.cdpr.ca.gov

SOLID WASTE

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

Story also appeared: *Los Angeles Times*

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

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

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

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

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

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

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

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

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

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

SUPERFUND

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EPA proposes change in plans for one radioactive site (*LaSalle News Tribune*)

Sunday, May 02, 2010

By Craig Sterrett
ntlocal@newstrib.com

OTTAWA — The U.S. Environmental Protection Agency has proposed a change in plans for one of the vacant properties in Ottawa with radiation in soil. But the EPA's change in plans cannot be made until after a May 3-June 11 public comment period.

A public meeting on the concept is set for 6:30 p.m. Wednesday, May 19 in the city council chambers in Ottawa City Hall.

The plan in place at present — not the new recommendation — calls for any radium-contaminated soil still found at a north-side vacant lot at 351 and 353 Bellevue Ave. between Route 23 and Champlain Street and north of the Illinois RailNet railroad tracks to be dug up and replaced with clean dirt.

"However, new data collected before the actual cleanup work started showed the current plan would have been difficult to implement and much more costly, so EPA developed an alternative," according to the proposal the EPA mailed this weekend to the NewsTribune.

"The new cleanup plan proposed by the EPA calls for no further excavation work at the site. Instead, institutional controls such as deed restriction will be put in place barring soil excavation below the groundwater table unless approved by EPA or the Illinois Emergency Management Agency."

Noting that "ground water" is environmental lingo for underground water supplies,

the EPA would allow for buildings to be built on concrete slabs only, and they would have to have “a radon reduction system” constructed on the site.
Water wells would be prohibited, and any soil removed “would have to be tested and moved from the site to an appropriate disposal landfill.”
EPA says it would check the site every five years for 30 years to make sure no changes had occurred that would affect the risk to human health and the environment. Also, EPA would “in the future” evaluate the groundwater.
EPA already has removed a total of 4,176 tons of radium-contaminated soil from the site. Soil was dug up and removed from 5 to 12 feet below the surface. The area was then filled in with clean soil.
“Further investigation conducted by EPA in 2006 and 2007 found that although radium-contaminated soil had been excavated from the ‘NPL-11’ site, some polluted soil remained deeper underground,” EPA wrote, noting the NPL-11 (National Priorities List, aka Superfund) is among 16 separate areas in and around Ottawa that were found to be contaminated with radioactive waste. Radioactive radium-226 probably came from two Ottawa companies that made glow in the dark watch dials and faces, Radium Dial Co. (1920-1932) and Luminous Process Inc. (1932-1978).
EPA estimates one alternative (doing nothing), would cost nothing yet also do nothing to prevent health risks. Other options, such as continually pumping and pumping to dewater the site, excavating even more soil and disposing of soil off-site would cost $4.9 million; creating a huge underground vertical barrier and also using continuous pumping for groundwater collection would cost $4.8 million; and finally the EPA’s recommended option of simply having the government mandate “institutional controls” and rules for the site including testing at a cost of $210,000.
A chart the EPA can provide shows that it believes the recommended option will be practical to implement, and have “short-term effectiveness” as well as “long-term effectiveness and permanence.”
Comments may be made orally or in writing at the public meeting May 19; or via Internet at www.epa.gov/region5/publiccomment/ottawa-pubcomment.htm; or to Cheryl Allen by fax at (312) 223-2234 or e-mail at allen.cheryl@epa.gov.
Allen may be reached at (312) 353-6196. EPA Remedial Project manager Denise Boone may be reached at (312) 886-8431. EPA Region 5 office, (800) 621-8431, is open 8:30 a.m.-4 p.m. weekdays.

TOXICS

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Local contractors adapting to new lead-safe regulations (*Mansfield New Journal)*

BY LOU WHITMIRE • News Journal • May 2, 2010

MANSFIELD -- The Environmental Protection Agency said last month it is implementing a regulation requiring the construction industry to help prevent lead poisoning among children.

Numerous local contractors attended a recent meeting at the Mansfield-Ontario-Richland County
Health Department to learn more about the new lead-safe work practices regulation. The measure
took effect April 22.

Workers must take steps like containing their work area with plastic and conducting a thorough
cleanup of lead paint dust stirred up during construction activity. Federal officials say those
factors are partly to blame for about 120,000 cases of elevated lead levels in children younger than age 6 each year.

The federal Lead-Based Paint Renovation, Repair and Painting rule affects anyone who disturbs painted surfaces where lead may be present. The rule applies to work performed in homes and buildings occupied by children, including schools and daycare centers built before lead paint was banned in 1978.

Jennifer Frazier, a sanitarian with the local health department's environmental health division, said the rule affects contractors, including renovators, electricians, HVAC specialists, plum-bers, painters and maintenance staff, who disrupt more than six square feet of lead paint in pre-1978 homes, schools, day care centers and other places where children spend time.

Others should also be aware of the regulations.

"Anyone on a maintenance staff that might maintain apartments, or landlords that might do their own maintenance on their rentals," Frazier said.

Those workers must be EPA-lead safe certified, which requires they attend a one-day class that will certify them for five years and teach them the required steps to contain the work area, minimize dust and thoroughly clean up every day, Frazier said.

Contractors will have to invest in vacuums that suck up and trap dust and scaffolding for outdoor projects. Builders estimate the new rule could add $1,500 to $4,500 per job in time, materials and
labor to protect against lead dust migration.

David Lloyd is owner of Contemporary Remodeling in Mansfield.

"It will cost us more because we'll have to buy more equipment," he said. "It's a good thing, but

homeowners aren't aware of it ... the additional costs will be passed down to them. This will affect new window replacement, too."

Mike Hunt, owner of Hunt Home Improvement, 847 N. Trimble Road, said the company is certified under the new rule and took the class in March at a cost of $300.

"We think all of this is a moneymaker for the government," Hunt said. "The economy is already in horrible shape.

"It's ironic. Ohio has six people trained to enforce it."

Frazier said the health department is not the delegated authority to enforce the rule. Locally, the
program is enforced by the EPA, Region 5, out of Chicago. Those contractors who do not have the required certificate can be fined. To find an accredited trainer, anyone can go to Epa.
gov/getleadsafe or call 800-424-LEAD.

Classes are filling up in Ohio.

"They're pretty much booked. The next available class we found is May 14," Frazier said.

"It's important to protect our children from possible lead poisoning, but it's going to protect the
contractor and all the workers as well."

Lead, whether in dust, soil or paint chips in older and poorly maintained properties, is still the main environmental hazard for children despite significant declines in childhood lead poisoning
rates over the last 15 years, federal health officials
said. Even at low levels, the metal can cause devastating neurological damage in young children,
including a lowered IQ and behavioral problems. lwhitmire@nncogannett.com 419-521-7223

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

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

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

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

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

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

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

WATER

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EPA Looking Into New Water Quality Regulations (Central Florida News 13)

Saturday, May 01, 2010 9:48:03 AM
TAMPA -- The Environmental Protection Agency is looking to expose some tough new quality standards for Florida water, which doesn't sit well with some agricultural leaders.

Fertilizer helps newly planted orange trees in Lake Wales grow up healthier, but chemicals can end up in the water as a result.

The EPA is planning new rules to lower how much nitrogen and phosphorus is allowed to run into Florida's streams, canals, and lakes.

However, citrus growers like Vic Story say they are worried, because a new state agriculture department study finds that complying with the rules could cost Florida farmers billions of dollars.

"I guess a lot of us feel like the EPA is in our business when they don't need to be," says Story.

Story says growers are already cutting back on fertilizer by using high tech sprayers, and that he has testified to that at EPA hearings.
More information

"I feel like we're doing a good job of being stewards of the land and water," says Story.

But some environmentalists, like John Ryan with the Polk Sierra Club, says the EPA rules wouldn't really be as bad as folks in the agriculture industry think.

"There's going to be some additional costs," says Ryan. "I'm not suggesting there won't... The costs of implementing the program are dramatically overblown."

The EPA is still taking testimony on the proposed rules for Florida.

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

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

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

CLF argued the plan wasn't working.

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

City expresses concern about EPA handling of old cleaners (*News Tribune*)

Saturday, May 01, 2010
By Jeff Dankert
perureporter@newstrib.com
The city of Peru is reluctant to sign an agreement with a vacant dry cleaning business east of Jewel Foods because contaminated soil there could bring extra cost and liability if the city had to excavate nearby 16th Street.
Family Pride Cleaners opened in 1987 in the former home of a Pizza Hut. In 2005 it moved to a new site on Progress Boulevard.
Soil beneath the building contains compounds including benzene, tetrachloroethene, trichlorothene and vinyl chloride, according to data from monitoring wells.
The contaminated soil plume extends about 130 feet around the vacant dry cleaners

and beneath parts of 16th Street.
The site is part of the Environmental Protection Agency's voluntary site remediation program. The Illinois Drycleaner Environmental Response Trust Fund covered insurance and costs.
Under EPA oversight, Family Pride and its engineering consultant, Kim Miller, an engineer with Bonestroo Inc. of Northbrook, investigated the contamination.
Miller sent a letter to the city in August asking it to sign a Highway Authority Agreement. The owner of the business, Boyd Palmer, and the former operator, Ray Patel, already had signed it. Miller said in her letter that once the city signed it, the site would qualify for a "No Further Remediation" letter from the EPA, which would allow the owner to lease or develop the site.
This spring, Miller explained the agreement to the city council and its water and sewer committee. The agreement would prohibit tapping groundwater beneath the site. The city agreed with that provision.
However, the agreement also says the city, as the authority over 16th Street, must limit access to the contaminated soil beneath the right of way. City officials believe this provision exposes the city to liability should it excavate 16th Street to repair a water main.

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

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

The EPA's decision came in response to a 2008 lawsuit filed in U.S. District Court in Burlington by the Conservation Law Foundation. CLF alleges the pollution-reduction goals set for the lake are deeply flawed, and the EPA erred in approving them.

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

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

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

The plan is known formally as the Lake Champlain TMDL, or total maximum daily load. The document establishes a pollution budget — a calculation of how much phosphorus

the lake can absorb while still providing good water quality.

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

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

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

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

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

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

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

Written by Ellen Scott Green IT, Latest News Apr 30, 2010
Now you can stay informed about clean water and check water violations in your own community. The Environmental Protection Agency is launching a new set of web tools to better inform citizens about Clean Water Act violations.

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

EPA is also taking a step towards more transparency, and the administrations goals of open government, with the launch of these interactive tools. "EPA is taking another

important step to increase transparency and keep Americans informed about the safety of their local waters," said Giles.

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

Check out water violations in your community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In the meantime, the county is working with affected municipalities to help them co

EPA proposes change in plans for one radioactive site (*LaSalle News Tribune*)

Sunday, May 02, 2010
By Craig Sterrett
ntlocal@newstrib.com

OTTAWA — The U.S. Environmental Protection Agency has proposed a change in plans for one of the vacant properties in Ottawa with radiation in soil. But the EPA's change in plans cannot be made until after a May 3-June 11 public comment period.

A public meeting on the concept is set for 6:30 p.m. Wednesday, May 19 in the city council chambers in Ottawa City Hall.

The plan in place at present — not the new recommendation — calls for any radium-contaminated soil still found at a north-side vacant lot at 351 and 353 Bellevue Ave. between Route 23 and Champlain Street and north of the Illinois RailNet railroad tracks to be dug up and replaced with clean dirt.

"However, new data collected before the actual cleanup work started showed the current plan would have been difficult to implement and much more costly, so EPA developed an alternative," according to the proposal the EPA mailed this weekend to the NewsTribune.

"The new cleanup plan proposed by the EPA calls for no further excavation work at the site. Instead, institutional controls such as deed restriction will be put in place barring soil excavation below the groundwater table unless approved by EPA or the Illinois Emergency Management Agency."

Noting that "ground water" is environmental lingo for underground water supplies, the EPA would allow for buildings to be built on concrete slabs only, and they would have to have "a radon reduction system" constructed on the site.

Water wells would be prohibited, and any soil removed "would have to be tested and moved from the site to an appropriate disposal landfill."

EPA says it would check the site every five years for 30 years to make sure no changes had occurred that would affect the risk to human health and the environment. Also, EPA would "in the future" evaluate the groundwater.

EPA already has removed a total of 4,176 tons of radium-contaminated soil from the site. Soil was dug up and removed from 5 to 12 feet below the surface. The area was then filled in with clean soil.

"Further investigation conducted by EPA in 2006 and 2007 found that although radium-contaminated soil had been excavated from the 'NPL-11' site, some polluted soil remained deeper underground," EPA wrote, noting the NPL-11 (National Priorities List, aka Superfund) is among 16 separate areas in and around Ottawa that were found to be contaminated with radioactive waste. Radioactive radium-226 probably came from two Ottawa companies that made glow in the dark watch dials and faces, Radium Dial Co. (1920-1932) and Luminous Process Inc. (1932-1978).

EPA estimates one alternative (doing nothing), would cost nothing yet also do nothing to prevent health risks. Other options, such as continually pumping and pumping to dewater the site, excavating even more soil and disposing of soil off-site would cost $4.9 million; creating a huge underground vertical barrier and also using continuous pumping for groundwater collection would cost $4.8 million; and finally the EPA's recommended option of simply having the government mandate "institutional controls" and rules for the site including testing at a cost of $210,000.

A chart the EPA can provide shows that it believes the recommended option will be

practical to implement, and have “short-term effectiveness” as well as “long-term effectiveness and permanence.”
Comments may be made orally or in writing at the public meeting May 19; or via Internet at www.epa.gov/region5/publiccomment/ottawa-pubcomment.htm; or to Cheryl Allen by fax at (312) 223-2234 or e-mail at allen.cheryl@epa.gov.
Allen may be reached at (312) 353-6196. EPA Remedial Project manager Denise Boone may be reached at (312) 886-8431. EPA Region 5 office, (800) 621-8431, is open 8:30 a.m.-4 p.m. weekdays.

4 subdivisions named in $1 million EPA lawsuit (*Avon Lake Ledger*)

-- 5/2/2010
City engineering manager says waterways are safe
Lori E. Switaj
Although four building sites in Avon Lake were named in an EPA action filed against Hovnanian Enterprises, a New Jersey company accused of polluting local waterways, the city’s engineering manager is saying there were never any EPA violations and the waterways are safe.

The four Avon Lake sites named in last week’s action are Bridgeside, Gramercy Place, Piccolo Place and Pine Meadow.

K. Hovnanian Enterprises, a major home builder based in Red Bank, NJ, has been fined $1 million for runoff from 591 construction sites in 18 states and the District of Columbia from the EPA and the U.S. Justice Department. Other sites named in Lorain County were in Amherst, Avon, North Ridgeville and Vermilion. In total, 16 sites were named in Lorain County, however, whether any violations actually occurred is unclear.

Read the EPA report

The EPA settlement reads, “Hovnanian Enterprises, Inc., a builder of residential homes nationwide, has agreed today to pay a $1 million civil penalty to resolve alleged Clean Water Act violations at 591 construction sites in 18 states and the District of Columbia.”

The sites mentioned include four in Avon Lake and four in Avon, however representatives in both cities said they were unaware of any violations.

Avon Lake City Engineering Manager Joe Reitz said he was unaware of any violations.

“I haven’t had any issues with them,” Reitz said of Hovnanian Enterprises. “None of our sites have had violations. (Hovnanian) bought lots from developers. I haven’t been made aware of any EPA issues.”

Reitz has been a staunch promoter of storm water management and clean waterways in the city and has been recognized in both Cleveland and throughout the state for public awareness of how to maintain healthy waterways.

Jim Piazza, Avon's planning coordinator, said Hovnanian built homes but was not the developer and was not involved in stormwater management. He said he too was not aware of any EPA violations.

"We wouldn't allow that," Piazza said. "There's been no damage to Avon. We have an MS4 (Municipal Separate Storm Sewer System) permit and have put water quality measurements in place."

He noted that while some cities might not be checking for permits of ensuring developers are following EPA guidelines, "You can't do that in Avon."

Contacted April 22, one EPA representative said there might not be specific violations attached to a development saying the violations were "alleged." The Ledger was referred to EPA offices in Chicago and Philadelphia, however no additional information was provided regarding any specific location in either Avon or Avon Lake.

On April 20, Hovnanian Enterprises agreed to pay the $1 million civil penalty to resolve alleged Clean Water Act violations at 591 construction sites in 18 states and the District of Columbia. As part of the settlement, the company will also implement a company-wide stormwater compliance program designed to improve compliance with storm water run-off requirements at existing and future construction sites around the country. Some of the polluted locations include the Chesapeake Bay Watershed.

"Restoring and preserving the Chesapeake Bay is one of EPA's top priorities, and preventing polluted stormwater from entering the bay watershed is vital to keeping it healthy," said Peter S. Silva, Assistant Administrator for EPA's Office of Water. "This enforcement action will help protect the bay by addressing stormwater pollution at the source."

Violations include discharge of pollutants in stormwater without a permit pursuant to the Clean Water Act, failure to provide information in the form of permit applications to the EPA Administrator and failure to comply with the conditions of permits issued pursuant to CWA Section 402, U.S.C. § 1342, resulting in the discharge of pollutants in stormwater from construction sites, a violation of the Clean Water Act.

Violations of permit conditions including the failure to design, implement and maintain adequate best management practices (BMPs) at construction sites. The settlement will be distributed as follows: United States: $864,000, District of Columbia: $1,000, Maryland: $67,000, Virginia: $59,500 and West Virginia: $8,500.

"This case is a result of EPA's effort to protect local waters by vigorously enforcing the nation's environmental laws," said Cynthia Giles, Assistant Administrator of EPA's Office

of Enforcement and Compliance and Assurance. “Without appropriate onsite pollution controls, sediment-laden runoff from construction sites can pollute local waterways. This enforcement agreement will mean cleaner water for hundreds of communities across the country."

Company officials at Hovnanian Enterprises declined to comment.

This scientist says the Chesapeake Bay can’t be rescued (*Maryland Daily Record*)

by Capital News Service
Published: May 2nd, 2010
Kent Mountford, a former Chesapeake Bay Program scientist with the Environmental Protection Agency, resides in Southern Maryland on Leonard Creek. Capital News Service photo/Morgan Gibson
LUSBY — Despite restoration efforts, government dollars, and a multi-state movement to save the Chesapeake Bay, one scientist doesn’t think a rescue is possible.

As a former Chesapeake Bay Program scientist and an avid sailor, Kent Mountford has been studying and sailing the bay’s waters for 40 years, and learned the ins and outs of America’s largest estuary. But all this knowledge has left him with a sorrowful outlook for the bay’s future.

“One of the reasons I left the bay program was to try and enjoy it before it disappeared,” Mountford said. “I go out on my boat and try to soak up some of what’s left.”

Mountford, 71, is an estuarine ecologist and environmental historian. He left the Environmental Protection Agency in 2000, and spends his time sailing, lecturing at local colleges and writing books as well as a monthly column for The Bay Journal.

Mountford still monitors the bay, even though he’s not on anyone’s payroll. He tests the water’s oxygen levels and water visibility, then records it all in a huge three-ring binder; the oldest records date to 1976.

Mountford also works for Cove Corp., a small marine biological laboratory led by his wife, Nancy Kirk Mountford.

“He’s always been dedicated to doing hard, honest work with the bay,” his wife said.

Picturesque view

The Mountfords live in Lusby with their two cats. Their white, historic home sits on a cliff overlooking Leonard Creek. The view from his front yard is picturesque; he can see acres of forest, his private dock on the quiet waves below, and to the left in the distance he can see the creek flowing into the Patuxent River.

Mountford said he feels lucky to live in such a beautiful place, and brags that, until recently, he had the same view Capt. John Smith and Native Americans would have seen hundreds of years ago.

In the past few years, however, the land on the other side of the creek was purchased and developed, Mountford said, and now, especially at night, he can see a difference.

“Instead of walking out and seeing darkness, I now see floodlights on somebody’s yard,” he said.

This aspect of the bay is something that greatly interests Mountford. One of his books, John Smith’s Chesapeake Voyages, 1607-1609, published in 2008, tells stories of foreign explorers and Native Americans working, fishing and living around a younger and much healthier bay. As an environmental historian, Mountford is always interested in comparing today’s bay watershed to its past.

Rich Batiuk, associate director for science at the EPA’s Bay Program and a former colleague of Mountford, said that Mountford’s perspective was always unique because of his knowledge of environmental history.

“He always had a passion for the historical side,” Batiuk said. “It was always Kent reminding us not to lose that perspective.”

Batiuk, who was hired by Mountford as an intern in 1985, said that the program was fortunate to have him.

“Kent was also one that was clearly never hesitant to speak up on what he thought was wrong,” Batiuk said.

Population the culprit

What Mountford is speaking up on now, what he thinks is wrong with the bay, is the watershed’s huge population increase.

When Mountford first started working on the bay in the early 1970s, 11.8 million people lived there; now there are nearly 17 million.

This population increase, Mountford said, weighs on the bay’s health, bringing unreversable development and waste.

With the population boom, the bay’s health should be a lot worse, but efforts by government programs and environmentalists have allowed the good to keep pace with the bad, Mountford said.

Thomas Pheiffer, a retired EPA scientist who worked on bay issues from 1972 to 2005 out of Annapolis, agrees with Mountford. Pheiffer saw urbanization hit the area in the mid-1970s and witnessed the impact it had on the bay.

“Kent was right, we’re doing our best to break even with the increases in the population,” Pheiffer said. “Even though we’re doing more with the practices … [the pollution] all goes somewhere, and it goes in the creeks.”

In the late 1960s, the consensus about bay health was that it was “pretty good,” Mountford said, but then in the 1970s that changed with Hurricane Agnes and the oyster diseases MSX and Dermo.

“These numbers of insults to the ecosystem all came at once and this woke people up, that, ‘Whoa, this is not the Chesapeake Bay of our grandfathers,’” Mountford said.

Environmental efforts toward restoring the bay started to get serious after that, and Mountford was a part of that effort.

He came by his love of the water naturally, growing up in Warren Township on the New Jersey coast. He nurtured that love with sailing on Barnegat Bay on a boat called the Silent Maid.

Attended Rutgers

Mountford attended Rutgers University; receiving his bachelor’s from the College of Arts and Sciences in 1960, his master’s in 1969 and PhD in 1971, the latter two from the Department of Botany, though his studies and research were in marine ecology. He did his thesis and dissertation on the plankton ecology of Barnegat Bay.

His wife, who raises orchids and is a member of the American Orchid Society, said that for a guy with a doctorate in botany, her husband doesn’t really like plants.

Mountford came to Maryland in 1971 to work with the Academy of Natural Sciences in Philadelphia on environmental construction problems with the Calvert Cliffs nuclear power plant.

“I learned an awful lot about how the bay worked and what it was like at that time,” he said.

One of Mountford’s accomplishments was helping to fight for a ban against phosphates in commercial detergents, which is still in place today. The result in the Potomac River and ultimately in the bay was “quite dramatic,” he said.

He also helped implement a monitoring program for the Potomac River.

Because of that experience and his connection with the bay, the EPA hired him in 1984 to coordinate the monitoring program for the whole bay.

“We really believed that we could save the Chesapeake Bay,” he said. “From the people, there was so much hope and energy, and this was when I was joining EPA, and I thought, ‘Oh this is just great, you’re on the leading edge of something which has a world focus.’”

People from all over the world were coming to see the kind of new work being done on the bay, he said, but now, that’s changed.

“But I’m afraid … the whole program and all of the dreams we had have been buried in bureaucracy and the inability to deliver,” Mountford said. “The Obama administration

sort of gave a real firm charge to the EPA to come on, get it together, let's clean up the Chesapeake Bay, but the resources, the muscle is not there."

Consequences aren't serious

Mountford doesn't believe there has ever been any serious enforcement for restoring the bay, even today. He said that people keep violating law after law, and that the consequences are never that serious.

Mountford tries to live what he preaches and takes small steps toward helping the bay; the sink in his downstairs bathroom is adorned with a "Save the Bay" sticker, reminding you to not use more water than necessary.

Looking out onto Leonard Creek from his cliff-top view, Mountford reflects on how John Smith might have seen it, teeming with life, and how it now exists.

"One of the most depressing things is to see how coastal Maryland has changed," Mountford said. "Despite me coming here as a missionary preaching the horrible mistakes that were made on the Jersey coast to scores of public groups in the Chesapeake Bay … saying, 'Don't let this happen to you,' and they did."

Spill scrutiny won't delay Arctic projects, Shell says (*Greenwire*)

(04/30/2010)
Though the massive oil spill in the Gulf of Mexico will prompt the Obama administration to look more closely at offshore drilling, Royal Dutch Shell PLC expects to move forward this summer with drilling in the Beaufort and Chukchi seas off Alaska's northern coast.

"We don't have any reason to believe those outstanding permits will be impacted by recent events in the Gulf of Mexico," spokesman Curtis Smith said.

The Obama administration has suspended new lease sales in the Chukchi and Beaufort seas to conduct additional studies, but Shell, which paid $2.1 billion for leases in 2008, has been allowed to proceed with drilling. U.S. EPA recently awarded Shell a key permit needed for the project (*Greenwire*, April 2).

The oil spill in the Gulf of Mexico has prompted environmentalists to ask for a moratorium on new offshore drilling while the cause of the accident at an offshore platform leased by BP PLC is determined.

President Obama remains committed to additional drilling in parts of the outer continental shelf, White House energy adviser Carol Browner said yesterday, but the lessons of the recent explosion in the Gulf of Mexico "will be folded in" as the Interior Department reviews new leases. White House press secretary Robert Gibbs said that once the cause of the spill is determined, it could change the president's "viewpoint" on offshore drilling or determine what areas will remain on the table.

"We need to learn from the incident," Browner said (AP/*Anchorage Daily News*, April 30). **-- GN**

STATE LINES: Colo., Vt., Ky. and S.D. (*Greenwire*)

(04/30/2010)
COLORADO: A group of hunters and anglers is protesting a federal plan to lease about 11,400 acres of land to oil and gas companies. The protesters say the region is home to moose and sage grouse and provides migration routes for elk, mule deer and pronghorns. The federal government plans to lease 14 parcels of land in a May 13 auction, but the hunters coalition wants to give the government a chance to re-examine the plans (Judith Kohler, AP/MSNBC, April 29).

VERMONT: U.S. EPA has requested a federal court allow the agency to re-examine rules regulating how much phosphorous can be dumped into Lake Champlain. The move, in response to a lawsuit from the Conservation Law Foundation, could mean the agency overturns the 2002 total maximum daily load system that permits some state and municipal agencies and businesses to pollute the lake. Phosphorous is contributing to the growth of algae blooms that choke the lake (Louis Porter, *Barre Montpelier Times Argus*, April 30).

KENTUCKY: Widows of two miners killed in a 2006 fire at the Aracoma Alma No. 1 Mine have sued the U.S. Mine Safety and Health Administration. The suit charges that MSHA inspectors missed major violations in a January 2006 inspection at the Massey Energy Co. mine that could have prevented the deadly fire. The suit specifically mentions problems with mine ventilation, control of combustible materials, miner training, monitoring systems and pre-shift safety examinations (Ken Ward Jr., *Charleston Gazette*, April 28).

SOUTH DAKOTA: A wind turbine blade manufacturer will lay off about one-third of the staff at a plant in eastern South Dakota. Knight & Carver Wind Group Inc. says the 16 layoffs at the Howard plant are a response to a lull in the wind energy industry. The company may temporarily close the plant for a month, and officials say more layoffs are possible if demand for wind turbines does not pick up (Dirk Lammers, AP/*San Francisco Chronicle*, April 28). **-- JP**

EPA Extends Strict Federal Stormwater Control Approach To Municipalities (*Inside EPA*)

EPA is requiring municipalities to use some of the same approaches for controlling post-construction stormwater runoff that are contained in recent congressionally mandated guidance for federal facilities -- backing calls from activists to apply the federal standards, which are stricter than most used in the private sector, to municipal separate storm sewer system (MS4) permits.

EPA has recently issued new guidance for permit writers emphasizing the need for similar performance standards as those included in the federal facilities guidance and included similar stringent new requirements in a proposed permit for Washington, DC, that Region III issued April 21.

The two new measures borrow approaches contained in EPA guidance for ensuring that new or modified federal facilities are constructed in such a way that they control stormwater runoff even after construction is complete. The guidance stems from language in the 2007 energy law that required the agency to issue guidance on how federal facilities could maintain or restore, to the maximum extent technically feasible, the pre-development hydrology of a property.

The agency's 2009 implementation guidance provides two options for meeting the requirement -- either containing stormwater onsite equal to the 95th percentile rainfall event or using site-specific conditions and modeling techniques to determine the pre-development hydrology of the site.

Environmentalists late last year expressed hope that the stormwater control standards in the federal facility guidance could be applied to MS4 permits.

But industry groups are concerned that broader application of the federal requirements will drive up construction costs (*see related story*).

EPA Region III's draft MS4 permit for the District of Columbia, released April 21, includes enforceable requirements for using green infrastructure techniques to control stormwater and performance standards to limit runoff from newly developed or redeveloped land that are nearly identical to those contained in the federal facility guidance.

"The innovations in this new permit are vital to restoring and protecting the health of local waterways in the District, as well as the Chesapeake Bay," Region III Administrator Shawn Garvin said in an April 21 statement. "We all need to do our part, and this permit can serve as a model to other municipalities for preventing runoff from washing harmful pollutants into streams and rivers in the Bay watershed."

Accompanying Fact Sheet

A fact sheet accompanying the draft permit explains, “The fundamental difference between today’s draft Permit and previous generation permits is the imposition of measurable requirements for green technology practices, sometimes referred to as ‘low-impact development’ or ‘green infrastructure.’”

These include planting at least 4,150 trees annually, installing 120,000 square feet of green roofs annually, and decreasing impervious surfaces by 13.5 million square feet over the five-year term of the permit, according to an EPA comparison of existing and proposed requirements in the permit.

Additionally, the proposed permit includes numeric performance standards for stormwater retention that are nearly identical to those contained in the federal facility guidance -- a push that EPA officials are also emphasizing in guidance for state regulators on improving MS4 permits issued in April.

“Permits should contain a performance standard for post-construction that is based on the objective of maintaining or restoring stable hydrology to protect water quality of receiving waters or another mechanism as effective,” Linda Boornazian, director of the Water Permits Division within the Office of Water, writes in a cover letter to the April 2010 MS4 guidance.

The 2007 energy law requires federal facilities to maintain or restore, to the maximum extent technically feasible, the pre-development hydrology of a property. And EPA’s 2009 implementation guidance provides two options for meeting the requirement -- either containing stormwater onsite equal to the 95th percentile rainfall event or using site-specific conditions and modeling techniques to determine the pre-development hydrology of the site.

But the agency says in the MS4 guidance that most MS4 permits only require permittees to adopt a post-construction program with enforceable requirements designed to reduce stormwater impacts from new development and redevelopment, without specifying a performance standard. The MS4 guidance includes minimum recommended permit provisions that reflect the principles behind the federal facility requirements but allows permit writers flexibility to include even more stringent requirements or slightly different performance standards that can be used, such a specifying the minimum storm volume to be retained on site rather than the minimum storm size, as in the federal facility guidance.

The proposed D.C. MS4 permit says non-federal facilities need to contain stormwater onsite equal to a 90th percentile rainfall event, a slightly less stringent standard than for federal facilities because most construction in the district involves redevelopment rather than new sites. “If the District had more open land available for new development, and thus the opportunity for additional types of control measures, EPA may have included a capture level closer to the 95% required for federal facilities,” the Region III fact sheet says. -- *Lara Beaven*

Posted on Sun, May. 02, 2010

Proposed water quality criteria could be costly (*Bradenton Herald*)

Manatee commission urging EPA to delay 'one-size-fits-all' approach
By CARL MARIO NUDI
cnudi@bradenton.com
MANATEE — If the U.S. Environmental Protection Agency's proposed water quality standards are implemented without any changes, it could cost taxpayers millions of dollars.

That is the position local and state agencies are taking with the new numeric water nutrient criteria the EPA has told them they have to meet.

Rob Brown, the manager of the environmental protection division for the Manatee County Natural Resources Department, told county commissioners last week the EPA standards were not based on local data and would be expensive for the county to readjust.

"We don't want criteria that causes citizens to spend a lot of money that will need to be corrected in the future," Brown said. "We want good criteria based on science."

He said the problem with the standards the federal agency set was that they did not take into consideration the local geology and natural condition of area waterways and lakes.

The EPA established the new numeric standards for nutrients after state environmental groups filed a lawsuit in 2008 claiming the federal agency was not enforcing the 1998 Clean Water Act.

EarthJustice filed the lawsuit after years of seeing many of Florida's lakes, streams and estuaries continue to be degraded, said Monica Reimer, an attorney with the nonprofit public interest law firm.

One of the environmental organizations, Florida Wildlife Federation, issued a report, "It's Time to End the Slime," outlining the failure of the state rules that led it and the other groups to file the lawsuit.

According to the report, "1,000 miles of the state's rivers and streams, 350,000 acres of Florida's lakes and 900 square miles of its estuaries were contaminated by sewage, fertilizer or manure pollution."

These polluted waters are a danger to the public health and deny swimmers and other recreational users access to clean water, the report stated.

Reimer said before a judge ruled on the lawsuit, the EPA reached a consent agreement with the plaintiffs that outlined the new water nutrient standards.

“We obtained everything through the consent agreement that we could have won with a judgment,” she said.

But it is those new standards that could create havoc for local guardians of water quality.

Brown said some of the problems are that Manatee County is in the Bone Valley Region watershed, which produces a high concentration of phosphorus in the waterways because of the natural presence of phosphate in the ground. He wants the EPA to allow for this higher concentration and set site-specific standards.

The federal agency also was not taking into consideration the success the county has had, working with surrounding counties and municipalities, with the Sarasota Bay Estuary Program, Brown said.

Because the water from the counties’ lakes and streams end up in Sarasota Bay, it is only reasonable to conclude that the water quality of those waterways meet an acceptable standard.

Dee Ann Miller, the deputy press secretary for the Florida Department of Environmental Protection, wrote in a press release that “Florida has made a tremendous investment to collect and analyze the data necessary to define how nutrient enrichment affects the biological health of its surface water.”

But, Miller wrote, the EPA developed the new standards despite the state’s efforts to establish its own.

In the official comments to the EPA’s actions, Jerry Brooks, director of the FDEP’s division of environmental assessment and restoration, emphasized the importance of using correct data to establish the standards.

“In the absence of site specific criteria, overly stringent criteria forces significant investments for remediation with no associated environmental benefit,” Brooks wrote.

But he continued, “Criteria less stringent than necessary can result in failure to prevent environmental harm.”

The Manatee County Commission also sent comments to the EPA as part of the rule-making process.

In its letter, the commission supported the federal agency’s efforts, reminded them “it is imperative that these standards be based on defensible science, and are reasonable and cost effective to implement.”

Highlighting specific portions of the EPA's proposed rules, the commission's letter said the standards would mean that more than 80 percent of the state's waters would be deemed impaired and urged the EPA to delay its "one-size-fits-all" approach in setting standards.

The EPA proposal also only deals with specific sources of nutrient-load pollutants, such as stormwater and industry, and does not take into account unregulated sources and air pollution.

Brown said Manatee County has been a leader in maintaining high water quality standards.

The county has spent millions over the years installing infrastructure, such as the sewer water reuse system, and adopting rules that has made it a model around the country.

But EarthJustice's Reimer said the EPA standards are necessary because of the state's failure to establish its own. "It's taken way too long," she said.

As for the additional costs, the attorney does not think the new nutrient criteria will add much to the expenses of local governments.

One place local governments can begin in improving their water quality is in regulating fertilizer use, Reimer said.

Brown agreed, saying it is cheaper to control the source of the nutrient than to clean the water supply.

Several counties and municipalities have passed ordinances restricting fertilizing lawns during the summer when rain can wash the nutrients into the stormwater system, which ends up in streams and lakes.

Read more: http://www.bradenton.com/2010/05/02/v-print/2251001/proposed-water-quality-criteria.html#ixzz0msdgssrf

Updated: 9:32 AM May 3, 2010

Florida Deepwater Horizon Oil Spill Response Day Three (*WJHG-TV*)

The State Emergency Response Team, in support of the Department of Environmental Protection (DEP) as the lead response agency for the state of Florida, is actively monitoring the Deepwater Horizon response.
Posted: 8:10 AM May 3, 2010
Reporter: Florida Division Of Emergency Management

The State Emergency Response Team, in support of the Department of Environmental Protection (DEP) as the lead response agency for the state of Florida, is actively monitoring the Deepwater Horizon response. Currently, there are no impacts to the state projected through Wednesday; however, Florida continues to make preparations to safeguard the state's shoreline.

The following is a summary of state and BP response actions to date, as well as tips for residents and visitors to take precautions both pre and post-landfall.

Response efforts by the state of Florida to date include:

DEP established an email sign-up for information alerts on its website on Saturday, May 1, as well as a resources page containing fact sheets and tips pertaining to health, safety, wildlife, pre and post-landfall preparations. To view tips and sign up for email updates, visit www.dep.state.fl.us/deepwaterhorizon.

On Saturday, May 1, DEP concluded water sampling to use as a baseline for ongoing monitoring. Air and sediment baseline sampling is still taking place.

DEP, the Florida Fish and Wildlife Conservation Commission (FWC), county governments, water management districts and several federal agencies continue to conduct pre-impact assessments, including sampling of water, fish, shellfish and habitats along the Florida coastline and into the Gulf of Mexico.

Air monitoring for particulate matter (PM) and volatile organic compounds (VOC) conducted by DEP in coordination with Pinellas County on Monday last week revealed that air quality in the area was classified as "good." Statewide monitoring is ongoing in coordination with the U.S. Environmental Protection Agency. Panhandle-specific data is expected to be completed early this week. To view Florida's air quality data, visit http://www.airnow.gov/ or http://www.epa.gov/bpspill/.

FWC made biologists with shoreline wildlife expertise available at two beach clean-up events in Wakulla and Escambia counties this weekend to inform, educate and advise volunteers as they worked to clean up man-made debris in conjunction with Volunteer Florida.

The State Emergency Operations Center remains activated at a Level 2 or Partial activation.

Governor Charlie Crist declared a state of emergency (EO 10-99) for Escambia, Santa Rosa, Okaloosa, Walton, Bay and Gulf Counties on Friday, April 30, 2010.

The State Emergency Response Team has representatives at the Unified Command at the U.S. Coast Guard's Sector Mobile, helping to coordinate the efforts to protect Florida's shoreline.

BP Actions for today:

To date, BP has deployed 74,900 feet of boom in the Pensacola region. Today's goal is for the deployment of an additional 18,000 feet.

As of 7:00 p.m. on Saturday, May 1, 45,000 feet of boom was on site at the Naval Air Station Pensacola. An additional staging area is being established in Panama City.

Today's booming efforts are focused on protecting critical natural habitats identified as "3 Diamond" and "2 Diamond." Up to 90 percent of the "3 Diamond" areas near Pensacola have booms already in place.

Efforts continue to deploy resources toward the east.

To view the Coast Guard Sector Mobile Area Contingency Plan, visit http://ocean.floridamarine.org/ACP/MOBACP/StartHere.html.

Recommended environmental actions:

Rapid response teams are staged to deploy to shorelines affected by oil to evaluate and determine an appropriate clean-up effort to minimize the impact to the environment. To report any sightings of oil residue, please call BP's oil report line at (866) 448-5816.

If any air quality changes are suspected, residents may report them at http://www.epa.gov/bpspill/.

May is the hatching season for many birds, reptiles, and shellfish. Individuals should not attempt to help injured or oiled animals, but to report any sightings to the Wildlife distress hotline: (866) 557-1401.

Homeowners may be able to help prevent any oil from reaching yards and damaging sensitive vegetation by utilizing sandbags or sorbent booms.

It is important to note that booms are not a failsafe solution. They can become ineffective in high seas, strong winds or currents over one knot.

To obtain more information on these types of protective measures, report an oiled shoreline or request volunteer information, individuals should contact BP's community information line at (866) 448-5816.

Recommended health actions:

At this time, there are no indications of any health risks to Floridians due to the Deepwater Horizon incident. The Department of Health (DOH) and DEP are closely monitoring health and environmental impacts to Florida's beaches and will notice an advisory if conditions become unsafe.

While counties make beach closure determinations, the State Emergency Response Team has guidance forthcoming to assist counties in making that determination.

DEP is continuously monitoring air quality data, and air quality is rated in five categories, from “good” to “very unhealthy.” The public is encouraged to monitor this data at http://www.airnow.gov/ or http://www.epa.gov/bpspill/. If air quality is determined unhealthy, consider the following tips:

§ Stay inside, in an air-conditioned room and change the air-conditioner filter to ensure peak performance.

§ Avoid strenuous activities outside.

§ Anyone who experiences difficulty breathing, shortness of breath or other serious symptoms should seek immediate medical attention.

· Impacts to Florida’s coastline could come in the form of tar balls –fragments or lumps of oil weathered to a semi-solid or solid consistency. Tar balls feel sticky, and are difficult to remove from contaminated surfaces. Should individuals observe tar balls or other evidence of oil on Florida’s coastline, they should leave the area and report the incident right away to (866) 448-5816.

Consider the following tips for avoiding negative health impacts from an oiled shoreline:

§ Avoid entering areas where oil can be seen or smelled. If any oil is sighted or smelled, leave the area right away.

§ Avoid direct skin contact with oil, oil-contaminated water and sediments.

§ Do not swim or ski in areas affected by the oil spill, and if traveling through the area by boat, take precautions when hoisting the boat anchor. If oil makes contact with skin, wash it off immediately with soap and water.

§ Do not fish in the oil spill-affected waters.

§ Do not harvest and eat dead fish, fish with oily residue or fish that have a petroleum odor.

§ Avoid boating through oil slicks or sheens.

§ Young children, pregnant women, people with compromised immune systems, and individuals with underlying respiratory conditions should avoid the area.

§ Restrict pets from entering oil-contaminated areas.

Recommended volunteer opportunities:

For information on how to volunteer with pre-impact activities, please visit www.VolunteerFlorida.org.

BP has established a volunteer program and set up a toll-free number for those interested in volunteering. For information on assisting with the response efforts, please contact BP's community information line at (866) 448-5816. When calling, interested parties should communicate what they are volunteering for what areas they are available to work in. In addition, potential volunteers may call this line to learn about the training that is required to work in oil spill clean-up operations.

Those wishing to submit alternative response technology, services or products, contact (281) 366-5511. For information on the vessels of opportunity (boats) program, call (425) 745-8017.

For the most up-to-date information on Florida's Deepwater Horizon response, as well as health and safety tips, visit www.dep.state.fl.us/deepwaterhorizon. The following is a link to the State Emergency Response Team Situation Report for Sunday, May 2, 2010: http://www.dep.state.fl.us/deepwaterhorizon/files/situation_report4_050210.pdf

EPA joins patrol of oil leak from Deepwater Horizon (*Offshore Oil and Gas Magazine*)

Offshore staff
NEW ORLEANS – The US Environmental Protection Agency is taking air samples along the Louisiana coast to monitor any changes in particulate matter coming from the controlled burn of the oil leaking from the Deepwater Horizon well flow. Plaquemines Parish is the focus of the monitoring.

According to the EPA, as of April 29, no smoke or particulate from the fire were reaching shore.

On April 28, the EPA dispatched its air monitoring aircraft to assist in air sampling and also to photo document any environmental incidents. The Airborne Spectral Photometric Environment Collection Technology aircraft can detect and quantify concentrations of specific chemicals in air.

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