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

Monday, February 18, 2013

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

Monday, July 19, 2010

ADMINISTRATOR JACKSON 3
EPA's Environmental Justice Tour (*The Daily Caller*) 3
EPA: Inhofe jabs Region 6 over Texas fight, oil and gas regs (*Greenwire*) 5
EDITORIAL / OP-ED / COMMENTARY / LETTERS 6
Before leaving Yucca Mountain . . .; (*Washington Post*) 6
NAACP takes on racism by greening communities (*Kansas City Star*) 8
AIR 10
New federal power plant rule could clean air but raise bills (*Florida Times-Union*) 10
EPA Proposes New Clean Air Transport Rule, Utilities Seek "Regulatory Relief," an Industrial (*FOX Business*) 12
EPA Consideration Of Strict Coarse Particle Standard Sparks Industry Fear (*Inside EPA*) 13
Industry Eyes Appeal Court Ruling To Bolster EPA Data Quality Petitions (*Inside EPA*) 16
BP SPILL 17
BP Hopes to Keep Well Closed, but Seep Is Detected (*New York Times*) 18
Biggest environmental disaster not in Gulf (*Argus Leader*) 20
CDC: Advice for pregnant women regarding the Gulf oil spill (*South Florida Sun-Sentinel*) 22
Story also appeared: *Modesto Bee* 22
Mental, physical health concerns linger for Gulf state residents (*Greenwire*) 22
EPA Expected To Subject Offshore Rigs To Strict Spill Compliance Deadline (*Inside EPA*) 23
CLIMATE CHANGE / GLOBAL WARMING 25
'Climategate' may have hurt warming debate (*San Francisco Chronicle*) 25
Economy wide carbon cap reduces GDP by 0.2% -- EIA (*Greenwire*) 27
Big push by Lieberman and Kerry 29

ENERGY 30
Lisa Murkowski may be the Obama administration's only hope of getting a climate-and-energy deal this year (*Newsweek*) 30
HAZARDOUS WASTE 32
EPA addressing soil contamination in Missouri (*Associated Press*) 32
Story also appeared: *KOAM-TV* 32
TOXICS 32
Furniture to be greener, but pricier (*USA TODAY*) 32
Slow-moving plan to rid river of toxic goo gains momentum (*Virginian Pilot*) 35
EPA looks into potential chemical leak in E. Idaho (*Associated Press*) 37
Story also appeared: *KHQ Channel 6* 37
WATER 38
Obama to reset policy on oceans (*Los Angeles Times*) 38
Opinion sought on Cape base cleanup (*Boston Globe*) 40
EPA wants input on groundwater cleanup (*Cape Cod Times*) 40
Pompton Lakes residents urged to install vapor mitigation systems (*North Jersey.com)* 41

ADMINISTRATOR JACKSON
==========

EPA's Environmental Justice Tour (*The Daily Caller*)

By Matt Purple - The Daily Caller 12:13 AM 07/19/2010
The Environmental Protection Agency has had a busy year. The agency's regulatory shop seems to crack down on a new greenhouse gas every week in the name of fighting climate change. But despite its full plate, the EPA has still found time to link up with the Congressional Black Caucus for something called an "Environmental Justice Tour."

The tour has whisked EPA Administrator Lisa Jackson and several black legislators around the country to impoverished and predominantly minority communities. There, they've confronted and addressed everything from toxic waste disposal to water quality problems.

"By meeting people where they are and talking to them about the challenges they face, we can broadly expand the conversation on environmentalism," said EPA Administrator Lisa Jackson in a press release earlier this year.

The tour is based on the idea that "underserved communities" and "communities of color" are disproportionately affected by environmental damage and climate change, according to the EPA.

The latest stop on the tour was at the NAACP convention in Kansas City, Miss., last weekend. There, Jackson addressed the Gulf of Mexico oil spill and called for more "empowerment" and a "community based…restoration plan for the Gulf."

The same NAACP convention made national headlines after it unanimously passed a resolution condemning racism in the Tea Party movement.

Prior to that, the environmental justice tour made stops in Mississippi and South Carolina. In Mississippi, Jackson attended an environmental justice conference and toured a local water treatment plant. In South Carolina, she announced $1.4 million in brownfield funds and toured a Superfund toxic waste site.

"Her visit is evidence of the Obama administration's commitment to ensuring that minority communities who have suffered disproportionately from poor air quality, contaminated drinking water, and industrial pollution receive the resources they need to remediate these conditions and meet future challenges," said House Majority Whip James Clyburn, of South Carolina, in a press release.

The EPA is also doling out taxpayer money in grants to environmental justice groups.

This year, the EPA expects to award about $1,000,000 in such grants. Last year, the agency distributed $800,000. One grant went to Denver, Colo., to help educate poor Latinos on reducing their energy use. Another went to Providence, R.I., to fund public service announcement videos made by young people. The PSAs warned of the health dangers from household cleaning products and how unrecycled trash worsens conditions in low-income areas.

Several studies have found that the effects of climate change and environmental degradation disproportionately affect minorities. One study done by the University of Southern California found that minorities are twice as likely to die from heat wave-related causes. All this has led many scientists to speculate about a “climate gap” between low-income minority communities and wealthier Americans.

But the EPA’s stringent restrictions on greenhouse gases aren’t necessarily the answer. A study by the Affordable Power Alliance found that new EPA regulations will also disproportionately affect minorities. Greenhouse gas crackdowns will increase the poverty rate for African Americans from 24% to around 30% by 2025 and cost African Americans 390,000 jobs by 2030, among other findings.

Another study by the National Black Chamber of Commerce found that Democrats’ cap-and-trade bill would destroy 2.5 million jobs a year and lower wages by $400 annually.

The environmental justice movement was born in the 1980s out of concern that minorities and the poor were being excluded from the environmental movement. In 1990, the Congressional Black Caucus led a delegation to the EPA to discuss concerns about environmental justice.

The EPA was all ears. Two years later, Bill Clinton’s EPA Administrator, Carol Browner, established the EPA Office of Environmental Justice. The office seeks to ensure “everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”

Browner now advises President Obama as his energy czar.

Jackson has been particularly dedicated to revamping the Office of Environmental Justice, after what she views as its decline under the last Bush administration. She brought in a senior advisor on environmental justice and an attorney to wrangle with civil rights issues that relate to the environment.

“[I]n decision-making, in policymaking, we [must] give consideration to make sure that those who are poor, those who are already disproportionately impacted for whatever set of reasons, aren’t being asked to accept an additional share of environmental burden because it’s easier or because they’re disenfranchised,” Jackson said in an interview with GristTV.

Future stops on the EPA's Environmental Justice Tour this year include Maryland and Georgia.

EPA: Inhofe jabs Region 6 over Texas fight, oil and gas regs (*Greenwire*)

(07/16/2010)
Gabriel Nelson, E&E reporter
Unhappy with U.S. EPA's Dallas-based Region 6 office and concerned about a potential crackdown on air pollution from shale gas drilling, the top Republican on the Senate Environment and Public Works Committee has asked EPA Administrator Lisa Jackson for answers.

Sen. James Inhofe of Oklahoma sent a **letter** to Jackson yesterday seeking documents related to EPA's ongoing dispute with Texas regulators over air quality permitting. Though he stopped short of criticizing Region 6 chief Al Armendariz, Inhofe said the office has "alarmed state and local officials and regulated entities" with its willingness to subjugate state authority and impose heavy costs on businesses.

"Environmental management and enforcement have long been shared by states and the federal government. Yet Region 6 appears to be overriding the federal-state partnership that has worked successfully for over forty years," Inhofe said in a statement.

The regional office has rejected two of the Texas Commission on Environmental Quality's programs in recent months, most recently the "flexible" permitting regime used by some of the state's largest power plants, refineries and factories. Armendariz has threatened to take over Texas' entire air quality program, rankling state officials, who say that federal regulators are ignoring the state's authority to implement the Clean Air Act as it sees fit (*E&ENews PM*, June 30).

Inhofe also requested details on what has been described by EPA as a wide-reaching review of air regulations, asking whether the agency is embarking on an effort to toughen regulation of shale gas development. Those rules would be particularly relevant to Region 6, which includes Oklahoma, Arkansas, Louisiana, New Mexico and Texas.

EPA has scheduled public comment sessions in Dallas and Denver next month, meeting with industry groups in two hubs of the American oil and gas industry. The review, which is still in the early stages, covers "oil and natural gas exploration and production, as well as natural gas processing, transmission, storage, and distribution," EPA said in a notice.

Based on the information being requested from businesses, the agency seems to be headed toward new regulations on the emissions produced by shale gas development, Inhofe suggests in the letter.

Armendariz has told the industry to provide a breakdown of emissions of nitrogen oxides (NOx) and volatile organic compounds (VOCs), two byproducts of shale gas production. While federal officials say the pollution surveys are needed for the upcoming review of federal ozone standards, Inhofe says the reports would be a redundant and unnecessary burden on industry because the emissions information would eventually have to be provided when states develop ozone implementation plans.

The request doesn't add up, Inhofe wrote. Regulators asked for data from every Region 6 state except New Mexico. They also sought information on equipment inventories, production plans and drilling schedules.

"The focus of the information appears to be on areas with shale production and exploration," he wrote. If the agency is reviewing broader ozone standards, he added, "what is the basis for only requesting information from the oil and gas production and exploration industry?"

While federal officials lack the authority to impose some restrictions on emissions from shale gas drilling, the regional office has been weighing its options as an increasing number of neighbors complain about pollution from drilling operations (*Greenwire*, May 11).

Shale gas emissions were an area of expertise for Armendariz before he become head of Region 6. As an engineering professor at Southern Methodist University, he studied the Barnett Shale and produced a **report** for the Environmental Defense Fund.

With EPA moving toward a revision of the federal standard for particulate matter next year, future administrators of EPA could focus regulatory attention on NOx and VOCs, Armendariz wrote in the report.

"Cost effective control strategies are readily available that can substantially reduce emissions, and in some cases, reduce costs for oil and gas operators," he concluded, adding that "there are significant opportunities available to improve local and regional air quality and reduce greenhouse gas emissions by applying readily available methods to oil and gas production activities in the Barnett Shale."

EDITORIAL / OP-ED / COMMENTARY / LETTERS
==========

Before leaving Yucca Mountain . . .; (*Washington Post*)

July 19, 2010 Monday
Regional Edition
EDITORIAL COPY; Pg. A14

Maryland
Before leaving Yucca Mountain . . .;
One more chance for science to triumph over politics
THINGS MOVE slowly in the realm of nuclear waste disposal. In 1982, the government claimed ownership of the nation's wastes and vowed to dispose of them in a central location. In 1987, it designated Yucca Mountain as that location. In 2002, the Energy Department deemed Yucca Mountain suitable, and Congress voted its approval.

But in January, President Obama declared that this was the one place America could not look to put its wastes.

The plan for a nuclear waste repository on Yucca Mountain is not dead yet, however. A three-judge Nuclear Regulatory Commission panel ruled last month that the Obama administration could not withdraw the application to license the Nevada site to store the nation's wastes. "Given the stated purposes of the Nuclear Waste Policy Act and the detailed structure of that legislation," the ruling read, "it would be illogical to allow DOE to withdraw the application without any examination of the merits . . . . ." The legislation does not give the energy secretary "the discretion to substitute his policy for the one established by Congress," it read.

Sadly, the resurrection may be short-lived. The administration has appealed the ruling to the five-member NRC board, which should produce its own ruling in a month. A reversal of the panel's decision would come as no surprise: Three of the five board members were nominated by Mr. Obama and indicated during their confirmations that they would defer to the policy of the Energy Department on the Nevada site. The board's chairman has served as a scientific adviser to Senate Majority Leader Harry M. Reid (D-Nev.), a powerful opponent of the Yucca Mountain plan.

So far, the Obama administration has been vocal about its commitment to alternative energies. In January, it created a commission to rethink the nation's nuclear policy. But this broad reevaluation rings hollow when it is accompanied by taking off the table the one storage site into which the government has poured $9 billion and more than 20 years of research and planning -- without even seeing whether it meets the NRC's licensing standards. Even in its efforts to rule out the Nevada location, the Energy Department conceded that the application was not flawed nor the site unsafe.

Yucca Mountain is not perfect. And it is clear that any storage site will provoke a NIMBY pushback. Technology might temper some opposition; recycling or reprocessing used fuel will not decrease the amount of waste that needs to be stored -- a staggering 57,000 tons -- but it could diminish the number of years that waste remains unstable by neutralizing particularly volatile elements. But no technology will obviate the need for a long-term geologic storage facility. Taking Yucca Mountain off the table without even seeing if it meets NRC criteria is contrary to the spirit of the commission and would mark the triumph of politics over policy.

NAACP takes on racism by greening communities (*Kansas City Star*)

July 19, 2010 Monday
A; Pg. 13
NAACP takes on racism by greening communities;
COMMENTARY
By LEWIS W. DIUGUID; The Kansas City Star
July 18 2010
The NAACP last week broadened its focus on eliminating racism by improving where people live.

The environment and health from the Gulf of Mexico to school yards, neighborhoods and parks dominated discussions at the nation's oldest and largest civil rights group's 101st annual convention. It marked the start of a new era for the National Association for the Advancement of Colored People as it stepped beyond the marches and protests, which dominated its first 100 years, and into the clean of green for civil rights of the future.

"This is a fight for the lives of a whole generation of children," said Angela Glover Blackwell, a founder and president of PolicyLink. She spoke at a symposium titled "Health Is a Social Justice Issue — A True Civil Rights."

Camara Phyllis Jones, second vice chair of the NAACP National Health Committee and with the Centers for Disease Control and Prevention, also made it clear that racism was behind many environmental issues that African Americans face.

"Racism is a fundamental cause for racial health disparities" because it assigns value to whites over people of color, and then advantage is given to the favored group, she said.

Lisa Jackson, **Environmental Protection Agency** administrator, said that because the air, water and soil are polluted, they affect rates of heart disease, cancer and respiratory illnesses, which account for half of U.S. deaths.

"All three have a devastating effect on African-Americans," she said.

Jones said, "The system saps the strength of the whole society through the waste of human resources."

Racism causes the country not to invest in the education of children of color, to restrict blacks to poor housing in environmentally unsafe areas, to limit them to deficient health care and to warehouse blacks in prisons.

"Why aren't we as a nation just up in arms about this?" Jones asked.

Progress has occurred, but equality and a post-racial age remain elusive, Blackwell said. "Equity creates a path from hope to change," she said.

There's that Barack Obama word, which he stressed in his campaign to become the first African-American in the Oval Office. But the country must overcome its many crises: two wars, a recession and a gulf oil spill.

Meanwhile, groups like the NAACP must help make communities stronger. It plans to do it through making people healthier and cities "greener." Right now a lot of urban neighborhoods aren't livable.

"Our communities are literally designed for disease," Blackwell said. They foster high obesity rates offering people more junk food, fewer fresh vegetables and fruits, unsafe or no parks, schools with junk-food lunches and no physical activity. She said 50 percent of black neighborhoods are without access to full-service groceries. Drive a few blocks from the convention to parts of Kansas City or Kansas City, Kan., and you're there.

Blackwell called such horrible conditions a "failure of policy." Government and institutional racism are part of the problem, keeping an iron boot on the neck of people of color.

Jackson told an NAACP luncheon: "I want you to leave here just a little bit mad. I want you mad enough to leave here fired up."

That's how the NAACP has helped forge change over more than a century for people who have faced discrimination, prejudices and oppression. Jackson said the environment focus is part of "the struggle for justice."

"The battlefield just looks a little different," she said. "We're just trying to make it a little greener."

The green includes the proper cleanup in the gulf, but the work so far is not going well with reports of BP not employing minorities and not ensuring that workers are safe.

"The environmental impact on the region is bigger than the spill," NAACP President Benjamin Todd Jealous said. "This is a massive disruption that will likely lead to massive dislocation."

The NAACP will continue to press for environmental justice and equity for people everywhere.

"Either we run downhill toward hate and divisiveness or we continue to push uphill toward progress and hope," Jealous said of the country.

My vote is for progress and hope.

To reach Lewis W. Diuguid, call 816-234-4723 or send e-mail to ldiuguid@kcstar.com .

AIR
==========

New federal power plant rule could clean air but raise bills (*Florida Times-Union*)

By Steve Patterson

A federal plan to cut air pollution from power plants within two years and lower lung disease nationally could make Northeast Florida's electricity more expensive.

How much more isn't clear, though, and JEA says it will need more details from the U.S. Environmental Protection Agency to know how a plan floated this month will affect the agency and its customers.

The EPA has targeted power plants in 31 states and the District of Columbia in a proposal to cut utility smokestack pollution that drives up levels of ozone and gritty airborne particles.

Those changes would reduce the amount of sulfur dioxide and nitrogen oxides released in many fossil-fuel-burning Florida plants. Health activists say those substances increase suffering from lung and cardiovascular diseases.

The rules are separate from potential carbon cap-and-trade requirements that utilities have been bracing for.

A proposal the EPA circulated last week calls for some emissions changes by 2012.

But some utility operators expect the rule to trigger a court fight that could change or scrap the entire effort.

"A rule as big as this, affecting as many people as this, it's going to be litigated," said Bud Para, JEA's director of legislative affairs. He said JEA rarely takes cases to court, but utility groups it belongs to could take action.

He said the 1,361-page proposal from EPA leaves unanswered questions about exactly what changes will be expected at individual plants within a short time.

"It is going to cause some additional [pollution] controls for us. We can't tell yet how significant it's going to be," Para said. "We're concerned about it. We're not panicking."

JEA and Florida Power & Light together spent $282 million in the past few years installing emissions controls at the jointly-owned, coal-burning Johns River Power Park. Those will help the plant meet new standards, but may not fully address the problem.

JEA also expects to spend $90 million by 2012 to cover its share of emissions upgrades planned at a plant near Macon, Ga., the utility partially owns, said spokeswoman Gerri Boyce.

American Lung Association President Charles D. Connor praised this month's new rule, saying it could save 14,000 to 36,000 lives yearly.

"Cleaning up power plants is critically important because particle pollution and ozone smog cause coughing and wheezing, trigger asthma attacks, send people to the emergency room and cause heart attacks and strokes," Connor said in a written statement.

A 2008 Duval County Health Department report called asthma "an emerging epidemic" locally, with more emergency room treatment than other large Florida counties.

But EPA's new rule, called the Transport Rule, is designed to relieve pollution problems far from the power plants being targeted. And it's not clear yet how the new controls would affect air quality in Northeast Florida.

The rule builds on efforts EPA started in 2005 to lower the effect of airborne power plant pollution on "downwind" communities in other states, often hundreds of miles away. That earlier effort, called the Clean Air Interstate Rule, was struck down by a federal appeals court in 2008, then reinstated by the same court later that year with instructions for EPA to draft a new rule.

The Transport Rule is meant to be that successor. Knowing new rules would arrive eventually, some utilities had simply continued improvements they started for the Clean Air Interstate Rule, which is why the Power Park upgrades were done.

To control how pollution damages air across state lines, EPA plans to set budgets for the amount of pollutants that can be released by each state.

The new rule describes effects of Florida's air pollution on counties as far away as the Houston and Atlanta areas, but doesn't break down how Jacksonville's pollution contributes to that.

Para said that's one of the issues of concern to JEA, along with questions about whether EPA could end up forcing utilities to make excessive reductions to benefit communities that already have bad air caused by their own local sources, such as traffic.

EPA argues the cost of meeting the rule, which it estimates at $2.8 billion nationally, would be dwarfed by savings to the general public of $120 billion to $290 billion for avoided sickness and deaths.

steve.patterson@jacksonville.com, (904) 359-4263

Monday, July 19, 2010

EPA Proposes New Clean Air Transport Rule, Utilities Seek "Regulatory Relief," an Industrial (*FOX Business*)

SUGAR LAND, TX, Jul 19, 2010 (MARKETWIRE via COMTEX) ----Written by John Egan for Industrial Info Resources (Sugar Land, Texas) -- The United States Environmental Protection Agency (EPA) (Washington, D.C.) issued the long-awaited Transport Rule on July 6, the first step in replacing its Clean Air Interstate Rule (CAIR), which was issued in 2005 but struck down by a federal court in 2008. As drafted, the Transport Rule would sharply reduce emissions of sulfur dioxide and nitrogen oxide from power plants located in 31 states and the District of Columbia that contribute to ozone formation and fine-particle pollution.

Companies featured: Duke Energy Corporation (NYSE:DUK), Exelon Corporation (NYSE:EXC)

For details, view the entire article by subscribing to Industrial Info's Premium Industry News at http://www.industrialinfo.com/showNews.jsp?newsitemID=163226, or browse other breaking industrial news stories at www.industrialinfo.com.

Industrial Info Resources (IIR) is the leading provider of global market intelligence specializing in the industrial process, heavy manufacturing and energy markets. IIR's quality-assurance philosophy, the Living Forward Reporting Principle(TM), provides up-to-the-minute intelligence on what's happening now, while constantly keeping track of future opportunities. For more information send inquiries to powergroup@industrialinfo.com or visit us online at www.industrialinfo.com.

Follow us on: Facebook - Twitter - LinkedIn - Vimeo

Contact:
Joe Govreau
713-783-5147

EPA Consideration Of Strict Coarse Particle Standard Sparks Industry Fear (*Inside EPA*)

Posted: July 16, 2010
EPA's latest policy assessment for its ongoing review of the agency's particulate matter (PM) ambient air standards includes a first-time proposed range of limits for a stricter coarse PM (PM10) standard, sparking fear from the mining and agriculture industries -- large sources of PM10 emissions -- that the standard would be impossible to meet.
In its second external review draft of the policy assessment for the PM national ambient air quality standard (NAAQS) review, EPA floats the possibility of a 24-hour NAAQS for PM10 in the range of 65 micrograms per cubic meter (ug/m3) and 85 ug/m3 -- much lower than the existing 150 ug/m3 standard.
However, EPA is also considering a new approach to setting the standard that would allow more exceedances of the ug/m3 limit before the agency deems an area out of attainment with the NAAQS. Environmentalists caution that this approach to implementing the standard makes it less stringent than it first appears.

The agency also leaves the door open to retaining the existing PM10 standard, depending on whether EPA opts not to take into account new data showing harmful effects on human health from PM10 exposure.

The policy assessment released July 8 is designed to “bridge the gap” between highly technical risk assessments and decisions to be taken by the agency on whether to revise the NAAQS, EPA says. The agency will take comment until Aug. 16 from its Clean Air Scientific Advisory Committee (CASAC) and the public on the policy paper, which offers proposed ranges for a NAAQS revision unlike earlier science-focused risk and exposure assessments.

EPA staff in the policy assessment cautions that there is considerable uncertainty associated with the science behind course PM risks. For example, the body of experimental human inhalation studies is relatively sparse, monitoring for course PM is less widespread than that for fine PM (PM2.5), and “very little information is available to inform weight of evidence conclusions for endpoints associated with long-term exposures.”

Despite the uncertainty, EPA staff recommends changing the PM10 standard, but cautions that “standard levels around the upper end of this range are most strongly supported by the evidence.”

The existing form of the standard permits only one exceedance of the NAAQS level in a three-year period. In the policy paper, EPA says that if it tightens the standard within its 65-85 ug/m3 range, it could switch to a so-called 98th percentile form, which would allow 21 exceedances over three years. While activists endorse a stricter PM10 standard, they are raising early concerns about the change in form.

A source with the American Lung Association (ALA) says that a new ambient PM10 standard of 85 ug/m3 using the revised form is “not really that much of a reduction” in air pollution. A NAAQS set at the lower end of the range, however, would be significantly more stringent than the existing limit.

Even with a 65 ug/m3 limit ALA would probably take issue with the proposed form. “We have had problems, historically, with the 98th percentile,” as this allows too many spikes in pollution, the source says, adding that this will likely be reflected in ALA's upcoming comments on the policy paper.

To implement the standard, states would have to craft state implementation plans (SIPs) -- air quality blueprints that detail the emission controls they will impose on sources under their regulatory control in order to cut PM10 emissions and attain the standard. Mining and agricultural operations in rural areas tend to have high levels of PM10 emissions and would therefore be likely targets for new controls in SIPs under a stricter NAAQS.

Agriculture, Mining Industry Objections

Despite environmentalists' doubts that a tighter standard would be sufficiently stringent if EPA changes the form, farming and mining groups are already alarmed at the prospect of a tougher standard in the proposed range -- regardless of the form that EPA selects. “I think that agricultural operations . . . would have a very difficult time achieving a standard set that low,” says a National Cattlemen's Beef Association source.

Farming and ranching operations can produce significant amounts of dust that contribute to PM10 formation, particularly in the West. But the source says there may be no options for cutting dust from the sector to meet a stricter standard, because farmers are already employing best management practices to reduce dust. The source says it is unclear what technology options are available to curb dust in inherently dusty regions.

Similarly, a National Mining Association (NMA) source says that the mining industry is a large source of PM10 emissions but it would be difficult to meet a stricter PM10 standard because industry is already using best management practices for controlling those emissions. If EPA tightens the PM10 standard, “we are not sure there is anything to be done about it,” the source says, adding that a standard at the stricter end of the proposed range would be a “real regulatory stretch,” with few remedies available from the industry to meet the standard.

The NMA source also highlights apparent doubts EPA staff expresses in the policy assessment over uncertainties in the science on PM10's harmful effects, saying “EPA says it would be justified in leaving the standard unchanged” if policymakers feel those uncertainties are sufficiently serious.

The ALA source, however, rejects the industry arguments and says a lack of emission control technology should not be the driver behind a NAAQS revision. The Clean Air Act requires that NAAQS be set based only on public health criteria, and the act has always been a “technology forcing” law that drives innovation, the source says.

Tighter PM2.5 Standard

The draft policy paper also reiterates earlier EPA staff recommendations to tighten the existing annual PM2.5 standard of 15 ug/m3 to a range of 11-13 ug/m3, and either retain the existing 24-hour PM2.5 NAAQS of 35 ug/m3 or revise it down to a stricter level of 30 ug/m3. PM2.5 is widely considered to present the greater public health risk, and is a more urban problem than PM10, which is predominantly an issue in rural areas.

EPA staff further recommend a tightening of the secondary [welfare-based] NAAQS for PM2.5. At present, there are secondary standards for PM set at the same levels as the primary NAAQS, but the policy assessment treats criteria for setting secondary NAAQS related to visibility separately from criteria not based on visibility.

“Staff concludes that the currently available information clearly calls into question the adequacy of the current standards,” the document says, “and that consideration should be given to establishing a new indicator based on speciated PM2.5 mass and relative humidity to calculate PM2.5 light extinction.”

EPA says that the new PM2.5 standard should use a 1-hour averaging time, considering only daylight hours with relative humidity no higher than 90 percent, and a level of PM2.5 light extinction in the range of 191 to 64 inverse megameters (Mm-1.) Light extinction is this context is PM's ability to impair visibility by scattering and absorbing light waves.

CASAC has previously said that using light extinction rather than traditional methods could be technically difficult to achieve. For example, many existing technologies for measuring light extinction are inadequate for the indicator EPA wants to use because they use the wrong wavelength of light.

On secondary effects not related to visibility effects, the policy assessment says “staff concludes that the currently available information supports retaining control of both fine and coarse particles to address PM-related effects on ecosystems and materials damage and soiling, but that there [is] insufficient information to assess the adequacy of protection afforded by the current standards.”

Further, EPA concludes that there is currently not enough information available for a NAAQS to be based on the contribution to climate change of PM or its constituents. The climate effects of PM are a new area of inquiry for the agency, but the state of the current science does not yet support regulatory action despite EPA's clear conviction, expressed in the policy assessment and earlier scientific documents, that PM does have a direct impact.

PM constituents such as black carbon, organic carbon, sulfates and nitrates all have an effect on climate, EPA acknowledges, although the relationships between these pollutants and atmospheric warming and cooling are complex and not well understood. “The current state of the science of climate alterations attributed to PM is in flux as a result of continually updated information,” the policy assessment states.

CASAC will discuss all issues relating to the agency's review of its PM ambient air standards at a slated meeting on July 26 and 27 in Durham, NC. -- *Stuart Parker*

Industry Eyes Appeal Court Ruling To Bolster EPA Data Quality Petitions (*Inside EPA*)

Posted: July 16, 2010
Industry groups with pending Data Quality Act (DQA) petitions challenging EPA data are looking to a recent federal appeals court decision to help them pressure the agency into responding to their challenges, sources say, because the ruling is seen by some observers as boosting the legal standing of DQA petitions.
Most recently, the Association of Battery Recyclers (ABR) sent EPA a July 7 letter citing the ruling in its request for a response to its 2008 DQA petition challenging science behind the agency's revisions to the lead air standard. EPA says the U.S. Court of Appeals for the District of Columbia Circuit's ruling in *Prime Time Int'l Co. v. Vilsack* recognizes a legal right to challenge an agency failure to respond to a DQA request (*see related story*).

"EPA's continued delay in considering and responding to ABR's [request] is without justification, particularly in light of the court's decision in *Prime Time*, which recognized that agencies had an obligation to follow the procedures of the [DQA] guidelines," ABR argues.

ABR says the D.C. Circuit's March 26 ruling "recognized the right to challenge an agency's failure to respond to a request for correction submitted under the DQA and agencies' guidelines for implementing the law.

EPA has said it would respond to the petition after the conclusion of litigation that another battery recycling group, the Coalition of Battery Recyclers Association (CBRA), filed over the lead national ambient air quality standard. The D.C. Circuit rejected CBRA's lawsuit in May. ABR says it was not involved in the suit and the ruling did not address DQA issues, so "the outcome of the case has no bearing on EPA's response to the RFC."

ABR's attempt to cite *Prime Time* in bolstering the legal status of a DQA petition comes after petitioners in a 9th Circuit case also referenced the ruling in trying to force a decision on a DQA challenge.

The plaintiffs in *Americans for Safe Access v. Department of Health & Human Services* (HHS) cited *Prime Time* and the court's decision to decline to clarify its position on the DQA after the Department of Justice asked for a clarification that the ruling did not address the issue (*Inside EPA*, June 4).

In *Americans for Safe Access*, medical marijuana advocates are arguing that HHS violated the DQA for failing to rely on sound science in determining that the drug has no medicinal value.

The *Prime Time* ruling could become more prominent as industry and other groups have filed a rash of DQA petitions in recent weeks challenging EPA's use of information in agency decisions.

Seeking Agency Response

One legal source says the ruling could be cited by those groups looking to get an agency response to their DQA requests, as well as providing "standing for the implicit proposition that there is judicial review" of DQA petitions, as many in industry have argued. Critics of the DQA says that petitions are not judicially reviewable.

Further, the legal source points to the fact that the *Prime Time* decision established that White House Office of Management & Budget (OMB) guidelines for implementing the DQA are "binding," which entitled petitioners to seek and obtain corrections under the DQA, further bolstering industry attempts to force a decision on petitions.

In addition, many sources have long argued that the D.C. Circuit can be influential in administrative law matters. "In administrative law matters, if the D.C. Circuit says something, generally other circuits will follow," says the legal source. Sources also say because of the number of agencies and industry groups based in Washington, there could be more cases filed in the D.C. Circuit challenging the data behind a slew of federal rulemakings.

In *Prime Time*, the D.C. Circuit dismissed an industry challenge of the U.S. Department of Agriculture's (USDA) failure to respond to a DQA petition, but for different reasons than a lower court. The lower court cited the earlier precedent-setting decision by the 4th Circuit in *Salt Institute & U.S. Chamber of Commerce v. Michael Leavitt* finding that plaintiffs lacked standing to sue under the DQA.

At the time, the Center for Regulatory Effectiveness (CRE) said the ruling shows "the D.C. Circuit ignored the district court opinion's reasoning and embraced a new government argument that the substantive USDA action at issue was an 'adjudication,' and therefore specifically exempt from the [DQA] under the [OMB] guidelines," meaning other agency actions that are not adjudications could potentially be challenged and invalidate the 4th Circuit precedent.

But opponents of burdensome regulatory review argue that the precedent was set in *Salt Institute* and will not be affected by the D.C Circuit ruling. And another legal source, who favors judicial review of the petitions, says the government's argument in *Salt Institute* -- that there were not rights created by the DQA and therefore could not be violated -- is "weakened but not completely vanquished" by the decision in *Prime Time*.

BP SPILL

==========

July 18, 2010

BP Hopes to Keep Well Closed, but Seep Is Detected (*New York Times)*

By HENRY FOUNTAIN
After three days of encouraging pressure tests, a senior BP official said Sunday that the company's recently capped well in the Gulf of Mexico was holding up and that BP now hoped to keep the well closed until it could be permanently plugged. But government officials were more skeptical and cited a new potential problem.

That BP plan differs sharply from the one the company and the federal government had suggested only a day earlier, to eventually allow the flow of oil to resume temporarily, collecting it through pipes to surface ships.

If BP succeeds in keeping the cap atop the well closed until a relief well is finished, that would mean the gusher would effectively be over, three months — and tens of millions of gallons of oil — after it began. It would be a major turnaround after weeks of failure for the oil giant, which had been harshly criticized as being unprepared for such a disaster.

"We're hopeful," Doug Suttles, the company's chief operating officer for exploration and production, said in a conference call with reporters Sunday morning.

"Right now we do not have a target to return the well to flow," he said.

The federal government was more cautious, saying only that the test could be extended 24 hours at a time after scientific reviews.

Late Sunday, the government ordered BP to step up monitoring of the well after "undetermined anomalies" were discovered on the seafloor nearby.

In a letter to the company, Thad W. Allen, the retired Coast Guard admiral who commands the response to the oil spill, also noted that tests had detected a seep — usually a flow of hydrocarbons from the seafloor — "a distance from the well."

And while the letter said the federal government would allow the test to continue for now, the discovery of a seep and the unspecified anomalies suggest that the well could be damaged and that it may have to be reopened soon to avoid making the situation worse.

The pressure testing, which began Thursday with the closing of valves on the cap and is designed to assess the condition of the well, was originally expected to last 48 hours. “We need to be careful in predicting how long it will go,” Mr. Suttles said.

If a problem crops up, he said, collection systems could be restarted, some within a few hours. In a few weeks there should be enough capacity to collect more than the high estimate of 60,000 barrels a day. But Mr. Suttles said that if valves on the cap were reopened to restart collection, oil would pour anew into the gulf for up to three days.

If the well is not reopened, it could mean that the precise volume of oil that leaked — the well has been estimated to be flowing at a rate of 35,000 to 60,000 barrels a day — may never be known. That raises the question of whether the company might escape some liability for the spill.

It has been an encouraging several days for BP, but it comes after many engineering efforts that produced little but a lexicon of strange terms, all defining failure: containment dome, junk shot and top kill among them.

Even the good news about the test and the new cap, which was installed last week, left many wondering why the project could not have happened earlier.

BP has pointed out that the concept — essentially, putting a new blowout preventer atop the existing one that failed when the Deepwater Horizon drill rig exploded on April 20, killing 11 workers — had been in the works since shortly after the disaster occurred. They have said, and diaries and other documents tend to bear out, that ideas were worked on in parallel, with those that were easier to accomplish and had a greater chance of succeeding being tried first.

In a discussion with a reporter in mid-May, Kent Wells, a senior BP vice president in charge of the subsea work, and others described in broad terms an option to install a second preventer if the top kill, in which heavy drilling mud was to be pumped into the well to stop oil and gas from coming up, did not work.

The top kill failed and one proposed explanation at the time was that the well was damaged. That put a halt, for a while, to talk of putting another blowout preventer or other tight-sealing cap on the well, out of concern that a buildup of pressure could further damage the well.

But the idea was revived, and in June BP considered using the blowout preventer from the Development Driller II rig, which was working on the second relief well, for the job. The company halted drilling of the well, aiming to bring the blowout preventer to the surface. But the federal government intervened and ordered BP to continue drilling the well as a backup in case anything went wrong with the first relief well.

The cap that was eventually used was designed and built more or less from scratch, although off-the-shelf valves and rams were used. And as with any engineering project, particularly one being conducted by remotely operated submersibles a mile underwater, installation procedures had to be devised and practiced.

That practice appeared to pay off last week when the cap was installed. It was by far the smoothest operation of the many that had been undertaken in the three-month disaster.

With the valves on the cap closed and the gulf still free of fresh oil on Sunday, Mr. Suttles said that skimming ships near the site were collecting far less oily water. Only one controlled burn was conducted Saturday, compared with 19 the day before, he said. And there were no new reports of oil reaching the shore.

“There is less and less oil to recover,” he said.

Barring bad weather, the relief well, which will be used to pump heavy mud, followed by cement, into the blown-out well to seal it permanently, may be ready by the end of July, although it may take several more weeks for the process to be completed, Mr. Suttles said.

July 19, 2010

Biggest environmental disaster not in Gulf (*Argus Leader*)

Orrie D. Swayze

Half of our $2.3 trillion national health care bill is linked to the U.S. Environmental Protection Agency's decision to disregard the Clean Air Act and deregulate gasoline-sourced carcinogens/mutagens.

Compared to other industrialized nations, the United States does little to limit gasoline's toxic emissions through gasoline user taxes, mass transit and effective regulation. It is

little wonder then that the U.S. infant mortality rate is twice that of other industrialized nations even though we spend 20 percent of our gross domestic product for health care compared to other industrialized nations' 10 percent.

The EPA has concluded that gasoline emissions cause 90 percent of the toxic air pollution in America. The 1990 Clean Air Act requires the EPA to limit gasoline's benzene and other aromatic hydrocarbon emissions, which also are the primary toxic components of cigarette smoke. Yet the EPA does not enforce these limitations for mobile-sourced gasoline emissions because it would cost too much to move to higher-octane safer fuels.

These same emissions are aggressively regulated only when they come from stationary sources such as coal plants. Why? Are oil interests again buying the regulatory process?

The EPA's unconscionable deregulation of gasoline's benzene and other toxic aromatic hydrocarbons preys especially on the genetic structures of the egg, sperm and fetus and results in an unconscionable maiming of our children. The U.S. world ranking for infant mortality has increased from 12th in 1960 to 20th in 1990 and 43rd today. Meanwhile, one in 10 American children has a birth defect surface by age 5.

International researchers' consensus is that children living near traffic areas are far more likely to die of cancer, have higher blood benzene levels, suffer physical birth defects and mental birth defects - including autism and retardation - suffer respiratory illnesses and be born prematurely.

Children's health is a marker indicating the health of the population in general. Obviously, our most devastating oil disaster is not in the Gulf of Mexico.

One of the energy bills proposed in the U.S. Senate is our best tool to significantly reduce our costly trillion- dollar toxic gasoline plume. Rather than a carbon tax, this bill will reduce carbon emissions by creating incentives for wind, conservation technologies, alternative fuels and, importantly, a blender-pump distribution system giving consumers choices to select safer, higher-octane ethanol blends.

Ethanol does not contain or produce gasoline's known human carcinogens/mutagens.

Posted on Mon, Jul. 19, 2010

CDC: Advice for pregnant women regarding the Gulf oil spill (*South Florida Sun-Sentinel*)

Story also appeared: *Modesto Bee*

By RAFAEL OLMEDA
South Florida Sun-Sentinel
Even though the oil pipe seems to be plugged up in the Gulf, the environmental and health issues are nowhere close to being sealed. Do yourself and all of us a favor by keeping the oil spill on your radar.

The Centers for Disease Control has put together a handy guide for pregnant women who live in or are visiting coastal areas and are concerned about the potential effects on their unborn children. The information page is, refreshingly, not alarmist:

"Although the oil may contain some chemicals that could cause harm to an unborn baby under some conditions, the CDC has reviewed sampling data from the EPA and feels that the levels of these chemicals are well below the level that could generally cause harm to pregnant women or their unborn babies. The effects that chemicals might have on a pregnant woman and her unborn baby would depend on many things: how the mother came into contact with the oil, how long she was in contact with it, how often she came into contact with it, and the overall health of the mother and her baby."

People, including pregnant women, can be exposed to these chemicals by breathing them (air), by swallowing them (water, food), or by touching them (skin). If possible, everyone, including pregnant women, should avoid the oil and spill-affected areas. Generally, a pregnant woman will see or smell the chemicals in oil before those chemicals can hurt her or the baby. The EPA and CDC are working together to continue monitoring the levels of oil in the environment. If we begin to find levels that are more likely to be harmful, we will tell the public."

Be sure to read the rest, if only to be on the safe side.
http://emergency.cdc.gov/gulfoilspill2010/pregnant-women.asp There is also a page of advice for parents, as well as links and other resources.
http://emergency.cdc.gov/gulfoilspill2010/info-for-parents.asp

Mental, physical health concerns linger for Gulf state residents (*Greenwire)*

(07/16/2010)
U.S. Surgeon General Regina Benjamin visited Pensacola Beach, Fla., this week to discuss mental and physical health concerns related to the Gulf of Mexico oil spill. Many residents in the surrounding states suffer stress and anxiety related to the spill. Dan Hoxeng, a local radio station owner who depends on advertising revenue, is

worried local businesses will not advertise because they were affected by the spill. "There is a lot of fear out there, and we've just gone through a recession," he said. "That's a lot of stress."

There is also widespread concern about the physical health impacts from oil dispersants.

"I've seen the sheen and the bubbles out there," said resident Michael Sturdivant. "I've tasted the water, and I know how it sticks to the back of your throat. I know there is something out there, and I know that it is not normal."

Florida Wildlife Federation and the Gulf Restoration Network filed a lawsuit against U.S. EPA on Wednesday to get more details about ingredients in the dispersants.

Benjamin said scientists are studying dispersants and the government is releasing information as it becomes available. She has also asked local doctors to document dispersant-related issues.

But it is not fast enough for Sturdivant. "I believe this compounds everyone's grief that no one can say if the water is safe," he said.

(Melissa Nelson, AP/*Houston Chronicle*, July 15). **-- LP**

EPA Expected To Subject Offshore Rigs To Strict Spill Compliance Deadline (*Inside EPA*)

Posted: July 16, 2010

EPA's upcoming proposal granting a host of industries additional time to comply with new spill prevention requirements is expected to preclude offshore facilities from the deadline extension, effectively requiring the rigs to develop amended spill prevention plans later this year due to the oil spill in the Gulf of Mexico, industry sources say.

The strict deadline is the latest indication that EPA is planning on clamping down on the sector. The agency is conducting a sector-wide review of its rules, guidelines and procedures related to responses to oil spills on land and at "fixed" facilities that could discharge oil into U.S. waters, according to the agency's draft strategic plan for fiscal years 2011 through 2015.

In the case of the spill prevention rule, the agency is working to give industries more time to comply with its Spill Prevention, Control and Countermeasure (SPCC) rule -- which was originally drafted in 2002 but whose compliance deadline has been extended several times because of litigation and revisions. The rule generally requires facilities that store large quantities of petroleum and related products on-site to undertake various precautionary measures to prevent a spill and to have a response plan in place to mitigate the effects of a spill should an accident occur.

The most recent revision to the SPCC rule was made after the Obama administration took office and was finalized last year with an effective date of Nov. 9, 2010.

In the amendments, EPA removed exclusions for oil production facilities and farms from loading and unloading rack requirements, established alternative criteria for facilities to self-certify their spill plans and provided exemptions for certain produced-water storage facilities. An oil industry source has said the changes will not affect a large number of facilities.

As part of the rule, EPA said it would extend the compliance deadline, which the agency proposed to the White House Office of Management & Budget (OMB) last March. Because of some of the changes made in the 2009 amendments -- including removal of certain provisions from the December 2008 version of rule -- "facilities may need additional time to comply with the SPCC amendments. Because of the uncertainty surrounding the final amendments to the December 5, 2008 rule and the delay of the effective date, the agency will propose to extend the compliance date," EPA said when it initiated a rulemaking to extend the deadline.

But the proposed extension was abruptly withdrawn in April in the wake of the BP oil spill in the Gulf of Mexico, according to an EPA source, and a new compliance schedule was sent to OMB in June. According to OMB's website, EPA July 9 withdrew the proposed compliance extension sent in June and submitted a new proposal July 12.

One oil industry source says that, while details about the proposed compliance extension remain elusive, they believe OMB approved the proposed extension with the caveat that EPA exclude offshore drilling from the compliance extension, thereby requiring offshore platforms to comply with the rule beginning in November. The source says the negative publicity that offshore drilling has received in the wake of the BP oil spill has made it unlikely that the administration would approve a measure that could be construed as aiding the sector.

Another industry source has said that even for facilities winning a deadline extension, they do not believe it will be extended for very long past the November compliance date that offshore facilities will have to meet.

The first source says that EPA is unlikely to delay the implementation of the rule any further once the final compliance date is issued in the *Federal* Register, which they say is imminent. “After every set of amendments, EPA applies for an extension and this one [in March] was no exception,” the source says. “This time [compliance] is happening. They promised this would be the absolute last extension.”

An OMB spokeswoman declined to comment on the compliance extension because “it's still in the deliberative stage.”

CLIMATE CHANGE / GLOBAL WARMING
==========

'Climategate' may have hurt warming debate (*San Francisco Chronicle*)

(California)
July 19, 2010 Monday
FINAL Edition
Main News; Pg. A1
'Climategate' may have hurt warming debate;
ENVIRONMENT
By David R. Baker, Chronicle Staff Writer
Five investigations into the "Climategate" scandal have now cleared a group of scientists accused of twisting data in an effort to prove the world is getting warmer.

But many environmentalists and climate researchers fear the damage has already been done.

The scandal spawned big headlines and heated blog posts when it erupted last fall after hackers released a stash of unflattering e-mails from a climate research lab in Britain. In one message, a scientist wrote of using a "trick" to "hide the decline" in temperature-proxy data from tree rings. Global warming doubters claimed vindication.

British and American investigations have now largely exonerated the scientists, saying they did not warp their studies to reach a pre-determined end. But the public may not buy it. Some polls show the public's belief in the reality of climate change has ebbed, although other surveys disagree.

"Despite multiple denials from people in the field, this has really hurt," said Daniel Kammen, a UC Berkeley professor who contributes to reports by the Intergovernmental Panel on Climate Change. The accuracy of the IPCC's reports, long considered the most authoritative on global warming, came under fire during Climategate.

"Even though the science of climate change hasn't changed, the public perception of it has," Kammen said. "You have less than 50 percent of people strongly believing in something that 99.99 percent of climate scientists agree on."

Exonerations downplayed

The exonerations haven't generated anything like the intense media coverage that the initial scandal did. Newspapers have typically covered them with small stories far removed from the front page - or ignored them altogether.

"The accusations were on A1, the exonerations are usually on A15," said Aaron Huertas, press secretary for the Union of Concerned Scientists.

Climategate's lingering effects could play a role in the debate over global warming legislation, both in Congress and in California. The U.S. Senate is expected to take up an energy and climate change bill in the next two weeks. And in California, voters this fall will decide whether to suspend the state's landmark global warming law, AB32.

"In general, I think the scandal has made the opponents of energy-rationing legislation stronger and more confident," said Myron Ebell, director of energy and global warming policy for the Competitive Enterprise Institute think tank.

Ebell, who for years has been one of the fiercest critics of global warming science, doubts that Climategate by itself changed any votes in the Senate. But the scandal may have solidified skepticism about climate science among the public, he said. That would make any global warming bill harder for Senate Democrats to pass.

"The American public opposes policies that are going to raise their energy prices," Ebell said. "And I just don't see how they can get around that."

Climategate featured accusations that scientists were fudging data, colluding to silence critics and stonewalling public requests for information. The investigations to date have discounted the most serious charges.

Scientists cleared, chided

Earlier this month, for example, a British panel found that the researchers at the center of the scandal, working at the Climatic Research Unit of the University of East Anglia, were not guilty of scientific malpractice, saying "their rigor and honesty as scientists are not in doubt." The panel found no evidence that the scientists' behavior had undermined the accuracy of the IPCC reports, which relied on their contributions.

The panel found nothing wrong with the "trick" referenced in the controversial e-mail, saying it was a valid technique for handling the data, which was used to produce a widely seen graph tracking temperature changes over the last millennium. But the panel criticized the scientists for not making clear, either in the graph or in its caption, that they were using that technique. Without the explanation, the panel said, the graph was "misleading."

The panel's findings, however, haven't drawn as much attention as the original charges. Tom Hollihan, who teaches media and politics at the University of Southern California, said that isn't unusual.

"The story that sticks is the first story out there that shapes the conversation," said Hollihan, who teaches in the university's Annenberg School for Communication & Journalism. "The story about a conspiracy to manipulate the data had a unique appeal to people who are drawn naturally to stories about conspiracies and being misled. The more you refute them, the more evidence those people see that the conspiracy is very pervasive."

Ebell and other critics call the investigations a farce, saying they represent an attempt by the academic community to defend their own.

Affect on public opinion

"These establishment reports to whitewash this scandal - they have no credibility," Ebell said. "It's pretty obvious that they're not independent inquiries, that they were designed to come up with an exoneration. You need an investigation with people who don't have connections, who haven't written papers with the people who are accused or served on faculty with them."

How much the scandal affected public opinion isn't clear.

A Gallup poll released in March found that 48 percent of Americans believe the seriousness of climate change is usually exaggerated, up from 41 percent in 2009. But other recent polls say a majority of Americans still consider global warming a major problem and want the federal government to address it.

A survey released in June by Stanford University Professor Jon Krosnick found that 74 percent of Americans believe the climate probably grew warmer in the past century. While that figure is down from 84 percent in 2007, Krosnick attributed the decline to short-term changes in the weather, not Climategate. Indeed, only 9 percent of the people surveyed had heard about the hacked e-mail messages.

"At the end of the day, I feel people still see what's happening - they're seeing the heat waves, they're seeing the fires, they know the ice is thinning," said Sen. Barbara Boxer, D-Calif. "The last decade, we know, is the warmest on record, and no e-mails are going to change that."

Still, environmentalists fear that Climategate will make passing federal global warming legislation, already a difficult task, that much tougher.

"If members of Congress believe that - because of the coverage of so-called Climategate - the public is less concerned about the impacts of global warming, some of the senators who are on the fence may feel less compelled to vote for legislation that curbs global warming pollution," said Dan Lashof, director of the Natural Resources Defense Council's climate center. "That's the real danger in this."

Economy wide carbon cap reduces GDP by 0.2% -- EIA (*Greenwire*)

(07/16/2010)
Mike Soraghan, Josh Voorhees and Katherine Ling, E&E reporters

The Senate's plan for an economywide carbon cap would probably reduce gross domestic product by 0.2 percent from 2013 to 2035, reducing household consumption by about $206 dollars a year, according to an Energy Information Administration analysis released today.

But the impact on consumers would be mitigated, EIA says, by dedicating 12 percent of the allowance revenues to protect people with low incomes and offering a refundable tax credit that would be paid out with unused revenues from the bill.

The 23-page analysis was sought by Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.), the authors of the bill, shortly before it was was rolled out on May 12. A lot has changed since, with Graham dropping off the effort completely, and the remaining duo scaling back to an power plant-only plan amid widespread predictions that no carbon cap can pass this year.

The analysis lays out more optimistic and more dire scenarios as well, but each indicates some reduction in gross domestic product. In the most optimistic scenario, GDP would drop 0.1 percent by 2035, while in the worst-case scenario it would drop a full percentage point.

In the best-case scenario, analysts assume that a broad array of new technologies are developed to reduce and eliminate emissions of greenhouse gases. In the worst-case scenario, passage of the law spurs no innovation beyond what is expected to develop without a climate bill.

In the "basic case," EIA found, the impact on jobs would be "fairly small." Employment stays "within 0.1 to 0.2 percent" of the no-climate-bill scenario in all but the worst-case scenario.

In that "basic case," EIA analysts assumed that passage of the bill spawns new innovations in energy technology, such as carbon capture and storage, which are adopted on a large scale. It also assumes that the use of offsets, both domestic and international, is not severely constrained by cost, regulation or problems negotiating agreements with other countries.

The analysis says natural gas will be a key component for electric generation until at least 2027, as the share of generation from coal plants falls under the bill. If nuclear, renewable and fossil fuel plants with carbon capture and sequestration are not developed and deployed in order to meet the emission reductions of the bill and there are limited offsets, gas will play an even greater role reaching 39 percent of the fuel mix by 2035, the analysis says.

The bill would also add significant pressure on the electric industry to add new electric capacity between now and 2035 because of the retirement of coal-fired power plants, EIA says. "The additional capacity requirements in all the APA cases suggest the need

for review of siting processes so that they would be able to support a large-scale transformation of the U.S. electricity infrastructure by 2035," the analysis says.

Kerry and Lieberman, without Graham, unveiled their economywide bill in May, but the pair were unable to attract the necessary support from moderate lawmakers to give the bill, dubbed the "American Power Act," a realistic chance of reaching the 60-vote threshold needed to avoid a Republican filibuster. The two senators have since shifted their attention to a scaled-down carbon cap that would limit emissions only from the utility sector.

Senate Majority Leader Harry Reid (D-Nev.) has said that the energy and climate package he plans to bring to the Senate floor by the end of the month will look to limit pollution from power plants, but he has so far given no indication about how the legislation will achieve that.

Big push by Lieberman and Kerry

Kerry and Lieberman have been working overtime in recent days to keep their latest proposal alive. Kerry has held several meetings with the utility sector in a bid to find a compromise that would bring it on board with the scaled-down cap but so far has failed to strike a deal.

Making matters worse for backers of the utility-only approach is that the same moderate senators that they would need to win over are growing increasingly skeptical that such a deal can happen by the time Reid unveils his bill.

"Everybody knows it's not going anywhere," Sen. Judd Gregg (R-N.H.) said yesterday of the utility-only option.

Graham, who had worked with Kerry and Lieberman to craft their original, more sweeping proposal before withdrawing his support at the last minute, believes that regardless of whether Kerry can strike a deal with the utility sector, the plan would still be branded by Republican leadership as a tax increase.

"This is a pretty tough environment to get people to take difficult votes because no matter what you do on the climate side, it's going to be called cap and tax," said the South Carolina Republican, who has said he could support a utility-only cap but likely not this year.

An EPA analysis of the bill released last month found that it would cost households between $80 and $150 annually over the next 40 years. But the report also found that households' energy bills will decrease through 2030 under the legislation.

EIA, EPA and the Congressional Budget Office all studied the House-passed climate bill (H.R. 2454) last year.

On average, EIA found that the House bill would curb household consumption by $83 a year between 2012 and 2030 under a "basic case" scenario in which low-emission technology is developed on schedule and critical offsets are not constrained. EIA's findings last year resembled those of CBO, which projected a cost of $175 per year (2010 dollars), and EPA, which expected a cost of $80 to $111 per year (2005 dollars).

ENERGY
==========

Lisa Murkowski may be the Obama administration's only hope of getting a climate-and-energy deal this year (*Newsweek*)

July 19, 2010
U.S. Edition
POLITICS; Pg. 40 Vol. 156 No. 03 ISSN: 0028-9604
The Other Woman From Alaska;
Lisa Murkowski may be the Obama administration's only hope of getting a climate-and-energy deal this year.
By Daniel Stone
Republican Sen. Lisa Murkowski is a different kind of Alaskan politician, the kind who doesn't make headlines. The unglamorous Murkowski is no friend of Sarah Palin. In 2006, Palin unseated Murkowski's father, Frank, from the Alaska governorship, then sided with Murkowski's little-known Tea Party opponent in this year's GOP primary, while labeling the senator "part of the big-government problem in Washington." But Murkowski has the power to get something done on the one issue Alaskans really care about: oil. (Last year, Alaska pumped almost 250 million barrels from the ground and nearby sea, which meant a $1,300 dividend for every state resident.) While Palin may have inspired the chant of "Drill, baby, drill!" it's the obscure Murkowski who stands the best chance of getting the drilling going again after the BP spill.

A White House aide says top officials have been wooing Murkowski, who is the Obama administration's hope--maybe its only hope--of getting a climate-and-energy bill through Congress this year. Well, make that an energy bill. Any legislation is going to be more about extracting and encouraging new energy sources than protecting the environment. That might seem counter-intuitive given that the Gulf of Mexico is suffering one of the biggest environmental disasters ever--brought about by the overzealous pursuit of oil. But after the BP disaster, President Obama wants to show that he is doing something, other than imposing a six-month moratorium on deep offshore drilling. With the threat of another economic downturn, there are a plenty of legislators who want to create jobs in the energy industry, and cheaper and more plentiful energy sources.

For a time, back in the rosy beginnings of the Obama administration and the Democrat--controlled Congress, it looked like meaningful environmental legislation would pass

handily. A year ago, the House voted for a cap-and-trade bill that would have cut back on greenhouse gases. But it stalled in the Senate, where Democrats from coal-producing states balked at the cost. Sen. John Kerry of Massachusetts and Sen. Joe Lieberman of Connecticut were hopeful they could work out some kind of compromise that would attract Republicans, but their chief ally, GOP Sen. Lindsey Graham of South Carolina, backed away.

Murkowski, the ranking Republican on the Senate Energy Committee, is not exactly green. She opposes cap-and-trade and has pushed a bill that would stop the **Environmental Protection Agency** from regulating greenhouse gases under the **Clean Air Act.** But she does acknowledge **global warming,** and she might back a bill that encourages growth in sustainable energy, as long as there is support for expanded oil and gas drilling as well. (Murkowski has taken $440,000 in donations from Big Oil since 2002, according to the Center for Responsive Politics, a nonpartisan research group in Washington.) "I want to be able to see through some legislative package that's going to address our energy problems and what's going on in the gulf right now," Murkowski told NEWSWEEK. "This is an issue that really needs to be bipartisan."

Senate Majority Leader Harry Reid has agreed to use a bill that Murkowski drafted with Senate Energy Committee chairman Jeff Bingaman as a framework for the final bill. The proposal would target energy efficiency and aim to cut carbon simply by amping up renewables. Murkowski's idea "is what will likely come out of this," says Lieberman. "It's not the best that we can do, but it would be a significant step forward."

Murkowski's stance on drilling is complicated. During a speech to a group of fishermen last month in Cordova, Alas-ka, the incredulous audience asked Murkowski why she was the only senator to oppose a bill that would have raised BP's liability into oblivion. Setting legal responsibility too high, she told them, would squeeze smaller drilling companies from the market. Mindful of the lingering effects of the 1989 Exxon-Valdez spill, the audience wasn't swayed. In other instances, she has sought to move her state beyond oil. "I often tell people that it's not in our interest to think only about drilling," she says. "We need to think bigger, and look elsewhere."

Environmentalists don't think Murkowski's vote is worth the tradeoff of expanded drilling. "That's a pretty high price for green folks to stomach," says Paul Bledsoe, an analyst with the National Commission on Energy Policy, an arm of the Bipartisan Policy Center. The broader green community has widely vilified Murkowski. Leading groups are also not pleased with Obama for what they see as the beginnings of unforgivable capitulation. But Obama, who claims not to read polls, is forging ahead. Wary of an even tougher legislative climate after the fall elections, a White House official, speaking on the usual condition of anonymity, admits the president is willing to go out "on a serious limb" to get something done this year.

That urgency is another symptom of the moment. Legislation to regulate climate and energy could reasonably wait until next year. But both parties agree that the third component of the bill--what to do about BP and how to regulate future drilling--needs to

get done now. So Obama and top Democrats have made clear that Murkowski needs to be kept on board, at almost any cost. At the end of June, during a meeting with Obama and key Senate leaders at the White House, Murkowski detailed her concerns about any provision to limit carbon emissions. Kerry, who has tried desperately for a strict carbon--cutting measure for over a year, sat back in his chair and stared at her intently, according to two sources in the room. When the meeting was over, he walked with Lieberman to the group of waiting reporters outside the West Wing. "We believe we have compromised significantly," Kerry said. Then he paused. "And we're prepared to compromise further."

HAZARDOUS WASTE
==========

EPA addressing soil contamination in Missouri (*Associated Press*)

Story also appeared: *KOAM-TV*

Associated Press - July 19, 2010 5:04 AM ET
POTOSI, Mo. (AP) - Officials from the Environmental Protection Agency will be in eastern Missouri this week to outline soil contamination cleanup plans in three towns - Potosi, Old Mines and Richwoods.
The Park Hills Daily Journal reports that community meetings will be Tuesday in Potosi concerning cleanup in Potosi and Old Mines, and Wednesday in Richwoods.
All three towns are in Washington County, part of the "Old Lead Belt" region where lead was mined for hundreds of years, leaving contamination in soil and groundwater. EPA for years has been cleaning up contaminated residential properties.
EPA believe about 870 properties still require cleanup in Potosi, 396 in Old Mines and 98 in Richwoods.

TOXICS
==========

Furniture to be greener, but pricier (*USA TODAY*)

July 19, 2010 Monday
FIRST EDITION
MONEY; Pg. 8A
Furniture to be greener, but pricier;
New law to limit formaldehyde

By Jayne O'Donnell
Not too long ago, many mass-market furniture makers weren't all that interested in the no-formaldehyde-added wood that Todd Vogelsinger was trying to sell them from Columbia Forest Products.

After all, consumers and regulators weren't exactly demanding that furniture be formaldehyde-free.

That's about to change.

A law signed this month by President Obama limiting the amount of formaldehyde in wood is expected to lead to higher furniture and cabinet prices, but healthier -- and greener -- homes. It's also likely to increase consumer awareness of a little-known chemical and its effects.

Formaldehyde, which is used in many building materials, is linked to cancer and has long been known to cause respiratory problems.

The government-provided trailers for victims of Hurricane Katrina were banned because of breathing problems caused by formaldehyde in the walls, ceilings and cabinets. The trailers reignited controversy this month when it was revealed some were being used to house BP oil spill cleanup workers.

Particle board, which is created using sawdust, wax and formaldehyde-based glue, is often used in inexpensive furniture and cabinets and can contain high formaldehyde levels. It will be virtually impossible for manufacturers and retailers of these low-priced products to avoid raising prices, experts say, because their products use so much particle board. But it could be at least three years before all furniture sold must meet the new limits.

"We're hearing from suppliers of particle board that the costs will increase, and that's likely to be passed along," says Andy Counts, CEO of the American Home Furnishings Alliance, whose members make about half the furniture sold in the U.S.

Those who make particle board and other "composite wood products are going to have to experiment with new technologies, and that always involves a learning curve that increases costs initially."

Some Chinese plywood, also used in low-priced furniture, also can contain high levels of formaldehyde to compensate for excessive moisture during production. Domestic hardwood plywood, considered to be among the highest-quality materials available to make furniture and cabinets, is dried using costlier techniques that eliminate the need for glue containing formaldehyde to bond the plies.

The new federal law is based on California's standard limiting the formaldehyde in wood, and follows years of debate about the risks associated with formaldehyde and the

ability of industry to reduce its reliance on it.

Furniture industry officials have been bracing for the new law and were relieved the levels required matched the California law.

But given the recession's impact on the furniture business, industry officials have been pushing to get as long as possible -- as much as three years -- after new rules implementing the law take effect to sell furniture and cabinets that don't comply. While the risks of formaldehyde were greater in the hot enclosed spaces of the Federal Emergency Management Agency's Katrina trailers, environmentalists and safety advocates say there are serious health threats due to the extensive use of formaldehyde in home-building materials and furnishings.

Counts says he's heard estimates that prices for plywood and particle board could increase from 3% to 15%, but notes that this wood is only a small part of the total cost for a piece of finished furniture.

Becky Gillette, the Sierra Club's Formaldehyde Campaign director, predicts the added cost to consumers because of the law "is going to be very low" and says "it will be overwhelmingly justified by the health benefits." Some elderly Medicaid recipients have seen their health bills rise by up to $50,000 a year after moving into trailers made with materials with high formaldehyde levels, she says.

Along with links to cancer, the Environmental Protection Agency says exposure to high levels of formaldehyde can cause watery eyes, burning sensations in the eyes and throat, nausea and difficulty in breathing. That can occur, the EPA says, at levels above 0.1 parts per million; the agency says that in homes with "significant amounts of new pressed-wood products" levels can be greater than 0.3 ppm.

Because formaldehyde is released more quickly when it's hot and humid, the EPA recommends using air conditioning and dehumidifiers to maintain moderate temperatures and humidity levels and keeping homes well ventilated.

The EPA, which has to write the rules for the new law, will decide how quickly merchandise in stores has to comply and how products need to be labeled to show they're in compliance.

"It's going to be very challenging (for consumers) to identify product with lower formaldehyde," Counts says.

California officials just extended the deadline until Dec. 31, 2011, for stores in that state to sell furniture and cabinets that surpass formaldehyde limits.

Vogelsinger, who is marketing director for Columbia Forest Products in Greensboro, N.C., says 800 furniture and cabinet makers use his company's no-formaldehyde-added hardwood plywood and 1,700 Home Depot stores stock it, as well.

These manufacturers recommend consumers ask retailers about the formaldehyde content of the furniture and cabinets they sell and if they have a green option available. Armstrong Cabinets, for example, sells the Origins line, which has no formaldehyde added.

Interest in the higher-price Origins line has "exceeded expectations," says Armstrong Vice President Steve Nash. Sales growth, he says, has picked up in the last month.

Paul Oppold, marketing director for Young Furniture, which sells no-formaldehyde-added cabinets through Home Depot and other retail design centers in New England, expects the new law will encourage more people to specifically request products that don't have added formaldehyde.

"Almost every single cabinet line is certified by something as green," says Oppold. "There are so many different types of certifications, it confuses people."

Slow-moving plan to rid river of toxic goo gains momentum (*Virginian Pilot*)

PORTSMOUTH
It's simply known as "the wall," a steel-and-concrete structure costing about $22 million that will be pounded deep into the floor of the Elizabeth River near one of the worst toxic-waste sites in Hampton Roads.

As designed, the structure will extend 1,200 feet in a straight line, about 250 feet from shore, rising 11 feet above the surface of the water.

Its purpose: to hold back thousands of tons of highly contaminated goo, or sediments, that will be scooped from the river bottom and dumped behind the wall.

The wall, which will be next to the Jordan Bridge and the Norfolk Naval Shipyard, also is expected to block any tainted soil and groundwater from flowing off the site and further damaging the river. About 6 acres of waterfront land will be created from the stored goo. A construction contract is expected to be awarded in the fall for the project, which is finally moving forward after years of delay.

State environmental officials initially objected to the wall for numerous reasons, and even threatened to fight its construction. When it was first proposed in 2007, Bob Grabb, director of habitat protection for the Virginia Marine Resources Commission, said: "If you've got contaminated stuff as bad as this, you remove it. You get it out of the river. You don't just shift it around and leave it in the river."

But Grabb has retired. And the attorney general's office ruled last month that the state lacks the authority to contest the project, which is part of a national Superfund cleanup of the Atlantic Wood site, led by the U.S. Environmental Protection Agency.

"This is a nasty spot, and has been nasty for a long, long time," John Bull, a spokesman for the Virginia Marine Resources Commission, said last week. "In the best of all world s, we'd like to see the site cleaned up differently. But money is tight and it's not getting any better."

The property, owned by Atlantic Wood Industries, was placed on the national Superfund list of contaminated sites in 1990. The land served for 60 years as a wood treatment yard, where poles and pilings were slathered with a tar-like preservative known as creosote.

Most of the wastes, some of which can cause cancer, were either buried in pits or piped directly into the river - actions that today would be illegal. Before environmental regulations were put in place, however, such dumping was common..

The EPA chose a cleanup strategy in 2007 that included the wall. It was expected to cost $45 million to refurbish the entire 48-acre site as well as about 36 acres of contaminated river bottom.

Now, though, the project has grown, and the costs have too. Randy Sturgeon, the EPA's project manager, said recent tests showed that to truly cleanse the river and get rid of the black toxic goo, more dredging will be needed.

That means the wall has to be bigger, which in turn means the cleanup will be more expensive. The project now is estimated to cost about $100 million, Sturgeon said.

Atlantic Wood Industries, based in Georgia, cannot afford the cleanup on its own. The EPA, the state and the Navy, which dumped wastes on the site during World War II, are expected to share the financial burden, though an exact formula has not been agreed to, Sturgeon said.

The project received $5 million in federal stimulus money last year, which allowed the EPA to hire crews to start removing contaminated soil and building an earthen berm that, like the wall, will hold back river goo.

Sturgeon said he has enough money in hand to construct the wall, expected to cost $22 million. An engineering firm is completing its design, he said, and a construction company should be awarded a contract this fall.

Local environmentalists are pleased the long-delayed project is finally under way, but they remain concerned that the wall will cut off a prized cove and ruin wetlands along the shoreline.

Led by the Elizabeth River Project, a Portsmouth-based environmental group, advocates also are concerned about the integrity of the wall and the maintenance plan.

The EPA and Atlantic Wood want to maintain the wall for 10 years, then turn it over to the state. State officials are not sure they want that responsibility.

"Obviously you can't have a failure" in which the wall would crack or fall down and allow toxic goo to slide back into the river, said Joe Rieger, a senior scientist for the Elizabeth River Project. "That part of the project has to be nailed down - who's going to take care of this in the long run?"

The environmental group has long said that the Elizabeth cannot recover unless its most notorious toxic hot spots are purged. And one of the worst sites is the Atlantic Wood property.

Sturgeon said that contaminated sediments are piled up 30 feet deep in some places. That area also hosts fish with cancerous lesions. And state health officials warn people against eating the yellow "mustard," which is part of the digestive system, inside crabs caught in those waters.

Scott Harper, (757) 446-2340, scott.harper@pilotonline.com

EPA looks into potential chemical leak in E. Idaho (*Associated Press*)

Story also appeared: *KHQ Channel 6*

Associated Press - July 18, 2010 11:34 AM ET

BOISE, Idaho (AP) - Federal environmental officials are taking part in an investigation of thousands of leaky chemical containers discovered on a property near Rexburg.

The Environmental Protection Agency are joining the investigation after being called in by the state and authorities in Madison County last week.

EPA investigators, armed with a civil warrant, entered the property and found it littered with dozens of broken down vehicles, unattended solid waste and hundreds of drums and buckets leaking fluids.

EPA Coordinator Andy Smith says investigators are taking the case seriously because the property is close to a drinking water well head and irrigation ditch.

The Rexburg Standard Journal reports that property owner Max Spatig denies there is any cause for alarm or any hazardous spills on his property.

WATER
==========

Obama to reset policy on oceans (*Los Angeles Times*)

July 19, 2010 Monday
Home Edition
SECTION: MAIN NEWS; National Desk; Part A; Pg. 1
Obama to reset policy on oceans;
The plan embraces a controversial zoning practice that could confine conservation, drilling and fishing.
By: Jim Tankersley
WASHINGTON
President Obama on Monday is set to create a national stewardship policy for America's oceans and Great Lakes, including a type of zoning that could dramatically rebalance the way government regulates offshore drilling, fishing and other marine activities.

The policy would not create new regulations or immediately alter drilling plans or fisheries management. But White House documents and senior administration officials suggest it would strengthen conservation and ecosystem protection.

The initiative culminates more than a year of work by a federal Ocean Policy Task Force, which Obama established last year. After the task force releases its final recommendations, the president is expected to sign an executive order directing federal agencies to adopt and implement them.

Calling the BP oil spill ravaging the Gulf of Mexico a "stark reminder of how vulnerable our marine environments are," the recommendations center on creating a National Ocean Council to coordinate regulation of oceans and the Great Lakes, and on a principle of "ecosystem-based management" for marine areas.

The council would include top federal scientists and officials from a variety of agencies, including national security experts, environmental regulators and managers of ocean commerce.

The recommendations embrace marine spatial planning, a controversial zoning process of sorts that seeks to manage waters in the way some cities manage factories and strip malls. The process could result in confining activities such as drilling, shipping and conservation to areas the planners deem best-suited to each use.

Nine regional groups -- consisting of state, federal and tribal officials -- would draft plans for conservation and use of ocean resources that would have to be approved by the National Ocean Council. Federal agencies have agreed to abide by the plans.

If the Great Lakes regional body designated certain lake areas for offshore wind farms,

for example, the Interior Department would agree to approve wind farms only within those areas.

The same would be true for any new offshore drilling projects. Currently, Interior officials develop drilling plans under a public comment process within their department.

In Southern California, the focus on ecosystem-based management could cause the U.S. Navy to retool its fleet deployment, with an eye on how its operations affect water quality or whales.

The recommendations do not specify their effect on offshore drilling. Administration officials said the policy would not prejudge or conflict with future findings of a bipartisan commission Obama had charged with investigating the oil gusher.

But the administration says coordinated, stewardship-heavy ocean management is likely to "really change" practices in nearly every marine activity, drilling included. The final task force report predicts that the changes would help restore fish populations, protect human health and "rationally allow" for ocean uses such as energy production.

"This sets the nation on a path toward much more comprehensive planning to both conservation and sustainable use of [ocean] resources," said a senior administration official, who spoke on the condition of anonymity because the policy had not been officially announced.

The first draft of the policy, released in September, drew heavy criticism from some quarters, including industry and recreational anglers concerned that sport fishing might be restricted or banned.

After meetings with fishing and boating groups, the administration modified the recommendations to emphasize the importance of fishing and ocean recreation, calling them "critical to the economic, social and cultural fabric of our country."

The recommendations do not include curbs on recreational fishing. But the mere prospect of marine spatial planning has drawn skepticism.

Oil and gas officials are concerned too. They have repeatedly urged the administration not to adopt any planning process that could restrict offshore drilling.

Last fall, an American Petroleum Institute representative testified at a task force field hearing that "the oil and natural gas industry's presence in the Gulf [of Mexico] has successfully coexisted with other ocean uses like tourism, fishing, the U.S. military and shipping for many years, demonstrating that the current system of governance works well."

The plan would emphasize nine areas under the banner of marine stewardship and conservation, including improved scientific research and mapping; helping coastal

communities adapt to climate change and ocean acidification, particularly in the Arctic; and enhancing water quality on land to boost ocean water quality.

jtankersley@latimes.com

Opinion sought on Cape base cleanup (*Boston Globe*)

Federal environmental officials are looking for public input on a proposed alternative for addressing groundwater contamination at the Massachusetts Military Reservation on Cape Cod. The **Environmental Protection Agency** says the contamination has not threatened public or private drinking water supplies. Today is the start of a 30-day comment period on the plan to address the contamination, which includes perchlorate, suspected of posing a health risk to humans. Officials said the alternative cleanup plan involves both treatment and reliance on natural processes to reduce contaminants. (AP)

EPA wants input on groundwater cleanup (*Cape Cod Times*)

July 19, 2010 2:00 AM
CAMP EDWARDS — The federal Environmental Protection Agency is seeking public comment for the proposed cleanup of groundwater contamination at the J-1 Range on the Massachusetts Military Reservation.
The 30-day comment period begins today and runs through Aug. 17.

The J-1 Range northern plume is contaminated with Royal Demolition Explosives (RDX) and perchlorate, and the southern plume is tainted by RDX. None of the contamination is threatening public or private drinking water supplies, according to an EPA press release, and there are no active sources of contamination on the base.

The proposed remedies consist of adding a new extraction well and treatment system for the northern plume and adding an off-base extraction well for the southern treatment system in the vicinity of Little Acorn Lane.

A public hearing on the proposal is scheduled at 6 p.m. Aug. 2 at Sandwich Town Offices, 16 Jan Sebastian Drive, Sandwich.

Information on the proposed remedies is available on the Army's Impact Area Groundwater Study Program website groundwaterprogram.army.mil or at Upper Cape libraries.

Comments can be submitted by mail to Jeanethe Falvey, EPA, 5 Post Office Square, Suite 100 Mail Code ORA 20-1, Boston, MA 02109, by fax to 617-918-0020 or by e-mail to falvey.jeanethe@epa.gov.

GEORGE BRENNAN

Pompton Lakes residents urged to install vapor mitigation systems (*North Jersey.com)*

Sunday, July 18, 2010
BY LESLIE SCOTT
Suburban Trends
STAFF WRITER
Residents living in the area of contamination known as The Plume can now choose from a list of contractors that are authorized to install vapor mitigation systems and do pretesting.
Members of the action group Citizens for a Clean Pompton Lakes say that having this choice is a victory for residents of The Plume.
When these residents first learned that vapors were seeping into their homes from the contaminated groundwater, some were hesitant because they did not want the polluter, DuPont, which operated a munitions factory for almost 100 years in the borough, in their homes to install this system.
These systems are needed to keep the gases trichloroethylene (TCE) and tetrachloroethene (PCE) from entering their homes. These gases are coming from the contaminated ground water.
According to DuPont's Pompton Lakes Works website, as of July 12, of the 439 homes in the plume, DuPont has collected 375 indoor air samples and 196 mitigation systems have been installed. In addition to this, DuPont has completed designs for 64 other homes.
DuPont, the federal Environmental Protection Agency (EPA) and the state Department of Environmental Protection (DEP) urge every homeowner in The Plume to get a vapor mitigation system in their home.
EPA spokesperson David Kluesner said, "Trichloroethylene and tetrachloroethene in the soil gas below homes in your area are at levels that exceed health standards. Contaminated gas from the sub-slab soil could be migrating into your home and putting you and other household residents at risk.
Because of this, and the fact that cleanup of contaminated groundwater may take many years to complete, we strongly encourage you to protect your health by having a vapor mitigation system installed."
Even residents that had low or non-detectable levels of TCE and PCE are also encouraged to get the system.
"Nevertheless, even if indoor air concentrations do not exceed applicable standards, NJDEP and EPA recommend that vapor mitigation systems be installed due to the possibility that contaminants could potentially migrate from the sub-slab into your home," Kluesner said.
He said the EPA distributed information that explained what options were available to residents in The Plume last week.

"The vapor intrusion sampling conducted by DuPont's contractor or DEP's contractor would be conducted at no cost to you. DuPont or NJDEP will make all arrangements for the sampling when they perform the work," Kluesner said.
A list of New Jersey Licensed Site Remediation Professionals is available at http://datamine2.state.nj.us/DEP_OPRA/OpraMain/categories?category=SRRA.
Those with additional questions can contact Dave Kluesner at 212-637-3653 or Mindy Mumford, DEP, at 609-777-1976.
E-mail: scottl@northjersey.com
Residents living in the area of contamination known as The Plume can now choose from a list of contractors that are authorized to install vapor mitigation systems and do pretesting.
Members of the action group Citizens for a Clean Pompton Lakes say that having this choice is a victory for residents of The Plume.

When these residents first learned that vapors were seeping into their homes from the contaminated groundwater, some were hesitant because they did not want the polluter, DuPont, which operated a munitions factory for almost 100 years in the borough, in their homes to install this system.

These systems are needed to keep the gases trichloroethylene (TCE) and tetrachloroethene (PCE) from entering their homes. These gases are coming from the contaminated ground water.

According to DuPont's Pompton Lakes Works website, as of July 12, of the 439 homes in the plume, DuPont has collected 375 indoor air samples and 196 mitigation systems have been installed. In addition to this, DuPont has completed designs for 64 other homes.

DuPont, the federal Environmental Protection Agency (EPA) and the state Department of Environmental Protection (DEP) urge every homeowner in The Plume to get a vapor mitigation system in their home.

EPA spokesperson David Kluesner said, "Trichloroethylene and tetrachloroethene in the soil gas below homes in your area are at levels that exceed health standards. Contaminated gas from the sub-slab soil could be migrating into your home and putting you and other household residents at risk.

Because of this, and the fact that cleanup of contaminated groundwater may take many years to complete, we strongly encourage you to protect your health by having a vapor mitigation system installed."

Even residents that had low or non-detectable levels of TCE and PCE are also encouraged to get the system.

"Nevertheless, even if indoor air concentrations do not exceed applicable standards, NJDEP and EPA recommend that vapor mitigation systems be installed due to the possibility that contaminants could potentially migrate from the sub-slab into your home," Kluesner said.

He said the EPA distributed information that explained what options were available to residents in The Plume last week.

"The vapor intrusion sampling conducted by DuPont's contractor or DEP's contractor would be conducted at no cost to you. DuPont or NJDEP will make all arrangements for the sampling when they perform the work," Kluesner said.

A list of New Jersey Licensed Site Remediation Professionals is available at http://datamine2.state.nj.us/DEP_OPRA/OpraMain/categories?category=SRRA.

Those with additional questions can contact Dave Kluesner at 212-637-3653 or Mindy Mumford, DEP, at 609-777-1976.

E-mail: scottl@northjersey.com

****

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

****