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EDITORIAL / OP-ED / COMMENTARY / LETTERS
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Egregious Polluting Agency (*Washington Times*)

July 6, 2010 Tuesday
B, COMMENTARY; Pg. 1
Egregious Polluting Agency;
Environmental regulators thwart environmental progress
By Steve Milloy SPECIAL TO THE WASHINGTON TIMES
Ronald Reagan's 10 most dangerous words were, "Hi, I'm from the gov- ernment, and I'm here to help." The Gulf oil spill is only the latest validation of that sentiment when it comes to environmental protection.

Just last month, the Wall Street Journal reported that the government computer models built to plan for Gulf oil spills and relied on by drillers, including BP, erroneously assumed that much of the oil would evaporate rapidly or be dispersed by waves and weather. While evaporation, physical breakup and degradation will be how most of the oil disperses eventually, these overly optimistic models perhaps explain why the feds were unprepared to implement the Clinton-era policy of having adequate oil-containment booms and skimmers easily available to protect the coast.

But faulty modeling was only the first government screw-up. The Jones Act has prevented foreign companies from bringing in skimmers to help clean up the oil and the Coast Guard has kept 80 percent of the U.S. skimmer fleet out of the Gulf in the unlikely event of a simultaneous spill elsewhere.

The Environmental Protection Agency (EPA) blocked skimmer systems offered by the Dutch because water discharged back into the Gulf after processing wouldn't be sufficiently oil-free. It doesn't matter that the water put back into the ocean would have been much cleaner than what was taken out of the ocean. EPA regulations nonsensically only allow pure water to be discharged back into the ocean, even in the process of cleaning up an oil spill.

Early on, the EPA tried to block BP from using the only effective oil dispersant available because of purported toxicity concerns, ignoring the reality that nothing survives in an oil slick in the first place. The Hoover Institution's Henry Miller recently observed that EPA's long-standing anti-biotechnology leanings have delayed the development and commercialization of genetically modified microorganisms that could feed on spilled oil.

Then there's the Army Corps of Engineers' delay of the construction of oil-blocking sand berms pending completion of an entirely bureaucratic environmental impact statement.

If there's any time in history when the feds have well earned the epithet "gooberment," that time is now. That said, federal ineptitude is nothing new when it comes to environmental protection.

The EPA's dogged determination to force unrealistic cleanup levels on toxic waste sites under the infamous Superfund program delayed the removal of pollution for 15 years. The agency's junk-science-based stubbornness ensured that far more money was spent on litigation and lobbyists than cleanup. But the EPA has wasted more than just time and money with Superfund - it has ruined lives and polluted the environment.

In 1982, the EPA infamously purchased and evacuated the town of Times Beach, Miss., amid the era's unwarranted hysteria over dioxin. More than 2,000 people were involuntarily displaced from their homes, and the community was permanently bulldozed at a total cost of about $150 million.

The EPA is overseeing the "cleanup" of PCBs in Hudson River sediments - contaminants that had been safely entombed there for more than 30 years. As predicted by many, the cleanup stirred up PCBs last summer, causing water contamination at unsafe levels.

As a result of the EPA's campaign to scare the public about the safety of chlorinated drinking water, Peruvian officials once discontinued the use of chlorine, exacerbating a deadly 1991 cholera epidemic. Closer to home, the same scare campaign led to increased levels of lead in Washington, D.C., drinking water when local officials substituted a more corrosive ammonia-based disinfectant for chlorine. Then there's EPA's infamous 1972 ban of the pesticide DDT, a decision that has had effects of genocidal proportions on sub-Saharan Africa.

Perhaps the next Congress will consider reforming an agency from which the environment and human health may actually need protection.

Steve Milloy publishes JunkScience.com and is the author of "Green Hell: How Environmentalists Plan to Control Your Life and What You Can Do to Stop Them" (Regnery, 2009).

Commentary
Tuesday July 6, 2010
Rick Flesher:

EPA's new water standard is ridiculous (*Charleston Daily Mail)*

A better balance is needed between man and mayflies
by

Rick Flesher: EPA's new water standard is ridiculous
Advertiser
THE U.S. Environmental Protection Agency has imposed a new standard on the coal industry in six Appalachian states, including West Virginia, for water quality around mine sites.

Specifically, the EPA has chosen a single test parameter known as "specific conductivity" to gauge the acceptability of a discharge.

As president of Standard Labs, a 60-year old West Virginia-based coal and environmental testing firm with 29 laboratories across the United States, I believe this threshold is arbitrary, simplistic, scientifically flawed, and unobtainable by most industrial processes.

EPA has established a conductivity threshold of 300 microSiemens per centimeter (uS/cm). Mine-site-related discharges with conductivity levels under 300 will be acceptable, while levels over 300 will not.

Conductivity is a measure of a solution's ability to conduct an electrical current. Conductivity is normally proportional to its ion concentration, so the higher a solution's ion concentration, the higher the conductivity result.

Common ions in natural Appalachian waters include dissolved iron, calcium, sulfate, magnesium, bicarbonate and others. For example, the conductivity of pure water is near zero because of very low ion concentrations.

Some sources of ions in streams are the runoff of urban activities such as road salt; agricultural fertilizers and pesticides; discharges from sewage treatment plants, industry and mining; or from rock, soils, leaves and other organic material in the streams.

So, conductivity levels are affected by both man's activities and nature's processes.

The conductivity of liquids varies, and by itself does not provide a complete measure of liquid quality.

Consider that one of our state's best trout streams measures nearly 200 uS/cm, the conductivity of treated tap water for the City of Charleston measures 226 uS/cm, and the Mud River measures 313 uS/cm.

The conductivity of milk is approximately 45,000 uS/cm.

Sea water, where life abounds, measures 50,000 uS/cm.

We are not against conductivity as one tool for monitoring potentially dangerous discharges into our waterways. If conductivity levels are elevated or change, then it is wise to investigate the cause.

However, by itself, conductivity is not an appropriate measuring stick for water quality.

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The EPA has based this new water quality standard largely on one single study by Passmore, et al, which essentially links mayfly sensitivity to conductivity levels.

In short, the study blames surface mining for the lower numbers of a specific genus of mayfly found in headwater streams.

You may have seen the findings from this study referenced in misleading article headlines by extreme environmental groups, "No mayflies in southern coal counties" or "Where Have All the Mayflies Gone?"

Understand that our mayfly populations are doing just fine in West Virginia.

That study has many flaws and is yet to be peer reviewed. Through statistical treatment, the EPA attempts to correlate sensitivity to conductivity.

My opinion is that the study recommendation is based on the most sensitive species to conductivity stress and at a 95 percent confidence level. This is setting the bar too high, as 70 percent of the genera are stressed only at 3000 uS/cm.

For example the genus "Cheumatopsyche" appears to have a tolerance at 9,180uS/cm.

From a cost-benefit standpoint, the proposed conductivity value of 300 uS/cm would be laughable if its impact weren't so unbelievably severe.

EPA may believe that the cost of tens of thousands of high-paying jobs and millions of dollars of tax revenue is worth it to save a small number of some genera of invertebrates, but we don't buy that logic.

Our EPA should balance a need to continually improve water quality with protecting jobs. Their efforts can only be explained as an attempt to accomplish a political agenda - that being the elimination of mining and other industries in Appalachia.

If you are engaged in operating a waste treatment plant, timbering, gas drilling, farming or any mining activities, you are in the crosshairs of the politically motivated EPA.

All concerned, including public citizens, should provide comment on this flawed and unattainable standard through the EPA website before the July 13 deadline.

The comment site can be found at:
www.regulations.gov/search/Regs/home.html#submitComment?R=0900006480af926f

Flesher is president and chief executive officer of South Charleston-based Standard Laboratories.

The coast isn't clear (*Baltimore Sun*)

Our view: The Coastal Bays earn a so-so grade but environmental warning signs are too numerous to ignore
July 6, 2010
For tourists streaming into Ocean City this summer, the coastal bays are easily overlooked. To many they are merely the broad, sparkling waters — glimpsed briefly from the family sedan along U.S. 50 or Route 90, perhaps — that must be crossed on the way to the sandy beaches and rough and tumble of the Atlantic Ocean surf.

But from an ecological standpoint, they provide as valuable a wildlife habitat as any found within their big sister estuary to the west, the Chesapeake Bay. Their sea grass beds are a nursery to dozens of varieties of fish and shellfish, their islands a haven for water birds like the brown pelicans that have made a year-round home here.

And their value to Worcester County tourism is substantial as well. From the marinas and hotels along the waterfront to the commercial fishing and boating they support, the coastal bays account for hundreds of millions of dollars in the local economy and thousands of jobs.

So while the latest environmental report card grade of a C-plus overall might sound acceptable, there is cause for deep concern. Within the report prepared by the University of Maryland Center for Environmental Science is evidence that the area's most pristine waters in and around Chincoteague Bay to the south are getting much worse.

A decline in dissolved oxygen is likely the result of excess nutrients in the water from such sources as household septic systems and farm runoff. Clams continue

to be less prevalent than in years past; scallops haven't been seen in Chincoteague in a half-decade.

While Assateague, Isle of Wight and Assawoman bays saw some signs of improvement in 2009, according to the report, that progress was easily offset by Chincoteague's continued degradation. Yet the coastal bay's plight has drawn far less attention (and far less government investment) then what has been happening in the Chesapeake Bay.

On Thursday, the U.S. Environmental Protection Agency proposed more stringent limits on pollution entering the Chesapeake Bay from the six states in the watershed. They are likely to prove costly and controversial, requiring sewage treatment plants to remove more nutrients, local governments to spend more on managing storm water run off, and the state to adopt stricter curbs on agriculture's use of manure and fertilizer.

But they are precisely what is needed if water quality is to be improved. To continue to do what has been done in the past is a recipe for disaster. Reducing the flow of nitrogen and phosphorus into the Chesapeake demands some degree of sacrifice — but far less than losing Maryland's most cherished natural resource.

Such a serious and regional approach is also needed around the coastal bays, too. Maryland, Virginia and Delaware cannot continue to embrace the kinds of land use practices that have already proven so destructive. Nor can states leave the bays underfunded and overlooked like a carful of tourists anxious to arrive at other places and attend to other causes.

It doesn't take an oil spill to ruin a sensitive coastal bay. The nearby marshes, forests and fertile soils are too attractive a target for development to assume that things will get better (or even stay the same) without greater protections. As last month's report points out, the signs of impending trouble are simply too numerous to ignore.

Oil disaster should spark bold reform (*Atlanta Journal-Constitution*)

July 6, 2010 Tuesday
Main Edition
OPINION; Pg. 11A
By: Katharine Wilkinson, Sam Gill; For the AJC
As 20-somethings who grew up under the shadow of the Exxon-Valdez spill, we don't agree with those who believe Deepwater Horizon will create lasting momentum for energy reform. Even the president recently compared the spill to the 9/11 attacks, saying it would shape "how we think about the environment and

energy for many years to come."

Far from an indelible mark on our national psyche, history tells us that the Gulf spill will be forgotten soon after the well is finally controlled.

Despite a succession of environmental catastrophes, our nation suffers from a short-term memory problem that inhibits sustained attention to addressing our dangerous reliance on fossil fuels. The lesson should be clear: If we don't act now, we never will.

We were 6 years old in March 1989, when the Exxon-Valdez oil tanker ran aground off the coast of Alaska. The images that followed --- more than 10 million gallons of oil gushing into Prince William Sound, birds coated in black muck, and oil-stained shorelines --- remained etched in our young minds.

In elementary schools on opposite ends of the country, we learned about the spill and the cleanup, and environmental protection became the subject of countless classroom activities. Like our teachers and parents, we assumed the dire lesson of Exxon-Valdez would stay with our generation, making us lifelong warriors for a cleaner environment. But soon the images faded and, for many of our peers, the passion subsided.

Every generation experiences an environmental disaster that captures the national spotlight, occasionally forces congressional action, and then rapidly fades from public view.

A June 1969 fire in the Cuyahoga River helped spur the modern environmental movement and propelled creation of the Clean Water Act and the EPA.

March 1979 saw the meltdown at Three Mile Island, and in April 1986, Reactor 4 at Chernobyl, Ukraine, set off the worst nuclear disaster in history --- killing dozens and sickening thousands more.

The power of these catastrophic moments derives from the way they put intense scenes of devastation on display, making it impossible to discount the costs of environmental negligence. The drama is critical. Polls show that issues such as jobs, the economy and national security routinely trump environmental concerns. Just three months ago, a Gallup/USA Today poll asked whether we should protect the environment if it risked economic growth, or focus on growth even if it harmed the environment. Over half (53 percent) chose the economy.

By the end of May, the numbers had reversed: 50 percent sided with the environment, and only 43 percent stuck with economic growth.

This same trend has created a rare opportunity for the prospect of a new energy bill ---which only weeks ago had been left for dead. Recent polling by Joel

Benenson, one of President Barack Obama's pollsters, shows that support for clean energy and fossil fuel regulation enjoys substantially higher support now than in early May.

Energy and pollution reform suddenly appeals to voters far beyond the traditional "Green Base" of liberal Democrats. Nearly two-thirds (63 percent) of independents support an energy bill, as do a large minority of Republicans (45 percent --- compared to 47 percent who oppose).

When major environmental disasters strike, we tend to treat them as if they accrue in our collective consciousness over time, each contributing to the overall reform cause.

But they are actually much more fleeting. They tend to provoke strong initial reactions but soon retreat from public view.

Deepwater Horizon may be the closest we'll come to feeling the effects of our fossil fuel addiction here and now.

Now it's time for Washington to capitalize on this moment before it passes --- as it almost surely will. In time, we may erase the stain of oil from the Gulf. National support for energy reform is likely to fade much more quickly.

Katharine Wilkinson of Atlanta and Sam Gill of Minneapolis were Rhodes Scholars at the University of Oxford.

OK to rumble, but spare us extra noise (*Sacramento Bee*)

California
July 6, 2010 Tuesday
A; Pg. 8
Editorial: OK to rumble, but spare us extra noise
Urban life can be stressful, even in this City of Trees, rivers and parkways.

We grow accustomed to traffic and horns. We go on alert when sirens wail. But few noises are more jarring, unnecessary and plain rude than those emitted by souped-up motorcycles.

Sen. Fran Pavley, D-Agoura Hills, has become fed up with the ear-splitting thunder.

She is pushing legislation that would make it an infraction, punishable by a fine of up to $100, to operate a motorcycle without a readily visible stamp proving that the exhaust system complies with federal Environmental Protection Agency standards.

Pavley's Southern California district includes some of California's most iconic drives: Pacific Coast Highway, the winding Topanga Canyon Boulevard and Mulholland Drive.

But as we travel on city streets, freeways and back roads, we all suffer from the noise of motorcycles with aftermarket parts. Bikes with straight pipes can be so loud that they set off car alarms. They easily exceed 100 decibels, a level so painfully loud that it damages hearing.

Motorcycle enthusiasts and dealers are protesting Senate Bill 435. They contend that there already are laws against excessive noise.

But a cop's assessment of excessive noise is subjective, and can be defeated in court. An easily visible seal, by contrast, would serve as an objective indicator of whether a motorcycle complies with the law.

As it is, there is no requirement that motorcycles go through California's smog check system. By insisting that motorcycles comply with the federal requirements, there would be an added benefit that they would comply with modest federal emission standards.

It's not as if federal standards would turn a Harley's rumble into the putt-putt of a Vespa. They'd still make the same amount of noise as a police motorcycle, plenty loud.

Pavley's bill is not government acting as nanny. Rather, it adheres to the fundamental tenet that one person's rights end at another person's nose, or, in this case, eardrum.

The bill has cleared the Senate and is pending in the Assembly. Democrats are voting for it, but not Republicans. Legislators from both parties ought to recognize the need for this step toward civility, and our motorcycle-riding governor should give it his signature.

AIR

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EPA says Texas plan is sloppy (*Fort Worth Star-Telegram*)

(Texas)
July 6, 2010 Tuesday

SECTION: A:

By: Fort Worth Star-Telegram
DATELINE: July 5 2010
Alarms coming out of Austin about the Environmental Protection Agency's determination to enforce the federal Clean Air Act in Texas are overdone.

Unless, of course, the alarmists don't want the Clean Air Act's requirements to be enforced in Texas. In that case, their complaints should be lodged with Congress, which passed the law in 1970 under President Richard Nixon and amended it most notably in 1990 under President George H.W. Bush.

States are required to enforce the act under the EPA's supervision, and all do. On Wednesday, the EPA rejected the Texas plan, which has been changed more than 30 times since it received a federal blessing in 1992. The EPA has been questioning and arguing with Texas officials about the revisions of the state plan since at least as far back as 2006, under the second President George Bush.

Alarmist-in-chief Gov. Rick Perry says: "The EPA's irresponsible and heavy-handed action not only undermines Texas' successful clean air programs, but threatens thousands of Texas jobs, families, businesses and communities throughout our state. It will also likely curtail energy supplies and increase gasoline prices nationwide."

The culprits, he says, are President Barack Obama and his "rogue agency."

Specifically, the EPA has disallowed a portion of the state plan that allows large industrial plants (122 of them today) to operate under an air pollution cap that covers the entire plant but gives companies leeway to alter or replace individual operating units or procedures within the plant.

The EPA does not base its objections on the plan's flexibility, according to a formal statement prepared for publication in the Federal Register. Rather, the document describes in 109 pages of excruciating detail its findings that the Texas plan is, in a nutshell, sloppily written.

The EPA says the state program doesn't include sufficient "legally enforceable procedures" about the permit application and approval process, nor does it require that each permit accurately describe what it covers and what it does not.

The agency says Texas doesn't require industrial sites operating under flexible permits to keep proper records to show that they meet the terms of their permit. Those deficiencies violate the requirements of the Clean Air Act, according to the EPA document.

Loosely written regulations, the EPA says, are dangerous because "relying upon

[a state] agency to continue to implement a program consistently with the federal requirements even though not constrained to do so by its rules makes EPA, the agency, industry and the public vulnerable to the agency's unfettered discretion to change how it implements its program."

In other words, Texas could let industry get away with too much under this plan. And that makes the state plan unacceptable.

Texas officials don't argue that federal limits on air pollution and hazardous emissions are wrong, but that the EPA waited too long to complain about the plan and the Obama administration's part in this has been "shocking."

While Perry seems to be in favor of clean air, he also says getting it the EPA's way will "threaten Texas families, their jobs and cost of living."

The EPA says the state's plan is toothless and subject to too many uncertainties. Perry says it's been good for Texas.

The governor's argument, despite its alarms, is not convincing. Texas can write a clean air enforcement plan that meets federal requirements and saves jobs. It's time to focus on doing so rather than overstating a perceived threat.

200,000 Chinese Motorcycles Blocked from US Market (*All About Bikes.com*)

Written by Tim Kessel
Tuesday, 06 July 2010 00:00
The Environmental Protection Agency has announced that it has withdrawn its approval of the import and sale of up to 200,000 gas-powered off-road motorcycles and all-terrain vehicles. The country of origin for the units is China.

In the last decade there has been a steady influx of low cost Chinese motorcycles into the American market. China has wrapped most of the motorcycles and ATVs around a simple 200cc single engine design.

The recent EPA action stems from questions about emissions testing. The EPA reports that manufacturers of certain Chinese motorcycles and ATVs falsified documentation that demonstrates that the vehicles will meet federal emission standards for certain pollutants, including nitrogen oxides (NOx) and total hydrocarbons.

The manufacturers are the Chongqing Hensim Group Co., the Chongqing Longting Power Equipment Co., the Zhejiang Peace Industry and Trade Co., and the Zhejiang Chisheng Industry and Trading Co.

The EPA is contemplating an action under the Clean Air Act, which could lead to major financial penalties against the businesses that manufactured or imported the units in question. However, any individual who purchased one of the vehicles in question is not responsible for the company's infractions and can continue to use the vehicle.

The Pollution-IQ Equation (*E : the Environmental Magazine*)

July 2010 - August 2010
Pg. 15 Vol. 21 No. 4 ISSN: 1046-8021
The Pollution-IQ Equation
By Evans, Hilary.
HILARY EVANS is a freelance journalist living in North Central Iowa.
Their results showed that mothers exposed to higher levels of traffic- related polycyclic aromatic hydrocarbons - or PAHs - gave birth to infants whose blood contained a DNA sequence associated with asthma. New evidence shows that efforts to reduce smog may in fact accelerate global warming, because when you reduce nitrogen oxides in the air it has the unfortunate side effect of increasing the amount of methane - and methane is a potent global warming gas.

Smog Is Affecting More than Asthma Rates - It's a Factor in Falling IQ Scores

Smog is more than just a health hazard for the elderly and asthmatic. |The latest research suggests living near a busy roadway with higherthan-average smog may be linked to lower IQ scores and other health impacts in developing newborns.

Smog occurs when ground-level pollution mixes with pollutants like those released from car and truck tailpipes and from coal-burning power plants' smokestacks, creating a dense haze. A 2007 study from the Harvard School of Public Health found the first link between smog and falling IQ scores in children. Researchers conducted two intelligence tests - the Kaufman Brief Intelligence Test and the Wide Range Assessment of Memory and Learning - at ages 8 and 1 1 for 202 Boston-area children. After controlling for other factors, the numbers showed children living and attending school in areas with higher levels of traffic pollutants scored an average of 3.7 points lower than children living in less polluted areas.

Lead researcher Shakir Franco Suglia reported that smog particles could be reaching, and impacting, the brain. It's well established that exposure to lead and high levels of fluoride can inhibit intelligence. But a number of studies published in 2009 suggest that the problem starts before birth. Evidence suggests a correlation not only between smog and IQ, but also between smog and other health problems affecting the growing infant pre- and post-birth, including preclampsia, low birth weight, small head circumference and miscarriage.

In the April 9, 2009, edition of the Journal of Epidemiology and Community Health, a study linked high concentrations of traffic pollution with slow fetal development. In particular, the study noted, exposure to fine particle matter in the first and third trimesters, and nitrogen dioxide throughout pregnancy. Led by professor David Rich, the research team from the University of Medicine and Dentistry in New Jersey collected data from 336,000 birth records from babies born over a span of five years. They then compared that information to levels of smog recorded by the Environmental Protection Agency's pollution monitoring sites in the area.

Controlling for other risk factors such as smoking and drug use, a link was discovered between women living in areas with high traffic pollutants and smaller-thanaverage babies. When published, Rich and his team stressed that just living near a welltraveled roadway might be enough to affect fetal growth.

In January 2010, a study was published in the Environmental Health Journal with similar findings. In that trial, a Spanish research team followed 785 women and their newborns in and around Valencia. They collected samples looking for levels of nitrogen dioxide near the women's homes, and conducted interviews with participants to help rule out other risk factors. Again scientists found that women living in areas with high levels of smog gave birth to smaller babies with smaller head sizes.

Some researchers believe that traffic pollution acts like secondhand smoke or marijuana use, restricting oxygen and nutrients delivered to the fetus. Others, like Dr. Shukmei Ho, chair of the Environmental Health Department at the University of Cincinnati in Ohio, believe prenatal exposure to pollutants changes human cell development and causes problems later in life.

Published in 2009 in PIaS ONE, a study by researchers from the University of Cincinnati and Columbia University in New York delved into the specific reasons that inner city kids were prone to higher asthma rates. Along with looking at pollutant exposure after birth, researchers monitored pregnant mothers and analyzed umbilical cord blood. Their results showed that mothers exposed to higher levels of traffic- related polycyclic aromatic hydrocarbons - or PAHs - gave birth to infants whose blood contained a DNA sequence associated with asthma. And recent studies in the U.S. and Brazil attribute high-pollution conditions to higher rates of miscarriage.

We often think of smog as an environmental ill - a side effect of higher temperatures brought on by global warming. New evidence shows that efforts to reduce smog may in fact accelerate global warming, because when you reduce nitrogen oxides in the air it has the unfortunate side effect of increasing the amount of methane - and methane is a potent global warming gas. Simultaneously reducing methane - a byproduct of coal mines and animal farms -

is one way to reduce that eventuality. But beyond smogs environmental problems are its very real and immediate public health ones.

Not only does traffic pollution make it harder for people to breathe on days when the smog alerts are high, it impacts the health and development of children exposed pre- and post-birth, and can lead to serious, lifelong problems.

Tougher standards for ship emissions take force (*Greenwire*)

(07/02/2010)
Gabriel Nelson, E&E reporter
Tougher international regulations on pollution-causing chemicals in ship fuel went into effect yesterday, marking the start of a campaign against a source of air pollution that experts say had long flown under the radar.

The International Maritime Organization, a United Kingdom-based agency of the United Nations, yesterday implemented the first of a series of changes that were approved in a 2008 revision to MARPOL, the international convention on ship emissions. Once all the conditions of that revision take force, ships will be required to use fuel that reduces airborne sulfur oxides (SOx), nitrogen oxides (NOx) and particulate matter (PM) in "emission control areas" where pollution is deemed to have the biggest health consequences.

Effective yesterday, the limit on sulfur in sensitive areas was cut from 1.5 percent to 1 percent, with a yet-tighter cap of 0.1 percent scheduled to be put in place in 2015. Ships in the North Sea, English Channel and the Baltic Sea must immediately use cleaner-burning fuel or take other measures to scrub their emissions of sulfur.

Though the initial sulfur reductions will improve public health, the bulk of the benefits are unlikely to be seen for years, said David Marshall, senior counsel at Clean Air Task Force.

"It's taken the IMO a long time just to get the point where it was willing to regulate those emissions," Marshall said. "In general, land-based sources have historically been controlled much better than ships, because ships for the most part haven't been controlled at all. It was just sort of 'out of sight, out of mind.' People couldn't see the ship pollution, and it took a while for them to realize that in fact, that pollution travels many hundreds of miles, and it doesn't all just fall out in the ocean."

Other restrictions are scheduled to be rolled out over the next couple of years, including a 230-mile buffer zone around the U.S. and Canadian coastlines that is intended to reduce coastal residents' exposure to air pollution from ships. That

restriction, requested by the two North American countries, was approved by the IMO earlier this year (*Greenwire*, March 26).

U.S. EPA, which pushed for the buffer zone around U.S. coastlines, estimated that compliance will cost about $3.2 billion through 2020, with monetized health benefits totaling between $47 billion and $110 billion.

At the start of 2012, the worldwide limit on sulfur content in ship fuel will also drop from 4.5 percent to 3.5 percent. That cap will then decrease to 0.5 percent in 2020, provided that a review due by 2018 finds the switch feasible.

Some within the shipping industry have raised concerns that doing business will become far more expensive as sulfur content in fuel drops closer to zero. With tougher emissions limits falling in place over the next decade, refineries will need to make costly upgrades to their facilities, increasing the cost of fuel.

But the World Shipping Council, a trade association of international ocean carriers, endorsed the tougher rules at the time, saying they would prevent the "confusion, inconsistency and litigation that would result from different nations or local governments trying to regulate this issue."

"All recognized that an IMO solution needed to be environmentally effective if it were to be accepted by trading nations around the world," the group said in a statement. "The IMO has succeeded in this effort."

International shipping law is tricky business, with the IMO's regulations overlaid on a patchwork of individual government rules and standards, said Jacqueline Savitz, senior campaign director at Oceana. As was seen in the case of the Deepwater Horizon oil rig, ships are frequently registered in countries thought to have the loosest regulations, effectively allowing them to produce more emissions.

Stricter fuel rules, scheduled to take effect in U.S. and Canadian waters in 2012, could eventually cause a steep drop in emissions by ships that carry cargo to hubs such as the Port of Los Angeles, which produces a heavy share of Southern California's air pollution.

But those reductions are unlikely to happen until the toughest restrictions take effect, said Philip Sanfield, a spokesman for the port.

"Hopefully, there will eventually be international rules around emissions," Sanfield said, adding that the initial restrictions would have "no short-term impact on our environmental initiatives, in that our draft clean air action plan has us pursuing stricter regulations than will likely be put in place by the IMO."

Next up: greenhouse gases?

Next for the international shipping industry could be tighter restrictions on greenhouse gas emissions. The IMO did not take action on greenhouse gas reductions last year, but the organization is scheduled to reconsider the issue when its Marine Environment Protection Committee meets this September in London.

The IMO will consider a market-based system to provide incentives for reductions in carbon dioxide and other gases thought to be contributing to global warming, the organization said in a statement earlier this week.

Greenhouse gas regulations will have a much harder time than the pollution rules now going into effect, Oceana's Savitz said.

The IMO effectively works by consensus, she said, and as was seen at last year's climate talks in Copenhagen, Denmark, developing nations are pushing for rules that allow them more latitude when it comes to emissions. While air pollution off the coast of the United States will almost exclusively affect coastal residents in that country, greenhouse gases have a global impact, she said.

"There is potentially a disconnect between those who benefit from the savings and those who are driving the decisions," Savitz said. "That needs to be overcome."

Cruise ship crackdown

As part of a crackdown on ship pollution, EPA also recently finalized stricter emissions standards for large marine diesel engines such as the ones used on cruise ships. That **rule**, finalized in April, generally banned the U.S. production and sale of high-sulfur marine fuel, though congressional Democrats required the agency to exempt 13 older steamships in the Great Lakes.

"There are enormous health and environmental consequences that come from marine diesel emissions, affecting both port cities and communities hundreds of miles inland," EPA Administrator Lisa Jackson said upon the release of the rule. "Stronger standards will help make large ships cleaner and more efficient, and protect millions of Americans from harmful diesel emissions" (*E&ENews PM*, Dec. 22, 2009).

Five marine fuel companies filed a legal challenge to the agency's marine engines rule earlier this week. The **petition** for review was jointly filed in the U.S. Circuit Court of Appeals for the District of Columbia on Tuesday by Allied Energy Co.; Gladieux Trading and Marketing Company LP; Insight Equity Acquisition Partners LP; LiquidTitan LLC; and Seaport Refining and Environmental LLC.

The transmix processors are asking the agency to "reconsider certain technical provisions" of the rule, said Robert Meyers, an attorney at Crowell & Moring LLP representing them in the case.

BP SPILL

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BUSINESS JULY 6, 2010, 5:07 A.M.

BP Won't Issue New Equity to Cover Spill Costs Article Comments more in Business (*Wall Street Journal*)

By JAMES HERRON

LONDON—BP PLC won't issue new equity to raise money to cover the costs of the oil spill in the Gulf of Mexico, a company spokeswoman said Tuesday.

BP would welcome it if any existing shareholders or new investors want to expand their holding in the company, she said. BP's shares have lost almost half their value since the Deepwater Horizon explosion that triggered the oil spill April 20.

Tony Hayward's visit to Azerbaijan comes a week after he traveled to Moscow to reassure Russia that BP is committed to investments there.

BP Chief Executive Tony Hayward is visiting oil-rich Azerbaijan amid speculation the company may sell assets to help pay for the clean-up of the Gulf of Mexico oil spill. The one-day visit comes a week after Mr. Hayward, who has been criticized for his handling of the devastating oil spill, traveled to Moscow to reassure Russia that the British energy company is committed to investments there.

BP's three major projects in the Azerbaijan comprise an offshore oil field in the Caspian Sea; a 30% share in an export oil pipeline which goes to Turkey; and 25% in Shah Deniz, a massive Caspian Sea gas field. Russia's Gazprom voiced an interest last month in BP's Shah Deniz share, but the British company has so far ruled out any sale.

A number of press reports during the weekend suggested BP was courting sovereign wealth funds in the Middle East, which could buy new shares to raise an extra £6 billion ($9.08 billion) in capital.

Big Skimmer Hindered by Weather; Oil Hits Texas Libya Oil Chief Calls BP a Bargain Oil Spill Loan Rises to $9 Billion Obama Used Some Bush Drilling Policies BP's shares have lost almost half their value since the Deepwater Horizon explosion that triggered the oil spill April 20. Libya's top oil official, Shokri Ghanem, said Monday that BP is a bargain and recommended the nation's sovereign wealth fund invest in the oil giant.

BP potentially faces tens of billions of dollars of liabilities relating to the continuing oil spill from its Macondo well in the Gulf of Mexico, which has fouled beaches and marshes and damaged fishing and tourism industries.

The company has already spent $3.12 billion on the cleanup, containment and compensation and has promised to pay another $20 billion into an independently-administered fund to cover future liabilities over the next 3 1/2 years.

However, BP has also built up a substantial war chest to handle the spill costs. It had a prior $5.25 billion credit line available with a number of banks and, in a show of support since the oil spill, eight or nine banks have offered additional standby credit lines totaling $9 billion, according to a person familiar with the matter.

BP also had $5 billion in cash on its balance sheet in early June, will save $7.8 billion through the cancellation of three quarterly dividends and will trim $2 billion from its capital expenditure this year.

—The Associated Press contributed to this article.
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Tar balls reach Texas as stormy weather hampers cleanup (*Los Angeles Times*)

Weather prevents skimming for an eighth day in the gulf and delays the test deployment of a "super skimmer."
By Richard Fausset and Bob Drogin, Los Angeles Times
July 6, 2010
Reporting from Atlanta and Venice, La.
Oil from the Deepwater Horizon spill was reported for the first time on the beaches of Texas as high seas and stormy weather on Monday plagued new cleanup plans in the Gulf of Mexico, including the test deployment of a 1,100-foot "super skimmer" ship.

The weather prevented skimming operations for the eighth consecutive day off the coasts of Mississippi, Alabama and Florida. Along the Louisiana coast, a storm system made landfall Monday afternoon, bringing thunderstorms and grounding skimming boats operating close to shore.

More rough seas are likely later in the week, with a tropical system churning east of the Yucatan Peninsula in Mexico that may head north and strike eastern Texas and western Louisiana late Wednesday, according to AccuWeather.com.

"This region is an open highway for the system to ride more to the north, rather than to the west, like Alex did recently," AccuWeather meteorologist Alex Sosnowski wrote Monday.

The spill, gushing as much as 60,000 barrels of oil a day, is about 50 miles from the mouth of the Mississippi River. Sosnowski said the system would probably become a tropical storm at the least and had the possibility of creating squalls that could disrupt the oil containment and cleanup efforts.

In Texas, officials confirmed Monday that they found a small number of tar balls on beaches in Galveston and nearby Bolivar Peninsula. They were tested and found to be from the Deepwater Horizon spill.

"I think altogether they filled up a couple of buckets full of them; it was not a huge impact," said Jim Suydam, a spokesman for the Texas General Land Office. "We think we'll be able to contain any impact from Deepwater to tar ball pickup on the beach."

High seas over the weekend also hampered the 48-hour test run of the so-called super skimmer, a retrofitted 1,100-foot tanker called the A Whale, which officials hope will eventually be able to suck up 300,000 barrels of oil every 10 hours.

Bob Grantham, a spokesman for boat owner TMT Shipping Offshore, said Monday that the weekend tests were "inconclusive in the light of the rough sea state we are encountering." He said the company and the Coast Guard would continue tests.

The ship was converted from a tanker to a skimmer in Lisbon. It employs a process that allows an oil-water mixture to enter through slits near the front of the ship, sending it through a series of tanks that separate the oil from the water.

The ship is one of a number of tools being thrown into the mix as part of an ever-growing effort that includes 44,500 workers and has cost BP about $3.12 billion. The company has bought centrifuges from actor Kevin Costner, and it has shipyards cranking out something called a Heavy Oil Recovery Device, or HORD, the invention of a tanker captain. The devices are designed to collect oil too heavy for skimmers.

A Navy blimp, the MZ-3A Airship, is on its way to the gulf from Yuma, Ariz. According to the Defense Transportation Journal, the airship program, decommissioned by the Navy in 1962, was resurrected in March for science projects.

In the gulf, the 178-foot airship will stay close to the shore, helping skimmers find patches of oil and keeping an eye out for marine mammals and other wildlife.

Much of the new technology, however, requires the cooperation of nature.

In Venice, La., a hub of the cleanup effort, heavy-lift helicopters clattered overhead and rusting fishing trawlers, shrimpers and other boats loaded thousands of feet of oil booms and other supplies early Monday. But skies soon turned ominously dark, and fierce squalls raked the area.

By late morning, a small armada of skimmers and other vessels that had been working near the spill site were ordered back to port as a storm front moved in. Two tugboats still planned to tow a floating 300-bed bunkhouse to the site, 63 miles away, to provide more sleeping quarters for crews and to augment command and control of the cleanup operation.

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Fausset reported from Atlanta and Drogin reported from Venice, La.

Posted on Tue, Jul. 6, 2010

First oil reaches the coast of Texas (*Associated Press*)

Story also appeared: *Philadelphia Inquirer*

As a fifth gulf state is hit, officials are not sure if tar balls came from currents or ships in the spill area.
By Juan A. Lozano
Associated Press
TEXAS CITY, Texas - Tar balls found over the weekend on a Texas beach were confirmed Monday as the first evidence that crude gushing from BP's ruptured Gulf of Mexico oil well has reached all the gulf states.

A Coast Guard official said it was possible the oil hitched a ride on a ship and was not carried naturally by currents to the barrier islands of the Texas coast, but there was no way to know for sure.

The amount was tiny in comparison with what has coated beaches in the hardest-hit parts of the Gulf Coast in Louisiana, Mississippi, Alabama, and the Florida Panhandle. Still, it provoked the quick dispatch of cleaning crews and a vow that BP will have to pay for the trouble.

"Any Texas shores impacted by the Deepwater spill will be cleaned up quickly and BP will be picking up the tab," Texas Land Commissioner Jerry Patterson said in a news release.

Earlier Monday, BP P.L.C. said the costs of tackling the leak, in its 76th day, had risen nearly half a billion dollars in the last week, to $3.12 billion, including for

work on cleaning and capping the gusher and payouts to individuals, businesses, and governments.

London-based BP, the largest oil and gas producer in the gulf, said the total cost rose from $2.65 billion a week earlier. The figure is separate from a $20 billion fund for damages that BP created last month under pressure from the White House.

The company is also billing its partners in its Deepwater Horizon venture, Anadarko Petroleum Corp. and Japan's Mitsui, for their shares of the cleanup.

BP has billed Anadarko, a 25 percent stakeholder in the blown-out well, for more than a quarter-billion dollars. It has reportedly billed Mitsui, a 10 percent partner, $111 million.

The oil's arrival in Texas had been predicted Friday by an analysis from the National Oceanic and Atmospheric Administration, which gave a 40 percent chance of crude reaching the area.

"It was just a matter of time that some of the oil would find its way to Texas," said Hans Graber, a marine physicist.

About five gallons of tar balls were found Saturday on the Bolivar Peninsula, northeast of Galveston, said Capt. Marcus Woodring, the Coast Guard commander for the Houston/Galveston sector. Two gallons were found Sunday on the peninsula and Galveston Island, though tests have not yet confirmed its origin.

Woodring said the consistency of the tar balls suggested that they could have been spread to Texas water by ships working out in the spill. But there was no way to confirm how they got ashore.

The largest tar balls, found Saturday, were the size of table-tennis balls, while the ones found Sunday were the size of nickels and dimes.

Galveston Mayor Joe Jaworski said he believed the tar balls were a fluke, rather than a sign of what's to come.

"The water looks good," he said.

The distance between the western reach of the tar balls in Texas and the most eastern reports of oil in Florida is about 550 miles. Oil was first spotted on land near the mouth of the Mississippi River on April 29.

The spill is reaching deeper into Louisiana. Strings of oil were seen Monday in the Rigolets, one of two waterways that connect the gulf with Lake Pontchartrain, the large lake north of New Orleans.

"So far it's scattered stuff showing up, mostly tar balls," said Randy Pausina, the Louisiana Office of Fisheries' assistant secretary. "It will pull out with the tide, and then show back up."

Pausina said he expected the oil to clear the passes and move into the lake, taking a backdoor route to New Orleans.

The news of the spill's reach came as most offshore skimming operations in the gulf were halted by choppy seas and high winds. A tropical system that had been lingering off Louisiana flared Monday afternoon, bringing heavy rain and winds.

Last week, the faraway Hurricane Alex idled the skimming fleet off Alabama, Florida, and Mississippi with choppy seas and stiff winds. Now the fleet is stymied by a succession of smaller storms that could last well into this week.

Skimming operations have scooped up 23.5 million gallons of oil-fouled water so far.

The storms have not affected drilling work on relief wells that BP says are the best chance for plugging the leak. The company expects drilling on one well to be finished by mid-August.

High seas over the weekend also hampered the test run of the so-called super-skimmer, a retrofitted 1,100-foot tanker called the A Whale. Bob Grantham, a spokesman for boat owner TMT Shipping Offshore, said Monday that the weekend tests were "inconclusive" because of rough seas, the Los Angeles Times reported.

The ship takes in an oil-water mixture through slits and then sends it through a series of tanks to separate the oil from the water.

The super-skimmer is among a number of novel tools being thrown into the ever-growing containment and cleanup effort, which now engages 44,500 workers.

BP also has bought centrifuges from actor Kevin Costner, and it has shipyards cranking out the Heavy Oil Recovery Device - both designed to collect oil too heavy for skimmers.

A Navy blimp, the MZ-3A Airship, is on its way to the gulf from Yuma, Ariz. The 178-foot-long airship will stay close to shore, helping skimmers find patches of oil and keeping an eye out for marine mammals and other wildlife.

Gulf Oil Spill's Ripple Effect (*Garden City Patch*)

Disaster affecting fish prices in Garden City.
By Maureen Rossi
Add Back in April a British Petroleum (BP) oil rig exploded 5,000 feet below the ocean in the Gulf of Mexico. Considered the greatest environmental catastrophe in the nation's history, some reports suggest the rig is hemorrhaging over a million gallons of oil a day.

According to Greenpeace, a non-profit created almost 40 years ago to raise public awareness about environmental issues, the spill is estimated to be more than 130 miles long and 70 miles wide. How big is that? Long Island is approximately 118 miles west to east and approximately 23 miles wide. This oil leak is so big it would cover all of Long Island – from Manhattan to Montauk.

With multiple failed attempts to stop the leak, environmentalists, fishermen and citizens alike want to know how this fiasco is going to affect the Gulf, its shorelines, its eco-systems and its wildlife. The coastlines of Louisiana, Alabama, Mississippi and Florida have already suffered damage. The Gulf of Mexico is known for its desirable waterfront communities and vast fishing industry. How is this environmental disaster affecting that fishing industry? Is it affecting prices here on Long Island?

Steven Park has owned Natural in Garden City for two years. A specialty food store, he sells fresh fish daily. Park heads over to the famed 180-year-old Fulton Fish Market several times a week to carefully purvey the large selections of fish from around the world, including the Gulf of Mexico.

"The fish I was getting was from the Gulf – white wild jumbo shrimp," says Park. He prefers the shrimp from the Gulf Coast because they hold the best and have a flavor edge but says it's presently non-existent and is now buying from Panama.

"Prices are up 40 percent. Nobody is really talking about it, the long-term effect," Park adds. Right now jumbo shrimp at Natural are going for approximately $18 per pound and Park says it's still selling quite well.

Head Chef Steven De Bruyn of Rein at The Garden City Hotel uses approximately five different types of shrimp on his menu. "I like the ones from Vietnam for the price," says De Bruyn. "Right now the future is a huge unknown. I do feel a lot of the pricing is going up (on all fish) but we don't know what the final result is going to be."

Garden City's Waterzooi Belgian Bistro was voted as having the best mussels on Long Island served dozen of ways. The oil spill, however, will not affect their menu. Manager Alex says, "We get our mussels from different places but we get most of our mussels from Prince Edward Island." Jason over at Legal Sea Foods says the oil spill will not affect them either as they don't use any fish from warm waters.

Fulton Fish Market is the oldest fish market in the country and they collect data tracking various fish markets and fish imports. Looking back at July 2009, the United States imported shrimp from 48 countries around the globe, including Saudi Arabia, Pakistan and Monaco. Weighing in at 88,362 metric tons, Thailand was our biggest supplier one year ago.

The Gulf of Mexico is known for its shrimp. Prior to the BP leak, there was a huge campaign aimed at getting Americans to buy wild American shrimp from the Gulf. In addition to shrimp, the region provides almost all the oysters served in this country.

According to the Louisiana Shrimp Association, methane levels in the affected area are 100,000 times their normal levels. This is creating oxygen-depleted areas which are essentially dead zones. Larry Crowder is a marine biologist at Duke University: "The animals are already voting with their fins to get away from where the oil spill is and where potentially there is oxygen depletions," he said.

According to BP's website, as of June 28, 80,00 claims have been filed and 41,000 payments have been made totaling $128 million. Many of these initial claims are being made by Gulf fisherman who are presently unable to work do to these dead zones and closed fishing areas. The National Oceanic and Atmospheric Administration has the authority to close federal waters; it's already shut down a large area of the Gulf to commercial fishing.

The U.S. Food and Drug Administration (FDA) is currently targeting oysters, crabs and shrimp because they have the potential to retain contaminants longer than fin fish. Fisherman will not be able to harvest the waters until the oil is no longer present and the seafood samples from the area pass various tests.

In addition to the closed areas, a new concern regarding dispersants has arisen. As of May 14, the Environmental Protection Agency (EPA) has granted approval for BP to use subsea dispersants, which aid in the oil's separation and help it sink rather than flow on the surface. Dispersant proponents feel this will protect shoreline habitats. However, scientists and fishermen are going public with their concerns.

John Williams is executive director of the Southern Shrimp Alliance: "The EPA is conducting a giant experiment with our most productive fisheries by approving

the use of these powerful chemicals on a massive, unprecedented scale after just three subsea tests."

Who's working to ensure the safety of the fish that makes it to market? That's the job of the FDA, which is presently working with several agencies including the EPA to monitor the impact on the seafood coming from the region. According to an FDA-issued press release, "although crude oil has the potential to taint seafood with flavors and odors caused by exposure to hydrocarbon chemicals, the public should not be concerned about the safety of seafood in stores at this time."

Up and down Seventh Street and Franklin Avenue, Garden City residents are enjoying chowders, sushi, raw-bar specialties and grilled seafood as 39,000 people assist the Gulf's clean up utilizing 5,000 vessels and 110 aircraft. The Gulf Coast fiasco has already trickled up to Long Island with rising seafood prices.

To track the latest observations, tar balls, oil slicks and fishing closures, visit www.geoplatform.gov, which provides a map of the affected areas. To volunteer with the cleanup, visit http://www.tonic.com/article/how-you-can-volunteer-to-clean-up-the-gulf-coast-oil-spill/.

Gulf Oil Spill

Tar Balls Reach Texas Shores Amid New Storm Threat Updated (*AOL News)*

AOL News (July 6) -- Chunks of hardened oil the size of golf balls washed ashore on Texas' touristy Galveston beaches over the Fourth of July weekend, and tests show they're the latest long reach of America's worst-ever oil spill.

BP says it's escalating efforts to try to skim oil off the top of the Gulf of Mexico before it reaches more shores, but Hurricane Alex got in the way last week, and a new tropical system is churning east of the Yucatan Peninsula in Mexico, and may strike Texas and Louisiana on Wednesday, according to AccuWeather.com.

The Coast Guard says it's unclear whether the tar balls washing ashore in Texas bobbed along 400 miles from the blown-out well of the Deepwater Horizon rig, which exploded on April 20 off the Louisiana coast and has been spewing crude ever since. It's possible the tar balls were lodged to the hull of a ship making its way toward Galveston as well, but there's no way to know for certain.

With tar balls reaching Texas, oil from the spill has now been along the coasts of all of the gulf states.

"It was just a matter of time that some of the oil would find its way to Texas," Hans Graber, a marine physicist at the University of Miami and co-director of the Center for Southeastern Tropical Advanced Remote Sensing, told The Associated Press.

Texas hopes to avoid the volume of oil that's slathered the hardest-hit parts of the Gulf Coast in Louisiana, Mississippi, Alabama and the Florida panhandle.

"I think altogether they filled up a couple of buckets full of them; it was not a huge impact," Jim Suydam, a spokesman for the Texas General Land Office, told the Los Angeles Times. "We think we'll be able to contain any impact from Deepwater to tar ball pickup on the beach."

"We're cautiously optimistic this is an anomaly," said Galveston Mayor Joe Jaworski. "It is such a small amount that I'm waiting to see whether more comes or not the next few days before getting really upset," he told the Houston Chronicle.

A vessel billed as the world's biggest oil skimmer -- capable of operating in stormy seas that are dangerous for smaller vessels -- has been doing test runs in the gulf, but so far, U.S. authorities haven't approved it to join the cleanup effort in earnest.

The Taiwanese-flagged ship, named A Whale, is 3 1/2 football fields long and extends 10 stories high. It's outfitted with 12 vents on either side of its bow, which its owners hope will be able to suck up as many as 21 million gallons of oil-tainted water each day.

But its never-before-used technology means that the U.S. Environmental Protection Agency needs to sign off on the quality of the water that the ship dumps back into the gulf, after separating out the oil.

Tests results Monday were "inconclusive in the light of the rough sea state we are encountering," Bob Grantham, a spokesman for the company that owns the ship, TMT Shipping Offshore, told reporters. Tests will continue this week, he said.

A Whale is one of more than 6,563 ships, along with some 113 aircraft, that BP is footing the bill for in cleanup and containment efforts on the Gulf of Mexico, the company said in a statement Monday. BP's price tag for the spill has hit $3.12 billion, it said.

Meanwhile, the U.S. Navy is deploying some of its own technology. An MZ-3A blimp capable of staying up in the air for 12 hours at a time is expected to arrive on the gulf coast later this week. It'll be used to monitor the flow of the floating oil

slick, support skimming operations and detect wildlife that might be in distress, the unified command for the spill announced on Monday.

As the oil continues to spread westward onto Texas' shores, the federal government has closed more of its waters to fishing. The no-go zone's northwest boundary has been expanded to include a total of 81,181 square miles now, or 33.5 percent of federal waters in the gulf, according to a statement from the National Oceanic and Atmospheric Administration.

BP keeps supplying Pentagon with fuel (*Buffalo News*)

Huge role unaffected by spill controversy
By R. Jeffrey Smith
WASHINGTON POST
Updated: July 06, 2010, 6:44 am /
Published: July 06, 2010, 12:30 am
WASHINGTON — The Defense Department has kept up its immense purchases of aviation fuel and other petroleum products from BP even as the oil giant comes under federal and state scrutiny for potential violations of clean-water and oil-spill laws related to the April 20 explosion of the Deepwater Horizon drilling rig, according to U. S. and company officials.

President Obama said last month that the company had shown “recklessness” in the Gulf of Mexico that contributed to the disaster and promised that BP will “pay for the damage” it caused. Attorney General Eric H. Holder Jr. said June 2 that Justice Department lawyers were looking at potential violations of civil and criminal statutes, adding that “if we find evidence of illegal behavior, we will be forceful in our response.”

But BP remains a heavy supplier of military fuel under contracts worth at least $980 million in the current fiscal year, according to the Defense Logistics Agency. In fiscal 2009, BP was the department’s largest supplier of fuel, providing 11.7 percent of the total purchased, and in 2010, its contracts amount to roughly the same percentage, according to agency spokeswoman Mimi Schirmacher.

“BP is an active participant in multiple ongoing Defense Logistics Agency acquisition programs,” Schirmacher said, without providing details. BP spokesman Robert Wine said he was aware of at least one “big contract” signed by the U. S. military after the oil rig sank, involving the supply of multiple fuels for its operations in Europe.

So far, members of Congress have discussed barring BP from future oil and gas drilling leases, not from fuel sales to the government. Rep. George Miller, D-Calif., cochairman of the House Democratic Steering and Policy Committee, said last week that he would introduce legislation to shut BP out of such leases for the

next seven years as punishment for what he described as its “serial” legal violations. But Rep. Bart Stupak, DMich., chairman of the House Energy and Commerce subcommittee on oversight and investigations, said in a statement that “the U. S. government needs to look at all possible options when it comes to showing BP, or any corporate bad actor, that a continued culture of cost-cutting and increased risk-taking will absolutely not be tolerated.”

Even before the gulf debacle, the Environmental Protection Agency had begun probing the potential debarment of BP from all federal contracts — including those reached with the Defense Energy Support Center, which buys all fuel for the military services. The EPA plays the lead role in debarment proceedings related to the Clean Water Act and Clean Air Act, and its probe was sparked by BP’s 2006 spillage of oil in Alaska and a 2005 explosion at its refinery in Texas.

But the EPA’s deliberations are currently suspended until the investigations of the gulf spill are concluded, according to an EPA spokeswoman. The agency could eventually decide to shut off federal contracts with specific divisions within BP or to the whole company “if it is in the public interest to do so,” it said in May. Any such action would be meant to punish “environmental noncompliance or other misconduct,” it said.

Several other federal agencies besides the Defense Department have continuing contracts with BP, although none worth as much as the Pentagon’s. Since 2008, the Federal Aviation Administration has contracted to spend at least $2.26 million to station weather, communications and aerial surveillance devices on several BP’s platforms in the gulf, including the Atlantis oil-production platform roughly 100 miles from the Deepwater Horizon’s former location. Critics, including a former BP contractor, have alleged that the Atlantis was constructed without proper safety controls, but BP denies it.

FAA spokeswoman Laura Brown said that BP’s environmental and legal record was not a consideration in her agency’s contracts. The Atlantis platform, she said, was selected “based purely on how it would support air traffic.”

Marine biologist claims US Coast Guard involved in Corexit spraying (*Prison Planet*)

Stephen C. Webster
Raw Story
July 6, 2010
A marine biologist working with a group of environmentalists to save sea turtles claims the U.S. Coast Guard is involved in spraying a toxic chemical dispersant over the Gulf of Mexico; and he says it has already traveled inland.

“Do I think there’s dispersants coming in and mixing with our everyday lives?” Dr. Chris Pincetich asked, speaking with a group of activists.

“Absolutely,” he pronounced.

Pincetich, a marine biologist and toxicologist who works with the Sea Turtle Restoration Project, was speaking to a group of activists who call themselves Project Gulf Impact.

Video of the interview quickly made its way to the Internet, where it has sparked renewed concern about the oil dispersant substance Corexit, being sprayed over the Gulf of Mexico in the wake of the worst environmental accident in human history. Up until last week that dubious distinction was held by the Ixtoc underwater well disaster in 1979.

BP, the oil company responsible for a broken deep-water well that has been gushing oil and gas unabated since April 22, has been dumping massive amounts of the chemical stock ever since the disaster began as a way of keeping the oil off the water’s surface. Thinned by dispersant, the oil mixes with the water column and forms underwater plumes that are less likely to wash ashore or be measured by satellite photography.

After initially approving Corexit, the U.S Environmental Protection Agency retracted its allowance and ordered BP to stop dumping the chemical substance by Sunday, May 23. BP ignored the order, as it had purchased more than a third of the world’s supply of Corexit. Nalco Co., formed in-part by a longtime member of BP’s board of directors, is in process of mass producing more in Sugarland, Texas.

The EPA followed up on May 26 by ordering BP to reduce the volume of Corexit output by 75 percent. Again, BP did not comply, according to CNN.

“Before May 26, BP used 25,689 gallons a day of the chemical dispersant Corexit,” the network reported on July 2. “Since then, CNN’s analysis shows, the daily average of dispersant use has dropped to 23,250 gallons a day, a 9 percent decline.”

The EPA’s Web site claims the agency and the Coast Guard are tightly monitoring BP’s use of Corexit; it does not say that the Coast Guard is actively participating in the deployment thereof.

“The Federal Government reserves the right to discontinue the use of this dispersant method if negative impacts on the environment outweigh the benefits, and the Coast Guard’s Federal On-Scene Coordinator has the authority to make daily decisions regarding any request by BP to adjust the use of dispersant,” the agency declared, even after its own orders were so obviously ignored.

“The exact makeup of [Corexit] is kept secret under competitive trade laws, but a worker safety sheet for one product, called Corexit, says it includes 2-butoxyethanol, a compound associated with headaches, vomiting and reproductive problems at high doses,” Pro Publica noted.

However, Fast Company magazine added: “in a statement to the Gulf Oil Disaster Recovery Group, toxicology expert Dr. William Sawyer elaborated on the risks associated with Corexit. According to Sawyer, Corexit is also known as deodorized kerosene–a substance with health risks to humans as well as sea turtles, dolphins, breathing reptiles, birds, and any species that need to surface for air exchanges.”

Breathing dispersant fumes is what’s thought to have sickened and number of spill response workers. Crew members aboard three separate vessels “reported experiencing nausea, dizziness, headaches and chest pains,” according to the Coast Guard. Instead of ensuring workers had adequate access to respirators, BP CEO Tony Hayward claimed workers had fallen ill from food poisoning. Fishermen who’ve since joined the cleanup effort have been discouraged from wearing proper breathing equipment, allegedly because BP wants to stem the tide of “hysteria” over the disaster.

The chairman of the Farallones National Marine Sanctuary Advisory Council called Corexit “worse than oil.” However, at the end of June the EPA concluded a round of testing on the substance and declared Corexit to be “slightly toxic,” but actually not worse than oil.

The New York Times reported:

Lab workers determined what concentration of dispersant was needed to kill half the fish or half the shrimp in the sample, measured in parts per million, and then classified the products in rather broad categories. Corexit, which becomes lethal to half the shrimp or fish at 130 parts per million, was labeled “practically nontoxic,” and dispersants that killed half the shrimp or fish in concentrations between 19 and 55 parts per million were labeled “slightly toxic.” The worst-ranking, Dispersit SPC 1000, killed half the aquatic life at 2.9 parts per million and was classed as “moderately toxic.’’

To the contrary, Yobie Benjamin with the San Francisco Chronicle wrote:

Corexit 9500 is a solvent originally developed by Exxon and now manufactured by the Nalco of Naperville, Illinois (who by the way just hired some expensive lobbyists). Corexit is is four times more toxic than oil (oil is toxic at 11 ppm (parts per million), Corexit 9500 at only 2.61ppm).

In a report written by Anita George-Ares and James R. Clark for Exxon Biomedical Sciences, Inc. titled “Acute Aquatic Toxicity of Three Corexit Products: An Overview” Corexit 9500 was found to be one of the most toxic dispersal agents ever developed.

The substance is thought to become even more toxic when mixed with salty, oily water at high temperatures, such as those found on the Gulf’s surface in the middle of summer.

Likewise, Dr. Pincetich argued that his background in toxicology and testing pesticides on marine life gives him a unique perspective on the EPA’s measurement process.

“People need to realize that their water, their air, the sand they’re walking on, the things they’re touching when they wake up in the morning — are coated with this stuff,” he said. “If you see it in a high concentration, it looks like radiator fluid. It is not a pretty sight. The stuff is toxic. The tests say ‘no effect’. I can tell you from managing those tests as a professional that you need to know exactly what test gave you what effect that you tested. So, if it was no effect on the survival of seven days of the fish, what happened to that fish at 10 days? That was my doctoral thesis.”

He continued: “The pesticides that killed no fish at 96 hours, which is the EPA deadline — 90 percent of them died two weeks later. These were embryonic salmon. There are a lot of chemical effects that are not being measured by the standard EPA tests.”

Pincetich specifically cautioned that no matter how carefully Corexit is sprayed, the chemicals will always drift inland, or simply evaporate and return in condensation.

“[Corexit] basically disrupts the natural ability of oil to bond with itself,” he said. “Oil bilipid layers next to each other are the very basis of life. Each of us is made out of cells. Those cells are nothing more than an oil layer surrounding our proteins and RNA and all the other molecules talking to each other. You put in a chemical that disrupts that basic biological structure and you are putting yourself at risk from umpteen effects.”

The Coast Guard has banned reporters from getting near oil spill sites: a move that’s been called an assault on the First Amendment. If indeed the guard is actively assisting BP in violating the EPA’s order to significantly reduce Corexit output — and if they’ve begun taking up night-time spraying missions on the company’s behalf, as Dr. Pincetich claims — then their reasons for shutting out the media become much easier to assume.

Dreadful as it sounds, the scenario would seem to lead reasonable observers in wondering why a foreign corporation is directing a branch of America's military.

Salon writer Glenn Greenwald opined similarly in a recent slight to what he called the "BP/Government police state," saying: "The very idea that government officials are acting as agents of BP (of all companies) in what clearly seem to be unconstitutional acts to intimidate and impede the media is infuriating. Obviously, the U.S. Government and BP share the same interest — preventing the public from knowing the magnitude of the spill and the inadequacy of the clean-up efforts — but this creepy police state behavior is intolerable."

Storms hamper giant skimmer trials (*Miami Herald*)

July 6, 2010 Tuesday
SECTION: A; Pg. 9
Storms hamper giant skimmer trials
By: Staff and Wire Reports
Choppy seas have temporarily foiled attempts to see if a giant oil skimmer can be a silver bullet for cleanup efforts in the Gulf of Mexico.

Bob Grantham, spokesman for the Taiwanese shipping firm TMT, says the company's vessel, dubbed ``A Whale,'' will need further testing off the coast of Louisiana.

Grantham said in an e-mail Monday that sea conditions in the Gulf over the weekend were too choppy to get definitive answers on the vessel's capabilities.

Billed as the world's largest oil skimmer, ``A Whale'' is supposed to be able to suck up 21 million gallons of oily water a day. The 10-story high, 300-yard tanker takes in oily water through 12 vents and the oil is separated through a series of tanks to be transferred to another vessel, while the clean water is returned to the Gulf.

``A Whale'' had initially undergone tests in a patch of water close to the wellhead over the weekend. The ship is also awaiting approval from the Environmental Protection Agency. Grantham said testing will resume as soon as the water is calmer.

Across a wide stretch of the Gulf of Mexico, efforts to limit the damage from the oil spill have been essentially landlocked for more than a week.

Offshore oil skimming along the coasts of Alabama, Florida and Mississippi came to a stop early last week because of choppy seas brewed up by Hurricane Alex.

Now they're stymied by a succession of smaller storms that could last well into this week. Workers are being forced to fight the oil with containment boom and cleanups after it has already reached the shore.

``We're just lying in wait to see if we can send some people out there to do some skimming,'' said Courtnee Ferguson, a spokeswoman for the Joint Information Command in Mobile, Ala.

Heavy rain and scattered thunderstorms are predicted throughout the region into Wednesday, according to National Weather Service meteorologist Tim Destri. The National Hurricane Center is also watching a low pressure system in the Caribbean Sea that has a low chance of becoming a tropical depression in the next two days.

If it does develop, it would more likely head toward northern Mexico or southern Texas, but it's too early to predict its path with certainty, Destri said.

The storms have not affected drilling work on a relief well that BP says is the best chance for finally plugging the leak. The company expects drilling to be finished by mid-August.

Miami Herald staff writer Jaweed Kaleem and The Associated Press contributed to this report.

'Dead zone' in gulf tied to ethanol subsidies (*San Francisco Chronicle*)

California
July 6, 2010 Tuesday
FINAL Edition
SECTION: Main News; Pg. A1
'Dead zone' in gulf tied to ethanol subsidies;
ENERGY POLICY
ByCarolyn Lochhead, Chronicle Washington Bureau
Washington
While the BP oil spill has been labeled the worst environmental catastrophe in recent U.S. history, a biofuel is contributing to a Gulf of Mexico "dead zone" the size of New Jersey that scientists say could be every bit as harmful to the gulf.

Each year, nitrogen used to fertilize corn, about a third of which is made into ethanol, leaches from Midwest croplands into the Mississippi River and out into the gulf, where the fertilizer feeds giant algae blooms. As the algae dies, it settles to the ocean floor and decays, consuming oxygen and suffocating marine life.

Known as hypoxia, the oxygen depletion kills shrimp, crabs, worms and anything else that cannot escape. The dead zone has doubled since the 1980s and is expected this year to grow as large as 8,500 square miles and hug the Gulf Coast from Alabama to Texas.

As to which is worse, the oil spill or the hypoxia, "it's a really tough call," said Nathaniel Ostrom, a zoologist at Michigan State University. "There's no real answer to that question."

Some scientists fear the oil spill will worsen the dead zone, because when oil decomposes, it also consumes oxygen. New government estimates on Thursday indicated that the BP oil spill had gushed as much as 141 million gallons since an oil-rig explosion and well blowout on April 20 that killed 11 workers.

Corn is biggest culprit

The gulf dead zone is the second-largest in the world, after one in the Baltic Sea. Scientists say the biggest culprit is industrial-scale corn production. Corn growers are heavy users of both nitrogen and pesticides. Vast monocultures of corn and soybeans, both subsidized by the federal government, have displaced diversified farms and grasslands throughout the Mississippi Basin.

"The subsidies are driving farmers toward more corn," said Gene Turner, a zoologist at Louisiana State University. "More nitrate comes off corn fields than it does off of any other crop by far. And nitrogen is driving the formation of the dead zone."

The dead zone, he said, is "a symptom of the homogenization of the landscape. We just have a few crops on what used to have all kinds of different vegetation."

In 2007, Congress passed a renewable fuels standard that requires ethanol production to triple in the next 12 years. The Department of Agriculture has just rolled out a plan to meet that goal, including building ethanol refineries in every state. The Environmental Protection Agency will decide soon whether to increase the amount of ethanol in gasoline blends from 10 percent to 15 percent.

A 2008 National Research Council report warned of a "considerable" increase in damage to the gulf if ethanol production is increased.

Pet cause of Congress

One of the authors of that report, agricultural economist Otto Doering at Purdue University, said that a 50 percent boost in the ethanol blend in gasoline will significantly raise corn prices, driving farmers to pull land out of conservation and pastureland and into corn production. They are also likely to add more nitrogen fertilizers to boost yields.

Corn ethanol has been heavily subsidized since the Arab oil embargo in the 1970s. Viewed by the corn industry as a lucrative market, ethanol is a perennial favorite in Congress.

Ethanol consumes two-thirds of all federal subsidies for renewable fuels, said Ken Cook, president of the Environmental Working Group, an advocacy group, leaving solar, wind and the rest to fight over the remaining third. Corn ethanol cost taxpayers $17 billion from 2005 to 2009, his group estimates.

"This is another industry that's entirely a creature of the government, even more so than corn growing per se," Cook said. "The production of ethanol wouldn't happen at all without government subsidies and protection."

The National Corn Growers Association ran a media blitz in Washington last week to press for the renewal of the 51-cents-a-gallon tax credit for ethanol. With pictures of the BP oil spill looming in the background, the Corn Growers' video announces, "Ethanol: Now is the time."

Conservation plan hurt

The ethanol boom over the past decade has lured farmers to withdraw millions of acres from the Conservation Reserve Program, which pays farms not to plant fragile land. Much of this land has been returned to native prairie grasses, at taxpayer expense. Millions more acres are up for renewal over the next few years.

"There's been a very large-scale conversion of these CRP lands to biofuel production," Ostrom said. Those soils have accumulated carbon from the atmosphere and stored it, becoming "a pretty significant sink for atmospheric CO2," he said. "If we suddenly start farming those soils, we basically release all of the carbon that's been sequestered for decades, and that may more than offset any carbon benefit of switching to biofuels."

To meet its goal of tripling ethanol production, Congress called for more cellulosic ethanol, which is made from wood, crop waste, perennial grasses such as switchgrass, and even native prairie grasses. Perennial grasses are considered far less damaging to the environment than corn because they require less fertilizer and their roots remain in the ground, helping to stabilize the soil and reduce runoff.

But commercial production of cellulosic ethanol remains a pipe dream. It would require large subsidies to dislodge corn ethanol.

There is no experience with commercial production of switchgrass. Purdue's Doering said it will require fertilizer and is likely to be planted on conservation

lands and pasture instead of displacing corn.

Joan Nassauer, a professor at the University of Michigan who has studied how alternative agricultural policies could alleviate the dead zone, said cellulosic ethanol could work.

"It might be one of those win-wins, but it's not in production yet," she said. "What we've got now all over the Corn Belt is corn, and that's definitely not a win-win."

BP oil spill costs soar above $3B (*Inquirer.net*)

Agence France-Presse
Posted date: July 06, 2010
NEW ORLEANS—BP's costs over the Gulf of Mexico oil spill soared Monday above $3 billion, while a giant Taiwanese ship provided hope of revolutionizing on-sea skimming operations.
"The cost of the response to date amounts to approximately $3.12 billion, including the cost of the spill response, containment, relief well drilling, grants to the Gulf states, claims paid, and federal costs," BP said.
The latest estimate is far higher than the $2.65 billion given by the energy firm one week ago.
BP's share price has collapsed more than 50 percent since the Deepwater Horizon oil rig it leased sank on April 22, two days after a blast that killed 11 workers.
After intense pressure from President Barack Obama over the worst ever US environmental disaster, BP agreed last month to suspend its shareholder dividend and create a $20-billion fund for costs arising from the spill.
BP is also selling non-core assets to raise $10 billion, while international ratings agencies have downgraded the company's credit worthiness.
Nearly a week after Hurricane Alex swept through the region, bad weather continued to hamper the clean-up, keeping smaller skimming vessels tied up in harbors in the affected Gulf states of Mississippi, Alabama and Florida.
Skimming has resumed in calmer seas off the coast of Louisiana as have other operations to fend off the spill, including the laying of protective boom to protect fragile shorelines from the tides of toxic crude, officials said.
Although there was no direct hit from Alex, the first major Atlantic storm system of 2010 provided a reminder of the urgent need to clean up the crude spewing into the sea from the debris of the sunken Deepwater Horizon rig.
A major boon to the clean-up effort could come in the form of "A Whale," a giant ship converted by its Taiwanese owners into potentially the world's largest oil skimming vessel.
Owners TMT Shipping Offshore say the "A Whale" can suck up to 500,000 barrels (21 million gallons) of oily water a day through its "jaws," a series of vents on the side of the ship.

By comparison, more than 500 smaller vessels have in the past 10 weeks only managed to collect 23.5 million gallons of oil-water mix between them.
Tests on the "A Whale", which traveled more than half-way around the world from Taiwan to the Gulf, were ongoing but approval for it to start skimming operations could come as early as Tuesday.
The fractured pipe that connected the BP-leased platform to the well a mile down on the sea floor has now spewed somewhere between two and four million barrels of oil into the Gulf.
A containment system has captured about 600,000 barrels of oil, but rough seas delayed the deployment of a third vessel that could boost capacity from 25,000 barrels to 53,000 barrels a day.
It is now the worst ever oil spill to afflict US shores and is surpassed only by the deliberate release of crude by Iraqi troops who destroyed tankers and oil terminals and set wells ablaze in Kuwait during the 1991 Gulf War.
It will likely be mid-August at the earliest before the Gulf well is permanently capped by injecting mud and cement with the aid of relief wells.
The current system contains oil by siphoning it up through a "top hat" funnel system to the Discoverer Enterprise processing ship and burning oil and gas aboard a second vessel called the Q4000.
A third ship -- the Helix Producer I -- capable of sucking up another 25,000 barrels of oil is in the area but high seas have prevented workers from hooking it up to the ruptured well.
BP hopes the Helix Producer I, which will have a flexible connection to a floating pipe so it can disconnect "fairly quickly" in the event of another hurricane, will be up and running on Thursday, spokesman Robert Wine told AFP

Tar balls washing up on beaches in Texas: coast guard (*AFP*)

WASHINGTON — The US Coast Guard said Monday tar balls were spotted this weekend along the Texas shore and said tests were underway to determine if they were from the massive BP oil spill in the Gulf of Mexico.

"We immediately commenced clean-up operations and sent samples for laboratory analysis," said Coast Guard Commander Jim Elliott, commanding officer of Marine Safety Unit Galveston, who said in a statement that tar ball samples had been sent to a laboratory to determine if they came from the Deepwater Horizon spill.

The statement added that beaches in the state remain open "as the small tar balls pose little safety hazard to beach goers."

Officials said the tar balls, spotted along East Beach on Galveston Island and along Crystal Beach on Bolivar Peninsula, range from one to three centimeters in diameter, and cover "less than one percent" of the area's beaches.

"Oil spill response contractors are removing them quickly," the statement said.

Decision on containment cap delayed (*Greenwire*)

(07/02/2010)
Katie Howell, E&E reporter
The new containment cap for the crippled BP PLC well that federal and company officials are mulling could be a game-changer for the beleaguered oil spill response effort.

At best, the cap could turn off the taps on the ruptured wellbore. But getting to that point will involve taking off a cap that has successfully captured oil and gas for about a month, once again sending nearly unfettered streams of crude into the Gulf of Mexico.

The new cap has many benefits. For one, it would make disconnecting and reconnecting the myriad production vessels moored above the wellhead much quicker in the event of a hurricane evacuation. It would also have a tighter seal that would allow crews to take more accurate pressure readings that could better pinpoint the amount of crude gushing into the Gulf. Federal scientists' estimates currently range from 1.7 million to 2.5 million gallons of crude pouring out each day.

But best of all, the cap has the potential to shut off the flow of crude for good.

"If we get the right pressure readings, and they indicate that there is no damage to the wellbore, at that point we've pretty much contained the outflow of oil," retired Coast Guard Adm. Thad Allen said today during a briefing with reporters.

But officials in charge haven't yet decided whether to switch the cap out with the current one.

"It's a complex situation," Allen said.

The cap decision was slated to be made this week, but Hurricane Alex waylaid those plans, churning up Gulf winds and seas, making it impossible for a third production vessel to be hooked up to the wellbore. That hookup would bring total containment capacity to 53,000 barrels a day. Officials will wait until after that comes online late next week before making a decision.

If the cap doesn't contain the flow of oil -- and there's a strong possibility it won't -- responders are pinning their hopes on a pair of relief wells that are closing in on the failed wellbore. The first of those is scheduled to intersect the wellbore early next month.

Kent Wells, BP's senior vice president of exploration and production, said earlier this week that there is a "much greater chance of killing the well from the bottom than the top."

Allen dismissed a more radical idea to stanch the flow, one that has been proposed by former President Clinton and others: Blow up the well.

"We don't know what the impact of that type of a kinetic action would be on the strata and the formation around it, and we also know that there potentially could be some problems with the wellbore and the casing itself below the surface, where oil could ultimately get out into the formation and make itself to the seabed anyway," Allen said yesterday on CNN's "The Situation Room."

"It's not on the list of options at this time," he added.

Browner supports unlimited liability

President Obama's top energy and climate adviser, Carol Browner, supports making drilling companies pay all damages related to a spill, even if such a move would mean small companies can't operate offshore.

Oil companies are currently capped at $75 million in damage-claim liability for oil spills, but many in Congress are working to remove that cap.

"Maybe this is a sector where you really need large companies who can bring to bear the expertise and who have the wherewithal to cover the expense if something goes wrong," Browner said in an online interview at WSJ.com. Eliminating a cap "will mean that you only have large companies in this sector."

Small companies have warned that removing liability limits would shut them out of offshore drilling activities because insurance costs would be too high.

BP has already paid out more than $132 million in damage claims and has promised much more. Under White House pressure, the British oil giant is setting up an independent $20 billion fund to compensate for economic losses.

Threatened whale sharks spotted near spill

Whale sharks have been spotted in the area around the BP oil spill, a federal scientist said yesterday.

The huge fish, which feed by vacuuming the sea surface, have been seen swimming between and through wide streamers of heavy oil a few miles from the spewing wellhead, Steve Gittings of the National Oceanic and Atmospheric Administration said. But they didn't seem distressed, nor were they visibly oiled, he said.

"Don't get the picture that these looked like those pelicans you see photographs of," he said after a flight to locate oiled sea turtles.

But if oil got into their gills, they could suffocate. And they will swallow oil as they skim the water's surface during feeding, another NOAA scientist said.

Whale sharks are on the International Union for Conservation of Nature's "red list" of threatened species, and no one is sure how many whale sharks exist.

Scientists don't know how to make them swim away from the oil.

Rig rental rates set to drop

The six-month moratorium on offshore drilling in the Gulf of Mexico will cause rental rates for offshore drilling rigs to drop by 20 percent.

Analysts told Bloomberg News that rental rates for deepwater rigs could drop to $350,000 a day in the next six months.

Sixty-four new rigs are currently under construction worldwide, which could further exacerbate an oversupply.

BP shares rise on relief well progress

BP's shares are set to make their first weekly gain since the Deepwater Horizon rig exploded on April 20, on news that the pair of relief wells could be progressing ahead of schedule.

Shares in London were trading 8.1 percent higher than a week ago. But they're still 50 percent lower than before the accident.

"The market has gone to an extreme level of emotion," Christopher Wheaton, who manages securities at Allianz RCM's Energy Fund in London, told Bloomberg News. "There was concern the relief wells wouldn't work, but now it's clear BP will be able to cap this and cut off the most extreme tail risk. We're beyond the turning point."

Coast Guard, EPA guide BP on waste management

The Coast Guard and U.S. EPA yesterday laid out a new oil-spill waste management program for BP.

In a directive, the agencies told BP it will be held accountable for proper disposal of wastes recovered from the ongoing spill. EPA will also begin sampling waste to help verify that it is being properly managed.

A recent Associated Press report said BP's cleanup efforts were being marred by faulty disposal of solid wastes. The report says companies contracted to dispose wastes from cleanup sites were leaving behind a train of pollution, including tar balls and oil-soaked booms.

Prognosis unknown for a wounded Gulf (*St. Paul Pioneer Press*)

Washington Post
WASHINGTON — How dead is the Gulf of Mexico?

It is perhaps the most important question of the BP oil spill, but scientists don't appear close to answering it despite a historically vast effort.

In the 2 1/2 months since the spill began, the Gulf has been examined by an armada of researchers — from federal agencies, universities and nonprofit groups. They have brought back vivid snapshots of a sea under stress: sharks and other deep-water fish suddenly appearing near shore, oil-soaked marshes turning deathly brown, clouds of oil swirling in deep water.

But, with key gaps remaining in their data, there is wide disagreement about the big picture. Some researchers have concluded the Gulf is being spared an ecological disaster. Others say ecosystems that were already in trouble before the spill are being pushed toward a brink.

"The distribution of the oil, it's bigger and uglier than we had hoped," said Roger Helm, a U.S. Fish and Wildlife Service official and the lead scientist studying the spill for the Interior Department. "The possibility of having significant changes in the food chain, over some period of time, is very real. The possibility of marshes disappearing ... is very real."

Helm said his prognosis worsened in the past week — as the amount of oily shoreline increased from Louisiana to Florida, despite cleanup efforts. "This just outstrips everybody's capability" to clean it up, he said.

This research has mainly occurred in

the background, as public attention has focused on the "open-heart surgery" at BP's leaking wellhead.

The patient is a 600,000-square-mile sea, which contains swirling currents, sun-baked salt marshes and dark, cold canyons. Complicating matters is that even before the spill began in April, the patient was sick.

In recent years, Louisiana has been losing a football field's worth of its fertile marshes to erosion every 38 minutes. In the Gulf itself, pollutants coming from the Mississippi's vast watershed helped feed a low-oxygen "dead zone" bigger than the Chesapeake Bay. Measuring the spill's damage, then, requires distinguishing it from the damage done by these other man-made problems.

So far, even the simplest-sounding attempts to measure the spill's impact have turned out to be complex.

The official toll of dead birds is about 1,200, a fraction of the 35,000 discovered after the Exxon Valdez spill in 1989. But this, too, has been called into question. Officials can count only the birds they can find, and many think a number of oily birds have sought refuge in the marshes.

"It's an instinctive response: They're hiding from predators while they recover," said Kerry St. Pé, head of a government program that oversees Louisiana's Barataria Bay marshes. "They plan to recover, of course, and they don't. They just die."

Other scientists have focused on more subjective measures of the Gulf's health — not counting the dead, but studying the behavior of wildlife, the movements of oil and the state of larger ecosystems. For them, solid answers are even more elusive.

For example: Is the oil killing off Louisiana's coastal marshes? State officials say they've seen it coating the grasses and mangroves that hold the region's land in place.

"The marsh grasses, the canes, the mangrove are dying. They're stressed and dying now," said Robert Barham, secretary of the state's Department of Wildlife and Fisheries.

But Paul Kemp of the National Audubon Society flew over the same area and saw a different picture: The oil's damage was relatively small, at least in comparison with the marsh's existing problems.

"Here, we have a patient that's dying of cancer, you know, and now they have a sunburn, too," Kemp said. "What will kill coastal Louisiana is not this oil spill. What will kill coastal Louisiana is what was killing it before this oil spill," including erosion and river-control projects that have reduced the buildup of new land.

Farther offshore, federal scientists and university researchers have disagreed about the existence of "plumes" of dissolved or submerged oil. Several educators have reported finding underwater oil dozens of miles from the spill. Sometimes, they reported it was so well dissolved that the water appeared clear. In other situations, they found what they thought to be oil globs the size of golf balls.

The government has presented a very different picture of the deep Gulf.

An official at the National Oceanic and Atmospheric Administration (NOAA) said his agency had found evidence of significant submerged oil — 1 to 2 parts per million — only within six miles of the well. In addition, the U.S. Environmental Protection Agency said it has not seen "large scale" problems with low dissolved oxygen around the submerged oil in the gulf.

Doug Inkley, senior scientist at the National Wildlife Federation, said he did not think the government had studied these areas well enough yet.

Twin BP disasters complicate push for safety (*Greenwire*)

(07/02/2010)
Elana Schor, E&E reporter
When federal officials fined BP PLC a record $87 million last year for more than 700 individual safety violations at its Texas City refinery, Labor Secretary Hilda Solis billed the move as a bold deterrent against hazardous workplace conditions.

"This administration will not tolerate disregard for our laws," Solis said at the time. "Employers have a legal and moral responsibility to protect their workers, who ultimately are America's most important asset."

But eight months after its slap from the Occupational Safety & Health Administration, BP has yet to pay the new penalties or set a deadline to correct problems identified by the agency.

BP's ability to delay while it contests the Texas City fines has not escaped notice on Capitol Hill, where lawmakers yesterday unveiled a mine bill that would force a prompt fix to OSHA-cited hazards at all energy industry workplaces.

In the wake of BP's Gulf of Mexico gusher, however, the charged relationship between petrochemical producers and the party in power could complicate the prospects for passage of broader worker-safety reforms. Fossil fuel companies are wary of a punitive response to the spill, while unions pressing for updated worker protections view the oil leak as proof that BP and other repeat offenders need a firmer government hand.

"Improving safety shouldn't be a battle between adversaries, it should be a campaign of allies," National Petrochemical and Refiners Association President Charlie Drevna said, describing the proposed congressional mandate for an immediate fix after OSHA citations as "a classic presumption of guilt against all employers."

Yet for AFL-CIO health and safety director Peg Seminario, speeding up the process and threatening higher fines for employers like BP, "the kind of company that's been refusing to take action even after it's killed 15 workers" at Texas City, are long-overdue changes. The broader OSHA provisions in the new mine bill stand to test whether lawmakers can bridge the gap between business and labor.

Refineries

The challenge of shielding workers at refineries and rigs, where toxic materials abound and the potential for harm far exceeds that of the average cubicle, is not easily met. Regulators and businesses that deal with dangerous chemicals use dense but deliberate terms such as "process safety management," or PSM -- which looks at every step of operations to promote a "safety culture" deeper than avoiding slips and falls.

After a blast at BP's Texas City refinery killed 15 workers in 2005, the U.S. Chemical Safety Board, or CSB, issued a cutting indictment of the company's protection strategy, devoting a heading in its 341-page report to the company's "Lack of PSM Focus." The majority of the OSHA fines imposed on BP last year stem from what Solis described as "failures to comply fully" with a 2005 settlement deal inked with the George W. Bush-era OSHA.

But the oil giant is mounting a strong defense before a judge at the Occupational Safety and Health Review Commission, or OSHRC, which mediates clashes between OSHA and penalized companies. BP wrote in an October OSHRC filing that it has spent more than $1 billion since 2005 "improving reliability, safe operation, and environmental performance" at Texas City, where processing capacity is estimated at 460,000 barrels of crude daily, or more than four times the worst-case scenario of today's Gulf leak.

During its dispute with OSHA, BP can hold off on complying with the federal PSM audit that started its latest troubles in Texas City -- a delay termed a "huge deficiency in existing law" by George Washington University assistant professor Celeste Monforton, who spent more than a decade working on occupational health at the Labor Department.

Eric Frumin, health and safety coordinator at the Change to Win labor federation, agreed that the status quo for employers such as BP is a "serious problem" but noted that the newly opened CSB probe of the Deepwater Horizon blast signals that the oil company's two recent disasters could be connected in the eyes of regulators.

"It'd appear that the outcome of the Texas City case could certainly be affected by the federal government's investigation of the lapses, the gross management failures, apparent in the incident in the Gulf," Frumin said. After the refinery

explosion, he added, "the new [BP] leadership was supposed to be different. What we're seeing is not different."

BP did not return a request for comment by press time on the new House mine legislation as well as its arguments in the Texas City case.

In addition to requiring a prompt abatement of hazards identified by OSHA, the House bill would also give families of those killed on the job greater rights during the investigation process, strengthen whistleblower protections and increase the maximum civil penalty for individual violations at any workplace. Those provisions were featured in a broader OSHA overhaul, dubbed the "Protecting America's Workers Act," that has won Obama administration backing but remains stalled in the House and Senate.

The proposed immediate fix rule for oil and gas producers drew a due-process complaint from American Petroleum Institute (API) senior policy adviser Ron Chittim. "Sometimes OSHA may be right, sometimes maybe they aren't," he said. "Maybe there are extenuating circumstances and other implications that all need to be looked at holistically."

Monforton raised a different question about the new House bill's potential to prevent dangerous chemical releases at energy facilities of all stripes.

"It doesn't include provisions that would be more progressive in terms of trying to prevent hazards to begin with," she said. "I don't see it as something that goes as far as where we need to go."

Senate Democrats have indicated they plan to court GOP co-sponsors before releasing their version of the new mine bill.

Offshore

Although similar PSM concerns apply to both refineries and rigs, the Deepwater Horizon platform was beyond OSHA's reach by more than 50 miles. Safety jurisdiction offshore is shared by the newly minted Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) and the Coast Guard, which are still using a voluntary safety standard based on recommended API practices (*Greenwire*, June 23).

That arrangement alarmed House Education and Labor Chairman George Miller (D-Calif.), chief author of the new mine bill, and House Natural Resources Chairman Nick Rahall (D-W.Va.). The duo urged the Obama administration last week to connect OSHA with BOEMRE for a less industry-centric perspective on worker safety.

But Bill Hoyle, a CSB veteran who managed the safety board's Texas City investigation, warned that keeping the newly renamed BOEMRE in charge of offshore rig risks "doesn't resolve the fundamental problems that have contributed to" the Gulf catastrophe.

"The U.S. should also assign offshore oil safety to an independent safety agency," Hoyle said. "Either create a new safety agency or ask OSHA."

An OSHA spokesman said its staff "is happy to assist" BOEMRE in crafting its offshore rule, but the agency's chief, David Michaels, has not backed a jurisdictional takeover of coastal drilling. The agency's resources are overtaxed as it is, Michaels told House members last week.

"I was surprised that he didn't ask for the funds needed for OSHA to take on offshore oil worker safety," Hoyle said.

Meanwhile, the prospect of regulations guarding against toxic offshore incidents continues to draw resistance from industry, despite its role in inspiring the structure of BOEMRE's proposed rule and despite the spotlight thrown on the issue by the Gulf leak.

"Let's take a step back and think if we need these prescriptive measures here." said Randy Radford, API's senior policy adviser for offshore issues. Mandating several portions of the 12-part API voluntary safety program, as BOEMRE has suggested, would go against the spirit of "what was sort of a comprehensive document," he added.

API and NPRA are planning a new safety workshop later this year that the industry groups hope will foster a more collaborative approach among businesses, unions and OSHA. Drevna, of NPRA, said he plans to invite representatives from Congress and CSB: "Everyone's egos and preconceived notions are going to be checked at the door."

The multiple legislative and regulatory tracks for safety reforms to move could ultimately create a leadership vacuum, Monforton observed, even after a six-month stretch in which at least 57 energy industry workers died on the job.

"If it's the administration's belief that these workers deserve better protection and an enforcement mechanism that would compel protection against hazards, it needs to evaluate which agency is best positioned to do that," she said.

"Is it the Coast Guard? Could it be the new MMS [also known as BOEMRE]? Could it be the mine safety agency? ... We have plenty of smart technical experts out there for whatever agency to hire."

Drillers enlist legions of lobbyists for battle over regulations (*Greenwire*)

(07/02/2010)
Anne C. Mulkern, E&E reporter
The Gulf of Mexico oil spill has sparked a lobbying rush as companies involved in drilling seek help navigating new policies and influencing ones under development.
Companies ranging from small businesses that make safety equipment to a coalition of drilling interests are asking lobbyists to bridge connections with the Obama administration and members of Congress. Drilling companies hope to push the Interior Department to issue more drilling leases. Manufacturers want to sway new regulations on parts that include blowout preventers, giant safety valves such as the one that appears to have failed in BP PLC's Deepwater Horizon rig.

They have recruited lobbyists with connections, including former Rep. Robert Livingston, (R-La.), who at one time was in line to become House speaker; Norma Jane Sabiston, former chief of staff to Sen. Mary Landrieu (D-La.); and Margo Klosterman, former legislative assistant to House Minority Leader John Boehner (R-Ohio).

"We're reaching out and talking to anyone that will listen," said Jim Noe, senior vice president and general counsel at Hercules Offshore Inc., a Houston-based company that operates rigs used in shallow-water oil and natural gas drilling. "We're talking both to the administration and to Congress."

The catastrophic spill that began April 20 triggered a number of Obama administration actions and pending actions that affect many companies. Those include changing policies on oil and natural gas leases in the Gulf of Mexico.

The Interior Department issued a six-month moratorium on new deepwater drilling leases, which a U.S. district court judge since has thrown out. The Obama administration is appealing that ruling. The administration has said there is no ban on new leases for oil and natural gas development in shallower water.

But companies involved in that business say there is a *de facto* moratorium because Interior's Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) is not issuing any new leases.

Four companies joined forces and hired a trio of lobbying firms to help arrange meetings with Interior officials and lawmakers. Since the spill, officials with Hercules, Seahawk Drilling Inc., Rowan Cos. and Ensco PLC have traveled to Washington, D.C., several times to tell lawmakers how their businesses are being affected by changes in drilling oversight policies.

"It's really semantics about whether there's a moratorium or not, because the Department of Interior holds all the cards," as it is the agency that issues permits for drilling, Noe said. "The Department of Interior is not issuing shallow-water drilling permits."

Interior disagreed.

"There is no moratorium on shallow-water drilling," spokeswoman Julie Rodriguez said. "Shallow-water drilling may continue as long as oil and gas operations satisfy new safety requirements that we are implementing."

The four drilling companies and two others, Delta Towing and Hornbeck Offshore Services, are part of the Shallow Water Energy Security Coalition. It came together not long after the Interior Department first issued the drilling moratorium. Members of the coalition spoke to many lawmakers and pushed for a change in the policy, which they saw as banning all new drilling, Noe said.

In late May, 18 House members signed a **letter** to Interior Secretary Ken Salazar, urging him to recommend that President Obama allow new permits for shallow-water drilling. Ten senators signed a similar **letter**.

Noe believes that helped lead to the administration's declaring that the moratorium only applied to new deepwater drilling leases. But since the original moratorium, he said, drilling leases are not being issued. Hercules and other companies, Noe said, are working with BOEMRE "to understand the new rules. There was a lot of confusion and uncertainty."

The companies have submitted new permit applications that "are in compliance with the new rules," Noe said. "Many of the shallow-water rigs are going idle without permits." About one-third of the 50 or so shallow-water rigs are idle, he said.

Interior said that leases have been issued since the oil spill. Between June 8 and 30, the department said, 11 permits have been approved. Of those, four are for new wells. The other seven affect existing operations.

All of the permits on new operations are for wells in water depths less than 500 feet. Those were issued between June 24 and June 30, Interior said. In half of those cases, rigs have moved on location.

The drilling companies that have hired lobbyists say they have not been able to get permits. As those companies meet with lawmakers, they talk about the effect on jobs.

"We've already seen shallow-water drilling companies have already started laying off workers," Noe said. "They take with them all of the indirect jobs,"

including cooks, workers on supply boats and support boats and helicopter pilots who take workers back and forth from rigs. Economists to the drilling companies estimate that 3.5 to 4.5 other jobs are connected to every drilling job, he said.

"So the trickle-down impact is huge," Noe said. Shallow-water operations employ about 7,000 people, according to the coalition.

The shallow-water drilling companies also warn lawmakers that the companies will move elsewhere in the world and would be likely to sign two- to three-year contracts. Once they leave, getting them back to U.S. waters, Noe said, "will take years."

Hercules is the largest shallow-water drilling company in the Gulf of Mexico, Noe said. It also has drilling operations around the world.

Hercules and three other members of the shallow-water drilling coalition hired lobbying firms: Jones, Walker, Waechter, Poitevent, Carrère & Denègre LLP; Sabiston Consultants LLC; and Livingston Group LLC. The three firms are working together, Noe said. Hercules also is paying Bracewell & Giuliani for strategic advice.

Lobbyists on the payroll at Livingston Group include Livingston, who retired from the House in 1999; J. Allen Martin, former chief of staff to Livingston; and Steven Kreseski, previously chief of staff to former Maryland Gov. Robert Ehrlich Jr. (R).

Sabiston is the main lobbyist at Sabiston Consultants. In addition to working for Landrieu, Sabiston previously was state director to former Sen. John Breaux (D-La.)

Lobbying on safety-equipment rules

A small Houston company that makes safety equipment also has hired a lobbying firm. T-3 Energy Services Inc. brought on Arent Fox LLP earlier this month. Blowout preventers and other safety equipment that T-3 Energy Services makes now are under scrutiny. (T-3 did not make the blowout preventer involved in the BP oil spill.)

When Interior in May and June issued new requirements on safety equipment, "there were some questions that were left open," said Keith Klopfenstein, senior vice president of T-3 Energy Services' Pressure Control Group. "We wanted to be sure that we understood exactly what they meant ... so we could offer our customers some guidance."

"We weren't alone in scratching our heads over some of the requirements they issued," Klopfenstein added.

The company hired lobbyists "to make sure that we could contact someone at MMS at the appropriate level," Klopfenstein said. MMS (or the Minerals Management Service) now is known as BOEMRE.

T-3 Energy Services also wanted lobbyists to help the company present its views on how BOEMRE should shape rules on the maintenance and service intervals of safety equipment.

"These standards should strike the appropriate balance so that we are certain the equipment performs as intended in an emergency but does not become so burdensome that drilling is not economical," Klopfenstein said in an e-mail. "All indications that we have received are that MMS is trying to achieve this."

T-3 Energy Services has about 15 percent of the blowout preventer market, Klopfenstein said. The company sells those and other safety items to large oil companies like BP or Exxon Mobil Corp., as well as drilling contractors like Transocean Ltd.

T-3 Energy Services belongs to the Offshore Equipment Task Force, which includes equipment makers, industry subsea equipment specialists and deepwater contractors.

Arent Fox lobbyists on the T-3 Energy Services account are Dan Renberg, former legislative director and deputy chief of staff to Sen. Arlen Specter (D-Pa.); Jon Bouker, past aide to Del. Eleanor Holmes Norton (D-D.C.) and minority counsel to the House Government Reform Committee; and Klosterman, who worked for Boehner.

BP lobbyists

BP PLC also has hired another lobbying firm. BP recently brought on Eris Group. BP already has a stable of lobbying groups and consultants on its payroll, including Tony Podesta, former Justice Department official Jamie Gorelick, former recording-industry lobbyist Hilary Rosen, and Michael Berman, a longtime aide to Vice President Walter Mondale. The oil company also has hired Anne Womack-Kolton, press secretary for Vice President Dick Cheney, to lead its U.S. public relations efforts.

At Eris, lobbyists working for BP are Jennifer Bendall, former policy adviser to Sen. Richard Shelby (R-Ala.), and Jesse McCollum, previously an aide to Rep. Ed Towns (D-N.Y.) and chief of staff to Rep. Ron Klein (D-Fla.).

"They hired us to work on energy issues," McCollum said, declining to say more "at the request of the client."

Alabama had plan in place for small spill (*Times Daily)*

By M.J. Ellington
Published: Tuesday, July 6, 2010 at 3:30 a.m.

Alabama had a plan in place to deal with oil spills before the BP/Deepwater Horizon drilling explosion April 20.

But the plan dealt more with how to clean up after spills from ships or accidents near shore, not a spill of the magnitude of BP's that occurred hundreds of miles away in the Gulf of Mexico.

The spill off the coast of Louisiana is the worst ever in the Gulf.

Alabama Department of Environmental Management spokesman Scott Hughes said once the crisis settles down, changes will likely come to the plan.

Some of the recommendations may come from people based in north Alabama and other regional environmental management offices who were sent to the Gulf to work at the central command site. Hughes said the agency does not give out the names of agency employees sent to the Gulf to work on the spill.

"There'll be an evaluation of what worked and what did not, and adjustments will be made where needed," Hughes said. "We've got a structure in place to better deal with situations as they develop. Part of that came from listening to people who live in and are familiar with the area."

Fishermen, for instance, knew that the original containment boom placed at Perdido Pass near Orange Beach would not be strong enough to stop the oil during tidal surges, Hughes said.

Stronger booms now in place in the area where oil is a threat is a result of recommendations from people who travel the area as fishermen.

"Both the type and location of boom changed as a result of the things they told us," Hughes said.

Other longer-term adjustments will address best ways to deal with larger spills and hurricane preparation during a spill. Gov. Bob Riley said he wants federal revenue to do more long-term preparation in case another spill happens in the future.

Locating boom and sweepers permanently in Alabama for rapid use are among his goals.

The lead organization that developed Alabama's oil spill contingency plan is the U.S. Coast Guard.

Alabama Department of Environmental Management, the state Department of Conservation and Natural Resources and the federal Environmental Protection Agency also were involved, Hughes said.

CLIMATE CHANGE

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Indonesian Firm Accused of Clearing Rain Forests (*New York Times*)

Section ; Column 0; National Desk; Pg.
By AUBREY BELFORD
JAKARTA, Indonesia -- The environmental group Greenpeace has accused one of the world's largest pulp, paper and palm oil companies of aggressively clearing Indonesian rain forests and throwing into doubt a landmark billion-dollar deal that aims to fight climate change by curbing deforestation.

In a report released Monday, Greenpeace accused a subsidiary of the Indonesian family conglomerate Sinar Mas of secretly planning a massive expansion of pulp mills and cutting down essential forests, including habitats for endangered tigers.

An executive with the subsidiary, Asia Pulp and Paper, denied the charges.

The Greenpeace report says that an internal 2007 document shows that Asia Pulp drew up plans to significantly increase its pulp mill capacity to 17.5 million tons a year from 2.6 million tons.

The report also said that Asia Pulp had sought more than a million hectares in new concessions to meet this demand. In the Sumatran provinces of Riau and Jambi alone, the company sought 900,000 hectares, or 2.2 million acres, more than half of which was granted, Greenpeace says.

"What is actually happening in the field is they keep expanding because their timber concessions are not enough to supply their mills," said Bustar Maitar, Greenpeace's lead forest campaigner in Indonesia.

Asia Pulp's sustainability chief, Aida Greenbury, denied that the company had confidentially made any such expansion plans.

"To support production of 15 million tons of pulp a year is just impossible," Mrs. Greenbury said, because the company would not be able to harvest enough wood to feed the mills. "I don't know how they came up with 15 million tons."

She added, "It's impossible to plan expansion of pulp mills secretly because we need to get approval from the local government, the central government, everything else."

Greenpeace also charges that much of the land set aside and cleared overlaps with endangered-species habitats.

Mrs. Greenbury said that Asia Pulp did not use wood from forests it deemed to be of "high conservation value," which included deep peat and major endangered-species habitats. The company takes around 85 percent of its wood from plantations, she said, with the rest coming from degraded land or lower-value forests.

Greenpeace also charges that Asia Pulp has cleared peatlands more than three meters, or about 10 feet, in depth. In Indonesia, the clearing of such deep peatland is illegal because the land, which is made up of semidecomposed vegetation, releases huge amounts of greenhouse gases when burned or drained.

Hadi Daryanto, the Forestry Ministry's director general of forestry management, said he could not comment on the report because he had not yet seen a copy of it. He added that he had heard no reports of Asia Pulp clearing peatland more than three meters deep.

The Greenpeace report also criticizes several multinational companies, including Wal-Mart, Hewlett Packard, Carrefour and KFC, for buying from Sinar Mas and urges them to suspend dealings with the company.

The accusations of wrongdoing are particularly sensitive in Indonesia because President Susilo Bambang Yudhoyono has staked much of his global prestige on acting against **climate change.** Large-scale deforestation has made the country the world's third-largest emitter of **climate-change**-causing gases, behind China and the United States, according to some estimates.

The country signed a $1 billion deal with Norway in May that imposes a two-year moratorium on new permits to clear virgin forest and peatland.

The deal is part of an approach to reduce emissions from deforestation and forest degradation, which is widely seen as one of the few areas of progress that came out of the collapsed **climate change** talks in Copenhagen last year.

But Greenpeace's accusations -- and Sinar Mas's denials -- hint at what critics

say are major hurdles in the plan. Bureaucratic dysfunction, corruption and Indonesia's sheer size create confusion over what is happening in the field. At the same time, environmentalists, companies and governments frequently disagree on what constitutes environmentally sensitive land and what does not.

"This is a big question mark for the government of what forest protection will look like," Mr. Maitar of Greenpeace said. "If the big companies like A.P.P. or Sinar Mas as a group are still doing business as usual, still doing forest clearing, so what's the meaning of the moratorium?"

GENERAL

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Lack Of EPA Region IV Chief May Hurt Credibility, Reflect Internal Disputes (*Inside EPA*)

Posted: July 2, 2010
The lack of an Obama administration-appointed head of EPA Region IV -- the only agency region that still has an acting, non-permanent top official -- could be harming the region's credibility on high-profile issues, and reflect difficulties in finding a candidate willing to take over a region said to be suffering from internal fights, sources say.

One environmental attorney in the region says there is "no legitimate reason" for the "unprecedented" delay in naming a regional administrator more than a year since President Obama took office, especially because several of the Southern states under the region's purview are dealing with the major environmental impacts of the Gulf oil spill. "I am astounded that they don't have anybody in this position yet," the source says.

Region IV is also involved in several other key environmental issues, including the cleanup of the massive coal ash spill at a Tennessee Valley Authority (TVA) disposal site, and a slew of claims by activists of wrongdoing by the region and others that have harmed environmental justice communities in the region.

The region covers Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi. Stan Meiburg is currently serving as acting administrator of Region IV, the only one out of 10 EPA regions that currently lack a permanent administrator appointed by President Obama. The heads of Region I, II, III, VI and IX were announced Nov. 5, for Regions VIII and X Jan. 13 and April 21 for Regions V and VIII.

The environmental attorney says Meiburg is "doing a great job" but says the region risks losing credibility -- and potentially resources -- the longer that it continues to lack an officially appointed chief.

"I think the region runs quite smoothly but obviously they need to know that they feel beloved by EPA headquarters and have their own leader so they can vie for resources like every other region," the source says.

The position has been empty since 2008 and there is no legitimate reason why the position has not been filled halfway through 2010, the source says. And the administration's focus on the Gulf of Mexico oil spill is no excuse for not filling the position. The administrator could have been named long before the spill and the president and Senate have been able to fill other key positions, including EPA's new inspector general (IG), the source says.

Sources raise concern that the lack of an administrator also undermines the region's status in key environmental issues including the spill, the TVA cleanup, and claims of environmental justice wrongdoing.

Cleared Of Allegations

Acting IG Bill Roderick recently cleared the region of any allegations that it ignored concerns about impacts on environmental justice communities of several Region IV decisions, including the shipment of coal waste from the TVA spill to a landfill near an environmental justice community in Alabama.

Nevertheless, sources say a regional administrator appointed by the president would be seen as having more authority and stature than an acting official, which could adversely impact the region's role influencing discussions over policies and other issues with both headquarters and other agency regions.

The attorney says the administration could choose a leader from a variety of backgrounds, including state or federal government, an environmental group or a corporate role. But the administrator's background should include multimedia experience, since the position must deal with such a wide range of air, waste, water and other issues, the source says.

One agency union official in the region says the position is rumored to have been offered to three people -- a high-ranking state environment official, a politician in Atlanta and an upper management official in region IV -- but that each of them turned down the offer. The source could not provide the names of the candidates.

EPA spokespeople did not return a request for comment.

Some EPA employees fear that candidates are unwilling to take the position because they do not want the burden of having to fix what are said to be broken relations between management and employees, the source says. "It fosters the perception that we have that things are bad and no one wants to be in charge," the source says.

Some employees feel that management scrutinizes their actions despite their expertise, and others feel younger, newer employees are taking promotion opportunities from employees who have been there longer, the source says.

The delay in filling the administrator position also seems to reinforce the low scores the region received in an annual survey of the best places to work in the federal government, the source says.

The survey, compiled by the Partnership for Public Service and American University's Institute for the Study of Public Policy Implementation gave Region IV low scores. Region IV came in 179th out of 216 in effective leadership, above only Region VIII -- covering Colorado and other Western states -- at 181 and Region VII covering Texas and other Southern states, which was ranked at 190 out of the 216 agencies and agency sub-components assessed.

Organizational Morale

Effective leadership "measures the extent to which employees believe leadership at all levels of the organization generates motivation and commitment, encourages integrity, and manages people fairly, while also promoting the professional development, creativity, and empowerment of employees," according to the survey's website.

Region IV also come 208th out of 216 in the survey's assessment of "fairness," the lowest score of any EPA region. According to the survey's website, fairness is measured as the "extent to which employees believe disputes are resolved fairly in their work unit, whether or not employees believe arbitrary action and personal favoritism is tolerated, and if employees feel comfortable reporting illegal activity without fear of reprisal."

The union source says employees would like to see the administration appoint a leader in the region from the environmental field with a scientific background that is willing to come in and make changes. The new leader should come in, get feedback from management and employees, ask for the top minds in the office to suggest ideas to fix the situation and be willing to look back later and see whether it has worked, the source says. -- *Kate Winston*

MINING

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EPA Agrees With Industry By Avoiding UIC Permit For Mining Site (*Inside EPA*)

Posted: July 2, 2010
EPA has decided not to require an underground injection control (UIC) permit for discharges at a controversial Michigan mine, avoiding a move that industry had said could have expanded UIC requirements to a number of industry sectors nationwide that had never before been regulated under the program.

At issue is Kennecott Eagle Mineral Co.'s copper and nickle sulfide Eagle Rock Mine in Michigan's Upper Peninsula. The company in February redesigned its treated water infiltration system (TWIS) in an effort to avoid Safe Drinking Water Act (SDWA) UIC requirements, and EPA said in a July 1 letter to the company that the redesign freed it from the need for a permit. The company initially proposed to construct its TWIS with perforated disposal pipes covered by earthen mounds to insulate them from freezing, but earlier this year proposed to redesign the system to insulate the pipes with Styrofoam and a plastic cover.

“Based upon our review of the modified TWIS design, the lateral perforated piping that constitutes the fluid distribution system is above ground and is thus not a subsurface system,” EPA Assistant Administrator for Water Peter Silva wrote in the letter.

Kennecott contended that even its initial TWIS design -- which consisted of a grid of horizontal pipes laid on top of the ground and covered with five-foot mounds of sand and topsoil -- should not have triggered UIC requirements because the pipes were placed at grade. But the company applied for a UIC permit in 2006 anyway, in an effort to cooperate with EPA's contention at the time that such a permit was necessary. In February, believing the UIC process was taking too long, Kennecott submitted to EPA and the state it's proposed redesign, arguing that it no longer required a UIC permit.

The decision over whether the new system needed a UIC was elevated to EPA Headquarters, from Region V where the mine is located, because of its potential reach. Industry sources had worried that if Kennecott would have required a UIC permit, it could have expanded the program's scope to variety of additional industries.

At issue, EPA sources have said, was the definition of a "subsurface fluid injection system" -- one of four categories of wells that trigger UIC permits. Federal regulations define such a system as "an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground."

The Kennecott TWIS, which has already been permitted under state law, is being constructed, along with the rest of the mine site, which is expected to begin operating next year, a company source says. Silva in the letter reminds the company that EPA still could pursue enforcement actions if the system demonstrates harm to water quality. “As you know, EPA retains authority under SDWA, as well as other law, to take any necessary action to address possible contamination from the TWIS that may endanger underground sources of drinking water regardless of the design of the unit or its permit status. . . . We will continue to coordinate with the State to determine whether any federal response action with respect to the TWIS is necessary,” he writes.

Local environmentalists and members of the Keweenaw Bay Indian Community, which uses Eagle Rock as a ceremonial site, have tried to block the mine and argued that the company's redesign should not free it from UIC requirements. Environmentalists argued that because the system was designed to return treated wastewater to groundwater that could affect drinking water supplies -- protection of which is the primary aim of the UIC program -- it needed a UIC permit regardless of where the pipes were located.

'Final Agency Action'

A local environmentalist says EPA's decision that a UIC permit is not required should be considered “final agency action” and open to a federal court challenge, but adds that activists are still considering their next move. “We're disappointed in this outcome, and we're considering our legal options at this point. . . . It's too early for us to have made any real determination about next steps,” the source says.

Rep. Bart Stupak (D-MI), whose district includes the mine site, says in a press release that the lack of federal authority over Kennecott's TWIS highlights the need for potential revisions to Michigan laws, but does not say whether he agrees with EPA's decision. “With it now clear that the federal government does not have jurisdiction in permitting the mine, it is imperative that the state of Michigan re-evaluate its sulfide mining law to ensure every precaution is being taken to ensure sulfide mining is done safely in Michigan,” Stupak says.

Kennecott welcomed EPA's decision, which it said in a news release “provides clarification important for the community as mine facility construction proceeds.” The company highlighted its receipt of state permits, and noted that its TWIS is “similar to systems used by many Michigan agricultural and other industrial operations, also regulated by State authority.”

RECYCLING

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July 6, 2010

FASHION FORWARD: New York City launches textile recycling effort (*Associated Press*)

Story also appeared: *Coloradoan*

BY SUMMER MOORE
The Associated Press

NEW YORK - Here's the truth about fashion: It changes quickly. So what do you do when you're stuck with a closet full of barely worn shirts, dresses and shoes?

Starting in September, New York City will launch one of the largest textile recycling initiatives in the nation. The aim is to make it easy to donate clothing, almost as easy as throwing it away.

According to the Environmental Protection Agency, Americans pitch almost 10 pounds of socks, jeans, shirts and sheets per year, per person. In New York, where 190,000 tons of textiles entered the city's landfills in 2008 alone, the plan would place 50 collection bins in high-traffic areas.

"I moved three times in the last five years, and each time I ended up throwing away clothes," said 25-year-old Tracy Feldman. "It is just too hard to haul it all over the city. If there was a bin on my block, I wouldn't hesitate to recycle them."

The city is taking bids for a 10- to 15-year contract with a nonprofit company that will be responsible for the bins. Goodwill Industries International is one of the companies bidding on the contract.

"There has not been another program like this that we know of," said Goodwill spokesman Alfred Vanderbilt. "We think they are being very creative, and we hope this sets a new standard."

A Goodwill Industries survey of 600 adults in the United States and Canada found that more than half of people who donate clothing say they wouldn't go more than 10 minutes out of their way to make a donation.

Robert Lange, the director of the Bureau of Waste Prevention, Reuse and Recycling in New York, said his department discovered the same problem. "You can open a black bag at the landfill and see what looks like new clothing," he said. "It is easier to throw it out than recycle."

Not all used clothing can be recycled into usable clothing — take those old, stinky sneakers and torn clothing. But that doesn't mean those items can't be

donated. While Goodwill is mostly looking for clothing that can be resold, there are ways to recycle even the old tattered pieces.

At Wearable Collections, a New Jersey-based textile recycling company, almost half of donations are good for resale, according to the owner. The other half is split nearly evenly between being used for rags for businesses like the automotive industry and being broken down for insulation. Less than 5 percent of the total is unusable and goes to the landfill.

Officials say that, if New York's campaign is successful, it could lead to a nationwide movement to recycle clothing.

Not only would that clear up some room in the nation's landfills, it could also create jobs, said Brenda Platt, co-director of the Institute for Local Self-Reliance based in Washington, D.C. She profiled 20 textile recycling companies and estimates that the industry creates 85 times more jobs than landfills.

Wearable Collections has been offering free bins to apartment buildings and dorm rooms throughout the East Coast for the past few years. The company's employees collect the bins as often as once a week, and tenants never have to go farther than their lobby to get rid of old clothing.

Adam Baruchowitz, the owner of Wearable Collections, is enthusiastic about city governments and charities working together. "I think it is going to raise the consciousness of textile recycling, which is a good thing for us," Baruchowitz said.
And if all goes as planned, New York might be just the beginning.

"If this is as effective as it can be, it will influence other locations," Lange said. "We will be leading by example."

TOXICS
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Economic Watch: Polluting the debate over oil with talk of toxic taxes (*Washington Times*)

July 6, 2010 Tuesday
A, POLITICS; Pg. 4
Economic Watch: Polluting the debate over oil with talk of toxic taxes
By C. Boyden Gray SPECIAL TO THE WASHINGTON TIMES
Government plans to exploit the BP oil spill for political purposes have had the

perverse result of reinforcing one of the most damaging deceptions prevailing today - that pending climate and energy legislation would reduce our dependence on oil and on oil imports. In fact, the legislation would do nothing of the kind while falsely assuring the public that energy security and the new jobs that would go with it - matters about which people care deeply - are being addressed.

For example, people pushing climate legislation being sponsored by Sens. John Kerry and Joe Lieberman boast that the independent Peterson Institute has found that the K-L bill will reduce oil imports by 40 percent by 2030, a claim repeated in Foreign Policy magazine. In fact, the Peterson study documents that K-L will be responsible at most for a 9 percent reduction, with an additional expected reduction of more than 30 percent to derive from the Corporate Average Fuel Economy (CAFE) auto-efficiency legislation enacted several years ago and recently implemented by President Obama. But you have to read a footnote in the appendix to discover this little twist.

The **Environmental Protection Agency's** own analysis comes to the same conclusion - that oil use is barely affected by the pending bills. There will nevertheless be public discussion about narrowing the legislation to cover only utilities in order to make it easier to enact. But the change would also make it even less relevant to the Gulf tragedy, to reducing oil imports, or to the job creation that would follow growth in domestic energy production.

The existing CAFE rules, however, do illustrate the critical point that existing law provides huge opportunities for reducing oil dependency - if enforced properly. In addition to CAFE, there are the existing statutory provisions regarding health pollutants that should be re-examined. The White House, in fact, has recently issued a presidential memorandum requiring the **EPA** to revisit its air toxics regulation (or lack thereof). Since the issuance of this order, the **EPA** inspector general has issued a report critical of the agency's lack of air toxics enforcement.

What do air toxics have to do with energy security? The fact is that diesel and most gasoline exhaust are, from a personal exposure point of view, the largest single source of PM 2.5, a **toxic substance** that causes tens of thousands of premature deaths every year. Controlling this particulate matter would create a level playing field for the entry of competing fuels like compressed natural gas, biofuels and electric cars, which today face a huge barrier to entry because they get no credit for their dramatically lower content of carbon dioxide and killer pollutants that plague gasoline and diesel.

For example, a stubborn urban myth relates the dramatic growth in biofuel use solely to tax incentives - which do exist but actually go to the oil companies, not the ethanol producers. In fact, the expansion of ethanol to 10 percent of the transportation fuel market is the result of a very modest reduction 10 years ago in air toxics that were providing key octane value, for which ethanol offered the only

alternative source. Reducing these killer PM pollutants to the level required by existing law would open the door to much higher ethanol blending and the conversion of our light- and heavy-duty car and truck fleets that consume nearly half of our oil to other PM-free alternative fuels like compressed natural gas and electricity.

Promoting these health benefits by reducing gasoline and diesel in favor of domestically produced energy has the added benefit of returning energy-related jobs that have migrated abroad. Ending subsidies for oil, as the Obama White House requested at the Group of 20 summit, will also help rebuild the energy job base here.

Over the longer term, after the transport-fuel problem is addressed, it would make sense to erect a simple cap-and-trade system for utilities that would reduce carbon emissions and increase diversified sources of clean electricity from nuclear and natural gas that will someday be required for the electric cars we hope will be populating our roadways in growing numbers. But the current proposals, which supporters say are copied from the highly successful acid rain cap-and-trade system of the 1990s, should in fact follow the acid-rain model - which means stripping them of their auction/tax elements that have so poisoned that political landscape. Mr. Kerry has repeatedly said that the government "needs the money" from cap and trade, but our economy cannot survive the tax and the environment most certainly does not benefit from it either.

It is not well understood today that **EPA** itself can promulgate a "clean" cap-and-trade system under existing law that would avoid all the tax and other horrors of the pending legislative efforts. To be fair, existing law probably does not permit the trading of international offsets that might, for example, encourage rain forest preservation. So there is a value to some legislation - but test it against the known successes of the past before launching some vast new taxing regime we have never tried before.

* C. Boyden Gray served as U.S. ambassador to the European Union.

Government Agencies

EPA Finds Dispersants no More Toxic than Oil (*Food Safety News*)

by Helena Bottemiller | Jul 06, 2010
The chemical being used in the Gulf of Mexico to help disperse the onslaught of oil is no more toxic than oil itself, according to a preliminary government study.

The Environmental Protection Agency (EPA) released peer reviewed results from the first round of its own independent toxicity testing on eight oil dispersants last week, including Corexit, the dispersant BP is currently using in the Gulf. The

agency found all eight to be within the range of "practically non-toxic" to "slightly toxic."

Approximately 1.69 million gallons of Corexit has been used--applied both subsea and at the surface. The chemical breaks up the oil, making it easier for microbes to further break it down, but many questions remain about the chemical's toxicity in the food chain and the long term effect to the environment.

oil-dispersant-featured.jpgEPA's results indicated that none of the eight dispersants tested, including Corexit, displayed biologically significant endocrine disrupting activity. Scientists focused on dispersant toxicity for small fish and mysid shrimp. Corexit proved to be slightly less toxic than oil for small fish.

"While this is important information to have, additional testing is needed to further inform the use of dispersants," said the agency in a statement, which noted that the agency has yet to conduct similar tests looking at the impacts of dispersant when mixed with oil.

Though more data is needed, EPA officials continue to emphasize the important role the dispersant plays in responding to the ongoing oil leak.

"The decision EPA and the Coast Guard made to authorize the use of dispersants was a difficult choice, but one suited to the emergency that we are facing," said Dr. Anastas, EPA's assistant administrator for the Office of Research and Development, on a recent call with reporters. "With a spill of this size and scope, dispersants are useful in breaking up the oil and preventing its spread -- particularly to fragile wetlands."

According to the agency, the next phase of testing will look at acute toxicity of dispersants when mixed with Louisiana Sweet Crude oil. The results from the second phase will likely be more telling, as most, if not all, of the dipsersant curretly in the Gulf is intermixed with oil. The agency also announced last week it is conducting additional studies to better understand endocrine activity.

WATER

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'No one wants to touch me' (*Washington Post*)

July 6, 2010 Tuesday
Every Edition
HEALTH; Pg. HE05
District-Maryland

Thick black warts tattoo 45-year-old Hanufu Bibi's palms and fingers, the result of drinking arsenic-laced water from the Chandipur village well in Bangladesh. The wells were meant to provide clean drinking water to help prevent cholera and other diseases. But they unintentionally tapped into arsenic deposits in the ground, releasing the colorless and tasteless toxin into water used for drinking.

It's estimated that up to 75 million people have drunk tainted underground water. Research published last month in the online version of the Lancet medical journal found that arsenic is linked to one in five deaths among the exposed population. The World Health Organization has called this "the largest mass poisoning of a population in history," as new wells continue to be dug without testing the water for toxins. "The magnitude of the arsenic problem is 50 times worse than Chernobyl," said Richard Wilson, president of the nonprofit Arsenic Foundation and a physics professor emeritus at Harvard University, who was not involved in the study. "But it doesn't have 50 times the attention paid to it."

In Chandipur, Bibi digs at her burning hands and the soles of her feet with a razor blade, ripping at the blackened calluses until they bleed. Her face sags and she shuffles like a woman twice her age. "People don't want to eat anything from my hands. They are afraid," she says softly, looking down in shame. "No one wants to touch me."

Industry Fears EPA Raising Fish Consumption Rates In Water Decisions (*Inside EPA*)

Posted: July 2, 2010
Industry representatives are expressing concern with new EPA policies for considering fish consumption rates in water quality decisions, fearing the agency's emphasis on protecting vulnerable communities that consume higher-than-average amounts of fish could result in overly stringent regulatory requirements.

In its most recent articulation of its approach, EPA last April quietly finalized long-awaited guidance to states for how to implement the agency's landmark 2001 human health water quality criteria for mercury based on fish-tissue levels, where it urged states and tribes to consider "the fish being consumed by various subpopulations (e.g., sport anglers, subsistence fishers) as well as culturally and economically diverse communities."

The agency finalized a similar guidance in December 2008, but the Obama administration began a formal review of the guidance when it took office in January 2009. The Office of Management & Budget completed its review of the document earlier this year and EPA now says it took effect in April.

While EPA in 2001 derived the water quality criterion based on a default fish intake rate for the general population of 17.5 grams/day of uncooked fish, the April guidance says states and tribes "may use a different intake rate based on local or regional consumption patterns and are encouraged to use consumption rates that are protective of a range of culturally and economically diverse communities."

The guidance instructs permitting authorities to use certain population data when considering an average fish consumption level on a sliding scale of priority, specifically saying to "use local data protective of culturally and economically diverse communities when available; use data reflecting similar geography or population groups; use data from national surveys; and use EPA's default fish intake rates."

EPA also appears to be adopting a similar approach in its review of state water quality criteria. EPA Region X -- which covers Alaska, Idaho, Oregon, and Washington -- June 1 disapproved Oregon's 2004 revised human health criteria for 103 toxic pollutants due to studies and state efforts that show some tribal members in the state eat 10 times more fish than EPA's default consumption value. EPA said the consumption rate exposes tribe members to more pollutants from contaminated fish, and said the state needs to pursue stricter water criteria.

The industry source says Obama administration officials added consideration of "culturally and economically diverse communities" after they withdrew and amended a version of the guidance that Bush administration officials finalized in December 2008. But the source says the terms leaves itself open to interpretation and could lead to more stringent requirements for permittees. If a permitting authority assumes a higher consumption level, for example, it will mean dischargers will have to lower the concentrations of mercury in their effluent in order to lower the concentration of mercury in fish to protect populations who rely on fish consumption for subsistence.

Native American communities often rely on wild fish populations for subsistence as a matter of cultural tradition, and as a general matter it has been shown that lower-income households have higher consumption levels of wild-caught fish. But if a fish consumption level is based on "economically diverse" communities, a permitting authority may be compelled to assume a higher fish consumption level based on the presence of low-income households, which they say may be a dubious assumption, the source says.

"What they don't explain is how to define that," the source says. "It's one thing to say there's a Native American population in a particular area, but when you get into economic diversity -- it's an issue we'll have to talk about."

Oregon's Proposed Criteria

The industry source says an example of the effects of the culturally and economically diverse communities clause in the guidance can be found in Region X's recent decision to reject Oregon's proposed criteria.

The source says that could lead to troublesome burdens on industry, however, because that criteria is applied statewide, not just in the watersheds where the Oregon tribes live. "One thing we've been saying all along is you have to grapple with the issue in a way that has site-specific requirements," the source says. "But in Oregon, [EPA seems] to be saying we need to do this for the whole state. That has a lot of impact."

EPA's long-awaited guidance for implementing its fish tissue criterion is also significant in that it instructs state and tribal regulators on how to implement the agency's first-time risk-based criterion based on fish tissue levels of a contaminant, rather than on a water column value.

States rely on the risk-based criteria to set permit limits, water quality standards and other regulatory limits but the agency had been unable to issue guidance for implementing the 2001 criteria because of strong disagreements among EPA officials and stakeholders over how to "translate" the criteria into regulatory limits.

But implementation of the criterion languished during the Bush administration as the agency struggled to overcome differences among industry, EPA regions, states and environmentalists over how to translate the fish-tissue criterion into enforceable water quality standards and permit limits.

The document finalized by the Bush EPA last January appears to closely follow a 2006 draft that gave states three options in incorporating the criterion into their water quality standards program.

One approach, which has been praised by the wastewater treatment and mining industry in the past, would allow state regulators to set permit limits based directly on the amount of mercury observed in fish -- rather than the amount found in waterbodies. Industry has favored this approach because the amount of fish-based mercury is not necessarily proportional to the amount found in water, and a fish-based regulatory approach could lead to more accurate and potentially less stringent permit limits.

However, some EPA regions have opposed this approach in the past, saying it could pose difficulty for permit writers, who have traditionally translated mercury levels in water to corresponding levels in fish based on a mathematical conversion factor known as a bioaccumulation factor (BAF).

Site-Specific BAFs

The second approach would allow states to develop and utilize site-specific BAFs to set traditional water column concentrations in their water quality standards, though industry officials have been concerned that states may utilize strict default values without consideration of site-specific data. The third option would be for a state to use both approaches, as long as the state "clearly describe[s] how each will be used for specific applications in their standards."

But some state officials have said the approach is confusing and would require a great deal of work from states on how to incorporate the fish-tissue criterion into their standards programs. One source has even doubted whether the guidance "will help much," adding that some states "can't figure out how to fit it into their programs."

The final guidance gives state and tribal regulators significant flexibility in choosing among a range of approaches. Regulators can implement the fish tissue criterion without a water column translation or they may translate the fish tissue criterion to a water column value use a BAF using one of three approaches. The guidance also gives the option of using a combination of fish tissue criterion for some waters, combined with water column criteria for some or all waters.

EPA says implementation of the guidance will become increasingly important as more states adopt mercury water quality criteria and improved monitoring increases the number of waterbodies listed as impaired. -- *John Heltman*

Federal Court Holds State Agency Liable Under Superfund For Stormwater (*Inside EPA*)

Posted: July 2, 2010
A federal court has found the Washington State Department of Transportation (WSDOT) potentially liable as an arranger of hazardous waste disposal under Superfund law because the department designed a highway stormwater runoff system that contributed to the contamination of local waterbodies.

The impact of the ruling could be significant because it comes at a time when EPA is looking to beef up its regulation of stormwater discharges and under the court's logic "everyone who constructs a parking lot" could be potentially liable under Superfund, one lawyer following the issue claims.

At issue in the case *United States v. Washington DOT* is the Commencement Bay-Nearshor Tideflats Superfund Site in Tacoma, WA, which consists of several areas where waterway sediment is contaminated with hazardous substances. The U.S. government filed a complaint against WSDOT under Superfund in an attempt to recover costs related to cleaning up the contaminated sediment,

claiming, among other things, that the department's ownership and operation of the highway was a basis for holding it liable under the law.

"The United States contends that the highway runoff from I-5, SR705, and/or SR509 contains hazardous substances, including phthalates, heavy metals, including cadmium, lead, zinc, and nickel, and petroleum hydrocarbons," the U.S. District Court for the Western District of Washington notes in the June 7 ruling. "The United States alleges that highway runoff containing hazardous substances is and has been transported from I-5, SR 705 and SR 509 by drainage structures and disposed of in the Thea Foss and/or Wheeler Osgood Waterways."

WSDOT argued discharges from the state highway stormwater collection systems are exempt from Superfund liability because they are authorized by the Clean Water Act and are therefore federally permitted releases. The department also argued it is not liable under Superfund as an operator or arranger of hazardous waste disposal because "it lacks sufficient control over contaminants or other materials" that enter the highway stormwater runoff.

But the federal government countered "by arguing that WSDOT arranged for disposal by designing, constructing, and operating drainage systems whose sole function was to collect highway runoff and dispose of it into nearby water-bodies," that "WSDOT had actual knowledge that the runoff that it was discharging contained hazardous substances," and that "WSDOT has the ability to redirect, contain, and treat its contaminated runoff."

The court said it was "persuaded by the U.S.'s arguments" because WSDOT designed the drainage systems for a "specific purpose," namely discharging the highway runoff into the environment. "WSDOT argues that it did not have control of the hazardous substances" but "it did have control over how the collected runoff was disposed of," the court said.

Federally Permitted

Regarding the question of whether the releases were federally permitted under the Clean Water Act, the court said there was a dispute as to whether WSDOT is in compliance with the Clean Water Act permits and whether the releases were outside their scope, making it "imprudent to decide [the] issue at this stage of litigation."

The court granted the U.S. motion for partial summary judgment finding WSDOT a potentially responsible party under Superfund but denied its motion for partial summary judgment in regard to federally permitted releases.

In a July 1 blog commenting on the ruling, Seth Jaffe, of the law firm Foley Hoag LLP, suggests that "[m]aybe EPA doesn't need to bother with new stormwater regulatory programs" because in light of the ruling "it can just issue notices of

responsibility to everyone whose discharge of phosphorus has contributed to contamination of a river or lake.

"If one were a conspiracy theorist, one might wonder if EPA were using this case to gently encourage the regulated community to support its recent efforts to expand its stormwater regulatory program," Jaffe says. "Certainly, few members of the regulated community would rather defend Superfund litigation than comply with a stormwater permit."

EPA proposes accelerated 'pollution diet' (*Greenwire*)

(07/02/2010)
To restore the Chesapeake Bay by 2025, U.S. EPA yesterday proposed stricter pollution caps for the District of Columbia and the six states surrounding the estuary. The "pollution diet" would require the region to double its cleanup pace and likely require expensive upgrades to sewer treatment plants, storm drains and significant reductions of agricultural runoff.

EPA proposed cutting the amount of harmful nutrients flowing into the bay by 25 percent by 2025. Nitrogen and phosphorus are primarily responsible for triggering oxygen-sucking algae blooms. EPA proposed the regional watershed limit discharges to 187.4 million pounds of nitrogen and 12.5 million pounds of phosphorus. Under the proposed rules, the states would have to reach 60 percent of the reduction target by 2017.

"While we all recognize that every jurisdiction within the watershed will have to make very difficult choices to reduce pollution," EPA Regional Administrator Shawn Garvin said in a statement, "we also recognize that we must collectively accelerate our efforts if we are going to restore this national treasure as part of our legacy for future generations."

The reductions are broken down by state and river basin. For example, Maryland would have to curtail nitrogen by 15 percent over the next seven years. The region must present its plan for nutrient and sediment runoff curtailment to EPA by Sept. 1. After federal review and public comment, EPA will finalize the numbers by the end of the year. If states do not comply, federal funds or permits could be withheld.

"It's going to be politically challenging, and it's going to be challenging also from a practical point of view," said Ann Swanson, executive director of the Chesapeake Bay Commission. "We're going to have to do all the things we know how to do and then do some extra innovation on top of that" (Timothy Wheeler, *Baltimore Sun*, July 1). **-- LP**

Waves of support for local control of Onondaga Lake project (*The Post Standard)*

Published: Tuesday, July 06, 2010, 6:06 AM Updated: Tuesday, July 06, 2010, 6:22 AM
Mark Weiner / The Post-Standard
Almost 14 years after the start of the Onondaga Lake cleanup, a new bill in Congress would shift most oversight of the $1.1 billion project from the federal government to Central New Yorkers with a stake in the lake's restoration.
U.S. Rep. Dan Maffei plans to announce today at the Syracuse Inner Harbor legislation that would allow local residents, scientists and the Onondaga Nation — many of whom have felt shut out in the past — to have a leading voice on the future of the lake.

Maffei's "Onondaga Lake Restoration Act" would shift oversight and most federal funding of the lake cleanup from the U.S. Army Corps of Engineers, which has guided the cleanup since 1999, to the U.S. Environmental Protection Agency.

In turn, the EPA would work with a diverse group of local partners who would manage the work.

Those familiar with Maffei's legislation, and a companion bill in the Senate sponsored by U.S. Sen. Kirsten Gillibrand, D-N.Y., say it would usher in a new era for the cleanup.

"It's about bringing voices onto the lake that have been shut out too long, like the Onondaga Nation, local scientists and other experts that we have right here in our back yard," said Mike Whyland, Maffei's chief of staff.

New council: The EPA would grant most decision-making to the newly-formed Onondaga Lake Watershed Council, a panel of local, state and federal representatives and the Onondaga Nation, who would manage the cleanup.

The council would replace the Onondaga Lake Partnership, a panel formed in 1999 with the Army Corps at the helm.

The new council would focus on the entire watershed for the lake, an area covering 285 square miles that drains into the lake.

Maffei said his bill, introduced last week in the House of Representatives, was inspired in part by Onondaga County's protracted efforts to persuade state and federal regulators to shift the focus of the cleanup work to green infrastructure projects.

For most of the previous decade, the county built neighborhood sewage treatment plants and other large projects to stop sewage overflows — as required by a federal court order to clean the lake.

“We want to make sure the local voices are heard,” said Maffei, D-DeWitt. “We got to a point with the county that it was clear there were solutions ... that were difficult to implement because of the current structure.”

The freshman congressman said the legislation, which he hopes will be enacted quickly, would have little effect on federal aid for the county’s cleanup. Over the past decade, the federal government has provided about $160 million through appropriations and grants to Onondaga County for the sewage work.

“Once the money is there in Central New York, now we can make sure it’s Central New Yorkers who are really in charge,” Maffei said.

Previously, the Army Corps of Engineers made most of the decisions about the spending through its Buffalo district office.

“The Army Corps, and the EPA for that matter, work for us,” Maffei said. “But the decisions need to be made in Syracuse, not in Buffalo or somewhere else.”

The new council would oversee both the $563 million public project by Onondaga County to stop its sewage pollution of the lake, and Honeywell International’s $451 million privately-funded cleanup of toxic waste dumped into the lake by its predecessor, the former Allied Chemical manufacturing complex in Solvay.

Scientists on board

Central New York scientists and environmental groups involved in the lake cleanup say they support Maffei’s action.

“We’re very excited about this legislation,” said Dereth Glance, of Syracuse, executive program director of Citizens Campaign for the Environment.

“Onondaga Lake is an amazing water resource for our community,” Glance said. “I think it’s important for us to take these opportunities to see how we can do the cleanup better with a watershed-based approach that includes the voices of our entire community.”

Steve Effler, who has been studying Onondaga Lake for three decades as director of research at the Upstate Freshwater Institute in Syracuse, also welcomed the proposed change.

“We think it’s great,” Effler said. “I see nothing but good coming out of this. I see us going to a situation where the right technical things will be done as needed by the experts.”

Effler has raised concerns in the past that decisions about the cleanup were sometimes motivated more by politics than science.

In 1999, then-President Bill Clinton and Hillary Rodham Clinton asked to meet with Effler to hear those concerns after reading a Post-Standard article about the lake cleanup. The Clintons were on vacation in Skaneateles.

Effler said Clinton was not able make changes in federal oversight before the end of his presidency — leaving in place a system where local scientists who knew the lake best were often shut out of new research projects.

“From the research community’s point of view, the funding goes almost exclusively to other government agencies,” Effler said. “The research funds have not been getting to the lake experts.”

Walsh sees flaws

The new legislation, however, still has flaws, according to James Walsh, the former Syracuse-area congressman whose bill established the Onondaga Lake Partnership in 1999. The partnership is due to expire in September 2012.

Walsh said he believes Honeywell International should have an equal voice on the new council. He noted that Honeywell has yet to spend most of the nearly $500 million it committed to removing mercury and other toxic chemicals from the lake and its shoreline.

“Honeywell is a glaring omission,” Walsh said. ‘Honeywell has the biggest stake now. If Honeywell, who are going to spend a half a billion dollars cleaning the lake, are not involved in this process, I think it’s flawed. This does not bring everybody to the table.”

Walsh said he also believes that towns along the lakeshore — including Camillus, where Honeywell wants to bury dredge spoils from the lake — should have a voting spot on the council. For now, Syracuse would be the only local municipality with a vote.

“There is an old Washington saying that goes, ‘If you’re not at the table, you’re on the menu.’ Honeywell should be at the table,” Walsh said.

Ed Michalenko, president of the not-for-profit Onondaga Environmental Institute of Syracuse, which would administer the new watershed council, said Honeywell and town officials will be invited to serve on subcommittees.

“The goal is to bring all parties to the table and progress forward with our common goals and interests, and not break down over our differences,” Michalenko said

He added, “We will work toward the understanding that no one party or entity is responsible for restoring Onondaga Lake; the effort will require support from the entire community over a long period of time.”

Contact Washington correspondent Mark Weiner at mweiner@syracuse.com or 571-970-3751.

Two large gold mines set to open in the next few years (*Stabroek News*)

Posted By Stabroek staff On July 6, 2010 @ 5:08 am In Local News

Two gold mines about the size of Omai are set to come into operation in the next few years and Commissioner of the Guyana Geology and Mines Commission (GGMC) William Woolford predicts a buoyant future for the industry.

“The small miners have done well and continue to do well but the large operators are coming to the fore once again. The large operators would be as big as Omai had been,” said Woolford during at press conference at the GGMC offices in Brickdam, on Friday. Gold production for the first half of this year amounted to 140,672 troy ounces and Woolford said the industry is doing extremely well.

The two large-scale companies looking to set up large mines in Guyana are Sand-spring Resources Limited and its Toroparu project in the Upper Puruni and Guyana Goldfields with its Aurora project along the Cuyuni River.

Sandspring is looking to develop the property within the next five years and its publications show that it is looking at a mine the size of Omai, Woolford said. The Aurora project is expected to begin production between 2012 and 2013.

Guyana Goldfields has applied for a mining licence but further information was requested from the company with respect to its ore reserve status. In the meantime, it is moving aggressively ahead with plans for development and has identified the road network that it is going to put in place along with some of the infrastructure, Woolford said. “So, it’s a very buoyant time for the mining industry in Guyana.”

Guyana Goldfields Inc is a Canada-based mineral exploration company primarily focused on the exploration and development of gold deposits in Guyana, where it has operated since 1996. The company had applied to the Environmental

Protection Agency (EPA) for permission to open a large-scale mine at Aurora, Cuyuni River, which if approved could see the construction of a hydropower facility across a section of the river. The proposed project will entail the operation of open-pit and underground mines, mineral processing to recover gold, the construction of a hydroelectric plant to provide power to the processing plant and the construction of an access road and wharf to service the operation.

Meantime, another large project, the Marudi Gold mine in the Rupununi being operated by Romanex Guyana Limited along with Shoreham Resources is yet to get off the ground. The operation is awaiting an updated environmental authorization, since the one it had expired, Woolford said. He said he understands that it is just about ready and so the company should begin mobilizing in the near future in accordance with its mine plan.

Article published Jul 6, 2010

More radioactive fish found in Connecticut River (*Rutland Herald*)

By DANIEL BARLOW Vermont Press Bureau
MONTPELIER – More radioactive fish were discovered in the Connecticut River in April, but state health officials say the discovery is not linked to the Vermont Yankee nuclear power plant.

The Vermont Department of Health announced late last Friday that testing of fish in the Connecticut River has again turned up traces of strontium-90, a radioactive isotope linked to leukemia and other cancers.

In a press release last Friday, Health officials said the concentrations of the isotope are within "background levels" and are not linked to the nuclear power plant, which uses water from the river to run through its condenser.

"Concentrations of Sr-90 detected in the inedible portions of these fish are in the range of what would be expected as a result of fallout from nuclear weapons testing in the 1950s, and the Chernobyl release in 1986," the Health Department said in a prepared statement.

Vermont health officials announced in late May that a fish found four miles upstream from the Vernon nuclear power plant had tested positive for strontium-90. That announcement came days after Vermont Yankee officials admitted their plant was leaking strontium-90.

Rep. David Deen, D-Westminster, the chairman of the House Fish, Wildlife and Water Resources Committee and the river steward of the Connecticut River

Watershed Council, agreed with state officials that the amount of strontium-90 found was within "background levels."

"It's not surprising," Deen said. "We've been poisoning ourselves with radioactivity since we discovered how to manipulate atoms."

Deen said he wants more tests done on fish samples taken from the river, including testing for cobalt-60 or cesium-137 – two identifiers that would link radioactive pollution in the water to the nuclear power plant.

"If that shows up, then we'll have something to talk about," he said.

William Irwin, the state's radiological health chief, was not available for comment Monday, which was a holiday for state employees. A message left on his cell phone also was not returned.

But according to information released late last Friday by his office, the fish samples – it was not clear how many tested positive for strontium-90 – were removed from the river in April. Vermont Yankee reported the findings to the state on June 30.

Fish taken from the Vernon pool had 70 picocuries per kilogram of the isotope, the Health Department said. Fish taken about five miles upstream near the Route 9 bridge had findings of 100 picocuries pr kilogram.

The state said the normal "background" levels for strontium-90 are between 120-360 picocuries per kilogram. Officials typically test the bones of fish – referred to as the "inedible portions" of the fish in the Health Department's release – because that is where the isotope collects.

"Because the Sr-90 results are all within what is considered to be the normal 'background' range, and because no Sr-90 has been measured above the lower limit of detection in groundwater on site at the plant, the Health Department considers it unlikely that these findings in fish are a result of recent events at Vermont Yankee," the official release stated.

Larry Smith, a spokesperson for Entergy Nuclear, the company that owns Vermont Yankee, said the "samples are consistent with the Strontium-90 that you find in fish anywhere."

"That includes locations far away from Vermont Yankee," he said.

The United States, Russia and other countries tested atomic bombs in the 1940s and 50s, resulting in what scientists say is a dispersing of strontium-90 across the world. That was compounded by the Chernobyl accident in the Soviet Union in 1986.

Arnie Gundersen, a nuclear engineer hired as a consultant for the Vermont Legislature, said that when cesium 137 was first discovered at the Vermont Yankee site earlier this year that Entergy also "blamed the bomb."

The true source of that cesium leak was later revealed to be failed fuel rods in the reactor.

"It is really concerning to me that for the first five months of the year they only found one fish with strontium-90," Gundersen said. "And now suddenly they are finding more fish with strontium-90 and still blaming the bomb."

The U.S. Environmental Protection Agency calls strontium-90 "one of the more hazardous constituents of nuclear wastes."

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EPA Rejects Iowa's Designated Use Changes for 93 Waterbodies (*EP Magazine)*

Jul 06, 2010
The U.S. Environmental Protection Agency approved the Iowa Department of Natural Resources' (IDNR) designated use changes for 64 waterbodies and disapproved changes for 93 waterbodies.
Designated uses describe the achievable recreational activities and aquatic life uses in Iowa's waters. EPA is finalizing action on the remaining 19 waterbodies.
The Clean Water Act (CWA) presumes that all waters are suitable for the highest levels of recreation, such as swimming, and that the waters can support a diverse community of aquatic life. A state must present a well-documented study to set a lower goal. EPA found that the studies submitted by IDNR did not support a lower designated use for the 93 disapprovals.
CWA establishes a mandatory role for EPA to review and approve or disapprove all state water quality standards. IDNR submitted new and revised Iowa surface water quality standards to EPA for review and approval, as required by the law. This submission updates the use designations for many of the state's waters following site-specific field studies to determine the highest attainable use for the individual waters.
EPA's June 29 decision letter provides a more detailed description of EPA's review and the basis for this action. The decision letter is available at www.epa.gov/region07/news_events/legal.

EPA Proposes Use of Sufficiently Sensitive NPDES Test Methods (*EP Magazine*)

Jul 06, 2010
The U.S. Environmental Protection Agency is proposing minor amendments to its Clean Water Act (CWA) regulations to codify that under the National Pollutant Discharge Elimination System (NPDES) program, only "sufficiently sensitive" analytical test methods, that is, those that are capable of detecting and measuring the pollutants at, or below, the respective water quality criteria or permit limits, can be used when completing an NPDES permit application and when performing sampling and analysis pursuant to monitoring requirements in an NPDES permit.

This proposal is based on requirements in the CWA and existing EPA regulations. It also would codify existing guidance on the use of "sufficiently sensitive" analytical methods with respect to measurement of mercury and extend the approach outlined in that guidance to the NPDES program more generally.

Specifically, EPA is proposing to clarify the existing NPDES application, compliance monitoring, and analytical methods regulations. The amendments in this proposed rulemaking affect only chemical-specific methods; they do not apply to the Whole Effluent Toxicity methods or their use.

EPA and state permitting authorities use data from the permit application to determine whether pollutants are present in an applicant's discharge and to quantify the levels of all detected pollutants. These pollutant data enable the director of the permitting authority to make a sound reasonable potential determination and, if necessary, establish appropriate permit limits. It is critical, therefore, that applicants provide data that are measured with a precision and accuracy that will be meaningful to the decision making process. The same holds true for monitoring and reporting relative to permit limits established for regulated parameters.

The public will have 45 days to comment on the proposed rulemaking (Docket ID: EPA-HQ-OW-2009-1019) after publication in the *Federal Register*.

Silt discolors Reservoir (*Clarion-Ledger*)

Justin Fritscher jfritscher@jackson.gannett.com July 6, 2010

Chris Campbell said he has watched the Ross Barnett Reservoir turn a cheerless brown over the years - a symptom of dirt and soil erosion.

And worse, he is one of the few who are vocal about the water's condition.

"With half an inch of rain, it turns to chocolate milk," Campbell said.

The Reservoir is suffering from an abundance of sediments that wash off construction sites because of a lack of erosion-control measures, some area residents say.

"It's illegal," he said. "But the builders don't care. They don't live here."

Muddy water is more than an aesthetic problem. The 33,000-acre lake is the drinking-water source for more than 100,000 people. And removing the sediments costs millions.

Environmental authorities say the problem is improving, but residents disagree.

Campbell said he wants better enforcement by authorities and more responsibility among contractors. The resident, who lives at the mouth of Turtle Creek, said developments in the area of Hugh Ward Boulevard have caused problems for him and his neighbors over the years.

"The problem is uphill, and it all washes down here to us," he said, pointing toward the rapidly developing Pinelands Public Improvement District.

Construction sites have loose dirt, and without vegetation, the dirt is swept away when it rains. State law requires contractors to prevent soil runoff, and it can be fined by the Mississippi Department of Environmental Quality.

DEQ said citations are down on construction sites that do not have proper erosion-control measures in the Reservoir area. These include silt fences and bundles of hay that keep the mud from washing into ditches and creeks that lead to the Reservoir.

DEQ spokesman Robbie Wilbur said of the 20 citations and $169,400 in penalties issued since June 2008 in the Reservoir area, only one citation was issued in 2010. Wilbur said better compliance among contractors is the reason for fewer citations.

Does it mean no developers are in violation? Not exactly, said Campbell, who said a quick drive around northwest Rankin County reveals sites that appear to be in violation.

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"It's bad," said Campbell, noting silt fences appear to be installed incorrectly and sediments sit on pavement near storm drains, ready to be flushed to the Reservoir.

The Reservoir's top official, John Sigman, agrees with DEQ that the problem has improved - somewhat.

"We're not where we want to be," said Sigman, executive director of the Pearl River Valley Water Supply District.

The agency has $5 million in dredging projects on the books, but all need funding, he said.

"It's a lot of money to get it out," he said. "Our residents don't have the money to get it out. It shouldn't have been here in the first place."

Pearl River Valley spent $15,000-$20,000 last year dredging a portion of Turtle Creek. Right now, the agency is dredging North Bay, a $200,000-project targeting a heavily silted area on the Madison County side of the Reservoir.

Sedimentation does more than siphon money from Pearl River Valley; it poses a water quality issue and cuts off access for people with boats, making their slips too shallow.

At Campbell's deck, Turtle Creek bay is 1-foot-6-inches deep. And it's the summer pool, when the Reservoir is at its deepest. Nearby, a neighbor's boat rests halfway on land. During the winter, it doesn't touch water at all.

"You buy property like this to be on the water," said Forest Point resident Ken Cook. "The water is 3 feet shallower now than it was when I moved here. That's how much it has filled in the last 11 years now.

"I'm not an engineer and not a water expert. I just live here and see it get worse and worse."

The sediment problem gained notoriety two years ago when the U.S. Environmental Protection Agency learned of the issue. Wilbur said DEQ has upped its vigilance in recent years to deal with it.

But Terry Jones, whose Pearl company has sold erosion-control tools for two decades, said more enforcement is needed.

"This is not rocket science," he said. "There's too many products on the market for there to be any excuse."

To properly equip a building site for an average home cost about $500 - what Jones calls pennies for these big projects.

"Some companies are making great strides. They have made it a priority and it's showing."

Products include bundles of hay or other organic materials that slow water running off construction sites and removing sediments.

"People don't realize how just a little bit helps so much," Jones said.

The problem is some builders are not fearful of the consequences, he said. If they get caught, they'll follow guidelines prescribed by law.

Jones said more fines - and fewer warnings - need to be doled out.

"Just shutting them down until it's fixed doesn't solve the issue," he said. "A lot of cities don't want to discourage builders from building.

"When you're working next to the Reservoir, or any body of water, you want to be on your Ps and Qs."

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