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

Monday, February 18, 2013

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

Thursday, December 24, 2009

ADMINISTRATOR JACKSON 3
Despite Fragile Health, Byrd Is Present for Votes (*New York Times*) 3
Nominations sought for youth environment award (*Argus Leader*) 5
EPA CO2 Danger Decision Opens Door To Legal Petitions (*NASDAQ*) 7
Senate Agrees to Vote on Proposal to Halt EPA's CO2 Action (*Wall Street Journal*) 8
Latest EPA Enforcement Data Shows Major Decline In Relief, Pollution Cuts (*Inside EPA*) 10
EPA Adopts Strong Standards for Large Ships to Curb Air Pollution (*Daily Exchange Magazine*) 12
EDITORIAL / OP-ED / COMMENTARY / LETTERS 13
Our warmhearted earth (*Washington Times*) 13
EPA doesn't grow on trees, but it grows (*Washington Times*) 15
EPA will drag us back to the Stone Age (*Contra Costa Times*) 16
The cavalry finally comes to coke plant (*Buffalo News*) 16
My Turn: ANR priorities, lake both impaired (*Burlington Free Press*) 18
Reining in the Bureaucrats (*Lincoln Tribune*) 19
AIR 22
The revived brand clears the state's tough emissions standards (*Los Angeles Times*) 22
Village still probing odor (*Delphos Herald*) 24
EPA Sets Future Emissions Standards For US Flagged Shipping (*The Handy Shipping Guide*) 26
Coke plant manager arrested on federal charges (*Tonawanda News*) 27
Copenhagen brings little more than air (*Durango Herald*) 30
Flossmoor buys fire truck to beat EPA deadline (*Southtown Star*) 31
EPA Ship Air Rule Retreats From Broad Exemptions Due To Treaty Fears (*Inside EPA*) 32
EPA ruling could make coal costly (*Arkansas Times*) 34

Business Workshop: Endangerment findings for greenhouse gases (*Pittsburgh Post Gazette*) 35
ASBESTOS 36
Baucus, Tester tout benefits of Senate bill (*Great Falls Tribune*) 36
AWARDS 38
Geneva Park District win national awards (*Daily Herald*) 38
CLIMATE CHANGE / GLOBAL WARMING 39
House tackles climate change, ag offsets (*Southwest Farm Press*) 39
ENFORCEMENT 45
EPA levies $3M in fines in 2009 in Northwest (*Associated Press*) 45
Story also appeared: *Seattle Post Intelligencer* 45
FUEL 45
A most wonderful time for anglers (*Houston Chronicle*) 45
GENERAL 48
EPA Policy Shop Reorganization Creates New Strategic Management Office (*Inside EPA*) 48
GRANTS 50
Port Authority adds 20 hybrid buses (*Pittsburgh Tribune Review*) 50
EPA grant to improve diesel engines at ArcelorMittal (*NWI Times*) 52
City receives grant to help replace police station roof (*Woburn Advocate*) 52
MINING 53
EPA: Refined permit process coming; Byrd urges clarity (*The Register Herald Reporter*) 53
PESTICIDES 54
Industry Sees Boost From Expedited Review Of EPA Tolerance Challenge (*Inside EPA*) 54
RECYCLING 55
Goshen High School student turns trash into fashion (*Times Herald-Record*) 55
SUPERFUND 56
$30M settlement to shore up cleanup operation in Mass. (*Greenwire*) 56
TOXICS 57
U.S. wants farmers to use coal waste on fields (*Associated Press*) 57
Story also appeared: *Washington Post* 57
Free kits offered to encourage residents to test homes for radon (*Amador Ledger-Dispatch*) 59
WATER 60
Seeking EPA's help (*Newsday*) 60
Environmentalists Back EPA In Challenge To Rare Wetlands Permit Veto (*Inside EPA*) 60
EPA Seeks Comment on Water Losses Guidance (*Environmental Protection Magazine*) 62
NYC says Catskill gas drilling risks are too great (*Associated Press*) 62
Story also appeared: *Washington Post* 62
Feds release new plan to revive California delta (*Associated Press*) 64
Story also appeared: *Washington Post* 64
MDE test: Material at Berlin farm not chicken litter (*Bethany Beach Wave*) 65

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

Despite Fragile Health, Byrd Is Present for Votes (*New York Times*)

December 24, 2009 Thursday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 15
LEIBOVICH
WASHINGTON
In what has become a poignant ritual during a fractious debate, Senator Robert C. Byrd, the 92-year-old Democrat from West Virginia, was pushed onto the Senate floor in his plaid wheelchair Wednesday afternoon. It was his third appearance of the week, each prompted by a vital vote.

There was Mr. Byrd, the longest-tenured senator in history, looking stately in a navy blue suit, waving his long wrist above his head to signal "aye" or thumbs down to say "nay." He greeted a procession of colleagues paying respects in the Senate well -- the Democratic leader, Harry Reid, patting him warmly on the arm, Senator Orrin G. Hatch, Republican of Utah, shaking his hand and whispering something, Senator Barbara Boxer, Democrat of California, applauding his entry.

Earlier this week there were standing ovations, waves, hugs and the occasional moist eyes.

Senate Democrats need every one of their 60 votes to prevail in the donnybrook over a health care overhaul, and this week faced a series of cloture votes -- required to end debate on the bill -- to move the legislation ahead. That placed no small burden on the frail nonagenarian, who spent six weeks in the hospital last spring with a staph infection, and who did not deliver his customary Christmas address on the Senate floor this year.

Mr. Byrd, bundled in coat, scarf and hat, showed up to vote after a snowstorm late Sunday night and at the crack of dawn Tuesday, lending additional drama to his appearances. He is expected to be on the floor early Thursday for a final vote on the health care bill and on one that would provide an increase in the federal debt limit.

"When he comes onto the floor and the members cheer and his face lights up, it just makes our day," said Senator Charles E. Schumer, Democrat of New York.

"We hope his strength holds out," said Senator Frank R. Lautenberg, Democrat of New Jersey and the second-oldest member of the Senate at 85. "We see someone who is a giant and who is not as well as we would like to see him. It's pretty tough, pretty tough. But Bob has a place here."

Ensuring that Mr. Byrd takes that "place" on the floor at important times has been a preoccupation of the Senate's Democratic leadership team. (Mr. Byrd has missed slightly more than 40 percent of roll call votes in 2009.) Aides say Mr. Reid informs Mr. Byrd's office as early as possible about votes, and Mr. Byrd will then make the short elevator ride from his Capitol office to the Senate floor.

Mr. Byrd, whose wife of 68 years died in 2006, lives in McLean, Va., where he is attended by a live-in nurse. As the president pro tempore of the Senate (which places him third in the presidential line of succession), Mr. Byrd is provided a round-the-clock security detail from the United States Capitol Police, who ferry him to and from the Capitol.

When Mr. Byrd was hospitalized last spring, Mr. Reid acknowledged that he had spoken to West Virginia's governor, Joe Manchin III, about replacing Mr. Byrd in the event that he could not carry out his duties. Mr. Manchin, a Democrat, would appoint an interim successor to finish Mr. Byrd's term -- and a plan remains in place to replace him quickly, said staffers in the Democratic leadership.

Mr. Reid was also actively involved last summer in lobbying the Democratic governor of Massachusetts, Deval Patrick, to ensure a quick replacement for Senator Edward M. Kennedy, who died Aug. 25. (Mr. Patrick appointed Paul G. Kirk Jr. to finish Mr. Kennedy's term, but only after the state's Democratic-controlled legislature engineered a change to a state law that had previously called for the vacant seat to be filled by special election.)

Mr. Manchin told The Associated Press in June that any speculation about Mr. Byrd's health was "callous" and "awful."

It is also rampant, "something that's in the back of everybody's mind's," said one senator who declined to be named speaking publicly about Mr. Byrd.

The degree to which Mr. Byrd's condition looms over the proceedings was underscored Monday when Senator Tom Coburn, Republican of Oklahoma, outraged Democrats in a floor speech by declaring that "what the American people ought to pray is that somebody can't make the vote." Many assumed he was talking about Mr. Byrd, whose term ends in 2012.

Mr. Coburn "does not wish misfortune on anyone," his spokesman, John Hart, said in a statement after Senator Richard J. Durbin, Democrat of Illinois complained that Mr. Coburn had "crossed the line."

(Some conservative bloggers have been particularly unrestrained: Mr. Byrd should "do the right thing and expire," wrote Bob Owens, in a post to the Confederate Yankee blog titled "All I Want Is a Byrd Dropping for Christmas.")

Mr. Byrd's aides and colleagues emphasize that the senator is feeling well and vigorous, fully recovered from his infection and working every day. He met Monday in his office with the head of the **Environmental Protection Agency,** Lisa P. Jackson, to discuss issues related to mining, a major industry in West Virginia.

Even if the health care legislation passes the Senate, speculation over Mr. Byrd's health will continue. The House and Senate bills must be reconciled, and both chambers must vote on the final legislation before President Obama can sign it. That process should extend into the new year, as will another round of Byrd watching.

"He has been fragile for some years now," said West Virginia's other Democratic senator, John D. Rockefeller IV. "But he's always there."

URL: http://www.nytimes.com

December 24, 2009

Nominations sought for youth environment award (*Argus Leader*)

Deadline is Dec. 31 for regional honor
Thom Gabrukiewicz
tgabrukiew@argusleader.com
Applications are being accepted for the President's Environmental Youth Awards, a program that recognizes young people who work to protect the nation's air, water, land and ecology.

The deadline to apply for a regional award is Dec. 31. One winner will emerge from each of the Environmental Protection Agency's 10 geographic regions. Those winners will get a presidential plaque and attend an EPA-sponsored award ceremony in Washington, D.C.

"Since 1971, we've been recognizing those youth who have taken the initiative in protecting the environment," said Patty Provencher, green building tour program director with the EPA in Denver. "And the youth who are doing it, it's very diverse."

Projects are developed by young people themselves, school classes, summer camps or youth organizations to promote environmental stewardship.

"In all these projects, we see our country's future," EPA Administrator Lisa Jackson said in a statement.

Subject areas could include environmental science projects, recycling programs at schools or in communities, building nature preserves, tree planting programs or videos, skits or publications that are focused on the environment. Students from kindergarten to

seniors in high school can apply.

"And the winners get to go to D.C.; last year they got to talk about their projects to some very important people," Provencher said. "And it motivates them to continue to take these steps in protecting the environment."

The 2008 winner from EPA Region 8 was Outrage, an anti-tobacco campaign made up middle and high school students in Utah County. Through their work, cities within the county - including Provo, Orem and Salem - passed regulations banning smoking in all city parks, outdoor recreational areas and outdoor mass gatherings, Provencher said.

"These were 15- and 16-year-olds who got up and talked to city and county officials to get this done," she said. "I think it gives them a real boost, gives them self-confidence."

Region 8 includes the Dakotas, Colorado, Montana, Utah, Wyoming and 27 Tribal Nations.

"There are so many youth in South Dakota who appreciate and understand conservation and the environment," said Thea Miller Ryan, director of The Outdoor Campus in Sioux Falls. "The future of our state's natural resources depends on their commitment to taking care of the habitats and land where they grew up."

Reach Thom Gabrukiewicz at 331-2320.

EPA CO2 Danger Decision Opens Door To Legal Petitions (*NASDAQ*)

By Ian Talley, Of DOW JONES NEWSWIRES

WASHINGTON -(Dow Jones)- By declaring greenhouse gases a public danger, the Obama Administration may have triggered regulatory obligations far beyond its desired goals.

While the head of the Environmental Protection Agency Lisa Jackson has said she's focused on regulating light-duty vehicle emissions and the largest stationary sources, petitions already filed with the EPA may force much more stringent action, experts say.

"The EPA will be locked into a path that ends in the regulation of most mobile sources," including airplanes, trucks and trains or the fuels that run them, says Jason Schwartz and Inimai Chettiar, Legal Fellows at the Institute for Policy Integrity at New York University School.

It was a similar petition--a case eventually decided by the Supreme Court-- that precipitated the EPA's current actions to make an endangerment finding and regulate emissions.

Adding to the regulatory burden is another petition filed by the Center for Biological Diversity asking the EPA to declare greenhouse gases a "criteria pollutant" and set stringent National Ambient Air Quality Standards, or NAAQS. Such a standard would require states to strictly regulate emissions and achieve the air standard or face stiff penalties.

Jackson said she didn't believe setting such a standard was "advisable."

But Bill Snape, a spokesman for the Center, said his group interpreted her remarks as "more political than legal."

"The law says what it says...and we have faith the agency will follow the law, " he said, adding that he hasn't heard anyone at the agency refute the legal argument his group is making.

Specifically, by determining that greenhouse gas emissions are injurious to public welfare and health, the legal onus is on the agency to categorize greenhouse gases as criteria pollutants.

The Center--which says it generally supports the EPA's actions on emissions-- is asking the EPA to set that standard at 350 parts per million, 8% down from current levels of around 380 parts per million. While the old United Nations reports that the EPA relied on largely to make its endangerment finding say the level shouldn't reach more than 450 parts per million to prevent global warming, many of the authors of that report are now

pointing to the lower level.

"If EPA must regulate greenhouse gases as criteria pollutants, the resulting regulatory regime may become fundamentally unworkable," Schwartz and Chettiar warned the agency in public comments on the endangerment finding.

The problem--and one indication that Congress didn't intend for carbon dioxide and other greenhouse gases to be regulated as a criteria pollutant under the Clean Air Act--is that while other gases such as sulfur dioxide are largely regionally bound, carbon dioxide is dispersed and spreads around the world.

Therefore, unless nations around the globe committed to that level, it would be nearly impossible for any region in the U.S. to attain the NAAQS standard.

"Every state in the U.S. would then have legal obligations that they could never meet, even if they prohibited the use of cars and trucks and shut down all their industrial facilities," said Jeff Holmstead, Head of Environment Policy at Bracewell & Giuliani LLP and a former EPA Air Administrator in the previous administration.

Snape says the EPA has discretion to set the standard at 350 parts per million, but then only require an attainment level in proportion to the U.S.'s emissions contribution.

-By Ian Talley, Dow Jones Newswires; (202) 862 9285; ian.talley@dowjones.com

DECEMBER 23, 2009, 5:01 P.M. ET

Senate Agrees to Vote on Proposal to Halt EPA's CO2 Action (*Wall Street Journal*)

By Ian Talley
The Obama administration may be forced to delay new greenhouse-gas regulations for a year under a Senate Republican proposal that the Democratic leadership has agreed to allow a vote on in early 2010.

As part of a deal on a bill to increase the nation's debt limit, Majority Leader Harry Reid (D., Nev.) will allow the GOP to submit a controversial amendment to temporarily suspend new emissions regulation. The agreement was reached late Tuesday.

While it's unclear whether the proposal will become law, it could be an early show of how many Democrats support the administration's decision to regulate greenhouse gases under the Clean Air Act.

A similar amendment wasn't allowed to come up for a vote earlier this year. Capitol Hill pundits say the majority leader likely feared Republicans might win the vote, with many Democrats also expressing concern about proposed greenhouse-gas regulations.

The Obama administration's Environmental Protection Agency has triggered the process of regulating greenhouse gases across industries through the Clean Air Act by declaring such emissions a public danger. Business groups, lawyers, legislators and industry analysts say regulating such emissions as carbon dioxide under the law could cripple the economy.

EPA spokeswoman Adora Andy said the agency is "highly respectful of Congress" role and will continue to work with members of both Houses as they approach this issue."

While the EPA hadn't seen the amendment, Ms. Andy said, "as this process moves forward it is important not to lose sight of what led to where we are today." In particular, she noted the EPA's actions follow a Supreme Court order to determine whether greenhouse gases are a public danger and are within the mandate of Congressionally-prescribed statutes.

The EPA's action under the tenure of Administrator Lisa Jackson and Obama's climate czar, Carol Browner, is meant to pressure Congress into crafting a more economically efficient way to curb emissions, analysts say. Both Ms. Jackson and Ms. Browner, recognizing the consequences of regulating under the Act, have said they prefer congressional legislation.

Senator Lisa Murkowski (R., Alaska), the ranking member of the Energy and Natural Resources Committee and chief sponsor of the amendment, has said a number of colleagues across the aisle have already expressed support for her proposal.

If the amendment passed, it may also be a relief to the EPA, now that Congress is increasingly unlikely to pass a climate bill next year and the agency is forced to play out its regulatory hand.

Even if the amendment is approved in the Senate, it would still need to be passed in the House, where its fate is also certain.

Republican leadership said earlier this month they were prepared to try to block any administrative action on greenhouse gas regulations, including by prevention of any funding for such work or by voting on a "disapproval resolution."

An aide with a ranking Republican said that by allowing a vote on the Murkowski amendment, Democrats may have avoided the confrontation that such strategies would likely precipitate. Politically, debate on EPA regulation of greenhouse gases might have proved harmful for the majority and the administration, especially for those lawmakers preparing to fight tough re-election campaigns next year.

Write to Ian Talley at ian.talley@dowjones.com

Latest EPA Enforcement Data Shows Major Decline In Relief, Pollution Cuts (*Inside EPA*)

EPA's just-released enforcement data for fiscal year 2009 shows a major drop of more than $6 billion in injunctive relief compared to FY08 -- the last full year of the Bush administration's enforcement efforts -- and a similarly massive drop of roughly 3 billion in direct environmental benefits from pounds of pollution reduced.

While the figures released Dec. 23 are, as expected, significantly lower than the FY08 data, the agency on its Web site says it “continues to vigorously enforce the nation’s environmental laws.” EPA's press release on the data cautions that the enforcement figures vary significantly from year to year and are dependent upon the number of large cases that settle in a given year. Additionally, EPA notes the data do not reflect the “totality” of annual enforcement activities.

The data show that EPA Office of Enforcement & Compliance Assurance (OECA) efforts netted 580 million pounds of pollution reduced, treated or eliminated, about a 3.3 billion drop from the FY08 number of 3.9 billion pounds. For hazardous waste treated, minimized or disposed, the drop is even larger, from 6.5 billion pounds in FY08 to 780 million pounds in FY09, which ended Sept. 30.

Similarly, contaminated soil to be cleaned up as a result of enforcement dropped form 100 million cubic yards in FY08 to 28.7 million cubic yards in FY09, according to the data.

Investments in pollution control and cleanup, known as injunctive relief, dropped from $11.7 billion in FY08 to $5.3 billion in FY09, a roughly $6.4 billion cut. Some portions of OECA's total civil penalties assessed also dropped, including a decline in administrative penalties from $38.2 million in FY08 to $31.6 million in FY09, and a larger drop in judicial penalties assessed, from $88.4 million in FY08 to $58.5 million in FY09.

However the results do contain some increases in enforcement data, including a jump for investments in environmentally beneficial projects -- a key part of many consent decrees -- from $39 million in FY08 to $41 million in the latest data. EPA's criminal enforcement efforts also brought in $96 million in fines and restitution in FY09, representing a $32.5 million increase over the FY08 figure of $63.5 million. The amount committed by liable parties to clean up Superfund sites also increased from $1.5 billion in FY08 to $1.9 billion in FY08.

Some pollution reduction figures also show an increase, including a significant rise in the amount of contaminated water to be cleaned up, from 255 million cubic yards in FY08 to 431 million cubic yards in FY09.

One Bush EPA official earlier this year said that given the track record on the amount and size of Obama EPA enforcement settlements, it would be difficult for the FY09 figures to match FY08 -- a year when the Bush EPA concluded civil and criminal enforcement actions requiring polluters to spend a record $11.8 billion on pollution controls, cleanup and environmental projects, exceeding the FY07 amount by approximately $800 million.

OECA also reported last year that its FY08 efforts would lead to 3.9 billion pounds of pollution reduced or removed annually from the environment, the highest level since FY99. That estimate exceeds the combined results obtained during FY04-07 by almost 100 million pounds, according to the FY08 year-end report. But almost half of the FY08 reductions were the result of a single EPA enforcement action against American Electric Power for alleged violations at power plants in several states, which led a settlement saving $32 billion in health costs per year.

EPA Eyes New Enforcement

While the FY09 numbers show a decline, several sources have said they expect the Obama EPA's future fiscal year enforcement numbers to show an increase due to what they see as a ramping up of OECA's work.

For example, EPA Administrator Lisa Jackson has ordered an overhaul of Clean Water Act enforcement by state and federal officials to ensure better compliance with the water law. And Adam Kushner, director of OECA's civil enforcement office, says the agency is seeing “rampant noncompliance” with EPA's new source review emissions control rules, prompting the agency to initiate dozens of enforcement actions against coal-fired power plants and several industrial sectors in 2009 that are still ongoing.

The Obama EPA is also discussing shifting its focus for measuring the success of its enforcement efforts away from pounds of pollution reduced and dollar penalties imposed to more risk-based metrics, such as cancer risks reduced, which some sources say may be due in part to the decline in FY09 enforcement figures.

EPA's press release announcing the FY09 data notes that the figures are dependent upon the number of large cases settled in a given year. “While these large cases are a vital part of our work to protect public health and improve compliance, they do not reflect the totality of the annual environmental enforcement activities, and do not capture the number and variety of enforcement actions taken to help clean up local communities,” the agency says.

EPA also released a new mapping tool that allows the public to view the locations of facilities that were the subject of enforcement actions, which “will help increase transparency, improve access to data, and provide the public with the bigger picture of enforcement activity occurring in communities around the country.”

No Debate Over Metrics

In a related development, EPA enforcement chief Cynthia Giles is rejecting suggestions that the agency take public comment on how it portrays its achievements in enforcement cases and is downplaying concerns that the agency is taking credit for pollution reductions that would have occurred even without enforcement.

During an American Bar Association enforcement conference call Dec. 18, industry attorney and former Bush EPA air chief Jeffrey Holmstead asked Giles if the agency would take public comment on the accuracy of its enforcement numbers in order to have a public debate about the benefits of its enforcement actions.

Holmstead questioned the validity of the agency's press releases touting enforcement cases, saying EPA has claimed credit for millions of tons of pollution reductions that industry planned to make prior to enforcement actions being brought, and suggested that the public be given a chance to question the agency's claims.

In response, Giles said, “We are not going to be taking public comment on our press releases,” while noting the agency does seek comment on proposed consent decrees. Giles added that enforcement metrics can be “inside baseball” and it is possible to spend too much time refining them. EPA should be focusing on deterring others from violating the law, she said.

EPA Adopts Strong Standards for Large Ships to Curb Air Pollution (*Daily Exchange Magazine*)

WASHINGTON - The U.S. Environmental Protection Agency has finalized a rule setting tough engine and fuel standards for large U.S.- flagged ships, a major milestone in the agency’s coordinated strategy to slash harmful marine diesel emissions. The regulation harmonizes with international standards and will lead to significant air quality improvements throughout the country.

“There are enormous health and environmental consequences that come from marine diesel emissions, affecting both port cities and communities hundreds of miles inland. Stronger standards will help make large ships cleaner and more efficient, and protect millions of Americans from harmful diesel emissions,” said EPA Administrator Lisa P. Jackson. “Port communities have identified diesel emissions as one of the greatest health threats facing their people – especially their children. These new rules mark a step forward in cutting dangerous pollution in the air we breathe and reducing the harm to our health, our environment, and our economy.”

Air pollution from large ships, such as oil tankers and cargo ships, is expected to grow rapidly as port traffic increases. By 2030, the domestic and international strategy is expected to reduce annual emissions of nitrogen oxides (NOx) from large marine diesel engines by about 1.2 million tons and particulate matter (PM) emissions by about 143,000 tons. When fully implemented, this coordinated effort will reduce NOX

emissions from ships by 80 percent, and PM emissions by 85 percent, compared to current emissions.

The emission reductions from the strategy will yield significant health and welfare benefits that span beyond U.S. ports and along our coasts, reaching inland areas. EPA estimates that in 2030, this effort will prevent between 12,000 and 31,000 premature deaths and 1.4 million work days lost. The estimated annual health benefits in 2030 as a result of reduced air pollution are valued between $110 and $270 billion, which is up to nearly 90 times the projected cost of $3.1 billion to achieve those results.

This rule, under the Clean Air Act, complements a key piece of EPA's strategy to designate an emissions control area (ECA) for thousands of miles of U.S. and Canadian coasts. The International Maritime Organization (IMO), a United Nations agency, is set to vote in March 2010 on the adoption of the joint U.S.-Canada ECA, which would result in stringent standards for large foreign-flagged and domestic ships operating within the designated area.

The rule adds two new tiers of NOX standards and strengthens EPA's diesel fuel program for affected ships. Further, EPA worked with stakeholders and Members of Congress to ensure that the emission reductions are achievable without compromising safety or the maritime economy.

This action represents another milestone in EPA's decade-long effort to reduce pollution from both new and existing diesel engines under the National Clean Diesel Campaign.

EDITORIAL / OP-ED / COMMENTARY / LETTERS

==========

Friday, December 25, 2009

Our warmhearted earth (*Washington Times*)

Your editorial "Obama's cold day in Denmark" (Opinion, Sunday) got it exactly right in saying, "The only reason China gives lip service to the global-warming alarmist agenda is to hamper the competition." Of course, the competition is the United States, and China wants to be the greatest superpower on the planet.

The editorial also asks: "From Beijing's perspective, if the foolish Americans want to wreck their economy based on the misguided belief that they are saving polar bears, who is China to say no?"

Leaders of China and India are much smarter than our leaders. They know carbon dioxide does not cause global warming, but they would like to see the United States

wreck its economy with cap-and-trade. They also would be happy to see the EPA put restrictions on CO_2 emissions, which would help China (and India) move up the list of the world's most powerful economies.

In the United States, groupthink on global warming has gone crazy. I was embarrassed for the United States when President Obama went to Copenhagen and demonstrated his lack of understanding of the climate and of third-grade science, which should have taught him about photosynthesis. Through photosynthesis, plants convert CO_2 and water into glucose (sugar) and free oxygen. Without CO_2, plants cannot live, and without plants, animals and humans cannot live. Operators of commercial greenhouses add CO_2 inside greenhouses because plants are able to absorb more CO_2 and grow better in higher concentrations of it. CO_2 is not a pollutant. It is the start of our food chain.

Plants consume 75 billion tons of CO_2 annually. Mankind produces just 3 billion tons annually. Where do the other 72 billion tons of CO_2 come from? They come from natural sources like the oceans, which contain an estimated 39,000 billion tons of CO_2. As oceans get warmer, they expel CO_2 the same way that warm carbonated sodas expel CO_2 faster than cold sodas do. If the oceans release just .000075 of their CO_2, that still is more than all man-generated CO_2.

Al Gore has displayed graphs on TV that appeared to show some correlation between temperatures and CO_2. He said, "What more do you need?" Mr. Gore missed the fact that the temperature increases came centuries before the increased CO_2. Increased CO_2 is the result of global warming, not the cause of global warming.

I sent a Freedom of Information Act request to the Environmental Protection Agency asking for evidence that CO_2 is harmful to the climate and the driving force behind global warming. The EPA replied but had no evidence. It said I should look at the Web site for the Intergovernmental Panel on Climate Change (IPCC). The IPCC states that water, not CO_2, is the prevalent greenhouse gas. Invisible water vapor and visible clouds produce 95 percent of the greenhouse effect. The contribution to the greenhouse effect by CO_2 is insignificant. According to the IPCC Web site, "Antarctic temperature started to rise several centuries before atmospheric CO_2 during past glacial terminations." The IPCC agreed that increased CO_2 was the result - not the cause - of warming.

Anthropogenic global warming is hypothetical. The computer models that forecast minor temperature increases in the next century do not account for thunderstorms, tornados, volcanic eruptions or meteorite impacts. Therefore, their predictions are worthless. The Tambora volcano on Sumbawa Island in the Dutch East Indies in April 1815 put tons of ash in the sky that blocked a portion of the sun's rays, resulting in "the year without a summer," when rivers and lakes were frozen in July and August of 1816 in New England and as far south as Pennsylvania. Claims that mankind can predict the temperature 100 years from now within two degrees are pure fiction.

People who claim they want to "go green" and reduce CO2, the basic food source for green plants, should study third-grade science and learn about photosynthesis.

FREDERICK T. DYKES

Great Falls, Va.

EPA doesn't grow on trees, but it grows (*Washington Times*)

December 24, 2009 Thursday
SECTION: A, LETTERS; Pg. 16
The headline alone - "EPA issues CO2 'endangerment finding' " (Nation, Dec. 7) - heralds the coming age of the environmental dictator. We recently learned that the Environmental Protection Agency wants to take all water quality control and regulation away from the states, and then we hear that the EPA will make the need for cap and trade unnecessary by outlawing the burning of any carbon fuel in the United States. (At least that's the goal of its CO2 endangerment finding.)

Has anyone noticed that over the years we consistently have improved environmental quality and met the goals set forth by the EPA only to find that the EPA then replaces those goals with evermore stringent goals? The air and water in the United States is the best it has ever been, but it seems that we are nowhere near good enough for the EPA's ever-rising standards.

I have never seen a federal agency that accomplished its mission such that it could pack its bags and retire at the top of its game. Every federal agency has a duty to get bigger, propose evermore stringent regulations and hire evermore employees, and the EPA has become the supreme master of this Washington game.

It is time for America to rethink the monsters it has created in the form of federal regulatory and environmental do-good agencies.

The EPA was created to clean up the American environment, but it must be failing - because the EPA keeps growing, and we never meet any of its cleanliness criteria. The Department of Energy was created to reduce oil imports, and all it has done is increase its own budget and number of employees.

Not one drop of foreign oil importation reduction has resulted; in fact, foreign oil imports have only increased since the creation of the DOE. Of course, the increases in oil imports only seem to raise the DOE's appetite for staff and budget increases.

Now the EPA, hand in hand with the DOE, is trying to shut down American coal and oil production, along with American jobs, just when the American economy is tanking. Just how much more environmental progress and regulation can this nation take?

JACK DUCKWORTH

Burke, Va.

EPA will drag us back to the Stone Age (*Contra Costa Times*)

Letter to the Editor
Posted: 12/24/2009 12:00:00 AM PST

My family spent Thanksgiving in San Diego. We usually enjoy the drive down Highway 1-5 through the beautiful Central Valley where we admire the crops and watch all the farm activity. This year we were horrified at the acres and acres of dry, empty fields; the fruit orchards looking brown and some vineyards totally dead- There were signs saying "No Water, No Food, No Jobs". It seems the Environmental Protection Agency (EPA) had ordered the pumps that send water to the Central Valley shut down to protect a 2" Smelt fish.

This had to ask the question who are these EPA people? What government would destroy this economy, the lives of these people and all that wonderful food? There doesn't seem to be any peer review of EPA decisions; they don't seem to have build a factual case and then defend it before a congressional committee/board for approval. They seem to be a faceless, nameless shadow government free of any accountability. At some point, the American electorate are going to have rise up, elect some politicians with enough back bone to exercise informed control before the EPA drags us back into the Stone Age.

Jacqueline Cloidt

Orinda

The cavalry finally comes to coke plant (*Buffalo News*)

Donn Esmonde
December 23, 2009, 7:24 AM /
They hoped. They waited. Weeks turned into months. Months became years. They held their noses against the tarlike smell. They wiped the soot off of the side of their houses. They skimmed black particles out of their pools.

They waited. They waited for help from something stronger than all of them put together.

They live in boxy houses on a skin-and- bones street off River Road near the Tonawanda Coke plant. Some of them, like Angelo Sciandra, came because they dreamed of owning their own home, tending a garden, growing flowers in the yard.

They wrote letters to politicians about the smells and the soot from the plant. They held meetings and complained to the media. Still the dark smoke spewed from the stacks.

They hoped and waited and wondered if it ever would change. Last week, finally, their faith was rewarded.

Agents from the federal Environmental Protection Agency Thursday raided the Tonawanda Coke plant. State officials, after long-overdue testing, cited it as the prime source of carcinogenic benzene emissions up to 75 times beyond guidelines. Elusive owner J. D. Crane, the philosophical brother of “The Simpsons” ’ odious Mr. Burns, had for months straight-armed watchdog agencies and paid lip service to protesting politicians. Finally, the feds brought down the discipline stick.

For all of the justifiable grousing about too much government, it is sometimes the only cop on the beat; the only force mighty enough to protect people from the abuses of Corporate America.

“I was at work when I got the news,” said Ann Sciandra, standing Tuesday in her driveway. “I jumped up and screamed, it was so exciting.”

Sciandra is 35, with a firm handshake and a steady gaze. She moved into her parents’ home on Kaufman Street five years ago, after her mother died. It was like walking into someone else’s nightmare. There was the noxious fresh-tar smell, her father’s wheezing, questions about her mother’s cancer and the purgatory of home confinement.

“Even in summer, you don’t want to go out,” she said. “It smells like someone is blacktopping the street. But they’re not.”

For years so-called watchdog agencies have seemed more like the rat-sized canines that Paris Hilton carries around. From the Securities and Exchange Commission’s coddling of the financial world to—as seen in the wake of the Flight 3407 disaster—the Federal Aviation Administration’s chumminess with the airline industry, the guardians at the gate are like parents too intimidated to discipline their wayward kids. We do not pay these people to look the other way. If government does not punish the schoolyard bully, the rest of us take a beating.

When the EPA used its muscle last week to force open the door at Tonawanda Coke, it firmed up peoples’ faith. Plant owner Crane ignored EPA deadlines, blamed evidence of the plant’s pollution on passing traffic, gave the back of his hand to two U. S. senators and never RSVP’d invitations from neighbors. This is America. Nobody is supposed to be above the law.

The EPA will arm-twist Tonawanda Coke into testing what spews from its smokestacks, presumably with the threat of similar fines—up to$32,500 a day—faced by Crane's Erie, Pa., plant.

"Finally, something is happening," said Sciandra. "Now we know that [Crane] has to listen."

This is what government is supposed to do. It is supposed to help Ann Sciandra. It is supposed to protect her 83-year-old father, who cannot stop coughing. It is supposed to watch the backs of everybody who lives in the Dickensian shadow of Tonawanda Coke.

They waited a long time. But the cavalry has finally come.

desmonde@buffnews.com ">***e-mail: desmonde@buffnews.com***

December 24, 2009

My Turn: ANR priorities, lake both impaired (*Burlington Free Press*)

By Bill Bartlett
The Agency of Natural Resources has long ignored mandates by the Environmental Protection Agency and the Legislature to adopt rules explaining to the public how they actually implement the Vermont anti-degradation policy. This critical policy requires that ANR proactively prevent the degradation of water quality. Fully implemented, Vermont's anti-degradation policy would be the most powerful tool in ANR's water quality management toolbox. The full utilization of this policy is key to making timely progress on resolving Lake Champlain's water quality degradation and preventing such degradation statewide.

After many years of delay and reneging on earlier commitments to address this issue, ANR promised legislative leaders and stakeholders that it would finally initiate rulemaking by July 1, 2009, on its implementation rules. Yet, instead of keeping this commitment, ANR's leadership apparently decided adopting rules to allow ATV riders to use state lands was the resource management issue most in need of immediate attention. How the ATV issue supplanted the adoption of long-delayed rules central to the cleanup of Lake Champlain has not been explained.

ANR needs to stop spending its limited resources on the ATV issue, where its legal authority is suspect. Instead, ANR should focus on its core mission and meet its long-delayed legal and fiduciary obligation by adopting rules that fully implement existing policy. Such rules properly written would be a powerful tool in the effort to address Lake Champlain's impairment due to phosphorus pollution.

ANR has long resisted efforts to have them adopt such rules and thus put in writing how it actually implements the Vermont anti-degradation policy. Had this policy been fully implemented years ago as required, Lake Champlain might not have become impaired and would certainly be significantly less polluted by phosphorus than it is currently. Thus, if ANR had fully implemented the anti-degradation policy, any needed cleanup of Lake Champlain would be quicker, cheaper and create less regulatory uncertainty than is the case today. While the environmental impacts of this failure are obvious, the economic and fiscal impacts of this failure are no less important or significant!

If the anti-degradation policy were fully implemented, it would greatly reduce the eventual cost of the lake's cleanup by putting the emphasis on preventing or minimizing new phosphorus pollution. Avoiding or minimizing phosphorus pollution in the first place is significantly cheaper than cleaning it up after the fact. As the old adage says: "An ounce of prevention is worth a pound of cure." Finally, the approach required by the Vermont anti-degradation policy would shift at least some of the cost from taxpayers to those creating new sources of phosphorus pollution. We should stop having taxpayers subsidizing polluters, which is ANR's current de facto policy!

While taxpayers struggle to afford the cost of the lake's cleanup, now estimated to be $800 million, it makes no sense to continue to allow new sources of stormwater pollution to remove only 40 percent oftheir phosphorus prior to discharge. Those creating new discharges of phosphorus pollution are compounding the lake's impairment while also increasing the eventual cost of cleanup. Such discharges need to minimize their pollution and pay their fair share of the cleanup costs. That is currently not happening due to ANR's continued inaction. Over time this failure represents a huge cost-shift in terms of who pays for the lake's cleanup and may be an important part of why Vermont has not seen improvement in Lake Champlain despite a sustained effort since 2003.

The final days of the lake's quadricentennial year would be a good time for ANR to make a New Year's resolution to use all available tools to address phosphorus pollution, seek the lowest-cost solution and stop shifting the cost of the eventual cleanup from polluters to beleaguered taxpayers.

Bill Bartlett served from 1977 to 2002 as the executive officer of the Water Resources Board that adopted the Vermont Water Quality Standards including the anti-degradation policy.

Reining in the Bureaucrats (*Lincoln Tribune*)

Date 2009/12/23 13:20:50

By Daren Bakst

We learn in high school civics class that the legislature is the branch of government that passes laws. If only that were how government really operated in real life. In North Carolina, unelected bureaucrats and political appointees have the power to make some of the biggest decisions that affect all of our lives. For practical purposes, they have the power to pass laws.

Similar to Congress and other state legislatures, the North Carolina legislature passes bills that give agencies broad powers. For example, a bill may allow an agency to have great discretion in choosing how and what it will regulate when it comes to the environment.

One way to protect against some of this excessive deference to agencies is to prohibit state agencies from passing regulations that exceed federal standards pertaining to the same issue. These laws, sometimes referred to as “no more stringent” laws, ensure that the legislature, and not some bureaucrats, determine if North Carolinians should suffer a greater regulatory burden than citizens in other states.

Especially when it comes to environmental issues, the need for this reform is evident. For example, in 2005, the United States Environmental Protection Agency (EPA) issued regulations that required coal-fired power plants to reduce mercury emissions by 70 percent.

To put these regulations in context, they were the first mercury emission regulations ever in the United States. Further, the United States, as a result of these regulations, became the first country in the world to regulate mercury emissions.

Common sense would tell us that environmental activists would be thrilled with the regulations. Don’t ever use common sense though when it comes to the environmental extremists. These groundbreaking regulations weren’t good enough. They pressured the state’s Environmental Management Commission (EMC) to adopt even tougher standards.

The EMC, which is comprised of unelected and unaccountable political appointees, passed regulations giving in to the environmental groups. These individuals made a policy decision to impose major additional costs on North Carolinians.

To be very clear, the question isn’t whether North Carolina should exceed federal standards. The question is who should decide that North Carolina should exceed federal standards, the legislature or political appointees and bureaucrats. Clearly, as a matter of good government, it should be the legislature.

“No more stringent” laws are far from new in North Carolina. Between the 1970’s and

1990's, North Carolina used to prohibit state agencies from exceeding federal standards in numerous environmental areas. However, by the mid-1990's, the environmental extremists got these protections removed.

It isn't difficult to understand why the environmental groups don't want the legislature to make major policy decisions. These groups can "capture" relevant agencies and commissions. It is a lot easier to influence a small number of unelected individuals, who often have close connections to these environmental groups, than to convince a large number of legislators. Also, the legislative process, by its nature, is difficult to get laws through.

Opponents of "no more stringent" laws often make a common and irrelevant argument regarding state sovereignty. It goes something like: If we prohibit state agencies from exceeding federal standards, then the federal government is dictating what will govern in our state.

This argument completely ignores the fact that states have something called legislatures. If the North Carolina legislature decides that we should have tougher standards then we can have tougher standards. Only those that love government could argue that because state bureaucrats can't do whatever they want, our state sovereignty is somehow being violated.

According to the EPA, about one-third of all states already have "no more stringent" laws. A strong "no more stringent" law would be an important component in developing a better regulatory environment in North Carolina. This would help to lure businesses a lot more effectively than costly and wasteful economic incentives.

Unless we adopt such a law, political appointees and bureaucrats will continue to make decisions, which, among other things, will drive up our energy costs, restrict our freedoms, and drive away businesses. If the legislature wants to make poor decisions, so be it. At least we can vote them out of office.

Daren Bakst, Esq. is the Legal and Regulatory Policy Analyst for the John Locke Foundation. Prior to joining the Foundation, he was Policy Counsel for the National Legal Center for the Public Interest in Washington, DC. In this position, he examined critical regulatory and legal issues, primarily affecting the business community.

The revived brand clears the state's tough emissions standards (*Los Angeles Times*)

December 24, 2009 Thursday
Home Edition
BUSINESS; Business Desk; Part B; Pg. 1
MOTORCYCLES;
Classic Indian Chief making return to California highways;
The revived brand clears the state's tough emissions standards.
BYLINE: Susan Carpenter
The classic Indian Chief motorcycle, prized for its fanciful fenders and an American heritage different from its much bigger rival, Harley-Davidson, is back and finally ready to roll in California.

First built in 1922 and in and out of production ever since, the Chief has been ridden over the years by actor Steve McQueen and other renegades possessing fame and fortune. Now it has been overhauled for the modern era.

Although motorcycle sales are down nationwide, the Chief is already a sought-after ride in 16 other states where it has been on sale since early this year.

The Chief just hasn't been available on the West Coast. But that's about to change this spring with the 2010 Chief, selling for $26,000 plus. This month the latest incarnation of the 108-year-old Indian brand announced the names of two of its five planned California dealerships -- one in Harbor City and the other in Fresno.

"We know California is going to be a great market for us," said Steve Heese, president of the new Indian Motorcycle in Kings Mountain, N.C.

It's just taking a long time for it to get to California.

Heese said the delay was caused by the state's emission requirements and a lengthy search for the right dealers. California, which accounts for 10% of all U.S. motorcycle sales, has tougher emissions standards than the rest of the country.

For a company to sell motorcycles in the state, California's Air Resources Board must provide an additional emissions certification to the one issued by the **Environmental Protection Agency** that allows a manufacturer's products to be sold in other states.

Indian secured its California emissions clearance only last week. Heese is confident that the motorcycles will arrive well before the planned April openings of California Harley-Davidson Indian Motorcycle Los Angeles in Harbor City and Indian Motorcycle Fresno,

based out of a car dealership, Herwaldt Subaru.

"I can't wait to get these new Indians so I can put them on the lot and buy a new one myself," said Matt Herwaldt, 30, general manager of Indian Motorcycle Fresno. He owns a Harley but is "blown away by the quality, fit and finish of the new Indian. It's the Bentley of motorcycles."

The Fresno dealer plans to have bikes at its showroom this month and will start selling them in April.

Indian was picky in selecting its dealers. From 3,500 inquiries worldwide, it has selected 22 North American dealers, with plans to open about 110 overall. The company said it received more than 30 inquiries from California, where the company plans to open three more dealerships -- one each in Orange County, San Diego and Northern California.

Quality control has been important to the new Indian, which said it has had to work hard to prove it is different from the previous owner of the Indian brand, California Motorcycle Co. in Gilroy. That company operated from 1999 to 2003, when it closed down; the 12,000 motorcycles it produced were known for their myriad problems, most notably an overheating engine, falling-off parts and cheap chrome and paint.

Although there has been a lot of enthusiasm for the new Indian, some buyers are critical. John White of Seattle said he spent $38,000 to buy one of the first Indian Chiefs made in Kings Mountain and had been disappointed. "It's an overpriced bike with many bugs that I hope Indian will work out," White said.

Stephen Julius and Steve Heese purchased the Indian brand in 2004, having had success reviving well-known, but bankrupt, luxury boat brands Chris-Craft and Reva.

Financed in part with venture capital and mostly with their own money, Julius and Heese spent four years learning the brand and the mistakes of its predecessors, building its production plant and developing the new Chief. Although that timing has landed the company in the worst motorcycle market in decades, it's paid off in enthusiast response.

"The Kings Mountain Indian is a very refined machine," said Robert Malachowski, who heads the Southern California chapter of the Iron Indian Riders Assn. A lifelong Indian motorcycle fan, he owns four Gilroy Indians and has had a deposit down on the top-of-the-line Vintage model of the Indian Chief since 2008.

"My only problem with the Kings Mountain machine is that as soon as I get one I know my Gilroy '99 will get pushed farther back in the garage," said Malachowski, a Hollywood producer. "Overall, it's just a more finished motorcycle."

Mark Ruffalo, president of the dealership formerly known as California Harley-Davidson in Harbor City, had the same reaction after seeing the bike for the first time at the Laughlin, Nev., motorcycle rally in April.

Ruffalo said he watched bikers respond favorably to its high-quality paint and leather work, as well as the chromed and entirely overhauled Powerplus 105 engine, at which point he approached the company and asked to be a dealer.

Ruffalo has been a Harley-Davidson dealer since 1976. "Indian fits nicely," he said, because, like Harley-Davidson, it is well-known and will need little marketing. Even so, Ruffalo was careful to get Harley-Davidson's blessing before finalizing the deal with Indian.

Priced at the high end of the motorcycle market, Indian is direct competition for Harley's premium, custom vehicles.

Harley-Davidson Inc. has not commented on its revitalized rival, and the company said its practice was not to comment on its competitors. The Milwaukee company reported Oct. 15 that its worldwide retail sales for the first three quarters of 2009 fell 22.9% from the same period in 2008, while its U.S. market share grew to 54% from 44.5% in the last year.

The company reported net income of $163.6 million in that nine-month period of 2009, down 71.6% from the year-earlier period. It said the income drop partly reflected lower motorcycle shipments and the effect of the economy on its retail and wholesale loan business. As a public company, Harley-Davidson's financial data is released quarterly. Indian is privately held and does not release similar information.

Indian and Harley-Davidson are long-standing combatants, dating to the manufacturers' earliest days. Indian began in Springfield, Mass., in 1901 and endured until 1953, when it went bankrupt and later was revived. Harley-Davidson started in Milwaukee in 1903 and continues today.

"They were such different companies," said Tod Rafferty, an author who has written books about both manufacturers. "Indian was a very engineering-oriented, racing organization. The neat thing about the whole Indian versus Harley-Davidson conflict was that they made each other better over the years."

Whether that will happen again is hard to know, Rafferty said. "It's such a competitive business now with the Germans, Italians and Japanese all building great motorcycles."

susan.carpenter@latimes.com

Village still probing odor (*Delphos Herald*)

Published: Thursday, December 24, 2009
BY MIKE FORD

The Delphos Herald
mford@delphosherald.com
OTTOVILLE — During Tuesday's regular monthly meeting, village council here focused on a mysterious gasoline smell. Mayor Ron Miller reported the village has been ordered to conduct a project that costs several tens of thousands of dollars but may not fix the problem.

"There's a gasoline smell in the alley between Niedecken's Insurance and Millie's Cafe. We don't know where it's coming from but we're still looking. The Environmental Protection Agency was here and looked at 21 manholes and they couldn't figure out where it's coming from but they can tell us to replace the storm drain and take out six or seven inches of the alley to get rid of the smell. We hope to have it done by the end of the week and we're looking at about $60,000; my feeling is this won't solve it but we're doing what the EPA mandated," he said. "This might be just the tip of the iceberg. We don't know where this is going to end up but if this doesn't solve it, we'll need further investigation."

Miller said the storm drain needs replaced because it is too old to clean. He also said this was brought about when the fumes filled the business locations.

"It was coming up inside the buildings, so we have a box sitting in the alley to suck up the fumes out of the storm sewer so the fumes don't go into the buildings. We also put a manhole in our storm sewer to vent it," he said.

The mayor stressed the odor is not a hazard, just a nuisance.

In other business, council approved a 2 percent pay raise for those on the village payroll. Effective Jan. 1, each council member will receive $105 for each regular meeting and $50 for special meetings. Miller will now earn $5,900 per year and Fiscal Officer Jeanne Wannemacher $12 per hour. Steve Wittler will bring in $2,990 per month for sewer and $780 for water. The members of the board of public affairs will get $90 per regular meeting and $45 for special meetings; the supervisor of village personnel — $1,350 per year; William Miller — $12.50 per hour; Ron Grote— $14.50 per hour; Jean Hilvers — $675 per month; Roger Miller — $10.20 per hour; Paul Hoehn — $8 per hour; Barry Koester — $11.85 per hour; the billing clerk — $12 per hour; the police chief — $15.35 per hour; and police auxiliary officers Larry Looser — $12.25 per hour, while Matt Bockrath and Daniel Purdy will earn $10.50 per hour.

Council also approved a measure to allow the fire department to participate in getting portable radios with a laptop with software to track them through a federal grant. The department will be linked to others in the county and each municipality must pay a

matching portion that varies on fire department size. The grant total is $801,573 and Ottoville's portion is $9,497.

Council also approved a measure to charge residents in the subdivision $850 per lot as a storm sewer tap in fee. Members did not determine when billing will occur.

The village's relationship with Porter Sanitation was continued for another three years and its relationship with Beining Nursery for tree pruning was also continued; it will cost taxpayers a little more than a thousand dollars.

EPA Sets Future Emissions Standards For US Flagged Shipping (*The Handy Shipping Guide*)

24 December 2009
WASHINGTON – US – In their constant drive to purge the skies of harmful emissions and particulate matter the Environmental Protection Agency (EPA) issued a press release this week confirming the standards required for marine diesel engines in the future. All types of carriers, from container shipping and bulk tankers will be included and the programme will be put to the newly elected Council of the International Maritime Organization (IMO) for their policy meeting in March 2010 to coordinate their rules ensuring the same stringent standards apply to every nations vessels entering American and Canadian waters.

EPA Administrator Lisa P. Jackson commented "Port communities have identified diesel emissions as one of the greatest health threats facing their people, especially their children. These new rules mark a step forward in cutting dangerous pollution in the air we breathe and reducing the harm to our health, our environment, and our economy."

The statement also pointed out that airborne marine pollution did not just affect coastal communities, but could drift and have an influence hundreds of miles inland. Just as the EPA have issued stringent rules regarding bus and freight truck emissions and particulate matter reduction so they now are ensuring that the same standards are met by ship owners.

Once the standards have been internationally ratified the EPA estimates annual reductions of around 1.2 million tonnes of Nitrous Oxides and over 140,000 tonnes of particulates by 2030. The new standards aim to cut NOx by 80% and particulates by 85%. They believe that their strategy can reduce the death rate caused by the noxious substances by between 12,000 and 31,000 annually by the target date. This they estimate will produce savings to the health budget between $110 and $270 billion whereas the cost of implementing the new safety standards comes out at around only

$3.1 billion.

The standards required for all engines with a pollution potential can be found by following the links on the EPA main site. In the meantime we await news on the situation on the Great Lakes waterways after the EPA proposals were announced for a drastic reduction of pollutants from the commercial lake traffic. It is our understanding that, after intensive lobbying from Canadian based fleet owners a request was made to Washington to exclude the inland waterways from any new regulations. Under the Integrated Atmospheric Deposition Network (IADN) the two countries work together to maintain a uniform observe and control strategy for air quality in the region.

If lower standards are accepted by one side, the US aim is low sulphur fuel only to be used in lake traffic, the system will be unworkable as the two countries vessels frequently cross national borders whilst plying their trade and airborne pollution obviously is at the whim of the prevailing winds.

Shipping companies on the lakes claim that the increased cost of the cleaner fuels will make cargo transport by water overly expensive putting more trucks on the road at an even higher cost to the environment

Published: December 24, 2009 12:26 am
TOWN OF TONAWANDA:

Coke plant manager arrested on federal charges (*Tonawanda News*)

By Daniel Pye
E-mail Dan
The Tonawanda News
After a raid on Tonawanda Coke last week, federal prosecutors Wednesday arrested the plant's environmental control manager.

Mark L. Kamholz, 62, of West Seneca, has been charged with violating the Comprehensive Environmental Response, Compensation, and Liability Act; the Resource Conservation and Recovery Act and the Clean Air Act. The charges carry a maximum penalty of 5 years imprisonment, a fine of $50,000 per day of violation, or both.

The arrest comes after an Environmental Protection Agency raid on the plant last week, during which more than 50 federal and state agents spent most of the day collecting evidence. In interviews with EPA agents that day, Kamholz said he is in charge of filing the necessary paperwork to maintain compliance with federal standards, according to the criminal complaint, a copy of which was obtained by the Tonawanda News. Kamholz has been working at the plant since 1978 and told officials he reports directly to owner J.D. Crane.

In the air

The complaint, signed by EPA Special Agent Justus Derx, said from at least April 14 to Dec. 17, the facility was operating its quenching stations without the proper safeguards to prevent pollutant particles from entering the air. When coke is released from the plant's ovens, it is doused with water to keep it from burning away. In an October interview with the Tonawanda News, Crane said filters above the quenching station capture any particles that fly off in the steam released during the process.

But Larry Sitzman, a pollution control engineer for the New York State Department of Environmental Conservation, told investigators that Kamholz admitted that the plant's main quenching tower had no such safeguards and offered no explanation as to why. A Nov. 16 letter from Kamholz to the DEC said the necessary baffles had been reinstalled, but there's no way to tell how long the plant was operating without them.

A second quenching tower was found to have no baffles during the Dec. 17 raid. While an employee who remained unnamed in the indictment told investigators the one with baffles is used more often, he said the unfiltered tower is used once or twice during each of the day's three shifts. Nearby residents complaining of soot on their houses and in their pools accompanied by nausea, headaches and other illnesses contacted the DEC in August 2008.

On the ground

Air violations aren't the only problems. Prosecutors claim Kamholz failed to immediately notify the National Response Center as soon as he had knowledge of leaking coal tar sludge, a hazardous substance produced at Tonawanda Coke. The document said Kamholz told investigators that the coal tar sludge leaked out after a botched attempt to decommission two storage tanks, and that the coal tar sludge was inadvertently ignited. Town of Tonawanda firefighters responded to the facility in July 2008, after high winds fed a grass fire that lit a large tar tank on fire.

Photos of the contaminated area and the tanks were submitted as part of the complaint. Other tests performed by the EPA in September showed that the remaining coal tar sludge in the tanks, left open to the air, was emitting more benzene than regulations permit. A year-long New York State Department of Environmental Conservation air study showed evidence that the coke facility is the primary contributor to the area's elevated benzene level, which is 75 times higher than the recommended limit.

Another employee who remained unnamed in the indictment said the tank had been leaking ever since the fire, and an EPA inspector told investigators the amount that had leaked out was likely "well in excess of 100 pounds." National Response Center records showed 13 reports from Tonawanda Coke since Dec. 2006, but had no record of the tar release.

Storage of the coal tar sludge on the ground from Jan. 2007 until the present is also at

issue, since the DOJ indictment claims that practice is a violation of federal law. When the Clean Air Coalition, a group comprised of residents living in the area around the plant, began asking questions about the coal tar sludge operations in early December, Dan David, regional environmental quality engineer for the DEC, said that the plant's operations could be exempt from the federal government's requirements, if the sludge was going back into the coking process.

"Within the hazardous waste guidelines, that is considered a recycling operation," David said earlier this month.

But David was quick to add that the recycling exemption only holds if the coke facility is not land-disposed of prior to recycling. According to Derx, the discovery of unreported sludge that had leaked out of the tanks violated that provision.

Facing the consequences

Kamholz is being personally charged for the violations because it is his responsibility to apply for the appropriate permits.

For the Clean Air Coalition, which has been pushing for years to get regulators to look more closely at Tonawanda Coke, the arrest is a sign that federal agents are now doing more than running tests. Erin Heaney, the group's executive director, said the arrest reaffirms the group's belief that Tonawanda Coke is breaking the law by not living up to its environmental responsibilities.

"We've seen Mark Kamholz' name on years' worth of documents and letters to the DEC and he's the one in charge of permitting," Heaney said.

Kamholz was arraigned on the charges Wednesday before United States Magistrate Judge Kenneth Schroeder, and released on a $10,000 signature bond. The case was adjourned until April 30, 2010.

But even though prosecution of a Tonawanda Coke employee might make people feel justified in their suspicions, Heaney warned of anyone perceiving this as a final blow against the company.

"Today we got justice delivered a little bit, but we want to make sure the quality of life improves too," Heaney said.

Crane has remained silent about the raid and Kamholz' arrest. He did not respond to a request for

Contact reporter Daniel Pye at 693-1000, ext. 158.

Copenhagen brings little more than air (*Durango Herald*)

Article Last Updated; Thursday, December 24, 2009 12:00AM

With all of the momentum, marketing and anticipation surrounding the United Nations Climate Change Conference that finished last week in Copenhagen, it was reasonable to have expected a meaningful result.

Instead, the outcome amounted to little more than hot air: the very thing the conference was intended to address.

Entering the conference without having done the politically challenging, but environmentally necessary, work of securing domestic climate-change legislation, the United States ensured Copenhagen would produce rhetoric at best. As the world's second-largest contributor of greenhouse gases, our country's leadership in reducing global carbon emissions is essential to any worldwide agreement. By failing to do that work at home, the U.S. deflated the essential larger effort. Too bad.

When he showed up in Copenhagen to spur delegates into action, President Barack Obama brought with him the political baggage that had been overshadowing the conference since it convened. With health-care reform eclipsing all other efforts and burning through political capital at the same time, Obama is hardly in the position to push Congress on meaningful climate legislation, however necessary it is for the planet's future. The Environmental Protection Agency's Dec. 7 finding that carbon dioxide poses a health hazard was a well-choreographed attempt to signal the United States' seriousness when it comes to the topic of greenhouse gasses and their impacts, but it was not enough to secure a meaningful, binding course of action for all countries to rally around at the close of the Copenhagen conference.

So instead, we got a series of nice-sounding ideas that serve to do little more than show us all that everyone knows there is a problem and something needs to be done about it, and that doing something is going to take cooperation. Um, yeah.

True, admitting that there is a problem is the first step toward solving it, but aside from entrenched skeptics who seem committed to denial for its own sake, there has been virtual unanimity among scientists on the matter for quite some time. Politicians are no strangers to the issue, nor are citizens the world over. From purchasing green power, fuel-efficient cars and carbon offset gift cards, consumers routinely show their concern for and commitment to addressing the issue of climate change. Would that our leaders were so bold.

The Kumbaya moment engendered by the Copenhagen Accord should make us all feel as good as it was designed to - which is not that good. There is much that needs to be done to accomplish the significant reductions in greenhouse-gas emissions necessary to stem global climate change and all its resulting consequences. Resolving in a noncompulsory way to help do that is nice and all, but it is not nearly enough. Beginning

here at home, the language that came out at Copenhagen needs to be strengthened into binding and prompt action. If the United States is to remain the country others look to for leadership in finding and working toward solutions to global problems, we need to do as we ask others to do.

meg@sanjuancitizens.org Megan Graham is director of the San Juan Citizens Alliance.

Flossmoor buys fire truck to beat EPA deadline (*Southtown Star*)

(http://www.southtownstar.com/news/1956720,122409flossfireengine.article)
December 24, 2009
BY JOHN K. RYAN

Tough times like these have villages tightening their belts.

Still, good deals are hard to pass up, particularly when it comes to public safety equipment.

That's what got a request for a new fire truck from the Flossmoor Fire Department approved by the village board this week.

The village board voted 6 to 0 to spend $434,873 to buy a squad-pumper, which is used primarily to fight fires and handle specialized rescue calls such as extrication from vehicles.

The new truck will replace a 15-year-old vehicle that fire Chief Chris Sewell said lacks the necessary space to store all the rescue equipment needed for modern day firefighting.

The chief said the fire department usually replaces fire engines after 20 years and has a truck that age that is used to carry water to fires in areas without fire hydrants. The department plans to keep that truck for five more years instead.

Sewell justified the decision by arguing that the resale price of the squad-pumper is considerably higher than the water truck. Plus, changes in the area are taking place and more hydrants are being installed, which might require a different type of water truck in five years.

"We want to monitor that situation before replacing that vehicle," Sewell said.

Sewell said the fire department asked that the village be able to buy the new truck before Dec. 31 to avoid anticipated cost increases due to new U.S. Environmental Protection Agency emission standards that take effect Jan. 1.

Sewell said it could cost between $10,000 and $30,000 more for engines equipped to meet the new EPA requirements.

The company building the truck, South Dakota-based Crimson Fire Apparatus, also offered a discount of $11,935 as a prepay option.

"It makes sense for us to buy it now to minimize costs for taxpayers," Sewell said at Monday's village board meeting.

The truck will be paid for out of the village's capital equipment fund.

Trustee Diane Williams said she has a problem spending so much money during a down economy, particularly with fewer taxes likely to be coming into the village.

"That said, we don't want to wait until the truck breaks down when people's lives may be at stake," she said. "The fire department did a great job of looking into this purchase."

Trustee James Wilder voted in favor of buying the vehicle as well, but cautioned that the village still "needs to come to terms with cuts to make."

The chief said the new truck would take about a year to be built.

EPA Ship Air Rule Retreats From Broad Exemptions Due To Treaty Fears (*Inside EPA*)

EPA's just-issued final ship emissions rule steps back from an expected blanket exemption for all steamships due to the agency's fears that the waiver could violate an international ship air pollution treaty, but is providing industry some smaller concessions that provide key flexibilities in how ship operators must comply with the rule.

The agency's final rule issued Dec. 22 requires the phase-in of marine fuels for category 3 engines -- those at or above 30 liters per cylinder -- with drastically reduced sulfur content of no higher than 1,000 parts per million. The rule also creates two new tiers of nitrogen oxide (NOx) standards for diesel engines on U.S.-flagged vessels, starting in 2011 for so-called Tier 2 standards and a long-term, stricter Tier 3 standard that begins in 2016.

In the weeks before EPA issued the rule, the agency was considering offering ships the ability to apply for broad compliance waivers from its upcoming vessels emissions rule beyond those required by congressional appropriators, who used the agency's appropriations bill process to place restrictions on the ship emissions rule.

Lawmakers inserted a provision in EPA’s fiscal year 2010 spending bill barring EPA from

applying its pending ship air rule to steamships in the Great Lakes, and non-binding report language urging the agency to include in its final rule waiver provisions for other Great Lakes vessels. Following that action, EPA reviewed whether it could allow further waivers and still comply with an international ship air treaty, possibly by offering the ability for non-steam powered vessels to apply for broad compliance waivers from the rule's requirements if they can prove significant economic hardship from having to comply with the rule's mandates (*see related story*).

But EPA in a Dec. 22 statement accompanying the final rule says that broad waivers may violate an International Maritime Organization (IMO) treaty on reducing ship air pollution that the agency's rule is designed to implement.

The United States is legally bound to the treaty's NOx reduction and other requirements, which apply to all vessels "and have no specific provisions for steamships. However, we recognize that special challenges exist for the use of lower sulfur fuel in steamships," EPA says. The treaty, known as MARPOL Annex VI, bans the use of fuels with sulfur content higher than 1,000 ppm within 200 miles of member country coasts from January 2015.

The agency in the statement says it is "committed to working on this issue with the U.S. Coast Guard and other members of the U.S. delegation to IMO as well as other interested stakeholders" in order to resolve the issue before the end of 2011. EPA also plans to complete a study on the economic impacts of the final rule on Great Lakes shippers by summer 2010. EPA says the various waivers for Great Lakes vessels preserve "the greatest benefits of this rulemaking, while avoiding undue consequences for a narrow segment of the regulated industry."

EPA Grants Key Flexibilities

In the final rule EPA does exempt certain domestic steamships, and provides a waiver possibility on economic hardship grounds for Great Lakes diesel ships, in addition to providing key flexibilities for the wider shipping industry to meet new requirements to use low-sulfur fuel. Diesel ships operating on the Great Lakes will also be able to exploit a fuel availability relief provision allowing them to buy the lowest sulfur marine residual fuel available if fuel that meets the rule's near-term sulfur limits is not available.

In an important concession sought by the broader shipping industry, EPA will in some instances allow ships to comply with the rule's requirements for low-sulfur fuel using emission control technologies that produce the same emissions reductions as burning low-sulfur fuel rather than buying the fuel.

The new rule will also impose a suite of emissions control measures under the Clean Air Act to limit emissions of NOx, hydrocarbons and carbon monoxide. While no direct limits on particulate matter (PM) are included, EPA says the rule will result in major reductions in harmful PM emissions.

EPA ruling could make coal costly (*Arkansas Times*)

Environmentalists urge long-term solutions.
Published 12/24/2009
On Dec. 7, the federal Environmental Protection Agency issued a final ruling that greenhouse gases (including carbon dioxide) are harmful to public health and the environment, and therefore subject to EPA regulation.
Many see the ruling as a play by the Obama administration to force Congress' hand in passing climate legislation, like the Waxman-Markey “cap-and-trade” bill that has already passed in the House of Representatives.
Cap-and-trade legislation would limit greenhouse gas emissions and allow emitters, like coal plants, to trade pollution allowances. This type of system was opposed by the Bush administration on the grounds that such limits would hurt businesses.
In the short term, it's difficult to tell what effect new regulations could have on coal-fired power plants in Arkansas. In the long term, it looks like the retrofitting required of coal plants to meet emissions guidelines could become quite expensive.
The state is home to three coal-fired power plants, and another, the John W. Turk Jr. plant, is currently under construction near Fulton, in Hempstead County. SWEPCO, a subsidiary of American Electric Power, owns the Turk plant. According to a spokesman for the company, the EPA ruling will have no impact on construction plans.
“The Turk plant is already able to do carbon capture in the future if necessary,” says Kacee Kirschvink, communications consultant at SWEPCO. “That's something that's built into the design.”
SWEPCO, along with another major utility in the state, Entergy Arkansas, favors cap-and-trade legislation. The alternative is to have rules handed down directly from the EPA.
Entergy Arkansas CEO Wayne Leonard, speaking at the Clinton School on Dec. 10, said Waxman-Markey is not perfect, but it is better than “command and control” by the EPA.
“Some of the people that are dead set against Waxman-Markey will beg for Waxman-Markey once EPA starts putting regulations on specific plants and things of that nature,” he said.
Entergy is seeking approval from the state Public Service Commission for an Environmental Controls Project at its coal plant in White Bluff. The changes would help reduce sulfur dioxide and nitrogen oxide emissions at a cost of just over $1 billion. The PSC suspended the proceedings after the EPA and other agencies raised concerns about the impact future regulatory changes might have on Entergy's plans to retrofit the plant. The costs of those retrofits would eventually fall to the ratepayers, says Glen Hooks, regional director of the Sierra Club's Beyond Coal campaign.
“One question that we need to ask is, should we — the taxpayers and ratepayers — be subsidizing dirty coal — a billion dollars here, a billion dollars there — or should we be using our money to invest in clean energy?” Hooks says.
The Sierra Club is not alone. A host of groups oppose the Turk plant on environmental grounds, including Audubon Arkansas and a local hunting club. In June, the Arkansas Court of Appeals overturned the PSC's approval of a construction permit for the plant. The Arkansas Supreme Court has decided to review the case, but no hearing date has

been set.
Eddy Moore, coordinator of Arkansas Business Leaders for a Clean Energy Economy, says that coal-fired power plants have more than greenhouse gas regulations to worry about.
“Within a year, I think there will be other decisions that require further controls,” Moore says. “There will be more rules regulating mercury, waste-water, sulfur and ozone. So utilities will have to constantly return to the PSC for more money for more improvements. When you finally get to the end of all of that, it might have been cheaper to use the natural gas plant in El Dorado that doesn't emit any mercury, emits half as much carbon dioxide and emits a lot less sulfur. Someone needs to be looking into that.”
Hooks says that, beyond environmental concerns, coal plants in Arkansas and neighboring states will have a long-term impact on economic development in the state.
“This isn't just an in-state problem, because the pollution doesn't respect state boundaries,” he says. “Arkansas is surrounded by states with coal plants. And if you're out of compliance with federal air pollution regulations, then that is going to affect the kinds of businesses you can bring in. If you want to go after an auto plant or another major job-producer, they're not going to come if you're out of compliance — or anywhere close — because they emit a lot of pollution themselves and they want to locate in states that have cleaner air.”
Hooks says the most frustrating part about the fossil fuels vs. clean energy debate is that it has become so politicized.
“What I hate is that it has turned into a huge political issue where if you're a liberal you're on one side and if you're a conservative you don't believe the science,” Hooks says. “The continued use of coal is going to affect this state economically, there's no two ways about it. The science isn't political. So ignore it at your peril.”

Business Workshop: Endangerment findings for greenhouse gases (*Pittsburgh Post Gazette*)

Wednesday, December 23, 2009
On December 7, the U.S. EPA finalized the endangerment finding for greenhouse gases under the Clean Air Act. This states that current and projected concentrations of the mix of six greenhouse gases in the atmosphere threaten the public health and welfare of current and future generations. The finding establishes a basis for the EPA to move forward and propose future standards for regulating greenhouse gas emissions.

The six gases are: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. According to the EPA finding, the combined emissions of greenhouse gases from cars and engines contribute to the atmospheric concentrations of the gases and

endangers the public health and welfare. The EPA developed the findings

in response to the 2007 Supreme Court decision in Massachusetts v. EPA, where the court found that greenhouse gases are air pollutants covered by the Clean Air Act.

The latest EPA finding differs from the EPA's greenhouse gas reporting rule, which was handed down in October. That rule requires companies and facilities to report on an annual basis their emissions of greenhouse gases. The EPA's finding is different in that it establishes a basis for future control of greenhouse gas emissions.

Both the finding and the rule are part of the EPA's inevitable march toward regulation of greenhouse gas emissions.

Read more: http://www.post-gazette.com/pg/09357/1022867-28.stm#ixzz0aWP92iHW

ASBESTOS
==========

December 23, 2009

Baucus, Tester tout benefits of Senate bill (*Great Falls Tribune*)

By LEDYARD KING
Tribune Washington Bureau

WASHINGTON — Montana's Democratic U.S. senators defended the sweeping health care bill as needed medicine, even as Republicans made one last push to keep it from passing.

"The folks in the Senate have worked very, very hard to get a bill that addresses the health care issues in this country," Sen. Jon Tester said Tuesday. "Overall, it's a positive for a state like Montana, where we have so many folks who can't afford to have insurance. ... The system is broken, and it needs to be fixed."

The bill has several provisions that could help Montana, including increased Medicare funding for hospitals, expanded aid for Indian tribes, more federal health grants to rural areas and special help for the people of Libby, whose exposure to years of asbestos was so severe that the Environmental Protection Agency declared a health emergency.

Using parliamentary procedures and floor speeches, Republicans have been able to slow — but not stop — the health care legislation, which looks certain to pass now that Senate Democrats have the 60 votes necessary to overcome a Republican filibuster. If it's adopted, senators will begin merging it with the House version before bringing back a compromise bill to both chambers for a final vote as early as January.

Both Senate and House bills would penalize individuals who don't buy insurance and employers that don't offer it. They also would bar insurers from denying coverage based on pre-existing conditions.

The House version includes a government-run public health insurance plan, while the Senate version calls for the federal agency that handles health insurance plans for federal employees to contract for two national or multi-state plans. Those plans would be run by private firms and offered on an insurance exchange.

The Senate bill, which would spend $871 billion over 10 years, would insure 31 million people who aren't insured now. It would reduce the federal deficit by $132 billion over 10 years through tax increases, penalties and spending cuts, according to the nonpartisan Congressional Budget Office.

Republicans say the bill is a bad remedy for what ails America because it ultimately would increase taxes, expand the deficit and cut Medicare. They accuse Democrats of using "phony accounting" to make it seem like it would close the deficit. And they've taken shots at "sweetheart deals" in the bill, such as the provision to help Libby, saying those items should be removed from the legislation.

Sen. Max Baucus, D-Mont., who helped lead the health care effort in the Senate and is proud of authoring the Libby provision, accused Republicans of distortion.

Speaking on the Senate floor Tuesday, he called it "a systematic campaign to demonize this bill."

"With the thinnest connection to fact, they have sought to vilify our work," he said of Republicans.

The House passed its health care bill on Nov. 7, on a 220-215 vote. That measure would spend $1.1 trillion over 10 years, insuring 36 million people who don't have insurance now, according to the CBO. The bill would reduce the deficit by $138 billion over 10 years.

Rep. Denny Rehberg, R-Mont., who voted against the House bill, isn't expected to change his mind when a version built upon compromise with the Senate comes up for a vote.

"I don't think the country wants (a government-run system)," he said last week. "It's incumbent upon us to do everything we possibly can to keep that from happening."

At more than 2,000 pages, the Senate bill includes a bevy of provisions, some added at the last minute to entice senators whose support was uncertain. John Thune, R-S.D., and other Republicans have accused the Democratic leadership of buying its way to 60 votes. Democratic leaders defend the measures as important reforms that are needed.

Several specific provisions of the Senate bill would affect Montana, including:

 The Medicare reimbursement increase for hospitals in Montana and four other "frontier" states would pour in an estimated $2 billion collectively over the next decade;
 The bill would reauthorize the Indian Health Improvement Act, giving tribes access to federal aid for long-term health care options, such as nursing homes, and for mental health programs that could alleviate a suicide epidemic on some rural reservations;
 "Critical care" hospitals, many in rural areas, could get added federal subsidies to cover drug costs;
 At least 20 percent of the $15 billion worth of public health grants in the bill would have to be set aside for programs in rural areas, a provision pushed by Tester; and
 Libby residents, many of whom are too poor or sick to get adequate medical care, would get treatment under Medicare.

"This provision is important because it will provide vital medical services to Americans who — through no fault of their own — have suffered horrible effects from their exposure to deadly poisons," Baucus said. "It will provide the vital medical services we owe these Americans."

AWARDS
==========

Geneva Park District win national awards (*Daily Herald*)

By Susan Sarkauskas | Daily Herald Staff
Published: 12/24/2009 12:06 AM
Geneva Park District is tops in the nation for conservation leadership, and its Mill Creek Community Park has great native landscaping.
The Environmental Protection Agency recently bestowed its Leadership in Conservation Award. The district was one of 45 being considered for the merit, which honors commitments to obtaining, preserving and enhancing open space and developing it into crucial habitat for plants and animals. Only four awards were made.

And the EPA, in conjunction with the Chicago Wilderness organization, gave Geneva the Conservation and Native Landscape Award, for the prairies it integrated to Mill Creek Park alongside ball fields, a basketball court, a playground and paved paths.

"We're really proud of those two awards," said Sheavoun Lambillotte, the district's executive director.

The EPA award is for the district's overall conservation efforts, Lambillotte said, but especially "we've done so much work at Peck Farm Park," she said.

Peck Farm Park, on Kaneville Road, is a 395-acre natural retreat featuring hands-on nature and history rooms, an observation silo, a sensory garden, nature and bicycle

trails, a wetland and an outdoor butterfly house. It also has a picnic area, baseball diamonds and soccer fields. It was made out of a former sheep and cattle farm, starting with the purchase of 191 acres in 1991. Naturalists run educational programs at the site. The observation silo has a mural on the inside depicting what the land may have looked like from prehistoric times through the present.

Mill Creek Community Park is 34 acres off Keslinger Road. The prairie that makes the outer eastern and southern border of the park has provided a nesting area for the Illinois chorus frog, smooth soft-shell turtles and the black-crowned night heron, all of which are on the state's list of threatened wildlife.

Chicago Wilderness is a coalition of private and public entities that have established a 250,000-acre "nature reserve" of protected properties from southeastern Wisconsin to northeastern Indiana.

CLIMATE CHANGE / GLOBAL WARMING

==========

House tackles climate change, ag offsets (*Southwest Farm Press*)

Dec 23, 2009 8:20 AM, By David Bennett, Farm Press Editorial Staff
If they want to see climate change legislation pass Congress, it has become obvious that proponents must tackle gaps in corresponding scientific and policy forums.
Even after years of sounding the global warning alarm, of gathering data, of preparing predictive models and proposing solutions, it remains far too easy to poke holes in what should be, by now, a tighter case for global warming.

If a massive, hugely expensive climate-targeting bureaucracy is built, shouldn’t it be upon bedrock science?

Perhaps such unequivocal bedrock will eventually be found. But the lead up to the early-December climate forum in Denmark wasn’t smooth for those agitating for a global effort to tackle climate change.

And the task became much more difficult following the late-November release of e-mails — obtained by a hacker of a British university’s computer system — between prominent U.S. and British scientists studying climate change. The e-mails show willful, data-related obfuscation and back-biting (including calls to ignore researchers and journals who publish articles questioning the prevailing climate warming theories).

Against this backdrop would it surprise anyone if anything beyond small, cosmetic pledges came from the Copenhagen summit? Clearly the revelations in the e-mails are

manna for those who see climate change believers as data-hoarding zealots willing to tilt science to their preferred ends.

To be fair, once they are fully parsed in context the e-mails may not be as important as they currently seem. But with questions swirling, it is hard to argue against a conservative tap on the brakes, a pause in the recent, all-out hurtle towards climate legislation.

Before going further, it seems time to put the raw data on the table — which the aforementioned proponents have largely resisted — and sort out the truth, find that bedrock.

House hearings

With all that occurring, on Dec. 3, the House Agriculture Subcommittee on Conservation, Credit, Energy, and Research heard testimony on the cost and benefits of agriculture offsets that would be provided under a proposed climate bill.

While doing their best to play up the positives of climate legislation, Obama administration representatives were unable to provide concrete answers to many questions. However, both sides agreed that under the proposed bill, tens of millions of acres of cropland and pasture would be converted to forest. What they were less sure of was the effect such a shift would have on the nation.

In earlier testimony the subcommittee heard from witnesses “about the impacts that regulation and legislation addressing greenhouse gas emissions will have on our farms,” said Pennsylvania Rep. Tim Holden, subcommittee chairman.

“At the same time, witnesses discussed the effects of a changing climate on our cropland and livestock. What was clear from their testimony is that both action and inaction come with a price tag.”

Holden acknowledged the disparity of climate views and cap-and-trade effectiveness and “the wide and growing debate about whether or not” offsets to counter costs related to climate legislation “are viable, verifiable and profitable.”

Virginia Rep. Bob Goodlatte, ranking member, was immediately much more pointed. HR2454, the American Clean Energy and Security Act — “or, as I call it, the ‘agriculture can’t exist’ standards — creates a cap-and-tax program that will drive up energy and input costs for our farmers and ranchers and drive down farm income, ultimately putting many producers out of business.”

For more on the House climate bill, HR2454, see House climate bill deal reached.

“Proponents of cap and trade point to agriculture offsets and claim they create potential to add farm revenue to mitigate increases in production costs. But this provision also

produces winners and losers. While every commodity will be hit with increased costs only select producers will be able to take advantage of revenue-raising offset projects.

“Meanwhile, entire regions of the country will be ignored and placed at an economic disadvantage because producers aren’t able to participate in offsets or projects that are economically feasible.”

Goodlatte said USDA Secretary Tom Vilsack often claims an offset program will be a major source of revenue for farmers. However, he’s yet “to produce evidence to back this claim except for the example of a producer who stops farming and converts cropland to trees. According to the EPA (Environmental Protection Agency) this conversion could be as high as 60 million acres — nearly twice as much land as is eligible under CRP (Conservation Reserve Program).

“Let me be clear, in many cases the decision to take farmland out of production won’t be made by farmers. Rather it will be made by landowners. Converting this farmland would be devastating to agriculture and rural America. Fewer acres would potentially mean more expensive feed for livestock producers and less revenue for agribusiness.

“Additionally, rural towns and communities will see a decrease in tax revenue that is necessary for essential community services.”

Offset positives

Joseph Glauber, USDA chief economist, made three main points about how agricultural offsets would work.

• First, offsets provide a potential low-cost option for compliance to greenhouse gas emissions reductions for covered sectors under a cap-and-trade system.

This “results in smaller increases in allowance prices that are then passed on to consumers — including farmers — as increased energy prices.”

For the opening statements of witnesses, see http://agriculture.house.gov/hearings/statements.html.

On the other hand, “limited offset availability could result in higher costs to the economy,” continued Glauber. “In its analysis of HR2454, the EPA estimates allowance prices would be almost 90 percent higher if international offset markets weren’t allowed. In a similar analysis, the Energy Information Administration estimates that allowance would be 64 percent higher with no international offset market.”

• Second, offsets are a potential income source for agriculture producers and forest landowners through changes in land management practices.

“For example, reduced tillage, increased fertilizer efficiency, aforestation, through animal management such as dietary modification and manure management such as biogas capture.

“While the profitability of management practices and carbon storage that is attainable varies widely by region, net revenues from agricultural offsets can help mitigate the effects of higher production costs due to higher energy costs.”

• Third, a domestic carbon offset program could affect land use, agricultural production and prices.

If planting more forestland proves to be the primary source of carbon offsets, “cropland and pastureland would be converted to forest, which would raise farm prices and increase farm income but also potentially result in higher food prices for both domestic and foreign consumers.”

Other possible sources of offsets such as conservation tillage, said Glauber, “could have smaller effect on land use and agriculture production and prices. We have found the … income effects due to higher production costs under HR2454 will be relatively small, particularly over the short run.

“However, I believe a far more significant factor will be the effects of carbon offsets. There’s no question that offsets will provide producers with the potential means to enhance farm income and more than compensate for higher production costs.”

The bigger issue “will be the source of the offsets,” said Glauber. “If too much cropland is diverted to aforestation, higher prices will result. This would put pressure on the livestock sector and, ultimately, food prices.”

Four points

Sitting alongside Glauber, Joseph Kile, the Congressional Budget Office’s (CBO) assistant director for microeconomic studies, said as a general rule, “the more stringent a cap on greenhouse might be, the greater the opportunity to reduce the cost by including offsets.

“In practice, reducing the concentration of such gases in the atmosphere would depend on whether the activities that produced the offsets result in actual reductions of greenhouse.”

Ensuring that, said Kile, means addressing four challenges with offsets:

• Offsets would need to bring about additional reductions in greenhouse gases.

“That is, they would need to result in reductions that would not have occurred in the absence of the program that grants credit for offsets.”

• Offsets would need to be quantifiable so that any reductions in greenhouse gases could be reliably measured.

• Offsets would need to be permanent rather than simply delay the release of greenhouse gases into the atmosphere.

• Offsets would need to be credited in a way that accounted for leakage in the form of higher emissions elsewhere in the economy.

Questions

Holden asked Glauber if he agrees with the CBO that only 10 percent of offsets would likely come from agriculture practices. “In your opinion what practices should be eligible for offsets?”

Under the modeling results provided by EPA, “of the 2 billion metric tons of offsets, about 400 million were provided by agriculture,” replied Glauber. “So that’s a slightly higher figure than the CBO estimate.

“I’d certainly agree with the amount of uncertainty in these estimates. … Early on, as carbon prices are lower, there’s very little coming in on the agriculture side — a little bit of pastureland is converted to forest. But as you move out and carbon prices get higher and higher, that’s when you see a lot of accumulation in the out years.”

An amendment in HR2454 gave USDA control over implementing an offset program for agriculture and forestry, said Holden. Has the USDA “thought about how to implement such a program? Do you think the USDA has the staff and resources to implement such a program? In your opinion could the USDA get a program up and running in one year?”

Doing so, admitted Glauber, would be “a daunting task to say the least. One of the big issues will be quantifying various practices. That’s a key part of these offsets — standards established, verifiable and there’s some certainty in what carbon is being sequestered or the amount of greenhouse gases are being reduced.

“USDA is doing a lot of work this year in getting a very large matrix that outlines various agricultural practices with the specific carbon reduction by region and practice … and develop standards.”

Later, Goodlatte asked what percentage of U.S. crop acreage is rented. “I’m concerned that if a large quantity of cropland is to be converted to trees that the decision will be made by landowners, not farmers. This would also mean farmers might not see the benefit of offset revenues.”

“You raise an interesting point,” replied Glauber. “I think there could be potential ways in establishing these programs where benefits could be shared.”

Goodlatte was also “very concerned” about what converting 60 million acres of land into tree production would do for both crop markets and forestry. “We have, right now, 191 million acres of national forestland that’s been nearly fenced off.

“The trend away from carbon-based fuels means the 60 million new acres of trees available on the market won’t be very attractive for energy production, something I think we should be looking at with our existing forestry base. This legislation will considerably diminish the value of that.

“There’s a whole lot more that we don’t know about what this legislation will do than what we do know. I appreciate both your efforts to project that, but the fact is the law of unintended consequences will hit us very, very hard with regard to this legislation, I fear.”

Minnesota Rep. Colin Peterson, chairman of the House Agriculture Committee, then pointed to another sore subject: the lack of a broad-based baseline. Both witnesses said the EPA baseline was the only one available to make projections from.

“I’m hearing from a lot of people,” said Peterson. “One of the things we’re trying to do is get at what this legislation would potentially do. … As I understand it, everyone” studying the consequences of climate legislation “is working off that EPA baseline. … I’m being told that this baseline isn’t right, or realistic. … Is anyone out there doing another baseline?”

Glauber said the “USDA does a 10-year baseline. We do projections and use that for forecasting and budgeting purposes. Anytime there’s a new bill before Congress we look at it in the context of a 10-year baseline. Most of the time, we don’t have to look out 30 or 40 years.”

Glauber’s next line will surely perk up the ears of climate change naysayers: “It’s a dangerous thing to do that just because of the great uncertainties. With something like climate change legislation where you have changes occurring 20, 30, 40 years out, obviously people have questions.

“We’re all struggling. We have modeling efforts going on right now to extend baselines.…”

Those models are currently being constructed by several universities, said Glauber, including Texas A&M, the University of Missouri and Iowa State.

Peterson asked when will the results will be available.

“We’re hoping for results later in the year,” said Glauber. “To have a full, well-structured forestry model will take, frankly, a little longer.

Peterson wanted a firmer date, but Glauber was unable to provide one.

“Somebody needs to get some alternative analysis because there are a lot of folks that really question the methodology of EPA, question if EPA understands what we’re doing in agriculture,” said Peterson. “We’d feel more comfortable with another baseline.”

e-mail: dbennett@farmpress.com

ENFORCEMENT

==========

Last updated December 23, 2009 4:44 p.m. PT

EPA levies $3M in fines in 2009 in Northwest (*Associated Press*)

Story also appeared: *Seattle Post Intelligencer*

THE ASSOCIATED PRESS
BOISE, Idaho -- Companies, state agencies and cities in Alaska, Idaho, Oregon and Washington agreed to spend nearly $75 million to clean up or control pollution during fiscal year 2009, an increase of nearly $20 million from 2008.

Lauris Davies, the Environmental Protection Agency's deputy director of compliance and enforcement in Seattle, released figures Wednesday for the four states.

Companies and state agencies in the Pacific Northwest and Alaska paid just over $3 million in penalties.

The totals went down slightly when compared to the past two years. Total penalties were $3.1 million last year and $4.1 million in 2007.

The EPA said nationwide, companies violating environmental laws will spend more than $5 billion to reduce pollution, down from a record $11 billion last year. The companies paid $90.1 million in penalties.

FUEL

==========

Tompkins:

A most wonderful time for anglers (*Houston Chronicle*)

The red snapper population is up, and worries about damaged outboard motors are down
By SHANNON TOMPKINS
Dec. 23, 2009, 11:41PM
Shannon Tompkins Chronicle
Tackle more commonly used in the bays -- baitcasting reels spooled with 20-pound line and attached to heavy-action popping rods -- works just fine on red snapper.

The Gulf's red snapper population appears to be rebounding from decades of overfishing, and the 2010 recreational fishing season for the popular offshore fish probably won't be truncated any further than it was this past year. It might even be a little more liberal.

Also, boaters won't have to deal with the inevitably damaging and expensive effects higher ethanol content in gasoline would have on their outboard motors for at least a few more months, and maybe longer.

• The long-anticipated release of the latest assessment of the Gulf of Mexico's red snapper population came earlier this month, and the news was, for once, encouraging.

The Gulf of Mexico Fisheries Management Council's Science and Statistical Committee's review of data on which the status of the Gulf's red snapper population is based — mostly harvest data from commercial and recreational anglers — indicates demographics have improved enough that the population is no longer considered “over-fished” under federal guidelines.

That's a convoluted way of saying the snapper population growth appears to have stopped and maybe even reversed what has been a long decline in number and average age/size. That has, over the past two decades, resulted in increasingly restrictive bag limits, size restrictions and season length.

Before that, red snapper were totally unregulated — no bag or size limits and a year-around open season.

Limits might be eased

This past year, recreational anglers fishing for red snapper in federally controlled waters of the Gulf of Mexico were allowed to keep no more than two fish per day during a 75-day (June 1-Aug. 15) season.

The latest stock assessment indicates fisheries managers could increase the annual allowable catch of red snapper from its current 5 million pounds (split 51 percent for commercial fishers and 49 percent for recreational anglers) to as much as 6.9 million pounds without upsetting the recovery of the species.

That could mean a longer red snapper season for recreational anglers. Or not.

Snapper season length, bag limits and size restrictions are designed to keep recreational anglers within their annual quota — about 2.45 million pounds, gulf wide, under current management plans.

But preliminary harvest data indicates that, even with 2009's brief open and decline in fishing pressure triggered by increasingly restrictive regulations and an in-the-tank economy, recreational anglers this past season took more than their 2.45 million-pound quota. Estimates are that this “overage” was at least 1 million pounds and perhaps as much as 2 million.

Even if fisheries managers move to increase the poundage quota, 2010 season length and other rules might be kept static to help “make up” for the overage alleged to have been landed in 2009.

Earliest an official proposal for changes in the annual allowable catch and associated regulations could come will be at the February meeting of the Gulf of Mexico Fishery Management Council. Those proposals must be approved by federal officials with the Commerce Department's National Oceanic and Atmospheric Administration.

Not a good mix

• Ethanol in gasoline is bad for outboard motors. It attracts moisture (water). And water in gasoline causes all sorts of problems with internal combustion engines.

Also, gasoline/ethanol blends are prone to “phase separation,” which causes even more horrid problems and is seen most often in engines such as outboards, lawn mowers and chain saws where fuel can sit unused for weeks.

Outboard manufacturers caution against using fuel containing more than 10 percent ethanol and will void warranties if owners don't follow the mandate.

Currently, federal rules set a 10 percent maximum ethanol content for gasoline/ethanol blends other than the E85 (85 percent ethanol) that's available in some areas.

But that could and almost certainly will change.

This past year, Growth Energy, a pro-ethanol group, filed a request with the federal Environmental Protection Agency to increase the allowable percentage of ethanol in gasoline/ethanol blends to 15 percent.

Outboard makers and boating groups were among those opposing the move, pointing out the damage the increase will cause to millions of engines.

On the last day of November — one day before its deadline to rule on Growth Energy's waiver petition — the EPA announced it is delaying its decision until the results of ongoing tests on the impacts of the fuel on motor vehicle emissions are in. (EPA's

response to Growth Energy made no mention of E15's impacts on engines other than those in motor vehicles whose closed fuel systems do not face the same problems as the vented systems of outboards and other engines.)

Delay of the inevitable?

The EPA announced its final decision on upping ethanol content could come as early as the middle of 2010.

That means outboard owners are safe until at least this summer from having to see their engines face the inevitable damage from using E15 fuels.

But the EPA's Nov. 30 response to Growth Energy's waiver petition left little doubt that the agency will, unless something unexpected occurs, increase the ethanol limit on non-E85 fuel blends to 15 percent.

Fuel makers/suppliers would not be mandated to use 15 percent ethanol in their fuel; they could still sell fuel with less ethanol content. But it seems certain that E15 fuel is coming, and boat owners, among others, will pay a heavy price for the change at the pump.

shannon.tompkins@chron.com

GENERAL

EPA Policy Shop Reorganization Creates New Strategic Management Office (*Inside EPA*)

The Obama EPA's final plan for reorganizing the agency's policy office shows the agency is creating a new strategic environmental management office focusing on “cross-cutting” emerging issues, which will be created in addition to a new sustainable communities office the agency had suggested in earlier plans.

Lisa Heinzerling, head of the recently renamed Office of Policy, sent an e-mail to staff Dec. 22 outlining her final plan for reorganizing the office following a “fine-tuning” of recommendations by staff. According to the e-mail and an accompanying chart obtained by *Inside EPA*, the office will dissolve its National Center for Environmental Innovation (NCEI) and the Office of Cross-Media Programs.

Earlier this year, sources had suggested EPA may consolidate the two offices into one, but the documents show EPA is instead creating two new offices to take on some of the responsibilities of the eliminated offices.

However, several key offices within the policy office will remain including the Office of Regulatory Policy & Management that is the main liaison with the White House on reviews of agency rulemakings. The office also provides guidance to agency headquarters and regional offices as they develop their regulatory policies.

Heinzerling is also leaving untouched the National Center for Environmental Economics (NCEE), quelling concerns from some within and outside EPA that the division -- which provides economic and environmental analysis -- would be stripped of its role linking science and policy. The fears came in the wake of controversy over an NCEE staffer's claims that EPA "suppressed" his report doubting that human activity causes climate change.

EPA had given some indications of the direction of the restructuring, dissolving two offices that dealt in part with voluntary programs and announcing plans for a new sustainable communities office.

Heinzerling's e-mail to agency staff outlines the agenda for the policy office after shuttering the Office of Cross-Media programs -- which included the controversial Performance Track voluntary program -- and NCEI, which promoted environmental stewardship. In the place of the two terminated divisions will be a new Office of Sustainable Communities and a separate Office of Strategic Environmental Management.

The Office of Sustainable Communities will "develop policies, regulations, standards, guidelines, models, tools, data and spending priorities that by [sic] foster outcomes in the built environment that protect environmental quality and public health and avoid disproportionate harm to disadvantaged communities," Heinzerling says in the e-mail. The office will develop and implement strategies to promote smart growth and green building, the e-mail says.

The office will be split into three divisions focusing on: federal and state partnerships; community assistance and research; and codes, standards and sustainable design, according to an organizational chart attached to the e-mail. The office will be led by John Frece, who left the University of Maryland in March to lead the Obama EPA's Development, Community, and Environment Division, which was part of the soon-to-be-defunct Office of Cross-Media Programs. Directors for the divisions within the sustainable communities office are yet to be chosen.

The Office of Strategic Environmental Management will "identify and analyze emerging, cross-cutting issues of significance to the agency; facilitate the formulation and deployment of strategies and tools to address priority issues and advance sustainable outcomes and promote strategic management practices to enhance agency effectiveness," according to Heinzerling's e-mail. This office will also be split into three divisions, which will focus on integrated environmental strategies, strategic management and evaluation support.

Betsy Shaw, the director of the new strategic management office, and several of the office's division directors held leadership positions within NCEI. For example, George Wyeth, who heads NCEI's Policy & Program Change Division, will head the Integrated Environmental Strategies Division. And Katherine Dawes, who leads the Evaluation Support Division in the innovation center, will now lead a division with the same name within the strategic management office.

EPA Scraps Program Analysis Division

The role of the Office of Regulatory Policy and Management will largely remain unchanged, but Heinzerling says, “its work has become even more salient as it aims to ensure incorporation of the administrator's priorities (such as environmental justice, children's health, and transparency) in the regulatory process.”

However, the office will lose its division dedicated to program analysis. EPA's Web site says the Program Analysis office collaborates with the Office of Inspector General and other agency offices to “provide managers with the information and tools they need to analyze their programs on a regular basis and keep them fresh and innovative.”

The structure of NCEE will remain unchanged and it retains all its existing divisions. Heinzerling says, “The Office will continue to work closely with ORPM on policy and regulatory deliberations. This office is being asked increasingly to provide economic expertise and play and active role in single media and cross-media decisions.”

Sources in and outside of the agency had been concerned that the restructuring would strip the economics office of its role linking science and policy, in part because Heinzerling held separate meetings about the reorganization for the economics and non-economics staff within NCEE. Republican lawmakers opposed to climate change regulations charged that the reorganization plan was intended in part to limit the role of NCEE staffer Alan Carlin, who claims that EPA “suppressed” his report doubting that human activity causes climate change. -- *Kate Winston*

GRANTS

==========

Port Authority adds 20 hybrid buses (*Pittsburgh Tribune Review*)

By Matthew Santoni
TRIBUNE-REVIEW
Wednesday, December 23, 2009

State and federal grants allowed the Port Authority of Allegheny County to quadruple the number of diesel-electric hybrid buses in its fleet with an $11.2 million purchase of new vehicles in the past year.

Twenty new buses were delivered in October and November at a cost of about $560,000 each -- $150,000 more per vehicle than diesel-only buses, Port Authority spokeswoman Heather Pharo said. The cash-strapped transit agency has been budgeting money to buy new diesel buses each year, then seeking grants to cover the cost of upgrading some to hybrids.

"If it wasn't for grants, we couldn't purchase these hybrids," spokesman Jim Ritchie said.

More hybrid buses could be purchased this fiscal year. So far, Port Authority has been awarded $1 million from the Environmental Protection Agency and county Health Department, and Rep. Mike Doyle, D-Forest Hills, pledged $700,000 more in the Consolidated Appropriations Act passed by the House this month. Port Authority budgeted $26.5 million for 55 new diesel vehicles this year.

The 40-foot-long, low-floor hybrid buses look almost identical to Port Authority's newer diesel-powered vehicles since they're both manufactured by Hayward, Calif.-based Gillig, but they run more quietly and produce fewer emissions, Pharo said. Green paint with yellow lettering declare them to be "clean hybrid" technology, and a taller roof at the rear of the bus holds the large batteries for the electric motor.

"They're a lot smoother, and they seem a lot quieter," said Curtis Kennedy, who became a driver for Port Authority two weeks ago. "When you start them up, you have to really listen."

Riders say the quieter engines let them hear things like their iPods, though one also hears the bumps and rattles of Pittsburgh streets that are usually drowned out by a diesel engine's rumble.

The new buses will run on mostly urban routes, such as the 77B Penn Hills, because stop-and-go traffic allows the brakes to charge the buses' batteries, Ritchie said.

The hybrid motors let operators stretch gas mileage about 25 percent further, while the brakes and engine get less wear and tear than those of regular diesel buses. Since October, Port Authority has been using a mix of regular diesel and biofuel to fill its tanks, though it will use less biofuel from January through March because it's less efficient in cold weather, Pharo said.

Matthew Santoni can be reached at msantoni@tribweb.com or 412-380-5625.

EPA grant to improve diesel engines at ArcelorMittal (*NWI Times*)

By Times Staff | Posted: Thursday, December 24, 2009 12:00 am
ArcelorMittal received a $164,000 grant from the U.S. Environmental Protection Agency to help reduce the carbon footprint of both Indiana Harbor sites in East Chicago.

The Midwest Clean Diesel Initiative grant will repower three diesel engines on front-end loaders, according to a news release.

The Northwest Indiana Forum helped ArcelorMittal get the grant and the company matched the funds to cover the total project cost. Tweaking the engines is expected to reduce emissions and fuel consumption.

Kay Nelson, the Forum's director of environmental affairs, said the action being taken is voluntary.

ArcelorMittal and the Forum, with assistance from URS Corp., applied for funding for 13 engines. The grant only covered the three engines because of the popularity of program, the Forum said. Reapplying for funding to work on the other 10 engines will occur in the next grant cycle.

The EPA says on its Web site that since November 2008, more than 761,000 engines for equipment including construction, municipal vehicles, trains and cargo handling.

City receives grant to help replace police station roof (*Woburn Advocate*)

Wed Dec 23, 2009, 12:00 PM EST
The City of Woburn recently learned that it has successfully applied for and received a $174,600 grant from the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant Program, Mayor Thomas L. McLaughlin announced today.

McLaughlin explained that these funds will be used to offset costs associated with a major roof replacement at the Woburn Police Station. The roof has been leaking in a number of places and an evaluation of the roof placed an estimate on the replacement cost at approximately $330,000. This will require the city to come up with a capital expenditure of approximately $155,400.00. Hence; the grant will pay for better than 50 percent of the replacement costs.

McLaughlin pointed out that these funds were made possible by the American Recovery and Reinvestment Act of 2009, commonly referred to as Economic Stimulus Funds. The city has already received additional stimulus funds that went to the Woburn Housing Authority and the school department. The city anticipates receiving additional economic stimulus funding for its ongoing replacement of the Rag Rock Water Storage Tank and the new filtration facility at Horn Pond.

McLaughlin added that “the City of Woburn was well positioned when AARA funds became available with projects already in the pipeline.” Having projects ready to go was one of the main criteria for eligibility of the AARA funds. McLaughlin stated that when all is said and done, “the city expects to receive millions in economic stimulus rebates.”

McLaughlin singled out for credit the city’s part time grant writer, Joseph Garbino, who completed the extensive paperwork and subsequent tracking procedures required to secure these funds. Garbino is the same person who, working with school officials, insured that the city received six Energy Star Awards from the U.S. Environmental Protection Agency (EPA) for six school buildings.

MINING

==========

EPA: Refined permit process coming; Byrd urges clarity (*The Register Herald Reporter*)

By Mannix Porterfield
Register-Herald Reporter
December 23, 2009 10:34 am

— While no stalled permits came up in their talk, Sen. Robert C. Byrd gained an assurance from the head of the Environmental Protection Agency that a refined structure is coming to deal with surface mine applications.

“It seemed to be a very positive discussion,” aide Jesse Jacobs said Tuesday, a day after Byrd met with EPA Administrator Lisa Jackson at her invitation.

Byrd recently scolded the coal industry over what he termed “scapegoating” in the controversy over 79 pending permits across Appalachia, 23 of them in West Virginia.

“We did not talk about individual permits,” Jacobs said of the Byrd-Jackson one-on-one. In fact, the meeting didn’t focus on the permits, and Byrd didn’t press for an acceleration of them.

“The two of them sat down and talked about providing clarity so that all parties involved know what is involved and what is expected in order to move any individual permits forward,” Jacobs said.

“He emphasized repeatedly we need clarity in the process.”

Byrd himself viewed the sit-down with Jackson as “friendly and candid,” and said the two agreed that ongoing discussions must embrace a civil discourse among all parties if any solutions are found to break the impasse.

Mining permits have been delayed while the EPA is attempting to discern if any violate the Clean Water Act.

Industry leaders have been up in arms over the gridlock, contending that without approval, they stand to lose contracts in West Virginia that will prompt layoffs since investments in new installations cannot be made.

Byrd said he specifically sought “a clear set of parameters” in which the industry, the EPA, other regulatory agencies and the unions may work.

Many people with permits in limbo are concerned about what the federal government expects because they are uncertain as to what the process entails, Jacobs said.
“He’s (Byrd) trying to get basically a structure in place so all the parties involved know what is involved to move this stuff forward,” the aide said.
Jackson indicated she intends to get this accomplished “in the near future,” Jacobs said, emphasizing he has no idea what kind of time frame the EPA administrator has in mind.
“They were listening to what he was saying and are prepared to move forward on this,” the aide said.
“I don’t think anything bad is going to come out of it. It was a very friendly, candid, civil in tone talk. I think an entirely good dialogue was established between the two of them. The two of them agreed, along with staff, to keep talking.”
— E-mail: mannix@register-herald.com

PESTICIDES
==========

Industry Sees Boost From Expedited Review Of EPA Tolerance Challenge (*Inside EPA*)

A federal appeals court has granted a rare expedited review of EPA’s decision not to hold an administrative law review hearing on the agency’s decision to revoke a residue safety level, or tolerance, for the pesticide carbofuran, prompting industry to suggest the court is signaling it has “serious questions” over EPA’s decision.

In the lawsuit *National Corn Growers Association (NCGA) et al v. EPA* the U.S. Court of Appeals for the District of Columbia Circuit ruled Dec. 14 to expedite industry’s challenge to the lack of a hearing. Industry and environmentalists are closely watching the case as a key test of EPA’s procedures for issuing outright bans for a certain pesticide, because until now companies have never challenged an agency effort revocation a pesticide tolerance or cancel a registration.

Briefing must be completed by Feb. 10, and the court clerk must schedule the case for oral argument on the first available date thereafter.

Expedited review is “rarely granted,” according to a spokesman for FMC Corporation, one of the plaintiffs in the suit. FMC, NCGA the National Sunflower Association and the National Potato Council filed the suit as an appeal after the agency in November formally denied their request for a hearing on the revocation. EPA said that industry’s requests did not meet a regulatory standard for granting the hearing and none of their objections had “merit.”

“Expedited review is usually granted when an agency decision ‘is subject to substantial challenge.’ We think this signals that serious questions have been raised regarding the lawfulness of EPA’s denial of our statutory right to a hearing on carbofuran’s safety,” says the spokesman. The court did, however, deny industry’s request for a stay of the agency’s decision in May to issue revocations on tolerances of carbofuran as a pesticide.

An administrative hearing would have allowed the groups to challenge the revocation and if granted would have been the first such hearing under the Food Quality Protection Act of 1996 and the only one since the agency held a hearing on its 1987 decision to address the pesticide diazinon.

EPA initially sought to cancel the handful of remaining registrations for uses of the pesticide after deeming it to presents too great a risk to farm workers and wildlife. Companies typically accept cancellations, but FMC fought the effort, marking the first time in roughly 20 years that a company has done so. The agency eventually revoked the tolerances for residues of the pesticide remaining on crops instead, finding it easier to cancel them than the registrations. Crop growers argued that the agency’s action leaves them in the untenable position of being legally able to apply the pesticide to their crops, but not to sell the crops.

RECYCLING
==========

Goshen High School student turns trash into fashion (*Times Herald-Record*)

December 24, 2009 2:00 AM
GOSHEN — Everyone knows recycling is good for the environment, and many make an effort to recycle glass, plastic, paper and other common items.

But there's an item you're forgetting to recycle, and it's right in your closet.

According to the U.S. Environmental Protection Agency Web site, an estimated 12.4 million tons of textiles were generated in 2008, equaling 5 percent of total municipal solid waste generation in landfills. In simpler terms, people are throwing away old clothes instead of recycling them.

Alana Golubinksi, a junior at Goshen High School, has found a creative way to reuse old fabric. Golubinski spearheaded a project in which she and six other fashion students use old, unfashionable dresses to create stylish prom dresses.

Golubinski, who is president of Green Team, an environmentally conscious club at the high school, decided to start the project after reading about the amount of unwanted

fabric going into landfills. "There are a lot of environmental benefits to reusing the fabric," she said.

She and her peers have collected about 30 donated dresses thus far, with 10 in the midst of their redesign and one that is finished.

The dresses will be displayed during a fashion show from 10:35 a.m.-1:30 p.m. March 5 in the Goshen High School auditorium.

The fashion show is in collaboration with advanced photography students, who will shoot the fashion show as one of their photography assignments.

Once finished, Golubinski plans on giving the dresses away for free.

"It's a new life for these dresses, so hopefully people will want to wear them," she said.

To learn more about recycling textiles, visit www.epa.gov.

SUPERFUND

==========

$30M settlement to shore up cleanup operation in Mass. (*Greenwire*)

(12/23/2009)
A $30 million settlement will kick-start cleanup operations of the Sutton Brook Disposal Area Superfund Site in Tewksbury, Mass., government authorities said yesterday.

The agreement resolves federal and state liability claims against 49 parties potentially responsible for the cleanup of the site, and places the financial burden for the cleanup operation upon 20 parties. The cleanup work, expected to cost about $30 million, will involve excavation and consolidation of contaminated soils and sediments, construction of a multilayered impermeable cap, capture and treatment of contaminated groundwater, institutional control and long-term monitoring.

The 20 parties will also foot the bill for the state's past costs, environmental oversight from both U.S. EPA and the Massachusetts Department of Environmental Protection and pay an additional $1.65 million to the state and the Fish and Wildlife Service for environmental damages stemming from injuries to groundwater and wetlands (Kathy Shwiff, Dow Jones Newswires/CNN, Dec. 22).

Move to shutter Fla. plant could speed up cleanup

In a move driven by the difficult economy, Koppers Inc. is closing its Gainesville wood treatment facility and selling it to Beazer East Inc. The move could potentially speed up cleanup of the toxic Superfund site.

Having no operating industry on the site should speed up cleanup operations, said Joe Prager, a member of the Gainesville United Neighborhoods group advocating for better cleanup of the contaminated site.

The plant has been listed as a federal Superfund site for more than 25 years. Creosote, a chemical that causes cancer, has been detected in the aquifer and tests have shown the presence of toxins such as dioxin, arsenic and benzo(a)pyrene in soil samples.

The cleanup operation is expected to cost Koopers Inc. and Beazer East between $25 million and $100 million (Anthony Clark, *Gainesville Sun*, Dec. 23). **-- DFM**

TOXICS
==========

U.S. wants farmers to use coal waste on fields (*Associated Press*)

Story also appeared: *Washington Post*

By Associated Press
Wednesday, December 23, 2009; A17 5:00pm
The federal government is encouraging farmers to spread a chalky waste from coal-fired power plants on their fields to loosen and fertilize soil even as it considers regulating coal wastes for the first time.

The material is produced by power plant "scrubbers" that remove acid-rain-causing sulfur dioxide from plant emissions. A synthetic form of the mineral gypsum, it also contains mercury, arsenic, lead and other heavy metals.

The Environmental Protection Agency says those toxic metals occur in only tiny amounts that pose no threat to crops, surface water or people. But some environmentalists say too little is known about how the material affects crops, and ultimately human health, for the government to suggest that farmers use it.

"This is a leap into the unknown," said Jeff Ruch, executive director of Public Employees for Environmental Responsibility. "This stuff has materials in it that we're trying to prevent entering the environment from coal-fired power plants, and then to turn around and smear it across ag lands raises some real questions."

With wastes piling up around the coal-fired plants that produce half the nation's power, the EPA and U.S. Department of Agriculture began promoting what they call the wastes' "beneficial uses" during the Bush administration.

Part of that push is to expand the use of synthetic gypsum -- a whitish, calcium-rich material known as flue gas desulfurization gypsum, or FGD gypsum. The Obama administration has continued promoting FGD gypsum's use in farming.

The administration is also drafting a regulatory rule for coal waste, in response to a spill from a coal ash pond near Knoxville, Tenn., one year ago Tuesday. Ash and water flooded 300 acres, damaging homes and killing fish. The cleanup is expected to cost about $1 billion.

The EPA is expected to announce its proposals for regulation early next year, setting the first federal standards for storage and disposal of coal wastes.

EPA officials declined to talk about the agency's promotion of FGD gypsum before then and would not say whether the draft rule would cover it.

Field studies have shown that mercury, the main heavy metal of concern because it can harm nervous-system development, does not accumulate in crops or run off fields in surface water at "significant" levels, the EPA said.

"EPA believes that the use of FGD gypsum in agriculture is safe in appropriate soil and hydrogeologic conditions," the statement said.

Eric Schaeffer, executive director of the Environmental Integrity Project, which advocates for more effective enforcement of environmental laws, said he is not overly worried about FGD gypsum's use on fields because research shows it contains only tiny amounts of heavy metals. But he said federal limits on the amounts of heavy metals in FGD gypsum sold to farmers would help allay concerns.

"That would give them assurance that they've got clean FGD gypsum," he said.

Since the EPA-USDA partnership began in 2001, farmers' use of the material has more than tripled, from about 78,000 tons spread on fields in 2002 to nearly 279,000 tons last year, according to the American Coal Ash Association, a utility industry group.

About half of the 17.7 million tons of FGD gypsum produced in the United States last year was used to make drywall, said Thomas Adams, the association's executive director. But he said it is important to find new uses for it and other coal wastes because the United States will probably rely on coal-fired power plants for decades to come.

"If we can find safe ways to recycle those materials, we're a lot better off doing that than we are creating a whole bunch of new landfills," Adams said.

Free kits offered to encourage residents to test homes for radon (*Amador Ledger-Dispatch*)

Wednesday, December 23, 2009
By News release
Amador County Department of Environmental Health is offering residents a limited number of free radon test kits during the month of January - National Radon Action Month.

Fifty free test kits to test homes or buildings for radon will be available on a first come, first served basis.

The Amador County Environmental Health Department is working with the U.S. Environmental Protection Agency, which is conducting a nationwide campaign to educate Americans about the dangers of radon exposure and to encourage them to take action to protect their homes and families. Because of the widespread occurrence of granite in Amador County there is a higher probability of having elevated radon levels compared to other locations.

Radon is a naturally occurring, invisible, odorless, tasteless gas that is harmless when dispersed in outdoor air but can reach harmful levels when trapped in buildings.

Scientists have long been concerned about the health risk of radon, but there is now overwhelming proof that exposure to elevated levels of radon causes lung cancer in humans. EPA estimates that radon is responsible for more than 20,000 lung cancer deaths per year. Radon is the second leading cause of lung cancer in the U.S., after smoking, and the leading cause of lung cancer among non-smokers.

"However," said Dr. Bob Hartmann, Amador County public health officer, "because you can't see or smell radon, people tend to downplay the health effects and ignore the possibility that there might be a silent killer in their homes."

Testing homes for elevated levels of radon is simple and inexpensive. Radon problems can be fixed by qualified contractors for a cost similar to that of many common home repairs such as painting and roof repair. Though one might be tempted to estimate the probability of encountering elevated radon in their home based on test results of other homes in their area, the only way to know for sure is to test, because it truly is a house-to-house issue. The purpose in providing free and low-cost testing is to encourage everyone to test.

In addition to the free test kits available through the Amador County Environmental Health Department, during January, radon test kits can be purchased through the California Department of Public Health Indoor Radon Program for $5.

The Amador County Environmental Health Department urges residents to take action during this year's National Radon Action Month by testing their homes for radon and eliminating this serious threat to the community's health.

To obtain a free radon test kit (supplies limited), contact Amador County Environmental Health Department at 223-6439. For more information on radon, ordering the $5 test kit, mitigation and radon-resistant new construction, call the California Department of Public Health Indoor Radon Program at (916) 449-5674 or visit http://cdph.ca.gov/radon or EPA's National Radon Action Month Web site at www.epa.gov/radon/nram.

WATER

==========

Seeking EPA's help (*Newsday*)

New York
December 23, 2009 Wednesday
ALL EDITIONS
NEWS; Pg. A19
BY: Jennifer Smith
The Nature Conservancy has spent millions trying to revive hard clams in the Great South Bay. Now the conservation group wants to get the bay declared an "impaired waterbody" because of harmful algae such as brown tide. The designation that could funnel federal dollars to study troubling changes in the bay's ecosystem.

The federal **Environmental Protection Agency** maintains a list of rivers, lakes and estuaries with substandard water quality. "Without the listing, the **EPA** can't spend any money," said Carl LoBue, a marine biologist with the group.

This fall, LoBue asked the state Department of Environmental Conservation to recommend the Great South Bay for the list, citing nitrogen pollution that spurs blooms of algae. The agency is expected to respond to the request this winter, he said.

Environmentalists Back EPA In Challenge To Rare Wetlands Permit Veto (*Inside EPA*)

Environmentalists are officially backing EPA in a high-profile legal challenge to the agency’s rare veto of a U.S. Army Corps of Engineers project in the Mississippi Delta, where local officials and the state’s senators claim the project qualifies for a waiver from EPA vetoes under the Clean Water Act (CWA).

The case, *Board of Mississippi Levee Commissioners v. EPA*, in the U.S. District Court for the Northern District of Mississippi, tests whether the agency submitted an environmental report in 1983 that would prevent EPA from vetoing the Corps project.

At issue is an Aug. 31, 2008, decision by EPA to exercise its rarely used authority under CWA section 404(c) to veto the proposed Mississippi Delta flood control project known as the Yazoo Backwater Pump Project, which Congress authorized in 1941. EPA has asserted that the project would damage over 67,000 acres of wetlands and puts the needs of agriculture above the needs of the environment and people's homes. The decision is based on EPA's determination that the dredge-and-fill material from the planned project would damage wildlife in the area.

While broad coalitions of environmentalists have long supported EPA's efforts, three groups intervened on the case Nov. 23, joining the agency in its efforts to fight back the Levee board's attempt to have the project reinstated. In an unopposed motion to intervene, the Mississippi Wildlife Federation, National Wildlife Federation, and Environmental Defense Fund "assure the Court that they have no intention of filing irrelevant or redundant briefs."

The levee board and Mississippi's senators -- who raised the issue in a letter last year to then-Assistant Secretary of the Army for Civil Works John Paul Woodley Jr. -- argue that the Corps submitted documents to Congress in 1983 that shows the project qualifies for a waiver from EPA vetoes under section 404(r) of the water act.

In a preliminary response, EPA Oct. 16 denied these claims, which were also made in the levee board's court filing. EPA has previously said that it was aware of the transmission of a 1982 environmental impact statement (EIS) for the project prior to issuing the veto, but the agency and environmentalists say the documents do not comply with the conditions in section 404(r) because the 20-year-old submission letters do not mention section 404(r), as required by a then-relevant 1980 White House Council on Environmental Quality guidance document. They say the transmission also refers to documents that are not final and the EIS referenced is not appropriate to the project.

Prior to EPA's veto, a broad coalition of environmental groups targeted the agency to encourage the veto. In December 2007, environmentalists said the project would drain wetlands that federal taxpayers have already paid to protect. Others cited possible negative impacts to the surrounding habitat, which they charge could seriously harm fishing and hunting in the Yazoo backwater area.

"There's no way this project is a plus for the environment," Melissa Samet of American Rivers said in 2007. She noted that EPA has only vetoed 11 wetlands permits in the history of the CWA, but said this project merited a veto. This project will have "all kinds of hydrologic implications, including recharge of groundwater aquifers that supply drinking water," she said.

And in a Dec. 10, 2007 letter, 541 wetland and aquatic scientists and professionals noted substantial doubt that any mitigation approach undertaken by the Corps would be sufficient. The letter added that the conservation easement plans by the Corps would be equal to “far less than one acre of land for each acre of wetland drained, with no requirement to implement hydrological modifications or to otherwise ensure that the purchased lands are in fact wetlands.”

EPA Seeks Comment on Water Losses Guidance (*Environmental Protection Magazine*)

Dec 23, 2009
The U.S. Environmental Protection Agency recently posted for public comment a draft version of "Control and Mitigation of Drinking Water Losses in Distribution Systems." The guidance document is designed to assist small public water systems in controlling losses of drinking water in water distribution systems. It is part of the Office of Ground Water and Drinking Water's (OGWDW) efforts to support public water system sustainability.
The draft document provides guidance on:
Water loss control programs.
Water metering
Water audits
Leak detection
Operation maintenance and preventative measures to control water losses.
The document can be viewed or downloaded from the OGWDW home page at www.epa.gov/safewater/index.html. To submit comments, send them to Michael Finn, Finn.Michael@epa.gov in the Office of Ground Water and Drinking Water by Feb. 1, 2010.

NYC says Catskill gas drilling risks are too great (*Associated Press*)

Story also appeared: *Washington Post*

By MARY ESCH
The Associated Press
Wednesday, December 23, 2009; 7:31 PM
ALBANY, N.Y. -- New York City's Department of Environmental Protection called on state officials Wednesday to ban natural gas drilling in the Catskills watershed, saying it would pose too great a risk to the city's upstate drinking water system.

The DEP took that position in response to the state Department of Environmental Conservation's draft regulations on gas drilling in New York's portion of the Marcellus

Shale region, which includes parts of the Catskills where reservoirs supply drinking water for 9 million people.

The state is taking public comments on its 800-plus page draft until Dec. 31. The city DEP had withheld comment pending its own lengthy review of the potential risks of gas exploration using hydraulic fracturing, which blasts millions of gallons of chemical-laced water deep into the shale to release trapped gas.

Chesapeake Energy, one of the nation's largest natural gas producers and the only leaseholder in the watershed region, has said it won't drill there because of opposition from politicians and environmental groups. But opponents have continued to call for a ban, saying the company's word isn't good enough.

"Based on the latest science and available technology, as well as the data and limited analysis presented by the New York State Department of Environmental Conservation, high-volume hydrofracking and horizontal drilling pose unacceptable threats to the unfiltered fresh water supply of 9 million New Yorkers," acting DEP Commissioner Steven Lawitts said in a prepared statement.

The city has a waiver from the U.S. Environmental Protection Agency that allows it to draw water from its upstate reservoirs without filtration. The city has spent about $1.5 billion to protect the water supply since 1997 and says it would cost at least $10 billion to build a filtration plant if the water supply were to become contaminated.

The Marcellus Shale formation runs through parts of West Virginia, Ohio, Pennsylvania, and New York. It underlies about 18,700 square miles in southern New York, including the city's entire 1,585-square-mile watershed west of the Hudson River.

The risks cited by the DEP's consulting team include:

-The infrastructure needed to support as many as 3,000 to 6,000 wells would result in millions of truck trips, thousands of acres of site clearing and grading, millions of tons of fracking chemicals, and millions of tons of contaminated wastewater.

-Chemicals injected into deep rock formations can travel for miles along underground fissures to groundwater and ultimately streams that feed reservoirs.

-High-volume hydraulic fracking could damage the city's water supply infrastructure, especially underground water tunnels.

The city also faults the state's document for not analyzing cumulative impacts of the industrial development necessary for drilling and not sufficiently addressing public health concerns.

"We appreciate the input from NYCDEP," said DEC spokesman Yancey Roy. "At this time we are still taking input from the public, and it would not be appropriate to respond to specific comments."

Landowner groups hoping to make millions of dollars from gas leases were frustrated with the city's call for further delays or a ban on drilling. Gas exploration in New York's part of the Marcellus Shale has been on hold for more than a year while the state drafted the new regulations.

Dan Fitzsimmons, leader of a Binghamton-area landowner coalition, pointed out the economic benefits of natural gas production such as low natural gas prices and energized trading on Wall Street. He said the state's regulatory proposal provides adequate safeguards.

Feds release new plan to revive California delta (*Associated Press*)

Story also appeared: *Washington Post*

By GARANCE BURKE
The Associated Press
Wednesday, December 23, 2009; 10:40 AM
FRESNO, Calif. -- Senior Obama administration officials released a new action plan Tuesday aimed at bolstering the federal government's role in solving California's water crisis and restoring the vast freshwater estuary that provides drinking water to millions of households.

Interior Secretary Ken Salazar said six federal agencies would make it a top priority to study the factors harming fish, boost water deliveries to cities and croplands and supply drought aid to farmers.

The collapse of the Sacramento-San Joaquin Delta has caused native fish species to plummet, and a three-year drought coupled with restrictions on water deliveries have led to unemployment and economic distress in the state's farm belt and fisheries.

"The California water crisis is a full-blown crisis that requires all hands on deck to help those who are suffering," Salazar said. "We are moving aggressively to do our part."

In September, Salazar held a hearing about the state's water woes in Washington, where federal officials pledged to address the ongoing shortages and come up with an interim plan focused on the region's most pressing environmental and water supply problems.

The six agencies will coordinate with state authorities to restore the ecosystem - considered one of the most vital wildlife habitats on the West Coast - and speed the flow of water through state and federal canals south of the delta, officials said.

They also will support efforts to overhaul the state's antiquated water system as laid out in a $11.1 billion package of water bills passed by the state legislature last month. Now that Gov. Arnold Schwarzenegger has signed the legislation, the bond measure to fund it will go before voters in November for final approval.

In recent years, legal battles over dwindling supplies have interrupted and reduced irrigation flows to the fertile San Joaquin Valley and Southern California homes, once federal officials determined that the giant pumps sending water south were grinding up native fish.

As part of the new plan, the Environmental Protection Agency will study other factors that also may be harming the ecosystem, including invasive species, sewage overflows and degraded wildlife habitat.

"There are no shortage of stressors out there," EPA fish biologist Bruce Herbold said. "Farming communities near the delta use hundreds of chemicals, and Stockton and Sacramento are two of the fastest-growing cities, so we want to look at all those potential pollutants and find out what's actually affecting the fish."

December 24, 2009

MDE test: Material at Berlin farm not chicken litter (*Bethany Beach Wave*)

By Jenny Hopkinson
Staff Writer
OCEAN CITY -- The Maryland Department of the Environment has tested material on a Berlin farm at the center of a pending federal lawsuit and deemed it to be intensively treated sewage that is used as fertilizer.

During a visit to the farm of Alan and Kristin Hudson, MDE inspectors found that the material consisted of class A biosolids, said spokeswoman Dawn Stoltzfus, and not chicken manure, as has been alleged by Waterkeepers Alliance and the Assateague Coastkeeper.

"Individuals do not need a permit to use it under state and federal regulations," she said. "It's considered fertilizer."

Whether the material is biosolids or animal waste, if it is leaching nutrients into nearby waterways, the penalties are the same, Stoltzfus said.

"What matters is any possible polluted runoff -- not the source," she said. "Sewage sludge and chicken litter are similar in terms of water quality impacts."

By Maryland law, anyone illegally discharging pollutants can be fined up to $10,000 per day. About 80 percent of the pile on the Hudson farm has been taken to the landfill by MDE to stop any further discharge, Stoltzfus said, and the investigation into nearby water quality is ongoing.

In laying groundwork for a lawsuit against the Hudsons and Perdue Farms Inc., which processes the farm's chickens, the environmental watchdog groups had referred to the material specifically as an "uncovered manure pile" and said they would sue because "discharges from manure piles are illegal."

But even after the MDE finding, Assateague Coastkeeper Kathy Phillips said she was still appalled that treated human sewage was being used as fertilizer and stored uncovered.

"Our initial assumption was that the only manure problem polluting Maryland waterways and endangering human health at the facility was related to chickens," Phillips said. "It now appears that the 'off the charts' readings we detected for fecal coliform likely are also related to the human waste that Perdue has acknowledged is being shipped into the site and stored in an unsafe manner."

"(Water tests downstream from the farm show) dangerously high levels of bacteria and high levels of nitrogen, phosphorous, ammonia and arsenic," she said. "If it's not coming off the biosolids, it's coming off something else on that farm."

Perdue pointed to the MDE finding as proof that the pending lawsuit is without merit. The company is now considering "all legal options" against the environmental groups because of their "reckless and irresponsible charges," said spokesman Luis Luna.

Luna said the environmentalists have a mistaken belief that Perdue directs farm operations.

"Farmers make their own decisions about how to manage nutrients on their land," he said. "The Waterkeepers neither understand nor choose to understand how farming works."

The Hudsons have not been reachable for comment.

The Berlin farm receives biosolids from the Ocean City wastewater plant, as do many other farms in the area, Ocean City officials say. According to the Environmental Protection Agency, using them as fertilizer is safe "when practiced in accordance with existing federal guidelines and regulations."

The Hudsons and Perdue have 60 days to reach a resolution with Waterkeepers before a lawsuit can be filed in federal court.

jhopkinson@dmg.gannett.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.

****