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ADMINISTRATOR JACKSON

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THURSDAY MAY 21, 2009 :: Last modified: Wednesday, May 20, 2009 9:46 PM MDT

Wyo enviro groups want EPA's ear (*Casper Star Tribune*)

By DUSTIN BLEIZEFFER
Star-Tribune energy reporter

Energy and environmental stakeholders who are sometimes at odds seemed to agree that this week's visit by Environmental Protection Agency Administrator Lisa Jackson is a good thing for Wyoming.

However, some have complained that Jackson might have more face time with representatives of energy companies in Wyoming rather than with citizens with concerns about how energy development has been managed in recent years.

As a result, some citizens and landowner groups have either submitted written comments directly to Jackson or to Gov. Dave Freudenthal's office to pass along to Jackson. One of those groups is the Powder River Basin Resource Council.

"We hope all of this information will give administrator Jackson an informed view of the real issues facing Wyoming citizens," Ed Swartz, PRBRC member, said in a prepared statement. "We welcome EPA into this discussion and hope the state listens seriously to what they have to say."

Jackson is in Wyoming at the invitation of Freudenthal. Her tour of Wyoming began Wednesday morning with a visit to the Happy Jack wind farm outside of Cheyenne. The tour continues today with a visit to natural gas operations in the Jonah Field in Sublette County and a visit to the Black Thunder coal mine in Campbell County.

The PRBRC used the EPA visit as an opportunity to list off a number of concerns related to energy development:

- There are regular violations of particulate matter (dust) standards in the Powder River Basin coal-bed methane gas and coal mining district.

- Some prime pastureland has suffered from the flushing of coal-bed methane water down draws in the Powder River Basin.

- Citizens in the Pavillion area in the central part of the state believe oil and gas development has resulted in air and water contamination.

"Our drinking water is contaminated and people's health is being impacted -- we need the EPA to help us get the contamination stopped and the mess cleaned up," Pavillion area farmer John Fenton said in a prepared statement.

Linda Baker of the Upper Green River Valley Coalition noted that ozone concentrations, because of burgeoning natural gas development in the Pinedale area, have exceeded standards for human health many times in recent years.

In addition, measured visibility impairment has exceeded standards of the U.S. Bureau of Land Management and the U.S. Forest Service (both of which are outside the EPA's jurisdiction).

"I would hope that the EPA, looking at the air quality situation in Sublette County, would consider encouraging the BLM to conduct a comprehensive health impact assessment," Baker told the Star-Tribune.

One issue the EPA will deal with directly is the natural gas industry's use of hydraulic fracturing and the concern about whether the practice threatens drinking water. Baker said several industrial wells in the area have high levels of contaminants.

Baker said there's not been enough monitoring to know whether drinking water supplies are at risk.

"I would hope that administrator Jackson takes a second look at hydraulic fracturing and makes sure it is safe for drinking water supplies, and at least allow disclosure (of chemicals used in fracturing) to emergency personnel and medical personnel who might have to deal with contamination or human exposure in an emergency," Baker said.

Contact energy reporter Dustin Bleizeffer at 307-577-6069 or dustin.bleizeffer@trib.com. Read his energy blog at tribtown.trib.com/DustinBleizeffer/blog.

EPA administrator tours Wyoming energy sites (*Wyoming Business Report*)

By Dennis Curran
May 20, 2009 --

Start with a brand new wind farm, then one of the world's largest coal mines and finally a tour of one of the nation's premier natural gas production sites, and you're going to see Wyoming's energy mix at its finest.

Federal Environmental Protection Agency Administrator Lisa Jackson will be touring Wyoming energy sites this evening and tomorrow, and her host will be someone who is as knowledgeable about the state's energy industry as anyone – Gov. Dave Freudenthal.

The governor met with Jackson in Washington, D.C., several weeks ago and invited her to come to Wyoming to see first-hand what's going on in the energy patch.

As she will see, there's a lot going on, even during a national recession and a downturn in energy demand and rock bottom prices, especially in natural gas. Wyoming leads the nation in coal production, producing nearly 40 percent of then nation's coal annually, and is second in natural gas production. The state exports the equivalent of 10 percent of the nation's energy use.

Jackson and the governor are scheduled to visit Duke Energy's Happy Jack Wind Farm, which went on line last fall just west of Cheyenne. It can produce enough power to meet 25 percent of Cheyenne's needs, and it's working so well that Duke is building another wind farm right across the road.

Tomorrow Jackson and the governor fly to Gillette for a tour of Arch Coal's Black Thunder Mine near Wright. Black Thunder produced 88.6 million tons of coal last year (second behind Peabody Energy's 97.6 million tons at its North Antelope Rochelle Mine just south of Black Thunder.) Black Thunder could regain the top ranking when it finishes its acquisition of Rio Tinto Energy America's Jacobs Ranch Mine across the highway.

Then it's on to Pinedale and a tour of the Jonah Field, which along with the Pinedale Anticline, is one of Wyoming's top gas producing fields. Jackson will get a first-hand look at how new drilling techniques are allowing production from Jonah with fewer wells and environmental impacts.

The governor said he wants Jackson to see first-hand the scale of energy production in Wyoming.

Administrator of the E.P.A. tours Happy Jack Wind Farm (*KGWN*)

Cheyenne, WY
- 5/20/2009
Today the first meeting of the Wind Energy Task Force took place and the E.P.A. Administrator, Lisa Jackson toured the Happy Jack Wind Farm.

Wind was the topic of conversation today with lawmakers, wind development companies and even with Governor Freudenthal. The message was loud and clear. Wind energy is here to stay.

E.P.A. Administrator Lisa Jackson "President Obama has made it clear that real energy independence and freedom from foreign oil will involve a broad range of sources. Many of which are represented here in Wyoming."

Lisa Jackson wasn't the only person talking about wind energy Wednesday. The wind energy task force also held camp. County Commissioner Ed Warner says "Who should be doing the regulations, the city, the county, the developer."

It's clear to everyone involved that Wyoming is a prime location to cultivate wind energy. Jackson adds "Wyoming is pioneering the implementation of clean, renewable wind energy and exploiting your obvious wind resources."

The wind industry will also help get people back to work by creating jobs. Jackson says "In a thriving wind power industry, the turbines like the ones here will be designed, manufactured, constructed and maintained by Americans."

Governor Freudenthal says even though wind energy is taking off in wyoming there are questions that need to be answered. The governor says "The novelty of these have worn off and people are saying now just wait a minute. If you're really talking about 10, 12 or 15,000 of these towers in the Wyoming landscape we wanna have something to say about how they're gonna be used."

Duke Energy says the wind farms are serving Wyoming in more than one way. Duke Energy representative Greg Efthimoiu says "It's clean, it's zero carbon and you can have it in an area like Wyoming that have an abundant resources of wind and maybe something that folks always complain about but now it's something that's making the state money and bringing jobs to the area."

Development of wind farms is not slowing down. Another wind farm is planned right behind the one that sits on Happy Jack Road and will be called the Silver Sage Wind Farm. Thomas Bailey, the manager of Happy Jack Wind Farm and will be the manager of Silver Sage Wind Farm. He says "We are ahead of schedule. They started cutting the roads in the first of April and we will actually pouring foundations by next week."

As far as the Silver Sage Wind Farm goes, officials say it could be up and producing energy as soon as October. The Wind Energy Task Force will meet two more times and give the governor their recommendations by no later than November.

Amie Meneghetti reporting for CBS NewsChannel 5.

Biodiesel producers deride EPA calculations (*Delta Farm Press*)

May 20, 2009 10:26 AM, By David Bennett
Farm Press Editorial Staff
In early May, President Obama instructed the USDA, Department of Energy and EPA to form a working group to support the development and expansion of domestic biofuels. As positive as that sounds, without drastic changes to some underlying government assumptions, the fledgling Arkansas biodiesel industry — already hard-hit, like biofuel refineries across the nation — could be in dire straits.

While Obama's push is expected to jump-start a national biofuel effort, the EPA has already been implementing the 2007 Energy Independence and Security Act (EISA), which calls for 36 billion gallons of renewable fuels in 2022. That is "enough to cut petroleum consumption by nearly 11 percent," said Lisa Jackson, EPA administrator, at the working group announcement.

For more, see EPA regulations.

Jackson pledged the final biofuel rules would be "informed by the best science." That is cold comfort to the biofuels industry, which points to the EPA's current method of calculating indirect land use (ILU) as especially galling.

The EPA says increased U.S. grain demand for ethanol would cause ripples overseas, where farmers would move to take advantage and change land-use patterns. A dramatic example is rainforests toppled for grain production, thus increasing environmental degradation and climate change.

However, such assumptions are not only shaky but unfair, says Troy Hornbeck who, along with his brothers, oversees several agriculture-related businesses including Hornbeck Seed and Arkansas SoyEnergy Group, a biodiesel refinery outside DeWitt, Ark.

"If we're going to (consider) ILU, it's one thing to say Brazil is destroying the rainforest to grow soybeans. But here in the United States, we already have soybean acres established. Those are ongoing acres and we're doing nothing different than we have (in the past). Why would we take another country's issue and apply it to our EPA regulations? That makes absolutely no sense.

"We export most of the soybeans out of the United States anyway. We're not using all the soybeans we're growing domestically. It should be a non-issue, to be honest."

For more on the Hornbeck operation, see Biofuels plant and breeding program mesh.

Soybean biodiesel “reduces greenhouse gases by 78 percent,” says Jon Hornbeck. “Land that isn’t even located in the United States should have no bearing (on ILU), shouldn’t be factored into the greenhouse gas emission” calculations.

While South American rainforests are an issue, “when was the last time we cleared rainforest here in the United States? That has nothing to do with actual emission standards of biodiesel.”

At a recent hearing of the House Agriculture Subcommittee on Conservation, Credit, Energy, and Research, Collin Peterson had his own issues with the EPA calculations. The House Agriculture Committee chairman is no longer confident that “I shouldn’t be going after you folks (and) that you … have any idea what’s going on here. You are going to kill off the biofuels industry before it ever gets started.”

Peterson continued to harangue the EPA, asking, why “you put indirect costs on corn … and soybeans and not put it on oil? What about the indirect costs of protecting the oil shipping lanes in the Middle East? That’s not counted. I mean, this is ridiculous.”

Many see it that way. State and national commodity groups are concerned and “pretty deep in disagreement with the standards,” says Troy Hornbeck. “But you take the average soybean grower and I doubt they even know (this is happening). This is one of those things that kind of blows by and (comes to light) only after a business is ruined.”

The EPA has opened a 60-day comment period on the new regulations and the Hornbecks hope farmers make plenty of noise. “There’s a time (factor) and we don’t know if it’ll work or not. But the closer to a flood (of comments), the better off we’ll be.”

To produce and maintain a viable biofuels industry what’s truly needed is more emphasis on the Renewable Fuel Standard (RFS). “We need to move towards establishing a national standard, getting it pushed through quickly. The biodiesel industry is struggling today. We need all the help from President Obama and anyone else to push the standards forward.

“We already know that soy/biodiesel reduces greenhouse gas emissions whether ILU is considered, or not. … We’re getting away from the original (aim) of promoting an alternative fuel. We need to get back to pushing renewable fuels, pushing a standard and increasing the standard.”

Hitting on the same theme, Jon Hornbeck has “trouble understanding why the Obama administration, from the very start, has said, ‘we’re pro-alternative fuels. We’re all about bioenergy and all these alternative fuel sources.’

“And that’s fine. But the EPA, under the (Obama) administration, is now coming out with things to slow down the industry, halt it, or kill it altogether. That doesn’t make any sense to me. How can we have an administration that says, ‘we fully support it and will

do all we can,' and have a division of government doing directly the opposite? That's typical politics, I assume."

The country — particularly in the current economic downturn — needs to create jobs, says Terry McCullars, SoyEnergy general manager. "There are now four biodiesel facilities in Arkansas. If we don't see some changes pretty quick at the state and federal (levels), there will be job losses there."

And the spillover business from those facilities will be lost. "Now is not the time to be taking jobs out of (circulation). The Obama administration and our state (officials) talk jobs — talk green jobs — but we're not seeing it. Where does the rhetoric stop and the reality start?"

During the spring legislative session, "we tried to get some fuel standards for the state of Arkansas. We were really trying to create a B-5 standard for the state and ran into major opposition."

The bill would have created an additional 1,500 jobs in the state, claim the Hornbecks. And a B-5 mandate, "would displace 60 million gallons of petroleum diesel," says Troy. "That's just by adding 5 percent biodiesel into fuel. … There was even language in the bill that if (a biofuel) was just 15 cents more costly (than petroleum) the standard could be (frozen). There was enough language in there to protect the petroleum industry and still create new jobs and a standard for alternative fuels. That would reduce our dependence on foreign fossil fuels."

Those factors didn't sway enough legislators. Even Gov. Mike Beebe, who had earlier signed a pact with other governors to promote biofuels, "did absolutely nothing to help this bill get through. He helped kill it."

If a fuel standard had been passed, the biofuel produced in the state could have been "running in-state and in-channel. Now, we'll use what we can (in-state), but we'll have to take it outside the state to sell it."

Of neighboring states, the Hornbecks point to Missouri as an example on how to approach biofuels. "They seem to be on the ball — with direction and drive — to influence soybean diesel usage," says Jon. "Missouri is definitely ahead of the game in the Mid-South."

"Illinois has a B-11 mandate (the largest in the nation) — and that's where our president is from," says Troy. "The Iowa legislature recently passed a B-5 mandate. Minnesota has had a mandate for several years. And there have been no problems" where the mandates have passed.

Mid-South growers need to be concerned about the region's biofuel industry. "Not just the soybean side of it, but all the different things that alternative fuels provide: environment, security, less dependence on foreign oil," says Jon. "Those interested in

any of this need to be calling their federal representatives fast and furious and saying, 'This must be resolved.' And they need to file a complaint with the EPA."

McCullars points to the cyclical nature of the energy debate. "We were looking at these same issues in the 1970s."

McCullars laments that last year, when the price of fuel dropped from $4 per gallon, the immediacy of the issue faded. "Now, the average American is saying, 'Well, the price of fuel is down and we don't have to worry about alternative fuels.'

"We have *got* to get away from that mentality and understand that the price of diesel and gasoline is going to go back to $4 and $5. If anyone disbelieves that, I'd be willing to take the bet. We must address this situation.

"If we don't do it now, I promise you we'll (soon) be talking about the same thing, trying to solve a problem that should have been fixed 30 years earlier."

Right now, "we have a biodiesel industry that's functional. (Producing) cellulosic fuel is possible but not functional — no plants are running. We have ethanol, let's use it. Let's use what we have (as a foundation), support it, and then build upon it."

For more on the federal biofuel effort, see Obama's biofuel initiative and Concerns about biofuels initiative.

e-mail: dbennett@farmpress.com

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Our View:

Invite EPA director to tour S.D. (*Daily Republic*)

The head of the Environmental Protection Agency is scheduled to take an extensive tour of Wyoming this week. It will be a chance for Lisa P. Jackson, the EPA's administrator, to see firsthand that state's major energy production sites, including a wind farm near Cheyenne, a coal mine in north-central Wyoming and a natural-gas operation in the southwestern part of the state.
By: Staff, The Daily Republic
The head of the Environmental Protection Agency is scheduled to take an extensive tour of Wyoming this week. It will be a chance for Lisa P. Jackson, the EPA's administrator, to see firsthand that state's major energy production sites, including a wind farm near Cheyenne, a coal mine in north-central Wyoming and a natural-gas operation in the southwestern part of the state.

The invitation to bring Jackson to Wyoming was extended by Gov. Dave Freudenthal, who notes that Jackson's experience lies mostly in the coastal regions of the United States, according to a news report this week in the Star Tribune of Casper, Wyo. Inviting her to view the industries that make Wyoming tick is a good idea, and one our state leaders should consider.
The EPA has been in the news in South Dakota lately, thanks to loose ideas that could have detrimental effects on the agriculture industry.

One possibility would tax the emissions of livestock, putting a great financial burden on producers of animals such as cows and pigs. Another would count indirect land uses when determining the carbon footprint of the biofuels industry, which two members of South Dakota's congressional delegation say would effectively kill ethanol production in the state.

Although they are just proposals and are by no means official plans, we wonder if the EPA realizes what such rules would do to American agriculture production. Not only would these rules severely hamper one of this country's best and most stable industries, but they also could increase our dependence on foreign energy sources.

In Wyoming, an adviser to the governor said that the tour will "provide a context for the issues that are in front of us. It's one thing to read the reports and it's another thing to see what it looks like on the ground. This provides context for the industries that drive our economy."

It's logical thinking.

We think Jackson should tour South Dakota, too.

EPA administrator tours Wyoming wind farm (*Associated Press*)

Story also appeared: *Local News 8*

May 20, 2009 9:55 PM ET

CHEYENNE, Wyo. (AP) - Environmental Protection Agency Administrator Lisa Jackson says the wind industry can help propel the United States out of its economic doldrums and bring energy independence.

At the invitation of Wyoming Gov. Dave Freudenthal (FREE'-den-thawl), Jackson began a 2-day tour of the state's energy industry at a wind farm near Cheyenne on Wednesday.

With about a dozen large turbines whirring in a light breeze around her, Jackson said wind energy will benefit Wyoming and the rest of the nation by creating jobs to build and maintain wind farms.

Jackson says that while the environment must be taken into account with wind development, there has to be common sense in dealing with energy demands.

On Thursday, Jackson will tour Wyoming coal and natural gas fields.

THURSDAY MAY 21, 2009 :: Last modified: Wednesday, May 20, 2009 9:46 PM MDT

Wind energy talk draws crowd (*Casper Star Tribune*)

By JOAN BARRON
Star-Tribune capital bureau

CHEYENNE -- A task force began a study Wednesday of what Gov. Dave Freudenthal described as the "gold rush" of wind energy development.

Representatives of the governor's office, all affected state and federal agencies, industry and various conservation and landowner groups over-filled the large meeting room on the third floor of the Capitol Building for the organizational meeting.

Sen. Jim Anderson, R-Glenrock, was chosen chairman of the task force and Rep. Rodney Anderson, R-Pine Bluffs, was named vice chairman.

"We can't discuss wind without discussing transmission," Anderson said. "We will be careful to work on things that really matter."

He also said his constituents want to know what will come after wind power, such as industrialization.

Rep. Seth Carson, D-Laramie, said a lot of other states are ahead of Wyoming in dealing legislatively with wind energy.

"The number of people in the room show this is an important issue," Carson said. "This is an economy that can get us through the boom-and-bust cycles."

Rep. Tim Stubson, R-Casper, suggested a starting point would be to define the roles of

the state and counties in regulating the wind industry.

Stubson said after the meeting that there was resistance to the study in the Legislature last winter on grounds the counties would take care of the issues through zoning.

During the meeting, Ed Warren, a Converse County commissioner and chairman of the state County Commissioners' Association, said he believes most counties have some regulation of land use. But Converse County, he said, does not have zoning, and without zoning counties must rely on the state for regulation of wind development.

Warren said the state organization of county commissioners developed three main questions: who does the regulating?; what is to be regulated?; and how will citizens, other than landowners, receive value (meaning revenue from taxes) through wind energy development?

Karyn Coppinger of Laramie, chairman of the Wyoming Power Producers Coalition, recommended the task force study transmission facilities and the impact of endangered species issues, such as the protection of the sage grouse.

Coppinger's group also recommended requiring competitive bidding for new wholesale electric power generation projects, and that the state apply its same business-friendly tax policies to wind energy.

The task force needs to consider the point of view of the landowners, said Bob Whitton of Wheatland, who added that he is trying to lease some of his land for a wind energy project.

"There are some people who are going to be walking out their door and looking at those things every day," he said of the wind energy facilities.

Laurie Goodman, representing a landowners' group, said landowners have been looking at wind energy development as an economic resource. But now they are restricted because of environmental consideration, such as protection of the core areas of sage grouse habitat.

After the meeting, Goodman said private landowners with transmission lines on their property should receive periodic payments rather than a one-time sum.

"When transmission lines are up, they're there forever," Goodman said. "These things are going to be criss-crossing Wyoming."

The continued payment would not hamper development because if companies balk at paying, they still could put the transmission lines on public lands, Goodman said.

She noted the state is also facing wind energy development on its public lands without receiving any royalties from the companies.

In that respect the state and the landowners are in the same position, she said.

The task force will meet Aug. 25 in Casper for a tour of the Rocky Mountain Power wind farm at Glenrock. On Aug. 26 and 27, the group will hear reports on existing regulations governing wind energy and other resources and will discuss recommendations from the various interest groups.

Freudenthal, in a letter to Sen. Jim Anderson, wrote that Wyoming "stands at the headwaters of two entirely divergent courses: one that leads to promise and the other that threatens our way of life."

While this may seem melodramatic to some -- we in Wyoming know and respect the razor s edge on which we are precariously balanced relative to sage grouse and other sensitive wildlife species, our economic sustainability and private property rights," the letter added.

Freudenthal cited four areas of concern:

-- Conservation of sage grouse and other sensitive species.

-- Shifting the burden to developers to show they will do no harm in core habitat areas before they can obtain authorization from state agencies, such as the Industrial Siting Administration .

-- Ensure that state and local governments are informed on what tax revenues generated by wind energy they will receive.

-- Look at the impacts of wind generation, particularly transmission lines, on private property rights.

Contact capital bureau reporter Joan Barron at 307-632-1244 or joan.barron@trib.com

AIR

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Carbon tetrachloride present worldwide (*UPI*)

Published: May 20, 2009 at 11:46 AM
PITTSBURGH, May 20 (UPI) -- Carbon tetrachloride is present worldwide in elevated levels thanks in part to society's former use of the probable human carcinogen, U.S. scientists say.

Carnegie Mellon University engineering professor Allen Robinson said thanks to the former popularity of carbon tetrachloride, the chemical now serves as a threat to "future generations," USA Today reported Wednesday.

"This is a great example of … where we thought we had some great technology, but we learned there were unintended environmental consequences," said the Pittsburgh professor, who studied toxic air in his city. "Unfortunately … we've placed those consequences onto future generations."

Kenneth Mitchell, air toxics program chief for the U.S. Environmental Protection Agency's southeast regional office, reiterated the threat potential of the chemical, which his agency says can harm an individual's liver, kidneys and brain.

The EPA official told USA Today, which found carbon tetrachloride in the air outside 70 of 95 schools in 30 states, the chemical can last nearly 50 years once released into the air. The chemical was once used to dry clean clothing, put out fires and kill bugs.

Nucor buys land in St. James for proposed plant (*Times-Picayune*)

New Orleans
May 21, 2009 Thursday
NATIONAL; Pg. 1
Nucor buys land in St. James for proposed plant;
Final decision on location is down to Louisiana and Brazil

BYLINE: By Robert Travis Scott, Capital bureau
BATON ROUGE -- Nucor Corp. has purchased 890 acres in St. James Parish for a proposed iron and steel manufacturing plant, the strongest indication to date that the company is serious about selecting Louisiana for the $4 billion project.

The transaction comes as Gov. Bobby Jindal is trying to protect $186 million in a state industrial-incentives fund from legislators seeking money for transportation projects and state operating expenses in a tight budget period.

Nucor said last year that it would choose Louisiana or Brazil for a large plant making pig iron, a material used to make steel products. The facility in a later phase could add a steel plant and employ 1,250 workers.

While the world economic downturn may have delayed a decision, the company has said it prefers Louisiana but will not commit until the state and federal environmental permits are granted. The state has been working with the Environmental Protection Agency and the company to resolve questions about the permit applications, and a

lawsuit from a neighboring grain elevator operator poses a legal risk.

"While we understand that Nucor will not make a final site-selection decision until its air-quality permit is approved by the U.S. Environmental Protection Agency, we certainly view the company's decision to begin purchasing land to assemble the proposed site as a very positive indicator of Nucor's interest in Louisiana," Louisiana Economic Development Secretary Stephen Moret said.

Nucor officials could not be reached for comment late Wednesday.

Nucor bought the property near Convent on Friday for $16.3 million from members of the Schexnayder family. The full site would be about 4,000 acres on the east bank of the Mississippi River and probably would cost more than $50 million. Entergy owns 2,780 acres of the targeted property.

The state had paid for purchase options on the Schexnayder land through the Port of South Louisiana, which would be involved in building a shipping dock and in the overall financing plan between the state and the company.

But the state could not extend the land options indefinitely, Moret said. The state did not want to invest in buying the land during tough budget times until a definitive agreement can be made with Nucor, he said.

Even after Nucor's property purchase, the state could end up owning the land, which would be a standard way that states handle major industrial project recruitments. One option would be for the state to issue bonds through the port, and Nucor would make lease payments to draw down the debt, Moret said. That scenario would lower Nucor's up-front costs for the project.

Still, if the Nucor deal occurs, the state would need more money for the incentive package than is currently in the mega-projects fund, which was created just for this purpose, Moret said.

Some lawmakers have been looking hungrily at that pot of money, but Nucor's action may send a signal to leave it alone.

"I'm sure it does," said Sen. Mike Michot, R-Lafayette, chairman of the Senate Finance Committee. "They (the administration) wanted Nucor to show some commitment because they've been on the prospect list for more than a year now."

Sen. Jody Amedee, D-Gonzales, said the state was going to buy the land through the port but did not want to get stuck with the property if the economy continued to sour and the deal did not go through. He said state officials "put the ball in Nucor's court."

"I think it's a very positive signal to the state of Louisiana that they mean business and want to come here," Amedee said.

Like others, Amedee is concerned about finding enough state resources to finance the state incentive package, which has not been fully revealed.

"We'll just have to find it," Amedee said. "If they're going to create 1,000 or 1,500 jobs, we'll just have to find a way to do it."

St. James Parish President Dale Hymel said negotiations are still under way for the land purchase from Entergy. The Nucor land purchase sends a positive message to the Legislature and enhances state officials' position to hold on to the mega-projects money, he said.

The Louisiana Department of Environmental Quality is working with the federal Environmental Protection Agency and the company to gather more air-modeling information to complete the permitting process. There is no timeline on when that will be completed.

Also, the plant would emit large amounts of carbon dioxide, a greenhouse gas that Congress and the new administration in Washington could place into a new regulatory regime. Uncertainty about the federal government's policy direction has been a concern for Nucor.

Robert Travis Scott can be reached at rscott@timespicayune.com or 225.342.4197.

BRC settles EPA clean air charges (*Rubber News*)

MONTPELIER, Ind. (May 20, 2009)—BRC Rubber and Plastics Inc. has reached an agreement with the U.S. Environmental Protection Agency Region 5 to settle the agency's allegations of Clean Air Act violations at BRC's Montpelier plant.

BRC has agreed to pay a fine of $18,017 and complete an environmental project that will cost the company $82,450, the EPA said.

The project involves retrofitting two of the coating lines at Montpelier to improve adhesive transfer efficiency and reduce emissions from volatile organic compounds. BRC has agreed to operate the retrofit equipment for at least five years, the agency said.

BRC is a custom molder of rubber and plastics parts for the automotive and industrial markets. In January, the EPA cited BRC for alleged Clean Air Act violations and levied a fine of $109,784, which the company appealed.

Automakers To Drop GHG Litigation In Deal Over California Emissions Rules (*Inside EPA*)

Automakers are expected to drop lawsuits challenging regulation of greenhouse gas (GHG) emissions from vehicles as part of a deal with state and Obama administration officials featuring new fuel efficiency standards covering 2012-2016 model-year vehicles, according to a source close to the deal.

While automakers are agreeing to meet more stringent GHG standards adopted by California, state officials have agreed to adopt an alternative compliance option that will make it easier for automakers to meet the standards by allowing them to average GHG emissions from their nationwide vehicle fleets rather than having to average on a per-state basis, the source says.

The deal is also expected to include EPA approval of a long-sought Clean Air Act waiver for California to implement its GHG rules, which in part will serve to preserve the state's right to impose more stringent standards in 2017 and beyond, the source says.

In addition to the environmental implications, the deal is also seen as bolstering prospects for certain domestic auto companies to receive further economic help from the federal government.

The Obama administration is scheduled to announce the agreement May 19, which will include plans for EPA and the National Highway Traffic Safety Administration (NHTSA) to work together over the next several months to promulgate the new GHG emission standards for vehicles, according to the deal. These EPA rules, which would be correlated with new NHTSA corporate average fuel economy (CAFE) standards, are expected to match California's GHG rules, including a 35 miles-per-gallon average requirement for the 2016 model year. The federal standards are not expected to be finalized until the end of March 2010.

It is unclear whether automakers, state and federal officials will sign any documents at the May 19 announcement, the source says. The announcement represents a commitment to "undertake and fulfill" the provisions of the agreement, the source says.

Automakers have sued California and several states over their adoption of rules to limit vehicles' GHG emissions. The automakers have also vowed to sue EPA should the agency approve California's waiver request, which would allow the state rules to take effect.

The automakers' agreement to drop litigation challenging the California regulations in multiple venues is in part aimed at resolving disputes that may interfere with how the Obama administration carries out policies to provide financial and restructuring assistance to certain domestic auto companies.

“Clearly, given all the issues circulating in Washington, there is great interest among all parties to get a resolution of this piece of the auto puzzle,” the source says. “There are financial issues Obama is dealing with too, and they need to get clarity and a good-faith commitment from all parties that there is resolution here.”

Automakers are “trading a more stringent standard in order to gain certainty regarding what the standards will look like . . . and at least a temporary resolution of the so-called patchwork problem,” the source says. “Then they will drop litigation and clear the way for the Obama administration to address the financial issues with Chrysler and GM.”

While the litigation over EPA and state actions is being dropped, it was unclear whether California officials have agreed to drop their own GHG “nuisance” lawsuit against the largest auto companies.

In exchange for the automakers dropping their litigation, California is expected to adopt an alternative compliance option under its GHG rules that will make it easier for automakers to meet the standards by allowing them to average GHG emissions from their nationwide vehicle fleets rather than having to average on a per-state basis, the source says.

This has been a top priority for auto industry officials, who did not want to have to address the issue on a state-by-state basis in the 14 other states that have adopted the California GHG standards. The deal also ensures that the standards are implemented via the new CAFE approach that relies on an “attribute-based” system to ensure compliance with fuel economy requirements, rather than the old class-based system.

“From 2012 to 2016, California would accept demonstration of compliance with EPA GHG standards of sufficient strength in lieu of demonstrating state-by-state compliance,” the source says. “They can show compliance with California standards on a 50-state basis rather than on a 14-individual-state basis, averaged over the entire nation.”

However, by receiving a Clean Air Act waiver from EPA that validates the California GHG standards, California and the other 14 states that have adopted those rules “preserve their leverage during what will be a year-long process before EPA and NHTSA finalize their GHG and fuel economy rules,” the source adds.

Industry Seeks To Reconcile GHG Factors In EPA, California Fuel Rules (*Inside EPA*)

A national coalition of oil and auto companies is devising a strategy to press EPA and California officials to reconcile key differences in how their pending clean fuels rules assess the greenhouse gas (GHG) emissions impacts of different biofuels, such as corn-based ethanol and sugarcane ethanol.

Industry officials consider the effort critical to avoid a nightmarish compliance burden, as well as to avoid “fuel shuffling” where lower-GHG fuels are shifted to California to meet that state’s strict rules, while higher-carbon fuels, that comply with EPA’s weaker proposed rule, remain in other parts of the country, resulting in no net GHG reductions.

“We have been saying for well over a year that the two agencies should get together and work together on this, and what we heard back from both [the California Air Resources Board (CARB)] and EPA is that ‘yes, [we] have been coordinating, through weekly conference calls’,” one oil industry source says. “But in the end, the coordination did not result in either of them taking the same approach. So we’re not sure what the result of that coordination was.”

The industry concern with California’s rule is significant because 11 Northeastern and Mid-Atlantic states are also committed to developing a Low Carbon Fuel Standard (LCFS) that is generally based on California’s plan. The states are scheduled to draft an agreement concerning the development of the LCFS by the end of this year.

Working individually and through the Coordinating Research Council (CRC), a joint auto-oil industry technical and regulatory group, the industries are elevating the clean-fuels regulations on their political and regulatory agenda because of the major implications of both regulations.

The oil industry source says officials are working with the CRC to schedule a series of workshops to explore potential solutions to reconcile the California and EPA clean fuel rules, tentatively scheduled for October. CRC includes the petroleum industry and eight major auto companies and conducts research on technical issues, while working with government officials to resolve mutual problems, according to its Web site.

While industry officials are somewhat optimistic that the agencies’ regulatory plans can be reconciled over the next year or two, a CARB spokesman downplayed differences between the two approaches. Nevertheless, the spokesman said CARB is “committed to continuing discussions with EPA to identify specific differences between model inputs and results and to understand the implications of these differences for our respective policies.”

CARB last month adopted its controversial LCFS, which requires fuel suppliers to reduce the carbon intensity of transportation fuels they sell in the state 10 percent by 2020, over a phased-in timeline. EPA’s renewable fuel standard (RFS), which the agency proposed May 5, requires fuel suppliers nationally to significantly ramp up biofuels over the next 13 years. For example, in 2012, fuel suppliers nationally would be required to produce 15.2 billion gallons of renewable fuel in the transportation mix, rising to 36 billion gallons in 2022.

However, the rules take very different approaches to how they estimate the GHG impacts of feedstocks, with California taking a stricter approach than EPA’s proposal. CARB maintains that its LCFS is much more stringent than the RFS in requiring GHG

emission reductions, noting that the RFS delivers only about 30 percent of the GHG benefits of the LCFS and does little to incentivize fuels such as natural gas, electricity or hydrogen. Nonetheless, the LCFS is designed to “complement” the RFS, CARB adds.

For example, EPA’s proposed RFS estimates Midwest-produced corn-based ethanol using a natural gas dry mill results in a 16 percent reduction in GHG emissions compared with conventional gasoline. Under a “best case” scenario, it receives a 39 percent reduction estimate, which depends on the type of plant and energy being used to make the fuel. For the same Midwest-produced fuel, California assesses the GHG-reduction benefit between only about 2-10 percent, with about a 15 percent estimate under a best-case scenario. For a cleaner California-based ethanol plant, that estimate rises to 23 percent.

For sugarcane ethanol, EPA estimates the fuel reduces GHG emissions about 44 percent compared with conventional gasoline. But the California LCFS estimates this fuel achieves about a 26 percent reduction in GHG emissions.

The oil industry source says the two different approaches are a cause for concern because refiners may be forced to shuffle fuels to meet the competing standards. “It looks like, given where California is and EPA is, the same biofuel is going to be valued differently depending on whether it is [made] in California or the rest of the U.S., and we’re very concerned about that. We don’t think it makes sense, and is likely to result in fuel-shuffling, and the needless movement of biofuels.”

Fuel-shuffling in this case refers to suppliers re-routing lower-carbon fuels to areas with tighter emission standards, while shipping higher-carbon fuels elsewhere. Not only can this complicate the fuel-supply system and drive up costs, but California officials have raised concerns that it could undermine the purpose of their program because it essentially would result in no net-GHG reductions across the U.S.

For example, refiners may choose to use sugarcane ethanol to comply with the federal RFS but not California’s LCFS, because California assigns the feedstock a lower GHG reduction value than EPA, the oil industry source says. And because California values corn-ethanol from the Midwest only in the single-digit levels, while EPA assigns it a higher value, it would lead refiners to send less of this biofuel to California. The result could be that fuel suppliers would then have to choose to send some higher-value cellulosic ethanol made somewhere in the U.S. to California. For example, cellulosic ethanol from a planned plant in Georgia might be “drawn to California artificially” because the two regulatory systems value corn-ethanol differently, the source says.

“So it is inconvenient to move that fuel to California, whereas it makes logical sense to use it where it is locally produced,” the source says.

The source says industry officials are hopeful that California and EPA officials would seek to reconcile their competing approaches, with CARB officials commenting on EPA’s technical approach during the comment period for the draft RFS. “It’s one way to

get the two of them together. CARB still has time to do technical adjustments to their rules. There is still time for the agencies to come together on this."

But a CARB spokesman downplayed prospects for the reconciliation industry is seeking, saying that "in general, the lifecycle analysis methods used in the [LCFS] and the [RFS] result in the calculation of very similar total lifecycle emissions for liquid biofuels derived from corn or sugarcane when compared on an equivalent basis," despite the seemingly significant differences raised by the industry source. "Achieving similar results using different models helps to confirm the robustness of those results."

The industry source acknowledges the California LCFS is a more stringent regulation than EPA's proposed RFS, but argues that it is essentially a mandate to produce hundreds of thousands of hybrid- and plug-in electric vehicles, and cannot be met by massively ramping up biofuels production alone. -- *Curt Barry*

EPA Assessing Environmental Justice Benefits Of Air Toxics Rules (*Inside EPA*)

EPA is crafting a road map to value the environmental justice and other benefits of its air toxics rules, amid ongoing difficulties calculating the impacts of the technology control strategies as part of the agency's nearly complete analysis of the predicted costs and benefits of the Clean Air Act through 2020.

An improved benefits assessment could help EPA justify stricter air toxics standards, as the standards are set by weighing the cost of the control strategies against the public health benefits.

EPA recently held an internal April 30-May 1 workshop to get feedback on its road map of possible short- and long-term options to valuing the outcome of air toxics control strategies. The workshop looked at several EPA-commissioned white papers by outside experts attempting to resolve the long-standing issue, but the outcome of the meeting demonstrated how far the agency is from being able to quantify the benefits of the rules, sources say, in part because the pollutants are locally distributed and not strictly monitored.

"It's very clear the road map is very rough," an EPA source says of the workshop in Washington, D.C. "We're trying to come up with a research plan to present to [EPA's Science Advisory Board] for how we move forward. But we really haven't gotten very far. . . . We are hoping the white papers will inform" the plan.

Calculating the benefits of air toxics policies is difficult because the rules focus on local sources of air toxics and provide the greatest benefits to those nearest the pollution source. The benefits of national ambient air quality standards for the six criteria pollutants, which provide the lion's share of federal regulatory benefits, are felt throughout the country and are shown to far outweigh the costs of compliance. But the

benefits of the technology-based air toxics rules are highly-localized and relate more directly to environmental justice issues, where populations closest to sources are disproportionately impacted by the emissions, though such benefits are more difficult to calculate.

The Clean Air Act requires EPA to perform periodic, comprehensive analyses of the total costs and benefits of its air rules -- both retrospectively and prospectively. The first prospective analysis, completed in 1999, covered the period between 1990 and 2010, and showed that benefits or air rules outweighed costs by a 4-1 margin. The second prospective analysis, now nearly complete, will extend the analysis to 2020.

However, these reports do not include quantitative analyses for air toxics rules. EPA has long struggled to determine how to calculate the benefits of the rules given that they are not evenly distributed across the country.

An improved analysis of the benefits of the rules could help justify stricter air toxics standards. The technology-based standards are designed to reduce toxics to a maximum achievable degree including the consideration of cost and other factors. EPA can set stricter standard when it is justified by environmental and public health benefits, however.

Participants in the recent internal workshop considered various options for calculating benefits from air toxics regulations, including a new willingness-to-pay study by Resources for the Future, a method for valuing large reductions in individual mortality risks by Vanderbilt University law professor Kip Viscusi, an approach to calculating risks for toxics without chemical-specific data created by Clark University professor Dale Hattis, and an equity valuation model drafted by Harvard University professor Jonathan Levy.

The EPA source describes particular interest among the attendees in ways to consider equity in benefits calculations and how to consider risks from toxics without chemical-specific information. The workshop considered two papers by Levy that “provide a framework for examining trade offs between health inequality and total public health benefits in evaluating reductions in power plant and mobile source emissions,” according to the draft road map.

“We don’t have good methods to understand equity issues about how to distribute benefits, who is more at risk and who is less at risk,” Levy said in an interview. Assessing the costs and benefits consideration of any regulation should also include calculations of environmental justice impacts, he said. “Often this is not considered at the same time, and the equity side kind of gets downplayed,” Levy said.

EPA’s road map describes Levy’s method as providing “a more detailed explanation of who is affected by

exposure to air toxics, where the potential gains in health benefits are likely to be greatest, and the relationship between these metrics." But the road map also notes that the framework only considers "health effects, not the net benefits (i.e., benefits less costs) of toxics reduction."

Hattis' paper describes a method around what he sees as the limitations of chemical specific data: not strictly necessary and a limit on creativity. His approach requires risk assessors to "quantitatively characterize each uncertainty (including those currently represented by "uncertainty factors") by reducing the uncertainty to an observable variability among putatively analogous cases," according to his presentation.

The recent workshop suggests EPA is making progress on assessing the benefits of air toxics rules, despite the difficulty of the issue, according to sources who attended the event. The situation is "now a little closer to being considered doable," Hattis said.

A major effort by EPA's air office to calculate the benefits of a regulation for benzene, *Health Benefits of Benzene Reductions in Houston, 1990-2020,* completed in 2008, is contributing to EPA's current effort. The study concluded that the rules will result in nine avoided fatal and non-fatal leukemia cases by 2020, with a total health benefit of between $9 million and $13 million. However, the study also found that the ability to estimate the benefits of reducing air toxics "has proven difficult, due to gaps in the toxicological database," including limited air toxics monitoring. The study was also very time and resource intensive and would be difficult to replicate for all of the 147 air toxics rules in effect, according to presentations from various experts attending the recent workshop.

Over the next two to three years, the EPA source says, the agency is considering several options for estimating the benefits of air toxics rules, including: keeping with the current approach of describing the benefits qualitatively; expanding efforts like the benzene case study to consider more than one air toxic; using existing modeling tools to analyze individual risks at the national, local and regional levels; estimating the benefits of air toxics rules in conjunction with criteria pollutant rules; or expanding benefits assessments to include equity considerations.

Staff plan to meet in the coming weeks to decide which options seem most promising to pursue, the EPA source says. In the meantime, the road map outlines the strengths and weaknesses of each approach.

The EPA source says that attendees encouraged staff to better define the question they are seeking to answer in the road map. The source acknowledged the road map is vague but said EPA wants to create a way to calculate benefits for the "whole [air toxics] program" as is done for criteria pollutants. "The benefits [of criteria pollutant rules] far outweigh the costs but air toxics is not in that. The program we've been working on for all these years is not recognized." -- *Maria Hegstad*

Banned carbon tetrachloride persists in air (*Greenwire*)

(05/20/2009)
Carbon tetrachloride, banned in most of the world 13 years ago, still shows up at elevated levels around the globe, a testament to its widespread use in the past and its tough-as-nails endurance.

The chemical, which U.S. EPA has classified as a probable carcinogen, was once regarded as a miracle substance that was used to extinguish fires, degrease machines, kill bugs and dry-clean clothing. While most of those uses were discontinued from the mid-1960s through the mid-1980s for health and safety reasons, carbon tetrachloride still accounts for 12 percent to 15 percent of cancer risks from toxic chemicals in some places.

Carbon tetrachloride released into the air remains there for about 50 years, according to Kenneth Mitchell, chief of EPA's air toxics program in its Southeast regional office. Atmospheric circulation mixes the chemical into air throughout the world, creating a fairly steady level globally, he said.

Carnegie Mellon University Engineering professor Allen Robinson said carbon tetrachloride serves as a particularly resonant cautionary tale. "This is a great example of ... where we thought we had some great technology, but we learned there were unintended environmental consequences," Robinson said. "Unfortunately ... we've placed those consequences onto future generations" (James Bruggers, *USA Today*, May 20). **-- TL**

BROWNFIELDS
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Cities get cleanup funding (*Boston Globe*)

EPA money aimed at brownfield sites
By Katheleen Conti, Globe Staff

Three years after the Mother's Day flood that paralyzed Peabody Square and caused $12 million in damage, the city will receive a portion of a $1 million federal grant to assess sites along the North River canal corridor for potential contaminants.

The corridor, which runs from Peabody Square to downtown Salem, has a history of industrial and commercial uses that have led to some contamination, said Martin Pillsbury, manager of environmental planning at the Metropolitan Area Planning

Council. The goal, he said, is to identify the contaminants and eventually clean up the sites for potential redevelopment, which would complement the city's ongoing $20 million flood mitigation project.

``They may have some prime real estate once [the sites] are cleaned up,'' Pillsbury said.

The Metropolitan Area Planning Council received the $1 million grant last week from the US **Environmental Protection Agency,** to be used for the assessments of potentially contaminated sites along the river in Peabody and Salem. With funds from the American Recovery and Reinvestment Act of 2009, the **EPA** awarded an estimated $111.9 million nationwide, including $7.1 million to Massachusetts communities, to help with the assessment and cleanup of so-called brownfield sites, contaminated by hazardous chemicals or pollutants.

Other local recipients included the Merrimack Valley Planning Commission, which received $400,000 in Recovery Act funds and $1 million in **EPA** brownfields funds, and the city of Low ell, awarded $400,000 in Recovery Act funds.

In Peabody, a major part of the flood mitigation plan includes widening the North River from 18 feet to 38 feet.

``But in the process of doing that, they're discovering some of the areas along that corridor have some contamination from the uses that had been in that area,'' Pillsbury said. ``Peabody had some tanneries. They didn't have the large-scale mills that Lawrence and Lowell had, because Lawrence and Lowell were right along a major river, but there were some significant uses.''

Because the corridor extends into Salem, and in order to have a better chance at the funds, Peabody officials asked Salem officials to join them in the application process through the Metropolitan Area Planning Council, said Lynn Duncan, Salem's planning director.

The North River area ``is a series of old, industrial buildings - a lot of unrealized potential,'' Duncan said. ``The big picture, really, is we're cooperating with Peabody on their flood mitigation project. In order for them to proceed with it, they really needed this funding to do environmental assessment because a lot of [the sites] are brownfields.''

Having already helped some of the 15 communities it serves identify brownfield properties, the Merrimack Valley Planning Commission hopes to continue to do that with the $400,000 grant, said Dennis A. DiZoglio, executive director.

``We're hoping that if we take the unknown of hazardous materials out of the mix, that it will improve the ability of developers to consider them,'' DiZoglio said. ``It's a double whammy on the site when you have a bad economy and the unknown hazardous material. If we eliminate one of the unknowns, maybe they will be developed.''

The $1 million would be tied into a revolving low-interest loan fund that would be offered to communities or companies interested in redeveloping a brownfield site in any of the Planning Commission's 15 communities, which stretch from Andover to Salisbury, DiZoglio said. The money would be paid back to the Planning Commission to be reused for other cleanup projects, he said. For the most part, contaminants found in previous cleanup projects overseen by the Planning Commission include oil or petroleum products, metals, asbestos, or ground-water issues, DiZoglio said.

In Lowell, which has been at the forefront of cleaning and redeveloping brownfield sites since the mid 1990s, most notably the Tsongas Arena and the Lowell Spinners' LeLacheur Park land, the $400,000 grant will advance projects in its urban renewal district, specifically in The Acre and the Jackson/Appleton/Middlesex (JAM) areas, said Adam Baacke, Lowell's assistant city manager and planning and development director.

Contaminant assessment ``can enlighten people that it's not as dirty as originally thought, but it also makes an unknown known,'' Baacke said.

The city's 20-year redevelopment plans for The Acre and JAM areas involve residential and commercial uses, Baacke said. The Acre is in year nine of its plan, while JAM is in year eight.

The most prominent brownfields cleanup and redevelopment project in The Acre so far has been the Stoklosa Middle School, built on land once used by a gas company, Baacke said. In the JAM area it's the Edward Early Jr. parking garage, built on a property that was previously a residential boarding house for one of the mills, then an industrial company, an auto dealership, and a parking lot. The JAM area has caught the eye of the state, which is planning to construct a new trial court there on land that has seen industrial, railroad, and automotive uses, Baacke said.

``One of the attractions of the funding is that it makes it a nonissue for the developer,'' he said.

Katheleen Conti can be reached at kconti@globe.com

City eyes $550K grant from state for new park (*Salem News*)

By Matthew K. Roy
Staff writer
May 21, 2009 05:45 am
PEABODY — City planning officials working to transform a brownfield beside the North River into a park received authorization, last week, from the City Council to pursue state grant funding.

The council voted, 10-0, to empower the Community Development Department to apply for $550,000 that the city intends to use to design and build a park at 45 Walnut St., the long-vacant former home of a tannery.

Community Development Director Jean Delios told councilors that the city would be completing the purchase of the property this week or next week. Councilors approved the purchase in February.

Sixty percent of the projected $115,375 price tag for the 1.3-acre parcel will be covered by a state grant. The balance will be picked up by grant money held by the Community Development Department.

The city will also apply to access funds from the federal Environmental Protection Agency Brownfields program to pay for the estimated $284,625 cleanup.

The EPA defines a brownfield as property difficult to redevelop because of the potential presence of a hazardous substance, pollutant or contaminant on the site.

The 45 Walnut St. cleanup will involve digging up and removing 100 cubic yards of petroleum-contaminated soil. The remaining soil, contaminated by various toxic metals, will be capped with a permeable "geotextile fabric" and then covered by 18 inches of soil.

Planners envision the site as an open green space, complete with a walking path and playground.

Despite his support for seeking state funds, Ward 3 Councilor Rico Mello called the project a "sinkhole."

"I hope it doesn't become too much of a drain on taxpayers," he said.

Delios pointed out that the project will be paid for by money the city secures from state and federal funding sources.

"I'm very confident in our ability to secure grants," she said.

May 21, 2009

EPA grant to cleanse S. Dakota sites (*Argus Leader*)

Thom Gabrukiewicz
tgabrukiew@argusleader.com
SISSETON - A former orphanage and boarding school tainted with toxins near here could be transformed into a recreation area with ballparks and green space, paid for with a grant from the U.S. Environmental Protection Agency.

The Sisseton-Wahpeton Oyate Tribe received $200,000 from the EPA on May 8 to clean up the Tekakwitha Old Orphanage and Boarding School Complex. The money, called a Brownfields grant, is part of more than $70 million in EPA money that will help cleanse toxic sites in South Dakota - all while creating jobs.

"The (Tekakwitha) cleanup will pave the way for the reuse of a property that has been affected by a long history of contamination," said Carol Rushin, acting regional administrator for the EPA's Mountains and Plains Region 8 based in Denver. "This cleanup will generate jobs and help create a community asset for the Sisseton-Wahpeton Oyate tribe."
"It is not a healthy area," said Steve Jackson Sr., Brownsfields coordinator with the Sisseton-Wahpeton Oyate Tribe's Office of Environmental Protection. "We want to help get rid of a hazard to our people and our environment."

President Obama's budget slashes deep into many federal agencies, yet the EPA will instead increase funds for state and local governments in 2010. The money will pay for environmental projects such as Superfund sites, the Leaking Underground Storage Tank program and the Brownsfields program.
Another $6 billion will be available nationally in Recovery Act revolving loans for water quality, wastewater and drinking water projects.
'Neat' project for tribe, state
In South Dakota, the grants will fund a $50 million cleanup of the Gilt Edge Mine Superfund Site near Lead, $19.4 million for water-quality projects, $1.2 million to remove old gas station tanks and the $200,000 to rehabilitate the Tekakwitha Old Orphanage and Boarding School Complex.

The tribe will study whether it is worth rehabilitating buildings on the property, but plans call for a green space with basketball and tennis courts and tables for people to have picnics. The project could take more than two years to complete and could lead to a dozen jobs being created.
"I'd like to see some wind generation out there," Jackson said. "I'd like to see a pool, a recreation center - but money. The Tribal Council could, down the road, move for some economic development out there, office space, since we need to grow."

The 12-acre Tekakwitha site, about a half-mile from Sisseton, has served as a farm, church, orphanage and boarding school. There are five buildings on the property. The main building has been abandoned for almost 20 years, and the tribe took ownership in 2001.

"It's a physical hazard that's just filled with mold. Basically, it's a building that needs to be demolished, and these funds will help them dispose of the hazardous materials," said Dan Heffernan, Brownfields coordinator for Region 8. "It's a neat project for us, since we're used to dealing with large urban projects. With this, we get to help a rural community, a tribe. Usually, it's stuff like Phillips to the Falls project (in Sioux Falls) - these smaller projects are near and dear to our hearts."

Good proposal in tight competition
Brownfields are sites where expansion, redevelopment or reuse could be complicated by the presence of pollution, hazardous chemicals or contaminants such as mold. Recipients are selected through a national competition.

The tribe applied for its grant in November. Communities in 46 states, four tribes and two U.S. territories shared in the $111.9 million pot this grant cycle.
"It's a highly competitive grant process and a third of the applicants get funded," Heffernan said. "The tribe wrote a really good proposal and we're really excited they got their funding."

Reach Thom Gabrukiewicz at 331-2320.

CLIMATE CHANGE / GLOBAL WARMING
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MAY 21, 2009

Industries are Grappling With New Bill on Climate (*Wall Street Journal*)

By JOSEPH B. WHITE
WASHINGTON -- The "American Clean Energy and Security Act" is one of the most ambitious efforts to re-engineer American social and economic behavior in decades, presenting risks and opportunities for a wide array of businesses from Silicon Valley to the coal fields of the Appalachians.
The legislation, better known as the Waxman-Markey bill, isn't yet law and has big hurdles to clear. A critical vote looms this week in the House Energy and Commerce Committee. But even with its chances of passage uncertain, the measure has become the basis for debate in Washington over how the U.S. should respond to pressure to slash its carbon emissions.
At a White House meeting Wednesday, members of President Barack Obama's Economic Recovery Advisory Board endorsed the central idea of the 900-plus page measure -- to cap carbon emissions and require businesses to buy tradeable permits to pollute. The measure could create "green" jobs in the U.S. while reducing harmful pollution that might be causing global climate change, executives in the group said. They included General Electric Co. Chief Executive Jeffrey Immelt, who sat next to the president.
Mr. Obama said he's "excited about the opportunity" to develop such a system and that "we've seen some great progress this week" in the U.S. House of Representatives.
Getty Images
Transportation is responsible for 27.9% of total greenhouse gas emissions in the U.S.
The bill has been put forward by U.S. Reps. Henry A. Waxman, (D., Calif.) and Edward J. Markey (D., Mass.). It's prospects look good in the House, but it could face a tougher time in the Senate. Still, the bill is the most viable yet to tackle climate change.

If adopted, it would confront big sectors of the economy with potentially costly challenges. The bill requires that emissions of carbon dioxide, methane and other gases linked to climate change be cut by 83% from their 2005 levels by 2050, long after most current members of Congress will have left office. The planned reduction is all the more ambitious considering that U.S. greenhouse gas emissions grew by 17% between 1990 and 2007.

To drive businesses and power generators to use less oil and coal and slash emissions of other gases, the Waxman-Markey bill would make businesses acquire pollution permits, which they could use to cover their emissions and sell any spares.

The current draft of the bill would give away up to 85% of those permits over the next 20 years. Still, instituting a cap and trade system would start the process of putting a price on emitting carbon dioxide. The bill's supporters say that is enough to start driving the technological innovation and investment needed to move away from fossil fuels.

"Putting a price on carbon is the most important thing we can do," Silicon Valley venture capitalist John Doerr told reporters after the meeting of the president's advisory board.

Mr. Doerr, a partner at, Kleiner, Perkins, Caufield & Byers, is one of a number of tech figures who have invested some of the wealth they earned during the Internet boom in clean-energy ventures that could get a boost from the Waxman-Markey proposal.

Critics of Waxman-Markey, most of them Republicans but also some Democrats, say it is a tax by another name applied in a complex and costly way.

A Congressional Budget Office analysis of climate change policy estimated that price increases associated with a 15% cut in carbon dioxide emissions would cost the average U.S. household $1,600 a year. The CBO analysis said low income households would shoulder a larger burden, as would families in coal dependent regions such as the Ohio Valley.

Harvard University economics professor Martin Feldstein questioned during the meeting with Mr. Obama whether the price might be too high for U.S. consumers, but said giving away too many pollution credits to utilities could undermine the goal of reducing emissions.

"You have to raise the price to consumers to get them to cut back," Mr. Feldstein said. "I have a hard time understanding the give-away strategy."

Lawmakers say they would compensate consumers for the added burden through tax credits and direct government subsidies. The Waxman-Markey bill would use the states to funnel monthly payments to low-income households, defined as those eligible for food stamps or with gross income up to 150% of the poverty line.

But the Waxman-Markey bill is more than just cap and trade. The proposal would establish requirements that utilities buy at least 12% of their electricity from renewable sources such as windmills, solar panels and geothermal technology.

Another section promotes "large scale" programs to spur demand for electric vehicles with incentives for buying plug-in cars and building charging stations.

The proposed bill offers auto makers several forms of assistance to make the shift to lower-carbon cars. They include as much as $50 billion in loans under an Energy Department program to spur advanced vehicle development and up to $4 billion for subsidies to consumers who trade in older vehicles for more efficient models.

In addition, auto makers would get 3% of the free pollution allowances through 2017 and 1% from 2018 through 2025 -- tied to investments in electric vehicles and other advanced technology.
The proposal would offer rebates to spur demand for appliances that are not only energy efficient, but also come equipped with "smart grid" technology that would allow a dishwasher to know the most economical time of day to run based on variable electric rates. Retailers would get incentives to push highly efficient appliances to consumers.
The act would order the Department of Energy to see to it that building codes are amended to make new buildings 30% more efficient by 2010 and 50% more efficient by 2016. The act would even establish new efficiency standards for "portable light fixtures," also known as lamps.

—Judith Burns and Josh Mitchell contributed to this article.
Write to Joseph B. White at joseph.white@wsj.com
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Thursday, May 21, 2009 - Page updated at 12:06 AM

Seattle's day to tell EPA how to fix climate (*Seattle Times*)

By Craig Welch
Seattle Times environment reporter
It's hard to overstate the significance of the moment.
Today in a meeting hall overlooking Seattle's waterfront, more than 180 people — from the governor to the mayor to several high-school students — will one by one tell the Obama administration how the U.S. should tackle climate change.

From morning until nearly sunset, the U.S. Environmental Protection Agency will take testimony about its plans to deem global warming a public danger.

The bureaucratic exercise masks a landmark shift in American policy: After 30 years of arguing about whether climate change is real, the federal government is on the brink of regulating the greenhouse gases that scientists say help cause it.

"We are launching into a bold new era here," said Dennis McLarren, director of the Puget Sound Clean Air Agency.

"This is a very transitional period," said Robert Stavins, a Harvard professor and expert on environmental economics. "We've now begun moving down a very long road."

Today's hearing, one of just two nationwide — the other was Monday in Arlington, Va. — is a precursor to the EPA's considering new rules to cut carbon emissions.

After declaring greenhouse gases dangerous pollutants last month, the agency could move to control them under the Clean Air Act. EPA's administrator has said the agency would likely focus only on large sources, such as power plants, heavy industry and transportation.

The White House hopes congressional action makes such rules unnecessary. Democrats hope to send a bill capping greenhouse gases to the House floor next month.

Why the EPA chose Seattle for the hearing isn't clear. It declined to make anyone available to answer questions publicly.

But the Obama administration clearly knows its audience. Only a handful of those testifying are expected to oppose EPA intervention, and thousands of others, including some in salmon costumes, are expected to rally outside in support — a sight that would seem far less likely in, say, Houston.

All of that builds momentum toward action.

"In effect, the prospect of EPA regulation is a bulwark against Congress falling down on the job," said Dan Esty, a Yale University environmental professor.

President Obama wants the U.S. on the path to curb emissions 80 percent by 2050, which he has said would put the country in a better position to seek reductions from other nations during international negotiations next winter.

Ideas for reaching Obama's goals range from taxing carbon to drive down emissions to setting a cap and creating a system to trade carbon credits — the solution gaining the most favor on Capitol Hill.

No matter one's politics, few dispute that curbs on carbon seem all but certain. Around the country, "businesses are jumping on board because they see what's coming," said Todd Myers, a conservative political consultant.

The Association of Washington Business, for example, plans to urge the EPA to let Congress take the lead.

Still, what remains to be seen is how and by how much carbon emissions will be cut, and who will bear the cost.

By now the litany of threats from climate change is well-known — from rising sea levels and diminishing Northwest snowpack to the risk of new diseases and more catastrophic wildfires. A recent study led by the University of Oregon suggested the costs to Washington state of doing nothing could reach $3.8 billion a year by 2020.

But action won't be free. Regulating carbon could increase the cost of everything from driving to the store for bread to heating your home, hitting lower-income people hardest.

The increased price of goods and services accompanying a 15 percent cut in carbon-dioxide emissions could cost roughly $1,600 a year for an average household, according to the Congressional Budget Office.

"We're moving to end free and unregulated dumping of carbon into the atmosphere," said KC Golden, policy director for Seattle-based Climate Solutions, an advocacy group. "The hard questions are going to be about fairness — the distribution of costs and benefits."

Many ideas exist to address inequities, such as requiring companies that emit carbon to pay for the right to do so, with some of the money returned to consumers as a dividend.

Either way, political watchers agree, the tide has shifted toward action.

"The imperative is the cap," Golden said. "The point is to reduce the quantities of this stuff. The rest of the world has been waiting a very long time."

Craig Welch: 206-464-2093 or cwelch@seattletimes.com

EPA Science Advisors Urge Greater Focus On Climate Effects In PM Review (*Inside EPA*)

EPA's scientific advisory group is urging a greater focus on the effects of climate change in its recent comments on the agency's ongoing review of the particulate matter (PM) national ambient air quality standard (NAAQS), a move that could heighten attention to synergies between traditional air pollutants and greenhouse gases in science and policy.

EPA is facing a number of high-profile questions in the review in addition to how it incorporates climate effects, including how it attributes PM exposure to health effects in a new causality framework being created for the review, and whether it should consider health effects from potentially more harmful particles originating from certain sources.

The agency is still in the early stages of the PM NAAQS review, having issued its first draft of the Integrated Science Assessment (ISA) in December, with a final document set to come out by the end of the year, followed by a final risk assessment by mid-2010, a proposed rule by January 2011, and a final rule by October 2011.

EPA is conducting the PM NAAQS review amid uncertainty about the existing 2006 standard, after the U.S. Court of Appeals for the District of Columbia Circuit Feb. 24 remanded portions of the NAAQS related to fine particles back to the agency for further justification. In addition, EPA is reviewing the Bush-era modification of the traditional NAAQS review process, which was a controversial attempt to streamline it.

EPA Office of Air Quality Planning & Standards official Lydia Wegman said both of these issues may affect the current schedule for the PM NAAQS review. “The schedule is subject to change depending on what we do with the NAAQS review process, and also how we respond to the remand and the timing of our response to the remand,” Wegman said at an April 1 Clean Air Scientific Advisory Committee (CASAC) meeting on the PM NAAQS review in North Carolina, according to the meeting transcript.

However, amid the uncertainty over the schedule, EPA set a May 15 cutoff for new science to be considered in the review, according to EPA’s John Vandenberg. “That will allow us to incorporate comments from CASAC, from the public, from the new studies, but we have to have some point in time that we work from,” Vandenberg said at the meeting.

CASAC is widely praising the draft ISA, but in a draft letter the panel is asking EPA to clarify its stance on climate change and to include the effects as a more central issue in its consideration of both the primary standard, which addresses human health, and the secondary standard to protect the environment.

“The implications of PM size and composition for climate effects need to be more thoroughly explored, both with regard to climate change and the associated health effects of climate change,” the April 30 draft CASAC letter says.

PM-climate synergies are complicated and not entirely understood. For example, black carbon, one type of PM, has a warming effect when it lands on ice and snow and has been linked to causing a significant increment of Arctic melting. However, sulfates, another part of the complex chemical mixture of PM, has a net cooling effect. These contrasting properties of a uniformly regulated pollutant make the evaluation of PM climate effects difficult to quantify, EPA says.

“The effects on climate are generally discussed as direct and indirect effects, and aerosols can have direct effects on radiation and temperature, contributing to warming, which is mainly associated with black carbon or cooling, and overall the net effect is a global cooling. And indirect effects, which are naturally more difficult to calculate, may involve cloud feedbacks and influence precipitation formation and cloud lifetimes . . . [U]ltimately these direct and indirect effects may affect atmospheric and oceanic circulation bio-chemical cycles,” EPA’s Chris Novak said at the CASAC meeting, in reference to the ISA’s chapter 9 that summarizes climate effects.

EPA’s potentially increased effort to assess the synergies between climate change and PM could help heighten attention to the issue, which is also simmering at the international level. Some policymakers are urging reductions in traditional air pollutants as a way to at once cut warming in the short term as well as to entice developing countries to support a climate treaty, since countries like India and China are bearing serious public health burdens from the health effects of traditional air pollutants.

Others also urge the combination of air pollution and climate change policies in order to prevent potentially rapid warming, resulting from policies to cut sulfur dioxide, which creates cooling effects that are believed to be masking much of the warming that has already resulted from anthropogenic greenhouse gas emissions.

“I almost hesitate to raise the question, but when we talk about this causality framework and when we talk about effects on something like climate . . . is it appropriate to ask a question about beneficial effects?” CASAC’s Rich Poirot asked EPA at the meeting.

EPA’s Vandenberg responded that the agency is not using the word “beneficial . . . I think we’re trying to lay out the evidence as it relates to the causal framework and not put value judgments on it.”

Panel member David Grantz added that EPA is under-representing climate effects in the review. “I really thought the climate aspects were downplayed far more than the available data indicated they might be, and I wondered if that was because some of the conclusions were, if not beneficial, in the opposite direction,” Grantz said.

EPA responded that it would like recommendations from the panel on how to better address climate effects in the review.

And panel member Ted Russel in individual written comments on chapter 9 says climate change could be central in whether EPA decides to revise the PM standard. “Looking at the question as to what might drive revision of the NAAQS, climate change should be part of that, if not play a central role. I am concerned that this chapter in its current form leads to a lack of consideration of climate impacts (both ways). This section needs to make the link between climate change and health impacts (which, I agree, are uncertain),” Russel’s comments in the April 30 letter say.

Industry raised early concerns about EPA’s causality framework for the PM NAAQS review, calling it biased toward studies that find negative health effects from PM exposure.

But several CASAC members expressed support for the method, calling it a welcome addition to the science review. “I think it really does set the stage for a more rigorous exoneration of the evidence,” CASAC’s Sverre Vedal said at the North Carolina meeting.

The April 30 draft CASAC letter on the ISA urges EPA to deal directly with the issue of publication bias raised by industry. “Publication bias is likely to be relevant in the assessment of causality, and perhaps even more so in the assessment of the evidence characterizing concentration-response relationships. Discussion is needed on the implications of publication bias; how it is detected; and how its consequences should be taken into account,” the draft letter says. -- *Jenny Johnson*

Rodale partners with EPA (*Allentown Morning Call*)

Rodale recently announced its partnership with the Environmental Protection Agency's Climate Leaders, an industry-government program that works with companies to develop comprehensive climate change strategies.

As a member of Climate Leaders, Rodale commits to the development of comprehensive greenhouse gas reduction goals over the next decade.

Through its membership, Rodale will complete an inventory of greenhouse gas emissions based on EPA protocol, document an inventory management plan, and develop reduction goals to be implemented over the next 10 years. The company will document its progress through third party sources and report to the EPA annually.

Climate Leaders partners range from Fortune 100 corporations to small businesses and represent many industries, from manufacturers and utilities to financial institutions and retailers, with operations in all 50 states.

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EDITORIAL / COMMENTARY / OP-ED / LETTERS

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Follow the Science on Yucca (*New York Times*)

The administration's budget for the Energy Department raises a disturbing question. Is President Obama, who has pledged to restore science to its rightful place in decision making, now prepared to curtail the scientific analyses needed to determine whether a proposed nuclear waste repository at Yucca Mountain in Nevada would be safe to build?

It is no secret that the president and the Senate majority leader, Harry Reid, who hails from Nevada, want to close down the Yucca Mountain project, which excites intense opposition in the state. The administration has proposed a budget for fiscal year 2010 that would eliminate all money for further development of the site, and Mr. Reid has

pronounced the project dead.

But the administration at least claimed that it would supply enough money for the Energy Department to complete the process of seeking a license from the Nuclear Regulatory Commission, if only to gain useful knowledge about nuclear waste disposal. Unfortunately, the budget released this month looks as if it will fall well short of the amount needed.

Money for the Yucca Mountain project, nearly all of which is used to support the licensing application, would fall from $288.4 million in 2009, the current year, to $196.8 million in 2010, a precipitous drop. And the agency intends to rely heavily on its own staff personnel rather than on more costly outside consultants from the national laboratories or private contractors. There is great danger that the department will lack the expertise needed to answer tough technical questions that emerge during the regulatory commission's reviews.

These ramp-downs are occurring at the worst time. The regulatory commission is just beginning its licensing process, which is scheduled to take three to four years, and its relevant boards have ruled that at least eight intervenors can raise some 300 issues for technical challenges, an unusually high number. The cutbacks increase the odds that the agency will stumble in trying to justify a license -- or that the hearings and evaluations won't be completed within statutory deadlines.

Meanwhile, the administration, Congressional leaders and the nuclear industry are calling for a blue-ribbon panel to study alternative ways to dispose of nuclear waste. Surely it would be useful for any such panel to know whether the Yucca Mountain project was sound or flawed.

Before approving this truncated budget, Congress needs to ensure that it contains enough money to sustain a genuine licensing effort. We have no idea whether Yucca Mountain would be a suitable burial ground for nuclear wastes. But after the government has labored for more than two decades and spent almost $10 billion to get the site ready for licensing hearings, it would be foolish not to complete the process with a good-faith evaluation. Are Mr. Obama and Mr. Reid afraid of what the science might tell them?

White House hits the gas on environmental issues (*Los Angeles Times*)

Editorial
White House hits the gas on environmental issues
Obama's tailpipe emissions standards and push to cap greenhouse gases has put industry on notice.
May 20, 2009
To listen to the global warming deniers, the Obama administration's announcement Tuesday that it plans to restrict greenhouse gas emissions from vehicles will hurt the

economy, force consumers to buy cars they don't want and endanger the lives of motorists. The opposite is closer to the truth.

Until the banking crisis overtook the issue, the nation's top economic concern was high gasoline prices. The financial meltdown caused oil prices to plummet, but that will change when the economy recovers. Improving fuel efficiency will dramatically reduce U.S. demand, which accounts for a quarter of the world's oil demand. That will put far more downward pressure on prices, and do it more quickly, than opening more domestic lands to drilling possibly could.

Obama announced that the Department of Transportation and the Environmental Protection Agency will work together to improve the average fuel economy of vehicles sold in the U.S. to 35.5 miles per gallon by 2016. This should render moot a separate effort by California and 13 other states to regulate tailpipe emissions and assure a unified national standard for new vehicles. That will ultimately benefit automakers.

The safety argument is based on studies that have shown past regulation of fuel efficiency increased the number of deaths in auto accidents by encouraging smaller and lighter vehicles. That's mainly because people in lighter cars are in greater danger when they're in accidents involving heavier ones; if everybody drove smaller cars, we'd all be safer. Future cars will have more efficient engines, transmissions and tires, none of which will affect size, and they probably will be built from lighter and stronger materials that will enhance safety. These elements will add to a new car's cost -- about $1,300 more per vehicle by 2016, according to the Obama administration -- but consumers will more than make up the difference in fuel savings.

The crackdown on vehicles comes as Congress is debating a groundbreaking bill :chairmen-waxman-and-markey-introduce-the-american-clean-energy-and-security-act&catid=155:statements&Itemid=55 to regulate greenhouse gases in nearly every sector of the U.S. economy, and Obama has put lawmakers and industry on notice: If they don't act, the administration is willing to do the job. The EPA is empowered to regulate these gases under the Clean Air Act, and the kind of command-and-control measures it would implement would probably be far more costly to polluters than the cap-and-trade scheme being negotiated in Congress. Cutting a deal that heads off such intervention is in everybody's interest

A necessary step (*The Day*)

Published on 5/21/2009 in Home »Editorial »Editorial
After fighting for years to block tough new rules to improve auto efficiency and improve emissions, domestic automakers announced Tuesday their support for them. Environmental groups seemed stunned by their victory.

Of course, now comes the tough part - actually building attractive cars and trucks that meet the standards for a price Americans will be willing to pay.

Preferably, it is better to let the market determine such matters as product efficiency, but there are exceptions, and this is one. The United States must reduce its dependence on foreign oil. It is a matter of national security. And it must lead the way in reducing global greenhouse gas emissions. It is a matter of survival.

Several states, led by California and joined by Connecticut, among others, recognized this. All had already approved tougher miles-per-gallon standards in their states. The Bush administration had fought that effort, blocking the Environmental Protection Agency exemptions necessary to allow states to enforce standards stricter than federal requirements.

But the Obama administration signaled it would remove the EPA block, leaving the auto industry to confront a hodgepodge of different standards in different states. In any event, the new president saw the need for tougher national standards, and the automakers, welcoming a single, national benchmark, hopped on board.

The president announced that by 2016 new passenger cars must meet an average mileage requirement of 39 mpg, up from the current 30 mpg, while light trucks must improve to 30 mpg, compared to 23 mpg currently. The resulting savings in energy will be equivalent to taking 177 million cars off the road. The new rules will reduce greenhouse gas emissions by 900 million metric tons over the lifetime of the new vehicles, the equivalent of shutting down about 200 coal-fired power plants.

If gasoline stays at the current relatively low cost, will enough Americans pay higher prices for smaller, less powerful cars and trucks? Perhaps not. Yet the market may take care of that if gas prices again spike when the economy recovers. If not, Congress may have to increase gas taxes to raise prices to the $4-per-gallon level that makes Americans get serious about gas mileage. Congress could dedicate the resulting revenue for mass transit projects that further reduce energy demand.

But that debate is for another day. Today is the day to celebrate a new national commitment to use energy far more efficiently.

"Regional"

Letters for May 21, 2009

Smoke kills, doesn't it? (*Reno News & Review*)

Re "Protect your workers" (News, May 14):

Seems like the feds regulate everything else, why don't they consider tobacco smoke a "hazardous" pollutant? Why doesn't the EPA Clean Air Act (United States Code as Title 42, Chapter 85) cover this? Wouldn't it be much simpler to come in, test the air, and if it is polluted—move everyone out and red tag the door? Hell … one dropped mercury thermometer, and they shut down a whole school!
C.L. Dickinson
Sparks

05/21/2009

Creating and retaining jobs is key to revitalizing Connecticut's economy (*Town Times*)

By: Senator Rob Kane
R-32nd District
I recently had the pleasure of co-hosting a roundtable discussion at the Kerite Company in Seymour with area business leaders about the best way to revitalize our state's economy. Those helping to lead our discussion included my co-hosts, Lieutenant Governor Michael Fedele and representatives of CONNSTEP, a business resource organization.

What the roundtable participants had to say would come as no surprise to employers anywhere in Connecticut, or to the far too many people who have lost their jobs or have been forced to take pay cuts this year. To a person, every one of the more than a dozen business leaders at that meeting said that enacting state policies and laws that focus on creating and retaining jobs is the only way to turn around our economy. Increasing taxes would hurt, not help. After all, when people are not earning money and businesses are struggling to survive, who is going to pay these new taxes?

Sadly, not everyone in the General Assembly seems to understand the connection between reducing Connecticut's 7.5 percent unemployment rate and refraining from suggesting legislation and policies that frighten business owners into wondering whether they have a future in our state.

For example, included among the bills up for consideration this year was one that would have phased out the use of polybrominated diphenyl ethers (PBDE) in certain products sold or distributed in Connecticut. One of the three major manufacturers of this very important flame retardant is Chemtura in Middlebury.

Proponents of the bill claim this chemical may be unsafe for people and the environment. However, the European Union, the federal Environmental Protection Agency, The National Academy of Sciences and the Consumer Product Safety Commission disagree. Furthermore, the National Institute of Standards and Technology

is working with the National Association of State Fire Marshals and the International Association of Fire Fighters to evaluate this product.

Undoubtedly, the people who work at Chemtura were relieved when the second legislative committee to consider this bill rejected it. At the very least, the General Assembly ought to wait for the results of this latest study before considering any further action.

Nevertheless, just the fact this bill was on the table must have had a chilling effect on employers across the state. Proposals like this, along with the legislative Democratic majority's proposal to enact the largest single tax increase in state history - including the imposition of a 30 percent surcharge on corporate profits - is not the way to keep jobs in Connecticut.

Fortunately, the news is not all bad. Employers and their employees who are worried about harmful legislation and talk of massive tax increases should also be aware of ongoing efforts to help businesses in Connecticut. For example, earlier this year, the Connecticut Development Authority (CDA) approved a $2 million loan to revive a Watertown manufacturer. The loan is intended to help local managers of DriveSol Worldwide, Inc. to purchase machinery and intellectual property from its former parent company. When DriveSol closed its Watertown plant, 241 people lost their jobs. Plans to revive the company as Global Steering Systems could create 130 jobs.

I was pleased to play a role in helping Chemtura and supporting efforts to revive the former local DriveSol operation as the new Global Steering Systems. I remain committed to doing everything possible to help businesses thrive and grow in our state - and will continue to fight misguided proposals to fund our state budget by imposing punitive, job reducing taxes, on businesses and residents.

It has been said that we cannot tax our way out of a recession. The key to putting Connecticut back on the road to prosperity is to pass state legislation and enact government policies that create a favorable business climate. A healthy business climate means jobs.

Putting people to work, and helping businesses to keep our citizens employed, will lead to a robust state economy.

The General Assembly can do its part to end this recession by refusing to impose massive tax increases and, instead, achieve meaningful cost savings by shrinking the size of state government. Republicans have proposed a responsible, workable, state budget that would accomplish this goal. More information about the state budget process is available by visiting the new Senate Republicans' interactive website at www.CTBudgetFacts.com.

As always, I hope you will continue to share your concerns about the issues discussed in this column, or any other state issue important to you. I can be reached at my legislative office in Hartford at 1-800-842-1421, or via e-mail to Rob.Kane@cga.ct.gov.

Senator Rob Kane represents the 32nd Senatorial District, which includes the communities of Bethlehem, Bridgewater, Middlebury, Oxford, Seymour, Southbury, Thomaston, Roxbury, Watertown and Woodbury.

Longest mileage (*Baltimore Sun*)

Our view: Higher efficiency is overdue, but gas prices need adjustment too
May 20, 2009
The car industry's embrace of the automobile mileage standards announced yesterday by President Barack Obama is a sure sign of just how overdue they were.

California was already moving in the direction of cleaner, more fuel-efficient cars - with states like Maryland committed to follow. There was also a distinct possibility that the U.S. Environmental Protection Agency might clamp down further as part of an effort to address the growing threat posed by greenhouse gas emissions and climate change.

Can Detroit meet the 35.5-miles-per-gallon corporate average fuel economy (CAFE) standard by 2016, a full four years earlier than envisioned just two years ago? The answer appears to be yes. It just required the proper motivation, and a solid uniform national standard (that gets California and the EPA off their back) appears to be just the kind of kick in the rear fender the industry needs.

But there's still a measure of uncertainty in the president's plan: Consumers might not want these fuel-efficient cars if gas prices remain where they are today.

A plug-in electric commuter car is a lot more attractive when gas is selling for $4 a gallon then at the current $2.30. Even the White House's estimate that the added cost of $1,300 per vehicle can be recovered in three years of driving is based on much higher gas prices.

Those prices are likely to return within seven years, but why wait for big corporations and foreign producers to pocket the inevitable windfall? President Obama needs to gradually raise the gas tax to make up the difference beginning next year to ensure car buyers are properly motivated.

And what would Washington do with the money? Return it right back to consumers in the form of a lower personal income tax rate or perhaps a rebate on new car purchases as a way to stimulate the economy. With high gas prices, automakers would be scrambling to meet consumer demand for energy-efficient vehicles.

On the other hand, a policy that requires fuel efficiency but doesn't ensure higher energy prices could ultimately prove counterproductive if, for instance, it causes people to drive more. That would not only harm the environment, but it would maintain the nation's costly dependence on foreign producers.

Government regulations have their value, but ensuring higher gas prices produces a market-based solution that in the long term is bound to be more effective. It's also a win-win for consumers who shouldn't mind paying twice as much at the pump for a car that uses half as much gas. The bonus? Perhaps the world is spared the most disastrous effects of climate change and rising sea levels.

May 21, 2009
EPA oversees spill cleanup (*Tennessean*)

Today's topic: Broad lessons emerge from Kingston site
Our View
In the wake of the coal ash spill at TVA's Kingston Fossil Plant Dec. 22, TVA officials seemed to characterize the spill as little more than a big ugly mess.
But the announcement that the U.S. Environmental Protection Agency will take charge of the cleanup and use resources under the federal Superfund program certainly seems to ratchet up the urgency and the sense of pollution from the spill. The ash that broke through, damaged homes and went into the Emory River is said to contain arsenic, cadmium, chromium, lead, mercury, nickel, selenium and zinc. Each of those substances is considered hazardous. The EPA also says the order giving it command of the site will mean standards must be met for disposal into landfills, such as synthetic liners and systems to collect leachate.

TVA is saying all the right things about the cleanup, including its willingness to work with the EPA and that it wants the process to be handled properly. The spill was massive, dumping 5.4 million cubic yards of coal ash from the site west of Knoxville, covering 300 acres. The state Department of Environment and Conservation will also continue to be part of the process. EPA officials are saying the official order putting EPA in charge with additional resources doesn't mean the federal agency is unhappy with TVA. But the very need for EPA to oversee the cleanup speaks for itself.

Officials say TVA will reimburse EPA for the cost of overseeing the cleanup, so taxpayers would not foot the bill. But that would certainly mean TVA would have to pass the cost on to ratepayers. The cleanup is expected to take up to three years.

The EPA's involvement is due — some would say overdue, including the assertion that TVA never should have been left with the responsibility anyway. The spill is nothing less than an historic environmental disaster, and it should raise issues about preparedness for cleanups and the broader issues of managing coal ash. That figures to heighten the discussion about relying so heavily on cheap coal to burn for energy.

Coal may be inexpensive to dig up and burn, but other costs certainly come into play, the ash spill being a dramatic example. Environmentalists are noting that Superfund resources are known for dealing with hazardous materials, so placing the spill under the federal program would seem to have serious meaning.

The real danger of the Kingston experience is that the site is only one of 11 coal-fired power plants operated by TVA, whose plants produce nearly 6 million tons of coal waste each year. The specific practice of storing the ash in a waste pond has drawn attention to how coal plants handle what's left in their process. The Kingston plant is only the fourth largest producer of coal waste under TVA.

If there is any silver lining to be found in the disaster it is the growing realization that the nation must change its energy policies. It looks abundantly clear that coal will be utilized as an energy source in great amounts for a long time, primarily because it's inexpensive. But from emissions issues to how to handle the disaster of a spill, everyone should see the serious flaws of using so much coal. The development of alternative fuels is gaining support by the day. The coal ash spill in Kingston is just one reason why.

May 21, 2009
Reader Views

What impact will EPA oversight have on the TVA ash spill? (*Tennessean*)

On March 24, 1989, the Exxon Valdez oil tanker ran aground at Bligh Reef in Alaska. The vessel spilled 10 million gallons of crude into Prince William Sound, causing the largest oil spill in American history.
The EPA gave Exxon six months to eradicate this. The city of Valdez grew three times its normal size almost overnight.

This cleanup was accomplished with private funding with strict oversight by the EPA: A perfect example of government and industry working together.

Environmentalists are saying that the Kingston ash slide has become the Exxon Valdez of the coal industry and sees similar opportunities for a cooperative cleanup effort. Recently, the EPA signed an agreement with the TVA to oversee the removal of coal ash at the TVA Kingston Plant.

The EPA will oversee this cleanup and TVA will reimburse EPA for its oversight costs. By enlisting the resources of the EPA, the state of Tennessee has the opportunity to work closely with EPA officials to assure a comprehensive cleanup of this very serious environmental disaster is completed expeditiously.

If it is handled in the same manner that the Exxon Valdez spill was, it should be accomplished in an efficient and timely manner.

William Haupt III
MT. JULIET 37122

Just what TVA needs: another government bureaucracy to strew more red tape into the situation. EPA actually means "Ensuring Promotion Always."

This is an overbearing agency that resorts to strong-arm tactics to force their draconian enforcement of arbitrary and capricious regulations on almost every facet of our daily activities.

We would be better off if they were sunseted. A lot of money would therefore be saved. With EPA in charge of the ash spill cleanup another layer of red tape has been added.

More money from TVA will be spent. As a result, ratepayers like me will pay more down the road.

Remember: Chaotic is in the eye of the beholder. TVA is in the crosshairs of the EPA. Always has been.

Here's EPA's chance to sock it to TVA big time.

Steve Moore
COOKEVILLE 38501

The Tennessee Department of Environment and Conservation (TDEC) and the United States Environmental Protection Agency (EPA) already collaborate in varying ways on many projects.

Like any of the other projects, the impact will be determined by the details of the collaboration.

One impact might be that the many more collaborations of EPA will bring in expertise that might not otherwise be readily available to TDEC and this particular cleanup. Cutting-edge technology that is being used elsewhere might not even be known to Tennesseans, but can be accessed through the EPA. All cleanups should strive to employ best practices, regardless of where the practices originate.

Another impact might be that there is greater regulatory oversight of the TVA to prevent this and other situations from happening in the future. TDEC can regulate Tennessee activities, but may have little power to mandate TVA actions at other facilities. We should strive for best practices, regardless of where they originate.

The EPA can have a positive impact, if everyone cooperates to achieve that end.

Todd M. Liebergen
MADISON 37115

Overpopulation: 60 Percent In US Breathe Toxic Air (*OfficialWire*)

Op-Ed Contributor
by Frosty Wooldridge

LOUISVILLE, CO — (OfficialWire) — 05/21/09 — Newspapers across the nation report on accelerating water shortages, gridlocked traffic, air pollution, climate change and a plethora of environmental dilemmas facing America.

But they never connect them to the cause: overpopulation in the United States. Any mention of hyper-population growth appears to be a sacred cow. It cannot be discussed by the media—as if thwarted by some unknown force.

In a recent report by Noaki Schwartz, "60% in nation live in dirty air", April 29, 2009, "Six in 10 US residents—more than 186 million people—live in areas with dangerous levels of air pollution," reports the American Lung Association.

"The air in many US cities became dirtier last year," the association said in its annual "State of the Air" report."

"Despite almost 40 years since the Clean Air Act passed in 1970, six in 10 Americans still live in dirty air areas, areas where the air is unhealthful to breathe," the group's Paul Billings said in a telephone interview.

Schwartz said, "Los Angeles was ranked as the U.S. city with the worst ozone pollution, also known as smog, a position it has held for nine of the past 10 years. Bakersfield, California, was worst for year-round particle pollution and Pittsburgh, Pennsylvania, was worst for short-term particle pollution."

Ironically, California houses 38 million people, but adds 1,700 people daily and 602,000 annually—on its way to adding 20 million within 30 years. It adds 400 vehicles to its roads 24/7. It covers 240,000 acres of land with concrete and asphalt annually. All those cars, homes and buildings add horrific air pollution, but not one leader or media outlet addresses overpopulation.

"Many major cities—including Los Angeles, New York, Atlanta, Philadelphia, Washington, D.C., and Baltimore—have improved air quality over the last decade. But even with these improvements, residents of some of these cities are breathing dirtier air than in previous years," an American Lung Association spokesman said.

"This year's air pollution numbers were far higher than in last year's report, which found 125 million people, or about 42 percent of U.S. residents, living with unhealthy air pollution," Schwartz said. "Particle pollution is composed of tiny bits of soot, diesel exhaust, chemicals, metals and aerosols. These pollutants are measured both by the year-round levels in the air and by periodic spikes in their levels that can last for hours or days. Both kinds of particle pollution, if inhaled, can increase the risk or early death, heart attacks, strokes and emergency room visits for asthma and cardiovascular disease, the lung association reported."

"The tiny particulate pollution from cars, power plants and factories does more than clog your lungs. It leads to development of heart disease, according to a BYU researcher. While exposure clearly impacts the lungs, "long-term, chronic exposure to air pollution seems to manifest more in cardiovascular disease than it does in respiratory disease." The link between air pollution and increased deaths has been shown in research by Pope and others. His most recent study, however, shows the biological mechanism by which long-term exposure to tiny-particle pollution can actually lead to ischemic heart disease, which causes heart attacks, as well as irregular heart rhythms, heart failure and cardiac arrest." Lois M. Collins, "Pollution in the air can cause heart ills"Deseret Morning News, December 16, 2003

Ozone definition: a gas that forms when sunlight reacts with emissions from motor vehicles, factories and power plants—is the most widespread form of air pollution and can immediately affect health if inhaled, irritating the lungs and causing wheezing, coughing and asthma attacks.

"Almost all residents face some kind of elevated risk from air pollution," Billings said. "Most vulnerable are children, the elderly, people with lung diseases like asthma, diabetics or otherwise healthy adults who exercise or work outdoors."

"The report noted that some of the biggest sources of air pollution, such as power plants, diesel engines and ocean-going vessels, also worsen global warming," Schwartz said.

"As America faces the challenges of air pollution, global warming and energy, the American Lung Association urges Congress, the EPA and individuals to choose solutions that help solve all three challenges together," the association said in a statement.

The greater tragedy in this dilemmas stems from everyone avoiding any discussion of the cause: hyper-population growth. As a society, we walk onto the railroad tracks of an oncoming train, but turn our backs to walk the other way so we won’t see it when it runs over us.

What causes our population overload? Both legal and illegal immigration add 70 percent of America’s population growth. That factor added 100 million people in the last 40

years and drives this nation to add 100 million people in the next 26 years. However, to discuss it remains forbidden, banned and outlawed.

If you live in a city, take a deep breath! How does it feel to breathe toxic air that harms you, your children and your community? Prepare for more of it as the USA adds 100 million people in three decades.

ENERGY
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Energy Star for servers is merely a first step (*InfoWorld*)

By Ted Samson
Created 2009-05-21 03:00 AM
The recent release of Energy Star requirements for servers [1] may have coaxed a collective sigh of relief from datacenter operators who've felt the pressure to cut energy waste. The well-known Energy Star symbol, after all, is associated with energy efficiency. Thus, having that familiar logo stamped on a server might suggest it will deliver equal or better performance than its non-Energy Star rivals while consuming less electricity.

Unfortunately, the new Energy Star requirements for servers have enough shortcomings that they are unsuitable to be primary criteria for the purchase of new hardware equipment. That's not to say they have no value whatsoever; as observed by Subodh Bapat, vice president of energy efficiency and distinguished engineer at Sun, they are "a good first step."

[Learn about the new Energy Star requirements for monitors [2]. | Keep abreast of green IT news and tips by subscribing to InfoWorld's free weekly Green Tech newsletter [3].]

A bit of background: These new Energy Star server requirements for servers have been under development for about a year and a half [4]. The EPA drew on feedback from stakeholders, such as server vendors (including Sun), to hammer out the final requirements released late last week [5]. In a nutshell, the criteria were limited to machines with one to four sockets and at least one hard drive. Additionally, blades weren't included, though the EPA said requirements for those should be out in a couple of months.

Idle servers are the devil's tools
So what's wrong with the new Energy Star criteria? Perhaps the most significant drawback is that a qualifying server need only demonstrate energy efficiency when it's in idle -- that is, powered on but doing no work.

To better illustrate the problem, imagine you're at a used car lot where a shifty salesperson is trying to push you to buy an SUV. His selling point: "This baby uses the same amount of fuel as a hybrid sedan -- when you're not moving."

You probably wouldn't be too impressed by this fact, as you likely intend to spend more time driving your car when it's turned on, rather than idling at stop signs or in the driveway. Thus, you want to know how many miles per gallon the vehicle gets in the city and on the freeway.

Now back to the Energy Star server requirements: As I noted, they consider only how much electricity a server consumes when it's on but doing no work. Granted, underutilized servers abound in the datacenter, so server power consumption at idle is relevant. However, datacenter operators are becoming increasingly aware of the problem. Organizations are tracking down underutilized machines [6] and employing virtualization to get as much performance per watt as possible from their hardware. Others are dabbling in powering down servers entirely when they're not in use. In short, weighing energy consumption at idle merely scratches the surface of a server's overall power usage.

[Virtualization was a key tool for reducing energy consumption among 2009 InfoWorld Green 15 winners [7].]

Ideally, the Energy Star spec for servers would consider server performance per watt (the equivalent of miles per gallon in cars) at various levels of server utilization: X processes per watt at 25 percent utilization, Y processes per watt at 50 percent utilization, Z processes per watt at 75 percent utilization, and so on.

Of course, that's easy for me to say. There continues to be much debate and, yes, controversy as to the best way to measure performance per watt for servers. SPEC took a stab at it [8] in 2007 with its SPECpower benchmark, which goes much further than Energy Star and still garnered some criticism [9] for being insufficient. Similarly, independent analysts such as Neal Nelson have devised benchmarks [10] for measuring performance per watt -- but thus far, nothing has been fully embraced by the industry. Debate centers around what sort of workloads to measure, where server temperature should fit into the equation, where virtualization functionality fits into the picture, and so on.

Discounting cores

Back, though, to Energy Star requirement for servers, Sun's Bapat pointed out another drawback to the program: It doesn't take into account how many cores per processor a machine has. "The fact is, when you go from a server that has four processors with two cores each to two processors with four cores each, you save energy. That's not recognized by the spec," he said. "If you're shipping a server with one processor, it doesn't matter if you have one core or two cores or four or eight. You still get the same idle power allowance. There's no benefit for the fact that you can do, say, eight times work with a fewer number of watts."

The IDG News Service reports yet another drawback to the Energy Star requirements: "Critics have also noted that resellers may reconfigure systems in the channel, by adding more memory and disk drives, for example. The EPA will rein in such behavior as much as it can, but customers should check that the configuration they receive is the one that qualified for the program in the first place."

Bapat wasn't entirely critical about the Energy Star program for servers. For example, a compliant server must be capable of measuring real-time power use, processor utilization, and air temperature, data that can help datacenter operators asses the overall efficiency of their operations. "Transparency is always a good thing. Energy Star requires the ability to report power consumption data pretty much across the range of utilization and at all times that the server is on. If you want to know how much [power is being consumed], you should be able to ask it and it should tell you. That's a very useful feature."

Additionally, the spec requires the use of more efficient power supplies, which generate less waste heat, thus requiring less cooling. It also requires compliant servers to come equipped with advanced power-management features to save energy across various operating states.

All in all, I agree with Bapat's assessment that Version 1.0 of the Energy Star requirements for servers is a good first step, but there's plenty more work to be done. In the meantime, datacenter operators will still have to do lots of homework before investing in new machines that fit their organization's data-crunching and energy-efficiency requirements.

Mars Area board considers Texas firm to help reduce energy costs (*Pittsburgh Post Gazette*)

Thursday, May 21, 2009
By Sandy Trozzo
The Mars Area School District is considering hiring a Texas firm to help employees learn to conserve energy.
The school board heard a presentation by Ross Kelly, vice-president of the Eastern Region for Energy Education May 12. The Dallas firm currently contracts with more than 975 school districts to help them save energy costs. Fourteen of those are in Pennsylvania, including South Butler.
"Above and beyond the savings that you're realizing through group purchasing, through innovations ... there's an additional 30 percent or more that can be realized through a dedicated, concentrated conservation program," Mr. Kelly said.
He said the district could save more than $69,000 in the first year and more than $2.5 million over 10 years. The district is spending $700,000 this year on utilities, said Jill Swaney, business manager.

Energy Education would bill the school district $97,200 a year, or $7,100 a month, beginning in the fifth month of the program if the board decides to participate. By then, Mr. Kelly said, the district should have realized a savings of $20,000.
The program has several parts, he explained.
First, the company would send a team of 40 energy specialists to walk through district facilities and identify areas where energy could be conserved. They would do a detailed audit and a site map of every building, detailing how energy is used, then develop a plan for conservation, he said.
Audits would be done by the company when the building was not in use and during overnight hours, to see how the plan was working.
A district employee would be given a supplemental contract as an energy education specialist, or sort of energy czar, to help implement the plan.
It is a "people-oriented" plan that involves changing attitudes and behaviors, he said.
The savings quoted would not result from additional purchases of equipment, he said.
"None of the recommendations we make ... translate into you being required to make any physical changes to your infrastructure," he said. "Everything we do is going to be focused on savings that can be realized through conservation."
The fee for the service would be paid for four years, but the district could remain a client for as long as it wanted after that. Some clients have participated for 19 years, he added.
The company suggests that the energy czar be paid between $18,000 and $22,000 per year. "This job is not a 9-to-5 job," Mr. Kelly said. "It is 4 o'clock in the morning. It is 11 o'clock at night."
Another $3,000 per year is estimated for the cost of the energy czar to attend three seminars a year at Energy Education headquarters in Dallas, he said.
Energy accounting software to run the program must be purchased for approximately $12,000 the first year, he said, with a $1,200 annual maintenance fee beginning in the second year.
Some board members asked if the district could really expect new savings every year.
"A school environment, a K-12 environment, is continuously changing. The footprint is continuously changing," Mr. Kelly said. "New bodies are coming in. No matter how much we achieve this year, that same level of savings is available to us next year."
The program has been recognized by the Environmental Protection Agency's Energy Star program, he added.
The board will vote on participation at a future meeting, they said.
Freelance writer Sandy Trozzo can be reached in care of suburbanliving@post-gazette.com.
First published on May 21, 2009 at 5:53 am

FUEL
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MAY 21, 2009

Farm Industry Wants Credit Where It's Due (*Wall Street Journal*)

By LAUREN ETTER

Agriculture, in the current legislation, is exempt from emission caps, a win for farmers and ranchers afraid they'd have to figure out how to regulate emissions from, among other things, their manure lagoons, tractors and their cows, which emit methane, a potent greenhouse gas.

Still, the farm lobby isn't satisfied. Farmers say the overall costs of climate-change regulation will trickle down to the farm through higher costs of supplies, animals, equipment and other agricultural goods.

As a result, farm groups wanted to see specific mechanisms that would let farmers earn revenue from the system. For example, they wanted to be able to earn credits for the carbon absorbed by their crops. Those credits could then be sold to others who need them to cover emissions. The current legislation doesn't include any specific language on such agriculture offsets.

The bill "utterly ignores the principles we have identified as critical to U.S. agriculture," Bob Stallman, president of the American Farm Bureau Federation, wrote in a letter to members of the House Energy and Commerce Committee.

The National Corn Growers Association said that "without the opportunity to generate revenue from greenhouse gas reductions, our growers will be unable to bear the burden of increased prices for diesel, fertilizer, steel, electricity and all other inputs necessary to provide feed, fiber and fuel for the world."

The agriculture industry is also disappointed the bill doesn't compensate farmers who find it harder to compete in global markets due to higher costs. Rick Krause, senior director of congressional relations at the American Farm Bureau Federation, said certain industries do receive some allowances and that agriculture should be included as well.

Complicating matters in farm country is the role of corn-based ethanol in reducing greenhouse gas emissions, a separate controversy playing out at the Environmental Protection Agency.

Rep. Collin Peterson, a Democrat from Minnesota and the chairman of the House Agriculture Committee, was quoted recently saying that he would "bring this climate bill down" if the administration doesn't work to ensure ethanol has a prominent role in any program aimed at reducing greenhouse gases.

Write to Lauren Etter at lauren.etter@wsj.com

Printed in The Wall Street Journal, page B5

What You Need to Know About the New Car Emissions Standards (*Earth2Tech*)

Written by Josie Garthwaite
Posted May 21st, 2009 at 12:00 am in Policy,Uncategorized
The Obama administration is certain about a couple things in its plan for a new national fuel economy and tailpipe emission standard: It's meant to start taking effect in 2012, and have automakers achieving a fleet average of 35.5 MPG by 2016, four years earlier than previously required. That condensed time frame, as we wrote earlier this week, means big auto companies and young startups alike are under added pressure to get moving on green car tech.

But there are several key points on which the EPA and the Department of Transportation are undecided, as explained in their memo on the upcoming proposal, released this week. Here's what you should know about incentives for green car innovation that are still under consideration and will open up for public comment before the rules are finalized.

Emission Limits: Just what kind limits are we talking for greenhouse gas emissions? The feds are proposing to require a maximum average of 250 grams of carbon dioxide per mile by model year 2016, with a "generally linear phase-in" beginning with 2012 models.

Size Matters: A critical point for automakers in getting on board with the administration's proposal is that it is "attribute based." The attribute that will be used to determine what emission and fuel economy standard applies to a given fleet is what's called vehicle footprint. This is defined as "a vehicle's wheelbase multiplied by its track width — in other words, the area enclosed by the points at which the wheels meet the ground." Vehicle footprints will be used to calculate a unique standard for each manufacturer's fleet, with a separate standard for passenger cars and light trucks. As explained in the memo:

Generally, manufacturers of larger vehicles (i.e. vehicles with larger footprints) would face less stringent standards [...] than manufacturers of smaller vehicles.

Final Tallies: Fleet averages will be based on final model year sales figures, not the number of cars produced.

Credit or Debit: When automakers exceed the standards for their fleet, they'll earn credits. When they don't make the required emission reductions/fuel economy improvements, they'll generate debits, or negative credits.

Spending Credits: Automakers that have earned credits can spend them through: credit carry-back, credit carry-forward (like rollover minutes for emission reductions), credit transfers, and credit trading. The EPA is considering limiting carry-back (applying credits to past years) to three years, and allowing "banked" credits to apply no sooner than five years after they're earned.

Unlimited Credit Transfers: The administration plans to propose giving an automaker the option to shuffle credits around within its fleet, using low-emission passenger cars, for example, to offset the poor performance of SUVs and trucks in the company's lineup. The EPA envisions these credit transfers being unlimited for calculating emissions, but they would not count for fuel economy averages.

Selling, Trading = Fair Game: Automakers will be able to trade or sell their credits to other car companies.

Technologies: The administration's memo offers a glimpse of what technologies are on its radar (and also the automakers it met with to hash out the proposal). Among the technologies that the EPA and the DOT expect automakers to consider using to meet the proposed standards are: gasoline direct injection engines, smaller engines with turbochargers, advanced transmissions, start-stop technology, high-performance tires, lighter weight vehicles, hybrid, plug-in hybrid and all-electric vehicles vehicles. The EPA is also considering offering emission credits for clean technologies that don't register reductions in current measurement systems, such as solar panels on hybrids (a possible nod to Toyota's new Prius and the Fisker Karma), adaptive cruise control and active aerodynamics.

Air Conditioning: The EPA is considering giving automakers the option to generate emission credits by tweaking air conditioning systems to reduce leakage of greenhouse gases (hydrofluorocarbon refrigerants and CO2). It also might let companies start racking up these credits before the other standards and systems go into effect in 2012.

Consumer Costs: While an administration official told the Associated Press that the plan could add some $600 to the cost of an average vehicle by 2016, the EPA and DOT anticipate consumers will "see cost savings due to the significant fuel savings."

Alt-Fuels, Flex Fuel and Ethanol: The EPA may propose awarding emission credits for flex-fuel vehicles, most of which use E85 ethanol, for the model years 2012-2015. It may extend these allowances if automakers that alternative fuels are "actually being used in the vehicles." It doesn't know yet how that demonstration should be made.

Exceptions for Small Automakers: The agency might give a special lead time for smaller automakers, allowing companies with sales of say, 400,000 vehicles or less during a specified year to face much looser standards. The idea is to let these smaller companies work with the standards of a company that has a much larger (125 percent) vehicle footprint level.

Carrots for Early Movers: The EPA may award early credits for 2009-2011 models for fleets that exceed California emission standards.

Super Credits: The EPA is considering giving “super credits” as a reward for electric vehicles and plug-in hybrids. As explained in the memo:

These “super credits” could take the form of a multiplier that would be applied to the number of vehicles sold such that they would count as more than one vehicle in the manufacturer’s fleet average.

The Sticks: Penalties will likely be assessed based on a manufacturer’s most polluting vehicles.

May 21, 2009

U.S. should lead in cutting emissions (*Cherry Hill Courier Post*)

EPA right to institute rules that will sharply increase automobile fuel-efficiency levels by 2016.A battle that has raged for the last five-plus years between automakers, state governments and the federal government has finally been resolved.

The Obama administration brokered a deal, announced Tuesday, that ends a long legal battle and will put in place national fuel-efficiency standards for all new cars along with carbon-dioxide emission standards.

We applaud the president for getting all sides to agree on rules that will call for all new cars to average at least 39 miles per gallon by 2016 and all new light trucks to average at least 30 miles per gallon.

In the face of universal agreement among scientists that tailpipe emissions pollute the air we breathe, and nearly universal agreement that carbon in those emissions works to make the Earth warmer, President George W. Bush made a minimal attempt to push the automobile industry in the right direction toward building cars that pollute less and use less gas.

President Barack Obama, on the other hand, promised while campaigning to move the country closer to the fuel-efficiency standards that New Jersey, California and a dozen other states wanted to implement but were blocked from adopting by the federal Environmental Protection Agency.

Now that this compromise has been reached, and standards will be put in place that might make a significant dent in emission pollutions, U.S. automakers, fighting for their existence, can stop fighting state governments. There will be one, national standard for fuel efficiency for new cars.

This compromise was possible because of a shift in the landscape. The oil price surge of recent years produced sticker shock at the gas pump. That dramatically, and quickly, killed Americans' appetite for big, gas-guzzling SUVs and trucks and turned smaller, fuel-efficient cars like the Toyota Prius into hot commodities almost overnight.

That change in car-buying habits put Detroit on the ropes. Now, the Big Three, especially General Motors and Chrysler, are fighting to stay alive while at the same time fighting to remake their product lines to reflect Americans' new desire to save money at the pump.

These standards don't mean every car sold after 2016 is going to be a tiny compact or a hybrid. Far from it. After all, 39 miles per gallon will only be an average. Automakers will still be able to produce a range of vehicles of different sizes and fuel-efficiency.

But like a rising tide that lifts all boats, these new standards will, on the whole, greatly improve fuel-efficiency and reduce automobile pollution as older cars are taken off the road in 2016 and beyond and replaced with more fuel-efficient vehicles.

The price of new cars is expected to rise by as much as $1,300 on average. But then, buyers are going to save countless dollars at the pump, probably much more than $1,300, over the course of a few years.

We're glad the administration, state governments and automakers could come to the table (even if it was somewhat forced by the auto industry meltdown) and agree on national fuel-efficiency standards that will cut carbon pollution and gasoline consumption. The United States should lead the way in building vehicles that minimize pollution, not remain stuck in the 20th century while other nations do their part to reduce greenhouse gas emissions.

Vow of silence key to White House-Calif. CAFE talks (*New York Times*)

Story also appeaed: *Greenwire*

(05/20/2009)
Colin Sullivan, E&E reporter
SAN FRANCISCO -- There was a simple rule for negotiations between the White House and California on vehicle fuel economy: Put nothing in writing.

Mary Nichols, the head of the California Air Resources Board, and Carol Browner, President Obama's point person on energy and climate change, were key in crafting a plan to impose the first-ever national carbon limits on cars and trucks. The emissions standards, announced yesterday by the president in the Rose Garden, would bring federal requirements in line with levels sought by California over much of the last decade (*Greenwire*, May 19).

In an interview yesterday, Nichols said Browner quietly orchestrated private discussions from the White House with auto industry officials. Browner started the talks soon after becoming Obama's special assistant on energy and climate, a position that gives her wide-ranging authority to coordinate top officials at the Council on Environmental Quality, U.S. EPA, and the departments of Energy and Transportation.

Similar discussions had taken place well before the elections last year between Nichols and the auto industry, but those talks stopped soon after Obama defeated Sen. John McCain (R-Ariz.) for the presidency. Serious work toward a compromise that would set a single national standard and stop the legal wrangling over California's attempt to regulate vehicular carbon did not resume until Browner came aboard at the White House, Nichols said.

It was then that Nichols and Browner decided to keep their discussions as quiet as possible, holding no group meetings and taking care to not leak updates to the press. This strategy, they felt, would help facilitate fast progress outside the media frenzy that often dominates Washington politics.

"We put nothing in writing, ever," Nichols said. "That was one of the ways we made sure that everyone's ability to talk freely was protected."

She added, "It's an astonishing thing that on something of this magnitude there were no leaks."

Federal laws 'on a collision course'

Nichols flew to Washington to meet with Browner only after the former U.S. EPA administrator had contacted industry officials individually and the White House staff had mastered the technical and legal issues associated with California's attempt to regulate the auto industry.

The arcane fight over California's bid to secure an EPA waiver to regulate fuel economy was especially vexing, she said, given the convergence of the Clean Air Act with the Energy Policy and Conservation Act.

The structured deal that emerged from the talks -- giving EPA and the Transportation Department joint jurisdiction over carbon and mileage, respectively -- reflects the need to harmonize those laws, Nichols explained. It also protects California's special ability to seek waivers from the Clean Air Act, as the state has done on numerous occasions over the last four decades.

"That was a big issue to try to work out," Nichols said. "The structure of the CAFE [corporate average fuel economy] program ... and the Clean Air Act were on a collision course."

The convergence of the laws was the fulcrum of the auto industry's legal challenge to California's auto standards, which were first passed by the state Legislature in 2002 under a bill authored by Assemblywoman Fran Pavley (D).

The federal Clean Air Act gives the state the right to seek a waiver to enact its own air pollution regulations, but the Energy Policy and Conservation Act gives the federal government exclusive authority over fuel economy, which was the backbone of the industry's legal case against the Pavley standards.

"The most difficult piece of this was figuring out how to make it happen," said Nichols, citing the "conflicting mandates" of the Clean Air Act and the Energy Policy and Conservation Act.

The resulting agreement, which seeks in a sense to wed the two laws, emerged after Nichols returned to Sacramento to consult with her boss, Gov. Arnold Schwarzenegger (R). A few more rounds of talks followed, but protracted negotiations never took place, which likely reflects the willingness of the auto industry to establish a single standard.

"There had been interest [in a settlement] for a long time," Nichols said.

Model for A.B. 32 integration?

The deal on vehicles also comes amid intense political jockeying in Congress on a federal climate bill, which many expect to emulate a separate attempt by California to regulate carbon under A.B. 32, the state's economywide global warming law.

But Nichols sees little evidence that the work in crafting a federal CAFE standard would be replicated when it comes to merging California's climate measure with a national law. The auto industry, she noted, is a single sector that is far less complex than the entire U.S. economy.

Nichols said a number of states have passed their own energy efficiency, green building and renewable energy programs, which she believes should be maintained even if a federal cap-and-trade bill makes it through Congress. These programs were crafted by different states with divergent economic conditions, she said.

"These are not going to go away under a federal climate regime," she said.

On cap and trade itself, Nichols has identified "serious design issues" that may not mesh with existing state programs. She said the bill drafted by Reps. Henry Waxman of California and Ed Markey of Massachusetts, both Democrats, makes headway in terms of dealing with federal pre-emption, but she did not indicate support for the five-year moratorium that would send state programs into abeyance until a federal market goes live. "We're still working to try to get that fixed in the final legislation," she said.

So, in other words, Nichols sees few reasons to claim that the deal on CAFE would herald a similar federal-state pact on climate change.

"I don't think the auto deal is a particularly relevant model," she said. "I think it's very different."

Still, Nichols admits the deal is a significant achievement during an already impressive run at the ARB, adding to the ongoing implementation of A.B. 32 and the recent passage of a low-carbon fuels standard in the state. "This has to be a high point, no question about it," she said.

More MPG, less pollution (*Newsday*)

Historic deal on mileage and emissions helps automakers and the;
planet

A unique intersection of events and the determination of President Barack Obama have led to an agreement on fuel efficency standards that will be the biggest step the nation has yet taken to contain greenhouse gas emissions and reduce its dependence on oil imports.

With Obama in the sunny Rose Garden Tuesday was an unusual mix of happy environmentalists, labor and industry leaders, and governors of states with very different perspectives on this issue: Michigan, California and Massachusetts.

Michigan lawmakers had routinely fended off higher mileage standards. California has been trying to impose emissions standards on cars, but the Bush administration refused to grant the needed waiver. And Massachusetts joined others in a suit to force the **Environmental Protection Agency** to regulate carbon dioxide and other pollution.

In 2007, the Supreme Court found that the **EPA** had to regulate or explain why not. Then the recession brought automakers begging to Washington. This year, Obama told the **EPA** to rethink its refusal to give California its waiver. All of those factors helped usher in this deal.

Automakers will drop their lawsuits and get a single national standard. By 2016, four years earlier than current law requires, the average mileage will rise from 25 miles per gallon to 35.5 - that's 39 mpg for cars and 30 mpg for trucks.

Obama did well in setting standards, but no one (including him) wants to see a politician-designed car. Automakers must now build cars that meet the standards and satisfy the needs and tastes of the car-buying public. No easy job.

GRANTS

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Idaho DEQ awarded EPA grants (*Idaho Business Review*)

Posted: Wednesday, May 20, 2009
The U.S. Environmental Protection Agency (EPA) has awarded $194,300 to the Idaho Department of Environmental Quality under the American Recovery and Reinvestment Act of 2009 to help improve water quality and create jobs, EPA said in a release.
"Protecting watershed health in Idaho begins with thoughtful, comprehensive planning," said Michelle Pirzadeh, acting EPA regional administrator in Seattle. "Recovery Act funding will mean this critically important work will get done despite unparalleled budget challenges for our state partners. Protected watersheds support strong local economies and healthy communities."
Idaho project sites were not identified.
A total of $39 million will be awarded nationally to states for Water Quality Management Planning grants, which EPA said would help keep and create jobs, help prevent water pollution, and help protect human health and the environment. The grants support activities such as setting standards, monitoring water quality, developing plans to restore polluted waters, and identifying ways to protect healthy waters from becoming polluted. EPA said states also are encouraged to use these funds for more innovative planning activities like developing plans to adapt to climate change, analyzing trends in water availability and use, and creating low-impact development programs.
Grants are awarded to state agencies, and some of the funds can be awarded to regional and interstate planning organizations.

PESTICIDES

Published on May 21st, 2009

Wash. Pesticide Event Highlights Proper Disposal (*Earth 911*)

by Jennifer Berry
A free agricultural pesticide collection event in Yakima County, Ore., collected more than 37,000 pounds of pesticides. Not all the chemicals were from recent crops: One client brought in a canvas and metal applicator backpack used to spray a dust form of pesticide, dating back to the 1930s, according to the Yakima Herald.
Improper disposal of pesticides can lead to groundwater and soil contamination. Photo: Teamsugar.com

The amount of participants almost doubled from the previous year. Officials attribute its success to a recent investigation of an illegal dump site discovered near Grandview, Ore. Almost 150 containers were buried, which held household garbage, petroleum products and pesticides.

Higher than normal levels of dimethoate, carbaryl and glyphosate (the active ingredient in Round-up) were found near the two-acre burial site.

This dump lead to “hot spots” of contaminated soil and water, which the Department of Agriculture, the state Department of Ecology and the U.S. Environmental Protection Agency continue to investigate.

The Yakima collection event brings to light important issues about the proper disposal of pesticides, namely that these materials do not belong in the ground, where they can leach into the soil and water table.

Additionally, knowing what your local event specifically collects is important, as many products were not accepted because they were a household-grade chemical.

The pesticides collected at the Yakima event were packaged and shipped to a federally owned facility for safe disposal.

POLITICAL

Obama Taps Former Clinton EPA Water, Air Chief As Deputy Administrator (*Inside EPA*)

President Barack Obama intends to nominate former Clinton EPA air and water official Robert Perciasepe as EPA deputy administrator, filling a slot that has been vacant since the previous nominee Jonathan Cannon withdrew amid congressional scrutiny of an industry-backed water group on whose board he once served.

Obama also intends to nominate longtime EPA official Colin Scott Fulton -- currently serving as the acting agency deputy administrator -- to the position of EPA general counsel, according to a May 19 White House press release. The announcements mean that the president has named all but a handful of nominees for major slots at EPA, with a notable exception being a candidate to head the agency's Office of Research & Development.

Perciasepe served under former Clinton EPA Administrator Carol Browner as assistant administrator for water at EPA, then as assistant administrator for air and radiation. Browner is now serving at Obama's White House in a new climate and energy advisor position.

Before joining EPA, Perciasepe served as Maryland's environment secretary from 1990 to 1993, making him the latest in a string of EPA nominees with extensive experience working as a state official on the East Coast.

Perciasepe is currently the chief operating officer of Audubon, an environmental group whose mission is “to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity,” according to the group's Web site. Perciasepe joined Audubon as senior vice president for public policy and head of the group's Washington DC office in 2001.

At an April 28 confirmation hearing for Obama's nominees for the enforcement, waste and international offices, Sen. James Inhofe (R-OK) raised concerns that the East Coast nominees may not be familiar with issues that affect the rest of the country. “What is good for the East Coast is not necessarily good for the rest of the United States,” he said in his written statement.

Perciasepe's pending nomination fills a void left in the wake of Cannon's decision in April to withdraw his candidacy. Cannon’s abrupt withdrawal was due primarily to an ongoing congressional inquiry into America’s Clean Water Foundation, which was established to monitor farms’ environmental performance but was disbanded after a critical EPA Inspector General inquiry. Sources believe the inquiry, which was being conducted by House transportation committee Chairman James Oberstar (D-MN), could have complicated Cannon’s confirmation hearing.

Meanwhile Fulton, Obama's pick to be EPA general counsel, has been serving as acting deputy EPA administrator since Feb. 4 and was previously acting head of EPA's Office of International Affairs from August 2007 until February. The Senate May 12 confirmed Michelle DePass to head the international affairs office, “subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted” Senate committee.

In the 1980s Fulton served as an environmental prosecutor at the Department of Justice and from 1990 to 1995 held leadership positions in EPA's enforcement program. From 1995 to 1999 he served as EPA principal deputy general counsel and from 1999 to 2007 as a judge on EPA's Environmental Appeals Board.

Obama names nominees for deputy administrator, general counsel (*Greenwire*)

(05/20/2009)
Katherine Boyle, E&E reporter
President Obama announced nominees yesterday for U.S. EPA deputy administrator and general counsel.
Bob Perciasepe, the deputy administrator nominee, is currently the National Audubon Society's chief operating officer. He was assistant administrator in EPA's water office and in the air office during the Clinton administration. He served as Maryland's environment secretary from 1990 to 1993 and was Baltimore's assistant planning director before that.

If confirmed by the Senate, Perciasepe would replace the acting deputy administrator, Scott Fulton, who has been tapped for general counsel.

Fulton previously served as acting director in EPA's general counsel, enforcement and international affairs office; has been an environmental prosecutor for the Justice Department; and was a judge on EPA's internal Environmental Appeals Board (*Greenwire*, Feb. 5).

Fulton has been active in international environmental efforts, including negotiating enforcement agreements with Mexico and helping Central American countries develop a legal infrastructure for environmental protection. Fulton also has worked with the U.N. Environment Programme to aid the international community's adjudication of environmental cases. If confirmed by the Senate, Fulton will replace EPA's acting general counsel, Patricia Hirsch.

Jeff Holmstead, a former air chief at EPA under President George W. Bush, praised Perciasepe's appointment. "He is a very capable guy who knows how EPA works, who understands, and I think has shown himself willing to listen to, the legitimate concerns that all stakeholders have," he said.

Environmentalists also praised the nomination. John Walke, a senior attorney at the Natural Resources Defense Council, described the appointment as very welcome and said Perciasepe's experience makes him a good fit for the No. 2 position at EPA.

Obama tapped Perciasepe after Jon Cannon, a former top EPA lawyer, withdrew from consideration for the deputy administrator post amid questions about a nonprofit group where he once served on the board of directors (*E&ENews PM*, March 25).

Fulton, meanwhile, was lauded by former EPA general counsel Roger Martella, who served under President George W. Bush.

"It's hard to imagine someone who has a better handle on EPA's legal issues and the responsibility and role of the office than Scott," Martella said. "It may be that Scott has held more high-level and important positions at EPA than virtually anyone else who's ever worked there."

Holmstead said Fulton will face a myriad of issues at EPA, many of which will be related to climate change, including a proposal for new national auto standards announced yesterday. He also said the Obama administration will likely see challenges from environmental groups upset at its decision not to regulate greenhouse gas emissions under the Endangered Species Act. Environmentalists also have indicated that they will consider suing the agency under the Clean Water Act because carbon dioxide emissions contribute to ocean acidification.

Another conundrum facing the incoming general counsel is crafting replacements for the Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule, both of which were

vacated by federal appeals courts. CAIR was temporarily reinstated last December, but the appeals court has said the agency must quickly devise a replacement.

"It's very likely there are going to be some pretty fierce industry challenges" to some of EPA's climate and clean air efforts, said Frank O'Donnell, president of Clean Air Watch.

Nevertheless, Fulton's international expertise could prove useful as the United States attempts to work with other countries around the globe to curb greenhouse gas emissions.

Bill Becker, executive director of the National Association of Clean Air Agencies, said the next general counsel at EPA will have "an extraordinary opportunity to continue the tremendous advances that the agency has taken in the short, few months of the new administration."

Becker noted that the agency's top lawyer will have a hand in EPA's California waiver ruling, its endangerment finding for greenhouse gases, and any new regulations on air pollution violations, including New Source Review. He said the new EPA general counsel will be able to help advise the agency as it attempts to repair damage done during the Bush administration.

"These issues are daunting, they are complex, they are hugely important," Becker said. "I'm not suggesting the new general counsel take sides with regulatory policy, but that he or she ensures laws are carried out faithfully."

Maryland man nominated for a top job at EPA (*Baltimore Sun*)

May 20, 2009
President Obama plans to nominate Robert Perciasepe, a former state and local government official in Maryland and Baltimore, as deputy administrator of the Environmental Protection Agency, the White House announced Tuesday. An EPA official in the Clinton administration, Perciasepe is chief operating officer of the Audubon Society.

RECYCLING
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Published Thursday, May 21, 2009

Green garden products good for planet (*Associated Press*)

Story also appeared: *News Leader*

Dean Fosdick
For The Associated Press
Manufacturers are hitting pay dirt with recycled products designed for the garden. Discarded plastic is being made into work gloves, rainbarrels and buckets. Worn-out tires are being converted into weed-smothering mulch and durable walkways.

Beverly Schor is founder of West County Gardener, a San Francisco-based company that creates garden and work gloves from recycled plastic bottles.

"We do a lot of testing on fibers and found these gloves are just as durable, just as soft, as any made from natural materials," Schor said. "We think their wearability is better than leather. Among other things, you can simply throw them into a washer and dryer."

Turning recycled plastic into fiber began in the 1980s during a time of gasoline shortages, she said. As prices soared for petrochemical-based plastic, mills discovered practical ways to convert the less- expensive recycled substance into carpeting.

"But carpets are coarse," said Schor, a gardener and former sports apparel designer. "I started looking around for another raw material and found a Korean company that could make something finer (from plastic bottles) for textiles."

The sturdy, but soft, padded gloves retail at around $19.95 a pair. Every recycled glove produced means one fewer 8-ounce plastic bottle tossed into a landfill, Schor said.

"In 2010, we will be retooling and taking that to two bottles. Everything but the palm (on the gloves) will be 100 percent recycled, and we're even working on that."

Americans generated 254 million tons of trash, and recycled and composted about 85 tons of that in 2007, the U.S. Environmental Protection Agency said. That works out to a recycling rate of 33.4 percent. Those figures represent municipal solid waste — things commonly used and then thrown away, such as food scraps, grass clippings, old tires, furniture and appliances. It does not include industrial, hazardous or construction waste.

Making greater use of organic materials reduces the amount of solid waste in landfills.

A company called EcoForms, for example, has introduced a line of durable but decomposable plant containers made from grain husks and other natural bindings.

The Liquid Fence Co. sells biodegradable manure-fiber-based "CowPots" that can be placed directly in the ground, eliminating the transplant shock that often results when starting seeds in plastic pots.

And Bonnie Plants, a Union Springs, Ala., grower and wholesaler that supplies flowers and vegetable plants to nearly every major retailer in the country, has been using peat containers rather than plastic for much of its greenhouse stock since the 1960s.

"We're not going completely organic but we are growing greener," said Dennis Thomas, Bonnie's general manager. "Organic people will buy our peat container because they know it won't last (in landfills) a million years.

"Punching holes in the bottom frees the roots to grow, so you can throw it into the ground along with the plant. It becomes part of the soil in a matter of weeks. Compare that to plastic, which doesn't degrade."

Scores of companies are shredding bald vehicle tires into crumb rubber, which has garden applications including mulch, tree rings, soaker hoses and steppingstones.

"Sales are really up for the mulch," said Madeline Wenz of Garden Oaks Specialties in Bound Brook, N.J., which retails the recycled product by the bag or in bulk.

"It's cleaner (than wood mulch), comes in several colors and lasts longer."

Gardener's Supply Co., in Burlington, Vt., sells many products made from recycled content. The company recently surveyed customers about what they were looking for from garden suppliers.

"We had 22,000 responding, with 70 percent saying they cared about things involving the environment, particularly energy conservation, preserving habitat and improving air quality," said spokeswoman Maree Gaetani.

"We're still going through all of it, but it's obvious people are reaching out for green kinds of products. We're seeing it in dollars and cents."

You can contact Dean Fosdick at deanfosdick@netscape.net

SUPERFUND

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EPA ups ante with Chicopee (*The Republican - MassLive.com*)

Thursday, May 21, 2009

By HOLLY ANGELO
hangelo@repub.com
CHICOPEE - The city is considering settling a $27,000 claim to clear it of any future liability involving the environmental cleanup of a waste oil disposal site in New Hampshire.

City Solicitor Susan C. Phillips told the City Council this week the U.S. Environmental Protection Agency has offered another liability settlement in regards to the Beede Waste Oil Superfund Site. Settlement offers began in 2002 at $14,062 and increased to $16,425 in 2004 and $23,332 in 2006.

"You're going to see it again and the number will be bigger," Phillips said. "Probably next time it will cross the $30,000 mark."

Beede Waste Oil was located in Plaistow, N.H. and closed in 1994. The city and hundreds of other customers used to legally send their waste oil to the site. The Environmental Protection Agency declared the site a Superfund priority location in 1996 because of environmental contamination there. Because Beede couldn't pay for the cleanup, the government is allowed to hold customers of the company financially liable.

Phillips said if the city signs the agreement it will be released from any future liability. The city was considered a de minimis, or minor, contributor to the site. De minimis contributors shipped under 40,000 gallons to Beede. Chicopee shipped 2,225 gallons of oil from its Central Maintenance Garage.

Several councilors voiced dismay that the city is liable.

"It's a very frustrating thing to pay for something you're accused of when it was legal when you did it," At-large Councilor James K. Tillotson said.

Ward 2 Councilor Charles M. Swider said maybe the Environmental Protection Agency would take a smaller offer.

"I'd send them an offer of $16,000," Swider said.

But Phillips said that was not an option and that the federal government would not negotiate a lower price.

When asked whether she recommends the city settle now, Phillips said settling would clear the file from her office and it would clear the city of potential larger liability down the road.

The council sent the issue to its Finance Committee for consideration. The $27,000 would be taken out of the city's free cash fund.

Kalamazoo River site to be capped under PCB settlement (*Greenwire*)

(05/20/2009)
Landfills laden with toxic polychlorinated biphenyls, or PCBs, from years of paper mill dumpings will be capped and monitored to prevent further seepage into the Kalamazoo River under a $13 million settlement between U.S. EPA and Georgia Pacific, the landfill's owner.
The Superfund settlement filed yesterday in U.S. District Court includes long-term erosion control of the 32-acre site and the restoration of wetland and forests in the surrounding area.
For years, mill wastes tainted with PCBs were disposed of in the area and leaked contaminants into the Kalamazoo River, a long stretch of which is now a Superfund site. Sediment on the river bottom and along its banks contain trace amounts of the compound, which U.S. EPA considers a health threat to wildlife and people who may ingest the toxin by eating contaminated fish or through contact with contaminated soils.

Georgia Pacific had partially covered the site with a geotextile membrane and sand, but will now consolidate the PCBs and install a permanent landfill cap with a groundwater monitoring system.

Design for the project will likely begin next month, with construction planned to begin in 2011 (Rosemary Parker, *Kalamazoo* [Mich.] *Gazette*/Mlive.com, May 20). **-- PT**

May 20, 2009

Del. asks EPA for cleanup help (*Salisbury Daily Times*)

Markell: Federal assistance needed due to budget problems

By Jeff Montgomery
The News Journal

MILLSBORO -- Delaware has asked federal officials to put a Millsboro-area chemical spill site on the federal Superfund cleanup list, citing state budget problems and shrinking financial reserves for locally managed toxic cleanups.

In a letter to the Environmental Protection Agency, Gov. Jack Markell said Delaware opened an "aggressive" investigation and cleanup effort after a chemical solvent was found in one of Millsboro's shallow public water supply wells in late 2005. The contamination forced a temporary shutdown of Millsboro's water system and installation of a costly carbon filter system.

Federal help is needed, Markell said, because of a "lack of active participation by the potentially responsible parties" as well as long-term risks to residents. Department of Natural Resources and Environmental Control officials estimated that recovery, containment and cleanup costs eventually could top $10 million.

"We knew this was coming because the state's having financial problems, and right now we're kind of the only big problem. But if DNREC has another issue, they'd have to spread the funds out and there would be a shortage," Millsboro Mayor Larry Gum said. "I think the hopes are that, if the EPA has it, they'll have a bigger stick to wield than DNREC does."

The pollution eventually was traced to the site of a former poultry vaccine plant on land once owned by prominent poultry industry researcher and animal health pioneer Hiram N. Lasher. The property was later sold to other companies and now is owned by Lasher's son.

Roy Seneca, a spokesman for the EPA's regional office in Philadelphia, confirmed that the federal agency has received Markell's request but has not yet answered or ranked the site for eligibility. The next opportunity to formally propose a Superfund listing comes in September, with a 60-day public comment period to follow.

jmontgomery@delaware online.com 302-678-4277

THURSDAY MAY 21, 2009 Last modified: Wednesday, May 20, 2009 11:06 PM CDT

Meeting Explains Eagle Zinc Plan (*Journal News*)

The U.S. Environmental Protection Agency Region 5 is holding a public comment period and meeting to explain its proposed interim clean-up plan for the Eagle Zinc Superfund site in Hillsboro.

The meeting will be Wednesday, May 27, from 6:30 to 8:30 p.m., at Hillsboro High School, 522 E. Tremont St.

The comment period closes June 18.

EPA proposes a $1.9 million plan to tear down the buildings and other structures at the 132-acre site, a zinc smelter that operated from 1912 to 2003.

Contaminated debris from the demolition would then be covered with a foot of soil and managed on-site until the agency proceeds with Phase 3 of clean-up, which will address remaining contamination issues.

EPA's proposed plan is one of three options under consideration.

Based on any new information presented in the comments, EPA may modify the plan or select another option. The final plan will be selected in consultation with Illinois EPA.

The Eagle Zinc site extends from Smith Road on the north to the middle fork of Shoal Creek on the south.

In 1984, 18,000 tons of waste material was removed under Illinois EPA supervision. The site was added to the Superfund National Priority List in September 2007.

Lead exposure may cause a range of health effects, from behavioral problems and learning disabilities in children, to seizures and death.

Children under age 6 are most at risk. Primary sources of lead exposure for most children are deteriorating lead-based paint, lead-contaminated dust and lead-contaminated residential soil.

Comments on the plan may be made at the May 27 meeting, via the Internet at www.epa.gov/region5/publiccomment, or by fax to EPA Community Involvement Coordinator Ginny Narsete at (312) 692-2441.

Also contact Narsete for general questions about the Eagle Zinc site and special accommodations at the meeting; call 800-621-8431, Ext. 64359.

Site documents and other information are posted at www.epa.gov/region5/sites/eaglezinc and may also be found at the Hillsboro Public Library, 214 School St.

TOXICS

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Toxic 'carbon tet' lingers in air near schools (*USA TODAY*)

By James Bruggers, USA TODAY
For much of the 20th century, carbon tetrachloride was regarded as a miracle chemical: It was used to put out fires, degrease machines, kill bugs, dry-clean clothing and even help stamp collectors detect forgeries.

From the mid-1960s through the mid-1980s, most of those uses were discontinued for health and safety reasons. Then came what appeared to be the final blow: Thirteen years ago, carbon tetrachloride and other chemicals that were eating up the Earth's ozone layer were banned or restricted under the Montreal Protocol. The treaty, ratified years earlier by the United States and 193 other countries, was designed to protect the layer of the atmosphere that filters the sun's dangerous ultraviolet radiation.

Despite all of these efforts to eliminate carbon tetrachloride — classified by the U.S. Environmental Protection Agency as a probable human carcinogen and known to damage the liver, kidneys and brain — it still shows up at elevated levels around the world, scientists say. That's a testament, they say, to its past widespread use and its tough-as-nails persistence.

USA TODAY found it outside 70 of 95 schools in 30 states it monitored for a week last fall as part of its "Smokestack Effect" series, yet there were no obvious industrial sources to explain the readings. And in recent years, as more communities and the EPA have taken greater stock of the toxic chemicals found in the air we breathe, carbon tetrachloride accounts for 12% to 15% of cancer risks from toxic chemicals in some places. And those are risks that will not be going away soon.

"Carbon tet," as it is often called, is not alone. Many substances that once were building blocks of our modern world — PCBs, lead, chlorofluorocarbons — have hung on in the environment, long after their dangers were recognized and governments acted against them.

Allen Robinson, a Carnegie Mellon University engineering professor who has studied toxic air in Pittsburgh, says carbon tet, which once held an honored place in laundry rooms across America as an effective spot remover, serves as a particularly resonant cautionary tale. "This is a great example of … where we thought we had some great technology, but we learned there were unintended environmental consequences," Robinson says. "Unfortunately, … we've placed those consequences onto future generations."

Some carbon tetrachloride wafts up from inside landfills, says Kenneth Mitchell, chief of the EPA's air toxics program in its Southeast regional office in Atlanta. Smokestacks and leaky pipes and valves at a few industrial plants in the USA and elsewhere still release smaller quantities of the chemical, which is used to make other chemicals.

The United Nations Environment Program has been investigating the possibility that some plants may be emitting the chemical but not reporting it. Most of it, though, is probably left over from the past because carbon tetrachloride degrades so slowly, Mitchell says.

Carbon tetrachloride released into the air can be expected "to stick around about 50 years," he adds. "The fact that you still find it in the air is not that surprising." What has happened, Mitchell says, is that atmospheric circulation mixes carbon tetrachloride into air throughout the world, creating a fairly steady level globally.

Elevated levels across the USA

Carbon tet shows up in approximately the same concentrations — levels that could produce between one and 100 additional cancer cases among 1 million people over a lifetime of exposure — at monitors across the nation, Robinson says. That's what he

and his colleagues found when they compared levels documented at monitors in Pittsburgh and Allegheny County, Pa., in 2006 and 2007 against a national network of air-sampling results.

Those same elevated levels are what the University of Louisville has measured since 2000 at several monitors in Louisville. There has been no decline in carbon tet levels in Louisville during that time, even though the EPA shows no reported industrial releases of the chemical in the area since 1990, when one company reported 2 pounds of emissions. City officials say dry cleaners haven't used carbon tet since at least 1992.

USA TODAY found similar levels — enough to produce four to 70 additional cancer cases among 1 million people — outside the 70 schools, and experts emphasize the risks are not unique to American schools. The carbon tet detected near the schools reflects background levels found nearly everywhere. "It really is a global pollutant," Robinson says.

It's not the only chemical that's been banned or tightly controlled that hangs around, like a visiting relative who overstays his welcome.

Production of polychlorinated biphenyls, or PCBs, used in electrical equipment, paints, plastics and hundreds of other industrial applications, was banned in the 1970s. Yet they linger, too, moving through the world's food web. Mitchell says people still can be exposed to PCBs by eating contaminated fish and shellfish, ingesting contaminated breast or cow's milk and breathing indoor air in buildings where electrical equipment still contains PCBs.

Another example of a stubborn toxic substance is lead. Although it's no longer allowed in car or truck fuel or in many paint products, lead can be picked up from soil near homes or roads or from drinking water in old lead pipes, Mitchell says.

Carbon tet is a clear, sweet-smelling liquid that easily evaporates, so most that has escaped into the environment is found as a gas, according to a chemical profile by the U.S. Agency for Toxic Substances and Disease Registry.

The EPA says the chemical's primary purpose was to make chlorofluorocarbons (CFCs), which were used as refrigerants and propellants and were the key target of the Montreal Protocol, enacted in 1987. Production of carbon tet peaked in the early 1970s, the EPA says.

It has been banned in consumer products such as spot cleaners since at least 1973, according to the Consumer Product Safety Commission.

"You can't buy it anymore," says Leland Bell, a retired Louisville chemist who has collected stamps for 70 years, since he was an elementary school student. He recalls how it helped reveal authenticating watermarks. "You'd put the stamp facedown in a

little black tray, and put a few drops of carbon tetrachloride on," he says. "We really didn't give it much thought."

But, he adds, "it's a potent chemical. We're really good at using something without really knowing" the consequences.

California banned it as a pesticide, used mostly in stored grain, in 1986. Yet it's still being detected at elevated levels in California, says Melanie Marty, a toxicologist with the California EPA.

The risk it presents, she says, is somewhat less than the chemical constituents of motor vehicle tailpipe emissions, like benzene, a known carcinogen. "There are many other concerns that I feel are more pressing, like traffic-related pollution, particulate matter, ozone (and) some of the other air toxics," she says. But carbon tet is among the thousands of chemicals that people are exposed to every day, she says. "You breathe it in," she says, "and it's absorbed. It's going to get into your body."

'You can't do anything about' it

The risks can add up.

The Pittsburgh study found carbon tet accounted for as much as 12% of Pittsburgh residents' cancer risks from the toxic air pollutants it studied and concluded that there was really nothing air officials could do to reduce the risks. People will just have to wait for the risks to fall slowly over time under the Montreal Protocol, the study said.

In Louisville, a health-risk assessment in 2003 concluded that carbon tet, among the dozens of chemicals studied, was responsible for up to 15% of Louisville residents' cancer risks.

The city responded by writing carbon tet into its program to reduce air toxics. The move was taken as a precaution in case any of the city's chemical plants were to start emitting carbon tet in the future, says Lauren Anderson, executive director of the Louisville Metro Air Pollution Control District.

Typically, Louisville's air agency goes after chemicals that can produce more than one additional cancer death in 1 million people. But, Anderson says, there's nothing that local officials can do about the carbon tet already in Louisville's air, so her agency focuses on reducing the unhealthful emissions of other chemicals. "Why worry about something you can't do anything about?" she asks.

Under the Montreal Protocol, developing countries still have until next year to stop production of the chemical, says Tom Land, an EPA official who helps run the agency's stratospheric-ozone protection programs.

For the United States and other industrialized nations, the deadline was 1996. The treaty, however, did not ban the chemical outright, Land says. The fine print left open the possibility that some carbon tet production could continue in the USA.

"You can make it, and then turn it into something else," Land says, adding that its use is tightly controlled.

U.S. companies reported they emitted 165,000 pounds of carbon tet in 2007, the most recent year for which the numbers are available through the EPA's Toxics Release Inventory. That compares with 3.5 million pounds emitted 20 years ago.

The largest single air emission source in 2007 was the DuPont Performance Elastomers plant in Beaumont, Texas, which reported 53,000 pounds of carbon tetrachloride emissions that year, according to the EPA inventory.

The company uses it to make chlorosulfonated polyethylene, a synthetic rubber material in applications like automotive hoses and gaskets, company spokeswoman Cathy Branciaroli said.

She adds that since 2000 the plant has reduced its carbon tetrachloride emissions by 40% and now recycles more than 99% of the chemical.

For Jane Williams, chair of the Sierra Club's Toxics Committee, carbon tet illustrates how so-called bans are often incomplete and how it can be hard to fix mistakes: "It's like Pandora's box. Once you open it up, you can't put it back in the box."

Bruggers covers the environment for The (Louisville) Courier-Journal and courier-journal.com.

Firm Charged with Chemical Inventory Reporting Violations Pays $93,392 (*Occupational Health Safety*)

May 21, 2009
The U.S. Environmental Protection Agency Region 5 announced it has settled with Double Eagle Steel Coating Co. on hazardous chemical and toxic release inventory reporting violations at its Dearborn, Mich., facility.
Federal law requires local and state authorities to be notified of hazardous chemical storage. In the event of a fire or emergency, responders need to know what they are dealing with so they can take steps to protect people living or working in the area.
According to EPA, Double Eagle paid a civil penalty of $93,392 to resolve the agency's complaint. The facility failed to report many hazardous chemicals stored at the site including sulfuric acid, lead, zinc, and hydrochloric acid, EPA said.
The company has since submitted its required emergency and hazardous chemical inventory forms to the Michigan Department of Environmental Quality, Michigan Citizen-

Community Emergency Response Coordinating Council, Wayne County Local Emergency Planning Committee, and Dearborn Fire Department.

May 21, 2009

$2 million sought to test Chinese drywall (*Daily Advertiser*)

Gannett Washington Bureau
WASHINGTON - Democratic Sens. Bill Nelson of Florida and Mary Landrieu of Louisiana introduced a $2 million measure Wednesday to pay for additional testing on Chinese drywall, which has been linked to health problems in those states and across the country.

Some of the money would help finance a campaign to make people aware of health and construction problems related to the product.

The measure would be attached to a supplemental spending bill now being debated in Congress. If approved, most of the money would go to the Environmental Protection Agency. Preliminary EPA test results show distinct differences between Chinese and U.S.-made drywall, but the agency said additional reviews are needed.

"It's very important that consumers get to the bottom line of what this product is, how it's made (and) what the ramifications are," Landrieu said during a news conference at the Capitol.

Homeowners who have used Chinese drywall have complained the product emits a rotten-egg smell and has corroded wires and appliances. It also has blackened showerheads, door hinges and other metal objects in their homes, including jewelry, they said. They also have complained about asthma and respiratory problems, something Nelson said he experienced when he visited a Florida home built with the drywall.

"We've had mommas and daddies having to vacate their homes because their pediatrician has told them, 'I can't pinpoint the cause of this respiratory problem of the child, but you've got to get the child out of that environment,'" he said.

Although initial problems were reported in Florida and Louisiana, Landrieu said complaints now stretch across a dozen other states. Most of the problems stem from people living in homes built or renovated after 2004.

Chinese drywall has been used in an estimated 60,000 to 100,000 homes nationwide, Nelson said. In Florida alone, it may be in 36,000-50,000 homes, he said.

A Senate panel will hold a hearing today on the issue. Witnesses include experts from the U.S. Centers for Disease Control and Prevention, the EPA and the Consumer Product Safety Commission.

EPA releases results on Chinese drywall *(UPI*)

Published: May 20, 2009 at 1:12 PM
Drywall imported from China contains chemicals that are not present in U.S.-made drywall, the Environmental Protection Agency says.

Test results released by the EPA indicate Chinese drywall has sulfur, strontium and other substances that are either nonexistent in American plasterboard or found in much lower levels, the Miami Herald reported Wednesday.

The EPA says the Chinese drywall also had organic material associated with acrylic paint not found in U.S.-made product.

Owners of newer homes in South Florida and other parts of the country have complained Chinese drywall makes their houses smell like rotten eggs and is causing wires and appliances to corrode and jewelry to blacken.

The EPA tests were conducted at the request of Democratic Sens. Bill Nelson of Florida and Mary Landrieu of Louisiana.

"We now know there are three things in there that aren't in other drywall samples," Nelson says.

He adds the next step is to find out how to fix the problem.

EPA tests find high toxin levels in Chinese drywall (*Greenwire*)

(05/20/2009)
Sara Goodman, E&E reporter
Tests of imported samples of Chinese drywall found higher levels of sulphur, strontium and iron than in U.S.-manufactured samples, U.S. EPA said yesterday.
Two Chinese wallboard samples tested by EPA had 83 parts per million (ppm) and 119 ppm of sulfur, while the four U.S. samples contained none. Strontium levels were 10 times higher in the Chinese drywall, while two organic compounds generally found in acrylic paint were in the Chinese materials but not the domestic ones.

"We now know there are three things in there that aren't in other drywall samples," said Sen. Bill Nelson (D-Fla.) in a statement. "We've got the 'what,' and now we need the 'why' -- and how do we fix it?"

Nelson joined Sen. Mary Landrieu (D-La.) in March to introduce a bill that would temporarily ban imports of some Chinese-made drywall brands and instruct the Consumer Product Safety Commission to study the issue. The lawmakers have been closely following the issue after their constituents began complaining of problems with their drywall, including unpleasant odors and electrical concerns.

Thousands of homes contain the imported material. Following Hurricanes Katrina and Wilma, the housing market boom and rebuilding efforts led to a surge in imported materials after a shortage in domestic drywall supplies.

In February, CPSC launched an investigation, saying its primary focus would be on whether sulfur-based gases from drywall could be corroding electric wiring and causing safety hazards.

Nelson and Landrieu today introduced an amendment to the 2009 supplemental spending bill requesting $2 million for CPSC to investigate Chinese-made drywall. A Senate panel plans to hold a hearing on the matter tomorrow, at which Landrieu will testify.

Because the sample size was so small, EPA cautioned that the results may not apply across the board. Also, the agency noted the tests were done to determine what materials were in the drywall and could not establish a definitive link between the drywall and conditions in houses.

Faster, cheaper cell testing proposed to pinpoint toxic effects on humans (*CBC News*)

Last Updated: Thursday, May 21, 2009 | 6:56 AM ET
A Canadian researcher is leading an international push to overhaul the way tests are done to determine the safety of drugs, pesticides, food additives and other consumer products by focusing on human cell reactions.

Toxicology tests are largely done in lab animals through a slow, expensive and inexact process.

"You'd have to expose animals to high doses of chemicals for periods of a few days, months, up to an entire lifetime and see if they result in any adverse health effects," said Prof. Dan Krewski, a health risk specialist at the University of Ottawa.

The federal government has a priority list of 24,000 chemicals that need to be evaluated. With animal testing, the job will never be completed, said Krewski, who is chairman of a U.S. National Research Council committee that recommended a move away from animal testing.

Krewsi and other scientists are proposing to do toxicity testing using robotic-assisted test tube experiments in human cells, to quickly and cheaply identify which chemicals cause biological changes or harm.

"The challenge, of course, is to find out exactly which biological changes are the ones we need to worry about and that's where the real scientific effort needs to be put in," said Krewski, who presented the new approach at a science conference in Chicago.

Toxic pathways sought

It would cost $1 billion to $2 billion to identify toxic pathways in the body — a project Krewski compared to mapping the human genome. The results would be more relevant to humans, he said.

The constraints from animal testing mean scientists lack good information on most chemicals, said Robert Kavlock, director of the U.S. Environmental Protection Agency's Center for Computational Toxicology.

"The people we talk to in the regulatory part of the agency are waiting for this to happen," said Kavlock. "They're begging, you know, how quick can we deliver something to them?"

The U.S. is investing $100 million this year in developing cell-based testing. Health Canada said it is following the development and looking for ways to contribute, but hasn't said how much money it will invest.

WATER

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Ohio egg producer to pay $300K in clean water case (*Associated Press*)

Story also appeared: *WKYC News, Newark Advocate*

May 20, 2009

MARSEILLES, Ohio (AP) -- The government says Ohio's largest egg producer will pay $300,000 for illegal water pollution from a major egg farm in north-central Ohio.

The U.S. Environmental Protection Agency says Ohio Fresh Eggs LLC pleaded guilty this week to clean water violations at its operation in Marseilles (mar-SAYLZ'), about 55 miles northwest of Columbus. The farm has about 3 million egg-laying chickens.

The EPA said in a statement Tuesday that water from egg washing at the farm wound up in a ditch that runs into a creek in March 2007. The government says the egg wash water contains broken eggs, soap and a small amount of manure.

EPA officials say under terms of its plea agreement, Ohio Fresh Eggs will pay a $150,000 fine and contribute another $150,000 to charity.

New coalition's goal: Speed up the cleanup for the Bay (*Norfolk Virginian Pilot*)

More than 50 environmental groups from Virginia to Pennsylvania are banding together to push for tougher, speedier actions in cleaning up the Chesapeake Bay.

The Chesapeake Bay Coalition will officially launch itself and its inaugural campaign, Choose Clean Water, at a news conference today on Capitol Hill. I ts members have been organizing and talking for nearly a year and already are lobbying government officials.

The idea behind the coalition is simple: working together with one voice is better than dozens of advocates competing to be heard on the same subject.

"The failure of Chesapeake Bay cleanup is also our failure, and the culture of organizations working individually to restore the Bay must end," coalition members wrote in a May 5 letter to the governors of Virginia, Maryland and Pennsylvania, the mayor of Washington, D.C., and the head of the U.S. Environmental Protection Agency.

The coalition arrives at an opportune time. President Barack Obama last week signed an executive order calling the Bay's restoration a national priority, and he empowered the EPA to take the lead in ensuring that significant progress is made.

At the same time, states bordering the Bay, including Virginia, have promised to be more aggressive. They pledged last week to do more to cut nutrient pollution, which is choking the Bay of oxygen and aquatic life, and to report their results in two-year increments, instead of through open-ended, long-term goals.

Most immediately, the coalition will urge Congress to pass a Surface Transportation Act that would require new highway projects receiving federal money to comply with strict new environmental standards.

Members also want lawmakers to act decisively on climate change; to consider stricter rules on pollution from farms, sewage plants and industries; and to spell out penalties when governments miss deadlines and targets within the Bay cleanup.

The coalition has hired a senior manager, Hilary Harp Falk, and is setting up a Web site: www.choosecleanwater.org [1]. It is funded by several charitable foundations and by members themselves, Falk said, in hope of creating a permanent force on Bay issues.

"We intend to be around until we get the job done," Falk said.

Small and large environmental groups are part of the coalition, from Ducks Unlimited and the Chesapeake Bay Foundation to the Eastern Shore Land Conservancy and Wetlands Watch, an organization based in Norfolk.

Skip Stiles, executive director of Wetlands Watch, said that until now, his group could not extend its reach to Washington, where key decisions about environmental policy and funding are made.

The new coalition, however, risks confusing the public over which group is responsible for what. For example, there now is a Chesapeake Bay Coalition, a Chesapeake Bay Foundation, a Chesapeake Bay Commission, a Chesapeake Bay Program and an Alliance for the Chesapeake Bay.

The Chesapeake Bay Foundation, for years a leading environmental voice on cleanup issues, said it got involved in the coalition to bolster its bumper-sticker message: Save the Bay.

"We've got something like 200,000 members, but with the coalition, we're now talking about hundreds upon hundreds of thousands of people," said Doug Siglin, the foundation's federal affairs director. "Who wouldn't want to be a part of that?"

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

Wed, 20 May 2009 16:50:06 GMT

Md. senator seeks $170M for Blue Plains plant (*Associated Press*)

Story also appeared: *WJZ News*

WASHINGTON (AP) Maryland Sen. Barbara Mikulski is seeking $170 million to upgrade Washington's Blue Plains sewage treatment plant, a key source of pollution entering the Chesapeake Bay.

Mikulski announced Wednesday that the funding she is proposing for the Interior, Environment and Related Agencies appropriations bill would pay for installation of enhanced nutrient removal facilities as required by the federal Environmental Protection Agency.
Mikulski says the plant, which serves the entire Washington metropolitan region, is the largest point source of nutrient pollution in the bay watershed.
Nutrients spur growth of algae which can rob oxygen from bay water and block sunlight needed by bay grasses, an important habitat for many species.

City water system in bad shape (*Harbor Light*)

Harbor Springs, Michigan
$4.5 million capital improvement plan recommended - starting this year
Water and sewer rates likely to increase; new reservoir would be built near Kiwanis Park
By Charles O'Neill
Harbor Light Newspaper
Harbor Springs, the small town by the big lake, where Artesian wells and water fountains run all year round, is facing a major water system problem. The city is looking at a possible $4.5 million upgrade to its entire water system over the next five years, Harbor Springs City Council learned at its regular meeting Monday night, May 18.

Everything from enforcing alternate day sprinkling to building a new, one million gallon water reservoir near Kiwanis Park are likely to be part of the city's plan to address water system deficiencies in the coming years.

The problems with the system came to light after the Michigan Department of Environmental Quality (MDEQ) informed the city in March that it was required to submit a 'water reliability study', as outlined in the Safe Drinking Water Act of 1976.

"We were pressed into complying," city manager Tom Richards told council.

Part of complying with the law included developing a sophisticated engineering study and computer model of the water system by Benchmark Engineering. That model plotted all the city water facilities including wells, mains, storage (reservoir), configuration, valves and hydrants.

Using computer modeling, and historic records of usage and performance, the study predicted results from various scenarios, Richards explained.

"Deficiencies were found and we were out of compliance," Richards said.

The original water system was built between 1890-1920, Richards said. He cited reasons for the problems as being growth beyond the designed capacity, a growing demand for irrigation, and the city now sells water to West Traverse Township.

Among deficiencies that were discovered in the engineering study were pressure disparities with high pressures below the bluff and abnormally low pressures above the bluff. Wide pressure swings, undersized water mains and areas with substandard flow for fire fighting and hydrant flushing were also discovered.

In terms of water quality concerns, low pressure can create the potential for groundwater infiltration and contamination.

Chlorination has been required in the Harbor Springs water system since 2006. That requirement will continue until the deficiencies are resolved, Richards said.

There were problems identified with capacity as well. The city wells pumping capacity is adequate under normal circumstances. However, during peak usage periods, demand for water has exceeded supply. There is also the issue of the growth in the city's service area, namely West Traverse Township.

In terms of fire protection, the calculated flow is below recommended volumes, Richards said. That has led to the Insurance Industry Rating below desired levels and resulting higher insurance premiums for some property owners. In addition, when there is a fire and water is being drawn from hydrants, low pressure can occur increasing the potential for contamination.

The study also identified leakage problems throughout the system and distribution limitations caused by severely undersized main lines.

In terms of water storage, the city's current reservoir, located at the top of Hoyt Street hill, is some 100 years old. A reservoir is used for maintaining water pressure and for backup water supply. The current reservoir is severely deteriorated which prevents full utilization. It has undersized connection lines and is poorly located for effective pressure balance throughout the water system.

After sharing all the problems, Richards outlined a proposed action plan.

Immediately, Richards said the city needs to reduce demand and the chance of failure and contamination. He recommended temporarily imposing alternate day sprinkling requirements. Those requirements would only be removed when improvements to the system allow added reserve capacity – a new reservoir – and finding and repairing significant leaks.

He proposed an "aggressive facilities improvement plan." That would involve a four year capital improvement plan that would replace and upgrade the most critical infrastructure

and resolve the most urgent problems: increase capacity, stabilize pressure, and restore reliability (safety/ quality).

In 2009, Richards recommended constructing a new one million gallon reservoir located more centrally – namely near Kiwanis Park at the top of Arbor Street hill.

“Elevation is critical to maintain pressure,” he explained.

The new reservoir would be sited in a wooded area beyond the Kiwanis Park building. A new 16-inch main would be installed from that reservoir down the hill to Lake Street. A new main would also be constructed down from Bluff on Judd Street. A number of other mains would also be replaced and/or abandoned in the process.

In subsequent years, critical main lines would be repaired and replaced above the bluff. Areas from Pine Street to Arbor St to Spring Street, Summit Street to Spring to Peffer Street, Fourth Street, Church Street, State St. to Fairview to Lake St. were all listed as needing work.

Aging fire hydrants would be replaced. Each year more mains would be addressed.

The project is estimated to total some $4.5 million over the next five years and an additional $3 million over the next 10 years.

“It is a major unplanned capital requirement,” Richards told council.

He said it will require the city to obtain financing, a bond or a loan. He added that it was his understanding that there are currently attractive financing options available and possible economic stimulus grants.

There will be increases in water rates to pay for that financing, Richards said.

“The water and sewer funds are the weakest we have,” city clerk/treasure Ron McRae told council. “We have no choice but to bond for these improvements.”

“We will start from scratch to determine what the best funding mechanism is,” Richards added.

“Well, that is not good news,” Mayor Al Dika said at the conclusion of Richards’ presentation. “But those of us at the table knew this was coming.”

“We have no choice,” council member Laura Kors said.

Indeed, city manager Richards said if the city does not bring its system into compliance, the federal Environmental Protection Agency could step in and levy a fine of $5,000/day.

“I think this is an incredible plan,” Kors added of the outlined capital expenditure schedule.

When asked by an audience member if there might be a “less aggressive” approach to the problems, Richard said no one can predict which problem area might fail first.

“We don’t have a crystal ball. I would not want to have to decide which problem we pick and which we don’t pick to address in the coming years.”

“I am convinced this is a very good plan,” Mayor Dika said. “It is as conservative as we can be. Go for it.”

Richards added that the discovery of the problems is in no way a criticism of those who have been in charge of the system over the past number of years.

“We have just had the opportunity to look at the system under a microscope. That had not been done before and we found some scary possibilities. We were forced to look at this whole thing more closely and the cracks in the foundation were more severe than we ever anticipated.”

Council authorized Richards to submit a compliance plan to the MDEQ immediately and to initiate engineering designs to implement the plan. He will also begin to investigate financing options and evaluate revenue requirements.

“The sooner we tackle this, the sooner we can make sure we avoid any kind of catastrophe,” Richards said.

“We were forced to look at this whole thing more closely and the cracks in the foundation were more severe than we ever anticipated.”

- City Manager Tom Richards

Article published May 21, 2009

Paying for sewers will require loans (*News Sentinel*)

Higher sewer rates aren’t enough to pay for new sewers as Fort Wayne builds them. It will take hundreds of millions in borrowing, too.

The city’s Board of Public Works on Wednesday approved a general plan for borrowing from now through 2013. Under the plan, the city will borrow $255 million to help pay for the first years of an 18-year-program.

Len Poehler, controller of City Utilities, said that the 5-year schedule of sewer-rate increases, which will nearly double an average residential customer's bill, is enough to support three bond issues between this fall and 2013. The city plans to issue $71.5 billion in bonds this fall, $96 million in 2011 and $87 million in 2013. Poehler said the bond amounts include financing costs, plus enough money for a reserve to ensure that debt payments can be made.

The financing is necessary to follow through on the city's obligations under a consent decree negotiated with the U.S. Environmental Protection Agency. That agreement calls for $240 million in construction by 2025. The work is designed to dramatically reduce the number of combined-sewer overflows that dump untreated sewage in area waterways. However, that cost is $240 million in 2005 dollars. The actual cost will be considerably higher, due to inflation and interest costs on financing.

The federal stimulus package will provide a small help in financing the work, but it's only pennies on the dollar compared with the work Fort Wayne must do.

Poehler told the board that Fort Wayne has received $1.5 million that can be applied to consent-decree work. And only about $3.5 million of this year's bond issue can be financed at the lower interest rate available through a state fund. Most of it – $68 million – has to be financed through bonds issued on the open market at about 4.56 percent.

May 21, 2009

Inspections to help improve water quality (*Bethany Beach Wave*)

By Earl F. Hance
During the week of May 4, the Environmental Protection Agency began its inspections of poultry operations that are believed to be Concentrated Animal Feeding Ooperations. The four inspections conducted were of those EPA believed had not submitted the Notice of Intent for a general permit for discharges from animal feeding operations that was due to the Maryland Department of the Environment on Feb. 27.

The Maryland Department of Agriculture believes that EPA's intention with the inspections was to determine if these farms, which they believed had not submitted the NOI, were indeed CAFOs and to increase compliance with the Clean Water Act.

Staff from MDA and MDE were present to observe the inspection process and offer technical assistance, should EPA have any questions. After observing the four inspections, MDA believes there are ways to make the inspections more productive and meaningful in their intent to improve water quality. We also understand concerns from farmers about the inspections and the need for timely feedback.

MDA and MDE have met to discuss the inspection process and hope to meet with EPA to share our observations and suggestions. Our hope is that this process becomes one that helps farmers improve their operations toward the goal of improving water quality and that supports their efforts to meet these requirements.

 Earl F. Hance is Maryland's Secretary of Agriculture.

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