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

Monday, February 18, 2013

Table of Contents
(BNA articles can be viewed online http://Intranet.epa.gov/desktop/news.htm

ADMINISTRATOR JACKSON 3

Agriculture chief fosters better relationship between EPA and farmers (Government Executive) 3

EDITORIAL / OP-ED / COMMENTARY / LETTERS 4

The Republicans and the Constitution (New York Times) 4
Obama's War On Fossil Fuels (FOX News) 5
Obama's oil spill slip-ups (Washington Times) 8
You Must Love the EPA or Else! (Family Security Matters) 8

AIR 10

Tacoma Owes $525K for Damage to Ozone (Care 2) 10
Catalytic's Actifilter on EPA emerging technology list (Business Financial NewsWire) 11
EPA cites car rental agency at Bradley over idling (Waterbury Republican American) 12
Biomass power plants wary of EPA carbon accounting (Associated Press) 12
Story also appeared: Bloomberg Businessweek 12
EPA Agrees To Revise GHG Reporting Rule To Settle Industry Lawsuits (Inside EPA) 14
Gibbs Dodges Questions About EPA Greenhouse Gas Regulation (The Washington Independent) 16
Without Carbon Emissions Cuts, the 'Anthropocene' Looms as an Ugly Epoch (New York Times) 17

AWARDS 19

School district gets funds to improve buses (Atlanta Journal Constitution) 19

BP SPILL **19**

OSHA Responds to Concerns About Gulf Spill Responders, Releases New (New York Times) *19*
BP oil seep could spell trouble for containment cap (Christian Science Monitor) ... *21*

CLIMATE CHANGE **22**

How big a burden is livestock? (Washington Post) *23*
Meat may be less of a climate-change burden than some experts have claimed (Washington Post) *25*
Lake Superior, a Huge Natural Climate Change Gauge, Is Running a Fever (New York Times) *27*

FUEL **29**

EPA Increases Biodiesel Production Target (Transport Topics) *29*

HAZARDOUS WASTE **30**

EPA begins cleanup effort (Rexburg Standard Journal) *30*

TOXICS **32**

EPA Plans to Upgrade Toxic Substance Regulations (Suite 101) *32*
EPA begins cleanup of Max Spatig's property (KIDK TV) *33*
EPA Offers Guidance on Employee Participation In Safety Inspections (Safety.BLR.com) *33*
U.S. law requires less formaldehyde in wood products (USA TODAY) *34*

WATER **35**

EPA Offers Groundwater Remedies for Camp Edwards Site (EP Magazine) *35*
EPA wants input on groundwater cleanup (Cape Cod Times) *37*
EPA To Scrutinize Power Plant Water Permits Ahead Of New Effluent Limits (Inside EPA) *37*
Public slams EPA's plan for Sudbury River (MetroWest Daily News) *41*
EPA serves warrant on Hughes County hog farms (NewsOK) *43*
Perry defends Texas' natural gas drilling regulations (Fort Worth Star-Telegram) . *43*
Judge's ruling raises questions about paying for what we want (St. Louis Post-Dispatch) *45*

ADMINISTRATOR JACKSON
==========

Agriculture chief fosters better relationship between EPA and farmers (*Government Executive*)

By Jerry Hagstrom CongressDaily July 19, 2010
Agriculture Secretary Tom Vilsack defended EPA Administrator Lisa Jackson's handling of agricultural issues on Monday, but he acknowledged EPA has made some mistakes in handling farm issues and said he is trying to help farmers in their relationship with the agency.

In the question-and-answer session after a speech to the National Association of Conservation Districts board, Vilsack said EPA often finds itself between laws written by Congress and lawsuits filed regarding those laws.

But Vilsack believes EPA officials do not "get into the countryside" enough and do not communicate well with farmers. In that context, Vilsack said, he has set up a regular series of meetings with Jackson and representatives of livestock, row crop and specialty crop producers.

But Vilsack said he found that when EPA analyzed the potential for corn-based ethanol as an alternative fuel in reducing carbon emissions, EPA did not understand that corn productiion had risen dramatically in the past 15 years. Once EPA officials were made aware of the increased productivity, the agency ruled that corn-based ethanol could play a more positive role, Vilsack said.

Vilsack also said the Obama administration is holding listening sessions around the country on its Great American Outdoors Initiative, which is intended to encourage more Americans to participate in rural recreation activities. Vilsack said that at a recent event in Montana, he heard concerns from ranchers that outsiders are building million-dollar houses on what has been grazing land and said the initiative was not designed to take land out of agricultural production.

Vilsack said he wants to focus the 2012 farm bill on encouraging young Americans to go into farming. Although economists for decades have said the country has too many farmers and encouraged consolidation of farms to increase efficiency, Vilsack said he would like to find a way for communities to encourage farm youth and other young people to go into the industry, at least on a part-time basis.

He added that the administration's efforts on energy development in rural areas and its "Know Your Farmer, Know Your Food" initiative are intended to stave off population losses. "We can't [continue] this extraordinary out-migration," Vilsack said.

EDITORIAL / OP-ED / COMMENTARY / LETTERS
==========

The Republicans and the Constitution (*New York Times*)

July 20, 2010 Tuesday
Late Edition - Final
SECTION: Section A; Column 0; Editorial Desk; EDITORIAL; Pg. 22
The Republicans and the Constitution
Listen carefully as the votes on Elena Kagan's nomination to the Supreme Court are taken beginning this week. Most court nominations are about judicial philosophy or social issues, but Ms. Kagan's has become a flashpoint for a much larger debate about the fundamental role of American government.

Ms. Kagan has demonstrated an impressive legal mind and was both calm and firm under attack from Republicans during her hearings. Voting for her to take her place on the court should be an easy call.

Yet dozens of Senate Republicans are ready to vote against her, and many are citing her interpretation of the commerce clause of the Constitution, the one that says Congress has the power to regulate commerce among the states. At her confirmation hearings, Ms. Kagan refused to take the Republican bait and agree to suggest limits on that clause's meaning. This infuriated the conservatives on the Senate Judiciary Committee because it has been that clause, more than any other, that has been at the heart of the expansion of government power since the New Deal.

The clause was the legal basis for any number of statutes of enormous benefit to society. It is why we have the **Clean Air Act. The Clean Water Act.** The Endangered Species Act. The Fair Labor Standards Act, setting a minimum wage and limiting child labor. The Civil Rights Act of 1964, outlawing segregation in the workplace and in public accommodations. In cases like these, the Supreme Court has said Congress can regulate activities that have a "substantial effect" on interstate commerce, even if they are not directly business-related.

Because it can be so broadly interpreted, the clause has been a target for legal conservatives for decades, all the way up to the current Tea Party diatribes against it. Some conservatives have even proposed that the Tea Party push a constitutional amendment to limit its interpretation. The Rehnquist court made several attempts to rein it in, most notably a 1995 ruling that the clause could not be the basis for the Gun Free School Zones Act, prohibiting the carrying of firearms near schools.

But the Roberts court has been far more friendly to federal power. Just this year, it upheld Congress's ability to confine sex offenders after their prison sentences were over. Ms. Kagan, in her role as solicitor general, explicitly told the court that power could be based in part on the commerce clause.

And that is what really worries the right, because the most urgent current test of government power is now slowly making its way through the legal system to the Supreme Court. Twenty states have joined lawsuits saying the national health care law is unconstitutional, particularly the provision requiring health insurance. Lawmakers, anticipating the challenge, explicitly inserted a line in the law that the insurance mandate "substantially affects interstate commerce." They also say it is based on the government's fundamental power to tax. It is hard to see how the current court will disagree.

That is not stopping Senate Republicans from raising a huge ideological fuss, sending a message not only to Ms. Kagan but to the court as a whole. It is why Senator Tom Coburn of Oklahoma asked Ms. Kagan a seemingly silly hypothetical about the constitutionality of a law requiring Americans to eat three vegetables and fruits a day. Would that violate the commerce clause, he asked? (She didn't give him the answer he wanted.)

It is also why all seven Republicans on the Judiciary Committee sent Ms. Kagan a letter last week demanding to know what she knew about the construction of the health care law as solicitor general and when she knew it. They are hoping to find any excuse to get her to recuse herself from ruling on the law, possibly reducing the margin if there is a close vote on the court, but more importantly, coming up with an excuse to vote against her.

Make no mistake that such a vote is simply about her, or about President Obama. A vote against the commerce clause is a vote against some of the best things that government has done for the better part of a century, and some of the best things that lie ahead.

July 19, 2010

Obama's War On Fossil Fuels (*FOX News*)

President Obama is demonstrating his unrelenting determination to rid America of fossil fuels.
By allowing the U.S. Interior Department to issue its third offshore drilling moratorium since April's oil spill in the Gulf, President Obama is demonstrating his unrelenting determination to rid America of fossil fuels. Whether the explanation is climate change, reducing our dependency on foreign oil or drilling safety, the answer is the same: cut back on our use of oil, natural gas and coal.

The president's disdain for fossil fuels can be traced back to the 2008 presidential campaign, when candidate Obama told the world that, under his cap-and-trade proposal, "electricity rates would necessarily skyrocket." Unfortunately, he meant what he said.

Obama's resolve to decrease these reliable and affordable forms of energy was also apparent by his giving the Environmental Protection Agency (EPA) the green light to regulate fossil fuel emissions under the Clean Air Act. EPA's power grab would give the agency effective control over the entire U.S. economy.

Unable thus far to get Congress to enact cap-and-trade legislation, Obama will let EPA do his dirty work for him. And he'll throw in some deepwater drilling moratoriums in the Gulf of Mexico lest anyone miss the point.

Obama's only blemish in his anti-fossil fuel record came last March when he lifted a long-standing moratorium on offshore oil drilling along the East Coast, Alaska and the Gulf of Mexico.

Although this decision outraged some environmentalists, the move appeared to be a concession to generate support from moderate Senators to vote for a cap-and-trade bill. As we observed with Obamacare, the president will make compromises in order to pass sweeping legislation on major policy areas.

Furthermore, Obama's decision was not as pro-drilling as popularly supposed, as it put millions acres of the OCS off-limits to drilling that had been open to it until then, cancelled five major lease sales in Alaska and delayed a 2.9 million-acre lease sale off the coast of Virginia until at least 2012.

With this as a backdrop, it's not surprising to see Obama trying to use the BP disaster as an opportunity to pass cap-and-trade legislation and promote his green economy dream. The adage "you don't ever want a crisis to go to waste" is alive and well in the White House, even though this strategy seems to be failing the president.

In fact, just this past week, Senate Majority Leader Harry Reid (D-Nev.) promised "to bring a sweeping energy and climate bill to the floor as early as the week of July 26, including a controversial cap on emissions from power plants."

The president's response to the BP oil leak in the Gulf of Mexico is out of step with public sentiment, and, together with the weak economy, could cost his party dearly in November's midterm elections.

According to a Rasmussen poll, seventy-nine percent of voters in Louisiana support offshore oil drilling and seventy-two percent want to continue deepwater drilling.

Support for drilling is not restricted to Louisiana which is dependent on the oil industry for jobs.

Rasmussen also found that "nationally, sixty percent of voters support offshore oil drilling. Forty-nine percent of Americans favor continued deepwater drilling, while thirty-one percent are opposed."

Most important for Obama, “Forty-seven percent rate the president’s handling of the Gulf oil leak as poor.”

Rasmussen’s Presidential Tracking Poll released on July 14 found “twenty-four percent of the nation's voters Strongly Approve of the way that Barack Obama is performing his role as president while forty-two percent Strongly Disapprove…”

What’s more, an ABC News/Washington Post poll released July 15 found that by 60 to 38 percent, residents in the most affected counties along the Gulf opposed the Obama administration’s six-month deepwater drilling moratorium.

A whopping 72 percent of those residents view the federal government’s response to the disaster negative, while six in ten gave their state and local governments good marks for their response.

With his popularity further damaged after he force-fed the American people a health care bill most of them couldn’t stomach, Obama would certainly have welcomed popular support for his energy policy.

But people really don’t want to see their electricity rates “necessarily skyrocket,” and they are turning their backs on his energy schemes.

Obama’s progressive beliefs, rooted in the conviction that government is the answer to all that ails us, might have contributed to his misreading the political opportunities he thought were embedded in the BP environmental disaster.

From a left-wing perspective, it would be simple to assume that the public, after seeing the environmental destruction, would demand a ban on offshore drilling and openly support his green energy policy. After all, following the Three Mile Island accident in 1979, the public lost its appetite for nuclear power.

Yet the public is viewing this crisis in its proper perspective which seems to acknowledge the significance that fossil fuels play in our economy.

The National Ocean Industries Association – a trade organization that represents offshore oil drillers – said, “each idled deepwater drilling rig would result in a loss of approximately 1,400 direct and indirect jobs…”

Viewing the world through a progressive lens appears to have blinded Obama to the priorities and concerns of Americans who are very worried about job creation and reckless government spending.

In response to the uncertainty surrounding the future of oil drilling in the Gulf of Mexico, Diamond Offshore – an offshore drilling company – said one of its rigs was going to be

moved to waters off Egypt. Going with the rig, with many more to follow, are many well-paying jobs.

Job losses and increased dependence on foreign sources of oil are just the first causalities from Obama's war on fossil fuels.

Tom Borelli, Ph.D., is director of the Free Enterprise Project.

Obama's oil spill slip-ups (*Washington Times*)

By: THE WASHINGTON TIMES
We were getting the lowest, not highest, estimates of the oil spill flow rate in the Deepwater Horizon disaster ("Obama's ban on skimmers," Comment & Analysis, July 12). The "official" estimate was 60,000 barrels a day. Since BP cut the 21-inch riser, we saw continuous video of oil gushing - and any engineer with a ruler can tell that the oil plume on the screen contains two barrels of oil. If those two barrels of oil move off-screen in a second, that's about 180,000 barrels a day. Moving off in half a second doubles the amount.

Bureaucratic inaction can only prevent right-sized skimming if the president doesn't have the knowledge to act. President Obama should have surrounded himself with enough engineers to explain how killing a deepwater well takes time and how minimizing the oil's ecological and economic damage to the Gulf requires the ability to skim off at least as much oil as is spilling.

For three months, he had the opportunity to override the Jones Act and the Environmental Protection Agency's irrelevant rules. He should have acted sooner.

GEORGE F. STEEG
Potomac Falls, Va.

July 20, 2010

You Must Love the EPA or Else! (*Family Security Matters*)

Alan Caruba
The U.S. Environmental Protection Agency comes as close to George Orwell's version of Big Brother as any element of the federal government. It operates on a totally irrational basis, ignoring anything that even passes for real science. Through its regulatory power it imposes insane mandates that drive up the cost of everything and is trying to drive major elements of energy provision out of business.

What, for example, is the EPA doing offering “tips to protect eyes, skin from the Sun’s harmful rays”? Does the EPA sell sunscreen products? Charged with cleaning the nation’s air and water, why is it venturing into areas better served by the U.S. Department of Health and Human Services?

Charged with keeping the U.S. waters clean, why has the EPA launched a “National Water Conservation Campaign” complete with tips such as checking the toilet for “silent leaks” or replacing your showerhead with a “WaterSense labeled model.” Do we really need the EPA in the business of approving some showerheads over others?

The answer is that the EPA wants to be involved with all aspects of people’s lives and sees no limits on its authority or power and it wants you to love it for all the effort it is making to save you from a horrible death.

Recently the EPA classified milk as oil! How crazed is that???

It based this on the fact that milk contains animal fat which is a non-petroleum oil. The result is that dairy farming has become even more costly and you can bet the costs will be passed on to consumers.

While the Gulf of Mexico is polluted by millions of gallons of oil from the BP disaster, Frank Konkel of Silver Sky Dairy in Hesperia, Michigan, and all other dairy farmers will have to develop and implement spill prevention plans for milk storage tanks. The rules are set to take effect in November.

In another blow to the economy, in late June the EPA announced it was voiding certificates of approval for the import of up to 200,000 gas-powered off-road motorcycles and all-terrain vehicles.

The reason? The EPA “suspects that tailpipe emissions information was either incomplete or falsified.” All vehicles imported or manufactured in the United States are required to have certificates of conformity which are issued by the EPA. I suspect the EPA does like any vehicle that runs on gasoline and is used for recreational purposes.

The tentacles of the EPA reach into every enterprise in the nation. Like the FBI, the EPA even has its own fugitive list.

When not magically changing milk into oil, the EPA continues its crazed campaign to regulate every aspect of life in America. In June, it finalized requirements under its national mandatory greenhouse gas reporting program for “underground mines, industrial wastewater treatment systems, industrial waste landfills, and magnesium production facilities.”

The target this time is methane, among the most minor elements of the Earth’s atmosphere one can identify. In 1998, the amount of methane in the Earth's atmosphere was estimated to be 1,745 parts per billion.

Swamps and bogs around the globe naturally produce methane and always have. Identifying it as a “greenhouse gas” is part of the global warming hoax that claims methane and carbon dioxide are causing the Earth to heat up. Apparently no one has told the EPA that the Earth has been cooling for the past decade.

And, finally for the purpose of this quick look at EPA lunacy, to the joy of the taxpayer-subsidized biodiesel industry, the EPA announced that it would require the domestic use of 800 million gallons of biodiesel in 2011. It is made from animal products. This is part of the EPA’s never-ending war on oil.

As a close observer and expert on the oil industry pointed out to me, “The EPA always speaks in pints, quarts and gallons. That makes it sound larger. Step back and 800 million gallons equals 19 million barrels of biodiesel annually. This is the proverbial drop in the bucket when total oil demand is 5,501 million barrels annually.”

Biodiesel and biofuels have been subsidized with taxpayer’s money for some three decades at this point. The annual biofuel ethanol production increased only 16% in 2009 to 256 million barrels. This annual production is less than 8% of U.S. foreign oil imports of 3,307 million barrels. There is no way ethanol can replace foreign oil. There is no sensible reason to go on subsidizing biofuel or biodiesel.

The EPA has been totally out of control almost from the day it was established in 1970 by an executive order. Within two years it banned DDT. That ban was picked up by the World Health Organization and the result has been an estimated 400 million people who have since died from malaria. If that isn’t genocide, I don’t know what is.

© Alan Caruba, 2010

FamilySecurityMatters.org Contributing Editor Alan Caruba writes a weekly column, “Warning Signs”, posted on the Internet site of The National Anxiety Center, and he blogs at http://factsnotfantasy.blogspot.com. His book, “Right Answers: Separating Fact from Fantasy”, is published by Merrill Press.
You can find this online at:
http://www.familysecuritymatters.org/publications/id.6792/pub_detail.asp

AIR

==========

Tacoma Owes $525K for Damage to Ozone (*Care 2*)

posted by Jake Richardson Jul 19, 2010 2:03 pm
The city of Tacoma, Washington will pay a settlement to the EPA due to a flawed refrigerator disposal project it was running. The disposal service was mismanaged from

2004 to 2007, releasing chlorofluorocarbons into the environment. More than 14,600 appliances were serviced in order to recover refrigerants that can damage the ozone layer. The recovery process accidentally released 4,600 pounds of refrigerant, which reportedly is equivalent to 32,000,000 pounds of CO2. CFCs cause ozone depletion, which contributes to climate change and can have negative health impacts on humans. The accidental releases violated the Clean Air Act.

Dennis McLerran, Regional Administrator for EPA Region 10 said, “Every pound of CFCs that enters the environment is a blow to the Earth’s protective ozone layer and a setback in controlling climate change.”

The penalty portion of the settlement is a payment of $225,000. In addition the city will spend about $300,000 on air pollution prevention. To reduce climate change emissions, the city will replace one diesel waste collection truck with a hybrid one that has better fuel efficiency. A diesel tractor used at the city landfill will also be replaced by a hybrid one. Additionally ten diesel tractors will be fitted with particulate matter filters to reduce air pollution.

These measures will help offset the accidental emissions caused by the faulty disposal program. It was not reported exactly what the figures are in emissions reductions, but at least it is a start.

In 2008, the city passed a resolution stating they would be in sync with the climate change reduction goals of the Kyoto Protocol.

Catalytic's Actifilter on EPA emerging technology list (*Business Financial NewsWire*)

2010-07-20 07:57:44
Business Financial Newswire - Catalytic Solutions' ECS Actifilter SG diesel particulate filter emissions reduction system has been listed by the US Environmental Protection Agency on the National Clean Diesel's emerging technology list.

Actifilter SG is an actively regenerating DPF system which uses the Catalytic Solutions' catalyst technology and a patented syngas generator developed and manufactured by NxtGen Emissions Control.

It earned a placement on the Emerging Technology List by meeting the requirements of the Diesel Emission Reduction Act national programme provisions, under the Energy Policy Act of 2005.

Actifilter SG will remain on the Emerging Technologies List for one year with the possible extension of an additional year, during which time the Company will continue to work with the EPA to complete the full verification process.

Story provided by StockMarketWire.com

Tuesday, July 20, 2010 3:13 AM EDT

EPA cites car rental agency at Bradley over idling (*Waterbury Republican American)*

National Car Rental and several affiliated companies face fines totaling $475,000 for motor vehicle idling violations at Bradley International Airport in Windsor Locks and Logan International in Boston, the Environmental Protection Agency's New England office said Monday.

On numerous occasions in 2006 and 2007, investigators observed rental car service shuttle buses idling excessively, the EPA said. At the time, Vanguard Car Rental USA Inc. operated the National Car Rental facilities at the two airports.

In Connecticut, clean air regulations limit idling to 3 minutes, with exceptions for maintenance, deliveries or extreme cold.

If approved, a consent decree lodged in federal court will require Enterprise Rent-A-Car Co. of Boston and CAMRAC LLC, current owners and operators of National Car Rental, to also continue with anti-idling measures.

The Associated Press July 19, 2010, 10:51AM

Biomass power plants wary of EPA carbon accounting (*Associated Press*)

Story also appeared: *Bloomberg Businessweek*

By JEFF BARNARD
Oregon and other states with lots of trees have been counting on generating more electricity by burning forest thinnings and logging leftovers as a promising future source of green jobs and renewable energy as well as a way to pay for projects to prevent forest fires.

But a rule issued by the Environmental Protection Agency in May has the biomass industry, and Oregon's congressional delegation, worried that biomass may lose its long-standing green status, and be lumped in with coal as a greenhouse gas polluter.

The rule focuses on big coal-fired plants and oil refineries in counting up just how much greenhouse gas the country releases into the atmosphere.

When the process gets around to considering biomass, the industry fears EPA could decide it is not carbon neutral, and must pay a penalty for the carbon it releases. The extra cost could eliminate profitability for the industry, along with the jobs, renewable energy and forest benefits that come with it.

"The industry would be stopped in its tracks if it is regulated like a coal plant," said Bob Cleaves, president and CEO of the Biomass Power Association, which represents 80 facilities in 20 states that employ 18,000 people.

The EPA said their greenhouse gas accounting has not reversed the position that biomass combustion is carbon neutral, but the agency will gather information on the issue and decide whether it is still justified.

Then the agency will see how that applies to permitting under the Clean Air Act. It has yet to lay out a format or timetable for this work.

Nonetheless, last month U.S. Rep. Peter DeFazio, D-Ore., and more than 60 other members of Congress from biomass states sent a letter to the EPA demanding that the agency keep the carbon-neutral rating for biomass because of its potential as a renewable energy source, for creating jobs and paying for projects to thin forests.

"Do we or do we not move past the fossil fuel economy?" DeFazio said in an interview with The Associated Press. "Do we or do we not get free of imported fossil fuels and oil?"

Oregon is not alone. Most of the 30 states with renewable energy portfolios include biomass as eligible for development incentives, said Redding, Calif., biomass consultant Bill Carlson.

And California is not counting biomass emissions in its own cap-and-trade system, said Gregg Morris of the Green Power Institute in Berkeley, Calif.

A 2007 U.S. Supreme Court ruling gave the EPA the green light for its first hard look at greenhouse gas emissions as a pollutant under the Clean Air Act. Meanwhile, Congress has been slow to act and the Obama administration has been handing out millions in grants to biomass projects -- $3 million went to Oregon this month.

"I think this (the regulation issued in May) caught a lot of people by surprise," said Brian Kittler, biomass and bioenergy project director for the Pinchot Institute for Conservation, a forest policy group. "There's a lot of buzz about it. I think it is anyone's guess as to what the next step is."

Burning wood waste for power is a 30-year-old industry that grew out of sawmills in California, which leads the nation with 36 plants, said Phil Reese, chairman of the California Biomass Energy Alliance.

The industry has struggled to expand, said Carlson. Plants operate on tight margins, fuel has been limited, and a key federal tax credit has expired. The recession has made it tough to find financing.

The Biomass Power Association represents 80 facilities in 20 states from Maine to California that employ 18,000 people, said Cleaves. Oregon has eight and Washington six. New England has 18 and Michigan seven.

Nationwide they generate less than 1 percent of the grid, according to the U.S. Department of Energy.

Counting carbon is very complicated, said Morris. Leaving wood to rot or be burned in the open actually produces more greenhouse gases than burning it in a power plant. But the smokestack emissions are higher than for coal. Biomass gets its green label from the idea that the carbon in coal has long been stored in the Earth, and when that is released, it adds to the problem. The carbon in wood is constantly cycling through the atmosphere as trees grow, die and rot, so does not amount to a net addition.

If the EPA's efforts are "scientifically based, they should support the biomass industry," Morris said. "If they require emissions permits for biogenic CO2, that will definitely not benefit the biomass industry. In fact, it would kill it."

Environmental groups say the industry probably has nothing to worry about.

"The EPA is working to develop a grading system that lets biomass winners and losers emerge on the merits," said Ralph Cavanagh, energy program co-director for the Natural Resources Defense Council.

While all biomass was once considered carbon neutral, scientists now see differences, he said. For example, clearcutting a forest to burn for fuel will produce excess carbon, but burning waste wood and forest thinnings will not.

"I don't think forest waste should have anything to fear from an honest grading system," he said.

EPA Agrees To Revise GHG Reporting Rule To Settle Industry Lawsuits (*Inside EPA*)

Posted: July 19, 2010
As part of several pending settlements with industry groups, EPA has agreed to revise certain reporting thresholds and monitoring requirements in its greenhouse gas (GHG) reporting rule, but the agency is continuing talks in two additional suits against the rule filed by an energy recovery company and an environmental group.

The agency is poised to publish a notice in the *Federal Register* July 20 seeking comment on several proposed settlements with industry groups that challenged the agency's final GHG reporting rule. “Under the terms of the proposed settlement agreements, Petitioners would dismiss their claims if EPA proposes and, after notice and comment, takes final action on certain revisions to the final rule,” the notice says.

The notice says the proposed settlements will resolve five petitions in whole and one petition in part, although it does not elaborate on which petition will only be partially resolved. The industry groups involved in the settlements are the American Chemistry Council (ACC), Energy Recovery Council, American Petroleum Institute (API), National Petrochemical & Refiners Association, Fertilizer Institute, American Public Gas Association and the Utility Air Regulatory Group.

EPA's GHG reporting rule took effect Dec. 29 and requires suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHGs to submit annual reports to EPA beginning on March 31, 2011.

Industry groups raised various objections to the rule, including the utility industry's objections to requiring data collection for stationary fuel combustion sources, ACC's criticism of an “overly broad” definition of fluorinated GHGs covered by the rule, the Fertilizer Institute's claim that the rule excludes reporting requirements for fertilizer imports, and API's concerns with a 2010 deadline to discontinue the use of best available monitoring methods.

The settlements were not available at press time, but the notice says the proposed agreements will address four main issues; revising the reporting threshold for one type of source, revising the threshold for more stringent monitoring for one type of source, allowing sources to request to continue to use “best available monitoring methods” until 2015 in some circumstances, and revising various monitoring recordingkeeping and reporting requirements.

Two petitions for review -- filed by the Environmental Defense Fund (EDF) and Kinder Morgan CO2 Co., LP -- will not be settled at this time and instead will continue to be held in abeyance pending further settlement talks, the notice says.

EDF argued in their statement of issues that the agency failed to promulgate GHG reporting mandates for some industrial sectors, including coal mines and food processing facilities.

Kinder Morgan, which supplies CO2 to be used in enhanced oil and gas recovery, raised concern in its statement of issues about the rule's requirement to report the total amount of carbon dioxide (CO2) produced from CO2 production wells rather than the amount of CO2 that is actually emitted during the production and use of CO2.

EPA recently announced in its Action Initiation List of new rulemakings that it is developing a notice of proposed rulemaking (NPRM) to address several petitions and lawsuits against the GHG reporting rule. The list said the proposal would “address

select technical aspects of the requirements of the final rule," but said the proposal "would not fundamentally change the structure of the program."

Gibbs Dodges Questions About EPA Greenhouse Gas Regulation (*The Washington* Independent)

By Andrew Restuccia 7/19/10 6:08 PM
White House Press Secretary Robert Gibbs dodged questions from a reporter at today's daily briefing on whether President Obama would push the Environmental Protection Agency to regulate greenhouse gas emissions if Congress does not cap emissions in energy legislation.

EPA regulation of emissions is the worst-case scenario for Republicans and many Democrats, who see regulation under the Clean Air Act as much more complicated than passing legislation to address the issue. Electric utilities, in recent negotiations on a utility-only cap-and-trade bill, have asked for preemption of EPA regulation and a number of requirements under the Clean Air Act.

In a 2007 decision, the Supreme Court found that EPA would have to regulate greenhouse gas emissions if it determined that they endangered public health. In its so-called endangerment finding, EPA concluded that greenhouse gas emissions do endanger public health, compelling the agency to regulate the emissions under the Clean Air Act, though the White House has stated its preference to deal with climate change in Congress.

Sen. Lisa Murkowski (R-Alaska) attempted to pass a resolution that would have overturned the endangerment finding, but it was rejected last month.

Here's the exchange between Gibbs and the reporter, via a White House transcript of today's briefing:

Q The President has said that capping carbon emissions is critical to achieving his goals environmentally, on energy, and on the economy. Does he feel strongly enough about that, that he's committed to using his executive authority to the EPA if Congress will not cap carbon emissions, which is now very much in doubt?

MR. GIBBS: Let me get some updated guidance. I will say obviously that this entire debate, John, is based on — not on some grander policy design, but because a group of states sued the Environmental Protection Agency and the court said that the issue needed to be dealt with.

The question the President has asked and believes, rightly so, is that whether or not we're going to do that indiscriminately or whether or not we can get everybody at the table and come up with some genuine common-sense ideas that create a path towards energy independence, that improve our national security so we can — we stop

exporting hundreds of millions of dollars a day overseas, and to create a market for the very jobs that the President both highlighted last week in Michigan and that we have seen created as a result of some of the investments in the Recovery Act.

Q But does he think the use of the regulatory authority is better than nothing if Congress can't pass it?

MR. GIBBS: Look, I think we — our great hope is still that Congress won't find itself in that situation, but instead will do what is necessary to meet the obligations of the court suit and do so in a way that gives everybody input on that decision.

Without Carbon Emissions Cuts, the 'Anthropocene' Looms as an Ugly Epoch (*New York Times*)

Choices the world makes about whether to cut man-made carbon dioxide emissions will determine the severity of climate change over the next thousand years -- or longer, according to a new report by the country's leading scientific advisory body, the National Academy of Sciences.

A blog about energy, the environment and the bottom line.

That's because the greenhouse gas lingers in the atmosphere for hundreds or even thousands of years. 'The bottom line is that because CO2 is so long-lived in our atmosphere, it could effectively lock the Earth and future generations into warming -- not just for decades or centuries, but literally for thousands of years,' said committee chairwoman Susan Solomon, an atmospheric scientist at the National Oceanic and Atmospheric Administration.

The report was sponsored by the Energy Foundation -- a coalition of major philanthropic foundations with an interest in energy policy -- and U.S. EPA.

It breaks down how each additional degree of warming would affect the Earth, cataloging impacts on forests, fresh water supplies, fisheries, Arctic sea ice, sea level and agriculture.

The picture it paints is stark:

Every 1 degree Celsius of warming -- roughly 1.8 degrees Fahrenheit -- would reduce rainfall in the American Southwest, the Mediterranean and southern Africa by 5 to 10 percent. Stream flow in some river basins -- including the Arkansas and the Rio Grande -- would drop by 5 to 10 percent. Yields of some crops, including U.S. and African corn and Indian wheat, would fall 5 to 15 percent. And 1 to 2 degrees Celsius of warming is

enough to double or even quadruple the area burned by wildfires in the American West.
Sea ice and forests disappear

Determining what would happen if Earth warms beyond 2 degrees Celsius is difficult, the NAS committee said, because there would be little forested land left to fuel flames -- meaning parts of the West that are now tree-covered would transform into entirely new ecosystems.

Focusing on effects of incremental rises in temperature, rather than different levels of CO_2 in the atmosphere, revealed commonalities in the projections of climate models that appeared to disagree, the scientists who wrote the report said.

One example is models that attempt to project how warming will affect sea ice cover in the Arctic. 'When you look at the various models, you may see quite a range in what they have to say about how fast sea ice looks like it's going to disappear,' Solomon said. 'But when you actually look at it as a function of temperature, it's really kind of amazing how consistent they all become.' That's because sea ice, like many of the other parts of the environment discussed in the report, is most sensitive to temperature change, she said.

While the report focuses on how climate change could affect life on Earth into the far future, it also takes stock of the present.

Welcome to the 'Anthropocene'

Humans have already changed climate to the point that Earth has entered a new geologic epoch, which the analysis dubs the 'Anthropocene.' And even if the primary human activities that produce greenhouse emissions -- cutting down forests and burning fossil fuels -- were to stop immediately, a certain amount of additional warming is already baked into the climate system.

The level of carbon dioxide in the atmosphere has jumped from roughly 280 parts per million in preindustrial times to 390 ppm today, raising Earth's temperature roughly 0.9 degree Celsius along the way.

The seas, slow to warm, have absorbed a lot of extra heat trapped by that CO_2, along with about 80 percent of CO_2 emissions. But over time, that will change. As oceans start pumping some of that accumulated heat and CO_2 back into the atmosphere, the CO_2 emitted up until now will cause another 1 degree Celsius of warming.

Building a backlog of more heat 'It's like we're paying for things with credit and running up a deficit and we won't have the full consequences of that for some time,' said David Lobell, a Stanford University scientist who studies climate impacts on agricultural crops.

Ultimately, whether the Anthropocene will amount to a blip in Earth's history or a major climate shift lasting 'many thousands' of years depends on the choices society makes

about whether -- and how much -- to curtail greenhouse gas emissions, the new report says.

That requires making value judgments about the level of risk we're willing to endure -- a question that goes beyond scientific projections, said experts who worked on the new report. 'When I think about things I can do in my own life where I can go back and reverse them, I treat them differently from things that are irreversible,' Solomon said. 'If I knew that every piece of cheesecake would give me a pound of weight gain that would never be reversed, I would eat a lot less cheesecake.' The new report doesn't make the call on what level of warming is tolerable, the scientists who worked on the analysis said, but it is designed in part to help lawmakers understand the likely impact of different policy choices.

It does note, however, that 'emissions reductions larger than about 80 percent, relative to whatever peak global emissions rate may be reached, are required to approximately stabilize carbon dioxide concentrations.

AWARDS

==========

School district gets funds to improve buses (*Atlanta Journal Constitution*)

The U.S. Environmental Protection Agency awarded Cobb County schools $1.2 million to make its bus fleet more environmentally friendly.

The award, announced Monday, will go toward retrofitting 588 buses to reduce vehicle emissions. Funding is provided under the Clean Diesel Funding Assistance Program portion of the stimulus act, as part of a competitive grant program for clean diesel emissions projects.

"This funding will go a long way in helping to bolster the economy and protect public health and the environment by creating green jobs that improve air quality," said Stan Meiburg, EPA acting regional administrator in Atlanta.

BP SPILL

==========

OSHA Responds to Concerns About Gulf Spill Responders, Releases New (*New York Times*)

The Obama administration has released a new analysis of chemical monitoring performed by BP PLC in order to tamp down concerns that offshore responders battling the oil giant's Gulf of Mexico gusher have been exposed to a chemical linked to lingering health problems among cleanup workers long after the 1989 Exxon Valdez spill.

A blog about energy, the environment and the bottom line.

The Occupational Safety and Health Administration (OSHA) made its new data public in response to a Greenwire report that BP had found potentially harmful levels of 2-butoxyethanol, a chemical ingredient in dispersant used during the early days of the Gulf leak, in more than 20 percent of sampled offshore workers (Greenwire, July 8). BP limited its 2-butoxyethanol exposure data to a range that went as high as 10 parts per million (ppm), or double the eight-hour limit recommended by the National Institute for Occupational Safety and Health (NIOSH) -- forcing the government to take a closer look at the company's test results. 'I don't want to defend [BP's] charts,' OSHA chief David Michaels said in an interview. 'We understand the concerns about measurements made by BP's contractors, and so we therefore look at our own measurements and other agencies' measurements. ... At this point, we feel fairly confident that we've made the right protective decisions.' OSHA's analysis of raw BP testing data concluded that among the 20 percent of sampled workers exposed to 2-butoxyethanol, 'the highest level measured was 0.8 ppm, and 90% of these were 0.2 ppm or less,' according to a statement from the agency. 'Every measurement was well below the NIOSH recommended limit of 5.0 ppm.' That new information was released a day after Anne Rolfes, founding director of the public-health advocacy group Louisiana Bucket Brigade, cited the July 8 Greenwire report in testimony before the Senate Appropriations Committee. 'NOAA [the National Oceanic and Atmospheric Administration] has no fact sheet warning workers' about the potential consequences of exposure to dispersant chemicals, Rolfes said. 'EPA has no fact sheet.' Asked why OSHA and NIOSH -- which have access to results to daily worker monitoring performed by private BP contractors -- do not release those results to independent scientists and Gulf Coast advocates such as Rolfes, Michaels said his agency continues to lean on the embattled oil company. 'If they don't [release worker testing data], we'll consider releasing it ourselves,' Michaels said. 'We're doing the best we can and doing a tremendous amount of sampling. We're in the field, we're on the boats. If people see specific information they think is not included, we'll try to get it to them.' 'A little sampling is a dangerous thing'

The charged relationship between federal health officials and BP reflects stakes that remain painfully high even as the Macondo well remains capped.

Both public- and private-sector chemical test results are likely to become fodder for court challenges filed by exposed workers and volunteers, and 14 House Democrats have joined a campaign to pressure the White House for a stronger respiratory protection policy in the Gulf (Greenwire, July 9).

Eileen Senn, an industrial hygienist with more than four decades of experience on the state and federal levels, questioned OSHA's willingness to offer broad assurances that workers' chemical exposures remain at safe levels when it has not monitored those operating closest to the destroyed well. 'OSHA has its finger in the collapsing dike that is BP's data,' Senn said. 'A little sampling is a dangerous thing when it's used to say everything is OK at all times. It's just not true -- especially in the Gulf, where I would say exposures have not been the same for two days running.' OSHA has presented its chemical monitoring data in far more detail than BP, including the locations of tests and looking for a broader range of substances, but the agency does not always note what type of instruments are used to achieve its results.

Overall, Michaels said, 'I think you can say exposures are low for workers. Exposures of workers on shore are virtually nonexistent. ... There are significant exposures near the source [of the leak], and that's to be expected given the work being done there. Those workers are given respiratory protection.' Copyright 2010 E&E Publishing. All Rights Reserved.

For more news on energy and the environment, visit www.greenwire.com.

BP oil seep could spell trouble for containment cap (*Christian Science Monitor*)

July 19, 2010
The BP oil seep is a sign of possible danger. But the cap on top of BP's busted Gulf of Mexico oil well remains shut tight – for now.

On Monday, the US government announced that it was allowing BP to keep valves on the new cap closed despite worries about the newly-discovered seep near the site. That's a decision that likely will be revisited day-to-day, as federal authorities are still concerned about a worst-case scenario: damage to the sea floor itself.

It's unknown whether the well casing below the seabed has been cracked. If it has, then the cap could cause leaks to bubble out down below – as if it were a plug in a fizzing pop bottle. This would greatly increase the difficulty of stopping the oil flow.

IN PICTURES: The Gulf oil spill's impact on nature

That's what the White House wants to avoid. Continued oil flow into August would compound the current environmental disaster, with the November elections looming on the horizon.

“We're going to be watching this very, very closely, as we have been from the beginning,” said Carol Browner, former head of the EPA and an environmental adviser to the Obama administration, in a Monday interview on CBS.

No oil has flowed from the top of the damaged wellhead into the Gulf since BP installed the cap and closed it late last week. That's been a bit of rare good news in the long, disappointing struggle against what is likely the worst environmental disaster in US history.

But over the weekend the US and BP seemed at odds over what to do next.

On Saturday, National Incident Commander and Coast Guard Admiral Thad Allen, the top US official on the Gulf response team, said the new cap would eventually be hooked up to pipes to enable oil from the well to be pumped to the surface. But early Sunday BP chief operating officer Doug Suttles said the cap would remain closed until relief wells are completed within the next few weeks.

A few bad signs in recent days indicate it is possible that the well casing below the cap is damaged. Pressure within the well has not risen quite as high as engineers had hoped, meaning there might be a leak down below. And monitoring devices spotted a seep about two miles from the site, according to Ms. Browner.

That is far enough away that it might be a natural seep, as occurs in the Gulf, but close enough that it might also be a sign of damaged well casing.

After an overnight conference call, Allen on Monday announced that he had received adequate information on these problems from BP, and that he was allowing the cap to remain closed for at least another 24 hours.

Allen told BP that when seeps are detected the firm is required to quickly investigate and report its findings to the government within four hours.

“I direct you to provide me a written procedure for opening the choke valves as quickly as possible without damaging the well should hydrocarbon seepage near the well head be confirmed,” wrote Allen in a letter to BP Managing Director Bob Dudley.

Opening the choke valves on the cap could release pressure within the well and prevent further damage. But it could also send oil billowing back into Gulf waters.

BP spokesman Mark Salt said “we continue to work closely with all government scientists on this.”

CLIMATE CHANGE

==========

How big a burden is livestock? (*Washington Post*)

July 20, 2010 Tuesday
Every Edition
HEALTH; Pg. HE03
District-Maryland
By Nina Shen Rastogi
This week the Lantern is taking a break from answering your green lifestyle questions to report on three studies that raise brand-new environmental dilemmas.

Is meat less of a climate-change culprit than we thought?

One of the Lantern's frequent tips is to cut back on your meat intake for the sake of the planet. But according to Frank Mitloehner, a researcher from the University of California at Davis, that advice is hogwash.

Mitloehner takes exception to the widely cited claim that livestock are responsible for 18 percent of the world's anthropogenic greenhouse gas emissions -- more than the entire transportation sector. That assertion came from a 2006 paper from the United Nations' Food and Agriculture Organization and has been cited by everyone from Paul McCartney to Rajendra Pachauri, the head of the Intergovernmental Panel on Climate Change (not to mention the Lantern herself), as a reason to reduce our consumption of animal products.

Mitloehner is skeptical about that 18 percent figure but doesn't claim that it's wrong per se. It just doesn't apply to the United States: According to the Environmental Protection Agency's national greenhouse gas inventory, transportation accounts for 26 percent of America's greenhouse gas emissions, whereas livestock's share is 2.8 percent. Therefore, he concludes, Americans' cutting back on meat and dairy would bring relatively small benefits.

But given what a big pie we're talking about, even a tiny slice is pretty substantial: 2.8 percent equals 198 million metric tons of carbon dioxide equivalent -- or roughly all of Venezuela's energy-related CO2 emissions in 2008. Other commenters have pointed out that American livestock is actually responsible for more than 198 million metric tons of CO2 equivalent, since the EPA's figure includes only direct emissions from the animals (i.e., from their manure, burps and farts). Furthermore, climate change is only one of the ways cows, pigs and chickens affect the planet:Land and water pollution are big concerns, too.

So by all means we should be looking for ways to reduce our use of fossil fuels for electricity, heating and transportation, as Mitloehner argues. But curbing our meat intake -- particularly red meat, which is so much more resource-intensive than nearly all other food products -- still seems like sound environmental advice, even if American farm animals aren't quite the global warming boogeymen we imagined.

Are we outsourcing our greenhouse gas emissions?

When we talk about a nation's carbon footprint, we generally mean the emissions produced within its borders -- i.e., whatever gets pumped out from its power plants, factories and so forth. But because goods produced in one country may be used in another, tallying up direct emissions may not be the best way of assigning responsibility for climate change. So two researchers from the Carnegie Institution for Science, Steven J. Davis and Ken Caldeira, decided to construct an alternative emissions inventory, one that reflects countries' consumption patterns as opposed to just their production practices.

In their study, published in March in the Proceedings of the National Academy of Sciences, Davis and Caldeira found that nearly a quarter of the world's annual energy-related carbon dioxide emissions -- or 6.2 billion metric tons -- is actually "traded" between countries, largely in the form of emissions from goods and services produced in the developing world for use in wealthier nations.

The United States is the world's leading net importer, bringing in items responsible for having generated nearly 700 million metric tons of emissions in 2004, or 10.8 percent of America's overall consumption-related emissions. The average American "consumes" 22 metric tons of CO2 annually, of which 2.4 tons are emitted abroad. (Some countries in Europe import more than 30 percent of their overall emissions, more than four tons per citizen.)

China is the world's leading net exporter: About 22.5 percent of its production emissions were related to goods that wound up outside the Middle Kingdom. Thus, China and India may now be among the world's biggest CO2 emitters, but the people in those countries aren't entirely to blame. As the world continues its struggle to reach a global consensus on climate change, that's a point that developed nations would do well to keep in mind.

Can personal choices really make a big difference?

The Natural Resources Defense Council thinks so. The environmental action group has released a report, in conjunction with the Garrison Institute's Climate, Mind and Behavior Project, that outlines 14 free or low-cost things individuals can do that would collectively eliminate a billion tons of carbon dioxide equivalent, almost 15 percent of America's total emissions.

It's not a particularly surprising list to anyone who has even mildly committed to green living. The report recommends keeping your vehicle properly maintained, using your clothes dryer sparingly and replacing incandescent bulbs with compact fluorescent ones. A billion-ton reduction is a good carrot, but to achieve those kinds of cuts, every American would have to implement all the changes NRDC suggests.

Is there an environmental quandary that's been keeping you up at night? Send it to ask.the.lantern@gmail.com

Meat may be less of a climate-change burden than some experts have claimed (*Washington Post*)

By Nina Shen Rastogi
Tuesday, July 20, 2010; HE03
This week the Lantern is taking a break from answering your green lifestyle questions to report on three studies that raise brand-new environmental dilemmas.

Is meat less of a climate-change culprit than we thought?

One of the Lantern's frequent tips is to cut back on your meat intake for the sake of the planet. But according to Frank Mitloehner, a researcher from the University of California at Davis, that advice is hogwash.

Mitloehner takes exception to the widely cited claim that livestock are responsible for 18 percent of the world's anthropogenic greenhouse gas emissions -- more than the entire transportation sector. That assertion came from a 2006 paper from the United Nations' Food and Agriculture Organization and has been cited by everyone from Paul McCartney to Rajendra Pachauri, the head of the Intergovernmental Panel on Climate Change (not to mention the Lantern herself), as a reason to reduce our consumption of animal products.

Mitloehner is skeptical about that 18 percent figure but doesn't claim that it's wrong per se. It just doesn't apply to the United States: According to the Environmental Protection Agency's national greenhouse gas inventory, transportation accounts for 26 percent of America's greenhouse gas emissions, whereas livestock's share is 2.8 percent. Therefore, he concludes, Americans' cutting back on meat and dairy would bring relatively small benefits.

But given what a big pie we're talking about, even a tiny slice is pretty substantial: 2.8 percent equals 198 million metric tons of carbon dioxide equivalent -- or roughly all of Venezuela's energy-related CO2 emissions in 2008. Other commenters have pointed out that American livestock is actually responsible for more than 198 million metric tons of CO2 equivalent, since the EPA's figure includes only direct emissions from the animals (i.e., from their manure, burps and farts). Furthermore, climate change is only one of the ways cows, pigs and chickens affect the planet: Land and water pollution are big concerns, too.

So by all means we should be looking for ways to reduce our use of fossil fuels for electricity, heating and transportation, as Mitloehner argues. But curbing our meat intake -- particularly red meat, which is so much more resource-intensive than nearly all

other food products -- still seems like sound environmental advice, even if American farm animals aren't quite the global warming boogeymen we imagined.

Are we outsourcing our greenhouse gas emissions?

When we talk about a nation's carbon footprint, we generally mean the emissions produced within its borders -- i.e., whatever gets pumped out from its power plants, factories and so forth. But because goods produced in one country may be used in another, tallying up direct emissions may not be the best way of assigning responsibility for climate change. So two researchers from the Carnegie Institution for Science, Steven J. Davis and Ken Caldeira, decided to construct an alternative emissions inventory, one that reflects countries' consumption patterns as opposed to just their production practices.

In their study, published in March in the Proceedings of the National Academy of Sciences, Davis and Caldeira found that nearly a quarter of the world's annual energy-related carbon dioxide emissions -- or 6.2 billion metric tons -- is actually "traded" between countries, largely in the form of emissions from goods and services produced in the developing world for use in wealthier nations.

The United States is the world's leading net importer, bringing in items responsible for having generated nearly 700 million metric tons of emissions in 2004, or 10.8 percent of America's overall consumption-related emissions. The average American "consumes" 22 metric tons of CO2 annually, of which 2.4 tons are emitted abroad. (Some countries in Europe import more than 30 percent of their overall emissions, more than four tons per citizen.)

China is the world's leading net exporter: About 22.5 percent of its production emissions were related to goods that wound up outside the Middle Kingdom. Thus, China and India may now be among the world's biggest CO2 emitters, but the people in those countries aren't entirely to blame. As the world continues its struggle to reach a global consensus on climate change, that's a point that developed nations would do well to keep in mind.

Can personal choices really make a big difference?

The Natural Resources Defense Council thinks so. The environmental action group has released a report, in conjunction with the Garrison Institute's Climate, Mind and Behavior Project, that outlines 14 free or low-cost things individuals can do that would collectively eliminate a billion tons of carbon dioxide equivalent, almost 15 percent of America's total emissions.

It's not a particularly surprising list to anyone who has even mildly committed to green living. The report recommends keeping your vehicle properly maintained, using your clothes dryer sparingly and replacing incandescent bulbs with compact fluorescent

ones. A billion-ton reduction is a good carrot, but to achieve those kinds of cuts, every American would have to implement all the changes NRDC suggests.

Is there an environmental quandary that's been keeping you up at night? Send it to ask.the.lantern@gmail.com.

July 19, 2010

Lake Superior, a Huge Natural Climate Change Gauge, Is Running a Fever (*New York Times*)

By DINA FINE MARON of ClimateWire

The Great Lakes are feeling the heat from climate change.

As the world's largest freshwater system warms, it is poised to systematically alter life for local wildlife and the tribes that depend on it, according to regional experts. And the warming could also provide a glimpse of what is happening on a more global level, they say.

"The Great Lakes in a lot of ways have always been a canary in the coal mine," Cameron Davis, the senior adviser to the U.S. EPA on the Great Lakes, said last week. "Not just for the region or this country, but for the rest of the world."

And it seems the canary's song is growing ever more halting.

Lake Superior, which is the largest, deepest and coldest of the five lakes, is serving as the "canary for the canary," Davis said at a public meeting of the Interagency Climate Change Adaptation Task Force last week, pointing to recent data trends.

Total ice cover on the lake has shrunk by about 20 percent over the past 37 years, he said. Though the change has made for longer, warmer summers, it's a problem because ice is crucial for keeping water from evaporating and it regulates the natural cycles of the Great Lakes.

But the warming shows no sign of abatement. This year, the waters in Lake Superior are on track to reach -- and potentially exceed -- the lake's record-high temperatures of 68 degrees Fahrenheit, which occurred in 1998.

Analysis of several buoys that measure temperatures in the lake reveal that the waters are some 15 degrees warmer than they would normally be at this time of year, Jay Austin, a professor of physics at the University of Minnesota, Duluth's Large Lakes Observatory, said in a recent interview.

His analysis of National Oceanic and Atmospheric Administration data indicates that summer for the lake, which happens at about a 40-degree threshold, came about a month early this year.

A 'tremendously anomalous' year

"This year is just tremendously anomalous," he said. "This year ranks up there with the warmest water we have ever seen, and the warming trend appears to be going on in all of the Great Lakes."

While the warmer waters make for more comfortable swimming conditions for humans, they may also make for more habitable conditions for invasive species in places that have previously been relatively free of such pests.

Exhibit one, said James Kitchell, a professor of zoology at the University of Wisconsin, Madison's Center for Limnology, is the blood-sucking sea lamprey.

The jawless parasite attaches itself to the side of trout, bores a hole and sucks the trout's blood, growing to as long as 3 feet in the process, according to Kitchell. But in warmer weather, the lamprey may feed faster, grow bigger and lay more eggs, he said. The creatures will also become adults faster and require more frequent extermination, thanks to the warmer waters, warned Marc Gaden, a spokesman for the Great Lakes Fishery Commission, in an interview.

Meanwhile, the dead trout, with gaping holes in their sides, will sink to the seafloor below -- far from where humans can witness the evidence.

But the full impact of decades of water warming is not bound to the murky depths.

The warming may also threaten practices that are central to the "cultural identity" of indigenous tribes that live in the Great Lakes area and depend on certain weather and water conditions to farm wild rice, according to Nancy Schuldt, the water quality coordinator of the Fond du Lac Band of Chippewa Indians.

The Fond du Lac Band lives on a 101,000-acre reservation in northeast Minnesota about 20 miles inland from Lake Superior in the far western corner of the lake.

Low water levels may mean it's not safe to get canoes into the waters and hand-harvest rice in the traditional manner, she said, pointing to a rice operation by the Bad River Band of Lake Superior Chippewa that had to shut down in 2007 after drought made it too difficult to maneuver canoes. The rice itself is at risk of being phased out by other native species, she said, noting that the rice is "very sensitive to hydrologic changes."

Though tribes in this area are doing what they can to invest in clean energy and study local water temperature trends to help plan future adaptation strategies, "there's still

really fundamental questions remaining" about what the future environment will look like, she said.

A 'cultural identity' at risk of being transformed

"Will there still be wild rice? Will there still be birch bark to harvest? Will there still be a sugar bush?" she asked. "Right now, we certainly don't have those answers."

While there is a certain amount of uncertainty in predicting climate change impacts, the various models forecast that the Great Lakes region may see lower lake levels "on the order of 1 to 2 feet, said EPA's Davis.

In February, the Obama administration rolled out a five-year Great Lakes Action plan dedicated to adapting to some of these effects and restoring the area.

The plan, which would cost more than $2 billion to carry out, lays out five central goals it hopes to address in the coming years: restoring lost wetlands, controlling invasive species, tackling runoff pollution, addressing toxics like mercury, and promoting accountability and education efforts.

As water levels decline, toxics need to get cleaned up, and "fast," said Davis. "The reason is that with climate change scenarios starting to kick in, we have to get those areas cleaned up so we aren't unwittingly circulating more contaminants than we need to," he said.

To adapt to the warmer temperatures, "The most important thing we can do is to use the best science in all the initiatives that are under way," added Andy Buchsbaum, the Great Lakes regional executive director of the National Wildlife Federation.

"Don't just look at the way things are now, but the way they are likely to be in the coming years, and use all the resources we have now in the service of preparing for climate change," he said.

FUEL

==========

EPA Increases Biodiesel Production Target (*Transport Topics*)

July 19, 2010
The Environmental Protection Agency announced that it wants U.S. drivers to increase use of biodiesel to 800 million gallons next year from 650 million gallons this year.

Despite some industry projections that production has lagged since the expiration of a federal tax credit, EPA said in a July 12 renewable fuel standard proposal that the Energy Information Administration predicts average monthly biodiesel production rates in 2010 will exceed 2009 rates.

The agency is calling for producers to blend 13.95 billion gallons of biofuels into the U.S. fuel supply. That amounts to 7.95% of all fuel consumed by U.S. vehicles and trucks and an increase of 1 billion gallons from the 12.95 billion gallon target in 2010.

Of that total, 800 million gallons of biodiesel must be blended into the U.S. supply of diesel.

Biofuel producers have said the projected biodiesel production levels may not be achieved if Congress does not retroactively extend a $1 per gallon biodiesel tax credit that expired at the end of last year. Biodiesel is more expensive to produce than regular diesel, so the tax credit helps lower biodiesel pump prices.

By Light & Medium Truck

HAZARDOUS WASTE
==========

EPA begins cleanup effort (*Rexburg Standard Journal*)

Owner of leaking containers vows to sue feds
JOSEPH LAW jlaw@uvsj.com

REXBURG - The Environmental Protection Agency has begun cleanup of a hazardous waste site in Lyman.

Greg Weigel, federal on-scene coordinator for the EPA, said the cleanup began Monday morning.

EPA has inventoried more than 3,000 containers at the property since the situation was discovered July 7.

Weigel said a significant portion of the containers contain hazardous material including paint or paint-related products such as solvents, thinners, strippers and coatings. He said there were also several large unsecured barrels containing acids.

"A good portion were or had been leaking," he said. "The majority of the containers were corroded and improperly stored and managed. EPA determined that this site needs to be cleaned up and cleaned up quickly."

For personal protection, the cleanup crews were dressed in special suits and used respirators when containers were opened.

In addition, air-monitoring equipment was set up at the site.

Evaluation of the site was contracted to Ecology and Environment of Seattle, and the cleanup contractor is Environmental Quality Management of Seattle with H2O Environmental of Boise as a subcontractor.

The property is at 6545 S. 2000 West (the Archer-Lyman Highway).

The 1-gallon and 5-gallon containers and 55-gallon drums containing a variety of products were first discovered by Madison County deputies.

The containers belong to Max Spatig.

On Monday, Spatig said, "What is going to happen is I'm going to sue the EPA. ...They're removing them without due process of law. "

But local, state and federal officials have obtained legal approval for the actions taken.

The Madison County Sheriff's Office was originally called out to investigate numerous vehicles county officials said were being illegally stored on the property.

Weigel said the cleanup is expected to take three to five days.

He said after the chemicals are removed, the EPA will test two water wells that may be affected, one on the property where the containers were stored and one on the property to the south.

In addition the EPA will also perform soil testing to determine any additional cleanup needed.

Weigel said the EPA appreciates the teamwork from the state and local agencies.

He said information on the proper storage of a variety of products is readily available from the Idaho Department of Environmental Quality.

TOXICS

==========

EPA Plans to Upgrade Toxic Substance Regulations (*Suite 101*)

Jul 19, 2010 Duane Sharp
A coalition of more than 200 organizations is backing a revised toxic chemicals act. "The Safe Chemicals Act (TSCA) goes a long way toward bringing chemical policy into the 21st century," says Andy Igrejas, director of Safer Chemicals, Healthy Families. "We look forward to working with Congress to strengthen the Bill to keep dangerous chemicals out of the marketplace."(Daily News, "New U.S. Bill aims to overhaul current toxic substances regulations," April 26, 2010)

The Safe Chemicals Act contains a number of essential reforms to substantially improve public health protections, including the following:

* Requiring chemical companies to develop and make publicly available basic health and safety information for all chemicals
* Expediting safety determinations and actions to restrict the use of notorious chemicals, like formaldehyde, vinyl chloride, and flame retardants
* Implementing new programs to identify communities that are "hot spots" for toxic chemicals and to take action to reduce exposures.
* Requiring chemicals to meet a safety standard that protects vulnerable sub-populations, including pregnant women and children

Improvements Needed in Three Critical Areas

While supporting the legislation, the Safer Chemicals, Healthy Families coalition called for improvements in three critical areas, which are included in the draft legislation, as follows:

Read more at Suite101: EPA Plans to Upgrade Toxic Substance Regulations
http://healthfieldmedicare.suite101.com/article.cfm/epa-plans-to-upgrade-toxic-substance-regulations#ixzz0uDejCOR5

EPA begins cleanup of Max Spatig's property (*KIDK TV*)

by Steven Pope
Originally printed at http://www.kidk.com/news/local/98781339.html
MADISON COUNTY - The Environmental Protection Agency has obtained a warrant to allow them to cleanup an remove many of the 3,069 chemical containers on a property along Archer Highway.
The EPA will continue to inventory the chemicals as they document which ones are considered hazardous waste.
Many of the chemical containers are leaking, and if flammable materials were to mix with oxidizers, it could have devastating effects.]
"The part that is going to take a lot of time is just examining each container and determining what we are going to take and what we are going to leave. When we're done, when we've removed stuff, we'll also be looking at soils, and if there's contaminated soils we'll be cleaning up that as well," said Greg Weigel with the EPA.

The EPA says they'll be spending at least 3 to 5 days cleaning up the site.

The EPA says any chemicals they remove will end up at a hazardous waste treatment plant.

They did not specify which plant that would be.

July 19, 2010

EPA Offers Guidance on Employee Participation In Safety Inspections (*Safety.BLR.com*)

The Environmental Protection Agency (EPA) has issued interim guidance it says will provide greater transparency in the agency's chemical safety inspection process. Under the new guidance, EPA inspectors will offer employees and their representatives the opportunity to participate in chemical safety inspections. Also, EPA will require that state and local agencies adopt similar procedures. The regulator believes that close involvement by employees in inspections is an effective way to protect workers and communities.

The guidance pertains to inspections conducted by EPA under its Risk Management Program (RMP). Through it EPA works to reduce risks to surrounding communities that result from the management, use, or storage of hazardous chemicals. Owners and operators of covered facilities must develop a risk management plan, which includes facility plans for prevention and response to chemical accidents.

EPA expects to issue final guidance on employee participation in its RMP later this year. The Agency has provided more information at www.epa.gov/oem/content/rmp/index.htm.

Jul 19, 2010

U.S. law requires less formaldehyde in wood products (USA TODAY)

President Obama signed a new law this month that limits the amount of formaldehyde, a chemical linked to cancer and respiratory problems, that's allowed in wood products. The law will likely result in more eco-friendly homes but more expensive furniture and cabinetry, reports USA TODAY colleague Jayne O'Donnell.

* FollowGreen House on Twitter

It's also likely, she says, to increase consumer awareness of a little-known chemical that's widely used in building materials such as the government-provided trailers for victims of Hurricane Katrina. The trailers were banned because of breathing problems caused by formaldehyde in the walls, ceilings and cabinets.

"We're hearing from suppliers of particle board that the costs will increase, and that's likely to be passed along," Andy Counts, CEO of the American Home Furnishings Alliance, tells USA TODAY. His group's members make about half the furniture sold in the U.S. The story adds:

Some Chinese plywood, also used in low-priced furniture, also can contain high levels of formaldehyde to compensate for excessive moisture during production. Domestic hardwood plywood, considered to be among the highest-quality materials available to make furniture and cabinets, is dried using costlier techniques that eliminate the need for glue containing formaldehyde to bond the plies.

The new federal law is based on California's standard limiting the formaldehyde in wood, and follows years of debate about the risks associated with formaldehyde and the ability of industry to reduce its reliance on it.

Furniture industry officials have been bracing for the new law and were relieved the levels required matched the California law....

Counts says he's heard estimates that prices for plywood and particle board could increase from 3% to 15%, but notes that this wood is only a small part of the total cost for a piece of finished furniture.

Becky Gillette, the Sierra Club's Formaldehyde Campaign director, predicts the added cost to consumers because of the law "is going to be very low" and says "it will be overwhelmingly justified by the health benefits." Some elderly Medicaid recipients

have seen their health bills rise by up to $50,000 a year after moving into trailers made with materials with high formaldehyde levels, she says.

Along with links to cancer, the Environmental Protection Agency says exposure to high levels of formaldehyde can cause watery eyes, burning sensations in the eyes and throat, nausea and difficulty in breathing. That can occur, the EPA says, at levels above 0.1 parts per million; the agency says that in homes with "significant amounts of new pressed-wood products" levels can be greater than 0.3 ppm.

Because formaldehyde is released more quickly when it's hot and humid, the EPA recommends using air conditioning and dehumidifiers to maintain moderate temperatures and humidity levels and keeping homes well ventilated.

The EPA, which has to write the rules for the new law, will decide how quickly merchandise in stores has to comply and how products need to be labeled to show they're in compliance.

"It's going to be very challenging (for consumers) to identify product with lower formaldehyde," Counts says.

California officials just extended the deadline until Dec. 31, 2011, for stores in that state to sell furniture and cabinets that surpass formaldehyde limits.

WATER

==========

EPA Offers Groundwater Remedies for Camp Edwards Site (*EP Magazine*)

Jul 20, 2010 A public comment period for a Remedy Selection Plan that outlines the proposed alternative for addressing groundwater contamination at the J-1 Range on the Massachusetts Military Reservation (MMR) will run through Aug. 17.

The plan outlines the alternatives presented in the J-1 Range Feasibility Study for addressing groundwater contamination at the site, along with the alternative recommended by the U.S. Environmental Protection Agency and the reasons for its selection. The plan proposes remedies for the J-1 Range northern plume, which contains RDX and perchlorate, and the J-1 Range southern plume, which contains RDX.

EPA will consider public comments and select a response action in consultation with the Massachusetts Department of Environmental Protection (MassDEP).

Monitoring and investigations have shown that there is no groundwater contamination from the site threatening public or private drinking water supplies. In addition, with information provided to date, EPA believes there are no active sources of contamination at the J-1 site. Surface contamination that could potentially migrate to groundwater has either already been removed or depleted. Alternatives in the Feasibility Study included No Further Action, Monitored Natural Attenuation and Land-use Controls, and several different Focused-Extraction scenarios.

The Remedy Selection Plan presents Focused-Extraction alternatives that would reduce site contaminants through both treatment and natural processes for both the northern and southern plumes.

For the northern plume, the proposed alternative consists of a new extraction and treatment system with two extraction wells, two mobile treatment units, and two infiltration trenches. The remedy is expected to reduce RDX to the Health Advisory level of 2 parts per billion (ppb) between 2031 and 2037 and to the excess cancer risk level of one in 1 million, which is currently 0.6 ppb, between 2047 and 2050. Perchlorate would be reduced to 2 ppb, which is the Massachusetts Maximum Contaminant Level, between 2035 and 2045.

For the southern plume, the proposed alternative consists of adding an off-base extraction well to the existing J-1 Range southern treatment system. The new extraction well would be in the vicinity of Little Acorn Lane in Forestdale. The system would use the existing on-base mobile treatment unit and two infiltration trenches. RDX is expected to decrease below 2 ppb by 2019 and below 0.6 ppb by 2024.

Both proposed alternatives would include groundwater monitoring to verify that the plumes are being reduced as expected and land-use controls to ensure there is no use of the contaminated water.

For both plumes, the extraction well locations will be determined by the most recent groundwater sampling data and the best balance between efficiency, cleanup time, cost, implementability, as well as environmental, public and worker impacts. The alternatives are expected to be permanent remedies because no further source-area contamination is likely at the site. The alternatives will comply with state and federal regulations and are protective of human health and the environment.

Information regarding the Remedy Selection Plan will be presented at a public meeting at 6 p.m., Aug. 2 at the Sandwich Town Offices at 16 Jan Sebastian Drive off Route 130 in Sandwich, Mass. Representatives from the Army's Impact Area Groundwater Study Program (IAGWSP), EPA, and MassDEP will be available.

The Remedy Selection Plan as well as further information on how to comment are available on EPA's website. The document is also available at the libraries in Bourne, Falmouth, and Sandwich.

Comments are to be submitted by mail to Jeanethe Falvey, US EPA, 5 Post Office Square, Suite 100 Mail Code ORA 20-1, Boston, MA 02109-3912, by fax to 617.918.0020 or by e-mail to falvey.jeanethe@epa.gov.

Responses to comments on the Remedy Selection Plan will be provided to the public with the J-1 Range Decision Document which will be finalized this summer.

EPA wants input on groundwater cleanup (*Cape Cod Times*)

July 19, 2010 2:00 AM
CAMP EDWARDS — The federal Environmental Protection Agency is seeking public comment for the proposed cleanup of groundwater contamination at the J-1 Range on the Massachusetts Military Reservation.
The 30-day comment period begins today and runs through Aug. 17.

The J-1 Range northern plume is contaminated with Royal Demolition Explosives (RDX) and perchlorate, and the southern plume is tainted by RDX. None of the contamination is threatening public or private drinking water supplies, according to an EPA press release, and there are no active sources of contamination on the base.

The proposed remedies consist of adding a new extraction well and treatment system for the northern plume and adding an off-base extraction well for the southern treatment system in the vicinity of Little Acorn Lane.

A public hearing on the proposal is scheduled at 6 p.m. Aug. 2 at Sandwich Town Offices, 16 Jan Sebastian Drive, Sandwich.

Information on the proposed remedies is available on the Army's Impact Area Groundwater Study Program website groundwaterprogram.army.mil or at Upper Cape libraries.

Comments can be submitted by mail to Jeanethe Falvey, EPA, 5 Post Office Square, Suite 100 Mail Code ORA 20-1, Boston, MA 02109, by fax to 617-918-0020 or by e-mail to falvey.jeanethe@epa.gov.

EPA To Scrutinize Power Plant Water Permits Ahead Of New Effluent Limits (*Inside EPA*)

Posted: July 19, 2010
EPA is vowing to closely scrutinize state-issued Clean Water Act (CWA) discharge permits for power plants ahead of its planned technology-based discharge standard for

the sector as an interim measure to address environmentalists' longstanding concerns that the permits need to be strengthened.
In a June 24 letter to environmental groups, EPA wastewater chief James Hanlon committed the agency to reviewing at least 35 National Pollutant Discharge Elimination System (NPDES) permits for power plants before the end of 2012 -- when EPA has vowed to propose new discharge limits, or effluent limitation guideline (ELG), for the sector.

In the letter to Earthjustice and the Environmental Integrity Project, Hanlon, director of EPA's Office of Wastewater Management, outlines the agency's intention to review the 35 permits to address the groups' concerns that they are not consistent with federal requirements. "I hope this information helps to clarify the importance EPA places on these permits," the letter says.

In addition to the permit reviews, EPA also issued a June 7 guidance outlining how to analyze discharges from flue gas desulfirization (FGD) and coal combustion residual (CCR) impoundments -- which are key sources of wastewater discharges -- ahead of the ELG.

The EPA permit review commitments and guidance are winning praise from environmentalists, who have long sought aggressive discharge limits on power plant releases as they struggle to win strict EPA hazardous waste rules for CCR.

Environmentalists are already citing EPA's June 7 guidance to urge Washington state regulators to strengthen a proposed NPDES permit for the state's only coal-fired power plant, according to July 9 comments filed by Earthjustice. Activists have already notified EPA of their concerns with the proposed permit, and asked the agency to watch it and object if changes are not made, one activist adds.

But industry sources are questioning the need for the interim measures, given that EPA is taking steps to begin collecting data to support the upcoming ELG. One source says the June 7 guidance to states appears to seek to impose additional best available technology (BAT) review burdens on states, on top of already-required water-quality assessments, that the source says are questionable.

A second industry source says it is "uncommon" for EPA to issue such detailed interim guidance at the same time it is conducting an information collection request to prepare for the new ELG. The source says the guidance does not impose new legal requirements on its own, but clarifies how states should exercise their best professional judgment (BPJ) for determining BAT. "What type of commitment it might prescribe to a state, I can't speak to," the source says.

States, however, say they welcome the guidance though they also note they are generally ill-equipped to conduct the labor-intensive technology reviews on their own and want EPA to "get on with" the national rules, one source says.

EPA officials could not be reached for comment.

Coal Ash Spill

At issue are EPA requirements governing wastewater discharges from power plants -- an issue that has gained prominence since a massive coal ash spill at a Tennessee Valley Authority (TVA) plant contaminated nearby waters. Activists have since challenged a suite of pending power plant permits and last year sued the agency in an effort to set strict deadlines for EPA to revise its 1982 ELG for power plant discharges.

While EPA and activists are still in settlement talks on the deadline, the agency announced last September that it would revise the rules, vowing to issue a proposal sometime in 2012. The agency said in a statement announcing its commitment that a 2009 study had found that rules finalized in 1982 “have not kept pace with changes that have occurred in the electric power industry over the last three decades.”

A spokeswoman said later that EPA Administrator Lisa Jackson wanted a proposal issued before then, though EPA says in the guidance that it expects a final ELG in late 2013.

But even before the new policy is proposed, EPA has quietly floated guidance to the regions clarifying how they should review pending permits. “The establishment of appropriate NPDES permitting requirements for these discharges is an important effort to better protect the environment and human health,” says the guidance to the regions. “You should work with authorized state programs to encourage them to utilize this guidance in their permit decisionmaking process. In cases where state permitting authorities do not consider the attached guidance in developing permitting conditions, you should work with states to make appropriate changes.”

The guidance also encourages the regions to “consider using objection authorities in cases where permits do not address appropriate technology-based or water quality-based permit limits to address FGD or CCR discharges.”

Environmentalists in their comments on the Washington state draft NPDES five-year renewal permit for a TransAlta power plant, saying the guidance “clearly demonstrate[s] . . . that settling ponds (even with some chemical treatment for some pollutants) are not BAT for steam generating electrical plants like TransAlta.”

One environmentalist says activists are arguing that the “state has to go back and do a BAT analysis per the EPA guidance and probably apply additional treatment,” such as biological treatment or evaporation distillation processes to turn the wastewater into sludge or solid that can then be sent to a hazardous waste landfill.

The draft renewal permit Washington issued last month does not impose any new technology requirements on the plant even though the state acknowledges that water quality limits could be exceeded. The state conducted a reasonable potential analysis on chlorine, chromium, arsenic and selenium to determine whether effluent limits were necessary, and found “a reasonable potential that the permittee would exceed the water quality criteria for chlorine, chromium and selenium,” according to a state-issued fact sheet.

Compliance Study

But instead of setting limits, the state is requiring a compliance study that environmentalists say does not comply with basic water law requirements.

The source says EPA's new guidance is significant because it shows the direction the agency is moving and that its importance will be "played out on the ground in this permit. It is not just an academic exercise."

Environmentalists will also raise the guidance in their administrative challenge to a Tennessee-issued NPDES permit for TVA's Kingston plant -- the site of a massive coal ash impoundment failure.

A Tennessee source says the guidance could apply to that permit if the environmentalists' appeal is successful, and praises EPA for taking steps to help permitting authorities. "States are just ill-equipped to try to do a judgment to establish an effluent limit, generally we don't have the horsepower to do that . . . and so it's entirely appropriate for this to be dealt with at the national scale."

In that vein, the source says the guidance is helpful to outline steps for BPJ on effluent limits but that what's really needed are the new ELG rules because they will explicitly address discharges from new technology that has become available since the ELG was last updated nearly 30 years ago.

Still, the source says in the meantime, the guidance could require increased monitoring and controls, particularly at power plants located on small waterbodies that already have background contaminant levels.

Meanwhile, industry sources are concerned with what the guidance may require in permits. The second industry source says whether the guidance will prompt new control requirements is difficult to assess but that it certainly will "put another burden on permit writers" because it will require them to conduct a "separate water quality-based technology BPJ." The source also questions why EPA is moving toward technology requirements, which the source says are supposed to be uniform, in advance of the ELG, particularly when these discharges will be highly variable, depending on the type of coal and scrubber.

"This seems to ask a lot of permit writers, especially since they don't have, and EPA doesn't have, a really full picture among the different waste streams that might drive different performance and availability of treatment technology," the source says, calling it "an exercise in form over substance."

However, environmentalists say the guidance and EPA-promised permit reviews -- while not an expansion of any existing agency authority -- are significant.

One source says, "Across the board, states fail to set case-by-case limits on most types of power plant wastewater discharges," which the source says is a clear violation of law.

Another source says the EPA actions should go a long way to address activists' concerns that many power plants will be installing new scrubbers in the next three years that would otherwise be exempt from new discharge limits likely to be required by the ELG, at least for their first five years. "We had been stressing to states they have a Clean Water Act obligation . . . and the great thing about the guidance is that EPA has made that clear." -- *Dawn Reeves*

Public slams EPA's plan for Sudbury River (*MetroWest Daily News*)

By Danielle Ameden/Daily News staff
The MetroWest Daily News
Posted Jul 20, 2010 @ 12:32 AM
FRAMINGHAM —

Residents, environmentalists and leaders in towns along the Sudbury River last night blasted the federal government's planned solution to clean up mercury contamination in the waterway.

During a public hearing, critics said it was "laughable" for the U.S. Environmental Protection Agency to want to spend $8.5 million to spread a 6-inch layer of sand over 84 acres of riverbed to try diluting the toxins.

Richard Miller of Natick, who blew the whistle on the pollution crisis in the early '70s as director of the Lake Cochituate Watershed Association, compared the EPA's idea to a lesson parents teach their children: not to sweep the dirt under the rug.

"This isn't dirt. It's much worse and it's being swept under the carpet," Miller testified during the hearing in the main library's Costin Room.

About 25 people attended the hearing, and no one had praise for the EPA, which solicited feedback as part of a formal public comment period.

"I find this strategy laughable," Framingham Town Meeting member Lloyd Kaye told EPA representatives.

He said the public is "more informed" about environmental issues since the catastrophic Gulf oil spill, and, personally, he has "absolutely no confidence with six inches of sand."

EPA representatives listened but did not respond to feedback during the hearing, one reason that prompted a frustrated Kaye to later walk out.

Many who spoke up liked an alternate cleanup idea suggested by Framingham Selectman Ginger Esty: for the river's manmade Reservoir No. 2 to be slowly drained and scraped out, but not dredged.

Esty said the serious contamination problem has been covered up for years and the EPA needs to remove the mercury - "not pretend that it is harmless sitting there under sand."

"You're proposing a Band-Aid with your sand-capping," said Tom Sciacca of Wayland.

Esty called for the agency to research the human neurological effects of the contamination, which stems from the Nyanza dye factory in Ashland.

Many worry about people, who may not speak English, who eat a lot of fish they catch along the river. Signs in several languages are posted about the fish containing mercury.

"They need to understand that the fish are unsafe," said Leslie Githens, chairwoman of the Ashland Board of Health.

Githens also said she wanted to hear more about the layer of sand's impact on flooding. The area of the river that would be cleaned up is just north of the Ashland line.

"Six more inches, we don't know what that's going to do," she said.

Framingham Health Director Ethan Mascoop echoed the concern about flooding and the plan's longterm impact.

"You're leaving a booby-trap for future generations," said Miller's wife, Jill.

Kim Foemmel, who lives on Pincushion Road in Framingham, on the shore of the river, accused the EPA of coming up with a solution that's "more of a cover-up ... than a clean-up to the problem."

She said draining and removing the mercury as Esty suggested is the best solution, "regardless of the cost."

"I couldn't care less if it cost $50 billion," Kaye said, so long as it is effective. He asked the EPA representatives to consider how much their daughter is worth "if she ate a couple of fish" and suffered neurological damage.

Written comments can be submitted by Aug. 26 to the EPA. Send comments to: Daniel Keefe, project manager, EPA New England, 5 Post Office Square, Suite 100 Boston, MA 02109-3912 or e-mail keefe.daniel@epa.gov

(Danielle Ameden can be reached at 508-626-4416 or dameden@cnc.com.)

EPA serves warrant on Hughes County hog farms (*NewsOK*)

Officials said they didn't find anything significant after serving a warrant to inspect Hughes County hog farms where manure was possibly discharging into tributaries of the North Canadian River.

BY Michael Baker Oklahoman
Published: July 20, 2010

WETUMKA — After being denied access three times, federal and state officials served a warrant allowing them onto the site of two former hog farms to see if manure was being discharged into tributaries of the North Canadian River.

"The problems we find are certainly correctable," said Jerry Saunders, an associate director of water enforcement for the U.S. Environmental Protection Agency. "I don't really see anything very significant there at this point in time as long as we have proper closure of the lagoons."

The warrant was served July 6 by investigators with the EPA and state Agriculture, Food and Forestry Department. Deputy U.S. marshals accompanied the agencies to Bishop Farms I and II.

The farms, on 700 acres near Wetumka in Hughes County, at one time raised as many as 2,400 swine at each location. Hogs have not been on the farms since May 2009, according to the warrant.

Officials worried that three waste retention structures were not being properly maintained and that rainfall may have caused manure and manure-laden water to spill into tributaries of the North Canadian River, according to the warrant.

"There was no imminent threat to the waters of the state," state Agriculture Department spokesman Jack Carson said.

"What we really want to make sure happens from now on is adequate closure of the lagoons that are there," Saunders said.

Read more: http://newsok.com/epa-serves-warrant-on-hughes-county-hog-farms/article/3477671#ixzz0uDYL0ikB

Perry defends Texas' natural gas drilling regulations (*Fort Worth Star-Telegram*)

(Texas)
July 20, 2010 Tuesday

Section B
By Aman Batheja; abatheja@star-telegram.com
FORT WORTH -- Gov. Rick Perry defended the state's handling of natural gas drilling regulations at an appearance Monday in Fort Worth, and he made it clear that he wants the federal government to butt out of the state's handling of environmental issues related to drilling.

Perry was in town to address a board of directors meeting of the Combined Law Enforcement Association of Texas, which last year endorsed the governor for re-election.

While speaking with reporters, Perry was asked about concerns in North Texas that natural gas drilling isn't being adequately regulated by the Railroad Commission and the Texas Commission on Environmental Quality.

"I think there might be some singular companies that have broken the law, but I think we have the appropriate laws in place," Perry said.

Perry dismissed questions about the safety of hydraulic fracturing, in which gas companies blast water mixed with chemicals down a well at enough pressure to crack open the formation and unlock the natural gas. Congress and the **Environmental Protection Agency** are investigating whether hydraulic fracturing is contaminating ground water.

"I am a very strong advocate of hydraulic fracking," Perry said. "I've got great concerns that the federal government is trying to regulate that aspect of our drilling industry. It would basically shut down the oil and gas industry for hydraulic fracking to be outlawed or frankly, allow radical environmental interests to come in and have a say on how it ... can be used by the federal government."

Perry said he believes that the state has appropriately punished companies that have "misused" hydraulic fracturing.

Perry also addressed the finances of his Democratic opponent, Bill White. Perry has refused to debate White until the former Houston mayor releases all his tax returns from his years serving as deputy energy secretary in the Clinton administration and also as Texas Democratic Party chairman. White has released tax returns from his years as mayor of Houston.

"He needs to be honest with the people of this state. There's something in his records he doesn't want people to know, and until he releases them, I refuse to be on stage with him during a debate. It's that simple,." Perry said.

Perry released his tax returns for his years in elected office except for 1985 and 1986, which Perry said he can't find. Perry was first elected to the state house in 1984.

Perry accused White of lying about his involvement in an oil and gas company, Frontera Resources. According to a Sunday story from The Dallas Morning News , White made $1.1 million off of his investment though he had earlier said he didn't make much off of it.

White's camp disputed Perry's accusations.

"It is surprising to see Perry pretending to be an advocate for the natural gas industry when he's been attacking Bill White for being a successful businessman in the oil and gas industry," White spokeswoman Katy Bacon said.

Aman Batheja, 817-390-7695

Judge's ruling raises questions about paying for what we want (St. Louis Post-Dispatch)

Stormwater floods a suburban St. Louis back yard in 2005.

Like gamblers at a dice table, MSD's Board of Trustees placed a very big bet on Dec. 13, 2007. That was the day the board voted to change how the agency raises money to build and maintain storm sewers.

Before that vote, MSD charged a flat fee of 24 cents per month for each customer. But that brought in just $1.2 million in 2007 — far less than what was needed.

The new funding formula was based on how water runs off impermeable surfaces of property. It dramatically increased available revenue. That's good, because erosion caused by water runoff has become an issue in many newly developed parts of St. Louis County.

What's more, state officials are under increasing federal pressure to improve water quality in the state's streams and rivers. That's an expensive job involving the separation of storm and sanitary sewers.

But last week, the trustees' big gamble came up snake eyes. A state judge ruled that MSD's new system of raising money was a tax increase, not a fee increase. As such, it violates the Hancock Amendment to the state constitution, which requires voter approval of tax increases.

Unfortunately, doing nothing isn't an option. The U.S. Environmental Protection Agency has been pressuring the St. Louis region to clean up waterways, including the Mississippi and Missouri rivers and the River Des Peres.

In May, the EPA settled a Clean Water Act suit it had filed against Kansas City. The settlement requires that Kansas City spend $2.5 billion over 10 years to separate its storm and sanitary sewer systems. The same issues plague St. Louis.

The federal Clean Water Act isn't new; it was passed in 1972. But the St. Louis region never has been in full compliance with its provisions.

William Zweig of Chesterfield, who filed the suit that resulted in Mr. Dildine's ruling, said last week that his suit "wasn't about the money." Rather, he said, it was about the state constitution.

Unfortunately, the ruling raises another issue: Absent a federal lawsuit, how is any public good accomplished — be it public education, safe roads or clean water — in a state whose residents are unwilling to tax themselves to achieve it?

****
E-Clips contain copyrighted materials and are made available to designated recipients. Neither the E-Clips nor any individual article within may be further distributed.
****