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

Monday, February 18, 2013

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

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ADMINISTRATOR JACKSON

Statement Of U.S. EPA's Lisa P. Jackson On Clean Energy Policies That Reduce Our Dependence On Oil (*Oil and Gas Online*)

April 29, 2010

Chairmen Markey and Waxman, Ranking Members Upton and Barton, Chairman

Emeritus Dingell, and Members of the Subcommittee, thank you for inviting me to testify about the Environmental Protection Agency's work to reduce America's oil dependence and greenhouse gas emissions. That work stems from two seminal events.

First, in April 2007, the U.S. Supreme Court concluded in Massachusetts v. EPA that the Clean Air Act's definition of air pollution includes greenhouse gases. The Court rejected then-Administrator Johnson's refusal to determine whether that pollution from motor vehicles endangers public health or welfare.

In response to the Supreme Court's decision, and based on the best available science and EPA's review of thousands of public comments, I found in December 2009 that motor-vehicle greenhouse gas emissions do endanger Americans' health and welfare.

I am not alone in reaching that conclusion. Scientists at the 13 federal agencies that make up the U.S. Global Change Research Program have reported that unchecked greenhouse gas emissions pose significant risks to the wellbeing of the American public. The National Academy of Sciences has stated that the climate is changing, that the changes are mainly caused by human interference with the atmosphere, and that those changes will transform the environmental conditions on Earth unless counter-measures are taken.

The second pivotal event was the agreement President Obama announced in May 2009 between EPA, the Department of Transportation, the nation's automakers, America's autoworkers, and the State of California to seek harmonized, nationwide limits on the fuel consumption and greenhouse gas emissions of new cars and light trucks.

My endangerment finding in December satisfied the prerequisite in the Clean Air Act for establishing a greenhouse gas emissions standard for cars and light trucks of Model Years 2012 through 2016. So I was able to issue that final standard earlier this month, on the same day that Secretary of Transportation Ray LaHood signed a final fuel efficiency standard for the same vehicles.

Using existing technologies, manufacturers can configure new cars and light trucks to satisfy both standards at the same time. And vehicles complying with the federal standards will automatically comply with the greenhouse gas emissions standard established by California and adopted by 13 other states. This harmonized and nationally uniform program achieves the goal the President announced last May.

Moreover, the EPA and DOT standards will reduce the lifetime oil use of the covered vehicles by more than 1.8 billion barrels. That will do away with more than a billion barrels of imported oil, assuming the current ratio of domestic production to imports does not improve. The standards also will eliminate more than 960 million metric tons of greenhouse gas pollution.

But if Congress now nullified EPA's finding that greenhouse gas pollution endangers the American public, that action would remove the legal basis for a federal greenhouse gas emissions standard for motor vehicles. Eliminating the EPA standard would forfeit one quarter of the combined EPA-DOT program's fuel savings and one third of its greenhouse gas emissions cuts. California and the other states that have adopted California's greenhouse gas emissions standard would almost certainly respond by enforcing that standard within their jurisdictions, leaving the automobile industry without the nationwide uniformity that it has described as vital to its business.

I would like to mention one more action that EPA has taken to reduce America's oil dependence and greenhouse gas emissions. In February, I signed a final renewable fuels standard. It substantially increases the volume of renewable products – including cellulosic bio-fuel – that refiners must blend into transportation fuel. EPA will implement the standard fully by the end of 2022. In that year alone, the standard will decrease America's oil imports by 41 and a half billion dollars. And U.S. greenhouse gas emissions that year will be 138 million metric tons lower thanks to the standard.

EPA's recent work on vehicles and fuels shows that enhancing America's energy security and reducing America's greenhouse gas pollution are two sides of the same coin.

Landowners ask Supreme Court to rule on N.J. conservation law (*Greenwire*)

(04/28/2010)

New Jersey landowners have asked the nation's highest court to weigh in on a state law intended to prevent excessive development of the state's rural Highlands region.

The landowners claim that the Highlands Act is unconstitutional because it has taken their personal property without compensation. The law, described in their petition to the Supreme Court as "a policy initiative of massive scope and utopian ambition," has

reduced property values by about 75 percent by restricting some types of development, they argue.

The law, passed in 2004, imposed restrictions in a "preservation area" covering about half of the 860,000-acre Highlands region. It was intended to prevent water contamination in a largely undeveloped area that provides much of New Jersey's drinking water.

As commissioner of New Jersey's Department of Environmental Protection, U.S. EPA Administrator Lisa Jackson was tasked with reviewing the effects of the development restrictions (*Greenwire*, March 29, 2007).

State courts had upheld the law, prompting the appeal to the Supreme Court. The New Jersey Supreme Court declined earlier this year to review the legislation.

Landowners have also asked the Supreme Court to establish the right to farm as a fundamental right, subjecting agricultural legislation to a stricter standard of scrutiny under the Constitution's due process clause. Although the Highlands Act does not restrict the use of land for farming, landowners claim the depreciation in land values has made it impossible to make a living as a farmer (Colleen O'Dea, Morristown [N.J.] *Daily Record*, April 28). **-- GN**

Big fuel savings will be lost if 'endangerment' finding nullified – Jackson (*Greenwire*)

(04/28/2010)
Robin Bravender, E&E reporter
U.S. EPA Administrator Lisa Jackson today warned lawmakers that nullifying the agency's "endangerment finding" for greenhouse gases would limit the fuel savings and emission reductions anticipated under EPA's new rule to curb the heat-trapping gases from tailpipes.
The joint EPA and Transportation Department standards finalized earlier this month seek to raise the fuel economy of the nation's passenger fleet and impose the first-ever federal greenhouse gas emissions standards on cars and trucks beginning next year.

The combined standards will reduce the affected vehicles' lifetime oil consumption by more than 1.8 billion barrels and will eliminate more than 960 million metric tons of greenhouse gas pollution, Jackson told a subcommittee of the House Energy and Commerce Committee today.

But congressional efforts to overturn the endangerment finding would eliminate EPA's standard, Jackson said, and would forfeit a quarter of the combined program's estimated fuel savings and a third of its greenhouse gas emission reductions.

"I believe legislation that overturns the endangerment finding would certainly not only impact but would nullify the [auto] regulations ... because that finding of endangerment is the basis of those regulations."

Several efforts to overturn EPA's finding have been launched in both chambers of Congress. Sen. Lisa Murkowski (R-Alaska) and several House members have introduced disapproval resolutions that seek to void the endangerment finding and prevent EPA from issuing climate regulations.

Top Democrats on the House panel today lauded the administration's automobile rule and the estimated reduction of oil consumption.

"I can't think of any law or regulation that has saved that much oil," Rep. Henry Waxman of California, chairman of the committee and co-author of the House-passed energy and climate bill, said of the auto standards.

Rep. Ed Markey of Massachusetts, chairman of the Energy and Environment Subcommittee, noted that automakers have opposed congressional efforts to block EPA from regulating greenhouse gas emissions (*E&ENews PM*, March 17).

Car dealers, however, have supported efforts to limit EPA's climate rules. The National Automobile Dealers Association has lent its support to the Murkowski effort, arguing it would have no impact on the administration's overall fuel economy and emissions goals, and would instead give automakers clearer targets (*E&ENews PM*, March 2).

Several top House Republicans today blasted EPA's endangerment finding, arguing that the science underpinning the determination is deeply flawed.

"It's no secret that I don't believe the endangerment finding that the Environmental Protection Agency put out in April has been properly done," said Energy and Commerce Committee ranking member Joe Barton (R-Texas). Barton pressed Jackson on reports that the views of an EPA employee were suppressed as EPA prepared to issue its endangerment finding, but Jackson insisted that her staff had considered the employee's views during the comment period and that she had not seen anything to upend the science underpinning the endangerment finding.

EDITORIAL / OP-ED / COMMENTARY / LETTERS
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A beef with food vendors at the Earth Day rally (*Washington Post*)

April 29, 2010 Thursday
Regional Edition
EDITORIAL COPY; Pg. A16
Maryland
A beef with food vendors at the Earth Day rally
I was at the climate change rally at the Mall on Sunday ["Earth Day's moment in the sun," Style, April 26], and the only food vendors I could find served hot dogs, pulled pork and chicken tenders. I am surprised that hungry, enviro-vegetarian activists did not rise up in protest. These food options are directly linked to some of the most serious environmental problems of our day. So many of us went along in a silent hunger protest for the day, or, as in my case, guiltily broke fast with some greasy french fries.

Much of what is discussed in the climate talks, such as coal-fired electric power plants or offshore oil drilling, feels too large and outside the realm of our choice. We all need electricity in our homes, and we all need gas in our cars -- those are basics of life that we are tied to until alternatives become affordable and conveniently available.

How we can make a choice -- an easy, cheaper, more convenient choice -- is to reduce our consumption of meat. According to the Environmental Defense Fund, if every American ate a vegetarian dinner instead of chicken once a week, the carbon dioxide savings would be the same as taking more than a half-million cars off the roads.

The animal industry pollutes the land, air and water; creates water shortages; devastates forests; uses too many chemicals; and reduces biodiversity, not to mention treating animals inhumanely. It's a pretty simple message: Eat less meat. It helps saves the environment. For next year's **Earth Day** events, unless they have some different food vendors, I'm packing my own lunch.

Sumeet Kaur Monk, Purcellville

Eliminating childhood lead poisoning locally and now (Daily Mail)

Published: Thursday, April 29, 2010 2:14 AM EDT
On April 22, the 40th anniversary of Earth Day, a new rule was enacted by the U.S. Environmental Protection Agency. The Lead Renovation, Repair and Painting rule dictates that any contractor, renovator, etc. working on a structure built before 1978, especially those that contain children, must be certified to do so.

It does cost to get training, licenses and renewals and violators face a steep fine and/or imprisonment, so this rule could quite possibly put small companies or individuals out of business, but we certainly hope not. Ultimately, though, it was enacted as part of the U.S. government’s effort to eliminate childhood lead poisoning.

According to the EPA, “childhood lead poisoning remains a major environmental health problem in the United States.”

Back in 1992, when the Residential Lead-Based Paint Hazard Reduction Act was passed, Congress ordered the EPA to create this rule to help eliminate childhood lead poisoning by 2010. But the EPA seemed to drag their feet and here it is, 2010; childhood lead poisoning has not yet been eliminated.

According to a 2009 preliminary report from the New York State Task Force on the Prevention of Childhood Lead Poisoning, from 1994 to 2006, the number of children under age 6 with elevated blood lead levels dropped 86 percent, but New York state “consistently ranks high on key risk factors associated with lead poisoning.”

According to state surveillance data by the Centers for Disease Control and Prevention, in New York state alone, excluding New York City, which tends to have a higher percentage of EBLLs, the rate of children under 6 with confirmed cases dropped from 6.31 percent in 1997 to 1.56 percent in 2006. Although, the NYS Task Force report states that there are thousands of children still at risk across the state.

The New York state Department of Health reported that between 2005 and 2007, the average of newly identified cases of children under 6 with blood levels at or above 10 mcg/dl was 20 in Columbia County. Rensselaer County had 39.3, Dutchess County had 43.7 and Albany County had a whopping 85.7, one of eight counties that accounts for 66 percent of new cases outside of NYC. Twenty doesn’t seem so bad in comparison, but it’s 20 too many for our quaint, little county.

While it may take time for contractors, renovators and the like to get trained and get used to new regulations on the work site, it really is for the benefit of every child (of any age) in the United States.

The effort to eliminate childhood lead poisoning must begin on a local level and it must begin now.

AIR

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Air pollution down as recession hits industry (*Irish Times*)

TIM O'BRIEN
Thu, Apr 29, 2010
THE RECESSION and reduced industrial production have cut air pollution and put Ireland on course to meet its Kyoto Protocol commitments on gas emissions.

The Environmental Protection Agency said compliance would be achieved through a decline in greenhouse gas emissions and the State fulfilling its commitment to buy "credits" for 8.25 million tonnes of carbon.

The purchase of credits is expected to cost the State €110 million. The Kyoto Protocol limits Ireland's emissions to an average of 62.8 million tonnes of CO2 per year in the period 2008 to 2012. This is 13 per cent above the baseline 1990 estimate.

However, while the State is on target to achieve compliance before 2013, the Environmental Protection Agency said achieving more stringent EU targets for 2020 would be more difficult.

According to the agency, the sectors contributing mostly to greenhouse gas emissions remain agriculture, energy and transport.

While emissions from these sectors have fallen due to the economic downturn the agency predicted the State would still be 2.8 million tonnes of carbon emissions per year above the target for 2020.

The figures take into account a predicted economic recovery in line with ESRI forecasts but also a slowing in the rate of increase in transport emissions.

This was attributed to increased use of biofuels, efficient driving methods and electric vehicle penetration.

Nonetheless, the figures projected Ireland will still be some 2.8 million tonnes of CO2 emissions higher in 2020 than the target for that year.

Environmental Protection Agency director general Dr Mary Kelly said the projections would see Ireland miss the 2020 target even "taking the most ambitious scenarios set out in Government policies". Dr Kelly said the "clear message" was major challenges remain in achieving significant reductions in greenhouse gases.

The agency said additional policy measures to meet the 2020 targets would be required if Ireland was to meet the EU targets.

Region's air quality improving (*Gary Post Tribune*)

April 29, 2010
BY GITTE LAASBY, (219) 648-2183
Air quality in Northwest Indiana has improved, but still gets mixed grades from the American Lung Association.
This year, the Chicago region, which stretches to Michigan City, ranked 16th-worst of the 25 cities in the nation that are most affected by short-term spikes in soot and small

particle pollution. That's an improvement from last year's ninth place. The State of the Air report is based on monitoring data from 2006 through 2008.

"Even though we're one of the worst cities, we are excited we have improved a little bit. We believe it's in part due to reductions in emissions from power plants," said Katie Lorenz, spokeswoman for the American Lung Association in Chicago.

Porter County got a B for high particle pollution days. Lake County got a D. Both counties got an F for having many high-ozone days.

Short-term spikes in particle pollution can last from hours to several days and increase the risk of heart attacks, strokes and emergency room visits for asthma and cardiovascular disease. It can also increase the risk of early death, according the the U.S. Environmental Protection Agency.

Lorenz said other reasons levels of short-term particle pollution has improved are that more people choose E-85 gas over regular unleaded and that people have transitioned to cleaner diesel fuels and engines.

"A lot of things put into place over the years, we're finally starting to see results," she said. "I really don't think it has much to do with the economy, but it's a message to send to the public that we can change our air quality for the better and we need to work on making it even better."

More than 15,000 children and 45,000 adults in Lake and Porter counties are at risk of asthma, according to the report.

More than 183,000 are at risk for cardiovascular disease. Children and the elderly are particularly sensitive to unhealthy air, but people with diabetes and cardiovascular disease are also at higher risk for health effects.

The report shows that although the population in the Chicago area remained steady, 30 percent more adults are at risk for getting chronic bronchitis, but Lorenz attributed that to better diagnoses.

"I think with something like chronic bronchitis, doctors are becoming more educated and are able to diagnose it more accurately and quickly," she said.

IDEM spokesman Rob Elstro disagreed with the American Lung Association's methodology.

"IDEM evaluates air quality based on U.E. EPA's health-based standards, which look at averaged data over three years," he wrote in an e-mail. "The (American Lung Association) does not average the data and only uses one year of data. The different methods of evaluating the data can result in an area receiving a failing ALA grade at the same time it meets U.S. EPA's health-based standards."

Lorenz called Elstro's statements "absolutely false," saying the association did, indeed, average data over three years.

The Lung Association uses the report as a means of advocating for tougher standards for coal-fired power plants, passing of the Clean Air Act Amendments of 2010, and stronger EPA standards on outdoor air pollutants.

Oil Spill in Gulf of Mexico: Parts of Slick Set on Fire (*ABC News*)

Coast Guard, BP Try Controlled Burn as Slick Approaches Louisiana Shore
By NED POTTER
April 28, 2010 —
This is a measure of how fearsome the oil spill in the Gulf of Mexico has become: engineers set parts of the oil slick on fire this afternoon.
The hope: that they can burn off at least some of the leaking crude before it reaches the gulf coast.

"No populated areas are expected to be affected by the controlled burn operations, and there are no anticipated impacts to marine mammals and sea turtles," said the Coast Guard in a statement. "In order to ensure safety, the Environmental Protection Agency will continuously monitor air quality and burning will be halted if safety standards cannot be maintained."

It is an inherently risky move, said engineers, but less risky than the alternatives.

"When you've got an oil leak like this, you use every tool in the toolbox to keep it offshore," said Edward Overton, a professor emeritus of environmental sciences at Louisiana State University in Baton Rouge. "If it gets to shore, it's going to coat everything with this sticky, gooey stuff and create a tremendous, awful mess."

The Deepwater Horizon drilling rig, operated by BP Oil and owned by Transocean Ltd., exploded and started burning April 20. Eleven rig workers were never found and are presumed to have died.

The Coast Guard said oil continues to spew from the wellhead, 5,000 feet beneath the surface of the gulf, at a rate of about 42,000 gallons per day. Satellite images show the resulting slick drifting north and eastward toward the coasts of Louisiana, Mississippi, Alabama and Florida.

"It's premature to say it's catastrophic," said Coast Guard Rear Admiral Mary Landry, who is leading the operation. "I will say it's very serious."

Some floating oil has come within 20 miles of shore. Adm. Thad W. Allen, commandant of the U.S. Coast Guard, told reporters in Miami today that depending on winds and weather, crews might have two to three days before oil hits land.

Gulf of Mexico Oil Spill: Crews Try Burning the Oil Slick

BP and its contractors are fighting a high-stakes battle to keep the spill from getting worse. They have tried, unsuccessfully so far, to cover the leaking wellhead with a dome or close it with a submersible robot. The company has said it is spending $6 million per day in the effort -- and the problem continues to grow.

Oil from the area is called sweet crude, but LSU's Overton said the name is deceptive. It contains heavy compounds, called asphaltenes, that do not burn easily or evaporate, even in the warm climate off Louisiana.

"When you've got a spill like this," said Overton, "there are three things you can do. You can burn it, scoop it up out of the water, or use chemical dispersants to break it up. This oil is not particularly good with any of those three."

"With light crude," he said, "you could burn most of it -- 70 or 80 percent. With heavy crude, I don't know. I'm not optimistic."

The disaster comes just weeks after President Obama announced he would open some parts of the continental shelf -- off limits since the administration of George H.W. Bush -- to oil exploration. Some proponents of drilling said Obama did not open enough areas; environmental groups, concerned about the marine environment and the burning of fossil fuels, used the Deepwater Horizon to say we-told-you-so.

"The volatility and fluidity of the oceans simply make it impossible for humans to safely produce and ship oil within that environment," wrote Carl Pope, chairman of the Sierra Club, in a blog post, "and because profit-driven companies will cut corners often enough to ensure that disaster results."

Overton said major oil spills are relatively rare -- which is why something like today's burn has not often been tried.

"You're talking big-league here," he said. "Keep your fingers crossed."

ABC News Radio and The Associated Press contributed to this report.

Ohio EPA files motion to dismiss SunCoke appeals (*Dayton Daily News*)

By Jessica Heffner, Staff Writer

Updated 2:36 PM Wednesday, April 28, 2010

MIDDLETOWN — The director of the Ohio Environmental Protection Agency has filed a motion to dismiss the appeals filed against the first air permit received by SunCoke Energy to build a $360 million coke plant in Middletown.

On April 27, Chris Korleski, director of the Ohio EPA filed a motion with the Environmental Review Appeals Commission to dismiss the three outstanding appeals against the permit, issued by the agency in November 2008, due to mootness. The newly-issued New Source Review permit received by SunCoke has superseded that permit "which renders in unenforceable," the motion said.

In addition to these appeals, there are still three other outstanding appeals against SunCoke's NSR permit which are scheduled to go before ERAC in January 2012. They include the city of Monroe, Lemon Twp. resident Robert Snook, and SunCoke Watch Inc. in conjunction with the Natural Resource Defense Council and Monroe residents Lisa Frye, Barb Stubbs and Chuck Inwood.

SunCoke began construction on the coke plant April 12. When completed, it will provide coke — a steelmaking raw material — and up to 50 megawatts of electricity to AK Steel for at least the next 20 years. Company officials said work could be done as soon as the third quarter of 2011. The plant, being built off Yankee Road near the Monroe border, is providing 500 temporary construction jobs and up to 83 permanent jobs once operational.

Contact this reporter at (513) 705-2843 or jheffner@coxohio.com.

Santa Cruz County air is among the cleanest in the nation (*San Jose Mercury News*)

By Jondi Gumz jgumz@santacruzsentinel.com
Posted: 04/28/2010 06:57:12 PM PDT
Updated: 04/28/2010 06:57:13 PM PDT
SANTA CRUZ — The air in Santa Cruz County is among the cleanest in the nation, according to a report released Wednesday by the American Lung Association.
That's good news for thousands of residents with asthma, bronchitis and cardiovascular disease whose health can be put at risk due to air pollution.

The State of the Air 2010 report reviewed data from more than 600 counties for 2006, 2007 and 2008 on days with high ozone, also known as smog, and particle pollution along with U.S. Environmental Protection Agency data on annual particle pollution.

Santa Cruz County did not have any high ozone days, scoring an A along with 48 other counties.

In addition, Santa Cruz County had no days with high levels of particle pollution, earning an A along with 113 other counties, and tied for 25th for its low level of year-round particle pollution.

The counties with the cleanest air tended to be coastal, like Mendocino County, or rural, like Billings and Mercer in North Dakota. In contrast, but Santa Clara County, where many local residents commute to work, rated an F in ozone and 24-hour particle pollution.

The local score is an improvement over a year ago when the county rated an A in particle pollution but didn't get an ozone grade owing to incomplete data.

Local air quality is monitored by the Monterey Bay Area Unified Air Pollution Control District.

"We have good communication," said Santa Cruz County Health Services

Agency spokeswoman Beth Landes, noting coordination takes place when concerns arise, such as during the fires of 2009.

The Lung Association reported progress in Pittsburgh and Cleveland thanks to cleaner diesel fuels and fewer emissions from coal-fired power plants but Fresno and Modesto in California's Central Valley had more 24-hour particle pollution than before.

Los Angeles rated worst for ozone, Phoenix was most polluted by year-round particle pollution and Bakersfield had the most days of 24-hour particle pollution.

Ozone is the most widespread air pollutant, forming when nitrogen oxide gases and volatile organic compounds like vapors from gasoline combine in the hot sun.

"When you inhale ozone, it irritates your lungs, leaving them with something like a bad sunburn," said Dr. Norman Edelman, chief medical officer of the American Lung Association. "It causes health problems the day you breathe it in, and even days after. Ozone can cause wheezing, coughing, asthma attacks and even shorten your life." Particle pollution results when tiny specks of soot, dust and aerosols are suspended in the air.

"People with heart or lung diseases, children and older adults are the most likely to be affected by particle pollution exposure," Edelman said. "Numerous scientific studies have linked particle pollution exposure to a variety of problems, such as irritation of the airways, coughing, or difficulty breathing. It also causes irregular heartbeat, heart attacks and even premature death in people with heart or lung disease."

Air quality improves in W.Va. (*News and Sentinel*)

By JEFFREY SAULTON jsaulton@newsandsentinel.com
POSTED: April 28, 2010

PARKERSBURG-People in West Virginia are breathing dangerous levels of ozone air pollution (smog) and fine particle ("soot") pollution, although levels of both pollutants have improved, according to the American Lung Association's State of the Air 2010 report.

In the report, West Virginia's regions were given different grades for the most widespread outdoor pollutants.

Several counties, including Wood, made the top 25 most polluted lists.

Kanawha and Brooke counties were tied at 13 for most polluted for year-round particle pollution.

Along with Wood, Cabell and Berkeley counties, annual levels of fine particle pollution were high enough to place five metro areas on the national list of most particle polluted cities.

Nationally, the report states a decade of cleanup measures to reduce emissions from coal-fired power plants and the transition to cleaner diesel fuels and engines have paid off in cutting levels of particle and ozone pollution, especially in eastern and Midwestern cities.

Despite that progress, more than half the population of the U.S. still suffers pollution levels that are too often dangerous to breathe, and some cities had air that was more polluted, the report states.

"State of the Air 2010 proves with hard data that cleaning up air pollution produces healthier air," said Deb Brown, acting CEO of American Lung Association of the Mid-Atlantic.

"We need to put that message to work so that policies that can protect West Virginia residents from particle pollution be put into effect."

Cabell, Ohio, Monongalia, Harrison, Berkeley and Marion counties each scored a "C" for short-term particle pollution. Raleigh County earned its fifth straight "B" and Wood County improved from an "F" to its customary "D", according to the report.

"People with heart or lung diseases, children and older adults are the most likely to be affected by particle pollution exposure," said Kevin Stewart, American Lung Association environmental scientist.

"Numerous scientific studies have linked particle pollution exposure to a variety of problems, such as irritation of the airways, coughing, or difficulty breathing. It also

causes irregular heartbeat, heart attacks and even premature death in people with heart or lung disease."

Cabell, Hancock, Kanawha, Monongalia, Ohio and Wood counties scored an "F" for ozone - or smog -t he most widespread air pollutant, the report states.

The EPA is considering tighter limits on ozone pollution.

The American Lung Association has called on the EPA to set standards that provide much greater protection for public health.

The American Lung Association in West Virginia is urging U.S. Sens. Robert Byrd and Jay Rockefeller to vote in support of the Clean Air Act Amendments of 2010, which will cut emissions from coal-fired power plants that create particle pollution and ozone.

April 28, 2010

EPA Air Chief Highlights Major Research Barriers To Multipollutant Rules (*Inside EPA*)

EPA air chief Regina McCarthy says there are major gaps in research data -- including how to better assess different mixtures of pollutants -- that the agency must fill before it can achieve its oft-stated goal of pursuing a multipollutant approach to regulation, under which EPA develops rules to cut emissions of several pollutants at once.

McCarthy told the annual Health Effects Institute (HEI) conference in Alexandria, VA, April 26 that while a multipollutant strategy is essential to efficient and effective regulation, the agency still lacks much of the information it needs to implement the idea. EPA is already wrestling internally over how to define multipollutant regulation, and how to pursue the necessary research to support whatever approach it settles on.

Among the major research gaps are lack of data on the cumulative and synergistic interactions between pollutants; how to better characterize health benefits associated with air pollutants impacting climate; new health indicators to measure progress in cleaning the air; and how to judge the effects of very low levels of criteria pollutants, said McCarthy -- a proponent of multipollutant regulation in her past role as Connecticut’s top environmental official.

Other key areas that require more research include toxicity of different pollutant mixtures, the impact of pollutant mixtures on children, and how to improve the national air pollutant monitoring network, she added.

McCarthy told HEI that the term multipollutant regulation is a “buzz word” that could cover many different aspects, including pollution sources, controls and effects;

atmospheric processes; and receptors such as health, ecosystems and climate. EPA must solicit fresh research from the scientific community on these issues and others in order to determine the best steps forward in developing a multipollutant approach to rules, she added.

However, McCarthy did not offer an opinion on whether EPA should focus its research efforts on the impact of real-world pollutant mixtures on individuals, or on the mixtures of pollutants being emitted by sources such as power plants or vehicles. EPA's air office staff continue to spar over which is the preferable option.

Experts agree that source-based regulation is easier, given the difficulty of tracing the origins of the actual pollutants people breathe in. Crafting multipollutant rules to reduce what people actually breathe would more directly address adverse health effects of air pollution, but would be more difficult from a regulatory standpoint, they say.

Still, McCarthy said the agency must tackle the research gaps in order to proceed with multipollutant rules so that it can avoid an overwhelming task of pursuing a slew of individual air rules in coming years.

EPA Faces Daunting Task

She noted that without taking a new approach to air regulation, EPA faces a daunting task of completing individual reviews of the agency's six national ambient air quality standards (NAAQS); new regulations to cut greenhouse gas emissions from mobile and stationary sources; and some 310 pending rules to reduce air toxics emissions.

Trying to handle all those issues separately rather than through multipollutant regulation would mean "having the world running around in circles" rather than making progress, she argued.

"We have chosen as a bureaucracy to divide what we do in ways that make absolutely no sense from a science perspective," McCarthy said, arguing that tackling pollutants individually is irrational. Those comments echo remarks that McCarthy made at a Johns Hopkins University event in Washington, DC, earlier this month in which she said the agency needs to pursue "creative" approaches to regulating air emissions.

EPA is already pursuing a number of tentative steps to help inform the development of multipollutant rules, McCarthy said, including work on its first attempt to set a "real" secondary, welfare-based NAAQS for ozone.

EPA has previously set the secondary standards, which are supposed to protect the environment rather than human health, at the same levels as the primary [health-based] standards, but is now proposing a distinct secondary standard in the range of 7-15 parts per million-hours. Setting such standards based on ecosystem risk requires more research than previously, which must in turn feed into the multipollutant approach, McCarthy said.

EPA is separately conducting a pilot project dubbed the Air Quality Management Plan (AQMP) with state regulators in New York, North Carolina, Missouri and Illinois to study how to get improvements in multiple measures of air quality, including maintenance or attainment of NAAQS, and visibility.

The AQMP concept involves state authorities integrating air quality improvements into their urban planning, transportation and energy policies, McCarthy said. AQMPs could feasibly serve as more-comprehensive replacements for state implementation plans (SIPs), which are air quality blueprints that states craft to detail how they intend to come into attainment with EPA's NAAQS. States must craft separate SIPs for each NAAQS.

McCarthy praised another multipollutant pilot project the agency pursued recently in Detroit, where EPA has worked with local regulators to take a number of steps to reduce emissions of multiple pollutants at once, focusing on the most vulnerable communities. This approach has proven both effective and cost-efficient, she said, and "this is the kind of multipollutant approach I would like to see happen" elsewhere, she added.

'How Nature Works'

Air quality experts on the HEI panel McCarthy addressed, including three former chairs of the Clean Air Science Advisory Committee (CASAC) and current Chairman Jonathan Samet, were lukewarm about the concept of multipollutant regulation, however. Samet said that looking at the world one pollutant at a time "is not how nature works," but has become EPA's standard way of thinking.

Morton Lippmann, a former CASAC chair now with New York University, questioned whether a new approach is really needed at all, given that any EPA regulations have the side effect of reducing co-pollutants in addition to the targeted substance. Joe Mauderly, a previous chair now with the Lovelace Respiratory Research Institute, disagreed, saying "it is absurd not to envision some sort of strategy that acknowledges we breathe this ever-changing mixture," although the science needs to be developed to implement such a strategy.

Roger McClellan, an independent toxicologist and former CASAC chair, said EPA should not focus so much on large scientific assessment documents for each pollutant as it has done until now.

"We don't need these huge volumes" to give EPA sound scientific advice, he argued, also saying that scientific research needs to take a step back from EPA's regulatory agenda in order to focus on multipollutant issues, not work driven by individual NAAQS reviews, McClellan said. -- *Stuart Parker*

Wednesday, April 28, 2010

EPA Eyes Dual Emissions Caps To Limit Trading In CAIR Replacement (*Inside EPA*)

EPA may pursue a dual approach in its pending cap-and-trade proposal to cut sulfur dioxide (SO2) and nitrogen oxide (NOx) emissions that would impose state-specific caps with few restrictions on intrastate trading, alongside regional caps that would impose stricter restrictions on interstate trading, a wide range of sources say.

However, the so-called dual emissions cap approach could create new legal headaches for EPA, after several federal court rulings raised fresh uncertainty over the agency's flexibility in establishing novel trading programs.

EPA April 26 sent for White House review its proposed replacement for the clean air interstate rule (CAIR), a Bush-era trading program to cut NOx and SO2 emissions in 28 Eastern states that a federal court remanded to EPA. Among the issues EPA must address from the court ruling is the legal authority to establish trading programs, effectively accounting for states' contribution to air quality problems in downwind states, and a number of other issues.

The U.S. Court of Appeals for the District of Columbia Circuit in July 2008 vacated and then in December 2008 remanded CAIR to EPA, after finding that CAIR's unrestricted trading of power plant NOx and SO2 emission credits was unlawful because it failed to account for the relative contribution of states to other states' nonattainment status. That ruling prompted suggestions EPA would struggle to legally defend any future trading program.

EPA is also crafting a mandatory emissions limit on power plant mercury emissions, after the D.C. Circuit vacated the Bush-era clean air mercury rule trading program designed to cut utility mercury pollution. The court rejected the agency's trading program for the air toxic as being at odds with Clean Air Act requirements.

Defending trading, EPA air chief Regina McCarthy in congressional testimony last summer touted a possible hybrid approach for the CAIR replacement -- known as the Transport Rule -- that would combine mandatory performance standards and emissions trading to achieve cuts in NOx and SO2.

While EPA declined to comment on the pending proposed replacement rule, sources say the package is unlikely to include source-specific emission caps or mandate controls on individual pollution sources.

Limited Trading

Instead, the replacement proposal will likely seek to justify limited trading through a circumscribed plan designed to achieve results that would satisfy the D.C. Circuit decision in *North Carolina v. EPA*. According to the White House Office of Management & Budget's website, EPA's rule would "fulfill our obligation to develop a rule consistent

with" the federal court's opinions. The website says the proposal is slated for release in June.

One environmentalist says the dual emissions cap said to be included in the proposal would set statewide emissions caps in addition to a regional cap-and-trade program "grafted on to that, with the delta between any given statewide cap and the regional cap available for limited trading combined with full fledged intrastate trading." The source downplays prospects that the proposal will seek to mandate strict caps on individual sources.

Under the dual emissions cap approach, the agency would set statewide caps on NOx and SO2 emissions, under which intrastate trading would be permited relatively freely. Unrestricted trading would allow sources to meet their cap either by reducing pollution or purchasing credits in lieu of reducing pollution. The rule would then set a higher regional emissions cap, and emissions that exceed the state caps but are below the regional cap would be traded on a restricted basis -- although it is unclear what form those restrictions would take.

The source cautions, however that due to the problems the D.C. Circuit found with CAIR's trading structure, EPA "needs to be especially mindful not to run imprudent legal risks" in its proposal.

McCarthy told EPA's Clean Air Act Advisory Committee Feb. 3 the she is "not going to make the mistakes of the past" and that the CAIR replacement will withstand legal scrutiny.

One industry attorney suggests the dual emissions cap approach would both reduce pollution and be legally defensible because it combines an efficient incentive for industry to cut pollution with more restricted trading that should not run afoul of the D.C. Circuit.

The attorney adds that the approach would however be less efficient and more expensive for industry than the original CAIR, because the impact of trading would be diluted. "The key question is, how much more expensive?", which cannot be determined until EPA releases its proposal, the attorney says.

State air officials are showing tentative support for the dual emissions cap approach, including the Ozone Transport Commissions (OTC) that represents Northeast and Mid-Atlantic state air officials. One OTC source says the group -- which develops regional plans to cut ozone transport -- supports state and regional caps.

NACAA Stance

The National Association of Clean Air Agencies (NACAA), which represents state and local air regulators, has no position on the state and regional cap approach but the group has previously said that any CAIR replacement should include some pollution

control technology mandates, in addition to any trading. This approach would ensure that major pollution sources do not impair attainment in a downwind area, NACAA says.

One Midwestern state air regulator adds, “I know EPA has talked about state-regional caps with limited trading. Such trading would have to assure (perhaps through modeling of individual trading proposals) that it would not result in non-control of a particular source that is impacting a nonattainment area in an adjacent state.”

Meanwhile, a source with the Edison Electric Institute (EEI), which represents shareholder-owned electric utilities, says EPA has been unwilling to share how it plans to proceed with the rule. EEI advocates the efficacy of cap-and-trade pollution control programs, the source says, and would like to see the broadest possible use of trading in CAIR’s successor. Intrastate trading is a concept that has been discussed by EPA often in the past, the source notes.

EEI is also concerned about a number of other major unknowns in the upcoming proposal, including the geographical reach of the program. CAIR applied to power plants in 28 Eastern states and the District of Columbia and it is unclear whether the new proposal will be expanded or reduced in scope.

Meanwhile, a source with the American Lung Association (ALA), warns that while ALA backs some form of trading, it would have to be restricted and hedged with other types of controls. “Trading for regional pollutants does not help people at the local level to have the cleanest air they could have,” the source says. “We are hoping that if there is going to be trading, it is going to be a limited thing.” -- *Stuart Parker*

Door, Manitowoc counties meet air pollution standards, EPA says (*Milwaukee Journal Sentinel*)

By Lee Bergquist of the Journal Sentinel

Posted: April 28, 2010

The Environmental Protection Agency has agreed that Door and Manitowoc counties do not violate federal standards for ozone pollution.

Now attention shifts to seven other counties currently out of compliance, including Milwaukee, Waukesha, Ozaukee and Washington counties.

The EPA is next expected to decide on whether the four metro-Milwaukee counties, as well as Sheboygan, Racine and Kenosha, are in compliance for the eight-hour standard for ozone, also known as smog.

Gov. Jim Doyle, who applauded the decision for Door and Manitowoc, had asked the EPA to redesignate all of the counties after Wisconsin officials provided four years of monitoring data showing emissions were not violating the law.

The counties have been out of compliance for 1997 ozone regulations. A new, tougher standard is under development by the Obama administration.

That means that smog-troubled counties could come into compliance, but then be declared out of compliance when the new standards go into effect.

Al Shea, Wisconsin's top air regulator, said the data shows that air quality in the region is getting cleaner.

He also said the EPA's decision for Milwaukee and other affected counties will help companies, since large companies in counties violating smog standards have more restrictions on air emissions.

Shea also said the Obama administration's new proposal for smog is likely to be the subject of litigation. That means the EPA's upcoming decisions will have important business repercussions for the next few years.

Monroe County fares poorly for ozone in national air quality assessment (*ROC Now – Democrat and Chronicle*)

Chris Swingle – Staff writer
Local News – April 28, 2010 - 11:48am

Monroe County's air gets a grade of "F" for high ozone days, but did better on measures of particle pollution, according to an American Lung Association report released today.

The State of the Air 2010 ranks communities by levels of ozone and particle pollution — the most widespread and dangerous air pollutants for people's health — during 2006, 2007 and 2008, using data from the U.S. Environmental Protection Agency.

Monroe County had 17 days within those years with unhealthy levels of ozone.

People vulnerable to ozone problems include children, people age 65 and older, people who work or exercise outdoors, people with existing lung diseases (asthma and chronic obstructive pulmonary disease, which includes emphysema and chronic bronchitis) and "responders" who are otherwise healthy but for some reason react more strongly to ozone.

The county's air earned a "B" for particle pollution, which includes dirty, smoky truck exhaust. Particle pollution can increase the risk of heart disease, lung cancer and

asthma attacks, can interfere with the growth and work of the lungs — and that damage can be fatal.

Nationally, the report finds that cutting emissions from coal-fired power plants and moving toward cleaner diesel fuels and engines have reduced pollution, especially in eastern and Midwestern cities. But more than half the nation's population still suffers dangerous pollution levels.

To improve the air, the Lung Association recommends that people drive less, use less electricity and support community and government steps to cut air pollution.

CSWINGLE@DemocratandChronicle.com

Anne Arundel's air quality remains poor (*The Capital*)

Annapolis, Maryland
But lung association report gives county a C for 1st time
By PAMELA WOOD, Staff Writer
Published 04/28/10

The air in Anne Arundel County continues to be fouled by pollution, threatening the health of children, seniors and residents with chronic medical conditions such as asthma, according to a new report.

The American Lung Association's annual "State of the Air" report, issued today, gives Anne Arundel grades of F for smog pollution and C for fine particle pollution.

Despite the subpar grades, Anne Arundel's scores have been gradually increasing on the lung association's grading scale. This year is the first time that Anne Arundel scored a C after several years in a row of D's and F's.

Anne Arundel's slight improvements reflected a larger trend on the East Coast and across the country.

"Efforts to clean the air are working," Chuck Connor, president and CEO of the lung association, said in a conference call with reporters yesterday afternoon.

Connor said pollution controls on coal-burning power plants, improved diesel fuel and technology, and more fuel-efficient cars on the road have helped reduce air pollution.

How we rank

The American Lung Association annually ranks cities and counties on air quality. The rankings are based on data collected by the U.S. Environmental Protection Agency. The 2010 report is based on data from 2006 to 2008 and is posted online at www.stateoftheair.org.

The greater Baltimore-Washington region has the 16th-worst ozone pollution in the nation and the 18th-worst short-term particle pollution in the nation.

Here's how Anne Arundel County scored:

Ozone

- Grade: F
- 44 Code Orange days, 2 Code Red days, 1 Code Purple day.
- Weighted score: 16.3, fifth-worst in Maryland. (Improved from 17.7 in 2009.)

Daily particle pollution

- Grade: C
- 4 Code Orange Days.
- Weighted score: 1.3, fourth-worst in Maryland. (Improved from 2.3 in 2009.)

Yearly particle pollution

- Grade: Pass
- Weighted score: 13.3, third-worst in Maryland. (Improved from 14.3 in 2009. Passing score is 15 or lower.)
- Queen Anne's County is not ranked because it does not have an air quality monitoring station.

"It's proof how and why we need to continue and expand those efforts," he said.

The lung association report measures two types of pollution: smog, also known as ground-level ozone, and fine particle pollution.

Ozone occurs when hot air, sunshine and airborne pollutants combine. Ozone contributes to decreased lung function, respiratory infections, lung inflammation and worsening of lung problems.

Particle pollution, tiny bits of solid and liquid pollution in the air, also prompts health warnings and causes health problems, including increased hospital visits for asthma and heart patients, according to the lung association.

The fine particle pollution is as small as 2.5 microns, which is one-thirtieth of the width of a human hair.

The pollutants come primarily from vehicle, power plant, factory and boat emissions.

To determine the grades, the lung association puts government monitoring data into a formula, along with the number of Code Orange, Code Red and Code Purple air quality warnings. Today's report includes data from 2006 though 2008.

Officials at the Maryland Department of the Environment have some doubts about the lung association's methodology, and said it's better to look at how the federal government evaluates air quality.

In 2009, Maryland was "in attainment" for short-term particle pollution and year-round particle pollution, and came ever-so-close to meeting the ozone standard, said Tad Aburn, MDE's top air quality official.

"2009 was a benchmark year. … This is the first time in my 27-year career where we came into compliance," Aburn said.

Aburn said the air quality improvements can be attributed to steadily increased regulations on vehicles and power plants.

Air quality should continue to improve as Maryland's Healthy Air Act - which requires more power plant pollution controls - goes into effect, Aburn said. Just in the past few months, a "scrubber" system went online at the Brandon Shores power plant in Pasadena, for example.

Regional and national efforts to clean up cars and power plants in other states also should help, Aburn said.

Between 50 percent and 70 percent of Maryland's pollution blows in from other states, Aburn said, making regional and national air pollution efforts extremely important.

Some of that pollution becomes trapped along the shores of the Chesapeake Bay due to weather patterns, which is one reason why Anne Arundel, Harford and Cecil counties often have high pollution readings.

"We're always going to have some of the toughest air quality because of where we're located," Aburn said.

Aburn said individual choices also can contribute to pollution reductions.

Driving less by carpooling, walking or taking mass transit helps, as does reducing energy use in homes, schools and workplaces.

Queen Anne's County is not ranked in the "State of the Air" report because it does not have an air quality monitoring station.

Baltimore area air gets better, but still falls short (*Baltimore Sun*)

April 29, 2010|By Meredith Cohn, The Baltimore Sun

The Baltimore-Washington area made some improvements in air quality since last year, according to new rankings from the American Lung Association's State of the Air 2010 report.

The rankings find that a decade's worth of clean-up efforts, which include emissions reductions at coal-fired plants and a transition to cleaner diesel fuels, have made the nation's air better in general. That helped this area reduce its levels of smog and soot.

The report says, however, that more than half the U.S. population suffers pollution levels that are often dangerous.

"State of the Air 2010 proves with hard data that cleaning up air pollution produces healthier air," said Mary H. Partridge, the American Lung Association's national board chair, in a statement. "However, more needs to be done."

The Baltimore-Washington area had the 16th worst air by ozone, or smog. And it had the 18th worst by short-term particle pollution, or soot. It had improvements in short-term level of particle pollution and smog, according to the report. Air pollution data was collected in 2006-2008 around the nation.

AWARDS

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Thursday, April 29, 2010

Calverton eco club honored by EPA (*Business Gazette*)

by David Hill | Staff Writer

In 2006, Katie Swanson — a teacher at Calverton Elementary School in Beltsville — asked her third-grade students to list some of the world's biggest environmental problems, and explain how the students could personally help solve them.

"Almost all of the kids came up with an idea of starting a club to tell other people about them," said Swanson of Silver Spring, who began teaching in 2006 after spending five years as an environmental attorney. "So, we did."

Four years later, those ideas have become the school's Save the World Environment Club, which has successfully lobbied for paper recycling at the school, planted trees on campus and picked up trash as far away as Washington, D.C. The 16-student club's work has earned acclaim from teachers, parents and even the United Nations and U.S. Environmental Protection Agency.

"If one person does a good deed to help save the world, a million people can do it," said fifth-grader Onyinye Obiefuna, 11, of Beltsville. "It can spread on to the world and help the whole world."

One of the club's earliest projects was in 2007, when members wrote letters to then-county schools Superintendent John Deasy, asking for paper recycling at the school. The county system — which does not require individual schools to recycle — provided a large, metal paper-only recycling bin, which is paid for by the county and maintained by paper manufacturer Abitibi Bowater.

"We had over 800 kids, and they were all throwing paper in the trash," said sixth-grader Shagun Sharma, 11, of Beltsville. "We researched facts and everything about how we can save paper and what the effects are."

Since then, members have organized litter pick-ups, planted gardens outside the school and designed pro-environment posters and artwork, including a giant dove made from recycled materials that they presented to animal researcher Jane Goodall at a speech she gave at Georgetown University last September.

This year, the EPA selected Calverton as the Mid-Atlantic elementary school recipient of its 2009 President's Environmental Youth Award, given each year to a school group that positively affects the environment. A poster designed by third-grader Sophia Dada, 9, was also selected by the UN as part of an international artwork project.

"I just feel good about being able to help this [club,]" said Sophia of Beltsville, whose poster had an anti-global warming message written in bright colors.

The club celebrated Earth Day on April 22 by planting 15 trees outside the school, including two pink dogwoods near the front entrance dedicated to former secretary Anne Schlossenberg, who died of cancer in 2003, and teacher Allegra James, who died in 2008.

The club also participated Saturday in an annual trash cleanup at the National Zoo in the District. Swanson said the club has given students a chance to expand their horizons and help their surrounding community.

"Most important of all, they're getting empowerment," Swanson said. "They're realizing that even if you're a kid, what you say matters and people will listen to you."

EPA Honors Prospect Park Alliance (*Brooklyn Daily Eagle*)

by Brooklyn Eagle (edit@brooklyneagle.net), published online 04-28-2010

Part of 40th Celebration of Earth Day

PROSPECT PARK — The Prospect Park Alliance's ongoing work to maintain Brooklyn's landmark Prospect Park has been recognized by the U.S. Environmental Protection Agency (EPA).

The EPA named the Alliance as one of its 2010 New York Environmental Quality Award Winners at a ceremony on April 23 at the agency's regional offices in Manhattan. The Environmental Quality Award is given to organizations and individuals who demonstrate outstanding achievements in protecting the environment.

Joining EPA Regional Administrator Judith Enck to present the awards was Chief Oren Lyons of the Native American Onondaga Nation, the award ceremony's special guest speaker.

In presenting the award, Enck cited the hard work of Prospect Park's arboriculture and natural resources crews, which care for Prospect Park's more than 40,000 trees. She also noted the success of the Alliance's popular education and volunteer programs. During the past two decades, the alliance has undertaken the restoration of Brooklyn's last remaining forest, as well as ongoing revitalization of the Park's 60-acre watercourse.

Also honored by the EPA at the Earth Day Ceremony were some of the alliance's many partners and supporters, including the New York City Department of Parks and Recreation, GreenApple Corps, the Council on the Environment and the Brooklyn Navy Yard Development Corporation.

The public can learn more about the park's thriving natural environment through education programs at the Prospect Park Audubon Center; the result of a partnership between the Prospect Park Alliance and Audubon New York. On May 1 and 2 from 1:30 to 4 p.m., the Audubon Center will present Arbor Day Weekend programming focusing

on the many species of trees in the 585-acre park.

The efforts of the thousands of people who volunteer at Prospect Park is also crucial to helping restore and protect the Park's environment. An upcoming major volunteer event at Prospect Park and many NYC Parks is Alt's My Park day: on May 15, from 10 a.m. to 2 p.m. More information is available by calling the Park's Volunteers office at (718) 965-8960.

EPA awards Clemson University/Tri-County Technical College team $75,000 (*Clemson University Newsroom*)

Published: April 28, 2010
CLEMSON — The U.S. Environmental Protection Agency on Tuesday awarded more than $1 million in grants to 14 U.S. college teams, including one representing Clemson University and Tri-County Technical College. The teams participated in the sixth annual National Sustainable Design Expo on the National Mall in Washington, D.C.

The Clemson/Tri-County team has been working together on a project that explores the conversion of shipping containers into housing for Caribbean areas ravaged by hurricanes. The SEED Project (http://www.cusa-dds.net/seed/) employed the skills of students from Clemson's School of Architecture, department of planning and landscape architecture and Tri-County's welding department.

The expo was held at the EPA's 40th anniversary celebration of Earth Day, April 23-26. Winners of the EPA's People, Prosperity and the Planet Awards, also called P3 Awards, developed sustainable projects and ideas that protect the environment, encourage economic growth and use natural resources more efficiently.

"Sustainable innovations like the ones created by our P3 Award winners are the environmental and economic future of our nation. In fields from agriculture to architecture to energy production, sustainability is the true north on the path ahead," said Paul T. Anastas, assistant administrator for the EPA's Office of Research and Development. "Innovations like these keep our country competitive and healthy. Congratulations to our winners, and to everyone who participated, for their efforts to create scientific and technological innovations that will lead us into a sustainable future."

The national P3 Award competition encourages college students to create sustainable solutions to worldwide environmental problems through technological innovation. Each P3 award winner receives up to $75,000 to further develop a design, implement it in the field or move it to the marketplace.

Other winners of this year's awards are Harvard University, Texas A&M University, Humboldt State University, Appalachian State University, Clarkson University (two teams), Cornell University, the University of North Carolina at Chapel Hill, the University

of Illinois at Urbana-Champaign, Roger Williams University, Virginia Tech, North Carolina A&T and Drexel University.

The Clemson/Tri-County team included landscape architecture students Jonathan Hanna, Jennifer Johnson, Arthur Johnson II, Kenneth Koschnitski, Owen McLaughlin, Nathan Miller, Scott Ogletree, John Piascik, Aaron Taylor and Ryan Yonce; architecture students Shannon Caloway, Kyle Miller, Mitchell Newbold and Carson Nolan; and recent graduates Adam Berry, Nicholas Christopher, Maria Davis, Sarah Moore, Ayaka Tanabe and Dustin White. Advisers are Pernille Christensen and Doris Gstach, landscape architecture, and Douglas Hecker and Martha Skinner, architecture.

Tri-County Technical College's team members included Alex Boom, Sam Groen and Bryant Houston, who went to Washington; and Brantley Fowler, Travis Jenkins, John-Michael Quales, Matthew Wash, Christopher Bagwell, Tony Durham, Robert Falkner, David Homesley, Gantt Huiet, Zachary McCormick, Andrew Prothro, Kyle Scroggs, Mitchell Thompson and Michael Vinson. Paul Phelps, head of Tri-County's welding department, served as their adviser.

Support for the competition includes more than 40 partners in the federal government, industry, and scientific and professional societies. This year's expo was co-sponsored by the American Institute of Chemical Engineers.

BROWNFIELDS

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Ohio EPA approves former Anchor Hocking site for development (*Lancaster Eagle Gazette*)

BY CARL BURNETT JR. • The Eagle-Gazette Staff
• April 29, 2010

LANCASTER --The Ohio EPA has given the former site of Anchor Hocking Plant 2 a green light for
development now that cleanup at the brownfield site is completed.

The Ohio EPA has approved the site for commercial or industrial land uses and restricted ground water
uses, said Ohio EPA spokeswoman Erin Strouse.

"That's great news," Lancaster City Engineer Brad Fagrell said. "It's been a long process over many years."

Anchor Hocking sold and vacated the property in 1992. The plant was operating until 1985 and manufactured glass products and performed dying operations for glassware.

In 2003 Lancaster, the current owner, was able to receive a $200,000 grant from the U.S. Environmental Protection Agency for environmental tests and in 2004 another $2.8 million for the actual cleanup from the Clean Ohio Fund.

Demolition and soil remediation began in December 2008.

Fagrell said the process was not longer than at other brownfield sites.

"It is nice to have it completed," Fagrell said. "Now it can be used for economic development."

Lancaster Economic Development Director Mike Pettit said the goal for the site is securing funding
to turn it into a transload facility.

"We do have a private company interested in providing some funding to improve the rail lines
and switch on the tracks," Pettit said. "I hope to take a proposal in the next three weeks to the Ohio Rail
Authority for a grant."

Companies in the area then could use the facility to ship raw materials and finished products in and out
of the area at a cheaper rate than using trucks.

Once the funding falls into place, Pettit said the work will begin.

Carl Burnett Jr. can be reached at (740) 681-4346 or
cburnett@nncogannett.com.

CLIMATE CHANGE / GLOBAL WARMING
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Apr 28, 2010

EPA says climate change is causing storms, heat waves (*USA TODAY*)

08:49 AM
As the Senate debates whether to take up a climate bill before an immigration one, a new Environmental Protection Agency report says climate change is already causing storms and heat waves.

By Environmental Protection Agency

"Climate change is a very real problem with impacts that are already being seen," Gina McCarthy, assistant administrator for EPA's Office of Air and Radiation, said Tuesday in announcingthe report, which looks at 24 indicators. The 80-page report says:

There is indisputable evidence that human activities such as electricity production and transportation are adding to the concentrations of greenhouse gases that are already naturally present in the atmosphere.

Many of the report's findings are now new, but some may belittle known or surprising. For example, it says bird species in North America have moved their wintering grounds northward by an average of 35 miles since 1966. Also, despite much snow this past winter, it says the portion of North America covered by snow has "generally decreased" since 1972.

The report's key findings include:

- Greenhouse gas emissions from human activities are increasing. Between 1990 and 2008, there has been about a 14 percent increase in emissions in the United States.
- Average temperatures are rising. Seven of the top 10 warmest years on record for the continental United States have occurred since 1990.
- Tropical cyclone intensity has increased in recent decades. Six of the 10 most active hurricane seasons have occurred since the mid-1990s.
- Sea levels are rising. From 1993 to 2008, sea level rose twice as fast as the long-term trend.
- Glaciers are melting. Loss of glacier volume appears to have accelerated over the last decade.
- The frequency of heat waves has risen steadily since the 1960s. The percentage of the U.S. population impacted by heat waves has also increased.

CORRECTIONS

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Corrections (New York Times)

April 29, 2010 Thursday
Late Edition - Final
Section A; Column 0; Metropolitan Desk; Pg. 2
Corrections
An article in some editions on April 4 about a ruling by New York State that the Indian Point nuclear power plant violates the federal Clean Water Act referred imprecisely to the portion of the electricity used by New York and Westchester County that the plant provides. It is up to 30 percent, but can be considerably less depending on the time of

year and which other power plants are working; it is not always 30 percent. Because of an editing error, the article also misstated, in some copies, the year the plant opened. It was 1962, not 1973.

ENERGY

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Rochester schools recognized for energy efficiency (Foster's Daily Democrat)

By JAKE O'DONNELL
jodonnell@fosters.com
Thursday, April 29, 2010

ROCHESTER — The city school department is batting 1.000 when it comes to energy efficiency.

All 11 Rochester schools have been honored with Environmental Protection Agency (EPA) Energy Star labels for their outstanding energy efficiency in 2009. Rochester School Department Facilities Director Richard Kalisz said it is extremely rare for one district to have so many schools honored.

Each of the school principals were presented with Energy Star plaques Wednesday that will placed at the schools.

According to Energy Star's website, buildings earn the Energy Star label when they score in the top 25 percent based on the EPA's National Energy Performance Rating System. The EPA compares the energy use of similar facilities and those with a score of 75 or higher are eligible for the honor.

The average energy performance for Rochester's schools was 87. School Street School led the way with a score of 98, followed by McLelland School (96), Nancy Loud School (91), East Rochester School (91), Creteau Technology Center (91), Gonic School (89), William Allen School (89), Chamberlain Street School (88), Spaulding High (87), Maple Street School (82) and Rochester Middle School (77).

The only other district with Energy Star-labeled K-12 schools in the state for 2009 was Timberlane Regional School District, with two elementary schools in Sandown and one in Plaistow making the grade, according to Energy Star's website.

Kalisz said the numbers for Rochester, which is the third-largest school district in the state, were independently verified by special engineers.

"We didn't just send in an application," he said. "We had to prove it."

Getting to this point has been a long process that started in 1995, according to Kalisz and Jim Lucy, energy solutions leader for Honeywell Building Solutions. Honeywell began working with the department at that time and has been helping them with energy efficiency ever since.

"Rochester is truly a leader, and that's what this represents," said Lucy. "The schools have saved millions and millions of dollars that would have gone to the gas companies, PSNH and the oil companies. It's really gone back into investments for the schools and reducing the tax base."

Lucy credited Kalisz and the department administration for having the commitment and vision to new ideas, and thanked the principals for putting up with many years of construction.

The original 1995 project was for "energy savings improvements" by updating systems within the buildings, according to Lucy. The department saved over $200,000 in the first year and savings alone ended up paying for the $1.5 million project.

The department started a second phase in 2005 on an $11.5 million project with Honeywell to improve energy usage. Some of the components included new ventilation equipment in nine schools, water conservation through a low-flush toilet system that "reduced water consumption numbers astronomically," Kalisz said, and new windows in five schools.

By 2008, the department was saving more than $480,000 on energy costs, and last August, the department joined Energy Star as a partner.

"All this work has paid for itself," said Lucy. "There's been no impact to the taxpayers, and it's actually reduced tax money. It's all been self-funding."

Kalisz said the department is continuing work to improve energy efficiency, including the implementation of dual-fuel burners in some schools.

"If oil is cheaper than gas, then we'll go with oil," he said. "If gas is cheaper than oil, we'll go with gas. We have that capability with the flick of a switch."

Kalisz believes this will save the district money as well as reduce greenhouse gas emissions going forward.

Wednesday, April 28, 2010, 2:41pm PDT | Modified: April 28, 2010, 2:50 PM

Intel tops green power list (*Sustainable Business Oregon*)

Intel Corp. tops the list of organizations buying clean energy, according to a report out this month from the Environmental Protection Agency's Green Power Partnership. Santa Clara-based Intel, which has its largest employee base in Oregon, bought or generated 1.4 billion killowatt hours of energy last year, covering 51 percent of its power needs through renewable energy generated on-site and purchased through other entities. Renewable resources used by Intel, according to the report, include biogas, biomass, geothermal, small hydro, solar and wind.

Organizations can meet EPA purchase requirements using any combination of three different product options including renewable energy certificates, on-site generation and utility green power products.

Kohls Department Stores came in at No. 2 on the list with close to 1.4 billion killowatt hours bought or generated. Whole Foods Markets Inc. ranked No. 3 with 817 million hours purchased. Kohl's green energy total accounted for 100 percent of the energy it used last year. Whole Foods purchased 108 percent of its energy use.

Oregon State University made the list at No. 50, purchasing 67 million killowatt hours through the Bonneville Environmental Foundation, worth 72 percent of its annual energy use.

Combined, the top 50 largest purchases amount to more than 11.6 billion kilowatt-hours annually.

4.28.2010 11:13 AM

Is That True?! You Now Need an EPA License to Sell Your Home (*Daily Green*)

Factchecking an e-mail chain letter that claims you have to retrofit your home to meet energy efficiency standards before you can sell it.

Also see 6 Eco-Myths Debunked.
Factcheck.org is one of The Daily Green's trusted sources of information. Here's one of its latest, about an e-mail that's making the rounds.
The House of Representatives passed H.R. 2454, the American Clean Energy and Security Act in June 2009. A chain e-mail that has been forwarded to us repeatedly in recent days says that the bill would require homeowners to retrofit their houses to meet new energy standards, and obtain a license from the Environmental Protection Agency before they could sell a home. Don’t believe it. The claims are false.

In fact, we said last summer that claims that the bill requires such things were false in our Ask FactCheck titled "Energy Bill and Existing Homes." So did the National Association of Realtors and National Association of Home Builders, as well as other

well-known fact-checking Websites. Nevertheless, these bogus claims have gotten a second wind.

A portion of the chain e-mail says:

In effect, this bill prevents you from selling your home without the permission of the EPA administrator.

To get this permission,you will have to have the energy efficiency of your home measured. Then the government will tell you what your new energy efficiency requirement is and you will be forced to make modifications to your home under the retrofit provisions of this Act to comply with the new energy and water efficiency requirements.

Then you will have to get your home measured again and get a license (called a "label" in the Act) that must be posted on your property to show what your efficiency rating is; sort of like the Energy Star efficiency rating label on your refrigerator or air conditioner. If you don't get a high enough rating, you can't sell.

The author of this chain e-mail either misunderstands the particular features of the bill, or is blatantly misrepresenting them.

The bill does set new national efficiency standards for new residential and commercial buildings. Those standards are outlined in Section 201. But only homes constructed after the bill became law would have to meet them, not currently existing homes.

Also, the bill, in Section 202, sets up a new building retrofit program that would give federal funds to states to provide financial assistance to homeowners who want, and volunteer, to make upgrades to their current homes. The purpose of the program is to encourage owners of existing homes to make them more energy efficient; however, they absolutely wouldn't be required to make any changes.

The "license" the e-mail mentions refers to Section 204 of the bill, which requires the EPA to develop a program that states could voluntarily adopt to label homes, so that potential buyers and investors could have information about their energy performance characteristics. But even if a state were to implement an energy labeling program, it would only apply to homes built after the bill became law, not currently existing ones.

So nothing in the bill requires homeowners to obtain an energy license, or retrofit their house to meet energy standards as a condition of sale. That's something the House Committee on Energy and Commerce mentioned more than once in its summary of the legislation.

The e-mail also claims that the Congressional Budget Office said that H.R. 2454 will cost each family of four $6,800 a year:

Chain e-mail: The Congressional Budget Office (supposedly non-partisan) estimates that in just a few years the average cost to every family of four will be $6,800 per year. No one is excluded.

The CBO actually said the cost would be much less than that. The nonpartisan group analyzes pieces of legislation and estimates their potential cost. CBO said that under the bill, the loss in a household's purchasing power "would average about $460 per year over the 2012–2050 period."

GRANTS

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Wednesday, April 28, 2010, 2:25pm EDT

Jax picked for $100,000 EPA program (*Jacksonville Business Journal*)

Jacksonville Business Journal - by Kimberly Morrison Staff reporter
The U.S. Environmental Protection Agency has selected Jacksonville as one of 10 communities across the nation to receive a $100,000 grant to address environmental and health challenges.

The pilot, which kicks off Friday, will focus on Health Zone 1. The area encompasses Springfield and a large portion of the city's Northside.

The money will fund projects over the next two years. More information will be provided about the project on Friday, when government representatives officially launch the program. The kickoff will be at 1 p.m. Friday at the Beaver Street Enterprise Center.

On Saturday, May 1, EPA and the city of Jacksonville have organized a community cleanup of the area surrounding Richard L. Brown Elementary School at 1535 Milnor Street from 8:30 a.m. to noon. The cleanup will be conducted along Deer Creek in order to bring attention to an area with contamination.

MINING

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EPA sets May 18 W.Va. hearing on mountaintop removal permit for planned Spruce No. 1 Mine (*Associated Press*)

Story also appeared: *FOX 2 Now*

By Associated Press
3:01 AM CDT, April 29, 2010
CHARLESTON, W.Va. (AP) — The Environmental Protection Agency plans a May 18 public hearing on the fate of what would be West Virginia's largest strip mine.

The hearing on Arch Coal's Big Spruce No. 1 mine in Logan County is set for 7 p.m. at the Charleston Civic Center. Speakers are urged to register in advance.

EPA has said it plans to veto a previously granted permit for the mountaintop removal operation because valley fills would bury 7 miles of intermittent streams and hurt water quality.

EPA also says the project would affect 2,278 acres of forest.

The project was permitted in 2007, but has been delayed by lawsuits.

The agency says extended discussions with Arch failed to produce a plan that would significantly cut environmental and health impacts. Arch, in turn, has sued the EPA.

On the Net:

Hearing registration: http://www.epa.gov/region3/mtntop/spruce1hearing.html

EPA proposal:
http://yosemite.epa.gov/opa/admpress.nsf/0/D19F832B77DBB0AF852576F200567BA5

SUPERFUND
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4/28/2010 9:55:00 PM

EPA to consider cleanup options for Iron King Mine and smelter sites soon (*Prescott Daily Courier*)

By Doug Cook
The Daily Courier
DEWEY-HUMBOLDT - Now that a federal agency has completed its investigation of contaminants at the Iron King Mine and Humboldt smelter sites here, its next task is to decide how to clean it up.

About 50 people attended a community meeting Tuesday night at Dewey-Humboldt's

American Legion Post No. 78 where the Environmental Protection Agency reported its findings on the Superfund hazardous waste cleanup sites and again offered residents the chance to get their residential yards tested for toxic arsenic and lead.

This past year, EPA officials tested 65 parcels on the sites and found that these contaminants more often affected yards closer to the mine's tailings pile and the smelter's ash/slag pile than spots farther away.

Although the EPA says that the maximum levels of contaminants found on the sites will not cause acute health problems in humans, officials are concerned about long-term exposure and the potential cancer risk.

As for the sites' cleanup, EPA remedial project manager Leah Butler said it could include anything from "doing nothing to removing everything from the site and all options in between."

"It's too early to say what will be done," she said. "It's likely that the cleanup will involve a combination of consolidating, capping and removal (of contaminants from the mine and smelter)."

Butler would not comment about who is on the EPA's list of potentially responsible parties for the contamination. The EPA is forming the list now, which remains confidential until the cleanup option is approved within the next year.

"Once we decide the cleanup option, we will negotiate with the responsible parties about how to pay for or conduct the cleanup under an agreement with the EPA," she said. "If those parties are not able to pay, the EPA will do the work, pursue the costs incurred and settle with them."

On Tuesday, residents who live near the mine and smelter sites could sign up for free, voluntary soils testing, which the EPA will conduct from May 2-14 to help folks determine if they have elevated levels of arsenic or lead on their properties.

"There is no way of knowing what each yard's soil has (as far as its chemical make-up)," Butler said.

EPA officials also will offer free sampling of residents' private wells from May 6-13 in which they look for elevated levels of chloride and sulfate, a pair of commonly found chemicals on the sites, in the groundwater.

In addition, on Monday, a team with the University of Arizona Superfund Research Program announced that it broke ground on a project designed to plant vegetation (potentially buffalo grass, mesquite, quailbush, etc.) with varying amounts of compost on the mine's tailings pile.

Raina Maier, associate director of the program, said the plants could reduce wind and

water erosion, which move the tailings' contaminants into the environment.

On high-wind days, particularly in March, April, July and August, large volumes of dust from the pile kick up into the air and travel short distances. UA officials say they want to quantify and reduce those emissions.

During an 11-month period this past year, the EPA collected data from 10 air-monitoring stations across the site. Some showed elevated levels of arsenic and lead in the dust, which generally travels in a southwesterly direction.

Butler added that past breaches in the mine's tailings pile and the smelter's ash pile contributed to moving contaminants into the town. Tailings material has gone into the nearby Chaparral Gulch because of dam failures, thus hindering plant growth there.

As for the groundwater at the sites, the EPA found elevated levels of sulfate and chloride. Of the 67 private wells tested, five exceeded the feds' secondary drinking water standard for sulfate, while three others had elevated levels of chloride.

Butler said EPA officials will conduct more sulfate sampling to the east and north of the smelter. Even though sulfate has no ties to cancer in humans, it can have a diuretic effect.

Those officials added that they think the chloride may be tied to chemicals miners used in the early- to mid-20th century in smelting ore. Therefore, the EPA would like to test more private wells in the area.

The EPA encourages residents on private wells to get their water tested for free. If necessary, the agency will make water treatment options available.

Butler said Humboldt Water Co., the only municipal water supplier in Dewey-Humboldt, recently had one of its wells treated for arsenic to meet the feds' drinking water standard.

For more information about the EPA's project here, call EPA community involvement coordinator David Cooper toll-free at 800-231-3075 or e-mail him at cooper.david@epa.gov.

Those with questions or comments about the EPA's report should call Butler at 415-972-3199 or e-mail her at butler.leah@epa.gov.

Colo. Senate passes uranium waste cleanup bill (*Associated Press*)

Story also appeared: *Bloomberg Businessweek*

DENVER
The Colorado Senate has passed a bill requiring uranium mines and mills to clean up nuclear waste before accepting more radioactive material.
The Senate voted 24-9 in favor of the bill Wednesday. It now heads back to the House, where backers hope lawmakers will agree with changes made in the Senate.

Mines and mills are now allowed to postpone cleanup until they finish production and decommission their production facilities. Lawmakers are concerned that a national focus on nuclear energy will allow mines to postpone cleanup of radioactive wastes while they ramp up production.

The Cotter Corp. wants to refurbish its mill in Canon City, an EPA Superfund site since 1984, but says the bill would force it out of business.

TOXICS
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Getting the lead out: Contractors slow to comply with new rules for lead-based paint certification (*Chicago Tribune*)

Sweeping new safety rules are designed to protect homeowners, yet an overwhelming majority of firms are not certified to do the work
By Mary Ellen Podmolik, Tribune reporter
April 29, 2010
Hiring a professional for jobs that range from sanding painted woodwork to gutting a kitchen just got more complicated and expensive for homes that are at least 32 years old.
The U.S. Environmental Protection Agency on April 22 implemented sweeping new safety rules designed to protect homeowners from lead-based paint dangers that may be present in homes built before 1978, when lead paint was banned for residential use. Two years in the making, the rules are the first federal regulations in the remodeling industry, and they will affect almost all work performed in older homes where paint is disturbed. Yet an overwhelming majority of companies affected by the EPA's Lead Renovation, Repair and Painting Rule are not certified to perform the work.

The rules apply to more than 1,000 companies working in Illinois, but two days before they took effect, only slightly more than 200 companies were certified, according to the EPA, and it is unclear how many employees at those companies have gone through a separate eight-hour certification course. Nor has there been much outreach to explain the changes to consumers.

Because of the low compliance rate and lack of publicity, certified contractors are not only unsure how to price projects under the new regulations, but they're also worried

that they'll lose jobs to non-certified contractors who skirt the rules and bid their work cheaper to uninformed homeowners.

"Absolutely not are we (the industry) ready for this," said Mike Nagel, principal at MAW Chicago, a remodeling/building firm. "We've been in four congressmen's offices (in one day) and not one congressman knew about it. This is a train wreck waiting to happen."

The dangers of lead paint have been studied by several White House administrations. In 1992, Congress passed the Residential Lead-Based Paint Hazard Reduction Act, which required owners to disclose to buyers and tenants the existence of lead paint in pre-1978 homes. In 2001, the U.S. Department of Housing and Urban Development warned that renovations to older homes can expose occupants to lead-paint dangers, and in April 2008 the EPA issued the current rules.

According to the EPA, 24 percent of homes built between 1960 and 1978 are likely to contain lead. The likelihood rises to 69 percent for homes constructed between 1940 and 1960 and jumps to 87 percent for homes built before 1940.

The new lead-containment procedures do not apply to minor repair and maintenance work involving 6 square feet or less of painted surface per room and 20 square feet or less of painted surface on a home's exterior. Nor do the rules apply to homeowners who take on do-it-yourself projects.

Currently a provision in the regulations allows homeowners in properties where no children under age 6 or pregnant women live to sign a waiver opting out of the rules, but the EPA has decided to do away with that provision. A spokesman said the "opt-out" provision should be extinguished within three months.

"What this essentially does is take a generic renovator from the past and turn them into a specialty contractor," said Nicholas Peneff, principal at Public Health & Safety Inc., a Chicago-based, EPA-certified training firm. "(Before) the industry standard was broom clean. The new standard is called renovation with a capital ‘R.' Before people were looking for lead chips. Now we're teaching them to go in there like it's invisible, like a virus or bacteria."

Contractors can use an EPA-approved test to determine if the work area contains lead, but some firms say they are going to treat every pre-1978 home as if it contains lead paint.

Feldco Windows, Siding and Doors is taking a "very conservative approach" and for a month has been applying lead-safe practices to any home built before 1983. It is analyzing the additional costs, but spokesman Dave Cook estimates it will add at least $50 to the cost of a window. "The cost will increase at some point," he said. "A significant amount of additional labor is going to be required."

The containment process primarily affects the demolition part of a project and is much more involved than the plastic sheeting used by crews to contain dust on large projects. The work area now must be securely sealed off, whether it's a window replacement job or a gutted room, and a warning sign must be posted. A carpenter working in a room isn't supposed to track construction dust to other parts of a home, and homeowners aren't allowed back into a work area until a worker has performed a test to ensure all surfaces are lead-free.

Since February, Campus Corps Painters has given quotes on almost 200 jobs to customers that involved containment processes, none of which were excessive or prohibitively expensive, said Scott Yochim, company president. "If I was in the remodeling business, I'd be chewing my nails to the quick."

Estimates of how much the new regulations will add to the cost of a job vary widely and will make it harder for consumers to compare one company's bid against another's. Also, the containment process is likely to be more involved for a project done in the middle of a home than, say, an addition put onto a home's exterior.

The EPA estimates the new regulations will add $8 to $167 to the cost of a job. However, the National Association of Homebuilders estimates the additional procedures could boost the cost of larger $70,000 to $100,000 projects by up to 1 percent and smaller projects by 2 percent to 5 percent.

In a survey for Professional Remodeler magazine, only 2 percent of participants said they expected the rules to add less than $100 to the cost of a project; 44 percent said the costs would range from $500 to $5,000.

"The biggest problem is there are going to be some contractors out there not abiding by the rules and selling jobs at a lower cost than those abiding by the rules," said Tom Graham, president and CEO of Airoom LLC, which has spent months on the certification process for itself and its subcontractors. "And there are going to be people that hit the homeowner at the end, saying it's an extra $500 because we need to be EPA compliant."

The EPA is largely relying on the remodeling industry to police itself, as certified contractors — and consumers — tip off the agency about firms trying to fly under its radar. However, the EPA does not rule out random inspections on job sites and it may check a company's compliance records at a later date, an agency spokeswoman said.

The remodeling trade doubts that will happen and thinks certified firms will suffer a business loss.

"There's not going to be anybody from (the EPA) walking around checking people's cards on a site," said Matt Watkins, an environmental policy analyst at the National Association of Home Builders. "If you've never been certified, they're never going to catch you unless they go through the phone book."

mepodmolik@tribune.com

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mepodmolik@tribune.com

What you should know about lead paint certification (*Chicago Tribune*)

April 29, 2010

The Environmental Protection Agency's Lead Renovation, Repair and Painting Rule, which took effect April 22, applies to projects undertaken by professionals at homes built before 1978 where paint is being disturbed.

The agency has done away with an "opt-out" provision that would have exempted homes where no pregnant women or children under age 6 live.

Projects are to be performed by certified firms and the work done by certified individuals or others trained in the safety practices. Those measures include:

•Posting warning signs outside the work area and sealing off the area from the residence's occupants until post-demolition or renovation cleaning has been done to ensure the area is lead-free.

For inside renovations, covering all ducts. Furniture, windows and rugs must either be removed from a work area or covered with plastic sheeting and sealed. Workers, their tools and other items are to be free of dust before leaving a work area. Interior walls must be cleaned top to bottom.

For outside projects, covering the ground with plastic sheeting that extends 10 feet beyond the work area.

Prohibiting the use of power sanders, grinders and other tools that remove lead-based paint unless the machines are used with HEPA exhaust control.

Renovation firms must provide homeowners or the occupant of a property with a short, easy-to-read checklist that shows the workers were certified and the appropriate safety practices were observed. Companies do not have to provide a copy of a certified worker's training certificate.

Each violation of the rule is punishable by a fine of $37,500.

More information on the rule and the dangers of lead poisoning is available at epa.gov/lead. To find a certified renovator, go to leadfreekids.org.

— Mary Ellen Podmolik

WATER

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Feds say they won't pay D.C. for stormwater runoff fees (*Washington Examiner*)

By: Alana Goodman
Examiner Staff Writer
April 28, 2010

Federal government agencies are refusing to pay fees for new federally mandated District environmental regulations, and D.C. officials say that the expense may be passed on to city residents.

The Environmental Protection Agency took control of stormwater regulations in D.C. last spring, in an effort to help restore the Anacostia River and in response to an executive order by President Obama. Under the new system, the D.C. Water and Sewer Authority changed its fee structure for stormwater runoff, charging landowners by square footage instead of by the number of people who utilize the property.

But several federal agencies have balked at the city's new rules, arguing that they should be exempt from the fees under a law that exempts federal buildings from paying property taxes.

"[B]ased upon our preliminary review, the [stormwater] charges adopted by the District appear to be a tax on property owners," an attorney forthe Government Accountability Office wrote in an April 13 letter to WASA. "Accordingly, we are instructing the Department of Treasury not to make a payment to the District from GAO's appropriations."

The Department of Defense also is refusing to pay up and snubbed the fees as an "impermissible tax on the federal government," a top military official wrote in an April 15 letter to WASA.

WASA denies that the new rate structure represents a property tax. "It's a fee, because it's directly related to a service that is rendered by our agency," WASA spokesman Alan Heymann said.

If the federal government doesn't pay, WASA says the approximate $2 million cost might be passed on to local residents. "The money has to come from someplace, and that someplace is our ratepayers," Heymann said.

D.C. Councilwoman Mary Cheh called the situation "extraordinarily concerning to us all."

"If [the federal agencies] don't pay it, the alternative is to spread it out over the other ratepayers of the district," she said.

WASA officials will be meeting with the GAO to attempt to negotiate on the matter. Other options may include another restructuring of the fee system or legal action.

"We don't want to go to court about it," Cheh said. "But, it may be that we might have to go to court about it."

Scranton sewer authority approves new residential rate structure (*Scranton Times Tribune*)

BY JEREMY G. BURTON (STAFF WRITER)
Published: April 28, 2010

Sewer bills in Scranton and Dunmore will combine a new fixed rate with charges based on water usage under a new hybrid setup adopted Tuesday.

The Scranton Sewer Authority voted 4-1 to pass the hybrid option, which officials said would more fairly spread the cost of maintaining and modernizing old infrastructure.

The authority faced public outcry after it voted late last year to adopt a flat quarterly fee of $90 for all of its 30,000 residential customers. But the proposal was put on hold when board members chose to reconsider.

An engineering firm then recommended the hybrid model, which was presented to the authority board in March.

But changing the rate structure will not create any new revenue for the authority, nor will it diminish the likelihood of future rate increases, officials said.

The authority has been federally mandated to meet environmental standards for two massive, separate projects - the curbing of sewer overflows and the cleanup of the Chesapeake Bay Watershed. Together, they will cost the authority at least $160 million over 20 years.

Short of the state and federal governments paying for everything, the environmental mandates are going to raise sewer bills, said Executive Director Eugene Barrett, who said the authority planned to institute the new rates in the next full billing cycle.

Changing the rate structure was meant to brace customers for those burdens ahead, Chairman T.J. Stone said.

Mr. Stone was the lone vote against the hybrid bills. He said it makes no sense to charge people based on water usage when most of the authority's costs are locked into infrastructure. It does not really matter how much water anybody consumes, he said.

In approving the hybrid bills, the board agreed to re-evaluate the system either within three years or if there is a need to raise rates. Board member Matthew Flynn said splitting between a flat rate and usage would "operate more fairly across the board," but he worried the engineering study did not consider unexpected costs, such as emergency repairs.

Anger over the flat-fee proposal came especially from the elderly and single ratepayers, who use little water and would have seen their bills rise significantly.

Board member Leo Vergnetti said a hybrid model was the right thing for those customers.

Contact the writer: jburton@timesshamrock.com

US senator wants EPA to investigate groundwater contamination (*Water Tech Online*)

Wednesday, April 28, 2010
SCRANTON, PA. — A senator from Pennsylvania has asked the US Environmental Protection Agency (EPA) to investigate claims that gas drilling in Susquehanna County is contaminating groundwater, the Times Leader reported.

In a letter to EPA Administrator Lisa Jackson, US Sen. Robert Casey asked for a meeting with EPA officials to discuss natural gas drilling and whether the agency could investigate water and environmental contamination, the article stated.

The senator wrote, “the highly variable and unpredictable nature (of hydraulic fracturing) that can lead to the contamination of drinking water is of great concern.”

According to the story, Casey also expressed concern over the fact that the gas and oil industry is exempt from complying with the Safe Drinking Water Act, and mentioned two instances in Sept. 2009 where several thousand gallons of fracking fluid leaked from a pipe at a drill site, contaminating groundwater in Susquehanna County.

A response from EPA is expected in the near future, the report stated.

Towns put heads together on EPA stormwater mandate (*Milford Daily News*)

By Melanie Graham/Daily News staff
Milford Daily News
Posted Apr 29, 2010 @ 01:47 AM

Facing a costly stormwater regulation that could cost area towns tens of million of dollars, officials from Milford, Bellingham and Franklin met yesterday to try to deal with the unfunded mandate.

The three towns, represented by public works officials, town engineers and town administrators, decided yesterday to jointly apply for a federal grant that would pay for a study to research aspects of the mandate, including forming a stormwater utility agency.

"The more we can understand and the more we can work together, I think the better off we're all going to be," said Franklin Town Administrator Jeffrey Nutting.

If grant money were to come through, the study would not just focus on a utility, but also gather information on the best and most cost-effective way to implement the new regulations, Nutting said.

The mandated pilot program, which aims to reduce the amount of stormwater runoff in the Charles River watershed, applies only to the three large towns that sit at the head of the river, a cause for concern among local leaders and legislators.

Under the new federal Environmental Protection Agency regulations, Milford has estimated it will have to spend somewhere between $35 million and $60 million to reduce 57 percent of the phosphorous it runs off into the Charles River in storm drains. Private businesses would also have to implement runoff protection systems.

Bellingham Town Administrator Denis Fraine said the EPA encouraged the three targeted towns to get together and research ways to implement the regulations.

Milford Town Engineer Mike Santora said joining forces with Bellingham and Franklin will reduce some of the cost in applying for the grant and any potential utility or regulation system that might be set up in the future.

"Going forward, if we have to do a stormwater utility, it will be much more cost-effective to do it regionally than each town doing its own," Santora said.

Although the towns will apply for the grant, Milford selectmen have said they do not support a stormwater utility. Rather, they support the feasibility study that will research how the regulations could be implemented.

Franklin DPW Director Robert "Brutus" Cantoreggi said the study will also look into the management, engineering and financial structure required by the new regulations.

"Eventually this (regulation) is going to spread through the whole Charles River watershed and all the way to Boston," Cantoreggi said. "The idea would be to allow other people to join this utility. That's where I'd like to see it."

Some officials have also pointed out that the science behind the phosphorous-reducing mandate should be researched further, as there may be alternatives to the costly regulations.

Removing some dams, Cantoreggi suggested, could help reduce the phosphorous levels in the Charles, since phosphorus often collects behind the dams.

Dredging area lakes and reducing the amount of phosphorous used in fertilizer could also help, Cantoreggi said.

Franklin, which must reduce its phosphorous runoff by 52 percent, has estimated it would need to spend somewhere in the vicinity of $71 million to make that happen.

Although Bellingham does not have an estimate of its costs, it will have to reduce 52 percent of its phosphorous as well.

In addition to municipalities, the mandate also requires property owners with more than 2 acres of impervious surface to manage their own stormwater runoff, which could run Milford businesses an estimated $30 million to $55 million, in total, to build systems to deal with the runoff.

During a second meeting yesterday afternoon - which EPA representatives attending - Bellingham DPW Director Donald DiMartino said the EPA told town officials the 180 local property owners affected by the mandate in the three towns were recently sent a letter notifying them of the proposed new regulations.

The United Chamber of Commerce is also contacting affected businesses in the area, DiMartino said, regardless of whether the businesses belong to the chamber.

A public meeting will be held May 12 at 7 p.m. at Tri-County Regional Vocational Technical High School in Franklin. An EPA public hearing will be held at Tri-County on June 22 at 7:30 p.m.

Melanie Graham can be reached at 508-634-7582 or mgraham@cnc.com.

EPA cites Bokoshe ash disposal site (*Tulsa World*)

BY Michael Baker
Published: April 28, 2010
BOKOSHE — The U.S. Environmental Protection Agency on Tuesday ordered the operator of a fly ash disposal pit to stop discharging toxic waste into a local waterway near this eastern Oklahoma town.

The EPA issued the administrative order to Making Money Having Fun of Bokoshe, for alleged violations of the federal Clean Water Act.

Company owner Daryl Jackson said the company is working with all government agencies to make sure they are in compliance with environmental regulations.

A Feb. 22 inspection of the company's operations in Le Flore County found an unauthorized discharge of pollutants into a tributary of Doe Creek, according to the EPA.

Samples of the waste stream were taken during the inspection and were found to be toxic and in violation of Oklahoma water quality standards.

The EPA ordered the company immediately eliminate the unauthorized discharge of toxic waste and provide a plan on how future waste streams will be managed.

Making Money Having Fun takes in fly ash, a by-product of coal combustion, from the AES Shady Point coal-fired power plant in eastern Oklahoma.

Read more:
http://www.newsok.com/article/3457280?searched=Environmental%20Protection%20Agency&custom_click=search#ixzz0mTkElNPb

EPA cites two Oklahoma producers for CWA violations (*Oil & Gas Journal*)

Apr 28, 2010
Nick Snow
OGJ Washington Editor

WASHINGTON, DC, Apr. 28 -- The US Environmental Protection Agency issued cease-and-desist orders to two Oklahoma producers on Apr. 28 for violating the federal Clean Water Act, EPA's district office in Dallas said.

It cited Gary Davis Oil LLC, Tonkawa, and Territory Resources LLC, Stillwater, following Mar. 25 inspections of their separate oil field production and brine disposal facilities.

Inspectors found unauthorized brine and produced wastewater discharges into a Birds Nest Creek tributary at Territory's production site in Noble and Kay County, and into the Chikaskia River at Gary Davis Oil's production site in Kay County, according to EPA. Water at the discharge sites' point of entry at the two locations also was contaminated with brine discharges and salts, it added.

The producers must halt the discharges, remove all brine and contaminated soil from the flow path between their oil fields and the discharge points of entry, and provide written certification within 30 days that these activities have been completed, EPA said.

Contact Nick Snow at nicks@pennwell.com.

EPA launches Chesapeake enforcement tracking tool (*WTOP News*)

April 28, 2010 - 3:55pm

WASHINGTON (AP) - If you want to keep track of how the federal government is enforcing environmental laws in the Chesapeake Bay watershed, the Environmental Protection Agency has a new online map.
The map shows the locations of federal air and water enforcement actions in the bay watershed. EPA Administrator Lisa P. Jackson says the online map lets people see where the agency is taking action to improve water quality and protect the bay.

The EPA says that since 2009 it has entered into 10 civil settlements and issued 36 administrative orders for pollution sources affecting the bay. The federal agency says the actions cover 248 facilities in nine states and the District of Columbia.

On the net:

EPA Chesapeake Bay Enforcement site:

http://www.epa.gov/compliance/civil/initiatives/progress-chesapeakebay.html

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Door, Manitowoc counties meet air pollution standards, EPA says (*Milwaukee Journal Sentinel*)

By Lee Bergquist of the Journal Sentinel

Posted: April 28, 2010 |(0) COMMENTS

The Environmental Protection Agency has agreed that Door and Manitowoc counties do not violate federal standards for ozone pollution.

Now attention shifts to seven other counties currently out of compliance, including Milwaukee, Waukesha, Ozaukee and Washington counties.

The EPA is next expected to decide on whether the four metro-Milwaukee counties, as well as Sheboygan, Racine and Kenosha, are in compliance for the eight-hour standard for ozone, also known as smog.

Gov. Jim Doyle, who applauded the decision for Door and Manitowoc, had asked the EPA to redesignate all of the counties after Wisconsin officials provided four years of monitoring data showing emissions were not violating the law.

The counties have been out of compliance for 1997 ozone regulations. A new, tougher standard is under development by the Obama administration.

That means that smog-troubled counties could come into compliance, but then be declared out of compliance when the new standards go into effect.

Al Shea, Wisconsin's top air regulator, said the data shows that air quality in the region is getting cleaner.

He also said the EPA's decision for Milwaukee and other affected counties will help companies, since large companies in counties violating smog standards have more restrictions on air emissions.

Shea also said the Obama administration's new proposal for smog is likely to be the subject of litigation. That means the EPA's upcoming decisions will have important business repercussions for the next few years.

Federal help sought on rainwater mandate (*Milford Daily News*)

Bottom of Form
By Melanie Graham/Daily News staff
Milford Daily News
Posted Apr 29, 2010 @ 01:49 AM
In an attempt to emphasize their concern over new stormwater regulations, local legislators have asked the state's congressmen and U.S. senators to come to the table and discuss the financial burden Milford, Franklin and Bellingham could potentially face with the mandate.

"This is being handled from all levels of government," said state Rep. John Fernandes, D-Milford. "Our thoughts, as legislators, is that it would be a good idea to get everyone (involved) in the same room."

Fernandes, along with Rep. Jennifer Callahan, D-Sutton, and Rep. James Vallee, D-Franklin, addressed a letter Tuesday to U.S. Sens. John Kerry and Scott Brown as well as Congressmen James McGovern, D-3rd, and Richard Neal, D-2nd, asking the federal legislators to meet with local community leaders on May 11.

The goal of the meeting, Fernandes said, is to take the concerns of local legislators "to the next level" and address the issues surrounding the new unfunded mandate coming down from the federal Environmental Protection Agency.

"We want to meet with officials and community leaders to try and influence this process in a way that is fair and cost-effective," Fernandes said.

The mandate, which has pinpointed Milford, Franklin and Bellingham, aims to clean up the Charles River, specifically the phosphorous found in the river from stormwater runoff.

"It's not that we don't view the public policy goal as worthy," Fernandes said. "What we don't think has been thought through is whether this is being implemented fairly."

The cost that comes along with the new mandate, an estimated $35 million to $60 million in Milford and an estimated $71 million in Franklin, is something that Fernandes said will hurt the towns.

With an additional cost to regulate stormwater, many businesses may choose to stay out of Milford, Franklin and Bellingham, creating unfair competition not only with bordering towns, but also towns in Rhode Island and Connecticut.

In addition, Fernandes said the towns' added cost in regulating the stormwater has the potential to place a tax burden on residents, creating even more of a disadvantage.

Although Fernandes acknowledged the hard work of local town engineers and consultants, he said his idea is to put a hold on the mandate until there is a better way to regulate.

Callahan agreed that the regulation needs to be looked at further, saying that out of the 35 communities in the Charles River watershed, the three local towns are not the largest nor the only ones with development producing polluted runoff.

"Focusing upstream is good in theory, but it means hardship for our three communities," Callahan said.

A "solid commitment," in the form of tax credits or mitigation funds would help the issue, Callahan said, specifically for property and business owners in the affected areas.

"A lot of us have some remaining questions on how this is going to be rolled out and how severe it will be," Callahan said. "I refuse to say I'm going to turn a blind eye to my businesses in my district when they're in an economic recession.

The letter calling for a meeting, which was also sent to an EPA regional administrator, hopes to draw the federal legislators to the discussion in order to prepare for the May 12 informational meeting and hearing at Tri-Valley Regional Vocational Technical High School in Franklin.

"I think (the mandate) is something that we are very concerned about as legislators and we want to reach out to federal legislators," said Vallee. "With this being a federal mandate, they are the best point people in trying to help us address this.

Melanie Graham can be reached at 508-634-7582 or mgraham@cnc.com.

Published Apr 29, 2010
Published Thursday April 29, 2010

Plattsmouth gets sewer grant (*Omaha World Herald*)

LINCOLN - A federal agency will provide a $1.16 million grant to the City of Plattsmouth for a multiphased sewer separation project.
The Environmental Protection Agency announced the grant Tuesday, stating that water quality will improve by diverting sanitary sewage for treatment rather than discharging it into the Missouri River during storm events.
Advertising
The City of Omaha is seeking federal funds for a similar project.
A bill in the Nebraska Legislature this year would have provided a sales-tax break to Omaha-area residents on the sewer fees they will pay to finance the $2.6 billion project. The bill failed.

At that time, Ron Gerard, spokesman for Mayor Jim Suttle, said the real solution to reducing the expense is seeking federal funds to help Omaha complete the EPA-mandated project.
Paul Hammel

EPA to Pay for Town Water during PCB Dredging in Hudson River (*EP Magazine*)

Apr 29, 2010

In response to concerns raised by the people of Halfmoon and Waterford about using Hudson River water as their source of drinking water while the dredging project proceeds, the U.S. Environmental Protection Agency has agreed to pay the additional cost incurred to draw water from the Troy system until November 2012.

The agency is overseeing a precedent-setting cleanup to reduce levels of polychlorinated biphenyls (PCBs) in river sediments, which are damaging the environment. The agency will cover the towns' incremental water costs full-time through the end of the dredging season in 2012. EPA will pay for the extra costs during all of the remaining dredging seasons until the Hudson dredging is complete.

"Our decision to cover the extra cost of drawing water from Troy on a full-time basis will eliminate any cause for concern about drinking water in these towns," said Judith Enck, EPA regional administrator. "EPA shares the goal of communities along the Hudson – to work for a healthier, cleaner Hudson – and we are taking this step in order to err on the side of caution."

Before the end of the 2012 dredging season, EPA will make a decision about whether to continue to pay for water full-time during the remaining off-seasons or pay for water on a more limited basis. In order for EPA to make that decision, the agency will need to gather more data about any impact of the dredging activities on off-season PCB levels in the Upper Hudson.

Last month, when the river had unusually high flow, some samples taken at the Thompson Island monitoring station were reported to have exceeded EPA's drinking water standard of 500 parts per trillion for PCBs. The agency is looking more closely at those results, because it has ongoing concerns about the accuracy of the sampling data gathered by GE during the high flows. EPA recently discovered that the five sampling intakes used by General Electric to collect water samples were covered with mud and vegetation. This may have compromised the results and they may not have been representative of water column concentrations in the Hudson River water at that location.

EPA also operates a carbon treatment system for the Village of Stillwater to ensure that drinking water from its wellfield is not affected by the dredging. This is a temporary measure that will continue until the Village connects to the Saratoga County water system. EPA is in discussions with GE over the responsibility for the cost of that connection.

The first phase of dredging in the river was completed last fall and EPA and General Electric completed technical reports that evaluate the results of the Phase 1 dredging work. A scientific peer review process to evaluate the two reports is in progress and EPA will consider the results of that process as it develops a plan for the second phase of the project by the end of this summer.

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