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

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ADMINISTRATOR JACKSON

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May 6, 2010

Coal Ash In EPA's Sights (*Wheeling News Register*)

Agency proposes strict regulations on disposal methods
By KEF O. HOWARD
MOUNDSVILLE - The Environmental Protection Agency is proposing guidelines that would place tighter restrictions on coal ash waste disposal methods throughout the United States.

The EPA released a 563-page study Tuesday outlining the "first-ever national rules to ensure the safe disposal and management of coal ash from coal-fired power plants." Coal ash is a byproduct of the combustion of coal at power plants and it is often disposed of in liquid form at large surface impoundments and in solid form in landfills.

According to the EPA website, coal ash contains contaminants such as mercury, cadmium and arsenic, which are associated with cancer and various other serious health effects.

"The time has come for common-sense national protections to ensure the safe disposal of coal ash," said EPA Administrator Lisa P. Jackson. "We are proposing strong steps to address the serious risk of groundwater contamination and threats to drinking water."

The agency is proposing two options, named Subtitle C or Subtitle D:

- Subtitle C is a much stricter proposal that would allow state and federal officials to enforce the new requirements, which include a plan to ultimately phase out the use of new surface impoundments.

- Within the Subtitle D proposal, the EPA's role would be much more limited, allowing enforcement only through "citizen lawsuits."

Under both proposals, companies will be required to place "liners" beneath all coal ash impoundments.

The EPA also will continue to encourage the use of coal ash for recycling under both plans, instead of placing it in impoundments and landfills. Large quantities of coal ash are currently recycled and used in concrete, cement and wallboard.

According to American Electric Power spokeswoman Melissa McHenry, there is concern about how the proposed plans will affect recycling and customer costs in the future.

"The EPA has proposed two options, and we are still reviewing both," said McHenry. "AEP does support regulation under Subtitle D and agree with regular water monitoring and inspections. We believe the impact on customer costs would be less under Subtitle D.

"Under provision C, coal ash would be labeled a hazardous material and companies would be required to move the contents of their surface pond to landfills within five years," McHenry added. "Our concern would be that this would decrease recycling and opportunities for beneficial use of the coal ash."

Currently, about 50 percent of coal ash is recycled into usable products, McHenry said.

In August 2009, the EPA rated 49 coal ash disposal facilities as "high hazard" sites.

The American Electric Power Conner Run Dam, located off W.Va. 2 south of Moundsville near the Kammer-Mitchell Plant, was one of the sites given a "high hazard" rating.

According to a report released by the National Inventory of Dams, high hazard dams are those dams located where failure may cause loss of human life or major damage to dwellings, buildings, public utilities or highways.

In December, the EPA released a report stating the "Connor Run Dam and its ash impoundments were structurally sound and in satisfactory condition."

AEP operates 40 "earthen dam impoundments" across the country that are used to store cooling water, fly ash and bottom ash from its coal-fired power plants. According to the company's website, AEP annually consumes an estimated 77 million tons of coal. In 2006, 1,372,687 pounds of coal combustion waste was released to AEP surface impoundments.

CHATTANOOGA, Tenn. May 4, 2010

EPA Rethink of Coal Ash Triggers Backlash (*Associated Press*)

Story also appeared: *CBS News*

Agency Seeks to Regulate Ash and its Disposal as "Special Waste" Product

AP) The Environmental Protection Agency on Tuesday proposed regulating coal ash, possibly as a kind of hazardous waste, while phasing out wet storage impoundments. It would allow coal byproducts to be used in concrete, wallboard and other building materials.

EPA Administrator Lisa Jackson said one proposed option would regulate the ash and its disposal as "special waste" under the hazardous waste section of the federal Resource Recovery and Conservation Act. The other would regulate it in the non-hazardous waste section of the law.

Jackson said power plant coal ash, which contains arsenic, cadmium, chromium, mercury, selenium and other substances defined as hazardous, has never before been regulated federally.

"Both proposals reflect a major step forward," she told reporters in a telephone conference call.

The announcement came 16 months after a huge coal ash spill at the Tennessee Valley Authority's Kingston Plant west of Knoxville.

An EPA statement said one proposed option would have EPA enforce compliance with waste management and disposal and the other would set performance guidelines to be "enforced primarily through citizen suits."

The statement said either proposal will "ensure for the first time that protective controls, such as liners and groundwater monitoring, are in place at new landfills to protect groundwater and human health. Existing surface impoundments will also require liners, with strong incentives to close the impoundments and transition to safer landfills, which store coal ash in dry form."

Jackson said EPA would hold hearings and seek public comment for 90 days but gave no timetable for a decision.

TVA is in the midst of a projected $1.2 billion cleanup of a total of 5.4 million cubic yards of ash that breached an earthen dike and spilled into and around the Emory River in December 2008, a disaster that Jackson said brought such impoundments and their potential dangers to national attention.

Barbara Martocci, a spokeswoman for the nation's largest public utility, said EPA's proposed regulations were being reviewed. She said TVA last year announced plans to convert wet ash impoundment to dry and to only use facilities with liners and systems to collect drainage.

TVA has been sending dredged coal ash from the spill to an Alabama landfill that has a liner and collects any drainage before hauling some of it in tanker trucks to wastewater treatment facilities.

Martocci said she could not comment about any prospective impact on TVA's long-term cost of cleaning up its ash spill.

Critics: Coal Ash Still a Health Risk

Matt Landon of United Mountain Defense, said in an e-mail statement that coal ash will always pose a risk to human and environmental health because of unsafe levels of heavy metals.

"EPA should stop ignoring the impacts to air quality from toxic coal fly ash and should classify it as a hazardous waste based on its heavy metal content and particle size," Landon said. "It is ridiculous that EPA is proposing new regulations of toxic coal fly ash that would only be enforced through citizen suits which puts an unfair burden on coal impacted communities to force the federal government to do its job."

Federal damage lawsuits related to the spill have been filed, but a judge has ruled that TVA is not liable for punitive damages.

Speakers at a Tuesday conference of dam safety experts in Charleston, W.Va., had cautioned in advance of EPA's announcement that regulating the ash as a hazardous waste would be the more daunting scenario for utilities and other industry stakeholders.

Neil Davies, an engineer with Geosyntec Consultants who led the conference discussion, said after EPA outlined its proposal that either version would spell the end for pond-like impoundments and wet storage methods.

"You'd have to remove the material, line it and then put it back," Davies said.

Davies and William Walton, another conference speaker, also called key the EPA's decision to allow the continued use of coal ash in concrete, wallboard and other products.

"They've acknowledged that fly ash has a role in beneficial re-use," said Walton, an engineer with the AECOM firm who has helped investigate the Kingston spill.

NRDC calls for atrazine ban (*Illinois Farm Bureau*)

Wednesday, May 05, 2010

A report released Tuesday by the Natural Resources Defense Council points to new scientific evidence and updated monitoring as reasons for the Environmental Protection Agency to ban the herbicide atrazine.
In its press release, NRDC buried its call for a ban on atrazine in the second to last paragraph.
"Given the pesticides limited economic value and the fact that safer agricultural methods can be substituted to achieve similar results, NRDC recommends phasing out the use of atrazine, more effective atrazine monitoring, the adoption of farming techniques that can help minimize the use of atrazine to prevent it from running into waterways," the NRDC news release stated.
The American Farm Bureau Federation is committed to ensuring that atrazine continues to be available to farmers. In a Feb. 1 letter to EPA Administrator Lisa Jackson, AFBF President Bob Stallman urged Jackson to support Farm Bureau's efforts to insure the availability and use of atrazine.
More details on this story and other breaking news can be found at FarmWeekNow.com or via your mobile phone at mobile.ilfb.org.

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Lake Charles, Louisiana Melancon to Tour Coast with Local Officials by Boat (*KPLC-TV*)

Posted: May 05, 2010 8:48 AM EDT Wednesday, May 5, 2010 8:48 AM EST Updated: May 05, 2010 8:48 AM EDT Wednesday, May 5, 2010 8:48 AM EST

Congressman Charlie Melancon (LA-03) will tour the coastal marsh around St. Bernard Parish today via sheriff's office boat to view the work of local fishermen to protect their fishing grounds from the oil leak and spill. St. Bernard Parish President Craig Taffaro and Councilman-at-Large (East) Wayne Landry will join Congressman Melancon on the tour. They will inspect the boom laid so far by the volunteer boat captains and discuss the containment and clean-up efforts.

Congressman Melancon represents St. Bernard Parish and most of coastal southeastern Louisiana in the U.S. Congress. Last Saturday, Congressman Melancon traveled to St. Bernard Parish to meet with commercial and recreational fishermen involved in the oil leak containment and clean-up work. While in the Parish, Congressman Melancon also met with Environmental Protection Agency Administrator Lisa Jackson, St. Bernard Parish President Craig Taffaro, St. Bernard head of the Office

of Homeland Security and Emergency Preparedness John Rahim, and other local, state and federal officials to evaluate current efforts to minimize damage to Louisiana's fragile coastal marshes and fishing grounds.

Congressman Melancon has been leading efforts in Louisiana to coordinate the federal and local response to the oil leak caused by the April 20th explosion on the Deepwater Horizon oil platform. Last Saturday he traveled to St. Bernard Parish to meet with commercial and recreational fishermen involved in the oil leak containment and clean-up work. He also met with Environmental Protection Agency (EPA) Administrator Lisa Jackson and St. Bernard Parish President Craig Taffaro to evaluate current efforts to minimize damage to Louisiana's fragile coastal marshes and fishing grounds.

Last Friday, Congressman Melancon traveled to lower Plaquemines Parish to meet with NOAA Administrator Jane Lubchenco to discuss how to minimize the impact of the oil leak on Louisiana's vital fishing industry. Earlier this week, the Congressman contacted the Secretary of Commerce and the head of NOAA's Fisheries Service urging them to prepare to direct disaster funding to Louisiana's commercial and recreational fishermen. In his letter, Congressman Melancon noted that the oil intrusion resulting from the Deepwater Horizon oil rig disaster would likely damage the fragile habitats on which Louisiana's fishermen, oystermen, and shrimpers depend.

Last Friday, Congressman Melancon also toured by coast guard plane the oil sheen in the Gulf of Mexico caused by the Deepwater Horizon oil rig disaster with two Cabinet secretaries and the head of the EPA. Following the tour, the officials met with the head of BP and state and local officials involved in the response effort.

The administration visit followed a Wednesday request from Congressman Melancon that Homeland Security Secretary Janet Napolitano and Interior Secretary Ken Salazar immediately review the current response and containment efforts to the oil rig leak. In his letter, Congressman Melancon urged the Cabinet secretaries to evaluate how the containment and clean-up efforts could be accelerated in prevent the oil from damaging Louisiana's fragile coastline and fishing grounds.

The Deepwater Horizon platform was located 50 miles off the coast of Louisiana's Third Congressional District.

EDITORIAL / OP-ED / COMMENTARY / LETTERS

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Bradley Blakeman
- FOXNews.com
    - May 05, 2010
    -

Oil Spill Proves It's Obama Who Is All Hat and No Cattle (*FOXNews*)

The Obama administration was slow to react to the Gulf oil spill. And while there's been lots of talk,we're awfully lacking in real action.

There are rumblings that Obama's handling of the BP oil disaster could turn out to be his "Katrina."

Here's what the Washington Post's Michael Shear wrote:

> "The administration is well aware that the president's campaign victory was built in part on a belief among voters that he would do a better job at responding to disasters like Hurricane Katrina than did President Bush." He goes on to say that the disaster has left "the political effect on Obama's offshore drilling plan and broader climate change agenda uncertain. ... The accident in the gulf may provide more firepower for the critics on the left who for years have lobbied presidents and Congress to keep in place federal moratoriums on further offshore exploration."

And this is what Washington Times reporter Joseph Curl said:

> "The rapidly expanding environmental catastrophe caused by the oil spill off the coast of Louisiana is presenting a growing political challenge to the Obama White House, with Mr. Obama and his aides at pains to defend the response and forestall comparisons to the Hurricane Katrina crisis."

On April 20, 40 miles off the coast of the mouth of the Mississippi River there was an explosion on an oil rig owned and operated by BP Oil. After the explosion it was reported that the rig was spewing 1,000 barrels of oil a day and the administration was relying on the information and assurances from the oil company that they could contain the oil and repair the damage.

A few days later, a huge holding tank containing oil broke off from the rig and sunk. Thereafter, the administration said that in fact that the rig was not leaking 1,000 barrels of oil a day it was leaking 5,000 barrels a day into the Gulf of Mexico.

For 9 days after the initial explosion the president remained silent. His administration relied on BP to respond instead of swinging into action with every asset available to insure a rapid, necessary and proper response. The administration's immediate response was to state that this was BP's problem and that they would be held accountable for any and all damages that flowed from their accident.

The president waited more than a week after the explosion to send his Homeland Security Secretary Janet Napolitano, Interior Secretary Ken Salazar and EPA Administrator Lisa Jackson to the region to coordinate a federal response. But, where was the military?

Unlike Katrina which was a stand-off in response among federal, state and local authorities as to who should do what, what was needed and when, here there is no question as to who should take the lead. The federal government has absolute and superior jurisdiction in this incident. That being the case they should have taken charge immediately.

This week when it was clear that the administration was taking heat for a slow and flat footed response to the BP disaster, the White House spin machine went into action and put forth talking points that encouraged officials to parrot the following in defense of their response:

"That's why the federal government has launched and coordinated an all-hands-on-deck, relentless response to this crisis from day one." -- *President Obama*.

"We had [Defense Department] resources there from Day One. This was a situation that was treated as a possible catastrophic failure from, from Day One," Homeland Security Secretary Janet Napolitano said Sunday on NBC's "Meet the Press."

"From day one, there has been the assumption here on the worst-case scenario," -- *Interior Secretary Ken Salazar*, CNN's "State of the Union."

"The most important thing is from Day One we stood corralling resources from a worst-case scenario working back," -- *Coast Guard Admiral Mary Landry*.

It is now crystal clear that the magnitude of this oil spill could be the most damaging oil spill in history, dwarfing even the Exxon Valdez oil tanker spill. Environmentalists, oceanographers, and economists agree that this spill will have a devastating impact on marine life, and local economy's dependent on fishing, boating, recreation and tourism.

After Katrina, Democrats in criticizing Bush's response said that no one could have blamed Bush for a rapid and overwhelming federal response even if after the fact the response was not necessary. Where is that same accountability by Democrats to the federal response to the BP oil disaster?

The Obama response was not "overwhelming" and the administration made a choice initially to rely on BP instead of an "all hands on deck," "response from day one" from the federal government.

This president is a man of thought but NOT of action. His inactions with regard to the BP oil spill are similar to his response to the foiled Christmas day bombing aboard a Northwest jet over Detroit. While vacationing in Hawaii he delegated is initial response to his press secretary. He personally waited 3 days before making a statement about the first act on terror on American soil since 9/11. Immediately after the incident, his Homeland Security Secretary initially downplayed the incident. She refused to label it a terrorist act and initially stated that the man acted alone. --Later of course we knew that this was in fact a coordinated terrorist attack linked to Yemeni Al Qaeda.

In these times, we need a president who is not afraid to act. We need a leader who actually takes an "all hands on deck" approach to disasters "from day one."

Bradley A. Blakeman served as deputy assistant to President George W. Bush from 2001-04. He is currently a professor of Politics and Public Policy at Georgetown University and a frequent contributor to the Fox Forum.

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AIR

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The Economic Punishment Agency (*Mackinac Center*)

By Tom Gantert | May 6, 2010

If President Obama can't get his controversial "cap and trade" energy legislation passed, some experts feel he'll turn to the Environmental Protection Agency to get the same results.

The concern over the growing power of the EPA was the focus of a forum last week in during the "Defending the American Dream" summit in Clarkston.

Keynote speaker Sarah Palin said that EPA stood for "Economic Punishment Agency."

Others talked about the EPA's growing power since it ruled carbon dioxide was a pollutant last year. The EPA can control through the Clean Air Act how much carbon dioxide is emitted.

Cap and trade legislation refers to the government controlling emissions which are tied to energy production. Companies would be allowed a certain level of emission and then have to purchase or trade for the ability to exceed their limit.

President Obama told a San Francisco newspaper that under cap and trade electricity rates would "necessarily skyrocket" and "that if someone wants to build a coal power plant, they can, it is just it will bankrupt them because they're gonna be charged a huge sum for all that greenhouse gas that is being emitted."

But cap and trade legislation has died, according to an analysis by the New York Times.

Now, free enterprise supporters fear President Obama may go the route of the EPA to get his agenda enacted.

Tim Phillips, national director of Americans for Prosperity, said when he was in Copenhagen, one of the most chilling things he heard came from Lisa Jackson, administrator of the EPA.

Phillips said that Jackson, an Obama appointee, said the EPA would "transform the way the American economy works."

EPA officials said Jackson's quote was, "As a start, we are working to revitalize and refashion the U.S. economy for the low-carbon, clean energy future."

Cathy Milbourne, a spokeswoman for the EPA, said the agency wouldn't comment on pending legislation. The EPA provided Jackson's comments at the Copenhagen summit.

Dave Hamilton, director of global warming and energy programs for the Sierra Club, said critics can't say the EPA is not following proper procedure.

Hamilton said the Clean Air Act was a "very Congressionally prescribed process."

"The EPA is simply working with a very prescribed method to deal with new pollutants," Hamilton said. "The whole 'EPA is subverting the will of Congress' is complete fiction. The idea that the EPA is going wild is completely deceptive."

Chris Horner, a senior fellow at the Competitive Enterprise Institute in Washington, D.C., said cap and trade legislation will drive jobs to other countries that "overwhelmingly" reject that agenda and would have no impact on the climate.

"We don't need to be fundamentally transformed," Horner said.

Horner contended that carbon dioxide is not a pollutant.

"Try living without it," Horner told a forum crowd on Saturday. "It's plant food."

Russ Harding, director of the Mackinac Center for Public Policy's Property Rights Network, said he didn't think the EPA regulations could survive.

"EPA's attempted regulation of CO2 by using the Clean Air Act will result in a regulatory stranglehold over the American economy," Harding wrote in an e-mail. "Small businesses and even individuals will be drawn into the CO2 regulatory net driving up costs and reducing the competiveness of American companies. As bad as EPA regulation of CO2 is - it is still preferable to Cap and Trade legislation. If Cap and Trade legislation becomes law it will be difficult to get rid of it. EPA regulation of CO2 will collapse under its own bureaucratic weight."

Groups challenge EPA over permits for Shell wells in Alaska (*Greenwire*)

05/05/2010)
Conservation groups and Alaska natives have filed challenges against U.S. EPA over clean air permits granted to Shell Oil Co. for exploratory wells in the Beaufort and Chukchi seas.

One of the appeals filed Monday charged that the permits will allow a Shell drill fleet to emit pollutants off Alaska's north and northwest coast, endangering the native Inupiat people and wildlife. The groups want Shell to use only the best available technology on its drilling ship and seven or eight support vessels. According to the appeal, the drilling will produce more than 1,000 tons of nitrogen oxides per year, as well as hundreds of tons more of fine particulate.

Shell Alaska spokesman Curtis Smith said the company believes the permits will not be overturned. The company independently decided to give its drilling ship the best emissions control technology. The EPA permit also requires the ships to use ultra-low-sulfur diesel fuel, which Smith said "means Shell is not only meeting emissions requirements for operating in the Arctic, but far exceeding them."

Mark MacIntyre, an EPA spokesman, said the agency had not yet seen the appeals and would not comment.

Shell is hoping to drill three exploratory wells in the Chukchi Sea this year (Dan Joling, AP/*Los Angeles Times*, May 4). **-- JP**

EPA to resolve Navistar lawsuit by reviewing engine guidelines (*Greenwire*)

(05/05/2010)
Truck manufacturer Navistar International Corp. said yesterday that it agreed to drop a legal challenge to U.S. EPA after the agency said it would review its usage guidelines for diesel truck engines.

The out-of-court settlement would conclude a federal lawsuit alleging that the agency ignored its own rules and procedures by allowing Navistar's competitors to use an engine technology that might not comply with stricter standards for nitrogen oxide in diesel exhaust. Navistar filed the lawsuit last year in the U.S. Circuit Court of Appeals for the District of Columbia, claiming that the agency's approval of engines using selective catalytic reduction, or SCR, was inadequate because it failed to consider the possibility that the technology might fail to reduce nitrogen oxide emissions as intended.

"We are pleased with this agreement," said Jack Allen, president of Navistar's North American truck business, in a statement. "We believe that, with full and open public participation, EPA will develop a new approach that will result in equal enforcement of the 2010 nitrogen oxide requirements for all engine makers."

EPA will now conduct hearings to review its guidelines, though the agency did not commit to revisions. Because Navistar is the only North American commercial truck manufacturer that does not use SCR technology, industry analysts said they believe the settlement could affect diesel truck engines on the road as soon as next year.

"I think [the guidelines] will tighten up," said Walt Liptak, an analyst at Barrington Research Associates Inc. "The pendulum is definitely swinging toward Navistar."

A Justice Department spokesman said the settlement will take effect pending public comments and approval by EPA. In the settlement, the agency said it intends to "ensure that SCR-equipped heavy-duty diesel engines are designed to properly control emissions as required under applicable regulations" (Bob Tita, *Wall Street Journal* [subscription required], May 4). **-- GN**

Navistar Drops SCR Suit After EPA Okays Workshop (*Greenwire*)

May 05 2010 11:15 AM by rgough

Navistar, the lone hold-out against adoption of Selective Catalytic Reduction (SCR) technology in the U.S., dropped its lawsuit against EPA in exchange for the agency's promise to hold a public workshop or hearing to address its concerns.

The engine maker voiced concerns over the way EPA okayed SCR as a means of achieving National Ambient Air Quality Standards for NOx. SCR systems use Diesel Exhaust Fluid (DEF) to cleanup diesel emissions. Navistar has favored Exhaust Gas Recirculation along with carbon credits to achieve the same result.

At the heart of Navistar's complaint, was the fact that in March 2007, EPA had reversed an earlier finding that urea SCR would not adequately meet its 2007 and 2010 NOx reduction goals since the infrastructure for distributing DEF was not yet established and there were concerns about being able to run SCR engines without drawing on DEF.

EPA now agrees to hold a public forum on Navistar's concerns.

Recently, Navistar dropped a challenge to the California Air Resources Board's certification of SCR on similar grounds.

--Robert Gough, rgough@opisnet.com

Truckers Want DOT to Regulate Their Industry, Not EPA (*gas2.0*)

Written by Christopher DeMorro
Published on May 5th, 2010

Posted in Freight, Infrastructure

The trucking industry has undoubtedly been hit hard by the recession. First, high fuel prices gobbled up their profits in the highly-competitive field when diesel prices surged to $4 a gallon. Then as the recession set in, people bought less and thus there was less cargo to go around. That means less work. Now, just as the economy seems ready to turn a corner, truckers have a new challenge to overcome; the Environmental Protection Agency.

Two truck organizations, the American Truck Dealers Association and the Owner-Operator Independent Drivers Association penned a letter to Department of Transportation Secretary Ray LaHood asking his agency to regulate the trucking industry, not the EPA. But why?

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>> Don't forget to: Sign up for our electric car interest list.

It all comes down to economics. Several greenhouse gas emissions capping bills currently sitting in Congress would transfer regulation of the medium-to-large truck industry from the DOT to the EPA. The problem, as truckers see it, is that the EPA would have to regulate greenhouse gas emissions from "work trucks" between 8,500 and 10,000 pounds without taking into account the effect on the economy. As it is, large trucks have very lax emissions standards, and no fuel efficiency standards whatsoever. But consider that a fully loaded truck gets about 5 mpg, hauling tens of thousands of pounds of cargo, and you have to step back and wonder what kind of solutions are possible at this juncture. Whatever the solution though, new big rigs are going to cost more money by 2016, when the regulations are due.

Electric work trucks are decades away. Hybrids might be closer, but they would have to be exceptionally tough hybrids. I think a hybrid truck that relied on diesel engines on the highway and with a trailer specially designed to carry a few extra batteries for quiet, clean city driving might one day be possible. Yet there are even simpler solutions to lessening how much gas big rigs use, like eliminating the need for trucks to idle during rest stops. This alone wastes millions of gallons of fuel while getting zero mpg.

Ultimately though I think the trucking industry is going to go through an even steeper decline in coming year, because we can't rely on trucks to do our long haul shipping if we really want to clean up our emissions. Trains make a lot more sense for cross-country cargo hauling, though many truckers would likely resent having just the last few miles to make a living. But long haul trucking won't disappear overnight either, and if we can make trucking cleaner and more efficient everybody will benefit, including the truckers. Even higher upfront costs would save money in the long run if the trucks improve their efficiency by 2-3 mpg. Many of these vehicles are designed to last

500,000 miles or more. Even that modest improvement in fuel economy could save thousands of dollars during the lifetime of a truck.

I hope LaHood can figure out a way to protect the livelihood of these truckers while making a meaningful difference in truck efficiency and emissions standards. Glad I don't have his job.

ASBESTOS
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Two contractors charged with dumping five tons of asbestos (*Buffalo News*)

May 05, 2010, 12:38 pm /
Two local contractors were arrested today for illegally dumping more than five tons of asbestos-contaminated debris in an abandoned city warehouse.

Attorney General Andrew M. Cuomo announced the arrests of Robert L. Bishop of East Amherst, owner of Peerless Environmental Control, a local asbestos abatement contractor, and Salvatore P. Capizzi, of Grand Island, a self-employed demolition contractor, on two felony counts that carry a maximum penalty of seven years in prison.

"People who try to cut corners by illegally dumping harmful materials like asbestos endanger the public and hurt the environment," Cuomo said in a statement.

Bishop is charged with collecting thousands of pounds of asbestos-contaminated waste and storing it in containers at a West Avenue warehouse. After being notified by the state Department of Labor of an upcoming inspection, Bishop is said to have had the waste hauled to an abandoned building on Leslie Street purportedly owned by Capizzi, who didn't actually own the building.

The asbestos reportedly remained hidden for more than a year, until it was discovered by the Department of Labor's asbestos regulators.

The site has since been cleaned by the U.S. Environmental Protection Agency at a cost of $137,400.

An investigation by the state Department of Environmental Conservation's Bureau of Environmental Crimes Investigation and the attorney general's office, resulted in charges being filed against Bishop and Capizzi.

"In this case, the alleged reckless and dangerous acts of two individuals put public health and the environment at risk," said Pete Grannis, state environmental conservation commissioner. "Our joint effort [with the attorney general's office] sends a

clear message that those who violate state environmental laws will be held accountable for their actions."

citydesk@buffnews.com

2 accused of illegal asbestos dumping (*Buffalo News*)

Updated: May 06, 2010, 7:06 am /
Published: May 06, 2010, 12:30 am

Two local contractors were arrested Wednesday and accused of illegally dumping more than five tons of asbestos-contaminated debris in an abandoned city warehouse.

Robert L. Bishop, of East Amherst, owner of Peerless Environmental Control, a local asbestos abatement contractor, and Salvatore P. Capizzi, of Grand Island, a self-employed demolition contractor, are charged with two felony counts that carry a maximum penalty of seven years in prison.

“People who try to cut corners by illegally dumping harmful materials, like asbestos, endanger the public and hurt the environment,” Attorney General Andrew M. Cuomo said.

According to court papers, Bishop is charged with collecting thousands of pounds of asbestos-contaminated waste and storing it in containers at a West Avenue warehouse. After being notified by the state Labor Department of an upcoming inspection, Bishop had the waste hauled to an abandoned building on Leslie Street that was purportedly owned by Capizzi, who didn’t actually own the building.

The asbestos reportedly remained hidden for more than a year, until it was discovered by the Labor Department’s asbestos regulators. The U. S. Environmental Protection Agency cleaned the site at a cost of $137,400.

An investigation by the state Department of Environmental Conservation’s Bureau of Environmental Crimes Investigation and the attorney general’s office resulted in the charges.

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CHILDREN’S HEALTH
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Agencies pledge to curb abuse of child farmworkers (*Associated Press*)

By DAVID CRARY (AP) – 12 hours ago
NEW YORK — Two federal agencies are pledging to do more to curtail the health risks and exploitation endured by the legion of children who labor on America's farms. Prospects also are brightening for a pending bill in Congress that would close loopholes that facilitate many of the abuses.
The action comes against the backdrop of a stinging new report from Human Rights Watch. The group says conditions for the estimated 300,000 to 400,000 child farmworkers "remain virtually as they were" 10 years ago. It faults Congress, the Labor Department and the Environmental Protection Agency for failing to take effective action. Secretary of Labor Hilda Solis says ending illegal child labor is a top priority. And the EPA says many of the group's concerns are sound.

CLIMATE CHANGE / GLOBAL WARMING
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Health at risk as climate changes (*News & Observer*)

Raleigh, North Carolina
May 6, 2010 Thursday
SECTION: B
By SARAH AVERY; Staff Writer
The health risks of global climate change read like a chapter out of the Book of Revelation: plagues from mosquitoes and other insects; floods and droughts that cause sickness and mental anguish; food-borne scourges and malnutrition.

In a report released recently by federal scientists, led by the National Institute of Environmental Health Sciences in Research Triangle Park, the wide-reaching health problems associated with climate change were laid out to help government officials decide where they should spend research dollars.

Christopher Portier, lead author of the study and a mathematical statistician at the NIEHS, said the magnitude of the health problems, some of which are already occurring, requires unified approach among the nation's health agencies. The National Institutes of Health, the **Environmental Protection Agency** and the Centers for Disease Control and Prevention, among others, are leading the way.

"Everybody understands about malaria moving north and dengue fever moving north, and that is getting support. But other things like cancer and mental health - those have received less attention," Portier said.

Most of the world's scientists consider **climate change** a man-made phenomenon, Portier said. Evidence indicates it is caused by industrial pollutants, including carbon dioxide and other gas emissions from power plants, factories and vehicles, which trap heat in the atmosphere to alter normal climate patterns.

Some scientists and members of the public have questioned the phenomenon, but Portier said debate now principally centers on the magnitude of events and how soon they might occur.

"That the Earth's climate is changing is not really a debate in the scientific community, it's more a debate in the popular press," Portier said.

Cost of inaction

Other scientists not involved in the study agreed and noted that failing to plan for the inevitable health consequences would be both harmful and expensive.

"What is not well understood by many people is that there is this economic connection between what we do or don't do now, and how these things will play out in the future," said Randall Kramer, a professor of environmental economics at Duke University. "There are economic and health consequences of the many different paths we might take."

Hurricane Katrina provided a lesson about the costly health problems **climate change** might inflict, Portier said. Although it's not clear the disaster was related to **climate change,** it has served as a model for the scope of catastrophic storms that scientists anticipate will increase as the planet warms.

Among the immediate problems were injuries, flood-related diseases and infections. But depression and mental trauma were also major concerns as people were uprooted from their homes for months, even years, he said. Understanding how to treat and ease such issues will be important.

"Extreme weather events create tremendous stress," Portier said. "If we see more extreme weather events - flooding, hurricanes, tornadoes - we need to understand what effects those have on populations and at least try to reduce them."

Among other issues are crop disruptions that could result in food shortages, challenges to keeping food fresh and free of disease-causing bugs, and new exposures to cancer-causing toxins.

Spread of disease

Some health problems associated with **climate change** are already becoming evident, the NIEHS report says. The geographic range of viral, bacterial and fungal infections is shifting, for example, as pathogens now find fertile ground in once inhospitable regions.

West Nile virus, Lyme disease and malaria are all carried by insects that have moved into new territories. Just recently, scientists have questioned whether warming trends in the Pacific Northwest might be responsible for cases of a deadly airborne fungus that has spread into Washington and Oregon.

"Let's be clear - **climate change** is not going to cause any new diseases," Portier said. "It's simply going to alter the frequency of disease in the population. All of these things are already there. In some cases it will lower disease rates, and in other cases it will raise them. The problem is, we aren't sure yet. The linkage between **climate change** and health needs more research."

sarah.avery@newsobserver.com or 919-829-4882

Wednesday, May 5, 2010, 10:53am CDT

SLU gets EPA grant to study climate change impact on aquatic life (*St. Louis Business Journal*)

The U.S. Environmental Protection Agency has awarded a $246,149 to Saint Louis University to predict the impacts of climate change on aquatic biodiversity in U.S. rivers and streams.

University professors will develop models to show how water resources could be altered by a changing climate and the potential impacts on freshwater species, the EPA said Tuesday.

Climate change affects temperature, precipitation, surface radiation, humidity, winds and sea levels. These changes could affect runoff, groundwater levels and snowmelt, as well as the amounts and quality of water available for drinking, recreation, agriculture and industrial and energy production.

The award to SLU is part of more than $16 million in grants the EPA is awarding to 23 universities nationwide to characterize the consequences of climate change on allergies, water quality, drinking water and air quality.

ENERGY

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WEDNESDAY, MAY 05, 2010

Reid Vows Energy Bill Action Despite Drilling Concerns Among Democrats (*Inside EPA*)

Senate Majority Leader Harry Reid (D-NV) is asserting that the massive Gulf of Mexico oil spill should spur, rather than slow, efforts to move an energy bill this year, despite mounting concerns among Democratic senators that have severely complicated expected attempts to include language favorable to offshore drilling in a broader climate and energy measure as a way to garner bipartisan support.

The Senate leader's comments are the latest indications on how the massive oil spill could affect a months-long process for negotiating a bipartisan deal on climate and energy legislation that could outline EPA's future role in regulating greenhouse gas emissions.

Reid's remarks also come as a handful of senators from his own party -- a group that most recently includes Sen. Jay Rockefeller (D-WV) -- are indicating they would be unlikely to vote for any climate change measure that includes new drilling language.

During a May 4 press briefing in the Capitol, Reid, in response to a question about the impact of the Gulf spill, said, "I think rather than slow us up, I think it should expedite our doing energy legislation." Asked whether the spill makes energy legislation more difficult, Reid said, "I think quite to the contrary. I think it should spur it on. We have to -- we have to take care of this issue." Reid did not specifically mention climate change but said, "Alternative energy is what we need to move as rapidly as we can."

Reid's remarks were made in the wake of a worsening oil spill off the coast of Louisiana that also threatens to both harden and expand opposition in the Senate to additional offshore drilling that is included in the Obama administration's five-year offshore drilling plan. Climate legislation that was being developed by a trio of senators was also expected to include provisions supporting expanded drilling, but that prospect is now the subject of growing controversy, making its fate uncertain.

Prior to the spill, conventional wisdom said that additional drilling authorization would be necessary to buoy support for a legislative package that includes clean-energy measures, including a possible carbon price.

Sen. Joseph Lieberman (I-CT), one of the key architects of the climate and energy bill, which has not yet been released publicly, said May 4 that the legislation will still contain drilling provisions, including, he said, a provision that says “you can't drill shorter than 75 miles from the coast.”

Asked if he would support dropping the bill's offshore drilling language in light of the oil spill, Lieberman said, “No. There are reasons for us to put in offshore drilling and this terrible accident is a very rare [thing] and accidents happen.”

Lieberman stressed that the bill's drilling language would provide for a number of drilling protections. “The more we can get oil and gas from within the United States as we transition to a renewable energy economy, the better we are. So, I think the arguments are there. In the proposal, there's actually more protection environmentally than exists under current law. Generally speaking, under the existing law, a president can declare that any area is open for drilling on the Outer Continental Shelf,” Lieberman said, referring to the administration's five-year drilling plan, which allows for leasing in the mid- and south-Atlantic Ocean as well as the Eastern Gulf of Mexico.

Growing Concerns About Offshore Drilling

As the latest indication of growing drilling concerns among Democrats, West Virginia's Rockefeller told reporters May 4 that he would be unlikely to support any expansion of offshore drilling, including any expansion included in a broader energy or climate bill.

"I am never going to vote for it again," Rockefeller said, in reference to any drilling expansion. Rockefeller subsequently slightly qualified his remarks, saying, "I will have a very hard time ever voting for offshore drilling again.”

Asked whether such opposition could mean opposing a broader energy or climate measure, Rockefeller said, "I understand that. I mean there are consequences from what is going on." Rockefeller called the spill "potentially one of the largest environmental disasters in history" and said he was about to attend a briefing by administration officials on the spill.

Rockefeller was not one of 10 senators who, prior to the spill, wrote a March 23 letter to congressional leaders raising concerns about inclusion of additional offshore drilling language in climate and energy legislation. A number of Democratic lawmakers who did sign the letter -- including Sens. Bill Nelson (FL), Frank Lautenberg (NJ) and Robert Menendez -- continue to raise concerns about a climate and energy bill with drilling provisions.

In perhaps the strongest rebuke of a bill with drilling provisions to date, Nelson said May 4, “If offshore drilling on the continental coast is part of it, this legislation is not going anywhere...If I have to do a filibuster...I will do so.” Nelson said he has been talking to Sen. John Kerry (D-MA), a co-author of the legislation, for months on the issue. “John and I have been talking over several months and of course he's trying to get to the magic figure of 60 votes so he can get a climate change bill to the floor and that's a difficult hurdle to overcome,” he said.

Lautenberg told reporters yesterday that he would not vote for a climate and energy bill if it allowed “drilling where an oil spill could reach my shore.” But, at the same time, he said he believes a bill without the provisions can still pass. “It's got a lot of good things in it, but we're focused now on this single issue. It overlays so many others things. We're going to have to do nuclear, we're going to have to do a search for alternative

renewables and sustainable sources. If we don't learn a lesson on this, then pity on the whole world," he said.

"We've got to sit down and try to reason it out," the senator continued. "We've got to get the votes. Right now, it is hardly believed that we could get enough votes to say, stop the drilling. But I'm not satisfied that that's a proper assumption," Lautenberg said.

Lautenberg said he does not support the measures Lieberman said would be included in the bill on drilling no less than 75 miles off a state's coast. "I think it's presumptuous to say" the bill will include such provisions in light of the oil spill, he said.

Menendez, like Reid, said he believes the oil spill underscores the need for passage of some kind of legislation addressing climate change this year. "I don't necessarily subscribe to the view that it's a killer of the climate change legislation....At the end of the day, there's a lot of other things in the climate legislation that were attracting interest. There were the whole nuclear provisions in there. There was the question of helping the coal industry convert to clean coal. Those are a lot of incentives to entities and individuals who might not have normally voted for climate change legislation. I don't think drilling was the end all and be all to the climate change efforts," Menendez said May 4.

Republican lawmakers, for their part, appear to be avoiding any discussion of climate and energy legislation, instead focusing on the oil spill cleanup. Senate Minority Leader Mitch McConnell (R-KY) said he is "concentrating right now on this disaster," adding "there will be a time later to move to energy."

EPA Helps States And Utilities Tap Into Greater Energy Efficiency Savings (*Electric Net*)

May 6, 2010
Washington - In partnership with several states and utilities, the U.S. Environmental Protection Agency (EPA) recently announced a new pilot program designed to further improve commercial building energy efficiency. Building Performance with Energy Star will help utilities and state energy efficiency programs achieve increased energy savings and fight climate change by strategically pursuing whole building energy improvements with their business customers. The pilot program is being launched with Energy Star partners Com Ed, MidAmerican, National Grid, the New Jersey Board of Public Utilities, Pacific Gas & Electric, Southern California Edison and Wisconsin Focus on Energy.

Modeled after the successful Home Performance with Energy Star program, Building Performance with Energy Star will provide a framework for regional energy efficiency programs to align their financial incentives and technical assistance with a comprehensive approach to building upgrades. Building Performance with Energy Star includes several key elements to help states and utilities promote an inclusive strategy

for improving energy efficiency. These elements include measuring energy use with EPA's online energy measurement and tracking tool, Portfolio Manager, to score building performance; approaching energy efficiency opportunities in light of findings from whole building assessments; and creating a robust delivery network for whole building efficiency services.

Utilities and states that partner with EPA will use Building Performance with Energy Star to help business customers strategically plan and implement energy efficiency improvements over time – e.g., starting with low-payback measures that can create revenue to fund capital upgrades in the future. Building Performance with Energy Star can also be used to help customers identify buildings with the most opportunities for improvement and prioritize technical assistance and incentives for projects that will deliver the largest energy savings.

Energy use in commercial buildings accounts for 17 percent of U.S. greenhouse gas emissions at a cost of over $100 billion per year. Thousands of businesses and organizations work with the Energy Star program and are saving billions of dollars and preventing millions of tons of greenhouse gas emissions from entering our atmosphere each year.

Learn more: http://www.energystar.gov/index.cfm?c=reps.pt_reps

EPA Authorizes Temporary DAM Test Procedure for 'Hospitality' TVs (*Consumer Electronics Daily*)

May 06, 2010 Thursday

TODAY'S NEWS
EPA Authorizes Temporary DAM Test Procedure for 'Hospitality' TVs
Bowing to industry pressure, the EPA announced late Tuesday that it will allow the use of a temporary test procedure for measuring "download acquisition mode" (DAM) energy use for TVs used in hotels, restaurants and other "hospitality" settings. CEA told that agency that the Rovi Corp. test procedure incorporated in Energy Star version 4.1 would keep hospitality TVs from qualifying for certification (CED April 30 p4).

The **EPA** said it will temporarily allow use of a CEA-developed DAM test method for hospitality TVs until it finalizes a test protocol for those TVs. Unlike Rovi, which covers only DAM use for updating its electronic program guide, the CEA test method is for TVs using DAM for EPGs, TV setup data, channel map updates and firmware updates. In a letter to stakeholders, Katharine Kaplan, **Energy Star** program manager, acknowledged that the Rovi test procedure is not appropriate for "units destined for hospitality settings."

Only TVs that meet the definition of hospitality sets in version 4.1 can use the CEA test procedure, Kaplan said. They are TVs with a control port for bi-directional

communication and have activated "hospitality protocol software" for direct access to video-on-demand systems or a digital media player designed for "hospitality-specific applications." All other TVs with DAM mode must qualify using the Rovi test protocol, she said. A company seeking to qualify hospitality TVs must submit a lab report that includes the results of DAM testing using the CEA protocol.

The alternative test procedure will expire June 28, Kaplan said. "Over the next two months, **EPA** will work with stakeholders to finalize a test procedure and integrate it into the **Energy Star** television specification." If no test procedure is approved after June 28, "hospitality televisions that use an EPG other than the Rovi EPG will not be eligible" to qualify for **Energy Star,** she said.

The agency will host a conference call on Monday to discuss the temporary DAM test procedure. The deadline for comments on the alternative test procedure is May 21. -- Dinesh Kumar

FUEL

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From the May 2010 Issue

SGS offers EPA registration service (*Ethanol Producer Magazine*)

Posted May 5, 2010

SGS North America Inc. announces a solution to biofuels producers in meeting new U.S. EPA registration requirements required by the Renewable Fuels Standard (RFS2.)

All producers of ethanol and biodiesel, serving the U.S. markets, are required to register and certify their facilities with EPA. Multiple steps are involved in the registration process, including, electronic application submission, EPA processing, approval, and finally verification by a licensed professional chemical engineer in the state the biofuels plant is located.

To finalize the registration process, an independent third party company will need to be retained to provide written verification of key elements of the electronic application including types of feedstocks used, a description of production processes, co-products produced, process energy fuel types and locations of origin, and baseline volumes as specified in EPAs issued air permits. SGS will provide an on-site visit, review of critical documents and written report and cover letter verifying the information provided in the electronic registration process.

SGS, headquartered in Bartlesville, Okla., intends to work with individual producers of ethanol and biodiesel, both domestic and foreign to assure compliance with this critical verification step. With less than 2 months before the deadline, ethanol and biodiesel producers are under considerable pressure to complete this important requirement of

qualifying their production facilities. “By leverage our experience in the area of renewable fuel regulations and compliance, we are able to save producers both time and money in this critical step”, said Howie Nelson, business development manager, Alternative Fuels, SGS North America Inc.

To learn more, visit www.sgs.com or contact Howie Nelson at howie.nelson@sgs.com.

Carmakers set to oppose ethanol blending increase (*Greenwire*)

(05/05/2010)
With U.S. EPA expected to unveil a rule this month that would allow oil companies to increase the percentage of ethanol in automotive fuel from 10 to 15 percent, carmakers are preparing to fight back.

Citing concerns about potential damage to engines, automakers have opposed the change since officials first suggested it last year. The industry now claims to have data in hand suggesting that the higher concentration of ethanol would damage engine cylinders, confuse exhaust control systems and destroy catalytic converters by causing engines to run hotter.

The industry has asked the agency to delay any change to blending ratios until after 2011, when more detailed studies will be complete.

C. Coleman Jones, biofuel implementation manager at General Motors Co., said the change appears likely to create problems for car owners. "You will be walking, eventually," he said, speaking on behalf of the Alliance of Automobile Manufacturers.

An EPA spokeswoman declined to comment on the agency's plans beyond a November letter that said the agency would make a decision by the middle of this year. At the time, the agency said it was leaning toward the change, which would help oil companies meet stricter renewable fuels standards.

There is sufficient research to support increased ethanol blending, despite the "hand-wringing" by the auto industry, said Bob Dinneen, president of the Renewable Fuels Association. Ethanol makers have supported the change, which would grow the market for their product.

Currently, Dinneen said, "we have lots of gallons of ethanol chasing too few gallons of gasoline" (Matthew Wald, *New York Times*, May 4). **-- GN**

GENERAL
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Bay leader Lape taking EPA post (*The Capital)*

ANNAPOLIS - The joint state-federal effort to restore the health of the Chesapeake Bay is getting a new person in charge.

Jeff Lape, who has led the Chesapeake Bay Program partnership since March 2007, is moving to a new position with the Environmental Protection Agency in Washington, D.C. He'll head the Office of Science and Technology in the EPA's Office of Water.

The bay program's deputy director, James Edward, will become the acting director once Lape makes the move May 23.

The bay program, headquartered in Eastport, oversees the efforts of federal officials and the states to clean up the nation's largest estuary.

The cleanup effort will still have the services of Chuck Fox, a special assistant to the EPA administrator for Chesapeake Bay issues. Fox works out of the bay program office in Eastport.

Saving the Earth, starting from a Beltsville campus (*Washington Post*)

May 6, 2010 Thursday
Every Edition
EXTRAS; Pg. PG19
Prince George's County
Saving the Earth, starting from a Beltsville campus;
Calverton Elementary students' club wins acclaim

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

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

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

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

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

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

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

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

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

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

On April 24, the club also participated in an annual trash cleanup at the National Zoo in the District. The club has given students a chance to expand their horizons and help their community, Swanson said.

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

GRANTS

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Wednesday, May 5, 2010, 10:53am CDT

SLU gets EPA grant to study climate change impact on aquatic life (*St. Louis Business Journal*)

The U.S. Environmental Protection Agency has awarded a $246,149 to Saint Louis University to predict the impacts of climate change on aquatic biodiversity in U.S. rivers and streams.
University professors will develop models to show how water resources could be altered by a changing climate and the potential impacts on freshwater species, the EPA said Tuesday.

Climate change affects temperature, precipitation, surface radiation, humidity, winds and sea levels. These changes could affect runoff, groundwater levels and snowmelt, as well as the amounts and quality of water available for drinking, recreation, agriculture and industrial and energy production.

The award to SLU is part of more than $16 million in grants the EPA is awarding to 23 universities nationwide to characterize the consequences of climate change on allergies, water quality, drinking water and air quality.

HAZARDOUS WASTE
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EPA's coal ash proposal draws mixed reaction (*Iowa Independent*)

Some fear the government's plan may not go far enough to protect public health
By Jason Hancock 5/5/10 9:08 AM
The U.S. Environmental Protection Agency announced plans Tuesday to regulate the disposal of coal ash, and the news was greeted with mixed emotions by environmentalists in Iowa and across the country. While the move is seen as a positive step towards finally regulating the toxic byproduct of burning coal, some fear the regulations won't go far enough or that the coal industry's power could once again derail the process.

The Waterloo South Quarry, used by the University of Iowa, the University of Northern Iowa and Iowa State University as a coal ash dump. (Photo courtesy of Plains Justice)

"We're excited, as these rules were 30 years in the making," said Carrie La Seur, president and co-founder of Cedar Rapids-based Plains Justice. "But the forces against tougher rules are enormous. You can't overstate the strength of the coal industry in

Washington, and I'm still concerned that the interests who oppose these rules can impact the process."

Others are concerned with the EPA's decision to put forward two alternatives, one that would regulate coal ash under strict hazardous-waste rules (although they aren't calling it "hazardous"), and a weaker and less expensive option that would regulate it under the same framework that governs household garbage.

"We are disappointed that the rule brings forward two dramatically different regulatory options," said Scott Slesinger, legislative director for the Natural Resources Defense Council. "We expect the EPA to choose the option that adequately protects the public, particularly our precious groundwater, and treats this hazardous waste as a hazardous waste."

But while concerns still exist, most were optimistic the process would result in strong oversight.

"This is certainly a win of sorts, in that the EPA is finally making strides to regulate coal ash as hazardous waste," said Trip Van Noppen, executive director for Washington, D.C.,-based Earthjustice. "Their inclusion of an option to regulate coal ash as hazardous waste is an important first step. The next important step will be to maintain this position in the face of inevitably misguided claims by polluters that the sky will fall under this new regulatory environment. The science is clear that coal ash is hazardous waste, and we are confident this administration will stand by its commitment to follow the science in its policy decisions."

Coal ash, also known as fly ash, is the waste produced by burning coal. The ash contains much greater concentrations of elements such as mercury, zinc, lead, arsenic and selenium than the coal itself. Exposure to these toxins can lead to cancer, birth defects and reproductive problems. An EPA report released last summer found the cancer risk to be 1 in 2,000 from exposure to arsenic in drinking water for residents living near unlined landfills containing coal ash and coal refuse, which is 500 times the level usually regarded as safe by current federal regulations.

Despite the well-documented dangers of coal ash, the EPA has never regulated its disposal, leaving each state to set its own rules.

Wet vs. Dry

In Iowa, the disposal method of greatest concern to environmentalists involves the use of former quarries and mines as coal ash dumps. The site owners received a "beneficial use" waiver from the state so that they could use the ash as fill in their reclamation process. The waiver allows the sites to accept ash without mandatory groundwater monitoring to ensure toxins aren't leaching off the site. They are also not mandated to install protective liners.

Tests at coal ash dumps in Iowa that do have protective liners that were analyzed by Plains Justice show toxins leaching out of the landfills, leading many to conclude the same is thing is taking place undetected at the unlined sites. Even the Iowa Department of Natural Resources told The Iowa Independent last year that contamination could be taking place at the sites, but without monitoring there is no way of knowing.

La Seur said from her reading it appears these sites — quarries in Cedar Rapids, Goose Lake and Waterloo, and a mine in Buffalo — would be considered surface impoundments, so regardless of what type of regulation the federal government mandates, the sites would have to remove the ash and install a protective liner. They would also have to begin groundwater monitoring.

Some fear, however, that the sites are considered dry landfills. In that instance, the sites will not have to install protective liners, only groundwater monitoring equipment.

Even if this is the case, though, the groundwater monitoring would ensure that if there was contamination it would be caught quickly and corrective action would begin, Lisa Evans, senior administrative counsel for Earthjustice told The Iowa Independent.

"While there is no blanket requirement to line old landfills or quarries, owners or operators would be required to take action if the groundwater monitoring indicates contamination," Evans said. "So for Iowa's quarries, this would supply protection from contamination of water supplies."

Chad Stobbe, an environmental specialist with the Iowa DNR, told The Iowa Independent his department is reviewing EPA's proposed approaches to "understand how these regulations will impact Iowa." He then referred questions to the EPA.

According to the EPA's proposed coal ash rules, a surface impoundment is defined as "a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of [coal combustion residuals] containing free liquids."

A landifll is defined as "a disposal facility or part of a facility where CCRs are placed in or on land." It goes on to say that, "For purposes of this proposed rule, landfills also include piles, sand and gravel pits, quarries, and/or large scale fill operations. Sites that are excavated so that more coal ash can be used as fill are also considered CCR landfills."

Cost vs. benefit

Nicole Molt, director of government relations for the Iowa Association of Business and Industry (ABI), a trade group that counts among its members the disposal-site owners and industries that utilize them, said during a previous interview that the cost of upgrading unlined, unmonitored sites to comply with stricter standards could range

anywhere from $250,000 to $500,000 an acre. That cost would eventually have to be passed on to taxpayers, since most users of quarries and mines for coal ash disposal are municipally owned utilities and the state's regent universities.

When contacted Tuesday, Molt said her organization was still reviewing the EPA's 563-page proposal and could not comment on it immediately.

However, a study released last year by the Institute for Policy Integrity (IPI), a non-partisan think tank based in New York City, found the benefits of upgrading disposal sites would exceed the costs of tougher regulations by almost 10 to 1. The research focused mostly on coal ash ponds like the one that failed in Kingston, Tenn., in 2008. The costs for quarries to upgrade would be much lower than the costs for ponds, according Scott Holladay, an economist who researched the issue for IPI.

The EPA said it will choose between the regulatory options sometime after a 90-day comment period.

EPA Still Not Ruling on Coal Ash (*State Journal*)

Posted Thursday, May 6, 2010 ; 06:00 AM

The federal agency is seeking additional comments on proposed rules.

Story by Pam Kasey

Finally issuing a long-awaited proposal May 4 on the regulation of coal combustion residues, the U.S. Environmental Protection Agency stopped short of determining whether the residues are hazardous.

Instead, the agency proposed two alternatives.

One alternative would regulate the residues as hazardous waste under the federal Resource and Recovery Act; the other would regulate them as non-hazardous waste under the same law.

A fundamental difference between the two proposals is enforcement authority.

Under the RCRA Subtitle C hazardous waste option, the EPA would have enforcement authority.

Under RCRA Subtitle D, the agency simply would issue guidelines that states could decide whether to follow and that citizens could then rely on for legal protection.

Coal Combustion Residues

Coal combustion residues, or CCRs, commonly referred to as "coal ash," include fly and bottom ash as well, as boiler slag, scrubber residues and other combustion materials.

They contain contaminants such as mercury, cadmium and arsenic, the EPA wrote in its media release, which can leach into groundwater and into drinking water sources and are associated with cancer and other serious health effects.

About 136 million tons of CCRs were generated in the U.S. in 2008, according to the American Coal Ash Association.

About 45 percent was recycled in what are known as "beneficial uses": Some of them encapsulate the materials in wallboard or cement, for example, and some use it as fill

that is open to percolation to surface and groundwater.
The remaining 55 percent likely was disposed of in landfills or stored in wet slurry ponds like the one that failed in Kingston, Tenn., in December 2008, the two predominant methods of managing CCRs.
The Proposals
EPA's analysis addresses slurry impoundments, landfill disposal and beneficial uses of the land-application type, not including mine fill.
Most affected by the proposed rules are slurry impoundments.
Under the Subtitle C hazardous waste option, unlined existing impoundments would have to be retrofitted with liners within five years. New impoundments would have to meet liner requirements.
Under Subtitle D, guidelines would require that unlined existing impoundments be retrofitted with liners or closed within five years and that new impoundments have liners.
Under both, existing landfills would have to implement groundwater monitoring and take remediation measures in the event of failure. New landfills would be required to have liners and groundwater monitoring.
The agency seeks in either case to preserve and encourage encapsulated beneficial uses.
A benefit-cost analysis shows a ratio of 4.2 to 5 for the hazardous waste option and 4.3 to 5.2 for the non-hazardous waste option, with the ranges depending on the extent to which beneficial uses decline or increase.
Because the agency does not express an overt preference between the two options, energy industry lawyer Frank Maisano speculated that the Subtitle D designation is "overwhelmingly likely."
But environmental groups viewed the agency's language differently.
"Whereas the EPA doesn't expressly state a preference, there is information in the preamble and discussion that the weight of the evidence falls on one side," said Lisa Evans, senior legislative counsel for nonprofit Earth Justice.
On the science, Evans said, the document references a strong risk assessment, groundbreaking toxicity data and growing numbers of damage cases. On the legal side, there is discussion of significant enforcement problems under Subtitle D.
That reading is supported by EPA Administrator Lisa Jackson's own description of the document.
"I think it makes (a) strong case for the risk associated with unencapsulated coal ash," Jackson said.
CCRs in West Virginia
Following the Kingston, Tenn., dam failure, the West Virginia Department of Environmental Protection reviewed CCR storage and disposal sites in the state.
In a November 2009 document, WVDEP listed 20 permitted dams and 15 permitted dry landfills.
WVDEP was not yet prepared on May 5 to comment on the potential impacts of the EPA's two proposed regulatory options.
It is important to note the proposed rules do not address mine fill, which is widely used in West Virginia.
Mine fill falls under the Department of Interior's Office of Surface Mining Regulation and Enforcement, and new, separate regulation is under consideration by that office.

However, representatives of Earth Justice and the Environmental Integrity Project said the EPA's approach, which emphasizes the risk of toxic metals leaching to groundwater in land applications, likely will influence OSM's approach.
Comments
Once the proposed rules are entered in the Federal Register, the EPA seeks comment on three key considerations: the extent of existing damage cases, the extent of the risks posed by the mismanagement of CCRs and the adequacy of state programs to ensure proper management of CCRs.
The agency will take public comment for 90 days, after which time it will synthesize the information gathered and decide which approach to take.

Louisiana state legislature wants EPA and Congress to investigate Bobby Jindal oil spill response (*Jindal Examiner*)

May 5, 7:10 PM · Clifford Bryan - New Orleans Conservative Examiner
Governor Bobby Jindal is catching heat in the Louisiana state legislature. The Republican Governor declared the Gulf of Mexico oil spill a disaster nine days after it caught fire on April 20th. Some in the Louisiana legislature feel that was not good enough. Governor Jindal received media attention for his desperate call for help from the federal government in the days after the disaster. Some conservatives felt that Jindal was going back on his calls for less government intervention. They felt he could have better prepared Louisiana for the disaster.

Representative Lafonta sponsored a resolution recently that memorializes congress to direct the EPA to investigate the governor of La.'s refusal to timely declare a state of emergency in response to the Deepwater Horizon oil rig. Lafonta is a member of the Louisiana Black Caucus.

The resolution passed by verbal agreement initially but then House Speaker Pro Tem Joel Robideaux, I-Lafayette motioned to reschedule the vote. His motion passed 60-32.

Whether Congress or the EPA will act on this and call Governor Jindal in for questioning has not been determined. A copy of the Resolution will be sent to each member of the United States Congress if it passes. While the Obama administration has done as much as can be expected, the Oil Pollution Act(OPA) states that BP is fully responsible for all clean up expenditures. With billions in revenues the oil giant should have no financial problems getting an effective clean up on track. They will need Governor Jindal to do a better job of organizing Louisiana's efforts.

Several Louisiana politicians have begone to overtly criticize the government's response to the oil spill. A quick name check on Open Secrets reveals that *several Louisiana delegates in Congress* have received major donations from offshore giant **Edison Chouest Offshore**. In fact, Edison Chouest offshore is the top contributor for most of the politicians.

Edison Chouest Offshore was Representative Cao's top contributor in the last election cycle. He hauled in 18k from the offshore ship building. Owner Gary Chouest recently purchased majority ownership of the New Orleans Hornets.

May 5, 2010

EPA to Regulate Coal Ash (*Environmental Leader*)

The U.S. Environmental Protection Agency (EPA) is proposing national rules to safely dispose and manage coal ash from coal-fired power plants. The proposed rules would also support beneficial reuse or recycling of coal ash in the manufacture of materials such as cement, concrete and asphalt.

Coal ash, the byproduct of coal combustion at power plants, is disposed of in liquid form at large surface impoundments and in solid form at landfills. The residuals contain contaminants like mercury, cadmium and arsenic, which are associated with cancer and various other serious health effects, says the EPA.

EPA's risk assessment shows that these contaminants can leach into groundwater and migrate to drinking water sources. The agency has identified at least 71 cases where coal ash has contaminated nearby ground- or surface water, reports the New York Times.

In October last year, the EPA first announced it was considering the regulation of coal ash as toxic waste, several months after a spill of 1.1 billion gallons of coal ash slurry at the Kingston power plant operated by the Tennessee Valley Authority (TVA), which resulted in hundreds of millions of dollars in clean-up costs and environmental damage.

In January, there were reports that utilities were planning to fight the regulation because it would add billions of dollars of additional costs. Other industries were concerned that a ruling would impact the use of coal ash in construction materials such as cement mix and wallboard.

EPA's proposal calls for protective controls, such as liners and groundwater monitoring, at new landfills. Existing surface impoundments will also require liners, although there will be strong incentives to transition to safer landfills, which store coal ash in dry form, according to the EPA.

The EPA is seeking comment on two approaches to address the risks of coal ash management — one option creates a comprehensive program of federally enforceable requirements for waste management and disposal, while the other gives EPA authority to set performance standards for waste management facilities and would be enforced primarily through citizen suits.

The EPA estimates that the first option would cost the industry $1.5 billion a year, while the second would cost $600 million a year, reports the New York Times.

Coal Ash In EPA's Sights (*The Intelligencer: Wheeling News-Register*)

Agency proposes strict regulations on disposal methods
By KEF O. HOWARD
POSTED: May 6, 2010
The American Electric Power Conner Run Dam in Marshall County off W.Va. 2 was the site of a leak that contaminated a local stream.
MOUNDSVILLE - The Environmental Protection Agency is proposing guidelines that would place tighter restrictions on coal ash waste disposal methods throughout the United States.

The EPA released a 563-page study Tuesday outlining the "first-ever national rules to ensure the safe disposal and management of coal ash from coal-fired power plants." Coal ash is a byproduct of the combustion of coal at power plants and it is often disposed of in liquid form at large surface impoundments and in solid form in landfills.

According to the EPA website, coal ash contains contaminants such as mercury, cadmium and arsenic, which are associated with cancer and various other serious health effects.

"The time has come for common-sense national protections to ensure the safe disposal of coal ash," said EPA Administrator Lisa P. Jackson. "We are proposing strong steps to address the serious risk of groundwater contamination and threats to drinking water."

The agency is proposing two options, named Subtitle C or Subtitle D:

- Subtitle C is a much stricter proposal that would allow state and federal officials to enforce the new requirements, which include a plan to ultimately phase out the use of new surface impoundments.

- Within the Subtitle D proposal, the EPA's role would be much more limited, allowing enforcement only through "citizen lawsuits."

Under both proposals, companies will be required to place "liners" beneath all coal ash impoundments.

The EPA also will continue to encourage the use of coal ash for recycling under both plans, instead of placing it in impoundments and landfills. Large quantities of coal ash are currently recycled and used in concrete, cement and wallboard.

According to American Electric Power spokeswoman Melissa McHenry, there is concern about how the proposed plans will affect recycling and customer costs in the future.

"The EPA has proposed two options, and we are still reviewing both," said McHenry. "AEP does support regulation under Subtitle D and agree with regular water monitoring and inspections. We believe the impact on customer costs would be less under Subtitle D.

"Under provision C, coal ash would be labeled a hazardous material and companies would be required to move the contents of their surface pond to landfills within five years," McHenry added. "Our concern would be that this would decrease recycling and opportunities for beneficial use of the coal ash."

Currently, about 50 percent of coal ash is recycled into usable products, McHenry said.

In August 2009, the EPA rated 49 coal ash disposal facilities as "high hazard" sites.

The American Electric Power Conner Run Dam, located off W.Va. 2 south of Moundsville near the Kammer-Mitchell Plant, was one of the sites given a "high hazard" rating.

According to a report released by the National Inventory of Dams, high hazard dams are those dams located where failure may cause loss of human life or major damage to dwellings, buildings, public utilities or highways.

In December, the EPA released a report stating the "Connor Run Dam and its ash impoundments were structurally sound and in satisfactory condition."

AEP operates 40 "earthen dam impoundments" across the country that are used to store cooling water, fly ash and bottom ash from its coal-fired power plants. According to the company's website, AEP annually consumes an estimated 77 million tons of coal. In 2006, 1,372,687 pounds of coal combustion waste was released to AEP surface impoundments.

MINING

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EPA says uranium mine near Grand Canyon operating without approval (*Greenwire*)

(05/05/2010)
U.S. EPA this week issued a notice of violation to a uranium mine north of the Grand Canyon, charging that it was operating without EPA approval.

EPA said Denison Mines Corp., which owns the Arizona 1 Mine, did not make the agency aware that it would resume mining nor did it get federal approval before ventilating the mine or testing emissions. A previous owner of the mine had gotten the proper authorization but that approval is not transferrable to another owner and expires if the mine is inactive.

Denison could face thousands of dollars in fines.

Denison President Ron Hochstein said he was surprised by EPA's decision and will work with regulators to address the issue. A decision on penalties will be made after a hearing on the violation. The notice does not force Denison to stop mining, but the company will have to go through a long process to reacquire the proper approval.

The mine, just 20 miles from the Grand Canyon, had been inactive for nearly two decades before Denison resumed operations. Owners expect to remove 110,000 tons of uranium ore per year from the site.

The mine is already under scrutiny. Interior Secretary Ken Salazar is considering prohibiting all mining on the land, and environmental groups charged that the mine plans had expired in a lawsuit last year (Felicia Fonseca, Associated Press, May 4). **-- JP**

PESTICIDES
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Pesticides and salmon (*Associated Press*)

Story also appeared: *KPQ*

Posted on Wednesday, May 05, 2010 @ 10:13:42 MDT by tomc
GRANTS PASS, Ore. (AP) - The U.S. Environmental Protection Agency is pressing pesticides manufacturers to adopt new restrictions on applying three farm pesticides that pose a threat to Pacific salmon.

A letter from the EPA gives manufacturers of diazinon, malathion and chlorpyrifos until May 13 to say whether they will comply with the restrictions. If not, EPA says it will take action itself.
The action comes 18 months after NOAA Fisheries Service found that the pesticides threaten the survival of 27 species of salmon and steelhead in the West.
The agency suggests buffer strips up to 1,000 feet along salmon streams where the pesticides should not be sprayed.
Anti-pesticide groups had sued EPA to get the agency to take action.

Federal agencies say they will curb abuse of young farm workers (*Associated Press*)

Story also appeared: *Boston Globe*

May 6, 2010 Thursday
NEWS; National; Pg. 17
Federal agencies say they will curb abuse of young farm workers
By David Crary, Associated Press
NEW YORK - Year after year, to little avail, activist groups have been urging bolder federal action to curtail the health risks and exploitation endured by the legion of children who labor on America's farms.

This week, against the backdrop of a stinging new report from Human Rights Watch, two federal agencies are pledging to do better. And prospects are brightening, though still uncertain, for a bill pending in Congress that would close loopholes that facilitate many of the abuses.

Human Rights Watch, which focuses most of its investigative work overseas, had examined the exploitation of America's child farm workers in a report 10 years ago. It documented the harm many children suffered to their health and education, and assailed existing legal protections as weak and poorly enforced.

In its new report, released yesterday, the group said conditions for the estimated 300,000 to 400,000 child farm workers ``remain virtually as they were'' and faulted Congress, the Labor Department, and the Environmental Protection Agency for failing to take effective action.

``The Labor Department has done a very bad job up to now,'' said report author Zama Coursen-Neff, deputy director of the children's rights division at Human Rights Watch.

Secretary of Labor Hilda Solis commended Human Rights Watch for its report and said ending illegal child labor is a top priority of her department.

The agency has added more than 250 new field investigators in the past year and planned to add even more, she said.

Human Rights Watch also criticized the EPA, saying its regulations regarding pesticide use on farms did not adequately consider the special vulnerabilities of child workers.

In response, the EPA said it was working to strengthen its assessment of pesticide health risks. Whatever federal agencies try to do, many child farm workers may remain exposed to onerous conditions unless Congress passes a bill that would amend the Fair Labor Standards Act regulating child labor.

Under that 1938 law, children working on farms are allowed to work longer hours and in more hazardous conditions than children in other jobs.

Children as young as 12 can work on farms, as opposed to 14 or 16 for other jobs. For nonfarm jobs, there's a limit of three hours of work a day outside school; young farm workers can work unlimited hours outside school.

Representative Lucille Roybal-Allard, Democrat of California, has introduced a bill that would eliminate discrepancies.

EPA sets compliance deadlines for 3 chemicals deemed lethal to salmon (*Greenwire*)

(05/05/2010)
Sara Goodman, E&E reporter
U.S. EPA has given compliance deadlines to manufacturers of three pesticides linked to problems with salmon in the Pacific Northwest.

The companies -- Makhteshim Agan of North America Inc., Cheminova Inc. and Dow AgroSciences -- have until May 13 to signal their intention to comply with the new requirements, Richard Keigwin, EPA's director of pesticide re-evaluation, said in a letter to the manufacturers last week.

At issue are three organophosphates: diazinon, malathion and chlorpyrifos.

The National Marine Fisheries Service in 2008 released a biological opinion finding that the three pesticides can be lethal to salmon at certain concentrations and can decrease salmon growth at lower levels by impairing their ability to smell prey and by reducing the availability of small fish and insects.

The opinion came after a coalition of fishing and environmental groups sued EPA for violating the Endangered Species Act by failing to consult with National Marine Fisheries Service on the effects of pesticides on salmon and steelhead.

In response, EPA said last year it would consider several restrictions for waters in California, Idaho, Oregon and Washington that are home to 28 salmon and steelhead species. Those measures include adding pesticide buffer zones; limiting applications depending on wind speed, soil moisture and weather conditions; and requiring the reporting of fish kills.

EPA began by asking pesticide manufacturers to comply voluntarily, but Keigwin said the agency will pursue action under the Federal Insecticide, Fungicide and Rodenticide Act to require implementation if the companies do not agree to implement the new requirements.

Garry Hamlin, spokesman for Dow AgroSciences, said his company has received the letter and will respond at a later date.

EPA may force pesticide label on new biotech fruit (*Fresh Plaza*)

The Competitive Enterprise Institute today condemned a proposed Environmental Protection Agency action plan that would, for the first time ever, require a new biotech crop to be labeled as a pesticide.

In approving the new plum variety, which has been bioengineered to resist virus infection, EPA proposes to regulate trees, cuttings, and fruit from virus-resistant plants under federal pesticide laws and label them as containing a “plant incorporated protectant.”

“EPA has already concluded this plant and fruit are perfectly safe for humans and the environment,” said CEI Senior Fellow Gregory Conko. “Treating a mere plum as a pesticide would needlessly spread consumer confusion and add burdensome regulations on nurseries that sell the trees, farmers who grow them, and retailers who sell the fruit.”

The EPA has regulatory authority over crop plants bioengineered to produce substances that kill or repel pests. But virus-resistant crops do not produce pesticidal substances, so the agency has never before regulated them under pesticide laws. To date, virus-resistant varieties of squash, potato, and papaya have been approved for commercial-scale cultivation in the United States. None has been regulated as a “plant incorporated protectant.”

“Unlike insect-resistant crops, bioengineered to produce a protein that is toxic to caterpillars, virus-resistant plants fend off infection without generating new proteins,” said Conko. “Classifying this plum variety as a biopesticide is legally suspect, and it cannot be justified by any concerns about the environment or human consumers.”

The C5 Honey Sweet Plum variety was developed by the US Department of Agriculture at a research station in West Virginia, in cooperation with scientists from France, Spain,

Poland, and Romania. It is bioengineered to resist plum pox virus, which is harmless to humans but destroys plum, peach, nectarine, apricot, and cherry trees by rendering them sterile.

CEI filed public interest comments on the EPA's proposed Biopesticide Registration Action Document for the C5 plum. The Institute urged EPA to remove the plum's classification as a biopesticide or at least to exempt trees and fruit from the labeling requirement.

Publication date: 5/5/2010

Agbiz: Distribution of spirotetramat stocks (*Western Farm Press*)

May 5, 2010 10:00 AM

The Environmental Protection Agency (EPA) has announced that existing stocks of spirotetramat, the active ingredient in Movento, Ultor and Kontos insecticides, may continue to be distributed and used within the normal channels of trade.

EPA acknowledged the registrations had been cancelled "because of judicial action related to a procedural failure on the part of the agency," and not because of any risk concerns associated with the product. Based on its review of hundreds of scientific studies, and after considering public comments submitted concerning existing stocks, EPA reconfirmed its conclusion that there are "no significant risk concerns associated with spirotetramat." In fact, EPA concluded that "spirotetramat has a more favorable risk profile in terms of human health and the environment than the registered alternatives."

Furthermore, EPA rejected recent suggestions by the Natural Resources Defense Council that spirotetramat use might pose a threat to honey bees, finding such claims unsupported by scientific data.

EPA noted that nearly 90 percent of the public comments received in response to the agency's solicitation of public input requested the continued use and distribution of existing stocks of spirotetramat. Such comments included the need for spirotetramat as a "reduced risk" pesticide and as an important tool in integrated pest management (IPM) programs. Many growers noted that spirotetramat is vital in their struggle against invasive species and is more selective and less injurious to beneficial insects than alternative insecticides.

> "We are pleased that EPA's decision has reaffirmed our assessment of spirotetramat as an important IPM tool in the fight against destructive pests," said Kevin Adam, product manager for Bayer CropScience.

TOXICS

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New lead paint regulations: Seeking to protect families (*The Weston Forum*)

Written by Patricia Gay
Wednesday, 05 May 2010 10:35

Beautiful homes built before 1978 may be carrying a secret hazard — lead.

Lead paint, which can cause lead poisoning, was commonly used in housing construction before it was banned in 1978 because of health risks.

In 2010, more than 30 years since the ban, the U.S. Environmental Protection Agency (EPA) is still trying to grapple with the dangers of lead paint.

On Earth Day, April 22, the EPA enacted a regulation called the Renovation, Repair, and Painting Rule, requiring remodelers working in homes built before 1978 to follow practices designed to minimize the exposure of residents to lead hazards.

According to the Centers for Disease Control, lead is a harmful substance for both adults and children, and can attack every system in the body.

For adults, lead inhalation can lead to hypertension, muscle and joint pain, fatigue and nausea among other symptoms.

In pregnant women, it can cause miscarriage or premature birth. Even with just short exposure, lead poisoning can cause memory loss and mental decline.

Even more than adults, children are at risk for lead poisoning. The Connecticut Department of Health ranks lead poisoning as the number one most common environmental hazard for young children.

Lead is commonly ingested by breathing in contaminated dust, or touching paint chips or lead-based toys. A tiny amount of exposure can lead to neurological damage. Once lead poisoning occurs, the damage to a child's health is permanent.

Lead dust can easily be stirred up during renovations of homes built before 1978, leading the EPA to its recent regulation to require all remodelers who intend to work in pre-1978 homes to register their companies and complete an eight-hour training and certification course with an accredited trainer.

The course teaches remodelers how to safely contain lead in a home as it is being disturbed and reduce exposure to residents and workers.

Weston contractor Diane Slovak, principal of The Construction Queen Inc., has taken the required lead training and certification class. Her company is an EPA-certified firm, and is qualified to work on pre-1978 home renovations.

“If owners of a pre-1978 home decide to remodel, it is important to assume lead is present unless testing is done to identify exactly where the lead is by using a lead test,” she said.

When remodeling a home with possible lead contamination, Ms. Slovak adheres to EPA guidelines for safe work practices, including:

• Containing the work so dust and debris do not escape using heavy-duty plastic and tape, and warning signs.

• Minimizing dust by using methods such as misting water on areas before sanding or scraping.

• Cleaning up thoroughly on a daily basis using special cleaning methods, such as using a HEPA vacuum and wet mopping with plenty of rinse water.

“We want homeowners to know how to protect themselves from harmful lead exposure during renovations. If you know your home was built before 1978 and your renovation will disturb painted surfaces, you need to hire an EPA certified firm,” Ms. Slovak said.

The new law also requires that renovators give homeowners an EPA brochure called Renovate Right, which includes facts about lead and lead safety in the home, and have it signed to indicate the homeowners have been properly notified of the dangers.

“When we work on a property, we want to give homeowners assurance and peace of mind knowing that an expert is looking out for the family’s safety,” Ms. Slovak said.

The EPA also recommends that homeowners have their remodelers specify what the final lead inspection entails.

If a homeowner has any doubts about the quality of lead safe practices being conducted in their homes, call 800-424-LEAD, Ms. Slovak advised.

It’s important for homeowners to make sure the contractor or the company renovating or remodeling their home is certified by the EPA because if lead paint work is done by an unlicensed company, the EPA can impose fines of $37,500 per violation per day.

More information about lead paint and toxicity may be found on the Westport Weston Health District’s Web site at www.wwhd.org/leadtoxicity.htm.

Ms. Slovak may be contacted at 203-222-1319. She also has more information about the new lead paint regulation on her Web site, www.dianeslovak.com.

WATER

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Dredge span at issue in hearing (*Albany Times Union*)

Five-year limit could be scrapped in final report, panel says at session
By BRIAN NEARING, Staff writer
Click byline for more stories by writer.
First published: Thursday, May 6, 2010
GLENS FALLS -- For future PCB dredging of the Hudson River to work better, a clearer picture is needed of just how much of the toxic chemical is there -- and more time to clean it out may be needed than the five years now projected for the project.
Those were some of the observations Wednesday by a panel of environmental engineering experts who are reviewing the lessons of last year's initial dredging around Fort Edward.

"I don't see a reason to limit the project to five years," said panel Chairman Paul Fuglevand, a private engineer from Washington State. "Making it longer might provide a benefit in the long term."

Several other panelists echoed the opinion, saying the original schedule agreed to in a 2002 cleanup pact by General Electric Co. and the U.S. Environmental Protection Agency could force such a work pace that it would be practically impossible to avoid spreading too many stirred-up PCBs downriver.

Panelist Richard Fox, a private engineer from Wisconsin, agreed that there was no need to stick to the five-year blueprint.

Panelists also said that findings last year that PCBs were more prevalent than expected show that more river bottom tests need to be done before dredging resumes so work can be better targeted.

The seven-member panel, which concludes its hearings today at the Queensbury Hotel, appeared unanimous the project could not continue as designed. The group is expected to issue recommendations in July on possible changes to the dredging. EPA can accept or ignore recommendations.

EPA and GE have been sharply disputing the other's conclusions on how dredging should proceed, and working to convince the panel that their approach is correct.

GE believes so many PCBs were stirred up and moved downriver that future dredging ought to be scaled back, and PCBs left behind in the river should be covered over. EPA counters that GE is using one-sided data of questionable reliability, that PCB levels released by dredging were never dangerous and future dredging can be improved to reduce the amount of PCBs escaping into the river.

EPA and GE are "not reading off the same script, and they are not progressing forward with the same goals in mind," said panelist Gregory Hartman, an engineer in Fuglevand's firm of Dalton, Olmstead & Fuglevand.

Under the 2002 deal, GE can leave after the first year if the company determines the project is not effective or practical. This week, GE reported that it spend more than $560 million on last year's dredging; if the GE remains, that price tag will only escalate. EPA has vowed the project will continue regardless of GE's involvement.

GE and EPA, sometimes strident in questioning the other's assertions, seemed to accept the admonition to try working together.

"There are two points of view out there, and we have trouble bridging (them)," said Ben Conneta, EPA project manager. "We will get together with GE and get a bridge soon, hopefully."

GE spokesman Mark Behan said the panel's observations showed that new guidelines for the project are necessary. He added that the project "is not a race," with the health of the river, rather than a schedule, the prime concern.

Under the 2002 cleanup pact, GE can leave the project now if the company determines the project cannot be made effective or practical. EPA has vowed the project will continue regardless of GE's involvement.

For much of the hearing, the panel put hard questions to both EPA and GE.

For the EPA, one such question was why the agency wants to change the way it measures the amount of PCBs that can escape into the river. EPA wants to drop a standard of 2,000 kilograms (about 4,800 pounds) that can reach Waterford to about 670 kilograms (about 1,500 pounds) of only a certain class of PCBs.

That would be based on an escape rate of 1 percent of the PCBs expected to be dredged.

One panel member said that could mean if the amount of PCBs goes up, the amount of materials that reach Waterford -- and then the lower river by clearing the dam at Troy -- will keep going up, potentially without limit.

Panelist Todd Bridges, a scientist with the U.S. Army Corps of Engineers, questioned whether that was a PCB standard "on the fly." The cleanup is meant to reduce the amount of PCBs that ultimately get into river water and contaminate fish.

Conneta has no clear response, and said EPA will try to explain it on the final day of hearings today. "We will try to come up with some better numbers," he said.

Officials at GE also found themselves faced with a question they could not immediately answer. GE wants a fixed limit on escaped PCBs for both the area around dredging and at Waterford.

Bridges asked what that amount ought to be. John Connolly, a consulting engineer for GE, said the company was still working on a figure, and could have it ready by mid-June.

Brian Nearing can be reached at 454-5094 or bnearing at timesunion.com.

Coast Guard: BP caps 1 of 3 leaks at Gulf well (*Associated Press*)

Story also appeared: *Washington Post*

The Associated Press
Wednesday, May 5, 2010; 8:49 AM

NEW ORLEANS -- The Coast Guard says BP PLC has managed to cap one of three leaks at a deepwater oil well, but the work is not expected to reduce the overall flow of oil into the Gulf of Mexico.

Coast Guard Petty Officer 1st Class David Mosley says the work Tuesday night should reduce the number of leak points that need to be fixed on the ocean floor. BP officials have said that fewer leaks will make it easier to drop a containment box on the breach.

The well has been spewing at least 210,000 gallons per day since an April 20 explosion at a rig 50 miles off Louisiana.

EPA guidance to encourage smart growth elicits concerns (*Greenwire*)

(05/05/2010)
States facing aging water pipes and sewer lines in their cities should keep that in mind when planning how to spend the $3.3 billion in federal water infrastructure funds awarded each year, according to U.S. EPA.

New guidance issued by the agency last month instructs states to adopt smart-growth principles, giving projects that upgrade the drinking water and wastewater infrastructure in cities higher priority over projects geared toward serving new developments in the suburban outskirts.

"We're interested in supporting the infrastructure where people already live. It's a focus on making infrastructure sustainable and reviving those communities, reviving cities as attractive places," said Nancy Stoner, the deputy assistant administrator of the EPA's Office of Water.

Such an approach is fueling "serious concerns" from the National Association of Home Builders, said Susan Asmus, NAHB senior vice president. "While we recognize the need to repair, replace and upgrade existing infrastructure, this should not be done at the expense of new growth," she said.

Some state infrastructure officials are wary of the new guidance and further prescribed spending for federal funds at the state level. Already EPA requires that states dedicate a fifth of their federal funds toward "green" projects like restoring riparian buffers or reducing impermeable blacktop cover.

"To the extent we have dictums coming down from on high, it makes it potentially difficult for each of the programs to run things in ways that make sense for each state," said Paul Marchetti, director of Pennsylvania's water infrastructure agency (Alec MacGillis, *Washington Post*, May 5). **-- DFM**

Napolitano in Biloxi Thursday (*WLOX*)

Posted: May 05, 2010 1:37 PM EDT Wednesday, May 5, 2010 1:37 PM EST Updated: May 05, 2010 1:37 PM EDT Wednesday, May 5, 2010 1:37 PM EST

WASHINGTON, D.C. - On Thursday, Secretary Napolitano, Secretary Locke and Administrator Lubchenco will travel to Biloxi, to inspect response operations, meet with state, local and private sector leaders, and view firsthand staging areas for the deployment of boom to protect vital shoreline from the oil spill.

Secretary Napolitano and Secretary Locke will then visit similar operations ongoing in Pensacola, FL, Administrator Lubchenco and White House Council on Environmental Quality Chair Nancy Sutley will then visit Pascagoula, to visit NOAA's seafood inspection lab.

EPA Deputy Administrator Perciasepe will also travel on Thursday to Louisiana, where he will review EPA's ongoing air and water monitoring activities, meet with local and community leaders, and assess the environmental situation on the ground.

On Friday, Administrator Lubchenco and Chair Sutley will travel to Venice and St. Bernard Parish, LA, to inspect shoreline cleanup assessment activities and meet with state, local and private sector leaders about the administration's ongoing efforts to mitigate the spill's impact on public health, the environment, and the economy.

Today, Wednesday, Department of the Interior Secretary Ken Salazar will tour Delta National Wildlife Refuge in Louisiana, Bon Secour National Wildlife Refuge in Alabama, and the areas affected by the BP oil spill to assess the ongoing Federal response efforts.

More details of these trips will be released when they are finalized.

Glen Falls, N.Y.

Hudson River Cleanup (*Wall Street Journal*)

Is Debated by EPA, GE
A panel of scientists evaluating Hudson River dredging is hearing very different ideas from General Electric Co. and federal regulators about how to continue the cleanup. The U.S. Environmental Protection Agency wants to start next year the second phase of the cleanup. GE seeks a cap on the volume of PCBs that would be allowed to flow downstream during Phase 2 of the project.

Title wave (*Washington Post*)

May 6, 2010 Thursday
Met 2 Edition
STYLE; Pg. C01
Maryland
Title wave;
The branding of the Gulf Coast oil spill could be an epic problem for BP
By Paul Farhi
What do you call a gigantic man-made disaster that is threatening to despoil the ecosystems and wreck the economies of the Gulf Coast? The answer is important, if you happen to be one of the companies responsible for it.

The massive slick spreading toward Louisiana has gone by several names since crude oil began gushing from a damaged drilling rig on April 20. Media accounts have referred to it as "the Gulf oil spill," "the Deepwater Horizon spill" and the "Gulf Coast disaster."

President Obama, leaving little doubt about whom he considers responsible for the epic mess, put a brand name on it in remarks in Louisiana on Sunday. The president dubbed

it "the BP oil spill," after the company (formerly British Petroleum) that leased the now-damaged drilling platform. The **Environmental Protection Agency** refers to it the same way in its official pronouncements.

The name of a disaster can be critical, both as a historic matter and the more immediate matters of image, public relations and legal liability. BP has said it will honor "legitimate" claims from people and businesses seeking compensation from disruption caused by the spill. But since there are likely to be many disputed claims ("This is America -- come on," BP chief executive Tony Hayward told the Times of London on Wednesday), having your company's name inextricably linked to a disaster can't help when a jury begins assigning damages.

BP could face the same fate as another oil giant, Exxon, whose name is forever stamped on the 1989 oil spill in Prince William Sound, Alaska. That spill was named for the Exxon Valdez, the tanker that hit a reef and ruptured. Other calamities -- plane crashes, the Tylenol poisonings -- have been shorthanded by a corporate or product name, too.

But companies don't always get top billing, even when they acknowledge responsibility. The leak of poisonous chemicals at a plant in Bhopal, India -- which killed as many as 12,000 people -- came to be known more by its place of origin than by the company that owned the plant, Union Carbide. Similarly, the partial meltdown of a Pennsylvania nuclear power plant in 1979 was named after the facility where the incident occurred, Three Mile Island. Few people remember the name of the company that operated the plant and was responsible for its safety, General Public Utilities.

BP has been careful not to invoke its name in regard to the spill. "We refer to it as Gulf of Mexico response," said Andrew Gowers, the company's spokesman. BP's Web site (http://bp.com) avoids any linkage, calling it "the spill" or "Gulf of Mexico response" or "BP's MC252 response," a reference to the rig known formally as Mississippi Canyon 252.

In a series of television interviews on Monday, BP's Hayward tried to thread a tricky needle, taking responsibility for the cleanup but shifting some of the blame to others.

"This wasn't our accident," he said on ABC's "Good Morning America." "This was a drilling rig operated by another company. It was their people, their systems, their processes. We are responsible not for the accident, but we are responsible for the oil and for dealing with it and for cleaning the situation up."

"You're not responsible for the accident?" host George Stephanopoulos asked, a bit incredulously.

Hayward explained that the explosion occurred on a rig owned by Transocean, a drilling company based in Switzerland, and that the rig was leased by BP. "It was their equipment that's failed; it was their systems and processes that were running it,"

Hayward said.

Major oil spills are infrequent in the United States, and there's no standard way of naming them, said Bill Bush, a spokesman for the American Petroleum Institute, a Washington industry group. The two usual ways are by location ("the New Orleans spill") or by the name of the facility or ship involved (Exxon Valdez, Argo Merchant, Athos 1). Companies typically don't get tarred; the 1969 spill off the coast of Southern California came to be known not by the company that caused it, Union Oil of California, but by where it happened ("the Santa Barbara spill").

Bush said the causes of the current spill are still being determined, making it too early for a consensus name. "I don't think the dust has settled on this yet," he said. "I don't think it's one party or one source. One name may pop up eventually, but I don't know at this point."

For the record, The Washington Post has no formal style on referring to the spill and has used several phrases to describe it, said Marcus Brauchli, the paper's executive editor. The newspaper has used the phrase "BP oil spill" or "BP spill" in its news columns at least three times. The New York Times has used those phrases twice, according to a search of the Nexis database.

Government agencies and environmental groups haven't been so reluctant. The Sierra Club calls the accident "the BP Oil Disaster." Kristina Johnson, a spokeswoman for the organization, said in an interview: "I think the name matters. If you simply call it 'an oil spill,' it implies a minor accident. What we're looking at in the Gulf Coast is much more than that. It's not surprising that BP isn't putting its name on it because they're trying to evade responsibility. From our perspective, they are responsible and they do need to be held accountable."

But investigators have only begun to assemble evidence about what led to the accident last month. In addition to questioning BP and Transocean executives, congressional panels have asked officials from oil-services giant Halliburton to testify at hearings next week. Halliburton was responsible for sealing the pipeline that exploded.

Ultimately, public anger at BP may be tempered by the company's earlier efforts to polish its environmental image, said Larry Parnell, who directs the master's degree program in public relations at George Washington University. Parnell, a former consultant to an oil-industry company, said BP has invested in a "green" image with ads that featured its sunflower logo and the slogan "Beyond Petroleum."

"If you're going to be involved in the energy sector, there are always going to be problems," he said. "That's the nature of the business. But they put their chips in the bank before this disaster. There has to be substance behind the slogans, of course. But they've built up a degree of goodwill and Brownie points that they will do the right thing and not shirk their responsibilities."

But the Sierra Club's Johnson isn't buying it: "They're the ones who have profited from oil and from our oceans. They're the ones who put the Gulf Coast at risk so that they could rake in record profits. A few ads don't change the fact that they're responsible for this now."

EPA ties water aid to `smart' growth (*Boston Globe*)

May 6, 2010 Thursday
NEWS; National; Pg. 14
EPA ties water aid to `smart' growth
By Alec MacGillis Washington Post, Washington Post
WASHINGTON - The Environmental Protection Agency is instructing states to adopt ``smart'' growth principles in allocating the $3.3 billion in funding for water infrastructure that the federal government doles out each year.

That new emphasis, part of a shift in priorities in the agency, calls for more money for projects that upgrade existing drinking water and wastewater facilities in cities rather than for new projects intended to serve new suburban development.

The guidance arguably arrives five years too late - after a home building boom that swallowed up vast swaths of land. But construction will eventually resume, and **EPA** officials say the leverage of the federal funding - the Clean Water and Drinking Water State Revolving Fund - could coax states toward a more sustainable form of development. With so many cities contending with aging water pipes and sewer lines, officials say, it makes most sense to address those needs first.

``We're interested in supporting the infrastructure where people already live,'' said Nancy Stoner, the deputy assistant administrator of the **EPA's** office of water. ``It's a focus on making infrastructure sustainable and reviving those communities, reviving cities as attractive places.''

The National Association of Home Builders has ``serious concerns,'' said its senior vice president, Susan Asmus. ``While we recognize the need to repair, replace and upgrade existing infrastructure, this should not be done at the expense of new growth,'' she said.

The policy is meeting with criticism. The associations in Washington that represent state infrastructure officials say smart growth is commendable but question using the federal funds as a lever.

But Geoff Anderson, the president of Smart Growth America, wishes the new guidance were more specific, to really goad states where sprawl predominates. ``The **EPA** ought to be thinking about how to go further,'' he said.

BP: oil leak will be stopped, but can't say when

May 6, 2010 - 6:45am

STORIES FROM THE MOTLEY FOOL

Dream Stocks For Biotech Investors
UPS Takes A Magic Carpet Ride
Turning The Corner At Overstock.com
Can Clorox Brighten Your Portfolio?
Apple, Google, And Facebook Are Killing America

By ROBERT BARR
Associated Press Writer

LONDON (AP) - The oil leak in the Gulf of Mexico will be stopped, BP's chief executive said in an interview broadcast Thursday, although he was unable to give an estimate of when that might happen or how much it will ultimately cost.

Tony Hayward told the British Broadcasting Corp. that it was too early to judge the cost of stopping the leak, mopping up the oil and compensating claims for damages.

Hayward called it a battle: "We will ultimately win it because ultimately one of the interventions to stop the leak will stop the leak."

BP is now preparing to attempt to place a funnel _ a 100-ton concrete and steel structure _ over the leak 50 miles (80 kms) from the coast of Louisiana to contain the spill and allow the oil to be pumped to shore.

The leak threatens wide areas of commercially and environmentally important shoreline in the southeastern United States. Asked whether this could be the most damaging oil accident ever, Hayward said "it is clearly a very serious situation."

Concern about the cost and the damage to BP's reputation has driven the company's stock sharply 15 percent lower since April 20, when an explosion killed 11 workers aboard the oil rig, which sank two days later.

"I am absolutely confident that we can bounce back. We will bounce back stronger as a consequence of this, not weaker," Hayward said from Houston.

"I think I have said all along that the company will be judged not on the basis of an accident that, you know, frankly was not our accident," Hayward said.

He said "the real issue is the failure of the safety equipment," a component called the blowout preventer which is not managed by BP.

"That is a piece of equipment owned and operated by Transocean, maintained by Transocean; they are absolutely accountable for its safety and reliability, and they report to the regulatory authority for its safety.

"So what we're doing is responding to a tragic accident, and as I've said we will be judged by our response."

President Barack Obama's administration has expressed impatience with BP's efforts to stop the leak. "Our job is basically to keep the boot on the neck of British Petroleum," Interior Secretary Ken Salazar said last week, using the corporate name that BP last used a decade ago.

"There has understandably been some emotion and rhetoric around this," Hayward said.

"What I would say is that the relationship and the working together between BP and the various federal agencies is extraordinarily good. I spend a lot of time with _ at the highest level, but as importantly lower down _ seeing the BP team and the Coast Guard team and the EPA all working hand in hand to deal with a very difficult situation."

BP: oil leak will be stopped, but can't say when (*WTOP*)

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Article published May 06, 2010

$49M dredging under way on Ottawa River (*Toledo Blade*)

Work expedited to 24-hour cycle
By TOM HENRY
BLADE STAFF WRITER
One of the largest cleanups in Great Lakes history kicked into high gear yesterday in North Toledo.
At 8 a.m., crews began operating dredges on 24-hour cycles along the Ottawa River, said Scott Cieniawski, U.S. Environmental Protection Agency project manager.
Through October, the $49 million project will be operated around the clock except for Sundays, he said.
The system was put into place Monday, after passing a test run Saturday. Sixteen hours of dredging was done Monday and Tuesday before the 24-hour cycles began yesterday, Mr. Cieniawski said.
The river's most polluted sediment is being piped through a water-treatment system specially designed for it on the north side of Toledo's Hoffman Road landfill, said Bob

Rule of de maximis inc., an environmental consulting firm hired by a group of companies paying for half the work.
After screening out golf balls, wood chips, and large chunks of debris, the soupy mixture is passed through a filtration system that removes bulk sediment.

A polymer is added as a thickener to help bind small particles together for easier removal, Mr. Rule said.

To remove even more of the free-flowing dirt, the thinned-out liquid is pumped into socklike mesh bags 300 feet long, the length of a football field.

Those bags screen out particles and let water pass through, much like coffee filters. They're 30 feet wide, and swell to a height of 6 feet. Workers stomp on the bags to loosen up the silt and keep water gushing out.
The water is treated on-site before it is returned to the river, Mr. Rule said.
The Ottawa is a Lake Erie tributary long viewed by the Ohio Department of Health and Ohio Environmental Protection Agency as the state's most polluted waterway.
A silt curtain has been installed in the river near I-75 to catch errant sediment before it can reach Lake Erie's Maumee Bay, Mr. Rule said.
In the aftermath of litigation initiated in 2004 against 13 companies by the U.S. Fish and Wildlife Service, a consortium of seven businesses known as the Ottawa River Group offered to pick up half the costs. The city also was named as a participant in that settlement.
The seven businesses in the consortium are DuPont, Allied Waste North America, GenCorp Inc., Honeywell Inc., Illinois Tool Works Inc., United Technologies Corp., and defunct Chrysler LLC, also known as OldCarCo. The city is providing support with its donation of landfill space.
The government's half is coming from the Great Lakes Legacy Act that Congress started in 2004 for removing polluted sediment from Great Lakes harbors and tributaries.
Only one other project in that program - the 2006-2007 cleanup of the Ashtabula River in northeast Ohio - has been awarded more money.
The Great Lakes region's largest dredging project for environmental restoration is in Wisconsin's Fox River. It is being done with money allocated by the U.S. EPA's Superfund program, Mr. Cieniawski said.
The Ottawa River project initially was scheduled to take two years. The timetable was expedited after dredge operators persuaded those in charge it would be more efficient having three machines on site instead of one. Two are constantly in use and one is on standby, Mr. Cieniawski said.
The dredges, guided by GPS technology, dig up two feet of sediment on each pass. They are canvassing a 5 1/2-mile stretch of the river west of Suder Avenue.
Mr. Rule projects 230,000 to 250,000 cubic yards of polluted sediment will be removed, as much as seven feet of the riverbed.
All but 10,000 cubic yards of it will be buried in the landfill. Anything with chemicals too harsh for the Toledo dump is to be sent off for disposal at a hazardous waste site in Wayne County, Mr. Cieniawski said.

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CHESAPEAKE: Bay commission to brief lawmakers on restoration (*Associated Press*)

Story also appeared: *Delmarva Now*

Associated press • May 6, 2010

WASHINGTON — House lawmakers will receive an update on what the federal and state government need to do to implement a new Chesapeake Bay restoration strategy.

Members of the Chesapeake Bay Commission are scheduled to appear in Washington today at a working lunch with members of the House Chesapeake Bay Task Force. The task force will also hear from natural resources and environmental officials from Maryland, Virginia and Pennsylvania.

The Environmental Protection Agency is preparing to release its strategy later this month for restoring the bay. EPA officials say the strategy, developed in response to a presidential order last year, will put
the bay on a pollution diet, requiring cuts from a variety of sources across the six-state bay watershed.

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