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Table of Contents
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Tuesday, June 15, 2010

EDITORIAL / OP-ED / COMMENTARY / LETTERS 4
Overreaching EPA goes rogue (*Washington Times*)..... 4
Return BP cash (*Washington Times*) 5
Murkowski vote isn't end of the story (*Washington Times*)..... 7
Climate legislation splits Democrats (*Odessa American*)..... 9
MURRAY: The Senate's global-warming circus (*Washington Times*) 10
BURNETT: Murkowski vote isn't end of the story (*Washington Times*)..... 12
Point the finger at us in BP disaster (*Atlanta Journal-Constitution*)..... 14
AIR 15
Texas asks federal court to intervene in fight with EPA over air pollution from oil refineries (*Associated Press*) 16
Story also appeared: *Los Angeles Times, Austin American Statesman, Idaho Statesman, Charlotte Observer, Dallas Fort Worth Tribune* 16
Senate refuses to stop EPA from increasing Saline County electric rates (*Marshall Democrat News*) 17
Texas Challenges EPA Ruling (*KOSA Channel 7)*..... 18
Story also appeared: *Dallas Morning News, Houston Chronicle, San Antonio Express, Fort Worth Star Telegram*..... 18
EPA predicts unsafe air in Chatham County in 2020 (*Savannah Now*)..... 19
AWARDS 22
EPA awards $500K for local project (*The Greater Binghamton Business Journal*) 22

BP SPILL 23
As Mess Is Sent to Landfills, Officials Worry About Safety (*New York Times*) 23
BP's federal leases, contracts could be at risk (*Greenwire*) 25
Lawmakers accuse BP of 'shortcuts' (*Washington Post*) 26
Lawmakers Eye Legislative Options To Strengthen Oil-Cleanup Research (*Inside EPA)* 30
Obama touts tourism to aid Gulf (*Washington Times*) 33
Spill Stymies Industry Bid To Limit States' Use Of Private Lawyers For NRD (*Inside EPA*) 35
Lawmakers accuse BP of 'shortcuts' (*Washington Post*) 38
After delays, U.S. begins to tap foreign aid for gulf oil spill (*Washington Post*) 42
Gassed in the Gulf (Part I) (*Examiner*) 45
CHILDREN'S HEALTH 48
85 per cent of children drinks contain lead exceeding federal limits for young kids (*NY Daily News*) 48
CLIMATE CHANGE 49
Samuelsohn, Bravender discuss impact of Murkowski vote on climate, energy negotiations (*Greenwire*) 49
EPA Says No PSD Fee System Available Despite Major GHG Permit Burden (*Inside EPA*) 49
Liberal group targets GOP backers of Murkowski resolution (*Greenwire*) 52
Story also appeared: *New York Times* 52
ENERGY 53
Air-conditioning tips can keep you cool for less (*Tampa Tribune*) 53
Money: Energy Efficient Homes (*FOX 5*) 54
Clinton-era secretary blasts department; scientists say Salazar should quit (*Greenwire*) 56
GRANTS 57
Climate change is real, EPA official says in announcing $500,000 grant to CNY (*Post Standard*) 57
HAZARDOUS WASTE 60
EPA orders cleanup of polluted North Dighton site (*Taunton Daily Gazette*) 60
State to begin cleanup of massive illegal dump in Markham (*Chicago Tribune*) 61
PESTICIDES 62
No bedbug relief: EPA rejects request to allow pesticide (*Columbus Dispatch*) 62
RECYCLING 63
Federal Hill Prep recycling program (*Baltimore Sun*) 64
SUPERFUND 66
EPA: Company must halt poison gas at SE Idaho site (*Associated Press*) 66
Story also appeared: *FOX 12 Idaho* 66
WATER 66
Mt. Pleasant will reduce fluoride levels in water (*The Morning Sun*) 66
UWS project will monitor South Shore ecology (*Duluth News Tribune*) 69
Pharr Yarns cited for water pollution (*Charlotte Business Journal*) 69
EPA sites two Alabama organizations with Clean Water Act violations (*NBC 13*) . 70

EPA issues penalties against County of Hawaii, Johnson Resort Properties (*Pacific Business News*) 71
EPA Cites Two Memphis Area Construction Projects (*Eyewitness News Memphis*) 72
TVA hit with $11.5M penalty for '08 coal ash spill (*Associated Press*) 73
Story also appeared: *Washington Post* 73

EDITORIAL / OP-ED / COMMENTARY / LETTERS
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Overreaching EPA goes rogue (*Washington Times*)

June 15, 2010 Tuesday
SECTION: B, COMMENTARY; Pg. 1
The Senate's global-warming circus;
Overreaching EPA goes rogue
By Iain Murray SPECIAL TO THE WASHINGTON TIMES
The Senate undermined its constitutional role last week with a vote that allows the Environmental Protection Agency (EPA) to regulate greenhouse gases under the Clean Air Act. The 53 senators favoring this huge delegation of authority to the executive branch disregarded the principle of separation of powers. The low quality of the debate that preceded the vote, as well as its result, should put an end to the Senate's reputation as the world's greatest deliberative body.

The motion being debated and voted on was simple. It was to disapprove the ruling by the EPA, known as the endangerment finding, that greenhouse gases endanger human health and welfare. According to the terms of the Congressional Review Act, under which Sen. Lisa Murkowski, Alaska Republican, brought the motion, the resolution would have terminated the legal force and effect of the finding. It was most assuredly not a vote on the science upon which the EPA based its decision.

Yet this was the prime argument used by the resolution's opponents. Sen. Barbara Boxer, California Democrat, for example, compared the motion to a vote to repeal the law of gravity. This was possibly the most embarrassing Senate argument since former Sen. Ted Stevens, Alaska Republican, insisted that the Internet was "a series of tubes." It also set up a straw man. Nothing in the resolution sought to overturn one word of the scientific case for global warming - or even mentioned it.

Another straw-man argument raised to help defeat the motion was that the resolution was a reward to BP and "Big Oil." But, as with the science, the resolution said nothing about oil companies. If there was a collateral benefit to the oil industry in the form of cost increases avoided, that benefit also would have accrued to soybean farmers, livestock feed producers, mushroom growers, rice farmers, dairymen, sorghum producers, builders, contractors, carpet and rug producers, natural-gas producers, metalworkers and the steel industry. Those are just a few of the trade groups that expressed concern at provisions of the EPA's rule.

There are two ironies in all this. The first is that most of the people who used this argument actually support another bill, the American Power Act, that literally was

drafted in part by BP. Mrs. Boxer ended her speech with a picture of a bird covered in oil - sophistry of which Gorgias would be proud.

Then there was the absurd suggestion, put forth by Sen. Jim Webb, Virginia Democrat, among others, that a vote against the motion was necessary to allow continued progress on fuel economy standards. Yet EPA has had no historical or statutory role in setting CAFE standards, so giving it that authority would usurp the role of the National Highway Transportation Safety Administration (NHTSA). In fact, NHTSA's general counsel had confirmed before the vote that his agency would continue to set CAFE standards if the resolution passed.

What few of the opposing senators actually addressed, save Mr. Webb, was the constitutional outrage perpetrated by the unelected bureaucrats at the EPA. The agency's endangerment rule is a textbook example of regulatory overreach. Not only does it impose massive costs on the economy, but it also amounts to the EPA unilaterally rewriting legislation - a power the Constitution reserves to Congress. The EPA's regulations include a "tailoring rule" that redefines the plain language of the Clean Air Act, an admission that this law serves as an inappropriate basis for regulating carbon-dioxide emissions.

The EPA is now clearly the mightiest agency in government. It has overstepped its bounds to impose its control over the economy - and the Senate has been too craven, feckless, partisan and ideologically blinded to stop it.

Yet all is not lost. The EPA's power grab still can be stopped. Responsible lawmakers must draw concrete plans now to rein in this rogue agency under a future administration. So, the second irony is that those senators who abrogated their constitutional responsibility by giving more power to the EPA may ultimately be responsible for the agency's future breakup.

Iain Murray is vice president for strategy at the Competitive Enterprise Institute.

Return BP cash (*Washington Times*)

June 15, 2010 Tuesday
B, COMMENTARY; Pg. 3
Return BP cash;
Environmentalists and politicians enjoyed BP green
By Amy and David Ridenour SPECIAL TO THE WASHINGTON TIMES
Speculation is mounting that BP may go bankrupt paying costs associated with the Gulf oil disaster. Pre-spill, BP had net assets of $105 billion and annual cash flow of up to $40 billion per year, excluding dividends and capital expenditures. Goldman Sachs estimates that BP will spend about $40,000 per barrel for cleanup, containment,

litigation and related costs. If estimates hold, BP's present liability already has reached as much as $56 billion. Another $50 billion in liability is not unrealistic, and a few analysts are giving a high estimate of as much as $398 billion.

It is imperative that policy-oriented organizations and politicians that received contributions from BP or its affiliated foundation in recent years immediately return the donations they received or contribute them to a reputable, independent Gulf cleanup fund. Returning BP's money to assist cleanup efforts and help those harmed by the leak would respect both the moral imperative and the environmental imperative.

It is well-established that when politicians and others find themselves in receipt of donations of dubious or inappropriate origin, they send them back. Donations were returned to Goldman Sachs after that firm was charged with civil fraud. Numerous Florida politicians returned donations from a law firm charged with operating a Ponzi scheme. President Obama returned donations from his aunt, an illegal alien, and from a man charged with murder. Many donations were returned to Enron Corp.

Columnist Alex Brummer of Britain's Daily Mail notes, "BP faces potential destruction ... the stock market value of BP has plunged by 55 billion pounds [$80 billion] ... [the situation risks] ruining the best chance of cleaning up the mess and providing sufficient compensation to the victims of the catastrophe."

As many of the policy organizations receiving BP donations have been environmental groups, the moral and environmental imperatives of returning the gifts is obvious. According to published reports, major environmental advocacy organizations that accepted major gifts from BP in recent years include the Nature Conservancy, the World Wildlife Fund, the World Resources Institute, various branches of the Audubon Society, the Wildlife Habitat Council and others. Many politicians from both political parties who also took contributions have in recent weeks been harsh critics of BP. It would be inappropriate, on the one hand, to criticize BP for taking what appear to have been shortcuts with safety and environmental needs while, at the same time, profiting from BP's business model.

BP also was a founding member of the U.S. Climate Action Partnership, contributing substantial funding to the **climate-change**-related lobbying efforts of the environmental groups within it, which include the Environmental Defense Fund, Natural Resources Defense Council, the Nature Conservancy and the World Resources Institute.

Returning the BP grants would not force these environmental organizations to close their doors. The Nature Conservancy, a BP grantee, reported nearly $1.4 billion in revenue in 2007-08, against about $900 million in expenses, with net assets of nearly $5 billion. Although only BP and the Nature Conservancy know for sure, published reports say the Nature Conservancy has received about $10 million from BP - enough to make a big difference in the cleanup effort but a relatively small amount to the Nature Conservancy.

The World Wildlife Fund, another BP grantee, raised $10 million more in fiscal 2008 than it spent and had nearly $300 million in net assets. Researchers at the National Center for Public Policy Research have found evidence of grants totaling slightly less than $1 million in BP donations to this institution. Yet another group, the World Resources Institute, had more than $50 million in net assets and reportedly received at least $200,000 from BP.

The Natural Resources Defense Council had $107 million in revenue in fiscal 2008 against expenses of $78 million, with net assets of $186 million. The Environmental Defense Fund had revenue of $122 million in fiscal 2008 against expenses of $97 million, with net assets of $25 million. These environmental organizations are to the nonprofit community what the Fortune 100 is to the business community.

Even one of the little-known environmental organizations to receive BP largesse, the Wildlife Habitat Council, reported revenue of $2.9 million for fiscal 2009, with the publicly reported BP monies it received totaling far less than its net assets.

If BP survives the current crisis, it will struggle for years with reputational difficulties that will harm its bottom line. It would be ironic if a refusal to return or redirect BP contributions to a Gulf cleanup fund were similarly to harm the reputations of some of America's wealthiest environmental organizations.

Amy and David Ridenour are the president and vice president of the National Center for Public Policy Research, a conservative, free-market think-tank in Washington.

Murkowski vote isn't end of the story (*Washington Times*)

June 15, 2010 Tuesday
SECTION: B, COMMENTARY; Pg. 1
Murkowski vote isn't end of the story;
Democrats persist in efforts to turn out the lights
By H. Sterling Burnett SPECIAL TO THE WASHINGTON TIMES
On June 10, by a 53-to-47 vote, Senate Democrats defeated a bipartisan effort to halt the attempt by the Environmental Protection Agency (EPA) and the Obama administration to mount a regulatory takeover of the U.S. economy.

Sen. Lisa Murkowski, Alaska Republican, had offered a resolution disapproving of the EPA's ruling that carbon-dioxide emissions pose a threat to human health and the environment. In doing so, Mrs. Murkowski, the entire Senate Republican caucus and the six Democrats who voted for the bill were doing no less than reasserting Congress' constitutional authority to regulate interstate commerce.

Energy production and use make up a large percentage of the economy and people's well-being. As a result, the proposed EPA greenhouse-gas regulations would have a

bigger impact over the long term than the financial bailouts and the various stimulus packages. It would have a larger impact on our economy than any single piece of legislation other than, perhaps, the recently passed health care overhaul.

With that in mind, Mrs. Murkowski and her allies simply thought that elected members of Congress, accountable to their constituents, rather than unelected bureaucrats or judges should decide if, when and how the United States should respond to the potential threat posed by global warming.

President Obama, Senate Majority Leader Harry Reid of Nevada and the majority of the Democratic caucus disagreed, killing the bill.

Had it succeeded and a similar bill passed the House - a big if - Mr. Obama threatened a veto. This is not surprising because Mr. Obama is using the threat of EPA regulations to pressure Congress into passing the largest energy-tax increase in U.S. history under the guise of climate-change legislation. The president wants Congress to pass some version of a cap-and-trade climate bill under which gas and electricity prices would increase dramatically to force consumers to use less energy and thus reduce CO2 emissions. With EPA regulations moving forward, Mr. Obama is basically playing a game of chicken with Congress: "You pass the legislation I want, or I'll do something even worse through regulations."

The Senate Democratic leadership also wants to use the threat of EPA regulations to force recalcitrant members of their own party and Republicans to pass a cap-and-trade bill that has subsidies for politically favored industries. Because there are enough votes to filibuster the climate bills proposed so far, if no bill passes, Mr. Reid, Sen. Barbara Boxer of California and others in the leadership will then attempt to blame Republicans when EPA regulations slam the economy. Their argument will be, "It wasn't our fault; we wanted a good bill, but the Republican's wouldn't work with us, and we couldn't stop the EPA."

Mrs. Murkowski's resolution offered a perfect opportunity to stop the EPA, undercutting the Democrats' argument. In addition, no climate bill offered so far is a "good bill," if by good you mean a bill that would prevent global warming without harming the economy. Even if humans are causing dangerous global warming - which scientific revelations of the past few months leave increasingly in doubt - because emissions from the developing world have surpassed those coming from the United States, no restrictions enacted stateside will prevent further climate change. Though neither the EPA regulations nor the congressional proposals will prevent global warming, every independent economic analysis of the EPA regulations and the climate bills indicate that they would raise energy costs dramatically, increase unemployment, reduce growth and hurt the poor.

In short, if you like the recent recession, you're going to love the new climate regulations.

Fortunately, there are numerous other legislative vehicles to rein in or at least delay the EPA's and the Obama administration's regulatory power grab. Sen. John D. Rockefeller IV, West Virginia Democrat, is offering a bill to delay EPA greenhouse-gas regulations for stationary sources for two years. In the House, Rep. Marsha Blackburn, Tennessee Republican, introduced the first bill to overturn the EPA's authority to regulate greenhouse gasses. Her bill had 151 co-sponsors as of February. Subsequently, Rep. Joe L. Barton, Texas Republican, and Rep. Collin C. Peterson, Minnesota Democrat, among others, have put forward their own proposals to halt the EPA climate regulations.

Unless and until these bills become law, the Democrats own this issue. In the words of the Competitive Enterprise Institute's Myron Ebell: "[The Democrats] have voted to give EPA the authority to turn out the lights on America. They must now take full responsibility for the economic consequences of EPA regulation of greenhouse gas emissions." Let's see them try to hang this on President George W. Bush.

H. Sterling Burnett is a senior fellow with the National Center for Policy Analysis, a nonpartisan, nonprofit research institute with offices in Washington and Dallas.

Climate legislation splits Democrats (*Odessa American*)

2010-06-14 23:03:09

Senate Republicans fell short Thursday, 47-53, of overturning the Environmental Protection Agency's authority to regulate greenhouse gases, but exposed a significant split among Democrats that may bode ill for passage this year of comprehensive energy and climate-change legislation.

As the Washington Post reported, the contentious vote "suggested the Senate is far from decided on whether to put a price on the industrial emissions that stem from everyday activities such as lighting a home or driving a car."

A bill by Sen. Lisa Murkowski, R-Alaska, sought to overturn the EPA's administrative finding last year that declared greenhouse gases dangerous and assumed authority to regulate them.

We, like Murkowski, regard the EPA's administrative intrusion of applying the Clean Air Act to carbon dioxide and other greenhouse gases to be a monumental over-reach. The law never was intended to regulate CO2. The EPA's power grab circumvents legislature authority, while centralizing economic decisions affecting a wide spectrum of industries under the administration's control.

The division in Democratic ranks was epitomized by liberal senator and global warming true-believer Jay Rockefeller, a West Virginia Democrat, who agreed with Republican Murkowski. "I have long maintained that the Congress — not the unelected EPA — must decide major economic and energy policy," Rockefeller said. "EPA regulation will have an enormous impact on the economic security of West Virginia and our energy future."

Senators' votes could have far-reaching political significance in this election year, putting lawmakers on the record in the climate-change debate. President Barack Obama had threatened a veto. Nevertheless, forcing the issue "exposed frays among Democrats," reports ABC News.
"To a certain extent, the vote on the Murkowski resolution is something of a preliminary test of how a climate bill will fare in the Senate, but the message is murky," ABC News quoted Michael B. Gerrard, director of the Center for Climate Change Law at Columbia Law School.
Those opposing EPA regulatory power over ubiquitous greenhouse gases properly argue that controlling those emissions effectively creates a new energy tax and kills jobs.
The debate featured its share of cheap, election-year theatrics. California's Sen. Barbara Boxer, facing a serious challenge in November from Republican nominee Carly Fiorina, brought props to make her case for EPA control, including large photos of oil-soaked birds in the Gulf of Mexico, which she contended are a consequence of reliance on carbon-emitting fuels.
Of course, that's like pointing to a traffic accident and demanding the banishment of cars and trucks.
The ranking environmental committee Republican, Sen. James Inhofe, R-Okla., was closer to the truth when he argued "global warming is the greatest hoax perpetrated on the American people. … There's no relationship between this (EPA disapproval resolution) and the oil spill."

MURRAY: The Senate's global-warming circus (*Washington Times*)

Overreaching EPA goes rogue
By Iain Murray
7:41 p.m., Monday, June 14, 2010
The Senate undermined its constitutional role last week with a vote that allows the Environmental Protection Agency (EPA) to regulate greenhouse gases under the Clean Air Act. The 53 senators favoring this huge delegation of authority to the executive branch disregarded the principle of separation of powers. The low quality of the debate that preceded the vote, as well as its result, should put an end to the Senate's reputation as the world's greatest deliberative body.

The motion being debated and voted on was simple. It was to disapprove the ruling by the EPA, known as the endangerment finding, that greenhouse gases endanger human health and welfare. According to the terms of the Congressional Review Act, under which Sen. Lisa Murkowski, Alaska Republican, brought the motion, the resolution would have terminated the legal force and effect of the finding. It was most assuredly not a vote on the science upon which the EPA based its decision.

Yet this was the prime argument used by the resolution's opponents. Sen. Barbara Boxer, California Democrat, for example, compared the motion to a vote to repeal the

law of gravity. This was possibly the most embarrassing Senate argument since former Sen. Ted Stevens, Alaska Republican, insisted that the Internet was "a series of tubes." It also set up a straw man. Nothing in the resolution sought to overturn one word of the scientific case for global warming - or even mentioned it.

Another straw-man argument raised to help defeat the motion was that the resolution was a reward to BP and "Big Oil." But, as with the science, the resolution said nothing about oil companies. If there was a collateral benefit to the oil industry in the form of cost increases avoided, that benefit also would have accrued to soybean farmers, livestock feed producers, mushroom growers, rice farmers, dairymen, sorghum producers, builders, contractors, carpet and rug producers, natural-gas producers, metalworkers and the steel industry. Those are just a few of the trade groups that expressed concern at provisions of the EPA's rule.

There are two ironies in all this. The first is that most of the people who used this argument actually support another bill, the American Power Act, that literally was drafted in part by BP. Mrs. Boxer ended her speech with a picture of a bird covered in oil - sophistry of which Gorgias would be proud.

Then there was the absurd suggestion, put forth by Sen. Jim Webb, Virginia Democrat, among others, that a vote against the motion was necessary to allow continued progress on fuel economy standards. Yet EPA has had no historical or statutory role in setting CAFE standards, so giving it that authority would usurp the role of the National Highway Transportation Safety Administration (NHTSA). In fact, NHTSA's general counsel had confirmed before the vote that his agency would continue to set CAFE standards if the resolution passed.

What few of the opposing senators actually addressed, save Mr. Webb, was the constitutional outrage perpetrated by the unelected bureaucrats at the EPA. The agency's endangerment rule is a textbook example of regulatory overreach. Not only does it impose massive costs on the economy, but it also amounts to the EPA unilaterally rewriting legislation - a power the Constitution reserves to Congress. The EPA's regulations include a "tailoring rule" that redefines the plain language of the Clean Air Act, an admission that this law serves as an inappropriate basis for regulating carbon-dioxide emissions.

The EPA is now clearly the mightiest agency in government. It has overstepped its bounds to impose its control over the economy - and the Senate has been too craven, feckless, partisan and ideologically blinded to stop it.

Yet all is not lost. The EPA's power grab still can be stopped. Responsible lawmakers must draw concrete plans now to rein in this rogue agency under a future administration. So, the second irony is that those senators who abrogated their constitutional responsibility by giving more power to the EPA may ultimately be responsible for the agency's future breakup.

Iain Murray is vice president for strategy at the Competitive Enterprise Institute.

BURNETT: Murkowski vote isn't end of the story (*Washington Times*)

Democrats persist in efforts to turn out the lights
By H. Sterling Burnett
7:41 p.m., Monday, June 14, 2010
MugshotIllustration: EPA protection racket by Alexander Hunter for The Washington Times

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Sen. Lisa Murkowski, Alaska Republican, had offered a resolution disapproving of the EPA's ruling that carbon-dioxide emissions pose a threat to human health and the environment. In doing so, Mrs. Murkowski, the entire Senate Republican caucus and the six Democrats who voted for the bill were doing no less than reasserting Congress' constitutional authority to regulate interstate commerce.

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President Obama, Senate Majority Leader Harry Reid of Nevada and the majority of the Democratic caucus disagreed, killing the bill.

Had it succeeded and a similar bill passed the House - a big if - Mr. Obama threatened a veto. This is not surprising because Mr. Obama is using the threat of EPA regulations to pressure Congress into passing the largest energy-tax increase in U.S. history under the guise of climate-change legislation. The president wants Congress to pass some version of a cap-and-trade climate bill under which gas and electricity prices would increase dramatically to force consumers to use less energy and thus reduce CO_2 emissions. With EPA regulations moving forward, Mr. Obama is basically playing a

game of chicken with Congress: "You pass the legislation I want, or I'll do something even worse through regulations."

The Senate Democratic leadership also wants to use the threat of EPA regulations to force recalcitrant members of their own party and Republicans to pass a cap-and-trade bill that has subsidies for politically favored industries. Because there are enough votes to filibuster the climate bills proposed so far, if no bill passes, Mr. Reid, Sen. Barbara Boxer of California and others in the leadership will then attempt to blame Republicans when EPA regulations slam the economy. Their argument will be, "It wasn't our fault; we wanted a good bill, but the Republican's wouldn't work with us, and we couldn't stop the EPA."

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H. Sterling Burnett is a senior fellow with the National Center for Policy Analysis, a nonpartisan, nonprofit research institute with offices in Washington and Dallas.

Point the finger at us in BP disaster (*Atlanta Journal-Constitution*)

June 15, 2010 Tuesday
First Replate Edition

OPINION; Pg. 13A
Point the finger at us in BP disaster
BY: Terry Garlock; For the AJC
In Pensacola, Fla., where I grew up snorkeling off the sugar-white beaches at low tide, the pristine sands and waters I love are being fouled by the Deepwater Horizon oil spill. I have condo and fishing reservations for my family this week in Destin, Fla., where as a schoolboy I went deep sea fishing for red snapper many times with my dad on Capt. Ben Marler's boat, "Her Majesty."

Gulf Coast phones are ringing with vacation cancellations, the locals angry that their saltwater backyard is being polluted and their community's livelihood brought to its knees.

Where should the anger be directed? Drilling in mile-deep water, where stopping a leaking pipe becomes a Herculean task, seems fraught with risk.

But the oil business is the risk business. Oil companies take massive risks in burdensome regulations, in the exploratory wells they drill hoping for a big strike and huge profits.

That is our capitalist system, even though the current administration relentlessly bashes capitalism, turning "profit" into a dirty word, demonizing the corporate world that provides our employment.

The fundamentally American way of taking risks in pursuit of potentially large rewards prevails in business, but the public doesn't seem to remember much about risk. We now look to our government to absolve us of risk, to deliver the stable, comfortable life we have come to expect as our birthright.

We also forget how we, the consumer, benefit from the products of the fossil fuel industry, which has given us the mobility of the automobile, the airplane, aspirin, anesthetics, ballpoint pens, bandages, batteries, eyeglasses, wiring insulation, plastics and hundreds of other products we now take for granted, including the convenience of flipping a switch to turn on the lights.

When politicians make themselves look good in front of TV cameras by shaking their finger of indignant blame at BP, I can't help but think they drove to work today in a car, and they don't even realize the products they use and the clothes they wear contain oil byproducts, or that the oil industry provides 9.2 million jobs in the U.S.

These are the same people who made the risk of drilling far higher by severely constricting on-shore and shallow-water drilling. I believe the word I am looking for is "hypocrisy."

When true believers preach the evils of fossil fuels and push the virtue of clean energy like windmills and solar power, I wonder if they realize those alternatives can likely replace a fraction of our energy needs, that the green movement prevented the start of new nuclear power facilities in the U.S. for decades, thereby perpetuating our dependence on fossil fuels.

I wonder if they remember that the onerous EPA regulations they championed have prevented the construction of any new refineries in the U.S. for more than 30 years while TV news and the public squawk at oil companies when supply and demand spikes gas prices.

When they use products and conveniences made possible by oil companies, including microphones and TV cameras, their message of conservation is lost on me. I'll consider them to be serious when they live the austere life of the 18th century.

There are pleas that our government must do something quick about this oil spill. I agree. Our government should stop seeking the favor of voters by pointing the finger at BP, should cease their public chatter about the Justice Department searching for the guilty unless there are well-founded criminal allegations, should treat BP as a partner in bringing all public and private resources to bear on the problem, even from other oil companies and other countries, to stop the terrible mess in the Gulf.

So long as we use fossil fuels there will be the risk of oil spills and all the environmental damage that entails. As much as fouled beaches break my heart, I will still drive my truck tomorrow and that means I have to bear the risk, too. So do you.

I don't know if BP misdeeds contributed to the disaster and I don't know if BP will survive, but I do know this. I feel more kinship to the risk takers in the oil industry than I do with the self-righteous, self-promoting professional finger-pointers in Washington.

Terry Garlock lives in Peachtree City.

AIR

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Texas asks federal court to intervene in fight with EPA over air pollution from oil refineries (*Associated Press*)

Story also appeared: *Los Angeles Times, Austin American Statesman, Idaho Statesman, Charlotte Observer, Dallas Fort Worth Tribune*

JUAN A. LOZANO
Associated Press Writer
5:54 PM PDT, June 14, 2010
HOUSTON (AP) — Texas asked a federal court on Monday to intervene in its fight with the Environmental Protection Agency over how the state regulates emissions from oil refineries and other petrochemicals plants.

Texas Attorney General Greg Abbott asked the 5th U.S. Circuit Court of Appeals in New Orleans to review the EPA's rejection in March of a 1995 state law that allows refineries to be modified without being subject to additional regulation, provided the changes don't increase a facility's overall emissions.

The issue is part of an ongoing disagreement Texas and the EPA have over how pollution is regulated in the state, said Terry Clawson, a spokesman for the Texas Commission on Environmental Quality. In recent weeks, debate has focused on the state's use of so-called flexible permits, which sets a general limit on how much pollutants an entire facility can release.

In a news release, Abbott's office criticized the EPA for taking more than a decade before deciding to reject the law and said it filed the legal challenge "in an effort to defend the state's legal rights and challenge improper overreach by the federal government."

An EPA spokesman did not immediately return a telephone call seeking comment Monday.

When the EPA rejected the law in March, the agency said the rule allows companies that have Texas-issued air permits to avoid certain federal clean-air requirements, including public review, when they modify their plants.

"EPA has determined that this regulation does not meet several federal Clean Air Act requirements," the agency said in a March news release.

The disagreement has become politicized in recent weeks as Gov. Rick Perry called a threat by the EPA's regional director to remove Texas' regulatory authority by midsummer if the state fails to comply with the federal Clean Air Act a challenge to states' rights.

The federal Clean Air Act requires state-issued permits to set limits on each of the dozens of individual production units inside a plant. The EPA says Texas' permitting

system masks pollution, allows industry to emit too many pollutants and makes it impossible to regulate emissions and protect public health.

Abbott's office said the EPA's rejection of the 1995 law threatens a state regulatory program that has successfully reduced harmful emissions, including a 22 percent reduction in ozone levels and a 46 percent reduction of nitrogen oxide levels since 2000. This outpaces the eight percent ozone reduction and 27 percent nitrogen oxide reduction that were recorded nationally during this same time period, Abbott's office said.

"The EPA's decision not only imposes significant uncertainty on entities that employ thousands of Texans, but it threatens the livelihood of their employees — who depend upon those facilities for their jobs," the press release said.

In a statement, the TCEQ said it "will continue to defend its air permitting program while proactively working with EPA to resolve its concerns to provide legal certainty to regulated entities and the public."

Last week, the EPA offered to work directly with Texas' petrochemical industry in an effort to fix permits it says have long violated the Clean Air Act.
The TCEQ has said it was not satisfied with this proposal.

Senate refuses to stop EPA from increasing Saline County electric rates (*Marshall Democrat News*)

Monday, June 14, 2010
Pat Nolan

On Thursday, June 10, the U.S. Senate failed to pass a resolution to prevent the Environmental Protection Agency from regulating greenhouse gases without legislative guidance from Congress.

The defeated resolution would have denied the EPA the authority to issue rules aimed at cutting greenhouse gas emissions.

The vote on Senate Joint Resolution 26 was 47 for and 53 against with Missouri Senator Kit Bond voting in favor of stopping the EPA and Missouri Senator Claire McCaskill voting against the measure.

McCaskill says the measure could have undermined an agreement between the government and the auto industry to set new standards for vehicle emissions.

Bond says that's false. He says the EPA's potential regulations amount to an end-run around Congress that could prove costly for businesses.

"The American people have repeatedly said no to these cap-and-tax schemes and today the majority in the Senate told them that their opinion doesn't count," said Bond. "It may come as a surprise to unelected, inside the beltway bureaucrats and even to some of my colleagues, but people in Missouri are struggling, people across America are struggling and these regulations will only inflict more pain."

The EPA has already imposed several new requirements that will cost Marshall residents, said Marshall Municipal Utilities General Manager Kyle Gibbs.

Among those requirements are additional filters on the water discharged from the sewer treatment plant into the Salt Fork River, a catalytic converter for the backup diesel electric generators, and a proposed regulation that could force the shutdown of Marshall's coal-electric generating facility.

Complying with the requirements will result in rate increases for Marshall consumers, but Gibbs said, the potential range was still too wide to be known.

"We could see increases as high as 30 to 80 percent," he said. "But we just don't know what some of these regulations will cost."

The Associated Press contributed to this story.
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Texas Challenges EPA Ruling (*KOSA Channel 7)*

Story also appeared: *Dallas Morning News, Houston Chronicle, San Antonio Express, Fort Worth Star Telegram*

6/14/10
Office of the Attorney General News Release
June 14, 2010
New Orleans - Texas Attorney General Greg Abbott today filed a legal challenge to the U.S. Environmental Protection Agency's decision to disapprove the state's qualified facilities program. The state's petition for reconsideration was filed with the U.S. Court of Appeals for the Fifth Circuit in New Orleans.

In 1995, the Texas Legislature passed a law that was intended to streamline a time-consuming regulatory process by allowing certain qualifying facilities to implement physical and operational changes to their sites without having to undergo additional regulatory processes – provided the facilities' changes neither increase emissions nor result in the release of new contaminants.

The Texas Commission on Environmental Quality (TCEQ) complied with the 1995 law by submitting revised qualified facilities rules to the EPA in 1996. Although the TCEQ

has been regulating qualified facilities without interference from the federal government since the first term of the Clinton administration, the EPA rejected the rules and disapproved the Texas program on March 31, 2010.

Under the Clean Air Act, the EPA was required to act on these rules within one year. Yet the federal government waited more than a decade – three presidential administrations – to take action on and ultimately reject the TCEQ's qualified facilities rules. Despite the fact that more than a dozen years passed since the rules were first submitted, the TCEQ attempted to work with the Obama administration and resolve the new EPA administrator's objections. On March 30, 2010, the commission promulgated draft rules that amended the qualified facilities program in an effort to resolve the federal agency's concerns. However, just one day after the state's new proposed rules were published, the EPA summarily disapproved the Texas program.

By rejecting Texas' qualified facilities program, the EPA has unilaterally declared that program is not in compliance with federal law. The EPA's decision not only imposes significant uncertainty on entities that employ thousands of Texans, but it threatens the livelihood of their employees – who depend upon those facilities for their jobs. According to the Texas Governor's Office, recent decisions by the EPA to extend federal control over the state threaten tens of thousands of Texas jobs.

The EPA's decision also threatens a regulatory program that has successfully reduced harmful emissions in the state of Texas. Emissions data cited by the governor's office indicates that the Texas clean air program achieved a 22 percent reduction in ozone and a 46 percent reduction in NOx, which outpaces the eight percent and 27 percent reductions that were recorded nationally.

The EPA opted to disapprove the state's qualified facilities program and impose the federal government's judgment on the state despite Section 101 of the Clean Air Act, which provides that air pollution prevention "is the primary responsibility of the States and local governments." Section 110 of the Act provides a similar admonishment to respect the states' authority, stipulating that "[e]ach State shall have the primary responsibility for assuring air quality within the entire geographic area comprising such State." The Texas Attorney General's Office filed today's legal action against the EPA on behalf of TCEQ in an effort to defend the state's legal rights and challenge improper overreach by the federal government.

EPA predicts unsafe air in Chatham County in 2020 (*Savannah Now*)

Author: Mary Landers
Savannah has long relied on sea breezes to keep its air pollution under control.

But that might not be sufficient much longer.

The federal government is ratcheting down acceptable levels of common air pollutants, making compliance tougher. The new sulfur dioxide standard, released last week, allows an hourly average of 75 parts per billion. It will go into effect late this summer.

Savannah was always well below the previous standard, which was based on a 24-hour average.

But it's close to the new limit, said Rebecca Watts Hull, director of Mothers & Others for Clean Air, a Georgia air quality advocacy group.

A U.S. Environmental Protection Agency analysis of data from 2007-2009 gives Chatham County a value of 71 parts per billion, the highest by far in Georgia for the time period studied.

The federal agency also projects that Chatham County won't meet the sulfur dioxide standard in 2020.

Sulfur dioxide is a colorless gas with an odor familiar as that of a just-struck match. It tightens the airways and worsens wheezing and coughing, making it harder for people with asthma and other lung diseases to breathe. Sulfur dioxide gas changes into deadly particles in the atmosphere and is linked to thousands of premature deaths. The U.S. Environmental Protection Agency estimates that this tighter standard will prevent 2,300 to 5,900 early deaths each year nationally.

International Paper, Georgia Power's Plant Kraft and container ships calling on the port, among other sources, contribute to the area's sulfur dioxide load.

Savannah on the cusp

Despite the EPA's prediction, the chief of the air branch of the Georgia Environmental Protection Division is optimistic about sulfur dioxide. Better emission controls - like scrubbers on coal-fired power plants - are pushing down levels of this and other air pollutants, Jac Capp said.

"(Savannah) periodically is getting impacts from some of the industrial sources in the area," Capp said. "I'd say it's near the limit today and trending down. Sulfur dioxide emissions in the country and the state have been going down and will continue to go down."

On average, there was a 59 percent decrease in the sulfur dioxide concentrations in the U.S. from 1990 to 2008, the EPA reports.

But as levels of this and other pollutants decrease in the air, researchers are finding health effects at ever-lowering concentrations. That's what's pushing the new

regulations. In fact, the EPA considered pushing the sulfur dioxide level as low as 50 ppb to protect health, but settled on the higher value.

Along with sulfur dioxide, EPA will also finalize a new standard on ozone - more commonly known as smog - by the end of the year. Ground-level ozone is a powerful airway irritant produced when emissions from industrial facilities, power plants, landfills and motor vehicles react in the sun. The current limit of 75 ppb will be reduced to somewhere between 60-70 ppb.

Here again, the new standard could make it difficult for Savannah to stay in compliance. In 2008, its reading was 67 ppb. Last year it improved to 62 ppb.

New standards for fine particulates are also on the horizon.

Falling out of compliance with these federal standards makes it more difficult to get new facilities permitted, Capp said. That's a situation the business community wants to avoid.

Big ships, big polluters

Container ships calling on the Savannah port are likely adding to Chatham's sulfur dioxide problem, said David Marshall, senior counsel with the Clean Air Task Force, a Boston-based nonprofit. Unlike local factories or power plants, though, their emissions are not monitored by EPA or EPD.

Ocean-going ships use fuel with sulfur concentrations one thousand times greater than that allowed for highway diesel. Globally, commercial ships emit almost half as much particulate matter pollutants into the air as the total amount released by the world's cars, according to a 2009 study led by the National Oceanic and Atmospheric Administration and the University of Colorado at Boulder. Their bunker fuel is the reason why.

"It's essentially the dirtiest oil on the planet," Marshall said.

It is being cleaned up, but slowly. An agreement reached by the International Maritime Organization, a United Nations body that governs shipping, calls for that sulfur content to be reduced substantially by 2015 for ships travelling within 200 miles of a coast- to a level about 66 times that allowed for highway diesel. Ships will use dirtier fuel farther out to sea, though that will also be cleaner than it is now.

Georgia Ports Authority spokesman Robert Morris said the port has reduced emissions in many areas that it controls - including electrifying its cranes and its refrigeration units and using ultra-low sulfur fuel in its container handling equipment. It's also reduced gate turn time to cut down on trucks idling and secured funding for the Jimmy DeLoach Parkway to make a more direct route to interstates 16 and 95.

Harbor deepening is expected to bring bigger ships, but they'll be more efficient and thus less polluting, Morris said.

GPA can't do much about pollution from the ships that call on the port or the trucks that haul cargo inland, he said.

"We're providing a service but don't have authority over the vehicles coming in and out," Morris said.

Marshall contends the port wields more power than it lets on.

"The ports claim they can't do anything," he said. "But they can do a couple of things. They can require ships to go more slowly. That has a dramatic impact on emissions."

The port of Long Beach is providing up to $10 million for ships to replace dirty bunker fuel with low-sulfur diesel close to shore, Watts Hull said.

GPA could similarly incentivize the use of cleaner fuel, Marshall said.

"They can offer reduced landing and fairway dues to ships that are cleaner," he said. "Sweden is a prime example for success in the use of differentiated port dues."

Savannah could also provide cold-ironing, where ships plug into cleaner shore-side power, Marshall said.

GPA has looked into that issue, and it may come with harbor expansion, Morris said. But cold ironing would produce more pollution than it would prevent with the ships that currently call on Savannah, Morris said, because they don't stay in port long enough to negate the effect of re-starting the engines, which spews pollution at an accelerated rate.

Watts Hull wants to see the port's plans for emissions control match its expansion plans, which are enthusiastically welcomed by Georgia's leadership.

"The more aggressive they are with larger ships and greater amounts of freight the more proactive and aggressive they have be with reducing emissions," she said. "They should be at the forefront if they're expecting a really significant increase in freight."

AWARDS

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EPA awards $500K for local project (*The Greater Binghamton Business Journal*)

by Kevin Tampone

SYRACUSE - A project developed by the Central New York Regional Planning and Development Board is one of 25 nationwide to receive a combined $10 million in funding from the Environmental Protection Agency (EPA).
The EPA announced the $500,000 in funding today. The planning board won the grant through the competitive Climate Showcase Communities program.
The planning board's project, the Central New York Climate Change Innovation program, will award grants to three communities in each of the next three years. The grants will go toward retrofitting vehicles, buildings and other equipment to make them energy efficient; introducing alternative-fuel vehicles and fueling systems; reducing the miles municipal fleets travel; and conducting feasibility studies for renewable energy projects.
The communities will also consider how their city planning and land-use policies can become more sustainable, according to the EPA.
Communities in the planning board's service area of Cayuga, Cortland, Madison, Onondaga and Oswego counties are eligible.
The EPA program is specifically designed to help the underserved by giving priority to support at least one community that suffers a disproportionate environmental impact and one small community with a population under 10,000 people.
"These federal funds will provide us with the resources needed to expand the reach of services offered through our environmental and energy conservation programs at a time when communities across Central New York have expressed a strong desire to reduce their carbon footprint and help address the nation's challenge of achieving a sustainable future," David Bottar, planning board executive director, said in a news release.

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BP SPILL
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As Mess Is Sent to Landfills, Officials Worry About Safety (*New York Times*)

June 15, 2010 Tuesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 18
By FELICITY BARRINGER
PORT FOURCHON, La. -- Cleanup crews here wear a common uniform of straw hat, white rubber boots and a sheen of sweat as they collect the bedraggled and oil-soaked pompoms that are strung along Fourchon Beach.

The pompoms -- balls of absorbent streamers laid down to soak up the oil as it reaches shore -- are part of a growing mass of waste that is springing from the cleanup of what has been estimated as the worst oil spill in United States history.

About 35,000 bags -- or 250 tons -- of oily trash have been carted away from this beach, said Lt. Patrick Hanley of the Coast Guard, who is stationed at Port Fourchon. And as of Monday, more than 175,000 gallons of liquid waste -- a combination of oil and water -- had been sent to landfills, as had 11,276 cubic yards of solid waste, said Petty Officer Gail Dale, also of the Coast Guard, who works with at the command center in Houma.

Michael Condon, BP's environmental unit leader, said that tests have shown that the material is not hazardous, and can safely be stored in landfills around the region that accept oil industry debris. The checklist and procedures involved, Mr. Condon said, are part of a process "we do very well and have done for a long time."

But some local officials, environmental lawyers and residents who live near landfill sites are not convinced.

"There's no way that isn't toxic," said Gladstone Jones III, a New Orleans lawyer who has spent much of his career trying to get compensation for plaintiffs he says have been harmed by exposure to toxic waste.

In fact, waste from oil exploration and production falls into a regulatory no man's land, neither exactly benign nor toxic on its face. The compounds in oil most dangerous to human health -- like benzene, a carcinogen -- are volatile and tend to dissipate when crude oil reaches the ocean surface, or soon thereafter. But some toxicologists say it is impossible to know whether the toxic chemicals are entirely gone.

Marlin Ladner, a supervisor in Harrison County, Miss., spoke angrily about the prospect of debris from the spill being deposited in the local Pecan Grove landfill in his district.

His worry, he said, is that toxic material could leach into local aquifers from which more than 300 homes draw water.

"BP oil is responsible for polluting our sand beaches and our estuaries," Mr. Ladner said.

Now, he added, "They pick it up, put it on trucks, take it four or five miles north and dump it on us again."

And Brenda Dardar-Robichaux, the leader of the Houma Indian tribe, which has some members who live in Bourg, about 30 miles north of Port Fourchon, went to Congress to express her concern that some of the BP waste would end up in a landfill there that has long been a focus of local anger.

"I think these communities are properly concerned," said Marianne L. Horinko, a chemist who led the Office of Solid Waste and Emergency Response at the Environmental Protection Agency in the early years of the George W. Bush administration. The toxicity of oil waste, Ms. Horinko said, "is very concentration-

dependent. If you have a sufficient concentration, it will exhibit the characteristics of toxicity."

Local communities, she said, need to be vigilant that the proper safeguards are applied to ensure that toxic concentrations do not develop.

For some observers, like Mr. Jones, there is a disconnect between the televised images of cleanup workers in Tyvek suits designed to protect against toxic substances and the assertion by BP and federal officials that the oiled waste need not be given the special treatment required for toxic materials. Lieutenant Hanley said that the protective gear for cleanup workers was designed largely to keep oil from their skin.

Mr. Condon of BP said that tests conducted in April and early May on samples of waste from the oil spill showed none of the characteristics of toxic materials, which have the potential to leach into the soil and the water tables, or to spontaneously ignite or emit volatile fumes. More tests are scheduled, Mr. Condon said.

The waste from the oil spill -- retrieved from beaches, barges that collect oily water skimmed from the ocean surface and wildlife refuges where oiled carcasses are stored -- goes to a sorting facility; on Saturday, a truck took a large waste bin from the beach near here to the C-Port docks at Port Fourchon. At such facilities, Mr. Condon said, the debris is sorted, labeled and sent on to designated landfills, like the River Birch Landfill outside New Orleans, and the Colonial Landfill in Sorrento, between Houma and Baton Rouge.

The process is managed by a large group of contractors -- local hauling, tracking and barging companies, environmental cleanup operations, testing companies and landfill operators -- all organized for BP, Mr. Condon said, by Heritage Environmental Services, a waste disposal company.

Mr. Condon said more tests of the waste's potential toxicity will take place in the near future.

Victor Culpepper, the technical director of the River Birch Landfill, said Mr. Ladner, the supervisor, had no reason to be worried. The liquids, Dr. Culpepper said, would go though a separator, with the recovered oil resold and the contaminated water injected into sandstone layers well below any aquifer.

Speaking of material like the 20,000 gallons of waste liquid that had already come to his landfill from the spill, he said, "If it goes to a proper landfill, the proper landfill has all the controls necessary to keep it from reaching the aquifer."

BP's federal leases, contracts could be at risk (*Greenwire*)

(06/14/2010)

Lawmakers could respond to the oil spill in the Gulf of Mexico by attacking BP PLC's federal drilling leases and contracts with agencies such as the U.S. Department of Defense, analysts say.
At the time of the Deepwater Horizon explosion, BP PLC was urging the federal government to lift sanctions imposed after a 2005 explosion that killed 15 workers at the company's refinery in Texas City, Texas, and a 2006 pipeline leak in Prudhoe Bay, Alaska. Taking into account BP's recent history of accidents, the government could revoke the company's permission to produce oil and gas at wells in the Gulf of Mexico or in Prudhoe Bay, said David Pursell, managing director at Tudor Pickering Holt and Co.
Among the lawmakers calling for further sanctions on the company is Rep. Luis Gutierrez (D-Ill.), who will urge Interior Secretary Ken Salazar to block BP from bidding on future leases because of the company's "abhorrent environmental and safety record," said Douglas Rivlin, a spokesman for the House member. Federal regulations allow the Interior Department to "disapprove" or revoke a company's designation as an operator if the company has a record of accidents, pollution or noncompliance.

"Oil leases are a license to print money," Rivlin said. "Why should we be giving them to these guys?"

The company could also come under increased pressure for debarment, in which U.S. EPA can revoke a company's permission to secure federal contracts such as oil leases (*E&ENews PM*, May 21).

Though debarment is an obscure practice, it is "definitely not an extreme option," said Robert Meunier, a former EPA debarment officer. It has been used to block 70,000 individuals and businesses from receiving federal contracts, said Meunier, who now runs Arlington, Va.-based consulting firm Debarment Solutions Institute LLC.

"While debarment makes for good politics, it makes terrible public policy," Meunier said. "But you'd have to be a fool not to consider it when the president is saying he's looking for somebody's ass to kick" (Efstathiou/Plungis, Bloomberg, June 14). **-- GN**

Lawmakers accuse BP of 'shortcuts' (*Washington Post*)

By Steven Mufson and Anne E. Kornblut
Washington Post Staff Writers
Tuesday, June 15, 2010; A01

To save time and drilling costs, BP took "shortcuts" that may have led to the oil rig explosion and the spill in the Gulf of Mexico, according to a letter released Monday by two House Democrats leading an investigation of the disaster.

The letter, sent in advance of congressional hearings with senior oil executives this week, paints a damning picture of five decisions the lawmakers said the oil firm took "to speed finishing the well," which was running "significantly behind schedule." Marshaling e-mails, interviews and documents, the lawmakers said: "In effect, it appears that BP repeatedly chose risky procedures in order to reduce costs and save time, and made minimal efforts to contain the added risk."

In one instance, four days before the April 20 explosion, Brett Cocales, one of BP's operations drilling engineers, sent an e-mail to a colleague noting that engineers had not taken all the usual steps to center the steel pipe in the drill hole, a standard procedure designed to ensure that the pipe would be properly cemented in place. "[W]ho cares, it's done, end of story, will probably be fine and we'll get a good cement job," he wrote.

Cocales could not be reached to comment Monday, and Andrew Gowers, a company spokesman, said only that "it would be inappropriate for us to comment ahead of the hearing."

The letter was part of another bad day for BP. The company's stock dropped 9 percent, to $30.67 a share. Investors fretted about a White House meeting Wednesday between top BP directors and President Obama, who will also make the oil spill the centerpiece of his first Oval Office address at 8 p.m. Tuesday. Speaking inside a large shelter at a Coast Guard clean-up staging area in Theodore, Ala., on Monday, Obama vowed that "we're going to continue to hold BP and any other responsible parties accountable for the disaster that they created."

That cost to BP will dwarf whatever amounts its rig workers were worried about. White House officials were working to strike a deal with the oil giant on a multibillion-dollar escrow account to compensate victims, administration advisers said. Led by White House counsel Robert F. Bauer, administration negotiators were hoping to finish an agreement before the meeting Wednesday. Obama called talks "constructive."

One potential area of disagreement loomed: whether the escrow account would be limited or whether it could be replenished, as the administration is demanding. BP is also seeking assurance that money be used only for reasonable or "legitimate" claims through an impartial administrator.

Investment analysts expect that BP might suspend or reduce its dividend to fund an escrow account that some lawmakers have demanded be as large as $20 billion. "Suspending the dividend would significantly reduce the political heat on BP and enhance its financial flexibility," said Fadel Gheit, an oil analyst at Oppenheimer. "BP can raise $20 billion in escrow account within days."

Meanwhile, rival oil companies, worried about new regulations or limits on deepwater drilling off U.S. coasts, began openly criticizing BP.

"What we do know is that when you properly design wells for the range of risk anticipated; follow established procedures; build in layers of redundancy; properly inspect and maintain equipment; train personnel; conduct tests and drills; and focus on safe operations and risk management, tragic incidents like the one in the Gulf of Mexico today should not occur," Kenneth P. Cohen, Exxon Mobil's vice president of public and government affairs, said in a blog.

But Exxon Mobil's criticism paled next to the 14-page letter that Rep. Henry A. Waxman (D-Calif.), chairman of the House Energy and Commerce Committee, and Rep. Bart Stupak (D-Mich.), chairman of the panel's subcommittee on oversight and investigations, sent to BP chief executive Tony Hayward, who will testify before the committee Thursday. After reviewing documents and interviews the committee obtained, the two lawmakers said that "BP appears to have made multiple decisions for economic reasons that increased the danger of a catastrophic well failure."

The money that BP allegedly saved seems trivial in light of the blowout that killed 11 Deepwater Horizon rig workers and led to the oil spill that has polluted large swaths of the gulf. But given the daily costs of $1 million to $2 million to run a drilling rig, they appear to have been a big factor in the decision-making.

"I know the planning has been lagging behind the operations, and I have to turn that around," Gregory Walz, a drilling engineering team leader, said in an e-mail to his superior, the well team leader John Guide.

One decision that looks questionable was the one to use only six devices for centering the drill pipe in the well hole instead of 21, as initially planned and recommended by Halliburton, the service company hired to put cement between the pipe and wall of the hole.

Halliburton warned that without the full complement of centralizers, the danger of cracks in the cement surrounding the pipe increased. The American Petroleum Institute's recommended practices say that if the pipe, or casing, is not centered, "it is difficult, if not impossible," for the cement to displace the drilling mud on the narrow side of the opening. That could create channels for gas to travel up the well.

But the equipment needed to center the well in all 21 places was not on the rig. A BP rig worker located some pieces in Houston and made arrangements to fly them to the rig, but more senior officials decided against doing so. In an e-mail April 16, BP's well team leader Guide said that "it will take 10 hours to install them. . . . I do not like this," according to the lawmakers' letter.

That sentiment reflected a pattern of time- and money-saving measures, Waxman and Stupak wrote. They said their investigation is "raising serious questions" about decisions made in the days and hours before the explosion on the drilling rig that sank. According to the committee's investigation, other decisions also "posed a tradeoff between cost and safety," including:

-- BP saved $7 million to $10 million by using a more risky option for the well casing, or steel tubing. The safer method, known as the liner-tieback option, would have provided more barriers to prevent the flow of natural gas up the space between the steel tubes and the well wall.

-- BP decided against a nine- to 12-hour procedure known as a "cement bond log" that would have tested the integrity of the cement. Although the company had a team from Schlumberger, a leading oil services firm, onboard the rig, BP sent the team home, saying its services were not needed.

-- BP did not fully circulate drilling mud, which would have taken as long as 12 hours. That would have helped detect any pockets of gas, which later shot up the well and exploded on the deck of the drilling rig.

-- BP did not secure the connections, or casing hangers, between pipes of different diameters.

The letter says that many of those decisions contradict the advice in other BP internal documents, which warned against the dangers of using certain types of pipe. And it reveals that even before the accident, BP engineers were struggling with unusual difficulties. On April 14, BP drilling engineer Brian Morel e-mailed a colleague, Richard Miller, saying: "This has been [a] nightmare well which has everyone all over the place."

Since then, the nightmare has spilled out across the gulf. BP has said it will bring in additional vessels to boost its ability to handle as much as 53,000 barrels a day, though it warned that the site was so crowded with vessels that safety is a concern.

"Several hundred people are working in a confined space with live hydrocarbons on up to 4 vessels. This is significantly beyond both BP and industry practice," BP chief operating officer Doug Suttles wrote in a letter to Coast Guard Rear Adm. James A. Watson.

Obama, struggling to appear in command in the face of the continuing spill, made a swing though Mississippi, Alabama and Florida on Monday. The trip was aimed largely at audiences in those three states rather than at the national viewing public. The president softened his tone measurably from the week before, when he said he was figuring out "whose ass to kick." On Monday, he acknowledged that there are problems complicating the quick payment of damage claims to those affected by the spill -- a relatively muted complaint and one that other senior officials had already made publicly.

"There are still problems" with the claims process, Obama said after a briefing in Gulfport, Miss., with several governors, Coast Guard officials and others involved in the response. Flanked by Mississippi Gov. Haley Barbour (R) and Coast Guard Admiral Thad W. Allen, the incident commander, Obama said the discussion included how best to coordinate skimmers and other boats already on the gulf to prevent the slick from coming ashore.

"We also talked about claims so that people in Mississippi and throughout the region are adequately compensated for the damages done," Obama said.

The White House on Monday announced Obama's choices for the bipartisan commission tasked with issuing a report within six months about the spill and how to prevent and mitigate future oil spills.

The appointees would be National Resources Defense Council President Frances Beinecke; Donald Boesch, president of the University of Maryland Center for Environmental Science; Terry D. Garcia, executive vice president for the National Geographic Society overseeing programs in scientific field research, conservation and exploration; Cherry A. Murray, dean of the Harvard School of Engineering and Applied Sciences; and Fran Ulmer, chancellor of the University of Alaska at Anchorage.

The five will work with the co-chairmen, former senator Bob Graham (D-Fla.) and former Environmental Protection Agency administrator William K. Reilly.

Staff writers Scott Wilson and Joel Achenbach contributed to this report.

Lawmakers Eye Legislative Options To Strengthen Oil-Cleanup Research (*Inside EPA)*

Posted: June 14, 2010

House lawmakers are weighing several legislative measures to strengthen the federal oil pollution cleanup program in the wake of the BP spill in the Gulf of Mexico, including increased funding for the program, limiting the agencies currently involved to EPA and other key agencies and possibly setting a "worst-case scenario" standard for future research.

"The lack of an effective response to this [BP] spill highlights the need for a more reliable and standardized approach to response and remediation," House Science & Technology Committee Chairman Bart Gordon (D-TN) told a June 9 hearing before the panel's Energy and Environment Subcommittee. "We need to eliminate the guesswork and go into spills knowing which tools are most effective in certain conditions."

The House appears poised to take up a revised version of H.R. 2693, the Federal Oil Spill Research Act, introduced in 2009 by Rep. Lynn Woolsey (D-CA) in response to a 58,000-gallon oil spill in the San Francisco Bay in 2007 after House Speaker Nancy Pelosi (D-CA) backed the measure.

Pelosi told reporters June 11 that Gordon had presented the bill at a recent meeting of committee chairman as one of several legislative measures the House was likely to consider in the wake of the spill. "The research bill [we will consider] was the bill written by Congresswoman Lynn . . . Woolsey and was presented by Chairman Bart Gordon at our meeting," she said.

Woolsey's bill currently streamlines the current approach to federal oil pollution research, eliminating the 15-17 agencies involved and replacing it with a new research committee, to be headed by the National Oceanic & Atmospheric Administration (NOAA), with membership from EPA and the Coast Guard.

Woolsey told the June 9 hearing that she believes the most significant measure in the bill is language streamlining the inter-agency structure overseeing oil pollution research, noting that the 15-17 agencies currently involved in the $28 million research program was confusing. "I mean, who was in -- who's in charge?" she said, "because we have to coordinate federal research and development, we have to coordinate the cleanup and the prevention, there is so much that, I think, was left unanswered." "Every team needs a captain," she said.

But agency officials testifying at the hearing suggested that the Coast Guard was better equipped to serve as the lead agency. "The reality is it's a complex issue," Coast Guard Captain Anthony Lloyd told the committee, adding that oil spill response requires a "whole of government" approach towards both preparedness and response, "so it flows well to use a team-based approach but to have a lot of initiative moving forward."

Similarly, Douglas Helton of NOAA's Office of Response and Restoration said that NOAA lacks the resources to coordinate a first response to an oil spill or even direct research efforts, and that retaining the existing structure of the committee is important. "My agency can certainly contribute with the effects on -- to fish and wildlife and the water column, but we don't have the skills to do the -- design double-hold tankers and to design better safety systems."

Markey Plans To Introduce Legislation

In addition to Woolsey's bill, Rep. Ed Markey (D-MA), chair of the Energy & Commerce Committee's energy & environment subcommittee, said June 9 that he plans to introduce legislation that will create an oil industry-financed fund to cover future spill cleanup and research. "I think that we have to pass legislation -- and I'm going to introduce this legislation -- that will create a fund, a fund for research into modern safety technologies, not technologies that are 30 years old, but 21st Century technologies that match up with 21st Century risks that are assumed when you go out 50 miles deep in the ocean and drill down five miles," he told MSNBC's "The Rachel Maddow Show."

Markey said the research needs to be funded "with oil-company money" to be used by independent researchers to develop technologies "to make sure this does not happen again." He said the new technology focus was necessary because a briefing before his subcommittee had been told by witnesses that the oil industry's probabilistic risk assessment of deepwater drilling found a zero chance of a catastrophic accident like the one in the Gulf occurring.

In the wake of the BP spill, lawmakers are concerned that the federal spill research program authorized by the Oil Pollution Act (OPA) of 1990 has not developed adequate technologies to prevent and clean up spills from new drilling operations in deep water and has a confusing structure with 15-17 agencies involved.

At the June 9 hearing before the Energy and Environment Subcommittee, lawmakers expressed frustration that witnesses from EPA, the Coast Guard, NOAA and Minerals Management Service (MMS) continued to defend the OPA research program despite their inability to contain or address the BP spill.

Subcommittee Chairman Brian Baird (D-WA) eventually asked the agency witnesses for a written description of "what we've learned from OPA 90 that we didn't know before [the spill] that has been useful."

In response to Baird's question, NOAA's Helton cited an increase of knowledge of environmentally benign methods of shoreline cleanup and development of sensors designed to detect the presence of oil offshore, but witness admitted general gaps in research over the past 20 years.

While insisting that OPA 90 remains a "solid foundation to work from," the Coast Guard's Lloyd, chief of the Office on Incident Management and Preparedness, admitted that uncertainties inherent to the offshore drilling industry lend the "potential for, a need for re-evaluation of issues that may result, which is essentially what's going to happen in this case."

Prioritizing Future Research

At the hearing, lawmakers and the witnesses suggested several options for prioritizing future research. Rep. Kathleen Dahlkemper (D-PA) -- referencing the $500 million pledged by BP to establish an independent research and development fund -- asked witnesses for suggestions as to what sort of cleanup technology and improved deepwater solutions the money should be directed towards.

"It would be a good start to look at the mechanical equipment and the deep-water sub-sea containment devices and also at the worst-case discharge calculations and assumptions," said Sharon Buffington, Chief of MMS' Engineering & Researching Branch.

And Albert Venosa, of EPA's Office of Research & Development, said EPA has also asked Congress for additional research funds to develop "green chemistry" approaches for manufacturing less toxic alternatives to the controversial dispersants being dumped into the Gulf.

In addition, Woolsey's bill includes several provisions for prioritizing future research. Among other things, the bill requires research for technologies and practices that provide for effective and direct response to prevent, detect, recover, or mitigate oil discharges, including new technologies to detect accidental or intentional overboard oil discharges; transport and fate of oil due to location, weather patterns, hydrographic data, and water conditions; response capabilities, such as improved booms, oil skimmers, and storage capacity, research and training, in coordination with the National Response Team, to improve the removal of oil discharge quickly and effectively; decision support systems for contingency planning and response; improvement of options for oily/oiled waste dispersal. -- *Bridget DiCosmo*

Obama touts tourism to aid Gulf (*Washington Times*)

June 15, 2010 Tuesday
A, PAGE ONE; Pg. 1
Obama touts tourism to aid Gulf;
A lot of beaches 'not yet affected'
By Kara Rowland THE WASHINGTON TIMES
THEODORE, Ala. | With oil still spewing from a broken well in the Gulf, President Obama made his fourth trip to the region Monday, imploring Americans to support the local economy by visiting here and vowing to help the area rebound from the disaster.

On the sweltering first day of a two-day trip to affected areas in the three states east of Louisiana, Mr. Obama met with local officials and business owners in Gulfport, Miss., and then toured a massive staging facility in Alabama, where bright orange cargo containers filled with booms to help curb the oil slick await deployment.

Miles away, black sludge is slowly creeping toward the pristine Mobile Bay wetlands.

"There's still a lot of opportunity for visitors to come down here, a lot of beaches that are not yet affected or will not be affected," Mr. Obama said after a briefing with local officials at the Coast Guard station in Gulfport. "If people want to know what can they do to help folks down here, one of the best ways to help is to come down here and enjoy the outstanding hospitality."

After mounting what some described as a passive initial response to the disaster - triggered by an April 20 explosion of the Deepwater Horizon oil rig that killed 11 people - Mr. Obama has sought to project an image of a commander in chief who's in control of the situation, taking a tough, often combative line against oil giant BP and vowing to make right the plight of local fishermen whose livelihoods become increasingly dire as oil continues to seep across the Gulf.

The two-day trip marks Mr. Obama's first overnight stay in the area. Upon his return to Washington on Tuesday, the president will make his first prime-time speech to the nation from the Oval Office - a signal of the gravity of the spill, which has captivated the world with pictures of oil-soaked birds and tales of the human cost.

In the address, Mr. Obama is expected to call on BP to set aside a chunk of cash in an escrow account to speed up the process of resolving economic-assistance claims filed by businesses that have been affected by the spill. He's also likely to use the disaster as an opportunity to make the case for energy legislation that would seek to slow **climate change** by putting a price on carbon emissions. The House passed such a bill last summer, but the effort has languished in the Senate.

The White House has steadily cranked up the pressure on BP. Over the weekend, the

administration gave the company 48 hours to come up with a better plan for capturing the oil that's still gushing from the well - an effort that resulted in a pledge by BP to siphon off 50,000 barrels a day by the end of June, a target it had planned to meet two weeks later.

The firm says it is collecting about 15,000 barrels a day with a cap placed on top of the broken well, which then funnels the oil to a ship that captures it. But with federal scientists estimating the leak at 35,000 barrels a day, that means nearly 1 million gallons a day continues to escape into the sea.

Lawmakers also have dug in their heels. In a letter Monday to BP Chief Executive Officer Tony Hayward, Senate Democrats urged the firm to contribute $20 billion to an escrow account, which they said should be administered by a third party.

Separately, several lawmakers, including House Speaker Nancy Pelosi, California Democrat, have suggested that BP should suspend dividend payments to shareholders while Gulf-area businesses await their payouts.

On Wednesday, Mr. Obama has summoned Mr. Hayward and BP Chairman Carl-Henric Svanberg to the White House for a meeting, where he is expected to push the executives to accept the proposal for the escrow account. It will be the first time since the rig explosion that Mr. Obama has spoken directly with either of the men.

In the wake of the spill, Mr. Obama canceled some drilling leases that were pending or about to be let, imposed a temporary moratorium on new deep-water drilling in the Gulf and demanded a review of safety and environmental procedures.

But Gulf state Republicans said the moratorium could put drilling companies and suppliers out of work and could cost 20,000 jobs, at a time when the region needs them badly. The lawmakers will hold a news conference Tuesday at the Capitol to ask the president to lift the moratorium.

Although the oil continues to spew from the Deepwater Horizon well, Mr. Obama's overall approval ratings remain largely untouched by the disaster. But polls show the public still thinks the government could be doing more to contain the oil slick, which has affected nearly 70 miles of shoreline along the Gulf Coast. A USA Today/Gallup poll out Monday found that 71 percent of Americans want Mr. Obama to take an even tougher line against BP.

After enduring the hot and sticky midday sun for a tour of the Theodore staging facility, Mr. Obama echoed warnings that the Gulf region faces a long and unpleasant recovery, but sought to assure the nation that it will bounce back from the damage.

"It's going to take time for things to return to normal. There's going to be a harmful effect on many local businesses. And it's going to be painful for a lot of folks," Mr. Obama said. "But I promise you this, that things are going to return to normal. This region that's

known a lot of hardship will bounce back, just like it's bounced back before."

Mr. Obama said federal officials are monitoring seafood from the Gulf to ensure it's safe to eat, noting that he munched on some of it for lunch Monday. He said the government also continues to monitor safety conditions for workers responding to the spill.

The impact of the oil on Gulf-area beaches varies. Florida's tourism bureau said Monday that while oil sheen and scattered tar balls have been found within five miles of Pensacola Pass, no beaches are closed and the sightings are confined to the northwestern part of the state. Alabama tourism officials, meanwhile, said there has been a "significant oil impact" and urged visitors not to swim at several beaches along the Gulf Coast.

Mississippi officials said Monday that they have spotted oil sheen and tar balls several miles south of Petit Bois Island, just east of Alabama. In Louisiana, public beaches on Grand Isle have been closed, and officials say they are testing seafood daily.

Spill Stymies Industry Bid To Limit States' Use Of Private Lawyers For NRD (*Inside EPA*)

Posted: June 14, 2010
The massive BP oil spill in the Gulf of Mexico is setting back long-running industry efforts to limit cash-strapped states' uses of private attorneys to pursue environmental and other damages cases on a contingency-fee basis.
In the most recent action, state lawmakers in Louisiana -- the only one of the four Gulf states currently barred from using private attorneys on a contingency fee basis -- are considering legislation requested by Attorney General Buddy Caldwell (D) repealing the ban. The state Senate earlier this month approved the bill and it is now awaiting action in the House.
The U.S. Chamber of Commerce -- which has long led efforts to block the use of such litigation arrangements -- is crafting a letter to Gov. Bobby Jindal (R) urging him to oppose it. "This bill would overturn [the ban] and allow the Attorney General to use outside counsel, not just for this instance but in all instances," a spokesman for the chamber's Institute for Legal Reform says. "The state trial bar has been working to repeal this for quite a few years, and they're using [the BP oil spill] as an excuse to overturn" the state ban.

The state's attorney general's office has already hired Alan Kanner, a plaintiffs' lawyer who has long pursued environmental damages cases on behalf of states and tribes, on an hourly-fee basis, but that could change if the state ban on use of contingency fee arrangements is repealed by the legislature.

The Chamber spokesman says the group is also working with the National Association of Attorneys General (NAAG) to develop a more comprehensive national "best practices" framework for states to follow when hiring private attorneys to take cases on a contingency basis.

But a NAAG spokeswoman says the group has not reached any affirmative conclusions about what best practices to adopt, if any, although a Best Practices Working Group is examining the issue.

Led by the Chamber, industry groups have for years fought state efforts -- with mixed success -- to use private attorneys on a contingency-fee basis to pursue environmental and other damages cases. Industry charges that use of contingency fee arrangements creates incentives for the private attorneys to pursue big settlements since they stand to benefit personally.

And they say private attorneys are often the catalyst for state enforcement actions, playing a key role in "setting priorities for state law enforcement efforts and heavily influencing the prosecutorial discretion calls that should be made by duly elected or appointed state officials," according to a 2005 research paper -- Bounty Hunters on the Prowl: The Troubling Alliance Of State Attorneys General and Plaintiffs' Lawyers -- published on the Institute's web site. The paper was written by John Beisner, Jessica Davidson Miller, and Terrell McSweeny -- attorneys with the law firm O'Melveny & Myers LLP.

Limited Prosecutorial Resources

But Kanner said in a 2003 interview with *Inside EPA* that the practice is necessary due to trustees' limited prosecutorial resources compared to responsible parties, saying there is "a huge amount of under-enforcement" by states.

The issue heated up in the wake of successful efforts by a host of state attorneys general to use private lawyers to pursue damages from tobacco companies -- damages that many of the lawyers shared in due to their contingency fee arrangements with the states.

Some state courts -- such as New Jersey's -- have since allowed regulators to use private attorneys to pursue natural resource damages (NRD) under state law, but a federal appellate court has indicated that states cannot use private attorneys to pursue environmental damages under federal law.

In New Jersey, the state's AG's office in 2004 successfully repelled an industry challenge in state court that claimed its contingency fee arrangement with Kanner to pursue environmental damages cases for groundwater contamination was illegal, but the New Jersey Superior Court decision stipulated that the AG's office needs court approval for settlements and claims that exceeded $2 million.

However, a federal appellate court ruled in 2005 that New Mexico would not likely be able to use private attorneys to pursue damages for groundwater contamination because the purpose of damages claims under federal Superfund law is to "restore, replace or acquire the equivalent" damaged resources -- an approach that is also included in the Oil Pollution Act.

With the BP oil spill now causing massive damage in the Gulf, states are preparing to bring damages cases. But years of budget cuts and limited resources may hamper those efforts -- possibly making it difficult for the states to pursue damages cases without the help of private attorneys.

Among the four Gulf states that are facing pollution from the BP spill, Mississippi and Alabama have long allowed their attorneys general to use contingency arrangements. While Alabama does not limit contingent fees for private attorneys engaged by the state, legislative approval of such arrangements is required, according to the paper on the Institute's website. Similarly, Mississippi law grants the state's attorney general authority to use special counsel "on a fee or salary basis," which is "reasonable compensation," the paper says.

In April, the Florida State Legislature passed and Gov. Charlie Crist (I) signed a law allowing contingency fees as long as the attorney general makes a written determination that such an arrangement is cost-effective and in the public interest. The law is scheduled to take effect July 1.

Contingency Fee Arrangements

While the bill allows the use of contingency fee arrangements, it was welcomed by the the institute's president, Lisa Rickard, who praised it as a model for other states. "This law will shines a much-needed light on the process that Florida attorneys general must follow when they hire private plaintiffs' law firms under a contingency fee arrangement to sue on behalf of the state," she said in an April 14 statement.

The offices of attorneys general for Mississippi, Alabama and Florida did not return calls for comment on whether they intended to pursue private counsel for their forthcoming litigation relating to the Gulf oil spill by press time.

In Louisiana, the state Senate June 7 passed SB 713, that would overturn the standing prohibition on retaining private counsel for the prosecution of state cases and allow the state to retain counsel on a contingency basis. The bill has been referred to the lower house for consideration.

The institute's spokesman says the bill furthers a longstanding push by the Louisiana State Bar Association to have the ban on contingency fees overturned, and says the attorney general's office and Louisiana Bar are using the ongoing crisis in the Gulf as a way to pursue that goal. The Louisiana State Bar Association members following this issue were not available for comment by press time.

But even before the bill's fate is known, Caldwell has moved to retain Kanner -- who successfully prosecuted New Jersey's NRD claims -- to prosecute the state's claims against BP.

Kanner said in an interview with AP published June 10 that he has begun assembling a team of NRD experts to help the state build its case against BP, with an eye towards "what has to be done tomorrow, in six months and in six years."

Under current law, the AG's office is permitted to retain private counsel on a per-hour rate. Caldwell told senators last month that his office needs to be able to hire outside counsel on contingency in order to bring the necessary legal firepower to bear against BP, with whom the AG's office is competing for the limited pool of knowledgeable counsel and experts, according to the *New Orleans Times-Picayune*.

"You want your people on the ground now . . . and BP is already out there trying to hire some of the same experts," Caldwell told the panel.

But the institute's spokesman says the group is working on drafting a letter to Jindal urging him to oppose the measure. Jindal has the power to veto any measure passed by the state legislature. In 2006, in response to a similar bill being considered in the Louisiana legislature, Rickard called the measure "not only unnecessary, but if enacted, will be at the expense of hard-working Louisianans."

"The only group that stands to benefit from this legislation is plaintiffs' lawyers, who can reap much larger fees when paid on a contingency basis. Meanwhile, the citizens of the state foot the bill for the lawyers' increased payout," she said. -- *John Heltman*

Lawmakers accuse BP of 'shortcuts' (*Washington Post*)

June 15, 2010 Tuesday
Suburban Edition
A-SECTION; Pg. A01
Maryland
Lawmakers accuse BP of 'shortcuts';
Oil executives testify this week Obama will make spill the subject of address tonight

By Steven Mufson and Anne E. Kornblut
To save time and drilling costs, BP took "shortcuts" that may have led to the oil rig explosion and the spill in the Gulf of Mexico, according to a letter released Monday by two House Democrats leading an investigation of the disaster.

The letter, sent in advance of congressional hearings with senior oil executives this week, paints a damning picture of five decisions the lawmakers said the oil firm took "to speed finishing the well," which was running "significantly behind schedule." Marshaling e-mails, interviews and documents, the lawmakers said: "In effect, it appears that BP repeatedly chose risky procedures in order to reduce costs and save time, and made minimal efforts to contain the added risk."

In one instance, four days before the April 20 explosion, Brett Cocales, one of BP's operations drilling engineers, sent an e-mail to a colleague noting that engineers had not taken all the usual steps to center the steel pipe in the drill hole, a standard procedure designed to ensure that the pipe would be properly cemented in place. "[W]ho cares, it's done, end of story, will probably be fine and we'll get a good cement

job," he wrote.

Cocales could not be reached to comment Monday, and Andrew Gowers, a company spokesman, said only that "it would be inappropriate for us to comment ahead of the hearing."

The letter was part of another bad day for BP. The company's stock dropped 9 percent, to $30.67 a share. Investors fretted about a White House meeting Wednesday between top BP directors and President Obama, who will also make the oil spill the centerpiece of his first Oval Office address at 8 p.m. Tuesday. Speaking inside a large shelter at a Coast Guard clean-up staging area in Theodore, Ala., on Monday, Obama vowed that "we're going to continue to hold BP and any other responsible parties accountable for the disaster that they created."

That cost to BP will dwarf whatever amounts its rig workers were worried about. White House officials were working to strike a deal with the oil giant on a multibillion-dollar escrow account to compensate victims, administration advisers said. Led by White House counsel Robert F. Bauer, administration negotiators were hoping to finish an agreement before the meeting Wednesday. Obama called talks "constructive."

One potential area of disagreement loomed: whether the escrow account would be limited or whether it could be replenished, as the administration is demanding. BP is also seeking assurance that money be used only for reasonable or "legitimate" claims through an impartial administrator.

Investment analysts expect that BP might suspend or reduce its dividend to fund an escrow account that some lawmakers have demanded be as large as $20 billion. "Suspending the dividend would significantly reduce the political heat on BP and enhance its financial flexibility," said Fadel Gheit, an oil analyst at Oppenheimer. "BP can raise $20 billion in escrow account within days."

Meanwhile, rival oil companies, worried about new regulations or limits on deepwater drilling off U.S. coasts, began openly criticizing BP.

"What we do know is that when you properly design wells for the range of risk anticipated; follow established procedures; build in layers of redundancy; properly inspect and maintain equipment; train personnel; conduct tests and drills; and focus on safe operations and risk management, tragic incidents like the one in the Gulf of Mexico today should not occur," Kenneth P. Cohen, Exxon Mobil's vice president of public and government affairs, said in a blog.

But Exxon Mobil's criticism paled next to the 14-page letter that Rep. Henry A. Waxman (D-Calif.), chairman of the House Energy and Commerce Committee, and Rep. Bart Stupak (D-Mich.), chairman of the panel's subcommittee on oversight and investigations, sent to BP chief executive Tony Hayward, who will testify before the committee Thursday. After reviewing documents and interviews the committee

obtained, the two lawmakers said that "BP appears to have made multiple decisions for economic reasons that increased the danger of a catastrophic well failure."

The money that BP allegedly saved seems trivial in light of the blowout that killed 11 Deepwater Horizon rig workers and led to the oil spill that has polluted large swaths of the gulf. But given the daily costs of $1 million to $2 million to run a drilling rig, they appear to have been a big factor in the decision-making.

"I know the planning has been lagging behind the operations, and I have to turn that around," Gregory Walz, a drilling engineering team leader, said in an e-mail to his superior, the well team leader John Guide.

One decision that looks questionable was the one to use only six devices for centering the drill pipe in the well hole instead of 21, as initially planned and recommended by Halliburton, the service company hired to put cement between the pipe and wall of the hole.

Halliburton warned that without the full complement of centralizers, the danger of cracks in the cement surrounding the pipe increased. The American Petroleum Institute's recommended practices say that if the pipe, or casing, is not centered, "it is difficult, if not impossible," for the cement to displace the drilling mud on the narrow side of the opening. That could create channels for gas to travel up the well.

But the equipment needed to center the well in all 21 places was not on the rig. A BP rig worker located some pieces in Houston and made arrangements to fly them to the rig, but more senior officials decided against doing so. In an e-mail April 16, BP's well team leader Guide said that "it will take 10 hours to install them. . . . I do not like this," according to the lawmakers' letter.

That sentiment reflected a pattern of time- and money-saving measures, Waxman and Stupak wrote. They said their investigation is "raising serious questions" about decisions made in the days and hours before the explosion on the drilling rig that sank. According to the committee's investigation, other decisions also "posed a tradeoff between cost and safety," including:

-- BP saved $7 million to $10 million by using a more risky option for the well casing, or steel tubing. The safer method, known as the liner-tieback option, would have provided more barriers to prevent the flow of natural gas up the space between the steel tubes and the well wall.

-- BP decided against a nine- to 12-hour procedure known as a "cement bond log" that would have tested the integrity of the cement. Although the company had a team from Schlumberger, a leading oil services firm, onboard the rig, BP sent the team home, saying its services were not needed.

-- BP did not fully circulate drilling mud, which would have taken as long as 12 hours.

That would have helped detect any pockets of gas, which later shot up the well and exploded on the deck of the drilling rig.

-- BP did not secure the connections, or casing hangers, between pipes of different diameters.

The letter says that many of those decisions contradict the advice in other BP internal documents, which warned against the dangers of using certain types of pipe. And it reveals that even before the accident, BP engineers were struggling with unusual difficulties. On April 14, BP drilling engineer Brian Morel e-mailed a colleague, Richard Miller, saying: "This has been [a] nightmare well which has everyone all over the place."

Since then, the nightmare has spilled out across the gulf. BP has said it will bring in additional vessels to boost its ability to handle as much as 53,000 barrels a day, though it warned that the site was so crowded with vessels that safety is a concern.

"Several hundred people are working in a confined space with live hydrocarbons on up to 4 vessels. This is significantly beyond both BP and industry practice," BP chief operating officer Doug Suttles wrote in a letter to Coast Guard Rear Adm. James A. Watson.

Obama, struggling to appear in command in the face of the continuing spill, made a swing though Mississippi, Alabama and Florida on Monday. The trip was aimed largely at audiences in those three states rather than at the national viewing public. The president softened his tone measurably from the week before, when he said he was figuring out "whose ass to kick." On Monday, he acknowledged that there are problems complicating the quick payment of damage claims to those affected by the spill -- a relatively muted complaint and one that other senior officials had already made publicly.

"There are still problems" with the claims process, Obama said after a briefing in Gulfport, Miss., with several governors, Coast Guard officials and others involved in the response. Flanked by Mississippi Gov. Haley Barbour (R) and Coast Guard Admiral Thad W. Allen, the incident commander, Obama said the discussion included how best to coordinate skimmers and other boats already on the gulf to prevent the slick from coming ashore.

"We also talked about claims so that people in Mississippi and throughout the region are adequately compensated for the damages done," Obama said.

The White House on Monday announced Obama's choices for the bipartisan commission tasked with issuing a report within six months about the spill and how to prevent and mitigate future oil spills.

The appointees would be National Resources Defense Council President Frances Beinecke; Donald Boesch, president of the University of Maryland Center for Environmental Science; Terry D. Garcia, executive vice president for the National

Geographic Society overseeing programs in scientific field research, conservation and exploration; Cherry A. Murray, dean of the Harvard School of Engineering and Applied Sciences; and Fran Ulmer, chancellor of the University of Alaska at Anchorage.

The five will work with the co-chairmen, former senator Bob Graham (D-Fla.) and former **Environmental Protection Agency administrator** William K. Reilly.

Staff writers Scott Wilson and Joel Achenbach contributed to this report.

After delays, U.S. begins to tap foreign aid for gulf oil spill (*Washington Post*)

By Juliet Eilperin and Glenn Kessler
Washington Post Staff Writer
Monday, June 14, 2010; A04
Four weeks after the nation's worst environmental disaster, the Obama administration saw no need to accept offers of state-of-the-art skimmers, miles of boom or technical assistance from nations around the globe with experience fighting oil spills.

"We'll let BP decide on what expertise they do need," State Department spokesman Gordon Duguid told reporters on May 19. "We are keeping an eye on what supplies we do need. And as we see that our supplies are running low, it may be at that point in time to accept offers from particular governments."

That time has come.

In the past week, the United States submitted its second request to the European Union for any specialized equipment to contain the oil now seeping onto the Gulf of Mexico's marshes and beaches, and it accepted Canada's offer of 9,842 feet of boom. The government is soliciting additional boom and skimmers from nearly two dozen countries and international organizations.

In late May, the administration accepted Mexico's offer of two skimmers and 13,779 feet of boom; a Dutch offer of three sets of Koseq sweeping arms, which attach to the sides of ships and gather oil; and eight skimming systems offered by Norway.

"As we understand what we need and identify domestic and foreign sources, we will act," said State Department spokesman P.J. Crowley, who said the United States has received 21 aid offers from 17 countries and four international groups. "We are maintaining contact with these countries, we are grateful for the offers, and we will take them up on these offers."

But some lawmakers and outside experts are questioning whether the administration has been too slow to capitalize on these offers, lulled by BP's estimates on the oil flow

rate and on its capacity to cope with the aftermath of the April 20 explosion of the Deepwater Horizon rig.

"We're clearly behind the curve because BP did not have the game plan to deal with this spill," said Sen. Benjamin L. Cardin (D-Md.), who visited Louisiana on Friday. "I don't know if the federal government has the capacity it needs at this point."

Anthony H. Cordesman, a national security and energy analyst at the Center for Strategic and International Studies, said the administration has been hampered because the spill is "a rare case" where the traditional emergency response routine does not apply.

"Most emergency relief is based on proven technology and precedence," he said. "We are now confronted by something that doesn't match any of the models."

A slippery slope

The State Department sent letters to some U.S. allies two weeks after the accident, and the Coast Guard initially sought to assess what supplies might be available overseas, but the administration's public posture on aid has been inconsistent. On May 5, Crowley announced that 13 international offers had been received and that decisions on what to accept would be made "in the next day or two." Two weeks later, the State Department said the government saw no reason to accept any of the offers.

Crowley said the Obama administration is well aware of what happened after Hurricane Katrina, when the U.S. government failed to capitalize on an unprecedented amount of foreign aid offers. Allies offered $854 million in cash and in oil meant to be sold for cash. In the end, only $126 million in cash from 40 donors was received.

"This is different," Crowley said of the oil spill. "We are and will be drawing on the foreign assistance."

In many cases, this equipment is being provided by private companies -- at BP's expense. And like other elements of the joint response, decision-making has been complicated because federal officials must consult with the oil giant before signing off on any offer.

"The coordination on this side of the ocean was not completely clear," said Floris van Hovell, press counselor for the Dutch Embassy in Washington, adding that when a Dutch official was seeking to broker an aid agreement last month, "it was for a long time unclear on where he should go to and who should take the decision."

According to government sources who spoke on the condition of anonymity because they are not authorized to discuss the matter, Secretary of State Hillary Rodham Clinton appealed to the White House several weeks ago, suggesting that it needed some foreign aid for practical and diplomatic reasons.

BP declined to comment.

'We want to help'

Coast Guard Lt. Cmdr. Christopher T. O'Neil wrote in an e-mail that decisions on foreign assistance are made between the top federal official on the scene, BP and "other represented agencies including state and local governments." The Coast Guard has a 51 percent "overriding vote in cases where consensus is not possible," he wrote. "All qualifying offers of assistance have been accepted."

In some cases, the administration rejected offers because they failed to meet U.S. specifications: The private consortium that serves as Norway's spill-response team uses a chemical dispersant that the Environmental Protection Agency has not approved.

In other cases, domestic politics are at play. Dutch authorities have worked in Louisiana since Katrina hit and were among the first to offer to help. After some hesitation, BP has obtained the state-of-the-art Dutch skimmers, two of which are in operation. Meanwhile, a massive sand-dredging operation is moving slowly.

A plan by Louisiana Gov. Bobby Jindal (R) to create sand berms to keep oil from reaching the coastline originally came from the marine contractor Van Oord and the research institute Deltares, both in the Netherlands. BP pledged $360 million for the plan, but U.S. dredging companies -- which have less than one-fifth of the capacity of Dutch dredging firms -- have objected to foreign companies' participation.

Garret Graves, who chairs Louisiana's Coastal Protection and Restoration Authority, wrote in an e-mail that state officials "have made it clear to our contractors from the beginning that we want to use American dredges to complete this sand berm as quickly as possible . . . Ultimately, any effort to expedite these berms will be fully considered, but we remain committed to our American companies."

In the meantime, governments around the world are mobilizing help. In addition to boom, Canada has dispatched an aircraft for surveillance flights as well as several technical experts. Japan is still offering to send boom; the Swedish Coast Guard said it can send three ships that can each collect 370 barrels of oil an hour, but it is waiting to hear from the U.S. government or BP.

The Norwegian Coastal Authority has approved sending nearly a third of the nation's spill response equipment to the gulf if asked.

"We want to help the U.S. with whatever they need," said Espen Myhra, energy counselor at the Norwegian Embassy. "But of course, it's up to the U.S. and BP to decide what they need, and we will respond to that."

Gassed in the Gulf (Part I) (*Examiner*)

June 15, 4:30 AM · Deborah Dupre' - Human Rights Examiner
Note: This is Part I in a 3-Part series, Gassed in the Gulf

The petro-chemical-military-industrial complex is gassing Gulf Coast residents with poisonous Benzene and Corexit dispersant at dangerously high levels in the largest U.S. domestic military operation to date. The military and FEMA engaged in Emergency Plans for 36 urban areas from Texas to Florida due to the unstoppable Gulf oil volcano the size of Mt. Everest, as WMR reports, indicates evacuations while some people are advised to relocate now.

Satellite imagery that Obama's administration withheld shows "under the gaping chasm spewing oil at an ever-alarming rate is a cavern estimated to be around the size of Mount Everest. This information has been given an almost national security-level classification to keep it from the public," writes Wayne Madsen.

Human suffering in the Gulf is increasing from the world's latest toxic oil kill as BP lies and government remains silent about human health risks and associated military interventions. Most immediately damaging of the operation's withheld information pertains to toxins breathed since the explosion. Southerners reporting illnesses with symptoms reflecting Benzene and Corexit poisoning have had to face some leaders suggesting the cause to be mental illness, "stress", while others, such as BP chief Tony Hayward, blamed the illness on rotten food.

Hayward is the guy who sold his £1.4 million shares in BP one month before the Gulf "spill." This in turn caused a collapse of value and a saving to him of over £423,000 when BP's share price plunged after its predicted destruction in the gulf according to the Telegraph. (Since Hayward's pay package of £4 million a year had been insufficient, cashing out enabled him to pay off the mortgage on his family's mansion in Kent.)

No monitors, no dispersant toxicity studies

Other withheld information is that chemicals released have not been monitored. WMR colleague John Caylor, a Gulf Coast resident, reported, "BP and the U.S. Environmental Protection Agency (EPA), which have stated that several hundred air quality monitors have been deployed around the Florida and Alabama coasts and have not detected any benzene levels that would be harmful to human health, are lying."

A senior news source at WEAR-TV, ABC's affiliate in Pensacola told Caylor that "there are no air quality monitors that have been deployed along the coastal bays and inlets by either BP or the EPA. The station sent reporters out to check on the monitors and discovered they were non-existent." (Emphasis added)

"ABC News network out of New York and CNN are echoing the BP and Obama administration's lines that the air quality is being monitored and is perfectly safe," wrote

Caylor. WWL TV reports monitors are being now used in south Louisiana. (See video #2 below)

The spewing oil and dispersant chemicals are toxic enough for so many people to become ill, evacuation would be required, especially before a hurricane blows the lethal cocktail over more Southerners. Hurricane season 2010, anticipated to be highly active and strong, will bring the chemicals further inland, impacting health of too many people to be ignored. Already, even mainstream news reports 70 people in Louisiana have been admitted to hospital with symptoms of toxic poisoning. New Orleans area officials have urged people without means to evacuate before a hurricane to register now.

"Get a game plan now," WWL reported.

Corexit and Benzene Gulf gas combo effects

On May 1, two U.S. Department of Defense C-130 Hercules aircraft were employed to spray oil dispersant, Corexit EC9500A and Corexit EC9527A. Dispersant information, however, was "kept secret under competitive trade laws."

The stated purpose of using more chemicals on the chemical spill was "to break up the oil into tiny droplets that sink and can be more readily dispersed by ocean currents, to diminish the oil's effect on sea life and shore habitats." (New York Times, BP and EPA Skirmish Over Oil Dispersant, May 24, 2010) Mother Nature's non-chemical, safe, effective bio-remediation method of disposing of the oil was dismissed. Such a safe and effective solution for human and the environment was not part of the agenda.

Material Safety Data Sheets (MSDS) "Fact sheets" page for Nalco's Corexit has pdfs available for "Dispersant Type 1," Corexit 9500 (PDF); and "Dispersant Type 2," Corexit 9527A (PDF). Tom Philpott of Grist, who found that these product numbers matched those identified unofficially by his sources, writes,

"The data sheets for both products contain this shocker: 'No toxicity studies have been conducted on this product" -- meaning testing their safety for humans and both data sheets include the warning 'human health hazards: acute.'" (Emphasis added)

As Philpott reported, the MSDS for Corexit 9527A states 'excessive exposure may cause central nervous system effects, nausea, vomiting, anesthetic or narcotic effects,' and 'repeated or excessive exposure to butoxyethanol [an active ingredient] may cause injury to red blood cells (hemolysis), kidney or the liver.'

'"Prolonged and/or repeated exposure through inhalation or extensive skin contact with EGBE [butoxyethanol] may result in damage to the blood and kidneys.'"

The solvents 2-Butoxyethanol and petroleum distillate appear "most dangerous," writes Philpott, but these chemicals continued saturating water and air.

Out of work shrimper, oil clean-up work Clint Guidry reported, “The closest I got [to the Gulf water] was Venice, Louisiana, and you could smell it from Venice... they were actually spraying Corexit 9527A on the oil spill on top of the water and spraying all around—Venice sits on a peninsula, the Mississippi River, right at the—right above the Head of the Passes.

"And they were actually spraying this Corexit in the air all around where people were living, with kids and children, and continuously saying how safe it was." (Emphasis added)

By May 24, New York Times reported that 700,000 US gallons (2,600,000 l) of Corexit dispersants had gassed the area, "approaching a world record." BP was ordered to take “immediate steps to scale back the use of dispersants" that the military was reportedly spraying. Both entities seemingly follow orders from a higher command. Chemical gassing of Gulf life continued.

Benzene, or "swamp gas," the toxin released by oil, is lethal enough for public health concern and action without Corexit. The International Agency for Research on Cancer (IARC) has determined that benzene causes severe human injury such as chromosomal, and is a human carcinogen. Exposure to high levels of benzene is associated with leukemia cancer: acute myelogenous leukemia, acute lymphocytic leukemia, and chronic myelogenous leukemia. (See: 0.9977 Benzene (IARC Summary & Evaluation, Supplement7, 1987)

Benzene-related leukemias have been reported to develop in as short as nine months according to IARC.

The satiation of toxic air, water and food has posed serious health risks to all people of the Gulf, but especially to pregnant women, the elderly and people with health vulnerabilities such as asthma and emphysema. Gina Solomon, NRDC Senior Scientist outlined health risks Louisianians and other Gulf Coast residents face.

Only days after BPs greatest oil assault began, Solomon recommended that pregnant women leave the oil spill area since fossil fuel oil toxins cause miscarriages.

Oil spill VOC (volatile chemicals) acute health effects include "headaches, dizziness and nausea," and "[o]ver the long term, many of these chemicals have been linked to cancer, so there are lots of reasons to worry about inhaling them," advised Solomon. (Dupre, Hitting rock bottom calls for intervention, Examiner, May 9, 2010) The first nine Gulf spill workers were hospitalized for "dizziness, headaches and nausea," as Solomon predicted weeks before according to VOC effects, plus shortness of breath and nosebleeds, likely symptomatic of corexit.

Within days of the Gulf incident, the smell of oil was so strong in coastal deep south, it was reported that one lady had to shut all her windows, turn on her AC and "if her asthma keeps up like this, she'll need to go on her breathing machine tonight."

Meanwhile, police were driving up and down the beach "explicitly telling tourists to 'just stay out of the water.'" (It's BP's Oil, Mother Jones, May 24, 2010) That was almost a month ago. How is she now?

Harassed for attempted survival

CNN reported that commercial shrimper working on the "clean-up," John Wunstell Jr. filed a temporary restraining order in federal court against BP to stop its harassment of workers that voice health concerns. He "wants the oil giant to give the workers masks." Among first reported workers hospitalized for oil/gas injury, Wuntsell alleges that BP confiscated his clothing stripped from him in the hospital, and told him that they would not be returned. This story is eerily similar to those of Nazi gas chambers.

Louisiana Shrimpers Association also accused BP of threatening to fire fisherman from cleanup jobs if they complain about health problems or wear masks. (See Gulf Spill Workers Hopsitalized, Restraining Orders sought, News Inferno) Clean-up worker fishermen were not given respirators, "not even those working in the most dangerous area, closest to the well still spewing oil into the Gulf of Mexico," reported Guidry.

Such negative public relations for corporatism has almost been blacked-out. Gulf Coast residents lack information about serious risks BP's poisons are inflicting on them. Solomon's words of warning were a silenced clarion call to Gulf residents.

Another mild warning for Louisinans was finally offered today. A New Iberia, Louisiana chemist, Wilma Subra advised in a WWL TV new report (Youtube video below) that people experiencing ill health effects from the gassing should relocate, "move out of the area."

Deborah Dupré, with post-graduate science and education degrees from U.S. and Australian universities, has been a human rights advocate and environmentalist for over 25 years in the U.S., Vanuatu and Australia. Support her work by subscribing to her articles (free). For a more just and peaceful world, see Dupré's Vaccine Liberty or Death book plus her Compassion Film Project DVDs.

CHILDREN'S HEALTH

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85 per cent of children drinks contain lead exceeding federal limits for young kids (*NY Daily News*)

By Rosemary Black
DAILY NEWS STAFF WRITER
Tuesday, June 15th 2010, 4:00 AM

Godnik/GettyAccording to the Environmental Law Foundation, 85 percent of kids' drinks contain so much lead they may exceed federal limits for young children.

It's a little hard to swallow: more than 85 percent of kids' drinks contain so much lead they may exceed federal limits for young children.

Both organic and conventional juices were among the lead-tainted products, according to the Environmental Law Foundation, a Bay Area-based environmental nonprofit that used a U.S. Environmental Protection Agency certified lab to test 400 samples of 150 products marketed to kids.

Of 146 products, 125 were contaminated with enough lead in a single serving to require a warning label under California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is also known as Prop. 65.

Besides juices in flavors like apple and grape, the products included fruit cocktail mixes, packaged pears and peaches and some baby food, according to Inhabitots.com.

The Environmental Law Foundation has sent notices to law enforcement officials as well as to manufacturers, retailers and distributors of the lead-tainted products, asking that they begin to comply with Prop. 65 or to place "clear and reasonable warnings" on the food packages.

CLIMATE CHANGE

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Samuelsohn, Bravender discuss impact of Murkowski vote on climate, energy negotiations (*Greenwire*)

(06/14/2010)
On the heels of last week's Senate vote on U.S. EPA's regulation of greenhouse gas emissions, how will the Senate proceed with its climate negotiations? During today's OnPoint, E&E reporter Robin Bravender and former E&E reporter Darren Samuelsohn discuss the impact of last week's action on Sen. Lisa Murkowski's (R-Alaska) disapproval resolution on the congressional climate debate.

EPA Says No PSD Fee System Available Despite Major GHG Permit Burden (*Inside EPA*)

Posted: June 14, 2010

EPA is warning that state regulators may ultimately face a '100-fold' increase in the number of prevention of significant deterioration (PSD) permits they will need to issue under its emerging greenhouse gas (GHGs) regulatory program, which the agency points out will impose major administrative costs for which no “mitigating fee structure currently exists.”
Additionally, EPA says earlier estimates by state regulators of the personnel and financial resources they will need to meet the burden of regulating GHGs likely represent “a significant understatement of the potential impacts on permitting authorities.” However, it is not clear whether the agency believes that to be true only in the absence of its recently finalized “tailoring” rule, which limits GHG regulation to large, stationary emitters -- a rule many industry critics argue is highly vulnerable to a legal challenge.

While the agency notes regulators can use existing fee mechanisms for Title V operating permits to recoup the costs associated with the “huge burden” of expanding its permitting program to cover GHGs, the agency says there is no fee mechanism in place to address PSD permits, which are issued to new or expanded facilities.

A state source says the agency's finding “underscores the importance of EPA ensuring that the $25 million that is in the FY 2011 budget [for permitting authorities] be appropriated,” and argues that “states should have an opportunity to obtain more money through their permitting program.” That said, “we are fully prepared to take on this new responsibility.”

EPA's prediction of the permitting burden state regulators will face is included in a Regulatory Impact Analysis the agency released alongside its final “tailoring” rule, which was published June 3 in the *Federal Register*.

While the air law establishes regulatory thresholds of 100/250 tons per year (tpy) for regulated pollutants, the tailoring rule raises that threshold for GHGs to 75,000 tpy for PSD permits -- which set air pollution limits for new facilities or those that undergo major modifications -- and 100,000 tpy for Title V operating permits. The impact analysis presents the agency's official assessment of the social costs and benefits of the rule.

EPA Analysis

In its analysis, EPA says state regulators will save approximately $21 billion in administrative costs thanks to the higher permitting thresholds in the tailoring rule; without the rule, EPA says regulators would have been required to process roughly 2 million additional Title V operating permits annually, which would have been a “huge burden to these agencies.” At the same time, though, EPA notes “the economic consequences to permitting authorities of this [Title V] permitting program are offset in the fee structure these authorities are allowed to charge sources obtaining Title V permits.”

While the tailoring rule postpones the burden of regulating small emitters, which EPA says “cannot feasibly be met” for at least another 5 years, many observers expect the rule will eventually be overturned by a federal court because it alters the air law

regulatory thresholds established by Congress, which would lead to the permitting of thousands of additional sources of GHGs. EPA has also indicated it could lower the GHG regulatory threshold in the future.

Additionally, EPA's analysis notes that, unlike with Title V permits, no fee structure currently exists for PSD permitting, meaning regulators will need to cover their costs by relying on “current revenue sources” -- revenue sources some regulators have complained may not be available due to state budget freezes.

The agency's findings are the latest evidence of the huge resource burdens state and federal regulators are facing as they move to begin regulating GHGs in the coming years. For example, some EPA union officials and the Government Accountability Office have warned the agency lacks the resources necessary to meet the burdens that will be imposed by climate regulations and other initiatives. Top agency officials, however, are rejecting calls for EPA to conduct a sweeping analysis of its workforce needs.

Concerns have also been raised by some state officials that EPA's Air Facility System -- a database of permitting information concerning stationary sources regulated under the air law -- could be overwhelmed by the increased workload posed by climate rules. State regulators have also warned they may have difficulties attaining the staff and financial resources they will need to issue permits for GHGs.

State Survey

The National Association of Clean Air Agencies (NACAA) in a survey of state regulators conducted last year found the average permitting authority would need an additional dozen full-time employees and $1.1 million in new funding as a result of GHG regulation, assuming a 10-fold increase in the number of PSD permits that would need to be issued. The average time to add those employees would be two years, the survey found, though “approximately 25 percent of respondents indicated that a hiring freeze is in place and would not allow them to add new staff at this point.”

The survey also found that if states were unable to add new staff or obtain additional funding, the average PSD permit -- which sets air pollution limits for facilities undergoing significant alterations -- would take a “a little less than 3 years” to be issued, “approximately three times the average current processing time.” Respondents to the survey on average said they issue 8 PSD permits a year.

In its analysis of tailoring rule, however, EPA says the burden imposed on states as a result of regulating GHGs may be much larger than assumed. “Rather than the 10-fold increase in permits postulated in NACAA’s survey, EPA estimates the increase would more likely be 100-fold,” the analysis states, “making these estimates a significant understatement of the potential impacts on permitting authorities.” A spokeswoman for EPA suggests the language refers to the burden regulators would face in the absence of the tailoring rule.

The state source downplays the significance of EPA's assessment, declaring the analysis and NACAA's own survey to both be “directionally correct” in finding the burden

of regulating GHGs “would be far more significant than what the agency developed initially.”

In addition to estimating the burden of issuing PSD permits, the EPA analysis also predicts potential savings, estimating that raising the regulatory threshold for GHGs under the air law will result in $193.6 billion in “regulatory relief benefits” from January 2011 to July 2013. And while there “will be some costs to society during this time from the potential loss of GHG emission reductions from small sources that could occur,” the analysis says EPA was “not able to quantify or monetize these potential foregone emission reductions.” -- *Charles Davis*

Liberal group targets GOP backers of Murkowski resolution (*Greenwire*)

Story also appeared: *New York Times*

(06/14/2010)
Robin Bravender, E&E reporter
A liberal advocacy group is running an advertising campaign attacking three Republican senators for endorsing a failed effort to hamstring federal climate regulations. Americans United for Change is sponsoring TV ads targeting Sens. Scott Brown (R-Mass.), Chuck Grassley (R-Iowa) and Richard Burr (R-N.C.) for their votes in favor of Sen. Lisa Murkowski's (R-Alaska) bid to block U.S. EPA's climate rules.

The ads are aimed at pressuring the Republicans to support a comprehensive energy and climate bill from Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.), said Americans United for Change executive director Tom McMahon.

"With this effort, we hope to make it as politically toxic for Senator Burr, Grassley and Brown as possible back home to continue standing with big oil," McMahon said in a statement. "Hopefully it will make them think twice about ultimately voting against the president's comprehensive clean energy and climate legislation -- the American Power Act."

The ads are the latest in a series from the liberal group tying Murkowski's resolution to the massive oil spill in the Gulf of Mexico. They accuse the senators of voting to "let Big Oil off the hook" by limiting EPA regulations and while accepting contributions from the oil industry.

All 41 Senate Republicans and six Democrats voted Thursday to support the Murkowski measure, which was quashed in a 47-53 procedural vote.

Grassley and Burr are both up for re-election this fall, although both are expected to keep their seats; Brown is expected to face a tough re-election fight in 2012.

Grassley and Brown both issued statements last week decrying the Obama administration's efforts to regulate greenhouse gases under the Clean Air Act.

"The EPA is simply trying to bully Congress by saying, 'Either you pass a bill that will raise costs for American families and destroy jobs or we'll pass regulations that will be even worse,'" Grassley said in a statement. "The Obama administration has acknowledged this, but is still pushing forward."

Brown wrote in a *Cape Cod Times* op-ed that allowing EPA to regulate greenhouse gases "would give an unelected and unaccountable government agency the power to impose restrictive and damaging carbon dioxide regulations that will drive up energy prices and hurt job-creating small businesses in our country." Brown added that there are "ways to renew our national commitment to cleaner sources of energy without breaking the back of our economy."

Americans United for Change will spend $118,000 to run ads against Grassley in Des Moines and Cedar Rapids from June 15 to June 21, and $234,000 to run ads against Burr in Raleigh and Charlotte during that time. The $53,000 ads targeting Brown were launched Friday and aired over the weekend, including a spot during the NBA Finals game last night.

The advocacy group was formed in 2005 by Democratic officials and labor interests and has run campaigns for a number of Democratic initiatives, including health care legislation, financial reform and climate legislation.

ENERGY

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Air-conditioning tips can keep you cool for less (*Tampa Tribune*)

By NEIL JOHNSON | The Tampa Tribune
It's hot outside, but you want to be cool inside. Here are some tips on how to accomplish that without draining your wallet in the process:

One of the best steps manufacturers say a homeowner can take is to change the filters monthly if your air conditioning is running every day. The cleaner the filters, the more effective â€ “ and cheaper to run â the air conditioning system.

Other savings can come from using a programmable thermostat. Energy Star, a joint program of the Environmental Protection Agency and the Department of Energy, says switching to a programmable thermostat can save $180 a year.

The programmable thermostat allows you to set different temperatures for different times of the day. Energy Star suggests setting the thermostat at 78 degrees when you wake up, turning it up about 7 degrees while at work and back to 78 when you come home. Then, turn it up about 4 degrees at bed time.

You can take the same steps with a manual thermostat, but you have to remember to adjust the temperature yourself each day.

Also from Energy Star, setting the thermostat super low won't get your house cool any faster â€ “ in other words, dropping the thermostat to 60 degrees won't make the air coming out of your system any colder. It will, however, waste energy by eventually making your house too frigid.

Heavy air conditioning use isn't likely to go away anytime soon as another sweltering, muggy day is in store for the Tampa Bay area.

Temperatures should reach the middle 90s in Tampa today but forecasts don't call for it to be quite hot enough to break the record of 97 that was set in 1977.

Mix in the high humidity, though, and it could feel like over 100 degrees this afternoon.

And that's in the shade. The National Weather Service official temperature readings are not in direct sunlight that can be more than 10 degrees higher than someplace in the shade.

The lack of rain and clouds the past several days allowed temperatures to climb to record levels in Tampa and St. Petersburg during the weekend.

Sunday's 96 degrees broke the record of 95 set in 1977 in Tampa, and 97 degrees in St. Petersburg was high enough to topple the record of 95 there set in 1977.

On Saturday, 98 degrees tied the record high in Tampa for that day, which was set in 1977.

Despite ample humidity, don't look for much thunderstorm activity today; there is only about a 20 percent chance for rain.

Temperatures should fall closer to normal for the middle of June by later in the week, but forecasts still call for the lower 90s, a few degrees above the typical afternoon highs.

Money: Energy Efficient Homes (*FOX 5*)

Updated: Monday, 14 Jun 2010, 6:00 PM EDT
Published : Monday, 14 Jun 2010, 5:51 PM EDT
By MELANIE ALNWICK/myfoxdc

WASHINGTON - The blue Energy Star label is not just for appliances. Did you know an entire home can earn the Environmental Protection Agency's certification?

The Columbia Builders model at 2504 Hollifield Lane in Ellicott City is leading the way in Maryland.

Expertly decorated with all the amenities, it shows like a dream. But it is what's underneath that sets it apart.

"So you kind of look around and say, energy leaks, energy leaks, where are they?" said company president Jim Greenfield, as he showed FOX 5 through another home under construction.

The answer? Behind corners - which Columbia purposely leaves open.

"We actually blow foam in there," said Greenfield.

Foam over the tops of walls, and around windows and ducts.

Greenfield has been in the home building business since he was a kid. His company started building its first Energy Star homes two years ago.

"Our goal is to get the best house we can, energy efficiency-wise, without breaking the bank," said Greenfield.

To qualify for the EPA's Energy Star rating - a home must be at least 15 percent more energy efficient than standard homes. In January 2011 - the rules are getting tougher, requiring a 20 percent increase in efficiency over current levels. It is one way to raise the bar and keep the label meaningful.

"We're trying to go ahead transform the market, to continually increase the efficiency," said Baltimore Gas and Electric's Ruth Kiselewich, director of energy efficiency programs.

With support from BGE - Columbia Builders' model is 42 percent more efficient. That is enough to meet the new standards early.

Despite being in the epicenter of environmental policy, the D.C. area does not even rank in the top 20 markets for Energy Star homes, according to the EPA.

Programs like this are working to change that. BGE said 2,600 homes are being built in Maryland to the higher standard.

"We're working hard to make sure this area makes the list of the most energy efficient in the country," responded Kiselewich.

BGE's Smart Savers program is offering incentives to builders -- up to $1,000 per home. Greenfield said with that, it's a no brainer. He estimates the additional design, materials

and labor adds about $5,000 to the sale price. Owners will easily get that back in energy savings.

"Somewhere between $1,000 to $1,400 a year. That's a pretty good payback," said Greenfield.

It is a good feeling to be in beautiful surroundings. And even better, if you are saving money and the environment at the same time.

Clinton-era secretary blasts department; scientists say Salazar should quit (*Greenwire*)

(06/14/2010)
Patrick Reis, E&E reporter
The Interior Department is under attack from a former department chief who said it is incapable of overseeing offshore drilling and from a group of scientists and environmental groups calling for its current head to be fired.
Bruce Babbitt, Interior secretary under President Clinton, said Interior's Minerals Management Service lacks the tools to provide adequate environmental oversight of offshore oil and gas operations and the job should instead fall to U.S. EPA.
"The Interior Department can supervise collecting the money and giving the licenses but we need an absolutely independent regulator, and I think EPA is the logical choice," Babbitt said yesterday on the TV program "Platts Energy Week."

Last month, Interior Secretary Ken Salazar ordered a massive overhaul of MMS, breaking the agency into three separate offices responsible for issuing permits of offshore drilling, collecting revenue from those operations and enforcing safety regulations.

MMS is under fire for cozy relationships with industry and reports of sex, pornography viewing and drug use, as well as approving offshore drilling operations -- BP PLC's exploration plan for the area where oil is now gushing into the Gulf -- by way of a "categorical exclusion," a streamlined environmental review intended to be applied only to routine projects.

Babbitt said Salazar's reorganization plan does not go far enough. "I think Salazar is basically rearranging the chairs on the deck of the Titanic," he said.

Babbitt said the industry has "essentially been self-regulating" for years, across both Democratic and Republican administrations but that the more serious problems did not take hold until President George W. Bush took office. "The corruption that has crept into the agency is a relatively recent phenomenon coming out of the deregulatory ethic that crept up during the Bush administration," he said.

Enviro groups want change at top
A coalition of 101 environmental groups and scientists said today that Salazar has failed to reform that corruption and should be fired for it.

"Today we know that real reform at MMS never happened," the coalition wrote in a **letter** to President Obama asking him to demand Salazar's resignation. "MMS continued its reckless lack of oversight of the oil and gas industry, this time in the form of rubberstamping offshore oil and gas development."

The letter, whose signatories include national and regional wildlife groups and a handful of former Interior scientists, is also critical of Salazar's efforts on restoring scientific integrity, protecting endangered species and overseeing the coal industry.

Interior spokeswoman Kendra Barkoff defended Salazar's efforts following the Gulf spill and his plan to restructure MMS.

"Secretary Salazar has ordered a fundamental restructuring of MMS that will be systemic and not cosmetic because he is well aware that we need to clean up the troubled agency and restore balance to the development of our nation's offshore energy resources," she said.

Along with the creation of a body within MMS dedicated exclusively to inspecting energy operations, Salazar is asking Congress to boost funding for the inspections.

The Interior chief is also asking Congress to triple its 30-day deadline for MMS to respond to exploration plans submitted by oil and gas companies, saying that a 90-day review period would provide time for additional environmental and safety reviews.

"The secretary is devoting 100 percent of his time to the fight to protect the Gulf Coast from BP's oil spill and will not rest until the leak is stopped, the affected communities are made whole and the Gulf Coast is restored," Barkoff added.

GRANTS
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Climate change is real, EPA official says in announcing $500,000 grant to CNY (*Post Standard*)

Published: Monday, June 14, 2010, 12:51 PM Updated: Monday, June 14, 2010, 1:46 PM
Marie Morelli / The Post-Standard

Syracuse, NY -- The U.S. Environmental Protection Agency's top official in the region said a $500,000 grant for climate change planned here is "cold cash to cool the planet."

"EPA is making this investment in Central New York because climate change is real and it's happening now," **Judith Enck**, Region 2 administrator, said at a news conference today to announce the grant to the **Central New York Regional Planning and Development Board.**

EPA picked Central New York as one of 25 **Climate Showcase Communities** out of about 450 applications nationwide.

The showcase communities will share $10 million in federal funding, plus $5 million in matching or leveraged funds they had to come up with. The maximum grant was $500,000.

The board will use its $500,000 grant (plus $250,000 in matching funds) to help nine communities in its core service area Cayuga, Cortland, Madison, Onondaga and Oswego counties over the next three years.

With technical assistance from the board, the local governments will come up with strategies to reduce their greenhouse gas emissions by making their buildings more efficient, "greening" their transportation fleets and adopting building codes that promote sustainable growth.

Greenhouse gases are so called because they trap heat in the atmosphere like a greenhouse. Carbon dioxide, a byproduct of burning fossil fuels, is an example of a greenhouse gas.

Enck said the science of climate change is clear. Seven of the planet's 10 warmest years have occurred since 1990, the previous decade was the warmest decade ever and one-third of the Arctic Sea ice has melted in the past 30 years.

President Obama has made climate change a priority, Enck said. EPA has taken steps to limit greenhouse gas emissions from vehicles and industry. Local governments can play a role, as well.

"Innovation and cutting-edge work is happening at the local level," she said. "Local governments make decisions on transportation and building codes. We're looking for models that can be reproduced around the country."

Solutions developed at the local government level can "trickle up" to the federal government, she said.

Enck appeared with U.S. Rep. Dan Maffei, D-DeWitt, and Syracuse Mayor Stephanie Miner at the Syracuse Center of Excellence, itself a showcase of green building technology. The center hosted the planning group's board of directors meeting after the media event.

Maffei said our reliance on fossil fuels was the root of the diplomatic crisis with Iran and the environmental disaster unfolding in the Gulf of Mexico, where a ruptured BP well is spilling millions of gallons of oil into the sea.

"These fossil fuels are the way of the past. Clean energy is the way of the future," Maffei said. "Green technology leads to green money."

Earlier today, Enck met with Miner and Onondaga County Executive Joanie Mahoney to discuss green infrastructure. Later today, she was scheduled to meet with area business leaders.

Enck also planned to meet with officials from the town of Camillus to discuss the cleanup of Onondaga Lake. EPA wants to bury sediment from the lake cleanup in Wastebed 13 in Camillus. Residents want to know what's in the sediment and what hazards it might pose to human health.

Marie Morelli can be reached at ***mmorelli@syracuse.com*** *or 315-470-2220.*

HAZARDOUS WASTE
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EPA orders cleanup of polluted North Dighton site (*Taunton Daily Gazette*)

By Gerry Tuoti
Staff Writer
Posted Jun 14, 2010 @ 11:31 PM
DIGHTON —
Three parties have reached a settlement with the Environmental Protection Agency to clean up a contaminated site in North Dighton, where potentially hazardous industrial waste was buried decades ago.

"This is good news for the community, and certainly for the people who live nearby," EPA spokesman David Deegan said. "It fits with the EPA's long-standing desire to have the polluter pay to clean up pollution."

Zeneca Inc., Waste Management Services of Massachusetts and the Barbara Gustafson Trust have agreed to pay a combined sum of nearly $2 million to complete a waste removal process that includes determining the extent of contamination at the Winthrop Street site, identifying hazardous materials present there and removing hazardous substances and contaminated soil.

Based on a preliminary investigation, the EPA believes that volatile organic compounds, heavy metals and polychlorinated biphenyls are buried under the site, which accepted waste during the 1970s from a now-defunct chemical plant that made textile dyes, dye intermediates, plasticizers, anesthetics and fire-fighting chemicals.

Deegan said polychlorinated biphenyls are believed to be linked to cancer.

"All of these are things that need to be removed so the site does not pose health risks to people, pose risks to contaminating ground water or surface water, or have an impact on wildlife," he said.

Known as the Winthrop Street Drums Site, the property includes about 90 acres of mostly wooded land that was once used for farming and as pasture. The site, which is no longer in active use, is owned by the Gustafson Trust and includes a former farm on Wheeler Street and a vacant residential parcel on Winthrop Street.

Last September, after the daughter of former property owner Edward Gustafson contacted the EPA to report that drums and other containers of potentially hazardous waste were buried at the site during the 1970s, the federal agency visited the site.

The EPA said its preliminary investigation that a significant portion of the waste was brought to the site from a now-defunct chemical plant in Dighton, formerly operated by ICI Americas. The agency also found that a local waste hauler, Cal's Transportation, transported waste there. Zeneca and Waste Management Disposal Services of Massachusetts are corporate successors to ICI Americas and Cal's Transportation, respectively.

The federal agency has estimated that the removal work will cost about $1.8 million. The settlement also requires the parties to reimburse the EPA for more than $93,000 already spent at the site and to pay all future costs in the event the parties fail to complete the clean-up and EPA has to take over the work.

Contact Gerry Tuoti at gtuoti@tauntongazette.com.

State to begin cleanup of massive illegal dump in Markham (*Chicago Tribune*)

Thousands of pounds of debris scatted over 12 acres
By Joel Hood, Tribune reporter
8:20 PM CDT, June 14, 2010
Officials from the state Environmental Protection Agency will begin cleanup Tuesday of a remote wooded area in suburban Markham that may be the largest illegal dump site ever uncovered in Illinois.

Thousands of pounds of home and construction debris, abandoned mobile homes, damaged boat hulls, tires, used auto parts, swimming pool chemicals and drums of unknown liquids are spread over 12 acres near 159th Street and Dixie Highway. Markham had annexed the neighborhood from Cook County.

"I've never come across a dump site of this scale," said Charlene Thigpen, an environmental specialist with the state EPA. Officials speculated the debris had been accumulating in the area over years, if not decades.

"One wonders how all this could have gone on in this jurisdiction for so long and nobody once call us to let us know," said Paul Purseglove, a manager of field operations for the EPA.

Markham Mayor David Webb and the city's code enforcement department did not return phone calls Monday as large construction equipment tore down the outside wall of a vacant mobile home at the dump site. Code enforcement officials evicted the man who had been illegally living in the home over the weekend, Purseglove said.

The EPA was alerted to the debris field in April, when some of the tires caught fire. Since then, the agency has removed about 22,000 tires from the area, eliminating a fire hazard and a potential breeding ground for mosquitoes carrying deadly viruses, Purseglove said. The EPA hopes to finish the cleanup this month for nearly $1 million, Thigpen said.

Concerned about possible groundwater contamination, the EPA has alerted nearby homeowners and tested some private backyard wells. The results, according to the EPA, showed the dump site was not likely a source of contamination.

While work crews clean up the debris, the Illinois attorney general's office continues to track down those who may be responsible — to help pay the removal costs. Investigators recovered vehicle ID numbers from 43 damaged boat hulls in an effort to find their former owners.

"The issue with sites like this is that even if you're able to find someone, they're often judgment-proof," said Charles Grigalauski, a regional manager for the state EPA. "They don't have any assets. And then it becomes how much money is the state willing to spend to investigate and go after someone if they can't pay?"

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PESTICIDES

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No bedbug relief: EPA rejects request to allow pesticide (*Columbus Dispatch*)

Monday, June 14, 2010 04:06 PM
By Doug Caruso
THE COLUMBUS DISPATCH
The U.S. EPA has rejected Ohio's request to use an industrial and agricultural pesticide to fight bedbugs in homes.

The risk of exposing children to the pesticide, called Propoxur, outweighs the potential good it could do by quickly wiping out an infestation, Lisa Jackson, administrator of the U.S. Environmental Protection Agency, told Gov. Ted Strickland in a letter this month.

"The agency's health review for its use on bedbugs suggests that children entering and using rooms that have been treated may be at risk of experiencing nervous system effects," Jackson wrote.

The federal agency could reconsider the state's request after reviewing more information, said Kaleigh Frasier, a spokeswoman for the Ohio Department of Agriculture.

"We're disappointed with the outcome, but we'll stay in contact with the EPA," she said. The department asked the EPA for permission to use the insecticide inside homes after declaring that growing infestations of bedbugs in the state had become an emergency.

Bedbugs have made a real comeback. From almost no reports a few years ago, the Franklin County Board of Health recorded more than 4,000 in 2009. Treatment can be expensive and take many applications of the pesticides currently approved for use in the home.

Not being able to bring Propoxur to the fight is a setback, said Susan Jones, an Ohio State University entomologist and a member of the Central Ohio Bedbug Task Force.

"It is very much a blow because we don't really have products that are knocking down the bedbugs very well," Jones said.

"I guess we're not surprised because EPA tends to be reticent once something's been taken off the market and they don't tend to be responsive."

Propoxur was introduced in 1959, but it was removed from home use in the 1990s under a law that sought to reduce people's exposure to insecticides.

The EPA likely overestimated the exposure to children, she said.

She said a group representing pest-control businesses is working with the University of Florida to provide more information to federal officials about how much of the pesticide would become airborne.

In tests at the University of Kentucky, Propoxur killed all of the bedbugs exposed to it within 24 hours and kept on killing after eggs hatched. That's compared with 16 percent kill rate after 72 hours for a commonly used household insecticide against a strain found in Cincinnati and 40 percent against another strain.

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RECYCLING

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Federal Hill Prep recycling program (*Baltimore Sun*)

Brooklyn Park students build rain garden
bs-gr-federal-hill-prep-20100614
The tangle of kids moved furiously around the bins after lunch. They tossed milk jugs in the yellow bin, napkins and half-eaten hot dogs in the green one and trays in the gray one.

Students at Baltimore's Federal Hill Preparatory School haven't just been recycling the usual items, like paper and plastic, this year. They've sorted everything — from crayon pieces and pencil shavings to leftover meals.

The full-bore effort to eliminate waste has been a project of Sheryl Barr's environmental studies class of sixth, seventh and eighth-graders, and has spread to many students' homes. If the kids have their way, it will become a model for the entire city school system.

"They're kind of like the recycling police now," said Susan Yum, parent of a second-grader. "They come home and say, 'Are you throwing that away?'"

The city picks up basic recycling from many schools, and at least a few other schools collect some compost, a portion of which goes to a city farm where food is grown for school cafeterias. A spokeswoman for the school system said the city wants to launch a broader recycling and composting program and hopes to start a pilot next year with 10 schools, though funding sources remain unclear.

Federal Hill Prep appears to have the most ambitious program now, collecting everything students can find homes for, including used batteries. They even tried recycling the crayon pieces themselves by peeling and melting them in an old Easy Bake Oven, but it made a bit of a mess so they now get shipped to a professional recycler.

As for the composting, a local company, Waste Neutral, collects and returns the material months later for use in the school garden.

To that end, Malani Burke, a seventh-grader from Northeast Baltimore, spends some of her lunch break every week minding the bins to ensure nothing is improperly tossed. But first students needed to learn what was recyclable and compostable.

"We had a recycling program but it wasn't doing well," she said. "We sorted 33 pounds of garbage and 15 pounds could have been recycled. We decided that was not good. That's like half."

The students got tips from professionals at Waste Neutral and Wheelabrator Technologies Inc., which operates a waste-to-energy plant in South Baltimore. It's owned by Waste Management Inc., which hauls city schools' recycling to its single-

stream facility in Elkridge.

Wheelabrator works with classes from about 10 schools nationwide every year to promote green learning. The company kicks in $500 to start, hosts a symposium where students discuss how they've solved an environmental problem and then rewards the work with another $1,000, says Linda Sapienza, communications director for the program.

"It's important to get the next generation involved in environmental stewardship," said Sapienza, who said Federal Hill has participated since 2005. Calverton Elementary/Middle School also participates.

The Federal Hill Parent Teacher Organization, led by mothers such as Joanna Pi-Sunyer and Amy Caplan Stern, raised another $600, and the city's Office of Sustainability granted $1,000 for purchasing bins and supplies, taking field trips and paying the $145 a month to have the compost taken away and returned.

Keith Losoya, Waste Neutral owner, said the kids collected about 4,000 pounds of food waste this year. For every 2,000 pounds, a cubic yard of compost is returned. He said he's applied for a $30,000 grant from the U.S. Environmental Protection Agency so he can expand the program to more schools in the region.

Brett Buikema, youth outreach coordinator for the city sustainability office, said that officials there also have been fundraising to further expand composting in schools, as well as programs to green the campuses and conserve energy. So far, the office has funded activities at 16 schools but called Federal Hill's the most ambitious.

If every school recycled, the system may be able to save money on hauling trash, said Pi-Sunyer, who has a first-grader and a pre-kindergarten student at Federal Hill. Other savings could come from little moves such as switching to reusable trays instead of unrecyclable Styrofoam.

But each school will have to determine what the students there can do, said Barr, the teacher.

"We started with the idea that we should know our garbage," Barr said. "We worked out what we could do on-site and what it would cost. We did a mini-composting program in the class to learn what it was all about."

Cobe Jones, a middle-schooler from West Baltimore who minds the cafeteria bins every Tuesday, said his class developed lesson plans for all the other grades. They tried to make learning fun by, for example, hosting a relay race where the students would pick items that were recyclable and race them to a bin.

Darius Brooks of Federal Hill said the littlest kids learned the fastest. Middle-schoolers were more stubborn. "They have other things on their minds," he said. "But if you throw

everything away, it's a lot harder to sort afterward."

On a recent day, Cobe, Darius and Malani were outside for Family Fun Day, but vigilance was still required. The class made sure the bins, moved outside for the occasion, did not go unattended. They also staffed a table in the garden, where students picked a plant and potted it with garden soil and compost they proudly acknowledged came from their own lunchroom.

SUPERFUND

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EPA: Company must halt poison gas at SE Idaho site (*Associated Press*)

Story also appeared: *FOX 12 Idaho*

June 14, 2010 4:24 PM ET
BOISE, Idaho (AP) - The Environmental Protection Agency ordered a chemical company to take steps to halt poisonous, explosive gas that's leaking from a Superfund site in southeastern Idaho after the state determined it's an "urgent public health hazard."

Philadelphia-based FMC Corp. operated a plant until 2001 on the Eastern Michaud Flats area west of Pocatello on the Shoshone-Bannock Indian Reservation.

The site, about a mile from Pocatello Airport's passenger terminal, has been on a federal list of America's most-contaminated places since 1990.

A decade after the FMC plant was shuttered, however, a capped pond is now leaking phosphine gas, a severe respiratory irritant that smells like rotten fish.

This month, Idaho concluded burping phosphine gas from FMC's Pond 15S "is an urgent public health hazard for anyone on site."

WATER

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News

Mt. Pleasant will reduce fluoride levels in water (*The Morning Sun*)

Tuesday, June 15, 2010 6:29 AM EDT

By MARK RANZENBERGER
Sun Online Editor
Mt. Pleasant city commissioners voted 4-2 Monday to reduce the amount of fluoride added to city water.

Commissioners also voted to appoint Planning Commissioner Nancy English to fill a vacancy on the city commission.

The fluoride vote came in response to a recommendation from a task force that concluded that “artificial fluoridation of the city’s water system represents an unnecessary risk to at least of the subgroups within our population,” according to the task force’s report.

“It is unnecessary because topical fluoride protection is readily available at relatively low cost through fluoridated toothpaste,” the report continued. “It is also available through oral rinses, which are relatively inexpensive, and through treatment at dental offices.”

The move came despite objections from the Michigan Dental Association and the Michigan Department of Community Health, which calls adding low levels of fluoride to public water supplies a “safe, cost-effective public health measure,” according to Susan Dewey, the Department of Community Health’s fluoridation coordinator.

The five-member task force was established in 2008, and concluded that adding fluoride to city water did relatively little to fight tooth decay, posed some health risks and raised legal and ethical questions.

In 1997, voters supported adding fluoride. In 2004, fluoride was removed after a campaign labeled as misleading by opponents. Voters put it back in 2005.

Task force chairwoman Kathy Ling, also a city commissioner, said reducing the amount of fluoride added to water was permitted by the wording of the 2005 ballot issue, which permitted review and changing the level of fluoride, she said.

“The task force has no intention of ignoring the will of the people in the 2005 election,” she said. “This is a temporary recommendation.”

She said task force members looked closely at two events that took place after 2005: an American Dental Association recommendation that baby formula not be mixed with fluoridated water, as well as a report from the National Research Council for the Environmental Protection Agency that raised questions about health risks to children, diabetics, people with poor kidney function, or people such as athletes who drink a lot of water.

Both reports were issued in 2006.

“That seemed to be a strong red flag,” Ling said.

“I didn’t see data that supported that having fluoride didn’t cause harm,” said task force member Sharyl Majorski.

“Fluoride is a dangerous drug,” said task force member Jeanne Pfeiffer, a registered nurse. “It’s put in there to drug the people. The best way to get fluoride is to put it topically on your teeth.”

Carol Hanba, a dental hygienist and oral health coordinator for the Mid-Michigan District Health Department, said removing fluoride would harm people, especially children, who are exposed to high levels of sweets and little other opportunity to get fluoride to fight decaying teeth. .

“They’re still going to get Gatorade in their bottles,” Hanba said. “This is a lifeline to counteract that.”

Task force member Larry Collins said he did not support reducing the amount of fluoride. The former city manager said the city should take no action unless or until the EPA took action.

Mayor Jim Holton and commissioners Sharon Tilmann, David McGuire and Ling voted in favor of the reduction; Vice Mayor Bruce Kilmer and Commissioner Jon Joslin voted no.

City Manager Kathie Grinzinger said the reduction would take place fairly quickly, but the exact details and the exact level to which it would be reduced still has to be decided.

About 0.4 parts per million of fluoride occurs natural in Mt. Pleasant water; enough sodium fluoride has been added to raise the level to 0.7 ppm.

Also Monday, the commission’s appointment’s committee recommended English from among 10 candidates who applied to fill the vacancy on the commission caused by the resignation of former Commissioner Jeffrey Palmer.

English is a business development liaison for Central Michigan Community Hospital. She is a former senior manager for Unison Site Management in New York, and was principal of Sacred Heart Academy’s junior and senior high schools from 2001 to 2004.

She earned her bachelor of science in nursing from Creighton University and her master of science in education from Kansas University.

Her appointment to the city commission creates a vacancy on the plan board. McGuire, who chairs the appointments committee, said applications to fill that vacancy would be taken soon.

Published June 14 2010

UWS project will monitor South Shore ecology (*Duluth News Tribune*)

The Lake Superior Research Institute at the University of Wisconsin-Superior will get $971,714 from the Environmental Protection Agency to work with the Wisconsin Depart-ment of Natural Resources to monitor waters in and near Lake Superior.
By: Duluth News Tribune,

The Lake Superior Research Institute at the University of Wisconsin-Superior will get $971,714 from the Environmental Protection Agency to work with the Wisconsin Depart-ment of Natural Resources to monitor waters in and near Lake Superior.
The effort, yet another paid for by the $475 million Great Lakes Restoration Initiative approved by Congress last year, will look at coastal wetlands, streams and Lake Superior near the South Shore. It's one of 270 projects funded across the Great Lakes this summer, including more than two dozen centered on the western end of Lake Superior.
The new federal money will allow the DNR to begin its near-shore monitoring program with 71 permanent sites that will collect biological, physical and chemical data. The information will enable scientists to take a long-term look at the ecological condition of South Shore waters so they can see where problem areas are and take action.
Scientists will set up 20 stations in Lake Superior, 17 in coastal wetlands and 34 in tributary streams. Most are located in Douglas and Bayfield counties, with remaining sites located in Ashland and Iron counties. Scientists will use the stations to analyze water quality as well as observe the number, variety and health of invertebrates, plants, amphibians and birds around each site.

Monday, June 14, 2010, 2:44pm EDT | Modified: Monday, June 14, 2010, 2:47pm

Pharr Yarns cited for water pollution (*Charlotte Business Journal*)

The U.S. Environmental Protection Agency has told Gaston County textile maker Pharr Yarns to improve the performance of its wastewater-treatment facility. The agency has found the treatment plant allows excessive amounts of pollution into the Catawba River system.

EPA has issued an administrative order requiring the company to submit and implement a plan to remedy the violations. State environmental enforcement officials assessed penalties for 20 violations of discharge limits in recent years. State officials also say the treatment plant may not be "of suitable design or configuration" to consistently adhere to discharge limits.

The EPA says the pollution violates terms of the Clean Water Act, the 1972 legislation designed to protect the nation's waterways and wetland habitats.

Pharr was one of eight entities in the Southeast cited for violations. The others were municipalities and private companies flagged for stormwater-related violations.

A Pharr Yarns official declines to comment, saying he was unaware of the EPA press release.

"By taking these enforcement actions, we are sending a strong message about the importance of protecting rivers, lakes and streams across the Southeast," says Stan Meiburg, EPA's acting regional administrator. "To protect our region's waters, these regulated entities must comply with the Clean Water Act and promptly take the steps needed to resolve the violations noted in our inspections."

EPA sites two Alabama organizations with Clean Water Act violations (*NBC 13*)

Environmental Protection Agency
Published: June 14, 2010
ATLANTA – The U.S. Environmental Protection Agency (EPA) issued Administrative Orders (AOs) against eight entities in Alabama, Kentucky, Mississippi, North Carolina and Tennessee between January and April for violations of the Clean Water Act (CWA).

"By taking these enforcement actions, we are sending a strong message about the importance of protecting rivers, lakes and streams across the Southeast," said Stan Meiburg, EPA Region 4 Acting Regional Administrator. "To protect our region's waters, these regulated entities must comply with the Clean Water Act and promptly take the steps needed to resolve the violations noted in our inspections."

Seven entities were cited for alleged stormwater-related violations of the CWA. Polluted stormwater runoff is a leading cause of impairment to the nearly 40 percent of surveyed U.S. water bodies which do not meet water quality standards. Over land or via storm sewer systems, polluted runoff is discharged, often untreated, directly into local water bodies. The entities cited and their associated violations include:

Alabama Department of Transportation, for violations at the Buttermilk Road Project construction site in Tuscaloosa, Ala.;

Burns Construction Company, Inc., for violations at the Jamestown Villas in Tuscaloosa, Ala.;

City of Memphis, for violations at the Applying/I-40 Northwest Planned Development in Memphis, Tenn.;

Hillside, LLC, for violations at the Hillside Terrace subdivision in Louisville, Ky.;

Outdoor Properties, LLC, for violations at the Woburn Place Section 1 in Radcliff, Ky.;

Salt River Development Company, LLC, for violations along the Cedar Grove Phase 3 Park Loop Road in Shepherdsville, Ky.; and

Shelby County, for violations at the Houston Levee Road Improvements in Memphis, Tenn.

Monday, June 14, 2010, 12:03pm HAST | Modified: Monday, June 14, 2010, 12:11pm

EPA issues penalties against County of Hawaii, Johnson Resort Properties (*Pacific Business News*)

Honolulu - by Krystal Peak Pacific Business News
The Environmental Protection Agency has issued penalty orders against the County of Hawaii on the Big Island and the owner of Johnson Resort Properties for failing to close large-capacity cesspools, receptacles that have been banned since April 2005, according to an EPA statement.

In 2005, the County of Hawaii received an order from the EPA to close 30 large-capacity cesspools, some of which were receiving untreated waste from the residences in the Komohana Heights subdivision in Hilo. The closure of those cesspools did not meet the EPA's deadline so fines were issued Monday.

"These actions are part of our continued effort to close large-capacity cesspools to protect drinking water and near-shore water resources in Hawaii," said Jared Blumenfeld, regional administrator of the EPA's Pacific Southwest region. "Owners and operators need to promptly close their large-capacity cesspools to protect Hawaii waters, as we will continue to pursue violators."

The County of Hawaii will pay a $40,700 penalty for failing to meet the cesspool closure deadline, but upgrades, replacements and alternative wastewater treatment has subsequently been met.

EPA also has settled with Johnson Resort Properties and its owner, Robert Johnson, for failing to close three large-capacity cesspools that service two of his apartment buildings in Kona. An agreement has been arranged to reduce Johnson's penalty to $17,500 since he will be working with the supplemental environmental project to install an advanced wastewater treatment system for the apartments.

Cesspools are used more widely in Hawaii than in any other state and discharge raw sewage to the ground, allowing disease-causing pathogens and other contaminants to potentially pollute groundwater, streams and the ocean. Federal regulations, which prohibit large-capacity cesspools as of April 2005, do not apply to single-family homes connected to their own individual cesspools. They apply to ones that discharge untreated sewage from multiple dwellings, or commercial locations that serve 20 or more people per day.

808-955-8034 or kdpeak@bizjournals.com

EPA Cites Two Memphis Area Construction Projects (*Eyewitness News Memphis*)

Reported by: Joyce Peterson
Email: jpeterson@myeyewitnessnews.com
Last Update: 6/14 10:34 pm
MEMPHIS, TN - Two construction projects, one handled by the City of Memphis and the other by Shelby County Government, have been slapped with multiple violations from the Environmental Protection Agency.

The EPA says neither project complies with the federal Clean Water Act.

The county project is the Houston Levee Road expansion north of the Wolf River through Walnut Grove and up to Macon Road. If proper protocol isn't followed, the EPA says dirty storm water and construction debris could wash into local waterways.

"If you drive out there right now," says Shelby County Engineer Michael Oakes, "you see no evidence whatsoever of any violations."

Oakes and his team wasted no time responding to the EPA's list of violations when they were notified in March. The biggest issue: federal investigators say the project doesn't have adequate erosion control. Without proper barriers, pollution can make its way into nearby Grays and Marys Creeks.

"It's not really a big thing," says Oakes. "But it can be a big thing if they decide to give us a fine. It could be serious. And we are taking it seriously."

EPA Region 4 Acting Regional Administrator Stan Meiburg tells myEyewitnessNews.com, "by taking these actions we are sending a strong message about the importance of protecting rivers, lakes and streams across the Southeast."

The four-mile long Houston Levee expansion project has a price tag of $6.5 million. And a big chunk of that, says Oakes, is going toward preserving the environment.

"Our clean water system," he says, "is worth $500,000. That's a very large percentage of a $6.5 million project. So at least that shows them how seriously we take this problem."

Oakes says the EPA inspectors toured the site right after days of heavy rain in November. He admits the weather took a real toll out there, but says the problems were quickly remedied.

On Monday, June 14, 2010, there were dozens of silt tents erected, as required by the EPA. Stone dams have also been created and there are other protective measures in place now.

When finished, that stretch of Houston Levee will have a tree-lined median, bicycle paths and pedestrian facilities.

And if the EPA accepts Shelby County's response to the violations, there shouldn't be any cost overruns because of fines imposed by the federal agency.

"I think we're probably in pretty good shape not to be fined," says Oakes. "But I don't know what their response will be, not having done one of these before."

Oakes has been the Shelby County engineer for 17 years. This is the first time in his tenure, he says, the EPA has ever issued the county any Clean Water Act violations.

It's unknown how long it will take the EPA to reach a final decision.

The EPA also cited the city of Memphis for similar violations at a construction project near I-40 and Appling Road. Mayor A C Wharton's office declined comment until the city reaches a settlement with the EPA.

TVA hit with $11.5M penalty for '08 coal ash spill (*Associated Press*)

Story also appeared: *Washington Post*

By BILL POOVEY
The Associated Press
Monday, June 14, 2010; 5:22 PM
CHATTANOOGA, Tenn. -- The Tennessee Valley Authority has been hit with penalties totaling $11.5 million for the December 2008 coal ash spill at one of the utility's plants, partly to pay for oversight of the cleanup.

Tennessee Department of Environment and Conservation officials announced the first penalties against the utility for the spill in an order Monday. It said the company violated the Tennessee Water Quality Control Act and the Tennessee Solid Waste Disposal Act.

The order also said the department still can assess future natural resource damages. A breach in an earthen dam at TVA's Kingston plant 40 miles west of Knoxville sent 5.4 million cubic yards of toxic muck into the Emory River and surrounding landscape.

Environmental department Commissioner Jim Fyke said in a statement that the spill was an "unprecedented event."

TVA said in a statement that the utility will obey and remains "fully committed to a complete cleanup of the Kingston ash spill."

The Environmental Protection Agency did not immediately answer an e-mail message seeking comment about the possibility of other federal penalties. State environmental department spokeswoman Tisha Calabrese-Benton said she was unsure if there could be federal penalties.

The EPA is slowly deciding how to regulate coal plant ash that contains arsenic, selenium, mercury and other substances that are defined as hazardous.

"The recovery work has progressed around-the-the-clock for more than 17 months since the event occurred, and the progress is on schedule," TVA's e-mail statement said.

In the first phase of cleanup that is near completion, the utility has dredged about 3 million cubic yards of ash from the river, much of it shipped by rail to a landfill in Alabama.

The penalty order says TVA must pay $2.5 million to the state by July 15 and must propose at least $2 million in supplemental environmental projects to benefit the environment, to be approved by Dec. 31. Another $2 million must be paid annually in 2011 and 2012. Another $3 million has been paid to reimburse the department's oversight costs, as required by a January 2009 emergency order TVA must pay any overrun.

TVA is battling federal lawsuits seeking damages from the spill and has bought more than 100 properties.

TVA has nearly 9 million consumers in Tennessee, Alabama, Mississippi, Kentucky, Georgia, North Carolina and Virginia.

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