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Table of Contents
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Tuesday, August 18, 2009

ADMINISTRATOR JACKSON 3
Industry Sees Limited Scope Of EPA Voluntary Program Review Panel (*Inside EPA*) 4
A 'war on warming' (*Victorville Daily Press*) 6
EDITORIALS / OP-ED / COMMENTARY / LETTERS 7
Cap and Rage (*Washington Post*) 7
The lesson of Tar Creek (*Joplin Globe*) 8
Taking the high road (*South Coast Today*) 9
Our waterways need a management plan (*Tampa Bay*) 10
AIR 12
Aging power plants face uncertain future (*News Journal*) 12
Toxins May Form When Skin, Indoor Ozone Meet (*EmpowHer*) 14
Federal Agencies To Cut Emissions by Executive Order (*SustainableBusiness.com*) 15
Old plants could escape regulation in climate bill (*Greenwire*) 16
EPA, Davenport foundry reach agreement (*Quad City Times*) 17
CLIMATE CHANGE / GLOBAL WARMING 18
Energy workers to rally against climate plan (*Houston Chronicle*) 18
Greenhouse Gas 'Price Collar' Emerges As Consensus On Cost-Containment (*Inside EPA*) 20
Fla. governor's moves scrutinized for clues to U.S. climate debate (*Greenwire*) 22
Oil companies press White House for flexibility on GHG reporting (*Greenwire*) 27
Specter says he'll back cloture for Senate emissions bill (*Greenwire*) 28
ENERGY 29

The Bank of New York Mellon's Corporate Headquarters Earns the ENERGY STAR(R) (*Red Orbit*) 30
FUEL 31
Birmingham council committee OKs property lease for Serra Automotive for possible Mahindra dealership (*Birmingham News*) 31
Colo. tribe invests in renewable algae project (*Greenwire*) 33
MINING 34
Army Corps issues new permit for Alaska gold mine (*Greenwire*) 34
PESTICIDES 35
EPA Pesticide Tests Seriously Shortsighted (*Mother Jones*) 35
Pitt research suggests EPA pesticide exposure test too short, overlooks long term effects (*R&D Magazine*) 36
RECYCLING 38
Paper or plastic? Which bag is worse for the environment? (*Associated Press*) ... 38
Story also appeared: *Richmond Times Dispatch, News Tribune* 38
SUPERFUND 40
Superfund litigation declines: GAO report (Business Insurance) 40
Wash. site loses $3M for cleanup as EPA, state argue (*Greenwire*) 41
TOXICS 42
BELGRADE State calls herbicide's risk minimal Residents worry about toxicity, 'collateral damage' in milfoil fight (*Kennebec Journal*) 42
Mesothelioma: What You Should Know (*Chipley Florida Online Newspaper - Foster Folly News*) 44
Chinese drywall complaints mount ahead of investigation reports (*Tampa Tribune*) 45
EPA forces Iowa foundry to address lead in soils at plant (*Waste & Recycling News*) 46
WATER 47
Drinking Water Disinfection Device Registered By U.S. EPA (*WaterWorld*) 47
Blue-green algae blooms affect town's lakes differently (*Daily News)* 49
EPA proposes water pollution fine against oil firm at Port (*Daily Breeze*) 51
Pipeline firms agree to pay $3.65M for ammonia spills (*Greenwire)* 51
Battle over Lake Allatoona heads to court (*Greenwire*) 52
Wash. county's phosphate law working -- data (*Greenwire*) 53
Environmental Protection Agency Says It Will Toss Artifacts from Historic 18th Century Fort into a Landfill (*CNS News*) 53
Filner takes on coastal panel (*San Diego Union Tribune*) 55
MSD to submit $1.9 billion plan to reduce combined sewer pollution (*San Diego Union Tribune*) 56
Landmark Deal Puts Hanford Cleanup on Track (*EP Magazine*) 58
Great Lakes initiative could provide money to clean up Lake Ontario (*Rochester Democrat and Chronicle*) 59
A slick way to get rid of oil in the St. Cloud area (*St. Cloud Times*) 60
Maryville agrees to penalty for wastewater violation (*St. Joseph News-Press*) 61
Building that sand castle could make you sick (*Providence Journal*) 62
Kicking the bottle will save you big, water experts say (*Peoria Journal Star)* 64

Michigan Tech, Army Corps study shores (*Associated Press*)..... 67
Story also appeared: *Traverse City Record Eagle* 67
Storm water fees on council agenda (*San Angelo Standard Times*)..... 68
Maryville-agrees-to-penalty-for-wastewater-violation (*St. Joseph News Press*)..... 70
Old Subway Cars Recycled To Make Underwater Reefs *(Brooklyn Daily Eagle*) .. 71

ADMINISTRATOR JACKSON

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Industry Sees Limited Scope Of EPA Voluntary Program Review Panel (*Inside EPA*)

Monday, August 17, 2009
Industry officials are raising concerns about a federal advisory panel reviewing EPA voluntary programs, saying that the charge to the panel and remarks by EPA Administrator Lisa Jackson appear to narrow its scope rather than promoting new voluntary efforts at the agency.

When Jackson canceled EPA's voluntary Performance Track program in March due to concerns about its effectiveness, she sent out a memo to industry and states announcing a new National Advisory Council for Environmental Policy & Technology (NACEPT) panel "to focus on the future of EPA environmental leadership programs" and discuss the challenges for the agency in designing and managing such programs in the future.

The NACEPT Subcommittee on Promoting Environmental Stewardship includes activists and industry and state officials. The panel convenes its next meeting Aug. 18-19 at EPA's offices in Arlington, VA.

The draft charge to the panel focuses on asking members to look at ways to promote "environmental stewardship" and ways in which EPA, businesses, states and local government can promote either performance-based or stewardship programs that aim to enhance human health and environmental protection.

And Jackson in remarks prepared for delivery to the panel's first meeting July 1 focused heavily on promoting the idea of stewardship and doing a "better job of educating people, of facilitating communication and collaboration between individuals, communities and businesses," with little mention of voluntary programs.

One informed source says there are "very mixed messages" from Jackson about the role of voluntary programs in EPA's overall strategy. The source says Jackson's March memo "was open dialogue" on voluntary efforts, but the draft NACEPT charge and the administrator's remarks "seems to be defining boundaries on that."

"There is some concern among a few observers that Lisa Jackson's charge to the panel -- and her opening remarks -- seem designed to move EPA away from programs like Performance Track," one industry source agrees.

Performance Track gave regulatory incentives such as reduced inspections to companies that agreed to non-binding three-year plans to reduce pollution, though critics said the program achieved minimal benefits.

Jackson told the panel at the July meeting that Performance Track was not "state of the art." In contrast, she said EPA's voluntary Energy Star and WaterSense efficiency

programs are positive examples of agency environmental stewardship efforts. Her comments focused more on promoting the idea of stewardship.

For example, she cited a near-total ban issued by Spokane, WA, on dishwasher detergents containing phosphates, which were reaching the Spokane River and causing an overgrowth of algae that led to decreased oxygen levels in the water. But some residents drove to Idaho to buy detergent with phosphates, believing it worked better, which Jackson said shows the need to better educate consumers and "put environmental protection in the hands of the people."

Jackson also told the panel that the agency does not "have a huge amount of resources" to devote to voluntary programs and would "rather focus those resources in a couple areas" where such efforts could have a significant impact. "I don't want you to think of it as either/or" regulation or voluntary efforts, she said.

The industry source says Jackson "received a lot of adverse reaction from industry about abolishing [Performance Track] so she is trying to find a progressive, sustainable volunteer leadership program that could fit into one of EPA's existing programs. Her comments were pretty clear on that point."

The charge to the NACEPT panel asks members to look at what EPA and states can do to promote stewardship, and oversee and evaluate those efforts. "To the extent EPA can partner with state and local environmental stewardship/leadership programs that is the way [Jackson] sees the agency going," the source adds.

Following the panel's first meeting last month, some members said EPA's remarks seemed aimed at focusing the panel's eventual recommendations on a handful of areas that could assist the agency in achieving the goals of its core mandatory programs in ways EPA cannot do so through regulation.

But at a July 8 Senate environment panel hearing, Chairwoman Barbara Boxer (D-CA) indicated that the panel should focus on reviewing and improving EPA voluntary programs. She asked Robert Perciasepe, nominated to be EPA's deputy administrator, to "commit to work to ensure that EPA's voluntary programs reward the best companies, those leaders who go beyond what is required and demonstrate what is possible."

Perciasepe replied, "Of course. I think voluntary programs have a role in the overall scheme and we need to make sure that they accomplish some goals of improving compliance and improving, getting people ahead of the curve, providing those proper incentives. So, yes, absolutely. And I'm looking forward to seeing that."

The industry source says that given various views on what role the NACEPT panel should play, there is an "incomplete message" on the direction it should take, which may become clearer after the August panel meeting. "There should be a better understanding of where the NACEPT subcommittee will be headed."

EPA did not respond to a request for comment by press time. -- *Anthony Lacey*

A 'war on warming' (*Victorville Daily Press*)

The Orange County Register
2009-08-17 11:39:48

It's likely a sign of desperation that national security is increasingly invoked as an excuse for waging war on global warming. Sen. John Kerry, D-Mass., says global warming will create "climate refugees" and bring international conflicts. The American military, the reasoning goes, will have to intervene in massive humanitarian efforts or with force. This echoes President Barack Obama's depiction last year of global warming as an alleged "national security" threat.

A Defense Department think tank now predicts changing climate will create international instability. Retired army Gen. Anthony Zinni warns we must pay now to avert global warming, or pay later militarily. Former Sen. John Warner, in conjunction with the Pew Environmental Group, claims there's a "critical link" between national security and global warming.

The message is: Impose Draconian solutions like the pending cap-and-trade bill in Congress, for the sake of national security.

Everyone should take a deep breath. These scary warnings are predicated on assumptions based on worst-case scenarios, and are far from proven.

Even if seas and temperatures rise, and hurricanes increase, the Waxman-Markey cap-andtrade greenhouse gas regulations would have next to no effect. Environmental Protection Agency Administrator Lisa Jackson concedes "U.S. action alone will not impact world CO2 levels." Climatologist Chip Knappenberger says Waxman-Markey regulations would moderate temperatures no more than two-tenths of a degree over a century.

It's just as likely cap-and-trade regulations pose national security threats of their own by stifling economic growth, creating energy scarcity and making fragile nations even more so, says James Jay Carafano, Heritage Foundation research fellow for national and homeland security. Such economy-strangling measures would weaken U.S. economic competitiveness and military preparedness, he says.

We must remember scary global warming predictions are based on unproved computermodel projections tying temperature to greenhouse gas emissions. But those predictions are worst-case scenarios, cherry-picked from two dozen computer-generated models, all based on incomplete data. Missing from the calculations is what may be the most influential factor, cloud cover, the effect of which no one understands.

Meanwhile, greenhouse gas emissions have soared for a decade, but temperatures have leveled and even declined. The nation should resist being stampeded into another costly 1,200 pages of barely read, poorly understood “solutions.”

EDITORIALS / OP-ED / COMMENTARY / LETTERS
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Cap and Rage (*Washington Post*)

The fight over health-care reform could hobble climate-change legislation.
Tuesday, August 18, 2009
THE RANCOROUS debate over health reform has given voice to considerable uneasiness among Americans. Many are worried about how a new system will be paid for in an economy that has unraveled, and they are anxious about a kudzu-like expansion of an already unwieldy bureaucracy. Given the herculean effort it will take to get President Obama's vision of reform through Congress, we're not convinced that the Senate will have the stomach to tackle cap-and-trade legislation this fall. The growing agitation within the chamber over the creation of another complex system to buy, sell and trade pollution credits only adds to our doubts.

The House barely passed the American Clean Energy and Security Act (a.k.a. Waxman-Markey) in June. The 1,400-page bill has a potpourri of measures ranging from new efficiency and renewable energy standards to a cap-and-trade provision that gives away 85 percent of the pollution allowances to various interests. The Senate is proving to be a much tougher sell. Last week, four Democratic senators -- Blanche Lincoln (Ark.), Ben Nelson (Neb.), Kent Conrad (N.D.) and Byron L. Dorgan (N.D.) -- called on the leadership to strip cap-and-trade completely from the bill that Majority Leader Harry M. Reid (D-Nev.) hopes to start stitching together next month. This comes days after 10 moderate Democratic senators from coal and manufacturing states sent a letter to President Obama warning that they would not go along with any cap-and-trade regime that didn't "maintain a level playing field for American manufacturing."

Dropping cap-and-trade from the Senate bill is considered a non-starter by Mr. Reid and environmental advocates for two reasons. First, a long-stated goal of congressional leaders and the president himself is to have emissions-limiting legislation passed and signed into law in time for international climate talks in Copenhagen in December. Second, there is no Plan B. The leadership has put all of its eggs in the cap-and-trade basket.

Yet there are other options worthy of consideration. Yes, we're talking about a carbon tax. It would be relatively simple to devise and easy to implement. It would require no

new bureaucracy, and the revenue generated could be rebated to the taxpayer in any number of ways -- through a payroll tax reduction, for instance.

We know we are running counter to Washington's tax-averse conventional wisdom. But we are not alone in our support of the carbon tax. There were three such bills in the House. One of the inventors of the cap-and-trade concept, Thomas Crocker, told the Wall Street Journal last week that he favors a carbon tax because he believes it's easier to enforce.

If Congress fails to pass cap-and-trade legislation, it will rapidly approach a fork in the road in addressing global warming. Members can sit back while unelected bureaucrats at the Environmental Protection Agency follow through on their moves toward regulating greenhouse gas emissions as a pollutant under the Clean Air Act. Or they can entertain a carbon-based tax designed to reduce emissions and give the money back to taxpayers in an equitable manner. A decision on which path to take is bearing down upon us. Not only are the global warming dangers facing the planet reaching the tipping point, but there will also be no climate agreement in Copenhagen without strong leadership in words and deeds from the United States. As the Senate forges ahead, nothing should be off the table.

In our view:

The lesson of Tar Creek (*Joplin Globe*)

August 17, 2009 09:58 pm
— It is about time that Uncle Sam started taking notice of the legacy left by lead and zinc mining in the Treece, Kan., area. Similar environmental issues that triggered the government's voluntary buyout of homes and businesses in Picher, Okla., exist around the tiny Kansas town.
At the urging of two U.S. senators and a congresswoman, all from Kansas, the Environmental Protection Agency will be sending three of its top officials to take a look this week at the extent of damage left by mining operations covering 115 square miles of Cherokee County.
What they find, we suspect, will be reminiscent of the Tar Creek Superfund site that the EPA spent decades and more than $100 million trying to correct before finally deciding the mountains of contaminated chat and the potential for subsidence were dangers requiring a buyout of property owners.
We base that belief on the EPA experience in the Picher and Cardin, Okla., communities.
Soil reclamation attempts by the EPA in the Picher and Cardin area were quickly reversed by winds carrying heavy metal-laden dust back into yards, leaving them as contaminated as before.
Heavy rains sent groundwater pouring into the abandoned mines and produced red-tinged waters in Tar Creek that eventually flowed into Grand Lake.
But what finally tweaked the federal agency's interest in a voluntary buyout was the

danger that homes, businesses, schools and people might begin dropping into collapsing abandoned mines.
Sen. Pat Roberts made a comparison between Treece and Picher to the EPA: “Once you visit this town, and compare it to Picher, you can better understated the frustration of residents. Once the EPA sees firsthand the long-term damage and safety concerns facing the people of Treece, hopefully they will agree more assistance is critically needed beyond cleanup.”
The lesson of Tar Creek is that cleaning up the mess left by the mining companies is a slow, difficult process made even agonizingly slower and much more difficult by the winds, rains, an abundance of heavy metals in the huge piles of chat and the prospect of cave-ins. Picher showed that a voluntary buyout is cheaper and safer in the long run.

OUR VIEW:

Taking the high road (*South Coast Today*)

August 18, 2009 2:00 AM
It's hard to argue with Sen. Mark C.W. Montigny's assessment that environmental problems surrounding Keith Middle School have made the project "a disaster."

Although the school is attractive and functional, with a positive atmosphere inside, what lies outside — a former industrial waste incineration dump, cleanup costs, persistent contamination of nearby lots — has indeed become a disaster. The original budget has nearly tripled, from $39 million to $103 million, and the city is still trying to get reimbursed for 90 percent of what it spent to buy six private homes on contaminated land.

The reimbursement will only come if lawmakers approve special legislation to allow the price of the homes to be included as part of the school building costs.

Meanwhile, the city is considering buying four additional residential parcels and the Evangelical Church of the Nations.

Neighborhood residents see illness among their neighbors and suspect the worst; they fear for their families' health, as anyone would. And the former dump spanned some 104 acres, so the eventual swath of contamination could be even larger.

The only bright spot in all this misfortune is the way the community has come together to address it.

City activists formed CLEAN, the Citizens Leading Environmental Action Network, which has pushed local, state and federal authorities to pay attention to the Keith neighborhood contamination and take action for the sake of public health. CLEAN has become the Keith-area watchdog.

Often, groups like CLEAN get dismissed by government authorities as unscientific stirrers of fear, but this time, constructive things are happening.

The U.S. Environmental Protection Agency, to its credit, has agreed to answer questions at a public meeting in September. Though an EPA spokeswoman said the meeting's main purpose will be to "calm the public," as if their emotions and not toxins were the issue, the Keith neighborhood has the ear of the EPA, and that alone represents progress.

The city, too, took the high road when it made the controversial decision to buy nearby private properties to get residents out of harm's way.

Now, with reimbursement in doubt and CLEAN requesting that the EPA designate the land as a Superfund site, one issue arises again and again: Who will pay?

If the land in question, the former Parker Street burn dump, were a Superfund site, the EPA would conduct a cleanup and seek out potentially responsible parties for payment.

Does contamination around Keith rise to that level? Residents are working to get answers, and officials from all quarters should continue to take their concerns seriously.

Most environmental cleanups get their start when a few concerned people speak up. In the Keith neighborhood, that's exactly what residents have done.

Our waterways need a management plan (*Tampa Bay*)

Published Monday, August 17, 2009
Local residents will recall the concerns that surfaced after experts discovered that the water quality of Old Tampa Bay — the area north of the Courtney Campbell Parkway — had declined to such a state that only focused effort would save it. That is why plans to create a management plan for two other important North Pinellas waterways, Clearwater Harbor and St. Joseph Sound, are encouraging. That proactive approach could prevent a calamity in those all-important waters.

At its 3 p.m. meeting today, the Pinellas County Commission is scheduled to discuss awarding a contract to Janicki Environmental Inc. of St. Petersburg to create a comprehensive conservation management plan for Clearwater Harbor and St. Joseph Sound.

Both bodies of water are portions of the Intracoastal Waterway lying between the North Pinellas mainland and the barrier islands of Sand Key, Clearwater Beach, Caladesi Island and Honeymoon Island. The harbor and sound, used primarily for recreational

boating and fishing, are relatively shallow and don't receive the sort of cleansing flushing that is seen in the gulf.

Just like Old Tampa Bay, these waterways also receive a load of polluted stormwater during every rainstorm. The stormwater carries with it litter, dirt, oil, animal droppings, and traces of fertilizer and lawn chemicals. Those pollutants, especially when combined with stagnation and high temperatures, can lead to algae growth, loss of sea grasses and wildlife, and creation of a thick layer of polluted mud on the bottom of the waterway. The quality of the water is affected, as is its clarity, its value for recreation, and its importance as a wildlife habitat.

How serious is the condition of Clearwater Harbor and St. Joseph Sound? That's one of the questions to be answered by Janicki. The contract with the company calls for it to analyze historic and current water quality tests and sea grass surveys, along with photos and maps, to determine the health of the harbor and sound. Janicki also will map wetlands and wildlife habitat areas. And then the company will develop a plan to address the problems found in the two waterways.

The 30-month contract will cost about $560,000, with the dollars coming from Penny for Pinellas, the Southwest Florida Water Management District, Region 4 of the U.S. Environmental Protection Agency, and the cities of Tarpon Springs, Dunedin, Clearwater and Largo.

The county staff has suggested that $38,000 be added to the contract for a sedimentation management plan. Commissioners should approve the addition. If too much sediment is washed into a water body, it eventually becomes increasingly shallow, making it less desirable for wildlife and for recreation. That is one of the problems that has afflicted the upper portions of Old Tampa Bay.

The purpose of a management plan is not just to identify changes that have occurred over time and find ways to reduce the pollution, but also to map out a plan to restore the waters to their previous health. That process can take decades.

Identifying and fixing the problems with Clearwater Harbor and St. Joseph Sound is important not only because of their value for recreation and wildlife habitat, but also because pollution of those waters contributes to pollution of the Gulf of Mexico. Whatever can be done to clean up and restore the harbor and sound will be a positive for the region, not just for the communities that border the Intracoastal Waterway.

AIR

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Aging power plants face uncertain future (*News Journal*)

Legislation could spell doom, or let them stay
By KARI LYDERSEN • The Washington Post • August 18, 2009
CHICAGO -- The twin smokestacks of the 85-year-old Crawford Generating Station are a familiar backdrop in the Little Village neighborhood of Chicago. It's a largely Mexican immigrant community where children play in the street, families congregate on stoops and pushcart vendors sell corncobs within blocks of the plant and its large coal pile.

Six miles away in another crowded neighborhood sits a second plant, the Fisk Generating Station, built in 1903.

They are among the nation's fleet of aging coal-fired power plants, a handful of them in the heart of urban areas, including Detroit, Cleveland and Milwaukee.

Many public health and environmental advocates say too little attention has been paid to facilities such as Fisk and Crawford -- "legacy" plants grandfathered in under the 1977 Clean Air Act and largely exempted from its requirement that facilities use the best pollution-control technology.

"Those are the clunkers of the power-plant world," said Brian Urbaszewski, director of environmental health programs for the Respiratory Health Association of Metropolitan Chicago. "What we're dealing with here is the Cuban auto fleet -- a bunch of facilities built in the 1950s and early 1960s that are continuing to be rebuilt over and over. That's not the way the law was intended to work."

Advocates hope the climate control legislation pending in Congress would force these plants to close. But they also warn that, depending how various aspects of the bill play out, it could instead motivate companies to increase their reliance on archaic plants.

If a climate change bill drives up the cost of opening new plants, but provides free emissions allowances or potential carbon offsets for existing facilities, companies could have an incentive to squeeze even more power out of their old plants, many of which are running well below capacity.

Some environmental groups are urging the Senate to include in its version of the legislation provisions to prevent that. But the legislation passed by the House in late June -- known as the American Clean Energy and Security Act -- mandates a 50 percent carbon reduction by 2025 for new plants, but puts no site-specific carbon reduction requirements on existing facilities.

Eric Schaeffer, executive director of the Environmental Integrity Project and former director of the Environmental Protection Agency's Office of Regulatory Enforcement, said the new legislation is widely viewed as a panacea.

"But by establishing requirements for new plants and then effectively exempting the old ones," he said, "you create the same disconnect that has created problems under the Clean Air Act."

But Dan Riedinger, spokesman for the Edison Electric Institute industry group, said power companies will probably close their oldest plants if a cap is put on carbon, since it would be least efficient to invest in carbon capture or other greenhouse gas reduction technology at those plants.

A climate bill, he said, "will have a big impact on the older fleet of power plants."

For years, Illinois Attorney General Lisa Madigan, Chicago city councilmen and national and local groups have tried to force Midwest Generation, the Edison International subsidiary that owns Fisk and Crawford, to install modern technology to catch particulate matter and remove sulfur dioxide and nitrogen oxide.

Two weeks ago, several environmental groups -- including Urbaszewski's organization as well as the National Resources Defense Council, the Environmental Law and Policy Center and the Sierra Club -- said they will sue the company for violating federal standards on particulate matter. Two years ago, the EPA filed a notice asserting that the company's six Illinois plants violated these and other standards.

Midwest Generation spokesman Doug McFarlan thinks the company is being targeted unfairly because of "heightened sensitivities" around the Chicago plants. He said Midwest Generation's plants release less particulate matter than most plants, many of which are not cited by the EPA. Since buying the plants a decade ago, McFarlan said Midwest has reduced emissions by as much as 60 percent.

Toxins May Form When Skin, Indoor Ozone Meet (*EmpowHer*)

August 17, 2009 - 3:57pm
Scientists Identify Itch-Transmitting Cells
MONDAY, Aug. 17 (HealthDay News) -- Oil found naturally on human skin can "trap" large amounts of indoor ozone, then "spit" it out in the form of chemicals that may irritate the skin and the lungs, new research suggests.

"They are saying that compounds on the skin react to the ozone and cause more irritation to the skin," explained one expert, Rajat Sethi, an assistant professor of pharmaceutical sciences at Texas A&M Health Science Center's Irma Lerma Rangel College of Pharmacy in Kingsville. "They have identified those compounds."

But the findings are not cause for major concern yet, according to the study, which is published in the Aug. 17 issue of Proceedings of the National Academies of Science.

"I would say this is not very alarming at this point," said study co-lead author Charles J. Weschler, an adjunct professor at the University of Medicine & Dentistry of New Jersey in Piscataway. "This chemistry has been going on since the dawn of man. As long as humans have existed, they've existed with ozone, and this chemistry has been occurring," said Weschler, who is also a member of the faculty of the Technical University of Denmark in Copenhagen. He wrote the paper with Armin Wisthaler of Leopold-Franzens University, Innsbruck, Austria.

While copious amounts of research have pointed to the negative health effects of outdoor ozone, little is known about indoor ozone or ground-level ozone, especially about its effects on humans.

"We're talking about ozone that people breathe, that people come in contact with, as opposed to ozone up in the stratosphere that protects us from the sun," Weschler explained.

Ozone can travel indoors through ventilation systems and open windows, or it can sweat off of office equipment, such as poorly working photocopiers or laser printers.

"The U.S. Environmental Protection Agency has claimed that indoor ozone exposure may be 100 times more than outdoor exposure," noted Sethi, who presented a paper at a recent American Heart Association meeting that linked outdoor ozone with an increased risk of ischemic attack and angina.

In their study, Weschler and Wisthaler used "proton transfer reaction-mass spectrometry" to analyze compounds released into the air by the interaction of human skin oil and ozone.

When squalene, the most common fat and antioxidant found on the human skin, from just one person interacted with ozone, this could reduce ozone concentrations in a small room by 10 to 25 percent, the team found.

Byproducts of this skin-ozone interaction are later released back into the environment.

"Some of these products are benign, something like acetone or fingernail-polish remover. Some of these compounds have not been identified before in terms of this chemistry, but we don't expect them to pose much of a health concern simply because of their structure," Weschler said. On the other hand, "some of these compounds may be a health concern, but toxicity studies have yet to be done," he added.

Besides the skin, reactions occur on objects where squalene was left by a person's touch, such as furniture or computer equipment.

The research also revealed that squalene and not vitamin E, as was previously thought, is the main antioxidant protecting the skin from ozone. "Squalene has been doing the heavy lifting when it comes to protecting us from the ozone," Wechsler said.

"Some of these products [resulting from the interaction] we inhale and some stay on our skin," he added. "Toxicologists will be looking more closely at what some of the potential health effects are."

One expert noted that the latest research sheds more light on ozone's harmful effects.

"Ozone by itself is harmful straight out, and we've known for some time that ozone indoors reacts with a variety of things," said Janice Nolen, assistant vice president of national policy and advocacy at the American Lung Association. This study "tells us more about how ozone can affect us and reinforces why we don't want ozone indoors," she said.

Nolen advised against using products that produce ozone, such as air-purifying devices. "If it's a mechanism with a filter of some kind, then you're not going to be producing ozone," she said. "If you're using something that uses electric static or a chemical process, the odds are that you're going to be producing ozone."

But even filtering, she added, "is limited in its ability to help clean up indoor air."

Federal Agencies To Cut Emissions by Executive Order
(*SustainableBusiness.com*)

SustainableBusiness.com News
08/17/2009 12:32 PM
President Barack Obama is likely to issue an executive order next month mandating that federal agencies cut their greenhouse gas emissions 20% within 10 years, according to a report in Federal Times.

The mandate is part of a draft executive order that will be issued for review as early as this week. Law enforcement, military and related activities will be exempt from the order, according to the report.

The challenge for participating agencies will not only be making the cuts, but also measuring emissions. Currently, only the Department of Energy's National Renewable Energy Lab (NREL), the Agriculture Department's Forest Service and the EPA participate in the EPA's Climate Leaders Program, which focuses on measuring and reducing direct greenhouse gas emissions.

The new order will require agencies to measure both direct and indirect greenhouse gas emissions, beginning October 1, which will set the 2010 baseline for reductions.

Read the *Federal Times* coverage at the link below.

Website: www.federaltimes.com/index.php?S=4225855

Old plants could escape regulation in climate bill (*Greenwire*)

08/17/2009
Some of the country's oldest coal plants may be grandfathered in under proposed climate legislation, pushing utilities to rely on the dirtiest and least-efficient plants, environmentalists warn.

The American Clean Energy and Security Act requires 50 percent carbon reductions for new plants by 2025, but has no specific requirements for existing plants. Environmentalists worry that setup will unintentionally push utilities to attempt to squeeze more out of existing plants. The groups say the situation mirrors exemptions for old plants under the 1977 Clean Air Act.

Environmental groups are urging the Senate to adopt rules in its version that would change that incentive structure.

"Those are the clunkers of the power-plant world," said Brian Urbaszewski, director of environmental health programs for the Respiratory Health Association of Metropolitan Chicago. "What we're dealing with here is the Cuban auto fleet -- a bunch of facilities built in the 1950s and early 1960s that are continuing to be rebuilt over and over. That's not the way the law was intended to work."

Environmental groups including the National Resources Defense Council and the Sierra Club filed a notice of intent to sue an Illinois utility over its older plants that they say are violating Clean Air Act standards (Kari Lydersen, *Washington Post*, Aug. 17). **-- PR**

EPA, Davenport foundry reach agreement (*Quad City Times*)

Deirdre Cox Baker | Posted: Monday, August 17, 2009 10:15 pm

Blackhawk Foundry and Machine officials came to quick agreement last week with the U.S. Environmental Protection Agency on a cleanup plan for contaminated soil located on a small part of the company's

3-square-mile property in west Davenport.

Blackhawk Foundry has had other encounters with the EPA, most of which involve fine particles released into the atmosphere. The federal agency is studying further action on particulate matter air pollution, which the Iowa Department of Natural Resources says is mostly generated by the foundry's smoke stacks.

The Aug. 14 agreement, however, involves lead-contaminated soil at the facility at 323 S. Clark St., Davenport. It took about 30 days of negotiations, and the foundry officials were not difficult to work with, said Chris Whitley, spokesman for Region 7 of the EPA, located in Kansas City, Kan. Iowa is part of Region 7.

"It's not a big deal," said James Grafton, foundry president and chief executive officer. The agreement wraps up a subject that arose in the early 1980s, he said, and that the company thought ended about 15 years ago.

The foundry will remove about two feet of soil in a small section of the grounds. That soil will then be replaced by a gravel safety cap to ensure that remaining soil does not leach off during rainfall or flood events and that contaminated dust doesn't get into the atmosphere.

Blackhawk's work on soil contamination problems started with the EPA in 1992, Whitley said. Exact cost of the remediation project is not known, but it is not believed to be a big expense, he added.

The area in question is where waste was once deposited, Grafton said. The EPA tested several parts of the foundry grounds for lead, and this area was the only one that had higher-than-acceptable readings.

Blackhawk Foundry makes iron castings and has done so since it began, according to its Web site.

Customers are in manufacturing, agriculture and construction, and castings are for products such as electrical motors, diesel engines, engine components, conveyor systems, valves and pumps.

The company president is relieved that the current EPA action on soil contamination is almost concluded.

"We are happy that it will finally be done," Grafton said.

CLIMATE CHANGE / GLOBAL WARMING

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Energy workers to rally against climate plan (*Houston Chronicle*)

By TOM FOWLER
Aug. 18, 2009, 12:27AM
Local energy workers are expected to crowd into a downtown Houston theater today to protest climate change legislation that the U.S. Senate will take up in the coming weeks. The Energy Citizens rally, promoted by some major energy companies and business organizations as well as the Greater Houston Partnership, will be the first of several such events planned in 19 states in the coming weeks.

Organizers of the event, billed as a dialogue on energy and the environment, told the Chronicle on Monday that legislation the U.S. House passed last spring will destroy millions of U.S. jobs and raise costs without reducing greenhouse gas emissions blamed for climate change.

“It's a dangerous piece of legislation,” said James Hackett, chairman and CEO of Anadarko Energy, which is busing employees to the event.

Hackett said he supports reducing greenhouse emissions and developing alternative sources of fuel.

“But I do think there's a virtual reality that's being portrayed to most American citizens about how quickly we get there and how we get there,” Hackett said.

The rally is scheduled for 12:30 p.m. at the Verizon Wireless Theater downtown, with doors open at 11:30.

The climate change bill the House passed earlier this year sets a steadily decreasing cap on emissions from factories, power plants and other industrial sources and lets

companies trade any excess emissions allowances. The price of those emissions allowances would most likely be passed on to consumers.

The measure also would set up a system for creating extra allowances, called offsets, through other projects that reduce emissions, and would include incentives for renewable energy sources and home and business energy efficiency.

But opponents say the bill won't reduce greenhouse gas emissions because it doesn't secure promises from developing nations, like China and India, to put controls on their growing emissions.

It also makes no mention of encouraging nuclear power generation, which some rally organizers believe will be key to meeting the country's electricity needs without creating more greenhouse gases, and doesn't discuss a role for natural gas, which typically has lower carbon emissions than other fossil fuels.

Opponents also say the cost of the legislation is ill-timed in a weak economy.

A study released by the National Association of Manufacturers last week says the law would cost 1.8 million to 2.4 million jobs by 2030 and would cost each U.S. household up to $1,248 a year by 2030.

Other estimates of annual household costs have differed — $83 per year according to the U.S. Energy Information Administration; $88-$140 according to the Environmental Protection Agency; and $175 a year projected by the Congressional Budget Office.

During the 2008 presidential campaign, both major party nominees — Republican John McCain and Democratic winner Barack Obama — said they favored a cap-and-trade system for greenhouse gas emissions.

One of the scheduled speakers at today's event, National Black Chamber of Commerce President and CEO Harry Alford, said his organization has been on the record against such a bill since 1996 when it opposed the Kyoto Treaty that led to the emissions trading system now operating in Europe.

Chevron has invited Houston employees and retirees to participate in the event, and will provide transportation, so they can be part of the policy discussion, said spokesman Scott Walker in an e-mail.

“Chevron supports a national climate change program that is transparent, promotes energy efficiency and conservation measures, treats all participants fairly and protects our economy and energy security,” he said.

Shell Oil has been outspoken in support of climate change legislation, and is a member of the U.S. Climate Action Partnership, which has supported a cap and trade program.

Shell is “neither encouraging nor discouraging participation in the rally,” spokesman Bill Tanner said.

The Greater Houston Partnership is “still in the process of formulating an official position on the cap and trade plan in the energy legislation,” according to a release concerning the event, but is encouraging dialogue because of the legislation's potential effect on the region.

tom.fowler@chron.com

Greenhouse Gas 'Price Collar' Emerges As Consensus On Cost-Containment (*Inside EPA*)

Monday, August 17, 2009
Amid concerns that price volatility could drive up the cost of a cap-and-trade program and undermine its political support, the concept of a “price collar” -- a progressively rising floor and ceiling price on greenhouse gas emission (GHG) allowances -- is attracting increasing support from lawmakers, utilities and some activists.

With a price collar in place, emission allowance prices under a climate cap-and-trade plan would be confined to a band established by policymakers; should allowances hit the ceiling price an unlimited number of allowances would be made available at that price. However, that aspect of the proposal is prompting fear among other activists that it would undermine the program's emissions cap, especially if the ceiling price is set too low.

Senate Environment & Public Works Committee Chairwoman Barbara Boxer (D-CA) recently acknowledged the growing interest and said she is considering the proposal for inclusion in her climate bill. Speaking after an Aug. 6 hearing of the environment committee, Boxer told reporters “we are studying a [price] collar” and weighing whether to include it in the Senate bill, expected to be unveiled in early September.

Boxer’s remarks came after a recent Senate Finance Committee hearing, which will help draft the allowance allocation scheme under the Senate climate bill, where Sen. Debbie Stabenow (D-MI) expressed interest in the price collar concept. She said a price collar is “one of the things that I’m looking at” to address concerns about disruptive volatility in allowance prices. “It would have the environmental benefit of ensuring that the cost of the allowances don’t go too low,” Stabenow explained, “but the predictability on the high end that you would be able to measure in terms of some kind of stability on what prices would be.”

Last Congress, Sens. Jeff Bingaman (D-NM) and Arlen Specter (D-PA) offered a cap-and-trade bill that included a price ceiling, sometimes referred to as a “safety valve,” set

at just $12 per ton of carbon dioxide -- below the allowance price recently projected by EPA in the early years of the House-passed climate bill.

The Edison Electric Institute (EEI), which represents investor-owned utilities, is also signaling support for a price collar. In early July, EEI sent a letter to Senate Majority Leader Harry Reid (D-NV) calling a price collar a “critical consumer protection measure” that “would help limit economic harm to energy consumers, U.S. workers, and the economy.” The American Coalition for Clean Coal Electricity -- a coal industry group that has spent more than $12 million this year lobbying members of Congress -- is also pushing for a price collar, a spokesman says.

Environmental groups Clean Air-Cool Planet and the Environmental and Energy Study Institute (EESI) also backed a price collar in a July 29 letter to lawmakers, casting it as “a simple fix” to concerns about price volatility that could also alleviate the need for international offsets and other cost-containment measures in the House-passed climate bill. In addition, the bipartisan National Commission on Energy Policy -- headed by Jason Grumet, President Obama’s point man on energy policy during the election campaign -- issued a paper last month arguing a price collar would “help bring about a smoother and faster transition to a lower-carbon economy.”

Major environmental organizations, however, remain skeptical of any proposal to cap the price of emission allowances, arguing that a price ceiling would effectively “bust the cap” on GHGs. These groups -- including Environmental Defense Fund (EDF) and Natural Resources Defense Council -- tend to prefer the approach to cost-containment taken in the bill from Reps. Henry Waxman (D-CA) and Edward Markey (D-MA).

The Waxman-Markey legislation, narrowly approved in the House along mostly party lines in June, establishes a floor price for allowances starting at $10 in 2010 and rising 5 percent over inflation annually. The bill also establishes a price ceiling beginning at $28 in 2012; after 2015, the ceiling is set by calculating the average allowance auction price from the previous 36 months and increasing it by 60 percent. But unlike with a standard price collar, the allowances available at the ceiling price are drawn from a reserve of allowances taken from previous compliance years, thus theoretically maintaining the integrity of the emissions cap.

But Adele Morris, a climate policy expert at the Brookings Institution, argues the cost-containment measures in the Waxman-Markey bill “are uncertain and unnecessarily complicated,” maintaining that a price collar would be a simpler and more effective “safety buffer” for a cap-and-trade scheme that can provide the price stability desired by industry and investors. At the same time, she says a price collar is capable of providing more environmental certainty than some competing cost-containment proposals viewed with wariness by environmentalists, such as international offsets. And she adds that it’s “definitely” an idea “that will appeal to the moderates” in the Senate.

At the hearing, Stabenow suggested adopting a price collar would also be a way to reduce the free allowance allocations industry would get under the House climate bill,

asking panelists, “If we have a workable price collar, do we need to allocate as many allowances to dampen costs if the collar is already preventing excessive costs?”

Dallas Burtraw with the think tank Resources for the Future responded to Stabenow's question by saying that “environmental economists for 30 years have been saying all we really want is a stable, smooth, increasing price signal to guide investment decisions in the economy, and that a price collar helps deliver that while removing the excess costs associated with price volatility.”

But Nat Keohane, an economist with EDF, told Stabenow that “the danger with any policy like a price collar that effectively allows for unfettered emissions at some price is that it’s going to bust the cap.” Keohane recommended senators consider the House’s adoption of an allowance reserve that can “provide a lot of the same cost-containment feature[s] of that price collar” but without undermining the integrity of the emissions cap.

Morris, however, points to a Brookings report released last month that she co-authored which indicates that a price collar with a starting floor of $10 and a ceiling of $35 -- the latter well above GHG allowance prices predicted by EPA and Congressional Budget Office (CBO) in the early years of a cap-and-trade program -- would only increase emissions beyond capped levels by 4 percent from 2010 to 2050 compared to a climate policy that does not include a collar.

The proposal to require that the price floor and ceiling increase 4 percent over inflation annually should further assuage fears that a price collar undermines the GHG-reduction goals of cap-and-trade, Morris argues. “I think it’s a great middle ground, and I also think that our study shows the price collar wouldn’t eviscerate the cap,” she says. “If you have a price ceiling, you can afford to be a little more rigorous on the design of the offsets program.”

Joe Romm, with the liberal Center for American Progress, is another price collar skeptic who appears to be embracing the policy -- albeit in a modified form that aims to protect the emissions cap. In a recent post on his blog, Romm proposes keeping the allowance reserve in the House bill, but altering it so that the price ceiling rises in a more predictable and simpler manner, in this case at a rate of 5 percent plus inflation per year.

“Fence-sitting senators and industries can legitimately see it as achieving stronger cost-containment protection than their analysis suggests the House bill now provides, including protection against speculators running the permit price up,” Romm writes, “while progressives can legitimately see it as achieving better environmental outcomes than their analysis suggests the House bill now provides.” -- *Charles Davis*

Fla. governor's moves scrutinized for clues to U.S. climate debate (*Greenwire*)

Alex Kaplun, E&E reporter
08/17/2009
Florida Gov. Charlie Crist (R) is getting intense heat from his party's right wing over his support of climate legislation, fueling speculation that the popular politician may move away from "pro-green" positions that have been praised by top Democrats and environmentalists.

The pressure is rising as Crist launches his U.S. Senate campaign, trying to replace the retiring Republican one-term Sen. Mel Martinez. Though Crist remains a solid front-runner to win the nomination and the seat, some environmentalists say attacks from a conservative challenger and sharp criticism from GOP activists have forced the governor to move to the right on environmental issues.

"Many in the environmental movement think that Charlie Crist has gone from hero to villain in the last six months," said Frank Jackalone, the Sierra Club's Florida staff director. "His shift has been extremely disappointing."

Republican pressure on Crist and his response to it may be significant beyond Florida. Crist has become a national figure in Republican politics and is seen by some as a future party leader.

Crist's main challenger for his party's Senate nomination is former state House Speaker Marco Rubio. At the moment, Crist remains the overwhelming favorite, as he holds a sizable lead in both the polls and campaign funds.

But there are signs of trouble for him. The Volusia County Republican Party recently censured Crist, and a vote on a similar censure resolution deadlocked in Palm Beach County. Crist has also lost to Rubio in straw polls of GOP committee members in several other counties, and a handful of prominent conservatives both in Florida and across the country are backing the former state lawmaker.

The opposition to Crist has to do with a number of issues -- among them, his support for President Obama's economic stimulus package and a number of state appointments that have angered conservatives. But Rubio and others on the right have also gone after Crist for his support of cap-and-trade legislation, a position that has drawn vehement opposition from conservatives across the country.

"The political circumstances have changed," Rubio told the *Palm Beach Post* last week. "I guarantee you, he won't be touting the work he did with Sheryl Crow as part of his primary platform."

Rubio's mention of Crow, a pop singer and crusading environmentalist, reminds Republicans that Crist has been a favorite Republican among environmentalists since his election as governor in 2006. His gubernatorial campaign strongly favored action on climate and restoration of the Everglades.

And even his critics on the left acknowledge that there are a number of environmental issues on which Crist remains highly committed, with Everglades restoration sitting at the top of the list. At the same time, they say that as Crist has become more of a national figure, he has shifted away from some environmental commitments.

The most recent example of a shift: his cancellation of a high-profile state climate summit -- an event that was expected to bring climate activists from across the country. Crist cited cost as the reason for the summit's cancellation, though the anticipated event was also the subject of heavy criticism from Rubio and other conservatives.

Jackalone of the Sierra Club said scuttling the summit was only the most recent of several actions by Crist that suggested a change in the governor's environmental positions.

Last summer, when Crist was mentioned as a potential running mate to Republican presidential nominee John McCain, the Florida governor said he would be open to some oil and gas drilling off Florida, a shift from his earlier position. And some environmentalists are angry at Crist's signing of a law that they say will cripple growth-management regulations and his failure to push through the Legislature a measure that would have implemented more stringent vehicle-emission regulations.

"I think there certainly has to be some looking back and thinking, was there enough lift from the governor's office to get something passed?" said Eric Draper, deputy director of the Florida office of the National Audubon Society and a Democratic candidate for state agriculture commissioner.

Still, Draper said it is hard to tell if there was anything the governor could have done to push legislation through a state House engulfed in political scandal, with the Republican House speaker, Ray Sansom, resigning earlier this year and potentially facing a prison sentence over accusations that he received a high-paying job from a college after steering millions of dollars to that school. And Draper said he has seen few signs that Crist has changed his positions on any key issue.

"The contrast that concerns people is that there was so much hope during the first and second climate summits and so little has been actually accomplished," Draper said. "What concerns us is not that he's changing positions but that all that promise that we saw hasn't come true."

Adding, "I think Governor Crist is really committed to the issues having to do with climate change solutions; he understands, and he is committed to them."

National implications?

Crist's potential shift on environmental issues could be significant beyond Florida, as the governor may be a major player in this year's climate debate on Capitol Hill.

President Obama and other top Democrats have often pointed to Crist and California Gov. Arnold Schwarzenegger as prominent Republicans who support regulation of carbon emissions. They use the two to make the claim that cap and trade is not a partisan issue and hope they can reach out to others in the GOP.

Crist has not jettisoned his support of regulations on emissions, but he did recently give a nod to GOP claims that climate legislation represents a major tax on industry. When asked about the claim, Crist told the *Miami Herald*, "Well, it may be [a tax]. That may be accurate."

Draper of Audubon said that kind of statement may hint at cooling from Crist toward the specific climate bill currently being considered in Washington, though he still believes that Crist generally supports action on climate change. "He seems like he's moved on the federal climate bill," he said. "It seemed to be an attempt to kind of distance himself from the current legislative proposal and to say Florida would not benefit as much as it should from any legislative proposal."

Also, Crist is tasked with appointing a replacement for Martinez, who announced he would resign from the Senate before the end of the August recess. The individual named by Crist is expected to serve as a "placeholder" until the 2010 election.

But whoever fills that post could also cast a key vote on the climate bill that Democratic leaders hope to bring to the Senate floor this year.

Though Martinez had not been active in the climate debate this year, he did vote for cloture on a climate bill last summer and was viewed as one of the few potential Republican "yes" votes on cap and trade. The Florida Sierra Club has already launched a campaign to pressure Crist to appoint a replacement who "upholds essential clean energy values." The appointment will likely be seen as reflecting Crist's own positions on climate.

"I'm concerned we may find ourselves with a Florida senator who will be fine with offshore drilling and join the Republican filibuster on climate change," said Jackalone of the Sierra Club. "It's going to be a major litmus test for Governor Crist.

"Whoever he picks is clearly going to be working on instructions from Governor Crist, because it's going to be one of his people."

Lasting change?

Even as Crist attempts to appease his party's base, some say it remains to be seen if some of his recent moves represent a true shift in his views or are simply a temporary effort to placate the right wing of his party.

And some argue that even though Crist may have toned down some of his previous advocacy for cap-and-trade regulation as he campaigns for the Republican nomination, there is little evidence that he has significantly altered his positions.

"He's going to have to make sure that at least in the primary, he appeals in the Republican electorate -- it's a balancing act," said Jim DiPeso of Republicans for Environmental Protection. "It's going to be a bit of a tightrope for him, but Governor Crist is a pretty smart politician, and he's going to be able to achieve that balancing act.

"But we're not concerned that he's going to step off the reservation and start acting like James Inhofe."

And pundits point out that one of Crist's major political traits -- one that has been viewed as a strength by some and a weakness by others -- is an ability to read the political climate and adjust his positions accordingly.

"If there's an accusation that's stuck to Governor Crist, it's the accusation that his policy choices are driven by political concerns," said Kevin Wagner, a state politics expert at Florida Atlantic University.

Wagner also said that while Crist is certainly taking some pre-emptive measures to cut off GOP criticism, he also does not believe that Rubio represents a major challenge to Crist, pointing to the fact that many in the party understand that you generally need a moderate candidate to win in the Sunshine State.

And Wagner argued that perhaps more than in other parts of the country, Florida voters can at times place a premium on personality -- and Crist has certainly demonstrated the political skill and charisma to reach voters of different stripes, regardless of his view on the issue.

"There are politicians that the state just seems to like, and ideology and politics just doesn't seem to dent them," Wagner said. "Charlie Crist is just another example of that kind of politician."

Still, some are not as convinced that once Crist moves past the primary challenge -- and potentially goes on to represent Florida in the Senate -- he will be able or willing to reclaim his positions on environmental issues.

"Right now, I think he's catering to his political advisers," Jackalone said. "My question is, if Charlie Crist is going to be so calculated in his decisions and caters to what is political expedient at the moment, then he's going to have a hard time reasserting himself as an environmentalist if he gets to the U.S. Senate.

"Because his party is going to pressure him just as hard as they pressured Mel Martinez. He's going to have a hard time getting along with the Republican leadership if he tries to reassess himself as Charlie Crist, environmental champion."

Oil companies press White House for flexibility on GHG reporting (*Greenwire*)

Ben Geman, E&E senior reporter
08/17/2009
Major oil companies are urging the White House to ensure that U.S. EPA's upcoming greenhouse gas reporting rules do not include what the industry considers burdensome requirements or force disclosure of proprietary information.

Representatives of the American Petroleum Institute and several large companies -- BP America, Exxon Mobil Corp., Shell Oil Co. and Chevron Corp. -- met with Office of Management and Budget and EPA officials last Tuesday.

At issue are **draft rules** that require annual greenhouse gas reporting from an estimated 13,000 sites, including refineries, other oil and gas sites, power plants, and many other types of industrial operations, such as cement and metals production. Industry data collection under the rule, which was proposed formally in April, would begin in January 2010, with the first reports due to EPA in March 2011.

But according to a list of concerns that API provided to the White House, the compliance date is not feasible, and hence the "best available data" should be allowed for the first year and subsequent years when facilities are unable to install the required monitoring.

"We feel that to make this successful, there needs to be some acceptable lead time for facilities, and that should include allowing for best available data ... until normal scheduled and planned shutdowns or services at our facilities to install the new monitoring devices," said API's Khary Cauthen, who attended the meeting.

Cauthen also noted that defining and gathering data on the upstream -- or exploration and production -- side of the industry is much newer for the industry. "There is not that standard methodology yet," he said.

When it issued the draft rule, EPA had sought comment on allowing use of "best available" data for the initial reporting or delaying the implementation by a year.

The industry also has other concerns with the agency proposal. Among them: API does not want the rule to require data from specific units at a site -- such as a specific catalytic cracker at a refinery -- that could compromise proprietary business information, Cauthen said. These emissions will be counted, regardless, as part of the facility-level reporting, he said.

The group also argues that the draft rule imposes requirements for reporting on petroleum-products supplies that will result in "significant overstatement" of emissions for some facilities, according to **comments** that API sent in June to EPA.

This is because some products, such as asphalt and lubricants, are not ultimately burned the group wrote. Also, some products, such as naphtha, require further processing or blending.

"The refinery that processes the feedstock and produces the extra volume of product should be the one that reports," API wrote. "If a facility has the ability to determine that the stream will not be combusted they should be able to exclude it from their GHG emissions calculations."

The rules do not require emissions reductions, although EPA said the proposed measure would help with future climate policies. Congress required the rule in an omnibus fiscal 2008 spending bill.

Cauthen said the industry is not against the rule but rather wanted to share with White House officials "the importance of getting this reporting rule right."

Specter says he'll back cloture for Senate emissions bill (*Greenwire*)

Ben Geman, E&E senior reporter
08/17/2009
Sen. Arlen Specter (D-Pa.) says he will vote for cloture on climate legislation, which would allow the bill to move to a simple majority vote.

Specter's comments last Friday are significant because they put the moderate lawmaker, who switched parties this year, on record opposing a filibuster of the plan that Democratic leaders want to consider this fall.

Backers of the bill to impose mandatory limits on greenhouse gas emissions will in all likelihood need 60 votes to go forward with the measure under Senate rules, and the comments put Specter in favor of allowing this to occur.

Speaking before the liberal Netroots Nation conference in Pittsburgh, Specter said he generally backs cloture -- or cutting off debate -- on Majority Leader Harry Reid's (D-Nev.) efforts to proceed with several measures.

Asked if he specifically would back allowing up-or-down votes on climate, labor and health care bills, he replied "Yes, no doubt about those three issues at all."

Specter is one of a number of industrial-state Democrats who are seen as swing votes on climate legislation. While he did not say how he would vote for final passage of a climate bill, a cloture vote is the bigger hurdle for supporters of the measure.

Specter's political party switch in April and the subsequent seating of Sen. Al Franken (D-Minn.) have given Senate Democrats 60 votes, the same number needed to beat back filibusters.

However, this by no means ensures that climate legislation can win enough votes to proceed, with views on the issue often breaking along regional as well as partisan lines.

Specter's comments in theory allow for wiggle room. Asked about voting for cloture on Democratic bills in general, he noted, "I would expect to support Senator Reid on a bill he wants to bring up to cut off debate on a motion to proceed so the issue could be taken up."

Under the Senate's complex procedures, legislation may require one cloture vote on a so-called motion to proceed to formally consider the bill, and a subsequent cloture vote to move to a simple majority vote on final passage. However, the moderator at the conference then asked Specter whether he would vote for cloture to have "up or down" votes, and Specter said he would.

Supporters of a climate bill called Specter's comments a good sign ahead of anticipated debate on a broad energy and climate change bill.

"Having Senator Specter indicate that he will support allowing an up-or-down vote on a clean energy or global warming bill is another very positive development," said Daniel Weiss, director of climate strategy for the Center for American Progress. "It is another positive sign that progress is likely to be made this fall."

Weiss noted Sen. Sherrod Brown's (D-Ohio) comment last month that he does not plan to back a filibuster of climate legislation. Brown's comment was reported on the liberal blog and news site *Talking Points Memo* last month.

However, both Brown and Specter are among the 10 Senate Democrats who signed a **letter** this month indicating that their support hinges on inclusion of trade-related provisions that they believe are needed to protect the manufacturing base in their states.

Reporter Alex Kaplun contributed to this report.

ENERGY

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The Bank of New York Mellon's Corporate Headquarters Earns the ENERGY STAR(R) (*Red Orbit*)

NEW YORK, Aug. 17 /PRNewswire-FirstCall/ -- The Bank of New York Mellon Corporation (NYSE: BK) announced that One Wall Street, the company's global headquarters, has earned the prestigious ENERGY STAR. This national symbol for superior energy efficiency and environmental protection, presented by the U.S. Environmental Protection Agency (EPA), signifies that the building's energy performance rates in the top 25 percent of facilities nationwide.
Currently, BNY Mellon has 10 ENERGY STAR-certified commercial office properties totaling 5.4 million square feet.

"Owning a building that achieves top energy performance is a sign of good management, but owning a portfolio of high-performance, energy-efficient buildings demonstrate environmental leadership and superior management," said Kathleen Hogan, director of EPA's Climate Protection Partnerships Division. "The ENERGY STAR distinguishes organizations like The Bank of New York Mellon who are taking environmental responsibility into their own hands."

"BNY Mellon has set high standards for the environmental performance of our buildings and operations," said Chip Logan, managing director of global facilities services, The Bank of New York Mellon. "We're honored that our environmental sustainability initiatives and energy management programs have resulted in the ENERGY STAR designation for such an historic address."

Improving the energy efficiency of the nation's buildings is critical to preserving the environment and natural resources. According to the U.S. Department of Energy, the energy used by commercial and industrial buildings in the U.S. is responsible for nearly 50 percent of the nation's greenhouse gases emissions.

Commercial buildings that earn the ENERGY STAR label use an average of 35 percent less energy than typical buildings and also release 35 percent less carbon dioxide into the atmosphere. The EPA's national energy performance rating system provides a scale from one to 100, which helps organizations assess how efficiently their buildings use energy relative to similar buildings nationwide. A building that scores a rating of 75 or higher is eligible for the ENERGY STAR, indicating that One Wall Street is more energy efficient than 75 percent of comparable commercial buildings.

Opened in 1932, the 52-story art deco building is located at the corner of Wall Street and Broadway in the heart of the Financial District. The company has employed numerous new technologies to monitor, manage and reduce energy consumption over the years and it continues to look for cost-effective ways to conserve energy and reduce the building's operating costs. The building's peak performance and energy efficiency can be attributed to:

- New Windows

- Variable Frequency Drives (VFDs) on major HVAC equipment
- HVAC control upgrades

ENERGY STAR was introduced by EPA in 1992 as a voluntary, market-based partnership to reduce greenhouse gas emissions through energy efficiency. Today, the ENERGY STAR label can be found on more than 60 different kinds of products, new homes, and commercial and industrial buildings. Products and buildings that have earned the ENERGY STAR designation prevent greenhouse gas emissions by meeting strict energy-efficiency specifications set by the government. Last year alone, Americans, with the help of ENERGY STAR, saved about $19 billion on their energy bills while reducing the greenhouse gas emissions equivalent to those of 29 million vehicles. For more information, visit www.energystar.gov.

The Bank of New York Mellon Corporation is a global financial services company focused on helping clients manage and service their financial assets, operating in 34 countries and serving more than 100 markets. The company is a leading provider of financial services for institutions, corporations and high-net-worth individuals, providing superior asset management and wealth management, asset servicing, issuer services, clearing services and treasury services through a worldwide client-focused team. It has $20.7 trillion in assets under custody and administration, $926 billion in assets under management, services $11.8 trillion in outstanding debt and processes global payments averaging $1.8 trillion per day. Additional information is available at www.bnymellon.com.

FUEL

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Birmingham council committee OKs property lease for Serra Automotive for possible Mahindra dealership (*Birmingham News*)

Serra may sell Mahindra vehicles
Tuesday, August 18, 2009
ROY L. WILLIAMS
News staff writer
A Birmingham City Council committee on Monday approved a request to lease land to Serra Automotive Group in Roebuck for a dealership selling vehicles made by India's Mahindra.

On a separate project, the Administration, Budget & Finance Committee also authorized $150,000 in incentives to attract a Georgia company that aims to create 150 jobs manufacturing an environmentally friendly building material at the former BFI terminal at 32 First Ave. North.

The full City Council is expected to take up both measures at a meeting today.

Under a resolution approved unanimously by the committee, the city would lease the land at 1510 Center Point Parkway to Serra for $1 annually for six years. Serra in turn would open Birmingham's first Mahindra dealership.

Mumbai-based Mahindra & Mahindra Ltd. plans to introduce a diesel-powered pickup that will be the first vehicle produced in India for sale in the United States, Automotive News reported in July. Serra has won approval from Mahindra to open dealerships in Birmingham and Montgomery, which are among 300 planned across the country, said Alton Parker, a lawyer for Serra Automotive.

The Mahindra dealership would sell V-6 engine diesel-powered trucks and midsized SUVs that are capable of getting 32 miles per gallon, Parker said. Eventually, Serra hopes to sell Mahindra sedans at the site.

The property in Roebuck is now home to Serra Autoplex, which sells used trucks, vans and other vehicles, Parker said. The agreement up for debate today replaces one that would have brought Tom Williams Cadillac from the Grants Mill Automotive Mall to the site.

That deal fell through after General Motors blocked the sale. Tom Williams Cadillac closed and Charlotte-based owner Sonic Automotive replaced it with a Mini Cooper dealership in July.

Parker told the council committee that it is hard to project how many Mahindra vehicles would be sold because the product is not available in the United States.

"With their high gas mileage, Tony Serra thinks he could sell even more of them than he could Cadillacs at the site," Parker said. "These are workhorses and could compete against the type of trucks that working people drive."

Serra Automotive currently pays the city $24,000 annually to lease property that includes the planned Mahindra dealership site, he said. The land was valued at $683,000 in 2002, and Serra would have an option to buy the property after the six-year lease expires, Parker said.

The U.S. Environmental Protection Agency is currently studying Mahindra's request to sell its vehicles in the United States, he said. Parker said he hopes the agency will approve the request this fall, which means Serra could start selling Mahindras by early 2010. An auto industry blog says the pickup's U.S. debut already has been delayed twice.

Meanwhile, the council committee paved the way for Atlanta-based Green Solar Manufacturing to build a 57,000-square-foot manufacturing facility and 13,000-square-foot incubator and training center at 32 First Ave. North. Glenn Ford, president of Green

Solar, said the company makes products used in construction to render buildings more environmentally friendly.

Under the agreement, the city would give Green Solar, over a 10-year period in annual installments, $150,000 generated from future occupational tax revenue and pay $1,000 to buy land adjacent that Green Solar would develop as parking space.

Ford said the Birmingham facility would be similar to one it operates near Atlanta. The project would create 65 temporary construction jobs in addition to the 150 permanent jobs, he said.

Councilman Steven Hoyt, chair of the economic committee, applauded Green Solar's plan. "I'm ecstatic. I think this will force us to clean up the areas around that property," he said.

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Colo. tribe invests in renewable algae project (*Greenwire*)

08/17/2009
On the Southern Ute Indian Reservation in southwest Colorado, an American Indian tribe is exploring what could be the next generation of renewable biofuels.

The resource-rich Southern Utes have bought a major stake in a company looking to make fuel from algae while reducing emissions of heat-trapping gases. The startup was co-founded by a Colorado State University professor who is growing a strain of algae that is sucking up carbon dioxide in a water tank next to a natural gas processing plant.

The Southern Utes are looking to secure a role in what tribal leaders believe could be the next billion-dollar energy boom. For years, the tribe has profited from one of the world's richest fields of natural gas from coal-bed methane, so the latest venture is a considerable break from past business models.

"It's a marriage of an older way of thinking into a modern time," said the tribe's chairman, Matthew Box, referring to the overlapping environmental consciousness and investment opportunity offered by algae.

The choice also follows the tribe's cultural precedents. Projects like corn-based ethanol that displace arable land go against the tribe's belief that energy and food should not compete in a world where people still starve (Kirk Johnson, *New York Times*, Aug 17). **-- PT**

MINING

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Army Corps issues new permit for Alaska gold mine (*Greenwire*)

Eric Bontrager, E&E reporter
08/17/2009
The Army Corps of Engineers has issued a revised permit for a controversial gold mine in southern Alaska, making only minor changes to the original permit affirmed by a Supreme Court decision earlier this year.

The Clean Water Act permit released Friday allows the discharge of wastes from Coeur d'Alene Mines' Kensington mine into Lower Slate Lake despite U.S. EPA's urging that the permit require more environmental protections.

The revised permit updates project plans and tables to reflect updated wetland maps and varies slightly from construction plans authorized under the original permit.

Coeur CEO Dennis Wheeler told investors today that with 90 percent of the mine's construction completed, the company will move forward quickly and begin production next year. The mine is expected to produce 125,000 ounces of gold a year.

"The company looks forward to getting back to accomplishing the main objective, which is to construct and operate a world-class gold mine that all stakeholders will be proud of," Wheeler said.

The revised permit, valid through 2014, updates the 2005 corps permit that was stalled by environmental groups that maintain the proposed waste-discharge plan would damage natural resources. Disposal of mine tailings is expected to raise the lake bottom 50 feet and kill all aquatic life.

More than 8,500 comments were received on the revised permit, including a letter from EPA asking the corps to consider an alternative that would involve storing mine tailings on land to protect Lower Slate Lake and Berners Bay.

But Alaska lawmakers balked at EPA's suggestion, saying the agency was trying to stall a project that has already been vetted and affirmed by both the corps and the Supreme Court.

"The corps made the right call," Gov. Sean Parnell (R) said in a statement after the corps issued the new permit. "They recognized that this project has been approved through the right processes, and there's no reason for further delay."

EPA did not respond to requests for comment.

Southeast Alaska Conservation Council executive director Lindsey Ketchel, whose group was one of several that took the corps to court over the permit, pledged to continue lobbying lawmakers and the agencies about the need for better mine-waste management.

PESTICIDES

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EPA Pesticide Tests Seriously Shortsighted (*Mother Jones*)

— By Julia Whitty | Mon August 17, 2009 4:58 PM PST
Hard to believe but the Environmental Protection Agency commonly uses 4-day tests to set safe levels of pesticide exposure for humans and animals. New research suggests this timescale is way too short and doesn't begin to account for long-term effects.

The new data, published in Environmental Toxicology and Chemistry, describe how the highly toxic pesticide endosulfan—a neurotoxin banned in several nations but still used extensively in US agriculture (check out the CDC's outdated description)—exhibits a "lag effect" after direct contact has ended.

The researchers exposed nine species of frog and toad tadpoles to endosulfan levels already occurring in the wild for the EPA's required 4-day period. After 4 days the amphibians were transferred to clean water for an additional 4 days.

Although endosulfan was ultimately toxic to all species, three species of tadpole showed no significant sensitivity to the chemical until *after* they were transferred to fresh water. Within 4 days of being moved, up to 97 percent of leopard frog tadpoles perished along with up to 50 percent of spring peeper and American toad tadpoles.

Tadpoles and other amphibians are famously sensitive to pollutants and considered environmental indicator species. The authors suggest that if endosulfan does not kill the world's most susceptible species in 4 days, then the 4-day test period is inadequate to gauge the long-term effects for larger, less-sensitive species—like us.

Co-author Rick Relyea said: "For most pesticides, we assume that animals will die during the period of exposure, but we do not expect substantial death after the exposure has ended. Even if EPA regulations required testing on amphibians, our research demonstrates that the standard 4-day toxicity test would have dramatically underestimated the lethal impact of endosulfan on even this notably sensitive species."

A second paper by some of the same authors in the same journal expands on Relyea's earlier findings that the popular weed-killer Roundup® is "extremely lethal" to

amphibians in concentrations found in the environment. The latest report on Roundup® is available on Pitt's website (pdf).

Last year Relyea reported that the world's 10 most popular pesticides combine to create "cocktails of contaminants" that can destroy amphibian populations—even if the concentration of each individual chemical is within levels considered safe to humans and animals. I reported on this at TBM at the time. The cocktail killed 99 percent of leopard frog tadpoles. Endosulfan alone killed 84 percent.

A month earlier, Relyea published a paper in Ecological Applications reporting that gradual amounts of malathion (the most popular insecticide in the US)—too small to directly kill developing leopard frog tadpoles—nevertheless sparked a biological chain reaction that deprived the amphibians of their primary food source. As a result, nearly half the tadpoles in the experiment would have died in nature.

In other words, pesticides really really suck. How much research more does the EPA need to embrace 21st-century science?

Pitt research suggests EPA pesticide exposure test too short, overlooks long term effects (*R&D Magazine*)

Posted In: Environment
By EurekAlert
Monday, August 17, 2009
PITTSBURGH—The four-day testing period the U.S. Environmental Protection Agency (EPA) commonly uses to determine safe levels of pesticide exposure for humans and animals could fail to account for the toxins' long-term effects, University of Pittsburgh researchers report in the September edition of Environmental Toxicology and Chemistry.
The team found that the highly toxic pesticide endosulfan—a neurotoxin banned in several nations but still used extensively in U.S. agriculture—can exhibit a "lag effect" with the fallout from exposure not surfacing until after direct contact has ended. Lead author Devin Jones, a recent Pitt biological sciences graduate, conducted the experiment under Rick Relyea, an associate professor of biological sciences in Pitt's School of Arts and Sciences, with collaboration from Pitt post-doctoral researcher John Hammond. The paper is available on Pitt's Web site at www.pitt.edu/news2009/Endosulfan.pdf

The team exposed nine species of frog and toad tadpoles to endosulfan levels "expected and found in nature" for the EPA's required four-day period, then moved the tadpoles to clean water for an additional four days, Jones reported. Although endosulfan was ultimately toxic to all species, three species of tadpole showed no significant sensitivity to the chemical until after they were transferred to fresh water. Within four

days of being moved, up to 97 percent of leopard frog tadpoles perished along with up to 50 percent of spring peeper and American toad tadpoles.

Of most concern, explained Relyea, is that tadpoles and other amphibians are famously sensitive to pollutants and considered an environmental indicator species. The EPA does not require testing on amphibians to determine pesticide safety, but Relyea previously found that endosulfan is 1,000-times more lethal to amphibians than other pesticides. Yet, he said, if the powerful insecticide cannot kill one the world's most susceptible species in four days, then the four-day test period may not adequately gauge the long-term effects on larger, less-sensitive species.

"When a pesticide's toxic effect takes more than four days to appear, it raises serious concerns about making regulatory decisions based on standard four-day tests for any organism," Relyea said. "For most pesticides, we assume that animals will die during the period of exposure, but we do not expect substantial death after the exposure has ended. Even if EPA regulations required testing on amphibians, our research demonstrates that the standard four-day toxicity test would have dramatically underestimated the lethal impact of endosulfan on even this notably sensitive species."

Andrew Blaustein, a professor in Oregon State University's nationally ranked Department of Zoology, who is familiar with the Pitt study, said the results raise concerns about standards for other chemicals and the delayed dangers that might be overlooked. Some of the frog eggs the Pitt team used had been collected by Blaustein's students for an earlier unrelated experiment, but he had no direct role in the current research.

"The results are somewhat alarming because standards for assessing the impacts of contaminants are usually based on short-term studies that may be insufficient in revealing the true impact," Blaustein said. "The implications of this study go beyond a single pesticide and its effect on amphibians. Many other animals and humans may indeed be affected similarly."

Tadpoles in the Pitt project spent four days in 0.5 liters of water containing endosulfan concentrations of 2, 6, 7, 35, 60, and 296 parts-per-billion (ppb), levels consistent with those found in nature. The team cites estimates from Australia—where endosulfan is widely used—that the pesticide can reach 700 ppb when sprayed as close as 10 meters from the ponds amphibians typically call home and 4 ppb when sprayed within 200 meters. The EPA estimates that surface drinking water can have chronic endosulfan levels of 0.5 to 1.5 ppb and acute concentrations of 4.5 to 23.9 ppb.

Leopard frogs, spring peepers, and American toads fared well during the experiment's first four days, but once they were in clean water, the death rate spiked for animals previously exposed to 35 and 60 ppb. Although the other six species did not experience the lag effect, the initial doses of endosulfan were still devastating at very low concentrations. Grey and Pacific tree frogs, Western toads, and Cascades frogs began dying in large numbers from doses as low as 7 ppb, while the same amount killed all green frog and bullfrog tadpoles.

The endosulfan findings build on a 10-year effort by Relyea to understand the potential links between the global decline in amphibians, routine pesticide use, and the possible threat to humans in the future.

A second paper by Relyea and Jones also in the current *Environmental Toxicology and Chemistry* expands on one of Relyea's most notable investigations, a series of findings published in Ecological Applications in 2005 indicating that the popular weed-killer Roundup® is "extremely lethal" to amphibians in concentrations found in the environment. The latest work determined the toxicity of Roundup Original Max for a wider group of larval amphibians, including nine frog and toad species and four salamander species. The report is available on Pitt's Web site at www.pitt.edu/news2009/Roundup.pdf

In November 2008, Relyea reported in *Oecologia* that the world's 10 most popular pesticides—which have been detected in nature—combine to create "cocktails of contaminants" that can destroy amphibian populations, even if the concentration of each individual chemical is within levels considered safe to humans and animals. The mixture killed 99 percent of leopard frog tadpoles and endosulfan alone killed 84 percent.

A month earlier, Relyea published a paper in *Ecological Applications* reporting that gradual amounts of malathion—the most popular insecticide in the United States—too small to directly kill developing leopard frog tadpoles instead sparked a biological chain reaction that deprived them of their primary food source. As a result, nearly half the tadpoles in the experiment did not reach maturity and would have died in nature.

RECYCLING
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Paper or plastic? Which bag is worse for the environment? (*Associated Press*)

Story also appeared: *Richmond Times Dispatch, News Tribune*

ASSOCIATED PRESS
Published: August 18, 2009
SEATTLE Leaders of this famously green city last year passed the nation's first grocery-bag fee, and other cities around the nation quickly followed.

But the plastics industry has been fighting back, bringing lawsuits, aggressively lobbying lawmakers and bankrolling a referendum in Seattle to overturn the 20-cent charge.

The measure goes before voters today, and polls show marginal support after the industry spent $1.4 million, outspending supporters about 15-to-1.

If the bag fee fails in an eco-conscious city like Seattle, observers say, it will be a tough sell elsewhere.

"This amount of money is about bullying public officials," said Rob Gala, a spokesman for Seattle Green Bag campaign, which has raised about $93,000 to back the fee. "They're trying to send a message to elected officials across the country who are thinking about similar measures."

In California, bag manufacturers successfully sued Oakland and Manhattan Beach after those cities banned plastic bags. The bag makers complained that officials didn't prepare a report detailing the environmental impact, such as the increased use of paper sacks.

"We've seen lobbying and blatant attempts to intimidate cities," said David Lewis, executive director of Save The Bay in Oakland. He likened the efforts to the tobacco industry's campaign to fight smoking bans.

"They're trying to force an expense on a city and hope that cities would drop their bag-ban effort rather than have to pay from an environmental-impact report," Lewis said.

The lawsuits are working, said Stephen Joseph, an attorney representing SaveThePlasticBag.com, which has sued Palo Alto, Calif., Los Angeles County and Manhattan Beach in the past year. The group includes California-based Crown Poly Inc., Command Packaging and Elkay Plastics Co.

Several states from Colorado to Texas to Virginia debated bag bans or fees this year, but no statewide ban or fee has been enacted.

The District of Columbia passed a 5-cent fee on paper or plastic bags, and the Outer Banks region in North Carolina banned plastic bags this year.

But New York City dropped a proposed 5-cent bag fee in June, and Philadelphia rejected a plastic bag ban.

In Seattle, the Progressive Bag Affiliates, an arm of Virginia-based American Chemistry Council, has given the bulk of money to defeat the bag fee.

Seattle's fee is unusual in that it also covers paper bags, which the city determined are worse for the environment than plastic. Targeting only plastic bags, the city said, would push people to use paper, resulting in greater greenhouse gases.

The industry has latched on to that point in fighting ordinances elsewhere. Most measures have targeted only plastic bags, nearly 88 billion of which were sold in the U.S. in 2003, according to the latest figures from the International Trade Commission.

Plastic-bag supporters say paper bags are more costly, take more energy and water to make, and release methane -- a greenhouse gas -- when they decompose. But plastic bags are recycled at a lower rate than paper sacks, according to the Environmental Protection Agency, and they take hundreds of years to break down in landfills.

About two-thirds of the 360 million paper and plastic bags Seattleites use each year end up in the garbage, according to Seattle Public Utilities, even though the city accepts plastic bags in its curbside recycling program. Many places don't because the bags get tangled in recycling equipment.

Supporters point to success in Ireland, where a 15-euro-cent (21-U.S.-cent) bag tax in 2002 cut the use of disposable bags by 90 percent. That tax went up to 22 euro cents in 2007 after bag use crept up.

In San Francisco, the first U.S. city to ban plastic bags, officials say all 140 grocery and convenience stores are complying with the 2007 ordinance, saving about 100 million bags a year. -- The Associated Press

SUPERFUND

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Superfund litigation declines: GAO report (Business Insurance)

Posted On: Aug. 17, 2009 2:19 PM CST
Joanne Wojcik

WASHINGTON—The number, duration and complexity of Superfund lawsuits declined nearly 50% from 1994 to 2007 as the U.S. Environmental Protection Agency changed enforcement tactics to encourage earlier settlements and as fewer sites were listed on the National Priority List, according to a Government Accountability Office report.

Litigation also declined because the courts clarified several uncertainties in the law, allowing parties to become more certain of the probable outcomes before pursuing litigation, the report concluded.

While the EPA added more than 400 sites to the priority list in fiscal year 1983, it added an average of just 20 sites per years in fiscal years 1998 through 2007, according to the July report “Superfund: Litigation Has Decreased and EPA Needs Better Information on Site Cleanup and Cost Issues To Estimate Future Program Funding Requirements.”

Although the number of sites added to the priority list has declined since the launch of the Superfund program, it is becoming increasingly difficult for the agency to forecast

future program costs because of the changing nature of sites being listed, the GAO report noted.

For example, more mining sites, which are among the most expensive types of sites to clean up, are being added to the list. Moreover, because of limitations in the EPA's data, it is difficult to determine which of these sites have viable responsible parties from which to recover cleanup costs, according to the report.

Between 1994 and 2007, the EPA's enforcement actions resulted in an estimated $29.9 billion in cleanup cost recoveries, commitments to conduct site work and other outcomes, according to EPA estimates. Nearly 80% of the EPA's completed enforcement actions at National Priority List sites resulted in agreements with responsible parties to either perform or pay for site cleanup work, it said.

To read the full report, go to www.gao.gov/new.items/d09656.pdf.

Wash. site loses $3M for cleanup as EPA, state argue (*Greenwire*)

08/17/2009
The federal government has revoked $3 million in federal funding to clean up a Superfund site in Washington state because U.S. EPA project officials could not agree on a management contract with the Washington Department of Ecology.

EPA received $5 million in stimulus funds to clean up toxic waste at Eagle Harbor's Wyckoff Superfund site near Puget Sound, but the money was to be spent quickly. "The idea was to get the money quickly out there, but because we're not using it, it goes back for somebody else to use," EPA Superfund project manager Cami Grandinetti said. "So, yeah, the money's gone."

EPA has worked on the site for more than 20 years and is planning to seal the waste and transfer management responsibility to the state in 2011.

State officials say that places an unfair burden on them. "It's not in the state's interest to enter into a contract with the EPA that binds the state to this type of responsibility," said Tim Nord, the Deparment of Ecology's manager of land and aquatics cleanup. "It seemed disproportionate toward the state. We asked them to share the costs in operations and maintenance. They said no. So, we said we're not going to sign the contact."

Nord said he expected the site would cost Washington state about $1 million per year in cleanup costs. He and local environmental groups want EPA to physically remove the waste rather than seal it.

EPA can keep $2 million of the stimulus funds for cleanup costs (Tristan Baurick, *Kitsap Sun*, Aug. 14). **-- PR**

TOXICS
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BELGRADE State calls herbicide's risk minimal Residents worry about toxicity, 'collateral damage' in milfoil fight (*Kennebec Journal*)

sponsored by
BY CRAIG CROSBY
Staff Writer KENNEBEC JOURNAL Morning Sentinel 08/18/2009

Today's Top Headlines
from the Kennebec Journal

BELGRADE -- The chemical the state plans to use to control milfoil in Salmon Lake can pose a risk to people, plants and animals -- but when used according to guidelines, those risks are negligible.

That was the message from state officials Monday for residents crammed inside the steamy North Belgrade Community Center to ask questions about the state Department of Environmental Protection's plan to use chemicals against aggressive Eurasian milfoil, which has taken root in Salmon Lake.

The state plans to use the herbicide 2,4-Dichlorophenoxyacetic acid -- better known as 2,4-D -- to control Eurasian milfoil in Kozy Cove near the Salmon Lake outlet.

Eurasian milfoil, a highly aggressive aquatic plant that can form dense mats and congest waterways, was first discovered in Salmon Lake's Kozy Cove by a summer visitor last August. DEP divers began removing plants from the 6-acre cove within a week of the discovery, but the plant population continues to swell.

Since May, divers have removed 325 plants, more than twice the number removed last year.

Milfoil spreads readily by fragments often transferred via animals, boats and trailers.

Gary Fish of the Maine Board of Pesticides Control said 2,4-D can pose a risk to people, plants and animals but, when used according to guidelines, those risks are negligible and mostly involve drinking water.

The chemical does not absorb well through the skin, he said.

"We're not saying it does not have an effect on people," Fish said. "Two, four-D does have an affect on people. It's not a perfect science."

The DEP's Division of Water Quality Management has authorized a permit for the herbicide treatment. On July 28, the division approved a notice of intent, said John McPhedran, DEP invasive aquatic plants specialist.

The 30-day appeal period started July 28.

"We are not going to treat that cove during the appeal period," McPhedran said.

The Board of Environmental Protection will consider any appeal filed during the board's next regular session, scheduled for early September, McPhedran said.

DEP officials spent much of Monday's session explaining 2,4-D and its potential side effects.

Bruce Trumper -- who lives along Salmon Stream, which flows out of Kozy Cove -- cited research indicating the chemical is toxic at a 75 parts per billion. The level during the treatment could reach 3,500 parts per billion, according to DEP officials.

Roy Bouchard of the DEP's Lake Assessment Program said field studies show the chemical has a half-life of seven days and is undetectable in less than a month. Those Bouchard spoke to in other states who have used the herbicide reported no fish die-off or collateral plant devastation.

"Aquatic systems are extremely resilient and they have a large biomass to regenerate," Bouchard said.

Fish, of the Maine Board of Pesticides Control, said the U.S. Environmental Protection Agency re-registered 2, 4-D for use in 2006 after exhaustive tests; but resident Terri Trumper said those tests are suspect because they are funded or conducted by chemical companies.

"I think that's why it's constantly re-registered," Trumper said.

Jim Wilber, who also owns property along Salmon Stream, said milfoil calls for drastic action; but he asked why the dam could not be closed to limit the herbicide from carrying into the stream.

"The collateral damage is what I'm worried about," Wilber said. "I think that's something that needs to be considered."

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Mesothelioma: What You Should Know (*Chipley Florida Online Newspaper - Foster Folly News*)

Federal programs are helping people get the medical care they need after they've been exposed to asbestos.
Tuesday August 18th, 2009
(NAPSI)-A northwest Montana town that's known for having a "toxic legacy" associated with asbestos contamination has finally gotten some good news from the Environmental Protection Agency: The town will be receiving more than $130 million in cleanup and medical assistance.

A mine outside Libby, Mont., began producing vermiculite-a mineral often used in insulation-in 1919. Dust from the plant covered patches of grass, dusted the tops of cars and drifted through the air in a hazy smoke that became a part of residents' daily lives. But the product was contaminated with tremolite asbestos, a toxic substance that has since been linked to mesothelioma, a cancer that can attack the mesothelium, a protective lining that covers most of the body's internal organs, including the lungs, abdomen cavity and heart.

About Mesothelioma

Mesothelioma is almost always caused by exposure to asbestos. Most people who develop the disease have worked on jobs where they inhaled asbestos particles, or they have been exposed to asbestos dust and fiber in other ways. Symptoms may not appear until 20 to 50 years after exposure to asbestos, and may include shortness of breath, cough and pain in the chest due to an accumulation of fluid in the pleural space (between the lung and the chest wall).

Community Exposure

There is thought to be many other towns and workplaces that are part of a microcosm of asbestos contamination. Libby, Mont., is an example of the thousands of neighborhoods surrounding manufacturing plants across the country that were being exposed to asbestos. Dust from the mine spread all over the town (and the neighboring town of Troy) for decades, and tailings from the facility were also used as fill for driveways, gardens and playgrounds. According to federal prosecutors, this community exposure resulted in more than 200 deaths and 1,000 illnesses.

If you think you have been exposed to asbestos fibers, and may have mesothelioma, your first responsibility is to your health-see your family doctor or go to a hospital

immediately. Your second responsibility is to make sure that you get the ongoing care you need. Unfortunately, obtaining your legal, medical and financial rights can be a long, complicated process.

To learn more about mesothelioma, its symptoms and treatments, and your legal rights if you've been exposed to asbestos, visit www.secondarysickness.info.

Chinese drywall complaints mount ahead of investigation reports (*Tampa Tribune*)

By SHANNON BEHNKEN | The Tampa Tribune
Published: August 17, 2009
Florida
The inside of Michele Carrone's Riverview town home has been torn down to the studs. Crews are busy removing any remnants of toxic drywall imported from China.

Carrone is one of dozens in the River Walk community who found out they have tainted drywall. She's expected to move back in January and is thrilled with the way her builder, Columbus, Ohio-based MI Homes, has handled the situation.

"They've been amazing," Carrone said as she checked on the progress at her home Monday. "I'm living in a big, nice house while I wait, and I'll have a brand new home when I come back."

She's one of the lucky ones.

As investigations continue and lawsuits mount, more Floridians are discovering their homes were constructed with toxic drywall imported from China. Some have nowhere to turn because their builder has gone out of business or is unresponsive.

The state has received nearly 600 complaints from homeowners who fear they have the tainted drywall.

Meanwhile, The U.S. Consumer Product Safety Commission is moving forward with plans to visit several sites in China where the imported drywall was manufactured. The agency has received 800 complaints about the product and is also conducting indoor air samples of homes in Florida and other states.

The toxic drywall emits a corrosive gas that damages appliances, gives off a rotten-egg stench. It was used in an estimated 100,000 houses nationwide built during the housing boom. The health effects of the drywall are still under investigation, but homeowners have complained of headaches, dry eyes, rashes and respiratory problems.

Agencies, including the U.S. Consumer Product Safety Commission, the Environmental Protection Agency, and the Centers for Disease Control and Prevention, and state health departments are investigating.

The consumer product safety commission is expected to announce results soon of testing for radioactive phosphogypsum by the Florida health department and the U.S. Environmental Protection Agency.

The toxic drywall has been found in 23 states, but the majority of complaints are from Florida. That's partly because humidity brings out the corrosive gas faster, experts say.

The drywall was used because of a shortage during the aftermath of hurricanes. Builders typically use domestic drywall but turned to the imported drywall during the housing boom, mainly from 2004 through 2007.

Builders say they didn't know about the bad drywall because subcontractors ordered it from distributors.

Some builders have offered to move residents out of their homes, tear out all the bad drywall and replace appliances and wiring. It costs an estimated $100,000 per home to make the repairs.

Lennar Corp. said last month in a securities filing that it has set aside about $40 million to repair 400 houses in Florida. Some homeowners are joining class-action lawsuits against home builders, drywall manufacturers and distributors. Many of the suits are being consolidated in federal court in New Orleans.

EPA forces Iowa foundry to address lead in soils at plant (*Waste & Recycling News*)

Aug. 17 -- The U.S. EPA and Blackhawk Foundry and Machine, of Davenport, Iowa, have reached an agreement that requires the company address the presence of lead contaminated soils at its plant.

The agreement requires Blackhawk to excavate and properly dispose of lead contaminated soil. Blackhawk will then construct a gravel cap over the excavated area. The cap will ensure that remaining soil does not run off during rainfall and flood events and that any contaminated dust does not fly away during dry and windy conditions.

The EPA also requires Blackhawk to prevent future land uses of the facility that would cause unacceptable exposure to contaminated soil. There should be no residential use of the property without cleanup to EPA-approved residential standards.

In any subsequently issued property deeds, Blackhawk must also identify the location of surface impoundments and prevent installation of water supply wells. The EPA said it will monitor the effectiveness and protectiveness of the excavation and the institutional controls.

Contact Waste & Recycling News senior reporter Bruce Geiselman at 330-865-6172 or bgeiselman@crain.com

WATER

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First HaloPure®

Drinking Water Disinfection Device Registered By U.S. EPA (*WaterWorld*)

HaloSource®, a leading clean water and antimicrobial solutions company, has been granted United States Environmental Protection Agency device registration (EPA Reg. No. 72083-4) for the HaloPure® Water Purifier Insert, a demonstration product powered by its revolutionary HaloPure BR® technology. HaloPure BR provides safe, clean drinking water at the point of use in a variety of applications. EPA device registration will make it easier for partner companies using the HaloPure technology to have their products approved in countries worldwide.

HaloSource was granted EPA registration for HaloPure BR in March of this year.

The HaloPure Water Purifier Insert is a gravity feed system that purifies water to EPA microbial standards for drinking water, killing 99.99% of viruses and 99.9999% of bacteria. The system can be used to disinfect surface water, well water, groundwater or tap water.

HaloPure BR kills bacteria and viruses by using a unique contact biocide technology that attacks and kills viable or harmful microbes in seconds. Having also achieved the Water Quality Association's Gold Seal for Pour Through Products (ORD-0901), HaloPure BR has proven efficacy against poliovirus, rotavirus, MS2, Klebsiella terrigena, Escherichia coli (E. coli), Vibrio cholerae, Salmonella and Staphylococcus aureus.

HaloPure BR is already in use in water purification devices sold in China, India and Brazil. This first EPA device registration for HaloPure BR under the EPA's Guide Standard and Protocol for Testing Microbiological Water Purifiers provides a proven pathway to market for companies looking to use HaloPure disinfection technology in consumer devices in both developed and developing economies.

Requiring no piped water or electricity, HaloPure BR has none of the limitations of existing technologies and can be implemented in a wide variety of applications to provide primary disinfection, safe storage and control of fouling from microorganisms in the water or within a device or system.

John Kaestle, CEO, HaloSource, commented, "HaloPure's EPA device registration will mean that both existing and future partner companies can be confident in the safety and efficacy of HaloSource's technology in practical applications and, we believe, help endorse their applications, in their own markets, for product approval. It's the first ever registration of a bromine-powered disinfection technology [for long-term use] and reinforces HaloPure as the most significant, nonelectric drinking water disinfection technology to reach commercialization in the past decade.

"HaloPure technology offers a new and valuable addition to the technology options available to drinking water device manufacturers globally, enabling them to offer products which not only filter impurities from contaminated water, but also make it clean, pure and safe to drink.

"Providing safe, affordable drinking water at the point of use, our technology will also have an important impact on developing communities, by dramatically improving the quality of life through preventing disease and by removing the need to travel long distances to gain access to safe drinking water," said Kaestle. "EPA technology and device registrations play an important role in enabling us to develop partnerships globally and make our unique technology available across a wide range of international markets."

EPA registrations are a vital mechanism by which partnering companies can judge safety, device performance and success when using HaloPure BR as either a primary or secondary means of disinfection.

When integrated into existing water purification devices, HaloPure BR delivers the most flexible, price-competitive disinfection solution for truly safe drinking water, making it ideal for the rapidly growing and ever-changing global market for point-of-use drinking water solutions.

HaloPure BR's patented contact biocide technology guarantees bacteria and virus disinfection, safe storage, biofilm control and flexibility, without interfering with taste or odor.

ABOUT HALOSOURCE:

HaloSource® is a global, clean water and antimicrobial technology company that provides reliable, tested and proven solutions in the product categories of clean water and infection control. The company was founded in 2002 with the goal of improving the quality of life and health through unique, proprietary, antimicrobial solutions that reliably and effectively purify water and kill germs. HaloSource's ingredient brands include HaloPure®, HaloShield®, SeaKlear® and StormKlear®. HaloSource provides partners with unique, proprietary solutions that offer broad market potential and acceptance and help partners differentiate their offerings from those of competitors. HaloSource-branded ingredients are based on innovative, patented, game-changing technologies that enable partners to quickly enhance and differentiate their products.

Based in the Seattle, Washington, area, HaloSource is a worldwide employer and operates manufacturing plants and offices in Raymond, Washington, Shanghai, China, and Bangalore, India. For more information please visit us at www.halosource.com.

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Blue-green algae blooms affect town's lakes differently (*Daily News)*

By Liz King
Staff Writer
August 18, 2009 03:56 am
AMESBURY — The town's two lakes stood in stark contrast yesterday.

While Lake Gardner Beach was full of young swimmers finding respite from the oppressive heat, Lake Attitash was silent, short of a couple of adventurous people tubing behind motorboats on the region's biggest and most popular recreational lake.

Though the tubers were willing to risk the effects of the toxic blue-green algae that has prompted the state to close the lake's beaches to swimming, the lake's beaches were barren.

Though there was some confusion last week as to the safety of Lake Gardner, the full beach was evidence that word had gotten out that swimming in that lake was safe.

"If we're here, people know it's safe," said one of the town staff working at the beach.

The Massachusetts Department of Public Health issued a warning last week for residents to avoid all contact with Lake Attitash waters because of a bloom of cyanobacteria, also known as blue-green algae, leaving many residents to wonder about the safety of Lake Gardner, which is still open despite being connected to Lake Attitash.

"Lake Gardner is not showing high blooms that are of a level of concern," Kendra Amaral, Mayor Thatcher Kezer's chief of staff, said. "But we're urging residents to keep an eye out — if the algae looks like there's an oil slick on the water, don't go in."

Symptoms of poisoning from the algae include stomach cramps, diarrhea, vomiting, headache, fever, muscle weakness and difficulty breathing. Pets can show symptoms like seizures, vomiting, or diarrhea after contact with surface water. For people and dogs, medical attention should be sought immediately if symptoms appear.

Though no algae slicks were evident from the Lake Attitash Association Beach yesterday, three dead sunfish floated along the shore.

Department of Public Works director Rob Desmarais, filling in for Amesbury's interim health director Jack Morris, said the algae blooms can be quite dangerous, especially for pets and small children, who tend to consume the water.

Amaral said both Lake Gardner and Lake Attitash are being monitored for algae blooms by the state, but as of Friday, there was no confirmation of cyanobacteria cell counts in excess of the recommended level of 70,000 cells per milliliter in Lake Gardner.

"By the time you reach a cell count that exceeds the state's recommended level, you can already see the blooms in the water," Amaral said.

Amaral said although Lake Gardner is connected to Lake Attitash by the Powow River, it doesn't mean that the algae will infiltrate the river or other lakes connected to it, as the algae only blooms in certain areas with the right conditions, like warm, slow-moving waters rich in nutrients like fertilizer runoff or septic tank overflows.

Desmarais said the early summer rain could have caused runoff from local farms or from residents fertilizing their lawns to infiltrate the lake, and that the nutrients combined with the sunlight is helping the algae grow.

When Desmarais started in Amesbury's public works in 1998, he said the town received grants for drainage around Lake Attitash and attempted to barrier runoff from Merrimac's Sargent Farm from the lake.

"I think it's been relatively successful — this algae bloom is in no way as severe as some algae blooms in the past," Desmarais said. "We had some blue-green algae blooms where the lake was completely opaque."

Desmarais said testing Lake Attitash began only about a decade ago, and that through a grant, the DPH has been testing for blue-green algae. The most recent test showed a level of 80,000 cells per milliliter of water. Earlier this month, an EPA test conducted in association with the University of New Hampshire found the cell count to be 140,000 cells per milliliter.

As the days get shorter and cooler, the algae and toxins in the water are likely to dissipate.

"It usually takes a couple weeks to run its course," Desmarais said. "The algae could get so thick that it blocks sunlight for new bacteria growth, and it'll all die down."

The state will be conducting additional testing through the summer, with results posted every Friday at 5 p.m.

"We urge people to keep an eye out for advisories," Amaral said. "We'll try to get the information out in every form we can — we have the state's advisory posted on our Web site with a picture of what algae blooms look like, so residents know what to avoid."

EPA proposes water pollution fine against oil firm at Port (*Daily Breeze*)

California
From staff reports
Posted: 08/17/2009 06:37:54 PM PDT

The U.S. Environmental Protection Agency on Monday proposed a $74,473 fine against General Petroleum Corp. for allegedly failing to obtain a storm water permit at the Port of Los Angeles.

General Petroleum Corp. - a marine distributor of Chevron and Texaco products - allegedly failed to obtain a permit before discharging pollutants into storm water from its petroleum bulk storage facility from Oct. 1, 2004 to Dec. 4, 2007, according to the EPA.

The alleged infraction violates the Clean Water Act and California's National Pollutant Discharge Elimination System permit requirements.

The proposed fine is subject to a 30-day public comment period.

"Facilities such as these industries can control storm water pollution by following good housekeeping and continued maintenance," said Alexis Strauss, water division director for the EPA's Pacific Southwest region. "Controlling storm water pollution is essential to the ongoing improvement of Southern California water quality."

Pipeline firms agree to pay $3.65M for ammonia spills (*Greenwire)*

Jennifer Koons, E&E reporter
08/17/2009
A pipeline company and two of its former operating firms agreed Friday to pay $3.65 million to resolve violations of the Clean Water Act resulting from two anhydrous ammonia spills in Nebraska and Kansas, the Justice Department and U.S. EPA announced.

Magellan Ammonia Pipeline of Tulsa, Okla., and Enterprise Products Operating and Mid-America Pipeline Co., both of Houston, agreed to the settlement in the form of a consent decree filed Friday in U.S. District Court in Kansas City, Kan.

The first spill occurred in September 2004 near Blair, Neb., and resulted in the death of approximately 1,000 fish. The following month, another pipeline rupture occurred near Kingman, Kan., killing more than 20,000 fish.

According to the original complaint, the spill in Nebraska sent one individual to the hospital, and emergency responders evacuated homes within a 1-mile circumference of the incident. The Kansas spill resulted in a 40-foot-high vapor cloud that also caused evacuations.

According to the consent decree, the pipeline operators acknowledged violating the federal Comprehensive Environmental Response, Liability and Compensation Act by failing to immediately notify the National Response Center about the spills.

"These two pipeline spills were significant, and proper notification was not given to National Response Center when they occurred," said John Cruden, acting assistant attorney general for DOJ's Environment and Natural Resources Division.

Under the terms of the settlement, Magellan has agreed to spend an additional $550,000 on improvements to prevent or minimize spills along selected segments of its pipeline system and will establish a program to minimize third-party damage to the system. Magellan ended its operating agreement with Enterprise and MAPCO in 2007.

Additionally, through the consent decree, Cruden said that Magellan will make a series of required improvements in its employee training, leak response procedures and protocols for detecting and responding to leaks and ruptures.

The consent decree is subject to a 30-day public comment period and approval by the district court.

Battle over Lake Allatoona heads to court (*Greenwire*)

08/17/2009
A federal judge will hear arguments in Birmingham, Ala., today on whether Georgia has the right to take drinking water out of Lake Allatoona, which is part of a river system that flows through Alabama.

"Both Alabama and Florida are in the catbird seat," said Mark Crisp, a water expert in Atlanta involved in Alabama-Florida-Georgia water wars since 1989. "I wish I had in my business the negotiating strength that Alabama and Florida have. They really do control the dice. [Republican Georgia Gov. Sonny] Perdue has to recognize that he's got to give up something."

Last month, a judge ruled Georgia's withdrawals from Lake Lanier were exceeding the state's quota. Georgia used the withdrawals to supply drinking water to much of Atlanta, and Purdue has vowed to continue the battle in court or in Congress.

U.S. District Court Judge Karon Bowdre is expected to rule on Lake Allatoona sometime next year (Dan Chapman, *Atlanta Journal-Constitution*, Aug. 17). **-- JK**

Wash. county's phosphate law working -- data (*Greenwire*)

08/17/2009
A year after Spokane County, Wash., adopted the nation's first near-total prohibition on sales of water-softening phosphates in dishwasher detergent, officials said the ban has effectively begun to slow the pollution that is sucking oxygen out of the endangered Spokane River, smothering its fish.

Water coming into Spokane's sewage plant during the first months following the ban had 10.7 percent less phosphorus than the annual average from the last three years, data showed.

So far, homes on septic or drain field systems are seeing the most impact.

"Any phosphorus reduction you can see there is going to have benefit to the river," said Mike Coster, plant operations superintendent at the Spokane sewage plant. "It's not the total answer, but it's one step" (Jonathan Brunt, Spokane *Spokesman-Review*, Aug. 16). **– JK**

Environmental Protection Agency Says It Will Toss Artifacts from Historic 18th Century Fort into a Landfill (*CNS News*)

Tuesday, August 18, 2009
(CNSNews.com) – Less than a week after the Environmental Protection Agency (EPA) restarted a controversial dredging project on the Hudson River, dredgers operated by the General Electric Company (GE) dislodged wooden beams that were the last remnants of one of the largest British forts in the American colonies.

The EPA now says that the beams are contaminated with potential carcinogens known as PCBs, and therefore must be buried in a landfill.

The dredging operation is being conducted to remove sediments containing PCBs from the river about 40 miles above Albany, N.Y.

Fort Edward, where the dredging damage occured, was one of the largest forts in the colonies during the French and Indian War in the mid-18th century and occupied a key strategic position during the American Revolution. Much of the archaeological site where the fort was located was destroyed on Aug. 14 when dredgers pulled two large timbers out of the river bank.

Neal Orsini, a town board member in Fort Edward, New York, and the owner of the property where the incident occurred, told CNSNews.com, “[The damage] was

extensive. It's a piece of the original fort from 1755."

"The timbers are roughly 14 by 14 inches square and 15 to 18 foot long," said Orsini. "They're big, long timbers, and they pulled them out of the river bank--straight out of the river bank--which compromised the river bank. So, it was quite damaging."

Kristen Skopek, a spokeswoman for the EPA's Hudson River Field Office, told CNSNews.com that she concurred with GE's assertion that the dredging crew did nothing wrong. "They didn't, it's true," she said.

"One of the timbers was completely buried and extended into the dredge area approved by the EPA," she said.

There had been some effort by the EPA to avoid the site. An EPA archaeological survey "identified the timber that was exposed as an historical artifact," said Skopek, "So the exposed timber wasn't meant to be disrupted by the project in any way. However, the archaeological survey didn't detect the length of the submerged timber or even know – we didn't even know it was there, or identify that it was attached in some way to the onshore timber."

Skopek said that the timbers were photographed and documented after they were removed.

However, she also said that both timbers--including the one that was originally protected as a historical artifact--were contaminated and would be buried in a landfill.

"This is a historic area," Skopek said, "so there will be some artifacts that will be uncovered in the process, and many of them won't be able to be preserved. They'll just have to be documented and then they'll have to go to the place where all the other PCBs are going for final burial--basically, in a landfill."

She added, "If it was a glass shard or ceramic, they could be decontaminated, but there's no way to decontaminate wood. You know what I mean?"

Skopek also noted that archaeologists have discovered 10 sunken vessels in the way of the dredging project, and that an archaeologist was being brought in to answer the public's questions on that subject. She did not indicate what the fate of the shipwrecks would be.

When CNSNews.com asked whether disposing of artifacts was justified in the name of environmental protection, Skopek responded, "Yes, they're old, rotten timbers that are covered in PCB oil."

Asked whether the EPA was getting too close by allowing dredging only 10 feet from known artifacts, Skopek said, "You have to remember that this area where we're dredging in is not even--the river up here is very narrow. I mean, I think the whole entire

channel there is only 100 feet, and we've got big dredges and bring big barges in there."

"I'm not trying to sound insensitive," she said. "I mean, it's unfortunate that this happened."

That was of little comfort to Orsini.

"They said there was one timber left," said Orsini, "but it was a major blow for us in Fort Edward. It's one of the last remaining pieces from the eighteenth century fort."

Filner takes on coastal panel (*San Diego Union Tribune*)

California
Congressman vows to get new waiver for sewage plant
By Mike Lee
Union-Tribune Staff Writer
2:00 a.m. August 18, 2009
SAN DIEGO — Rep. Bob Filner yesterday asked the governor to overturn last week's decision by the California Coastal Commission that could force San Diego to spend as much as $1.5 billion to retrofit its main sewage treatment facility.
But Gov. Arnold Schwarzenegger lacks such authority in what is now a federal matter. In that case, Filner said, he will push President Barack Obama's administration to grant the third Clean Water Act exemption for the Point Loma Wastewater Treatment Plant. As an additional measure, Filner vowed to introduce legislation in Congress to give the city that waiver.

"It's a full-court press on all tracks. Whatever works," said Filner, D-San Diego, a former San Diego councilman.

After being elected to Congress in 1992, Filner wrote legislation that resulted in San Diego receiving its first waiver for the Point Loma plant. He has long believed the exemptions are warranted because studies show discharges from the facility don't significantly harm the marine environment.

Filner said giving the city another five-year waiver may allow it to figure out a plan to recycle more wastewater. Such recycling could make it cheaper to upgrade the Point Loma facility so it meets the federal "secondary" treatment standard.

On Thursday, the Coastal Commission voted 8-1 to deny San Diego's request for the third exemption, which the U.S. Environmental Protection Agency was prepared to grant. San Diego is the only city in California that hasn't committed to meet the secondary treatment level for discharges to the Pacific Ocean.

The Point Loma plant treats sewage from 2.2 million people inside and outside city limits to the advanced primary level. It discharges about 170 million gallons a day about 4.5 miles offshore.

Upgrades have been pegged at up to $1.5 billion, partly because the facility has very little room to expand. Agencies that use the plant almost certainly would have to raise sewage rates to pay for an overhaul.

Yesterday, Filner asked Schwarzenegger to override the Coastal Commission, which the congressman said “has again overstepped its authority in a blatant attempt to make a political statement.”

Peter Douglas, executive director of the commission, said “there is no legal basis” for that type of veto. A spokeswoman for the governor said Schwarzenegger disagreed with the commission's decision but can't undo it.

In the early 1990s, Filner spent so much time pushing for San Diego's first waiver that he called himself “Congressman Sewage.” He succeeded in 1994, when President Bill Clinton signed his bill to create the option for an exemption.

As Filner mulls his next moves, San Diego is considering whether to appeal the Coastal Commission's ruling to the U.S. commerce secretary, who oversees disputes in the coastal zone.

Union-Tribune

Mike Lee: (619) 542-4570;

MSD to submit $1.9 billion plan to reduce combined sewer pollution (*San Diego Union Tribune*)

By phil sutin
ST. LOUIS POST-DISPATCH
Tuesday, Aug. 18 2009
The Metropolitan St. Louis Sewer District is completing the details of a $1.9 billion plan to reduce pollution from the sewers of St. Louis and some inner suburbs of St. Louis County.

The plan, parts of which have been disclosed over the years, will be submitted to the federal Environmental Protection Agency and the state Department of Natural Resources this month.

Those agencies went to court in 2007 to force MSD to comply with clean water regulations.

The cost of the plan will be borne by MSD'S customers.

Officials have said sewer bills eventually could reach $100 a month.

How fast customers' bills rise will depend on what kind of a timeline the agencies can agree on.

"No one argues that this work does not need to be done," said MSD spokesman Lance LeComb. "We are trying to balance the quality of the environment against the economic needs of the ratepayers and the current economic downturn," he said.

He noted: "Every dollar we spend on clean water is one dollar not spent on public transit, roads and schools."

The current sewer system allows sanitary sewers to overflow into storm water sewers during heavy rains. That carries pollutants, such as E. coli bacteria, into area rivers.

MSD's proposed solution would rely on construction of huge tunnels to hold and slow down water during heavy rains.

The plan also calls for disinfecting facilities — one near Macklind Avenue in St. Louis and the other in the Bellefontaine Neighbors-Spanish Lake area — to partly treat sewage before it goes to the Lemay or Bissell Point sewage treatment plants.

The timeline to carry out the cleanup is a key issue in the 2007 lawsuit against the district, LeComb said.

The suit, now in mediation, charges that the district was responsible for the release of millions of gallons of raw sewage into area waterways between the beginning of 2000 and the end of 2005. It notes thousands of instances where sewage reached streets, yards, parks and homes, possibly exposing residents to harmful pathogens.

The district for years has said it needs to spend $6 billion on overall sewer improvements, LeComb said. It has prepared plans for $4 billion. It anticipated that it would have to spend about $2 billion on fixing the combined sewer overflow problem but did not have details for using that money. The combined sewer plan adds some details for spending the $2 billion, he said.

The MSD plans calls for three tunnels:

— One would be 28 feet in diameter and nine miles long to serve the lower and

middle River des Peres watersheds. It would be in the area of St. Louis, Maplewood and Shrewsbury.

— A second would be 24 feet in diameter and nearly two miles long for the upper River des Peres watershed. It would be in University City.

— A third would be 20 feet in diameter and about 2.5 miles long to collect water from combined sewers that could flow into Deer, Black, Claytonia and Hampton creeks and take the liquid to the Lemay sewage treatment plant. It would run below River des Peres starting at about Macklind in St. Louis.

While most of the work is connected to River des Peres, some would involve Maline and Gingras creeks in North County.

The plan also mentions other means to reduce the flow of storm water. Among them are rain barrels, rain gardens and detention and retention basins.

Landmark Deal Puts Hanford Cleanup on Track (*EP Magazine*)

August 18, 2009

The long cleanup of wastes stored at the Department of Energy's Hanford Site in southeastern Washington State may be realized, now that the parties have agreed to settle the state's 2008 lawsuit (later joined by the state of Oregon) against DOE because milestones in an earlier agreement were not being met.

"Today is a historic day for Washington state, the Pacific Northwest and the Columbia River, a lifeline for our region," Washington Gov. Chris Gregoire said. "United States Energy Department Secretary Steven Chu and I, along with United States Senators Patty Murray and Maria Cantwell and state Attorney General Rob McKenna, announced an agreement that recommits the federal government to cleaning up America's toxic legacy at the Hanford Nuclear Reservation. Our agreement settles our lawsuit against the federal government and obligates it to a new, enforceable, and achievable schedule for tank waste cleanup at Hanford.

And there is more: In tandem with the settlement agreement, Washington Ecology Director Jay Manning joined the United States Department of Energy and the Environmental Protection Agency in signing another agreement that establishes new enforceable deadlines to accelerate the cleanup of contaminated underground water plumes at Hanford. This means we're committed to intercepting these plumes before they reach the river, which serves 42 cities and towns and one million people downstream in two states."

Chu, Gregoire, and the others stood near the Waste Treatment Plant being built at Hanford on Aug. 11 to announce the proposed settlement. It sets a realistic schedule for startup of the plant and retrieving 53 million gallons of radioactive and chemical waste in 177 large, underground, single-shell storage tanks at Hanford.

DOE says the waste from the single-shell tanks will be removed and pumped to newer double-shell tanks and ultimately transferred to the plant, where it will be immobilized into a sturdy glass waste form through vitrification. Removing the waste from the single-shell tanks will take until 2040, and treatment of the wastes will be finished by 2047. "These new schedules are, in reality, aggressive but achievable," according to DOE. "With a goal of accelerating the completion dates, the proposed agreement adds a process for reviewing the final completion dates every six years. Each six-year review will determine whether the completion dates can be accelerated. At three-year intervals, a detailed system plan will be generated to evaluate options for accelerating cleanup. This 'End Date Review Process' ensures that the Hanford tank waste cleanup remains as aggressive as possible."

The Washington State Department of Ecology's page about the agreement offers details about the settlement, contamination sources at Hanford, links, and activities to date.

Additional Resources:

http://www.ecy.wa.gov/programs/nwp/images/2008lawsuit/Hanf_Contam.pdf
http://www.ecy.wa.gov/programs/nwp/2008lawsuit_settlement.htm
http://www.ecy.wa.gov/programs/nwp/pdf/2008lawsuit/081109_proposedsettlement.pdf
http://www.hanford.gov/

August 18, 2009

Great Lakes initiative could provide money to clean up Lake Ontario (*Rochester Democrat and Chronicle*)

When it's hot outside, a favorite pastime for local residents is to head to the beach. But that can be a frustrating experience, as local swimming beaches are frequently closed due to concerns about pollution.
Money to help alleviate the problem could be available next year as part of the Great Lakes Restoration Initiative. Citizens should make their voices heard on this important effort.

The Environmental Protection Agency initiative calls for $475 million to be included in the federal government's 2010 budget. The effort focuses on four areas: reducing toxic substances, removing nonnative invasive species, improving the environment near the shoreline, and protecting and restoring wildlife and habitats.

The money could go to good use here. A nationwide study recently ranked local swimming beaches among the most challenged in the state, with Ontario Beach coming in at No. 7 and Durand Beach at 28.

Storm water runoff, sewer-system discharges and other pollutants feed bacteria into the lake and fill it with nutrients that stimulate the growth of algae.

The good news is that the money is meant for projects that haven't been funded in the past. Governments and nonprofits can apply for the grants. In the past, New York state's budget challenges have slowed progress on cleanups.

With President Obama hailing from the shores of Lake Michigan, there's optimism he'll support this. The House already approved the money; the full Senate has not yet done so.

Senators Schumer and Gillibrand should vote yes, so our great asset of Lake Ontario gets healthy again.

Additional Facts

Go to www.epa.gov/greatlakes/glri/outreach.html. Ideas are due Wednesday.

August 18, 2009

A slick way to get rid of oil in the St. Cloud area (*St. Cloud Times*)

By Kirsti Marohn
kmarohn@stcloudtimes.com
One way people are saving money during tough economic times — do-it-yourself oil changes — can pose a sticky environmental problem.

Jim Feneis, owner of East Side Oil Cos., doesn't have numbers to prove that more people are changing their vehicle's oil themselves rather than paying $20 at a quick lube service center.

But judging from the growing demand for public drop-off sites for used oil, Feneis believes the number of do-it- yourselfers in Minnesota has risen from the 32 percent cited in a 10-year-old Minnesota Pollution Control Agency study.

Used oil can be a major pollution problem. In the past, it was common practice to dump old oil on the ground or in the trash.

"We're smarter today," Feneis said. Still, it's estimated that as many as 2 million gallons are dumped illegally in Minnesota every year, he said.

East Side Oil is responding by opening another 30 oil drop-off sites in Minnesota this year in addition to the 25 it operates. The sites accept used oil, filters and antifreeze at no cost to the public.

Earlier this month, new sites opened in Princeton, Becker, Clear Lake, Onamia, New York Mills and Pine City. Others are scheduled to open in upcoming weeks in Redwood Falls, Detroit Lakes and Granite Falls, said Patti Carlson, East Side Oil's controller.

It's the only oil recycling program like it in the nation, Feneis said. Last year, the program collected 125,880 gallons of used oil, 287 55-gallon containers of used filters and 3,529 gallons of used antifreeze, he said.

East Side Oil uses some of its profits from its commercial recycling program to help fund the public drop-off sites, Feneis said. He considers it environmental stewardship "a gallon at a time."

Roger Minet stops by the drop-off center at East Side Oil's headquarters on Lincoln Avenue in St. Cloud about once a year. He recently, he poured a couple plastic jugs full of used oil from his lawn mower into the collection bin and says he thinks the drop-off sites are a good idea.

"Way back in the old days, I think people put it in the garbage," Minet said.

Most of the new drop-off sites use above-ground tanks because they're movable and significantly less expensive — about $18,000 compared with $60,000 for the underground kind, Feneis said.

Because they're not permanent, they can be placed at a private business such as an auto-parts store, Feneis said.

East Side Oil is trying to promote public awareness of the importance of recycling used oil, including radio ads and a mascot named "Drippy the Oil Drop" who warns about the environmental hazards of dumping oil.

According to the MPCA, used oil can contain toxic substances such as benzene, lead, zinc and cadmium. Once thought to be a good method of controlling dust, dumping oil can kill vegetation and wildlife and pollute ground water, lakes and streams. One gallon of improperly disposed oil can contaminate a million gallons of water, according to the U.S. Environmental Protection Agency.

Feneis hopes the drop-off sites and the public awareness campaign will make people more aware of the importance of recycling their old oil.

"Even though it's 10 o'clock at night and the neighbor's not looking, you can't pour it on the ground," Feneis said.

Maryville agrees to penalty for wastewater violation (*St. Joseph News-Press*)

by Ray Scherer
Tuesday, August 18, 2009

The city of Maryville, Mo., has agreed to pay a $33,000 civil penalty to settle allegations it failed to properly operate its industrial wastewater pretreatment program.

According to the U.S. Environmental Protection Agency's regional office, the agreement includes a $20,400 cash payment to the United States and the installation of a new energy-efficient water pump at Maryville's sewage treatment plant.

The EPA said it determined that the city failed to conduct required annual inspections of seven local industries — identified as "significant industrial users" of the wastewater system — during 2005 and 2006. The users include LMP Steel and Wire, Federal-Mogul Corp., Deluxe Printing, Eveready/Energizer Battery Co., Kawasaki Motors Manufacturing Co., Laclede Chain Manufacturing Co., and St. Francis Hospital.

Although the EPA said it identified violations of Maryville's pretreatment program by the users, the incidents do not appear to have caused or contributed to any violations of the city's effluent limits.

Besides paying the civil penalty to the United States, the city also has agreed to perform a supplemental environmental project that will involve the installation of a new water pump at its treatment plant.

The increased energy efficiency will reduce the city's energy consumption and associated generation of greenhouse gases, the EPA said.

"This was an unfortunate result of an oversight in the permit writing and enforcement process by the city," Maryville City Manager Matt LeCerf said in a statement given to the News-Press Monday. "We are positive that at no point during this period did the City of Maryville receive a discharge violation related to this issue. Both the city and the community business partners recognize and act in an environmentally conscious method."

Ray Scherer can be reached at rscherer@npgco.com.

Building that sand castle could make you sick (*Providence Journal*)

01:00 AM EDT on Tuesday, August 18, 2009
By Peter B. Lord
Journal Environment Writer
The Providence Journal / Connie Grosch

A new study of beaches across the country, including the one at Goddard Memorial State Park in Warwick, finds that people who dig in the sand put themselves at greater risk for gastrointestinal illness and diarrhea.

The risks are higher for those who get buried in the sand.

And the risks are greater for children, because they are more likely to be digging tunnels and carving sand castles.

The increased risk levels range from 13 to 23 percent, meaning the chances of any one individual getting sick go up only slightly. But because so many people go to the beaches, the researchers said, the overall numbers of extra illness are significant.

Good news was delivered in a second study that finds that people who wash their hands after digging in beach sand greatly reduce their risk of ingesting bacteria that could make them sick.

The two studies merge the obvious: that washing hands gets rid of germs and concentrations of E. coli bacteria are often higher in beach sand than they are in the water at the beach.

The state Health Department was sufficiently interested in the new research that it recently won a federal grant to do its own analysis of bacteria in the sand at 10 Rhode Island beaches that have been closed frequently because of spikes in E. coli, the indicator bacteria for human waste.

For the next month, staff from the department's beach water-quality monitoring program will collect beach sand samples and have them analyzed. The department will use the results to help determine protocols for future beach closures, according to spokeswoman Annemarie Beardsworth.

"We don't want people to think that it's unsafe to go to the beach," said Beardsworth. "It's fine to play in the sand, but this is another opportunity to remind people about the importance of washing their hands. And make sure little kids don't eat the sand. We don't want precaution to take a vacation."

The same message was offered by Christopher D. Heaney, the lead scientist on the beach sand study at the University of North Carolina. He spent the last weekend vacationing at a beach in Little Compton.

He said he made a point of washing after each day at the beach, so he was unconcerned about possible bacteria.

The studies have been publicized by the U.S. Geological Survey, a federal agency that has its roots in mapping and surveying the country, but has broadened its efforts to perform a wide range of scientific studies.

The agency reported that while new research finds that beach sand is a potential source of bacteria and viruses, hand rinsing effectively reduces exposure to microbes that cause gastrointestinal illnesses.

“Our mothers were right. Cleaning our hands before eating really works, especially after handling sand at the beach,” Richard Whitman, the lead author of the U.S.G.S. study, said in a statement. “Simply rinsing hands may help reduce risk, but a good scrubbing is the best way to avoid illness.”

Whitman’s study, focusing on the shores of Lake Michigan in Chicago, found that people digging in the sand contaminated with E. coli would develop gastrointestinal illnesses at rates ranging from 1 to 3 percent higher than those who didn’t play with the sand.

The study that analyzed people who played in sand at Goddard Park was part of a much larger effort by the federal Environmental Protection Agency to study links among water pollution, swimming at beaches and peoples’ health.

The scientists interviewed 27,365 people as they visited beaches, and a short time later by telephone to determine if they became sick. They selected beaches that were relatively close to sewage treatment plant outfalls.

The Goddard survey was done in 2007. At Goddard, 138 people who dug in the sand, or about 5 percent of the total, got sick. The rates were higher at beaches in other states.

The researchers found those digging in the sand were increasing their risk of gastrointestinal illness by 13 percent and their risk of diarrhea by 20 percent. People getting buried in the sand increased their risks of gastrointestinal illness and diarrhea by at least 23 percent.

The researchers found the risks varied greatly from beach to beach.

For more on the USGS study go to:
http://www.usgs.gov/newsroom/article.asp?ID=2278d

To see the EPA study, go to: http://aje.oxfordjournals.org/cgi/content/full/170/2/164

Kicking the bottle will save you big, water experts say (*Peoria Journal Star)*

By TERRY BIBO
of the Journal Star
Posted Aug 17, 2009 @ 09:16 PM
PEORIA —

You can save money, time, and the environment . . . all while losing weight.
How? Pour yourself a glass of water instead of cracking open yet another Dasani or Aquafina. You will save $1.50, the trip to the vending machine or mega-bigbox store - and keep that plastic bottle from languishing at the Peoria City/County Landfill.
All for zero calories and near zero cost.

"You have to ask, 'Why are you getting bottled water?'" said environmental educator Paul Ritter.

By the numbers

$85 billion: Global bottled water market

$1,400: Annual cost of drinking eight glasses of bottled water a day.

49 cents: Annual cost of drinking eight glasses of tap water a day.

25: Percentage of bottled water drawn from municipal supplies.

85: Percentage of plastic water bottles that go to landfills.

5,470: miles Fiji Water travels to U.S. West Coast markets.

Sources: Illinois American Water, Wall Street Journal, Washington Post, Mother Jones magazine, Men's Health magazine

For the last couple of years, he has advised students on the Pontiac Prescription Drug Disposal program dubbed P2D2. Working to keep pharmaceuticals out of the public water supplies, Ritter has learned a lot about what's in there. He'll take the tap rather than fuss with the Fiji.

"They don't have to have the same quality as the municipal guys," he said of commercial bottled waters.

After more than a dozen years of trendy water-toting, the tide is turning. Bottled water has been perceived as a safer, greener, even virtuous choice. But environmentalists now question everything from the energy required for its transport to the way bottles are recycled to the quality of the water itself.

"Like we advise people to eat locally, to buy at the farmer's market . . . we would do the same thing with the water," said Joan Ericksen, developmental director of the Sun Foundation.

She said she thinks people see bottled water as both convenient and safe. She'd prefer tap water in glass bottles or stainless steel because of potential side effects from plastics. One of the key points of the Sun Foundation's annual Clean Water Celebration is the interconnection of the system.

"People are uncertain about the quality of their water," she said. "Go all the way back to what we are putting into the water."

Many of these concerns were raised at congressional hearings held about bottled water in July.

"Consumers may not realize that many regulations that apply to municipalities responsible for tap water do not apply to companies that produce bottled water," U.S. Rep. Bart Stupak, D-Mich., chairman of the committee, told the Wall Street Journal.

Among other things, bottlers aren't required to report test results that show contamination; municipal water must report dangerous contaminants within 24 hours. That's because bottled water falls under the purview of the U.S. Food and Drug Administration; municipal water is governed by the Environmental Protection Agency.

Standards are tightening for bottled water, but Illinois American Water's Karen Cotton is still happy to compare the two. The company already exceeds its requirements and is in the process of making $24 million in upgrades.

"We go by even more stringent standards," Cotton said. "That's what we want to do."

Walking through the process at the water treatment plant by the McClugage Bridge illustrated her point. From the four intake pumps at the Illinois River edge to the color-coded "pipe gallery" where you finally find water ready to drink, every step is tested.

"We're currently taking in 10 million gallons a day and treating it," said water quality supervisor Lori Horstman. "We supplement that with well water."

That gets to your house, delivered, for a penny a gallon.

"People are spending so much money on bottled water. We know they want to cut back wherever they can," Cotton said. "It's a good value."

So why drink bottled water? Ericksen took a quick poll at the Sun Foundation. It wasn't cost or quality or even taste.

"Psychologically, they like it," she said.

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Michigan Tech, Army Corps study shores (*Associated Press*)

Story also appeared: *Traverse City Record Eagle*

August 17, 2009 10:13 pm
— DETROIT (AP) — Researchers from Michigan's far north and a U.S. Army Corps of Engineers lab in steamy Vicksburg, Miss., have formed an alliance to improve tools for monitoring pollution along the nation's shorelines.
Michigan Technological University is located on the Keweenaw Peninsula that juts into Lake Superior from the Upper Peninsula. The Army Corps Environmental Laboratory is about a mile east of the Mississippi River and about 165 miles from the Gulf of Mexico.
The two institutions say they want work together to improve the understanding of waters near the shores of the Great Lakes.
Their initial collaboration involves a study of Lake Superior off Michigan's Keweenaw Peninsula, an area with toxic metal contamination from copper mining.
Researchers also will work on such things as ecosystem restoration, toxic sediments and invasive species, the Army Corps said in a news release.
The Great Lakes have suffered significant damage from a number of invasive species, including some carried in ships' ballast water. Most notable is the zebra mussel, which has driven out a number of native species.
The collaboration agreement is for five years and renewable after that.
The work could be applied to other rivers, streams, lake and ocean fronts around the nation, said Robert Shuchman of Michigan Tech's satellite research institute in Ann Arbor.
The two institutions are already analyzing data from a survey they did in 2008 of toxic copper mining waste known as "stamp sands" offshore from the unincorporated village of Gay, about 20 miles east-northeast of Houghton.
Michigan Tech researchers took water and sediment samples and Army Corps scientists flew over the area with remote sensing mapping equipment, Shuchman said.
Currents and erosion have carried waste that includes arsenic and other toxic heavy metals into breeding grounds for lake trout, a major food source for area Native Americans, he said.
"It's basically a god-awful mess out there," Shuchman said. The data should help define the extent of the contamination and guide authorities such as the Environment Protection Agency in determining the dangers and designing a cleanup plan.
The Army Corps also wants to compare data collected by its planes with samples the university researchers took on the ground to check its equipment's accuracy, Shuchman said.
"The educational partnership agreement is a win-win situation" for both institutions, said Al Cofrancesco, a technical director at the Vicksburg lab. "The real winner will be the environment and the Great Lakes. Our joint research efforts will greatly help restoration efforts for these vital resources."
Shuchman added, "This is the beginning of a long journey. What we're hoping here is this will lead to a much bigger and broader collaboration between Michigan Tech and the Army Corps, where they'll entertain students, interns, where professors will go down there on sabbatical."

Storm water fees on council agenda (*San Angelo Standard Times*)

By Michael Kelly
Monday, August 17, 2009

City Council on Tuesday will again take up the contentious issue of levying fees to pay for a storm water purification system and a division to operate it.

The city estimates the capital cost of the system to be about $1 million for construction of catchment basins and other installations that will remove pollutants from storm water runoff in the city before the water is discharged into the Concho River.

The city most recently put forward a tiered scale of fees for based on the area of impervious surface on each property. The costs in that proposal would range from $1 per month for a residential lot with 1,000 square feet or less of impervious area to $325 per month that would levied against the top tier of nonresidential properties which have 500,000 square feet or more of impervious area.

City engineer Clnton Bailey said Monday the fee scale has changed slightly because the city of San Angelo added its own properties into the calculations. City-owned property, he said, accounts for about 10 percent of the impervious area.

The city and the San Angelo Chamber of Commerce began talks about the storm water project more than a year ago, said Phil Neighbors, president of the chamber. At that time it appeared the fees for some businesses in the city — those with big parking lots in particular — would be astronomical, up to 10 times the current fee scale proposal.

“I think they heard input from business and looked for way to spread out the cost burden,” he said.

The city is under the gun in two respects: It is required under the Clean Water Act to do something to reduce pollution in storm water discharge no later than 2012 and, more immediately, it is on the verge of being placed on the watch list for impaired water bodies because of the level of pollution in the Concho River.

“The reason we’re doing this is that we’re trying to prevent the EPA and TCEQ from taking action,” Bailey said. “We’re on the verge of being on the impaired water bodies list, and if we don’t start cleaning up water before it gets to the river, we’re going to be there.”

Chuck Brown, a hydrologist for the Upper Colorado River Authority, said a segment of the North Concho River already is on the Texas Commission on Environmental Quality

impaired waters list. The river's sluggish flow contributes to a shortage of dissolved oxygen in the water, he said.

"It's basically a series of storm water ponds," he said.

The UCRA has been working for years with a series of demonstration projects to improve the quality of the river water, Brown said. The projects include a filter dam on the river near the Santa Fe Golf Course and a larger dam near the Caddo Street bridge off Houston Harte and Bryant Boulevard that cleans out the runoff which carries debris and pollutants from that high-traffic area.

"We built that structure in 2001, and it eliminated fish kills," Brown said.

"We've been fighting this for years," Brown said in reference to pollution from storm water runoff. "All in all, I think we've spent about $6 million in local matching funds and EPA funds, just targeting storm water before it enters the rivers."

With each rain storm, the runoff from paved areas and other impervious surfaces in San Angelo flushes tons of trash, sediment, solids, dissolved solids, nitrates and salts into the Concho River, Bailey said. An information sheet distributed by the city points out that the pollutants washed into the river and the sediments from bank and arroyo erosion all eventually arrive in O.H. Ivie Reservoir, the main source of drinking water for the city and many surrounding communities.

The proposed fee would also pay the operating costs of the new Storm Water Division, estimated to be about $1.9 million. It would have 13 new jobs, with functions split between the city's Engineering Services Division and the Operations Department.

The project is not eligible for American Recovery and Reinvestment Act funding, Bailey said, but it may qualify for two-to-one leveraged grants through the Clean Water Act.

The city council at Tuesday's meeting will also hold a first hearing and introduction of its 2009-2010 operating budget, which includes an expected increase in property tax revenue of about $1.17 million, of which $447,550 comes from properties that are new to the tax rolls this year. The council will also amend the 2008-09 budget to account for new projects, grants and contributions.

At the request of council member Dwayne Morrison, the prohibition of alcohol sales at the recently opened Texas Bank Sports Complex/Rio Concho Community Park will also be discussed.

August 18, 2009 Tuesday
STATE AND REGIONAL NEWS

Maryville-agrees-to-penalty-for-wastewater-violation (*St. Joseph News Press*)

BY: Ray Scherer, St. Joseph News-Press, Mo.
Aug. 18--The city of Maryville, Mo., has agreed to pay a $33,000 civil penalty to settle allegations it failed to properly operate its industrial wastewater pretreatment program.

According to the U.S. Environmental Protection Agency's regional office, the agreement includes a $20,400 cash payment to the United States and the installation of a new energy-efficient water pump at Maryville's sewage treatment plant.

The EPA said it determined that the city failed to conduct required annual inspections of seven local industries -- identified as "significant industrial users" of the wastewater system -- during 2005 and 2006. The users include LMP Steel and Wire, Federal-Mogul Corp., Deluxe Printing, Eveready/Energizer Battery Co., Kawasaki Motors Manufacturing Co., Laclede Chain Manufacturing Co., and St. Francis Hospital.

Although the **EPA** said it identified violations of Maryville's pretreatment program by the users, the incidents do not appear to have caused or contributed to any violations of the city's effluent limits.

Besides paying the civil penalty to the United States, the city also has agreed to perform a supplemental environmental project that will involve the installation of a new water pump at its treatment plant.

The increased energy efficiency will reduce the city's energy consumption and associated generation of greenhouse gases, the **EPA** said.

"This was an unfortunate result of an oversight in the permit writing and enforcement process by the city," Maryville City Manager Matt LeCerf said in a statement given to the News-Press Monday. "We are positive that at no point during this period did the City of Maryville receive a discharge violation related to this issue. Both the city and the community business partners recognize and act in an environmentally conscious method."

Ray Scherer can be reached at rscherer@npgco.com

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Old Subway Cars Recycled To Make Underwater Reefs *(Brooklyn Daily Eagle*)

by AP (edit@brooklyneagle.net), published online 08-17-2009
From North Brooklyn to Deep South – And We Do Mean Deep
BROOKLYN (AP) — Since the late 1960s, New York City's “Brightline” stainless-steel subway cars carried passengers from Lower Manhattan to North Brooklyn, via the M, J and Z lines, and back again.
Late last month, they made their final run — to the bottom of the Atlantic Ocean about 15 miles off Georgia's coast.

A forklift lifted and dumped 44 of the 30,000-pound cars off a three-story, 175-foot-long barge into the sea's depths in order to create artificial reefs as part of a cooperative effort between New York's Metropolitan Transit Authority and Georgia's Department of Natural Resources.

The stainless-steel cars, which the MTA began to retire last year, did not linger long on the ocean's surface near Brunswick before shooting springs of water through the glass-less windows as they descended to the sea bottom about 55 feet below.

The new additions join about 900 other decommissioned Brightline cars now resting underneath the ocean's surface off the coast of Georgia, as well as New Jersey, Delaware, Maryland and Virginia. Previously, the MTA “reefed” most of the earlier “Redbird” cars, so called for their red paint scheme.

"We like to think of it as the end of their landlocked life and the beginning of their underwater life," said Mike Zacchea, assistant chief operations officer for New York City Transit.

Zacchea rode out to supervise the dumping — his 55th such trip during an eight-year period.

The high cost of getting rid of asbestos in the subway cars inspired the unusual disposal method, Zacchea said.

It cost about $8,000 to transport and dump each car, while asbestos abatement could run between $12,000 to $65,000, he said.

Transit officials worked closely with the U.S. Environmental Protection Agency to make sure the cars posed no environmental threat, Zacchea said. The asbestos was deemed safe underwater. Pollutants such as oil are removed beforehand, he said.

Artificial reefs are needed in Georgia's waters because the ocean bottom is mostly composed of loose sand and silt, which make it difficult for natural reefs to form, said Doug Haymans of the Department of Natural Resources.

The reefs create habitats for sea life as well as fishing and scuba diving opportunities, Haymans said. Georgia pays $2,600 per car, but the state benefits economically by boosting recreational activities and luring fishing tournaments to the state because of the sea life that inhabits the artificial reefs, he said.

Subway cars are not the only unusual things now serving a second life undersea. Army tanks and parts of the old Talmadge Bridge also are now artificial reefs.

Haymans said the reefs are artificial in name only.

"The material is man-made, but all the organisms that adhere to it are natural," he said. "In 20 years, you won't even know they were subway cars."

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