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Table of Contents
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Thursday, May 20, 2010

ADMINISTRATOR JACKSON 3
Scientists Fault U.S. Response in Assessing Gulf Oil Spill (*New York Times)* 3
US Lawmakers Question BP On Dispersants Used In Gulf Oil Leak (*Wall Street Journal*) 6
Disaster In The Gulf (*Houston Chronicle*) 7
Spruce Permit is Front and Center in the Third District (*West Virginia MetroNews*). 9
EPA Expands Public Database by 6,300 Chemicals and 3,800 Facilities (*Eco Factory*) 10
EPA Seeks Less Toxic Dispersants, Eyes Revised Rules Following Gulf Spill (*Inside EPA*) 11
Scientists Fault U.S. Response in Assessing Gulf Oil Spill (*Herald Tribune*) 13
EDITORIAL / OP-ED / COMMENTARY / LETTERS 16
Gulf oil spill: Obama's regulatory response falls short (*Los Angeles Times*) 16
Managing the 'Unweeded Garden' With Minimal Harm (*Wall Street Journal*) 18
Printed Letters (*Grand Junction Sentinel*) 19
EPA Holds Sword Over Coal (*WOWK News 13*) 20
A green movement grows in rural China (*Philadelphia Inquirer*) 21
AIR 23
Clean Air Act settlement will close Ohio power plant (*Greenwire*) 23
Kagan's confirmation hearing to begin June 28 (*Greenwire*) 25
EXTRA: Plant closing; Broughton social; Bomb suspect (*Marietta Times*) 26
AMP to close Gorsuch plant (*Daily Sentinel*) 28
AWARDS 30
Onondaga Nation and environmental partners win prestigious EPA award (*Indian Country Today*) 30
Derelict factory site to become a park (*Boston Globe*) 32

CLIMATE CHANGE / GLOBAL WARMING 34
Scientists defend research on global warming (*Washington Times*) 34
National Academy says action needed against warming (*Boston Globe*) 36
Scientists urge action on greenhouse gases (*Los Angeles Times*) 38
NPRA's Scott gives refining industry's reaction to Kerry-Lieberman bill (*Greenwire*) 40
U.S. Science Body Urges Action on Climate (*New York Times*) 40
Action urged; on climate (*Newsday*) 42
As oceans get warmer, Congress is facing heat (*San Francisco Chronicle*) 42
Charge for carbon emissions (*USA TODAY*) 44
Lawmakers should work to combat climate change (*Zanesville Times Recorder*) . 46
GRANTS 47
Science is a day at the beach (*St. Petersburg Times*) 47
MINING 48
W.Va. miners protest mountaintop removal restrictions (*Greenwire*) 48
PESTICIDES 49
Federal court restricts use of 75 pesticides (*San Francisco Chronicle*) 49
Pesticide residue exposure linked to ADHD in children (*The Ecologist*) 50
TOXICS 52
Wal-Mart pulls Cyrus jewelry brand (*Associated Press*) 52
Story also appeared: *Boston Globe, Star Telegram, Newsday, Philadelphia Daily News, St. Petersburg Times* 52
Cleanup of Stauffer toxic site begins (*St. Petersburg Times*) 52
Retreading rooftops (*San Antonio Express-News*) 54
TVA to store ash at site of Kingston spill (*Greenwire*) 55
Ban on Pet Provisions Proves Too Much for Lawmakers (*Wall Street Journal*) 56
WATER 58
EPA report finds testing deficiencies at CTS site (*Asheville Citizen-Times*) 58
Kansas City ordered to fix water system (*Associated Press)* 59
Story also appeared: *Columbia Daily Tribune* 59
EPA announces cleanup for part of Buick City site (*Associated Press*) 60
Story also appeared: *WLNS.com* 60
EPA inspector general blasts agency's handling of CTS site (*Mountain Xpress*) ... 60
Oil Is Fouling Wetlands, Official Says (*New York Times*) 62
D.C. families misled about water (*Washington Post*) 64
Keller considers tightening water-well regulation over concerns about nitrate contamination (*Fort Worth Star-Telegram*) 66
Higher Water Rates Are on Tap for New York City Residents (*Wall Street Journal*) 68
Pine River fishing derby to become part of study (*The Morning Sun*) 70
Remedies for Nitrate-Contaminated Water in California are Anything but Quick, Cheap (*Circle of Blue WaterNews*) 71
Unused meds? Just drop them off (*Newark Advocate*) 79

ADMINISTRATOR JACKSON

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May 19, 2010

Scientists Fault U.S. Response in Assessing Gulf Oil Spill (*New York Times)*

By JUSTIN GILLIS

Tensions between the Obama administration and the scientific community over the gulf oil spill are escalating, with prominent oceanographers accusing the government of failing to conduct an adequate scientific analysis of the damage and of allowing BP to obscure the spill's true scope.

The scientists assert that the National Oceanic and Atmospheric Administration and other agencies have been slow to investigate the magnitude of the spill and the damage it is causing in the deep ocean. They are especially concerned about getting a better handle on problems that may be occurring from large plumes of oil droplets that appear to be spreading beneath the ocean surface.

The scientists point out that in the month since the Deepwater Horizon oil rig exploded, the government has failed to make public a single test result on water from the deep ocean. And the scientists say the administration has been too reluctant to demand an accurate analysis of how many gallons of oil are flowing into the sea from the gushing oil well.

"It seems baffling that we don't know how much oil is being spilled," Sylvia Earle, a famed oceanographer, said Wednesday on Capitol Hill. "It seems baffling that we don't know where the oil is in the water column."

The administration acknowledges that its scientific resources are stretched by the disaster, but contends that it is moving to get better information, including a more complete picture of the underwater plumes.

"We're in the early stages of doing that, and we do not have a comprehensive understanding as of yet of where that oil is," Jane Lubchenco, the NOAA administrator, told Congress on Wednesday. "But we are devoting all possible resources to understanding where the oil is and what its impact might be."

The administration has mounted a huge response to the spill, deploying 1,105 vessels to try to skim oil, burn it and block it from shorelines. As part of the effort, the federal government and the Gulf Coast states have begun an extensive effort to catalog any environmental damage to the coast. The Environmental Protection Agency is releasing results from water sampling near shore. In most places, save for parts of Louisiana, the contamination appears modest so far.

The big scientific question now is what is happening in deeper water. While it is clear that water samples have been taken, the results have not been made public.

Lisa P. Jackson, administrator of the Environmental Protection Agency, told Congress on Wednesday that she was pressing for the release of additional test results, including some samples taken by boats under contract to BP.

While the total number of boats involved in the response is high, relatively few are involved in scientific assessment of the deep ocean.

Of the 19 research vessels owned by NOAA, 5 are in the Gulf of Mexico and available for work on the spill, Dr. Lubchenco said, counting a newly commissioned boat. The flagship of the NOAA fleet, the research vessel Ronald H. Brown, was off the coast of Africa when the spill occurred on April 20, and according to NOAA tracking logs, it was not redirected until about May 11, three weeks after the disaster began. It is sailing toward the gulf.

At least one vessel under contract to BP has collected samples from deep water, and so have a handful of university ships. NOAA is dropping instruments into the sea that should help give a better picture of conditions.

On May 6, NOAA called attention to its role in financing the work of a small research ship called the Pelican, owned by a university consortium in Louisiana. But when scientists aboard that vessel reported over the weekend that they had discovered large plumes undersea that appeared to be made of oil droplets, NOAA criticized the results as premature and requiring further analysis.

Rick Steiner, a marine biologist and a veteran of the 1989 Exxon Valdez disaster, assailed NOAA in an interview, declaring that it had been derelict in analyzing conditions beneath the sea.

Mr. Steiner said the likelihood of extensive undersea plumes of oil droplets should have been anticipated from the moment the spill began, given that such an effect from deepwater blowouts had been predicted in the scientific literature for more than a decade, and confirmed in a test off the coast of Norway. An extensive sampling program to map and characterize those plumes should have been put in place from the first days of the spill, he said.

“A vast ecosystem is being exposed to contaminants right now, and nobody’s watching it,” Mr. Steiner said. “That seems to me like a catastrophic failure on the part of NOAA.”

Mr. Steiner, long critical of offshore drilling, has fought past battles involving NOAA, including one in which he was stripped of a small university grant financed by the agency. He later resigned from the University of Alaska at Anchorage and now consults worldwide on oil-spill prevention and response.

Oceanographers have also criticized the Obama administration over its reluctance to force BP, the oil company responsible for the spill, to permit an accurate calculation of the flow rate from the undersea well. The company has refused to permit scientists to send equipment to the ocean floor that would establish the rate with high accuracy.

Ian MacDonald of Florida State University, an oceanographer who was among the first to question the official estimate of 210,000 gallons a day, said he had come to the conclusion that the oil company was bent on obstructing any accurate calculation. “They want to hide the body,” he said.

Andrew Gowers, a spokesman for BP, said this was not correct. Given the complex operations going on at the sea floor to try to stop the flow, “introducing more equipment into the immediate vicinity would represent an unacceptable risk,” he said. Thad W. Allen, the Coast Guard admiral in charge of the response to the spill, said Wednesday evening that the government had decided to try to put equipment on the ocean floor to take accurate measurements. A technical team is at work devising a method, he said. “We are shoving pizzas under the door, and they are not coming out until they give us the answer,” he said.

Scientists have long theorized that a shallow spill and a spill in the deep ocean — this one is a mile down — would behave quite differently. A 2003 report by the National Research Council predicted that the oil could break into fine droplets, forming plumes of oil mixed with water that would not quickly rise to the surface.

That prediction appeared to be confirmed Saturday when the researchers aboard the Pelican reported that they had detected immense plumes that they believed were made of oil particles. The results were not final, and came as a surprise to the government. They raise a major concern, that sea life in concentrated areas could be exposed to a heavy load of toxic materials as the plumes drift through the sea.

Under scrutiny from NOAA, the researchers have retreated to their laboratories to finish their analysis.

In an interview, Dr. Lubchenco said she was mobilizing every possible NOAA asset to get a more accurate picture of the environmental damage, and was even in the process of hiring fishing vessels to do some scientific work.

“Our intention is to deploy every single thing we’ve got,” Dr. Lubchenco said. “If it’s not in the region, we’re bringing it there.”

Robert Gebeloff, Andrew W. Lehren, Campbell Robertson and Matthew L. Wald contributed reporting.

MAY 19, 2010, 2:57 P.M. ET

US Lawmakers Question BP On Dispersants Used In Gulf Oil Leak (*Wall Street Journal*)

By Siobhan Hughes Of DOW JONES NEWSWIRES

WASHINGTON (Dow Jones)--The type of chemical dispersants BP Plc (BP, BP.LN) is using to break up the oil from a broken pipe deep in the Gulf of Mexico before it reaches the surface came under fire by federal lawmakers on Capitol Hill on Wednesday.

Democrats on the U.S. House Transportation Committee suggested that BP's choice of Corexit was related to corporate ties with Nalco, the chemical's maker. BP America Chief Executive Lamar McKay told the House Transportation Committee he didn't know if BP picked the chemical but said it was "efficient. In that sense it's important, and I think it's working."

Rep. Jerrold Nadler (D. N.Y) accused McKay of misleading the committee. "If I told you it was BP who decided, why would you use something that's much more toxic and much less effective other than you had a corporate relationship with the manufacturer?"

On Friday, the U.S. Environmental Protection Agency and the U.S. Coast Guard authorized BP to use the dispersant under water. The chemicals that break up oil traditionally have been used on the surface. The environmental effects of sub-sea deployment are largely unknown. Corexit has been banned in the U.K.

"There are [other chemicals] that EPA measures as more effective on this grade of oil and less toxic," Rep. Peter DeFazio (D, Ore.) told McKay at the hearing. "Why aren't you using those? I'm concerned about what's in the water column here and what we're not seeing."

McKay said he didn't know whether other products were more effective. The chemical is one of 13 on a list of pre-approved chemicals. "If there are better ones to use we will definitely use" them, McKay said.

EPA Administrator Lisa Jackson told reporters late Tuesday she had asked BP to look at other types of dispersants. She said the company had been considering a chemical called Sea Brat No. 4 but hadn't made a decision to switch.

Asked whether the EPA would require BP to switch dispersants, she said, "I don't think we should take that off the table." She also said the agency needed to study how products get on a pre-approved list.

-By Siobhan Hughes, Dow Jones Newswires; 202-862-6654; siobhan.hughes@dowjones.com

Disaster In The Gulf (*Houston Chronicle*)

Lawmakers raise questions on oil dispersant
By JENNIFER A. DLOUHY
Houston Chronicle
May 19, 2010, 10:39PM
WASHINGTON — When BP and federal officials decided to use a chemical dispersant to break up oil spewing from an underwater gusher in the Gulf of Mexico, they settled on a chemical cocktail known as Corexit.

But 655,000 gallons later, that decision is drawing fire from congressional critics who say there are more powerful, less toxic dispersants that could be used to combat the crude. The lawmakers on Wednesday suggested that corporate ties between BP and the manufacturer drove the choice.

Specifically, they homed in on a former BP executive's role as one of the directors of Nalco Co., whose Energy Services Division, based in Sugar Land, produces the dispersant. A former Exxon Mobil Corp. president is also on Nalco's board of directors.

“Why would you use something that is much more toxic and much less effective, other than you have a corporate relationship with the manufacturer?” asked Rep. Jerrold Nadler, D-N.Y., during a House committee hearing Wednesday on the Deepwater Horizon disaster.

BP America Chairman Lamar McKay defended the selection of Nalco's Corexit, which he said was made in conjunction with federal officials in the joint unified command directing the Deepwater Horizon response.

“We're using quite a bit of it,” McKay said Wednesday, suggesting that the availability of large amounts of Corexit was a factor in selecting it.

The Environmental Protection Agency has registered 14 dispersants — including two formulations of Nalco's Corexit — that are designed to emulsify oil, breaking it into tiny droplets that can be eaten away by naturally occurring microbes in the ocean.

Although the agency had allowed BP to spray the dispersant over oil slicks on the surface of the Gulf, it wasn't until Friday that the EPA green-lighted the deep-sea injection of those chemicals at the site of the gushing oil.
Appears to be effective

BP Chief Operating Officer Doug Suttles has said the deep-sea delivery of the dispersant appeared to be effective in breaking down oil. And Coast Guard Rear Adm. Mary Landry said the underwater application could allow less of the dispersant to be applied to the surface.

Environmentalists have raised warnings about the risk that dispersants — no matter who makes them — can be stored indefinitely in the organs and tissues of marine animals.

EPA Administrator Lisa Jackson has acknowledged the threat in describing the use of dispersants as a trade- off between the harm of allowing oil to accumulate and the possible damage to marine life from the detergent-like substance.

Because there is uncertainty about “the long-term effects on aquatic life,” Jackson said, “we must make sure that the dispersants … are as nontoxic as possible.”

“We are working with manufacturers, with BP and with others, to get less toxic dispersants to the response site as quickly as possible,” Jackson added.

Immediately after the April 20 explosion of the rig and the discovery of leaking crude a mile under water, Nalco delivered its stockpiles of two types of Corexit to the Gulf of Mexico and ramped up production.

By the end of this week, Nalco estimates that “efforts to meet Gulf oil spill respondent requests for dispersants will have generated about $40 million in sales,” but that is only a small portion — about 1 percent — of the company's expected 2010 revenue.

Nalco's board of directors includes Daniel Sanders, a former president of Exxon Mobil, and Rodney Chase, a nearly four-decade veteran of BP who most recently was a managing director and deputy group chief executive.

Nalco's ties to the oil industry go further than personnel.

The company's energy services division that creates Corexit in plants in Texas and Louisiana was originally a joint venture of Nalco Chemical Co. and Exxon Chemical Co. Nadler questioned why BP had chosen Corexit and bypassed other dispersants on EPA's registry that may be safer. For instance, he noted, Dispersit, by Chestnut Ridge, N.Y.-based Polychemical Corp., has a safer measured toxicity and a higher effectiveness rating.

Other options

McKay said other options are actively being reviewed. The unified command is “testing other dispersants,” and “if there are better ones to use, we will definitely use them,” he assured Congress on Wednesday.

Charlie Pajor, a Nalco spokesman, noted that toxicology tests can vary and said that Corexit was in the same range as others on EPA's list. The product also has a proven track record, he said.

Approximately 655,000 gallons of dispersant had been deployed as of late Wednesday — with 600,000 on the surface and 55,000 under the water.

05/18/2010

Spruce Permit is Front and Center in the Third District (*West Virginia MetroNews*)

MetroNews
Charleston
A lot is riding on the U.S. Environmental Protection Agency's decision on a water permit for the Spruce No. 1 mine including, quite possibly, the race for West Virginia's Third Congressional District. This was evident at Tuesday night's public hearing at the Charleston Civic Center on the possible veto as both Congressman Nick Rahall (D) and his GOP opponent Spike Maynard (R) made their presences known.

Before the event began, the two attended the same Friends of Coal rally. Congressman Rahall was seated on the stage while Maynard was seated on the floor. However, the two wouldn't cross paths again that night at the hearing as Rahall was slated to speak at the beginning of the event and Maynard towards the end.

During his remarks, Rahall quoted EPA Administrator Lisa Jackson from a Washington Post article on the recent oil spill in the Gulf of Mexico. In the article, Jackson recalled meeting a Louisiana fisherman who was worried about how the leaking oil would affect his job. Jackson said at one point the man began crying.

"'And that's when it hit me. The incredible emotional pressure of not knowing what will happen,' Jackson said in an interview with the Washington Post," Rahall read. "'It's like telling him you will not make money. You're not going to feed your family,' end quote."

Rahall then turned the administrator's statement around on her saying a veto of the Spruce permit would do the exact same thing in West Virginia.

"I oppose this veto because it would do to our coal miners precisely what Administrator Jackson was so concerned about doing to that fisherman in the Gulf region," Rahall said.

Maynard also placed the blame at the feet of Jackson and the EPA, but he took his criticism a step further.

"I believe you folks at the Obama Administration have declared war on coal," Maynard said looking at the officials on stage. "And I believe really the only way to stop the war on coal is to fire Congress, fire (U.S Speaker of the House) Nancy Pelosi, fire Lisa Jackson, and fire the EPA."

The Republican candidate also said he believed the EPA had already made its decision on the permit and the hearing Tuesday was a "dog and pony show." He then went on to say the Obama Administration could pay a price in the upcoming mid-term elections if the veto does indeed happen.

"Hurry! Hurry, and do what you're going to do because November's coming," Maynard said. "When November comes, it all changes. It's a different ball game. We will take this country back. We will take the government back."

The EPA will take public comment on the Spruce permit until June 1st. The agency will then come back with a decision sometime later in the year.

Submitted by ecofactory on Wed, 2010-05-19 11:48

EPA Expands Public Database by 6,300 Chemicals and 3,800 Facilities (*Eco Factory*)

WASHINGTON, DC, May 19, 2010 (ENS) - The U.S. Environmental Protection Agency has added more than 6,300 chemicals and 3,800 chemical facilities regulated under the Toxic Substances Control Act to a public database called Envirofacts.

"The addition to Envirofacts will provide the American people with unprecedented access to information about chemicals that are manufactured in their communities," said Steve Owens, assistant administrator for EPA's Office of Chemical Safety and Pollution Prevention.

Owens says the additions add unprecedented public access to information on chemicals due to EPA Administrator Lisa Jackson's emphasis on public disclosure. This is another step EPA is taking to empower the public with information on chemicals in their communities," he said.

The Envirofacts database is EPA's single point of access on the Internet for information about environmental activities that may affect air, water and land in the U.S and provides tools for analyzing the data.

Visitors to the Envirofacts website can do a Multisystem Search that brings up information from a variety of databases and includes latitude and longitude information.

The Peters Cartridge Factory in Kings Mills, Ohio is a candidate for the Superfund List. Constructed in 1916 for manufacturing munitions, the contaminated site is now owned by Dupont. (Photo by Steph Landry)

Each of these databases contains information about facilities that are required to report activity to a state or federal system.

Using the Multisystem Search form, visitors can retrieve information about hazardous waste, toxic and air releases, Superfund sites, and water discharge permits.

Information in the Envirofacts system on each chemical facility includes facility name and address, aerial image of the facility and surrounding area, map location of the facility, and links to other EPA information on the facility, such as EPA's inspection and compliance reports that are available through the Enforcement Compliance History Online, ECHO, database.

EPA now is adding historic facility information for another 2,500 facilities.

Envirofacts searches can yield information about accidents, spills, leaks, and past improper disposal and handling of hazardous materials and wastes that have resulted in tens of thousands of brownfield sites across the country with contaminated land, groundwater and surface water, and both indoor and outdoor air.

Among the many types of searches available through Envirofacts is a search of the Permit Compliance System. These searches can turn up information on companies that have been issued permits to discharge waste water into rivers. Visitors can review information on when a permit was issued and expires, how much the company is permitted to discharge, and the monitoring data showing what the company has discharged.

Hazardous waste generators, transporters, treaters, storers and disposers of hazardous waste are required to provide information on their activities to state environmental agencies. These agencies then provide the information to regional and national EPA offices through the Resource Conservation and Recovery Act Information (RCRAInfo) System. Information on cleaning up after accidents or other activities that result in a release of hazardous materials to the water, air or land must also be reported through RCRAInfo.

Hazardous waste information and much more is all searchable on the Envirofactswebsite.

EPA Seeks Less Toxic Dispersants, Eyes Revised Rules Following Gulf Spill (*Inside EPA*)

EPA is working with the Coast Guard, BP and chemical manufacturers in an attempt to identify and deploy less toxic oil dispersants than those that have been used in massive quantities so far to respond to the ongoing oil spill in the Gulf of Mexico, Administrator Lisa Jackson told a Senate committee May 18.

While Jackson defended the use of Corexit 9500 and 9527 brand dispersants that have been applied so far, she acknowledged that little is known about their long-term effects, especially on aquatic life that lives deep underwater and is being exposed to the chemicals for the first time.

Jackson also suggested that EPA or Congress may need to revise the regulations that govern dispersant use in light of lessons learned from the ongoing disaster in the Gulf. EPA compiles a list of approved chemicals under the National Oil and Hazardous Substances Pollution Contingency Plan, which was first developed in 1968 to provide a blueprint for federal government responses to oil spills, and EPA's authorities within the plan were modified by the Clean Water Act, Oil Pollution Act and the Comprehensive Environmental Response, Compensation and Liability Act, known as Superfund law. Jackson noted that toxicity and effectiveness testing were required before a dispersant could be listed.

"However, I am increasingly concerned that EPA can and should do more," she told the Environment & Public Works Committee. "As we emerge from this response, I commit to reviewing the regulations regarding dispersant registration and listing. I commit to sharing the results of that review with this committee and working to tighten the law if it is necessary to ensure protection of human health and the environment."

After the hearing, Jackson told reporters that officials were looking at Sea Brat #4, another dispersant that has been pre-approved by EPA, as a possible replacement for the Corexit dispersants in the Gulf, but she said no decisions have yet been made. She also noted that EPA may be able to force BP to employ a particular brand of dispersant in its cleanup efforts. "I don't think we should take that off the table," she said.

The Sea Brat dispersant is less toxic than Corexit, according to EPA's list of approved chemicals for use in oil spill cleanups. However, one environmentalist notices "a bit of a red flag" in the fact that it contains propylene glycol, an ingredient in anti-freeze, and notes that laboratory tests of chemical toxicity may not fully reflect their effects when applied in real life. But, the source adds, "Generally it's good that they're looking at something other than Corexit."

More than 640,000 gallons of chemical dispersant have been used so far in response to the Gulf spill, and EPA over the weekend for the first time authorized BP to inject the chemicals near the ruptured well that is spewing oil into the gulf nearly a mile below the water's surface. Researchers have warned about potential unintended consequences from such use, including possible harm to organisms that live near the seabed and in the water column and to delicate ecosystems like coral reefs.

Jackson acknowledged the extent of unanswered questions about the chemicals effects and said EPA and other agencies are rigorously monitoring water quality -- examining indicators such as dissolved oxygen concentration and the size of oil particles -- to ensure that the dispersants are not doing more harm than good. The goal is to "ensure that, although we know there are water column impacts, that's not going to translate to

any impacts that are going to stay in the water longer term," Jackson told reporters. "And we don't have any reason to think that's going to be the case but that's one of the unknowns. It's a question mark we're trying to answer as we go."

Scientists Fault U.S. Response in Assessing Gulf Oil Spill (*Herald Tribune*)

JUSTIN GILLIS
Published: Thursday, May 20, 2010 at 5:16 a.m.
Tensions between the Obama administration and the scientific community over the gulf oil spill are escalating, with prominent oceanographers accusing the government of failing to conduct an adequate scientific analysis of the damage and of allowing BP to obscure the spill's true scope.

The scientists assert that the National Oceanic and Atmospheric Administration and other agencies have been slow to investigate the magnitude of the spill and the damage it is causing in the deep ocean. They are especially concerned about getting a better handle on problems that may be occurring from large plumes of oil droplets that appear to be spreading beneath the ocean surface.

The scientists point out that in the month since the Deepwater Horizon oil rig exploded, the government has failed to make public a single test result on water from the deep ocean. And the scientists say the administration has been too reluctant to demand an accurate analysis of how many gallons of oil are flowing into the sea from the gushing oil well.

"It seems baffling that we don't know how much oil is being spilled," Sylvia Earle, a famed oceanographer, said Wednesday on Capitol Hill. "It seems baffling that we don't know where the oil is in the water column."

The administration acknowledges that its scientific resources are stretched by the disaster, but contends that it is moving to get better information, including a more complete picture of the underwater plumes.

"We're in the early stages of doing that, and we do not have a comprehensive understanding as of yet of where that oil is," Jane Lubchenco, the NOAA administrator, told Congress on Wednesday. "But we are devoting all possible resources to understanding where the oil is and what its impact might be."

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results from water sampling near shore. In most places, save for parts of Louisiana, the contamination appears modest so far.

The big scientific question now is what is happening in deeper water. While it is clear that water samples have been taken, the results have not been made public.

Lisa P. Jackson, administrator of the Environmental Protection Agency, told Congress on Wednesday that she was pressing for the release of additional test results, including some samples taken by boats under contract to BP.

While the total number of boats involved in the response is high, relatively few are involved in scientific assessment of the deep ocean.

Of the 19 research vessels owned by NOAA, 5 are in the Gulf of Mexico and available for work on the spill, Dr. Lubchenco said, counting a newly commissioned boat. The flagship of the NOAA fleet, the research vessel Ronald H. Brown, was off the coast of Africa when the spill occurred on April 20, and according to NOAA tracking logs, it was not redirected until about May 11, three weeks after the disaster began. It is sailing toward the gulf.

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On May 6, NOAA called attention to its role in financing the work of a small research ship called the Pelican, owned by a university consortium in Louisiana. But when scientists aboard that vessel reported over the weekend that they had discovered large plumes undersea that appeared to be made of oil droplets, NOAA criticized the results as premature and requiring further analysis.

Rick Steiner, a marine biologist and a veteran of the 1989 Exxon Valdez disaster, assailed NOAA in an interview, declaring that it had been derelict in analyzing conditions beneath the sea.

Mr. Steiner said the likelihood of extensive undersea plumes of oil droplets should have been anticipated from the moment the spill began, given that such an effect from deepwater blowouts had been predicted in the scientific literature for more than a decade, and confirmed in a test off the coast of Norway. An extensive sampling program to map and characterize those plumes should have been put in place from the first days of the spill, he said.

“A vast ecosystem is being exposed to contaminants right now, and nobody’s watching it,” Mr. Steiner said. “That seems to me like a catastrophic failure on the part of NOAA.”

Mr. Steiner, long critical of offshore drilling, has fought past battles involving NOAA, including one in which he was stripped of a small university grant financed by the agency. He later resigned from the University of Alaska at Anchorage and now consults worldwide on oil-spill prevention and response.

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“Our intention is to deploy every single thing we’ve got,” Dr. Lubchenco said. “If it’s not in the region, we’re bringing it there.”

EDITORIAL / OP-ED / COMMENTARY / LETTERS
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Gulf oil spill: Obama's regulatory response falls short (*Los Angeles Times*)

Splitting the federal agency that oversees oil and gas production isn't enough.
Eric Biber and Holly Doremus
May 20, 2010
Before April 20, most Americans had probably never heard of the Minerals Management Service, the federal agency that oversees oil and gas production in federal waters. Now, with oil from the Deepwater Horizon blowout closing wildlife refuges and fishing grounds in the Gulf of Mexico, the MMS is facing tough questions about its role in the disaster. Its cursory environmental review minimized the prospects of a large spill, and it failed to demand that BP have a realistic response plan in place before drilling.

While Congress holds hearings, the Obama administration has announced its intent to split MMS into two agencies — one with responsibility for offshore leasing and development permits, the other for environmental and safety enforcement. That split may be desirable, but it wouldn't be enough to protect workers or fragile coastal environments from another catastrophe.

It certainly sounds like the right approach. After all, maximizing oil and gas development — and the revenues they bring to the federal treasury — mix with protecting worker safety and the environment like oil and water. The proposal follows the lead of Norway, Britain and Australia, all of which have independent safety enforcement agencies. Moreover, the administration has promised to ask Congress to double MMS' current enforcement budget.

Still, there are two important reasons why the proposed reforms fall short of what's needed.

First, the MMS is not solely responsible for the heavy emphasis on approving oil and gas development. Remember the calls to "drill, baby, drill"? Congress, the White House and coastal state politicians have all had their eyes on the money offshore production brings into government coffers (more than $10 billion in 2009), the hope of energy independence and, no doubt, the political contributions of oil and gas interests. The political pressure to prioritize rapid development over safety won't evaporate if the MMS is split. The new safety agency would still be under the supervision of the Department of Interior, where it would have to compete with its bureaucratic sibling. Environmental and safety interests have been losing that competition for years. Giving them a new name and logo won't automatically change that outcome.

Second, environmental protection is not just a matter of enforcing a clear set of regulations as wells are being drilled or operated. The key environmental questions come much earlier, when the MMS decides where to offer leases, sells those leases and approves permits for exploration and development. That's when the fateful decision was made to allow oil production in ultra-deep waters, on the basis of what turned out to have been absurdly rosy predictions about the likelihood and magnitude of spills and about the efficacy of response measures. Under the administration's plan, those key decisions would remain with the leasing agency, not with the newly independent enforcement arm.

If this plan is not the answer, what is?

Environmental and safety review of proposed operations must be much more rigorous. The administration says it will seek new oil spill legislation extending the current 30-day deadline for the MMS to review exploration plans. That's good; it will provide some time for environmental analysis of those plans. But we doubt that extra time would have changed the verdict on BP's plan. That plan was quickly approved without site-specific environmental analysis, relying on the fact that the MMS had prepared an environmental impact statement for the leasing program as a whole, and another for the lease sale. The real problem was that those environmental impact statements were woefully inadequate. That's not likely to be discovered, much less corrected, when an exploration plan is being reviewed.

What's needed is a wholesale shift in the agency's culture. Culture change is not as simple as creating a new agency. But it can be accomplished, with determined leadership and sustained outside oversight.

Interior Secretary Ken Salazar has already halted new offshore drilling until the end of this month, while his staff prepares a report on the Deepwater Horizon disaster. That moratorium should be extended until the MMS prepares new environmental impact statements that include explicit analysis of worst-case spill scenarios and the technically daunting challenges of responding to a deepwater blowout. Even better, since the MMS apparently can't be trusted to do an independent environmental analysis, that task should be assigned to an agency with an environmental protection mission, such as the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration or the Environmental Protection Agency (with an accompanying budget transfer).

Better environmental analysis would allow more effective citizen oversight. Congress and Interior's internal watchdog, the inspector general's office, could also do a better job of checking the MMS' environmental and safety reviews.

Of course, no agency can ever be completely insulated from politics. Whatever its future structure, the MMS will continue to face pressure from a powerful industry and its allies. That kind of pressure must be battled at the very top. Until the president and Congress clearly renounce the "drill, baby, drill" approach, there will inevitably be oil on the water.

Eric Biber and Holly Doremus are professors at the UC Berkeley School of Law

LETTERS
MAY 20, 2010

Managing the 'Unweeded Garden' With Minimal Harm (*Wall Street Journal*)

Your editorial "The War on a Weed Killer" (May 3) highlights the environmental lobby's sustained efforts to reinvestigate proven safe and effective crop protection products—a tactic that amounts to a poor stewardship of our lands, our food supply and our taxpayer dollars. This activist-driven retread wastes valuable government resources which could more appropriately be allocated to pressing environmental needs.

As I noted in testimony last week before the Environmental Protection Agency, crop protection companies work with the EPA, other government agencies and independent parties to ensure the highest standards of safety. Over the course of four decades, we have strongly supported the congressional mandates that put our products under regular review to assure that we meet current scientific and regulatory standards.

Today's farmers are working to double agricultural output to feed a world population expected to grow to nine billion by 2050 from six billion people today—the equivalent of feeding two more Chinas. And they do it safely, while making the most of every available acre of land and drop of fresh water.

Jay Vroom
President & CEO
CropLife America

Washington

Following its launch in 1959, atrazine has proved to be a uniquely valuable corn herbicide. Corn, due to an ancient genetic mutation, is unharmed by this broad-spectrum weed killer, which eliminates most other competing vegetation. In effect, the atrazine-corn relationship is a naturally occurring "biotech" trait for herbicide tolerance. The dilemma for regulatory authorities is that the substantial economic benefits to farmers which are conferred by atrazine also carry with them known environmental issues, which have been reported in many studies. Atrazine is an endocrine disruptor. The chemical persists in groundwater. A series of studies have linked atrazine with hermaphroditic frogs and low sperm counts.

Lack of alternatives has been a major argument favoring the retention of atrazine until recently. However, within the past decade, the widespread planting of corn hybrids

which contain biotech traits for herbicide tolerance makes it timely to re-examine whether atrazine is still an essential tool in the American corn production industry.

A change in the status of atrazine would, and should, not mean that the EPA can "prohibit anything." Each individual chemical should continue to be reviewed periodically, following the effective benefit-cost analysis procedures already in place at the EPA.

Mike Harwood
Los Gatos, Calif.

Printed Letters (*Grand Junction Sentinel*)

Printed letters, May 20, 2010
By Staff
Wednesday, May 19, 2010
Clean, safe energy begins with mining

Regarding Wayne Flick's misinformed May 14 letter to the editor, proclaiming "green energy" as an "energy efficient solution that can curb global warming, create safe, green jobs and provide power without contaminating our land, water and air":

The truth of the matter is that more workers were killed in 2009 constructing windmills than in the entire coal industry. The facts are that it requires 1,200 tons of concrete, 335 tons of steel, 4.7 tons of copper and 3 tons of aluminum to build and install one windmill (Vesta V90 – 3 MW wind turbine). All these products begin with mining. Without mining there is no "green windmill." The same story is true with respect to solar power.

Not only is mining necessary for the birth of the so called "green energy economy," but mining is important to job creation. It is estimated that every job in the mining industry creates over four additional jobs. Mining and the associated products have made our way of life affordable and greatly improved our quality of life.

Climate legislation is not a cure for recent problems. Evaluating cause, means of prevention, establishing a proactive approach to minimizing hazards is the answer.

If we had decided to eliminate planes because the Wright Brothers crashed we would be walking today.

RANDY LITWILLER

Crawford

Bill that King supported will be costly to West Slope

In his letter to the editor defending his vote for House Bill 1365, Rep. Steve King stated that he "voted for the 10th Amendment and for states' rights." I cannot see how caving into what amounts to EPA blackmail and extortion asserts states' rights, other than avoiding threatened reprisals. These reprisals are detailed in a letter to Rep. King from EPA Administrator Mark Komp dated April 7.

"After 24 months, the Federal Highway Administration is required to impose funding moratorium for all but exempt projects (safety, mass transit)."

Contrary to what Rep. King says, the language in this bill is quite clear:

"All rate-regulated utilities that own or operate coal-fired electric generating units located in Colorado shall submit to the commission an emission reduction plan for emissions from those units."

That is, all coal-fired plants in the state.

There were two alternatives that Xcel could have chosen to meet EPA requirements: Install NOx scrubbers on their coal-fired power plants at a cost of $133 million or convert to natural gas at a cost of $2.5 billion.

Xcel did not require this state law to do either.

It chose number two, which also increases its cost of fuel by four times and will double or triple customers' cost of electricity. It will also require Xcel customers to pay for the change before a single kilowatt is generated. Either solution would have produced almost identical emissions. Right now there is no visible "smoke" from these plants.

Why would Xcel choose the more expensive option? Xcel is guaranteed a 10.5 percent return. Increased costs make more money for its shareholders, while its customers are captive. As the old joke puts it, "Utilities are the only business where the CEO can increase his company's earnings by redecorating his office."

MIKE MASON

Cedaredge

EPA Holds Sword Over Coal (*WOWK News 13*)

Posted Thursday, May 20, 2010 ; 06:00 AM
Updated Wednesday, May 19, 2010; 10:48 PM
The U.S. EPA has betrayed and discredited itself.
The war on coal is real. No one is winning.

The U.S. Environmental Protection Agency conducted a public hearing May 18 in Charleston to gather comments about the agency's plan to revoke a permit for Arch Coal's Spruce No. 1 surface mine in Logan County.

The facts are well known. Arch subsidiary Mingo Logan Coal Co. began its quest in 1997 to mine coal at its Spruce No. 1 site in Logan County. Ten years later, after extensive state and federal government environmental review, Mingo Logan received a permit to develop the mountaintop mine.

The EPA now has another idea. It wants to reject the Arch Coal subsidiary's permit, in effect stealing from the company its investment and Arch employees' futures. The agency says nothing about how critical the production of coal remains to the financial underpinning of local, county and state government. It does not consider the certainty and relative affordability of coal-fired electricity. It does not explain how it can have one set of environmental standards for Appalachia and another set for the rest of the nation.

How can this be?

The U.S. EPA has betrayed and discredited itself. In a nation of law, the federal agency — under new management — has found political comfort in changing the rules after it granted a permit that depends on multi-million-dollar investments. Its agents have designed new environmental standards that defy industry compliance at Spruce and across the Appalachian coalfields. They have presented fickle, politically driven oversight to the people of West Virginia and Appalachia.

Government regulators and mining engineers typically speak a language that is based in science that is constant. But regulators now have changed the rules because they can.

Some suggested the EPA already had made up its mind about Spruce, that its public hearing this week was a charade. Others suggested that mining companies and their employees will regain a sense of stability when voters decide to change leadership in Washington.

How much outrageous behavior will West Virginians and the American people tolerate?

A green movement grows in rural China (*Philadelphia Inquirer*)

May 20, 2010 Thursday
CITY-C Edition
EDITORIAL; Inq Opinion & Editorial; Pg. A19
Worldview: A green movement grows in rural China;

Organic farming practices could help stem pollution.
By Trudy Rubin; Inquirer Columnist
ANLONG, China - This small village on the Zouma River - inside the municipal boundaries of Chengdu, the capital of Sichuan province - is the site of a fascinating effort to fight one of China's biggest problems: the dangerous levels of pollution in its rivers and streams.

"In the last 30 years, China's economic miracle has helped pull millions from poverty, but has put tremendous pressure on its ecosystems," said Ma Jun, whose 1999 book China's Water Crisis has been compared to Rachel Carson's Silent Spring. "Sixty percent of our rivers are polluted," and "300 million rural residents have no clean drinking water."

China's leadership has recognized the problem and adopted new regulations on industrial and agricultural pollution. But that doesn't guarantee that all local officials - let alone polluters - will follow the rules.

That's why some government officials, hard-pressed to meet the new standards, may support Chinese nongovernmental organizations that work to clean up the environment. And that's how I came to be hurtling down a country road to look at a project run by the Chengdu Urban Rivers Association, or CURA, which works to convince the public of the need to save the rivers.

I have a special interest in this area. On my first trip to China, in 1986, I visited a village outside Chengdu shortly after communist communes had been disbanded, freeing peasants to farm on their own. Now the farmers are making the water problem worse.

"Half of our problem is agricultural pollution," said Tian Jun, CURA's energetic general secretary, who formerly worked for the government on projects to treat two terribly polluted rivers running through Chengdu. Despite progress, officials faced a continuing problem of runoff from chemical pesticide used by farmers living upstream from Chengdu.

So Tian left government and helped form CURA to try to strengthen environmental awareness in the rural communities living on waterways that feed the city's rivers. The group received support from Chengdu's mayor and about $14,000 in seed money contributed by local real estate developers who didn't want Chengdu's rivers to be smelly. (It now receives support from other individual donors, a Hong Kong NGO, and the local government.)

The group focused on Anlong and two adjacent villages, which form a collection of whitewashed bungalows - with concrete floors, tile roofs, modest furnishings, and indoor toilets - dispersed among trees and riverside farmland. Their goal: to end the farmers' "addiction" to chemical fertilizers and encourage organic farming. They also wanted to promote an alternative energy cycle in which farmers would use human and animal

waste to produce methane gas for cooking (heating huge woks from below), as well as for fertilizer.

The going was rough: 100 families (out of 1,000 in a three-village cluster) are now using biogas, but only four of the 20 families who tried organic farming are still committed to it. The reason: Organic farming is more labor-intensive, and the land takes three to five years to recover from chemical fertilizers, meaning farmers' incomes drop in the short term.

But conversations with the organic farmers give insights into rural life and values. In the Gao family, daughter Qing Rong, who returned home after 10 years as a migrant factory worker, says her new work gives her "more dignity." She is reading a Chinese translation of Silent Spring.

Her brother, Gao Hai, a former disc jockey in Shanghai, cooked up an organic feast for journalists from the Johns Hopkins School of International Studies' International Reporting Project: several varieties of greens, celery with vegetarian "pork," potato puree, squash, long green beans, and luscious tea made with lemongrass and peppermint - all picked that day.

When asked whether she minded earning less, the Gaos' mother, Li Zhilan, responded: "We don't think about this. We think organic food is good for us to eat, good for the soil, and good for the people who eat what we grow."

And the Gaos' income is increasing: They deliver their organic produce directly to 150 families in the city, in a van labeled with huge Chinese characters that read: "No chemical fertilizers or pesticides, everything is healthy." If Chengdu starts a farmers' market or its trendy restaurants go organic, demand could increase.

Tian Jun hopes CURA can promote this model to other areas and develop a "river protection belt." Officials from other towns have already come to examine the project.

Anlong is a special case, helped by an energetic NGO, and it's not clear that it can be widely replicated. But CURA's experiment gives a glimpse of what happens when Chinese officials let local energies, and NGOs, flourish. And it's a reminder of how far China has come since my first visit, 24 years ago.

Trudy Rubin can be reached at trubin@phillynews.com.

AIR

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Clean Air Act settlement will close Ohio power plant (*Greenwire*)

(05/19/2010)
Robin Bravender, E&E reporter
American Municipal Power, a nonprofit Ohio utility, has agreed to retire a coal-fired power plant as part of a settlement resolving alleged violations of federal clean air laws, the Obama administration announced yesterday.

AMP agreed to permanently retire its Richard H. Gorsuch Station in eastern Ohio and spend more than $15 million to settle the lawsuit, according to a **consent decree** reached with U.S. EPA and the Justice Department.

EPA and the Justice Department issued a notice of violation in 2009, alleging that AMP made modifications at the Gorsuch station without obtaining the proper permits and installing pollution controls as mandated under the Clean Air Act's New Source Review (NSR) requirements.

NSR requires power plants to install modern emission controls for major upgrades that result in significant increases in air pollution. The law is aimed at ensuring that utilities do not artificially extend the lives of older, heavily polluting power plants by making significant upgrades to the facilities.

Under the settlement, AMP agreed to permanently retire the Gorsuch station by Dec. 31, 2012, and to meet interim sulfur dioxide (SO2) and nitrogen oxide (NOx) emission limits until then. The utility will also spend $15 million on energy efficiency projects to mitigate the effects of the alleged violations and will pay a civil penalty of $850,000.

AMP decided that shutting down the plant and providing for replacement energy was its preferred option for bringing the plant into compliance, according to EPA. According to the proposed settlement, AMP denies the violations alleged in the complaint and maintains that it remains in compliance with federal clean air laws.

An AMP spokesman declined to comment on the settlement.

The retirement of the Gorsuch station will slash annual emissions of SO2 by about 30,000 tons per year, NOx emissions by about 3,000 tons per year and particulate matter emissions by about 600 tons per year, EPA said.

The Gorsuch station -- originally constructed in the 1950s -- contains four 53-megawatt units and has a SO2 emission rate in the highest 3 percent of coal-fired utility sources in the country, according to EPA.

"These pollutants can cause severe respiratory and cardiovascular impacts, and are significant contributors to acid rain, smog, and haze," said EPA enforcement chief Cynthia Giles in a statement. "Coal-fired power plants of all sizes are large sources of air emissions, and EPA is committed to making sure that they all comply with the law."

The plant's closure will also cut carbon dioxide emissions from the station by about 1.7 million tons annually, EPA said.

The settlement, lodged in the U.S. District Court for the Southern District of Ohio, is subject to a 30-day public comment period and court approval.

According to EPA, the settlement with AMP marks the 19th judicial settlement reached in a series of cases that seek to bring utilities into compliance with the Clean Air Act's New Source Review requirements.

Kagan's confirmation hearing to begin June 28 (*Greenwire*)

(05/19/2010)
Gabriel Nelson, E&E reporter
Senators are scheduled to begin their questioning of U.S. Supreme Court nominee Elena Kagan on June 28, Judiciary Chairman Patrick Leahy (D-Vt.) announced today. Kagan, who stepped aside from her responsibilities as solicitor general this week to focus on the confirmation process, submitted her responses to the committee's questionnaire yesterday. Senators will have about six weeks to prepare for hearings, which will be especially crucial to confirmation due to Kagan's lack of prior judicial or legislative experience.

"One of the Republican criticisms of this nomination is that she has not been a judge and does not have years of opinions to be considered. That should make senators' preparation for the hearing less labor-intensive than that for Justice Sotomayor," Leahy said today, noting that Kagan's hearing will begin 49 days after her nomination. Last year, 48 days passed between Sonia Sotomayor's nomination and the start of hearings.

Leahy hopes to conclude the hearings by the Fourth of July recess, he said before a committee hearing today. President Obama has voiced a desire to have Kagan confirmed in July, before senators leave Capitol Hill for their August recess, so Kagan can be in place when the Supreme Court's new term begins this fall.

"I told him I believed we could do that," said Alabama Sen. Jeff Sessions, the committee's ranking Republican. "We'll try to do our best to conduct an effective hearing, even if I'd preferred a little more time."

With the submission of Kagan's responses to the questionnaire, political advocacy groups will ramp up their analysis of her record. On the subject of the environment, they will mostly grasp at straws, experts say, though her scholarly writings provide some clues.

One example is her 2002 article about the 1984 Supreme Court ruling in *Chevron v. Natural Resources Defense Council*, which upheld an EPA decision on stationary air pollution sources and established the two-step test for deference to federal agencies.

Environmental advocates can also take some solace in Kagan's creation of an environmental law program as dean of Harvard Law School, said Lois Schiffer, a Harvard Law alumna and former head of the Justice Department's Environment and Natural Resources Division.

"I would certainly say that she was the one who really understood immediately that there was importance in having an environmental law program at the law school," said Schiffer, who endorsed Kagan for the solicitor general post last year. If her work at Harvard is any indication, Schiffer added, "she'll be very thoughtful about environmental law issues, and I'm hoping that she'll come to them with sympathy for protecting the environment" (*E&ENews PM*, May 10).

Included in Kagan's questionnaire response is a newsletter article titled "The Changing Climate of Environmental Law," written while Kagan was dean. In it, she praised the law school's environmental clinic for working on "the nitty-gritty of advocacy before the EPA" and for "encouraging investors to make environmentally conscious investment choices."

"Until fairly recently, environmental legal practice was built mainly on litigation, but today -- largely because of the growing perils posed by greenhouse gas emissions and global climate change -- the field is expanding well beyond that model," she wrote.

EXTRA: Plant closing; Broughton social; Bomb suspect (*Marietta Times*)

Staff and Wire Reports
POSTED: May 19, 2010
AMP-OHIO PLANT TO CLOSE IN DECEMBER:
American Municipal Power's Richard H. Gorsuch Generating Station on State Route 7 near Marietta will close by Dec. 15, according to a release from AMP-Ohio.

The closure is part of a settlement with the U.S. Environmental Protection Agency and Department of Justice to resolve alleged clean air violations.

The plant employs approximately 90 people.

The settlement mandated the plant must be shuttered by Dec. 31, 2012, but AMP-Ohio announced this afternoon that operations at the facility would cease by Dec. 15 of this year. Continuing to invest in the plant when it would be shut down in two years did not make fiscal sense, the release says.

AMP-Ohio must also spend $15 million on an environmental mitigation project and pay a civil penalty of $850,000, according to court documents filed Tuesday.

The U.S. Environmental Protection Agency filed suit in April 2009, alleging the coal-fired plant violated pollution standards for years through improper upgrades and maintenance on the nearly 60-year-old facility. According to the suit, the work violated the spirit of the U.S. Clean Air Act, which was aimed at reducing emissions by phasing-out the nations oldest and dirtiest power plants.

The Clean Air Act requires older plants to undergo a permitting process for any major modification. Any improvements would subject the plant to the same regulations as newer facilities.

AMP-Ohio says in the release that it was never in violation of its operating permits and has actually made improvements to the plant to reduce emissions.

The plant pays more than $300,000 a year in taxes to the Warren Local school district. The Warren board of Education has called an emergency meeting for 8 a.m. Thursday, with the closing expected to be one of the topics, along with the district's bond issue.

HUMANE SOCIETY TO BENEFIT FROM BROUGHTON SOCIAL:

The Humane Society of the Ohio Valley will be the beneficiary of the 2010 Broughton Ice Cream Social.

David Broughton, general manager of the company, made the announcement Wednesday at the shelter on County House Lane.

Each year, the company accepts applications from organizations, and a committee reviews them and selects one winner to receive 100 percent of the money raised at the event.

The humane society has applied in the past, Broughton said, but this is the first time the shelter has been selected.

"This year was their year," Broughton said. "They desperately need the money."

Broughton said the social, which has been held for 26 years, usually raises between $15,000 and $20,000, and 34 organizations have received a total of about $400,000 since its inception.

LAW ENFORCEMENT: TIMES SQUARE SUSPECT CONSIDERED OTHER TARGETS:

NEW YORK (AP) - The Times Square car bomb suspect had considered bombing Grand Central Terminal or other New York City landmarks before settling on Times

Square as his target, a law enforcement official told The Associated Press on Wednesday.

Faisal Shahzad also considered Rockefeller Center in midtown Manhattan, the World Financial Center near ground zero and Sikorsky Inc., a defense contractor with an office in his Connecticut hometown, before deciding to drive an SUV rigged with a homemade bomb into Times Square, the official told the AP on condition of anonymity because of the sensitivity of the investigation.

The Pakistani-American eventually abandoned the other targets and did not plan any other attacks after the failed May 1 bombing, the official said.

On Tuesday, Shahzad appeared in a U.S. court for the first time since his May 3 arrest on terrorism and weapons charges. He had been under guard at a Brooklyn hotel while investigators questioned him until then, another law enforcement official told the AP on condition of anonymity because of the ongoing investigation.

Authorities say Shahzad's willingness to talk kept him out of court for two weeks, speeding up the progress of an investigation into his plot to set off the homemade car bomb on a spring Saturday evening amid hundreds of people enjoying the tourist haven.

AMP to close Gorsuch plant (*Daily Sentinel*)

by Beth Sergent
05.19.10 - 11:45 pm
MARIETTA — American Municipal Power will permanently close its Richard H. Gorsuch Station coal-fired power plant near Marietta under a settlement to resolve violations of the Clean Air Act, according to the US Environmental Protection Agency and the US Justice Department.

AMP will close the plant by Dec. 31, 2012, spend $15 million on an environmental mitigation project and pay a civil penalty of $850,000. In addition, the company will implement interim sulfur dioxide and nitrogen oxide emission limits until the closing date. AMP’s plan is to operate all four boilers during summer peak demand period and then reduce to two boilers through mid December.

According to a press release from the U.S. EPA, AMP made a business decision that shutting down the plant and providing for replacement energy was its preferred option for bringing the plant into compliance. AMP will spend the $15 million on an energy efficiency project to benefit the environment and mitigate the adverse effects of the alleged violations; a project which will provide energy efficiency services in lighting, refrigerator replacement and removal, and installation of building heating and cooling systems to all of the municipalities and their customers served by the Gorsuch Station.

The energy efficiency services are designed to achieve a minimum reduction of 70,000 megawatt hours, equivalent to the electricity use of more than 6,000 homes for one year.

The agreement resolves violations of the Clean Air Act's new source review requirements at the company's Gorsuch Station, which has a sulfur dioxide emission rate in the highest three percent of coal-fired utility sources in the country, according to the EPA. The settlement is part of the EPA's national enforcement initiative to reduce emissions from coal-fired power plants under the Clean Air Act's New Source Review requirements. Sulfur dioxide and nitrogen oxides, two key pollutants emitted from power plants, have numerous adverse effects on human health and the environment, according to EPA.

According to AMP President/CEO Marc Gerken: "Harry Truman was president when this plant first began generating electricity. AMP acquired partial ownership in 1988, and since that time the plant has been a reliable source of power for our participating members. We are very appreciative of the Gorsuch staff and the dedication they have shown through the years. Unfortunately, the current situation makes retiring the plant the only reasonable business decision, and the decision that makes the most sense for our participants."

Some of AMP's biggest foes during the struggle to place an ill-fated coal-fired power plant in Meigs County are praising the company's decision to close the plant.

"We congratulate AMP and its member municipalities for its further shift away from dirty and expensive forms of energy such as coal," Nachy Kanfer of the Sierra Club Beyond Coal Campaign said. "We have seen the true cost of dirty energy, from the BP disaster that is pummeling our Gulf Coast to the recent coal mining tragedies in Kentucky and West Virginia. Closing the Gorsuch plant means AMP's ratepayers can avoid the cost of coal and we can all breathe a little easier."

Shannon Fisk of the Natural Resources Defense Council said: "The Gorsuch Plant should have been shuttered decades ago. This is the second time in the past six months that AMP has made decisions acknowledging that coal is simply not economically viable. It is more proof that Ohio needs to focus on a clean energy future."

AMP says it will meet and bargain with the employees union at the plant and the plant staff will be reduced after summer peak. AMP also states it has a full-funded pension fund for plant retirees and the organization will work with existing employees to ensure awareness of available job training and other resources.

AMP also stated it is exploring the possibility of a "gas peaking" project at the site, saying "such a new project would require a substantially smaller workforce and would be re-subscribed to AMP members." The press release from AMP went on to state: "A decision about moving forward with such a project will be made later this year. AMP is also working on deployment of a significant retail energy efficiency program for our

member communities as part of the consent decree, an undertaking that is projected to create approximately 30 new jobs in Ohio."

AWARDS

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Onondaga Nation and environmental partners win prestigious EPA award (*Indian Country Today*)

NEW YORK – The Onondaga Nation and its environmental partners were honored by the U.S. Environmental Protection Agency with the highest recognition presented to the public.

The Environmental Quality Award was given to the Onondaga Nation, Onondaga County Executive Joanne Mahoney, the Partnership for Onondaga Creek, and Atlantic States Legal Foundation April 23 at a ceremony in New York where several individuals and groups were recognized for their efforts to restore and protect the environment.

"Today we honor those who advocate for a better environment, and give their time and energy to make the world a healthier and cleaner place," said EPA Regional Administrator Judith Enck. "The people and organizations we honor today are truly making a difference and we thank them for their part in helping us shape a more sustainable environmental future."

The coalition was awarded for its "Greening Syracuse's Combined Sewer Overflow Long Term Control Plan" – a plan the coalition calls "a just and sustainable solution" to Onondaga County's combined sewer overflow problem.

Syracuse, like other older cities, has a century-old combined system in which storm water runoff runs into the sewer system. For decades untreated sewage and runoff was pumped directly into Onondaga Creek. The creek flows through Onondaga Nation territory and into Onondaga Lake, which is considered sacred by the nation. Onondaga County is under court-order to reduce the CSOs flowing into Onondaga Creek and Harbor Brook, another nearby waterway.

The county's prior plans relied on expensive end-of-pipe "swirler" plants to disinfect sewage before dumping it into the creek, but that method failed to treat for either nitrogen or phosphorous. The plan intended to locate treatment plants in low income, mostly African-American neighborhoods in what some felt was a blatant act of environmental racism. And it proposed installing a 12-foot-diameter concrete pipe along a 1.5-mile route that would disrupt the neighborhood.

The unique coalition of Indian nation, grassroots environmental activists and county government officials formulated an alternative to the construction of three regional wastewater treatment facilities that were to be built in downtown Syracuse. Instead, the partners proposed underground storage and green infrastructure, which was approved by the Onondaga County legislature and is in the process of being implemented.

Green infrastructure involves hundreds or perhaps thousands of small projects to decrease the amount of impervious surfaces such as sidewalks, streets, parking lots and rooftops. These hard surfaces don't allow water to seep into the ground to be filtered clean before entering waterways such as Onondaga Creek. Impervious surfaces create polluted runoff that flows directly into the nearest body of water.

Green infrastructure includes such things as permeable pavements in parks, parking lots and basketball courts, vegetated rooftops, rain gardens, cisterns, tree plantings and constructed wetlands to manage storm water runoff.

The award ceremony took place at the EPA's office in downtown Manhattan.

"It was a very positive and upbeat ceremony," said Joe Heath, Onondaga Nation general counsel. "It felt good to share with a number of other people from around the New York region that were given awards. It really marks a remarkable turnaround in our relationship with the EPA and environmental agencies generally."

Heath recalled that more than 10 years ago he and one of the Onondaga Nation chiefs met with EPA officials to discuss the nation's concerns about the pollution in Onondaga Creek, but to no avail.

Now, significantly, the EPA chose Onondaga Nation Faithkeeper Oren Lyons, Turtle Clan, as the keynote speaker at the awards ceremony, Heath noted.

"So, all in all, to go from being totally excluded from the decision making process when the nation's views were just flatly rejected to receiving that award on the same subject meant a great deal both to the nation and this office. And it reflects a change that traditional ecological knowledge is now being accepted much more openly, at least in this area," Heath said.

The Partnership for Onondaga Creek is a grassroots environmental justice organization that started in 2000 by neighbors who were disturbed by the local government's proposal to build a treatment plant in their downtown Syracuse neighborhood.

The Atlantic States Legal Foundation is a nonprofit environmental organization established in 1982 to provide affordable legal, technical and organizational assistance to individuals, community groups, and other non-governmental organizations as a way to effectively remediate threats to the natural environment.

In the 1980s, ASLF used the citizen suit provision of the Clean Water Act and sued Onondaga County to force it to upgrade the large sewage treatment plant on Onondaga Lake that “was contributing horribly to the lake’s pollution,” Heath said.

The Onondaga County government was intransigent in dealing with the problems until the election two years ago of Mahoney, Heath said.

“For 10 years, we were losing and being ignored by the former county administrator, not getting along with the DEC (New York state’s Department of Environmental Conservation), and not getting any help from the former administrator in the EPA. Joanne came in and made a very bold decision within her first month in office to scrap the plans for treatment plants,” Heath said.

The Onondaga Nation played a key diplomatic role in bringing all parties back to the table in 2008 shortly after Mahoney took office, and negotiating “a more holistic solution” to the problem, Heath said.

“And the change is remarkable in that people can – whether consciously or not – apply one of the principles of the Great law of Peace of the Haudenosaunee, which is everybody should bring their good minds together and find a solution that’s best for everybody.”

Derelict factory site to become a park (*Boston Globe*)

May 20, 2010 Thursday
REGIONAL; North; Pg. 4
Derelict factory site to become a park;
Project aims to brighten Peabody's downtown
By John Laidler, Globe correspondent
A former leather factory site in downtown Peabody will soon see new life as a neighborhood park under a project targeted to begin late this fall.

The city, which acquired the 45 Walnut St. parcel last year, recently hired a firm to design the project, which calls for removing contaminated soil from the 1.3-acre site and constructing the park.

Two years in the planning, the initiative has been aided by four state and federal grants, including $200,000 awarded last month by the US **Environmental Protection Agency** to cover the bulk of cleanup costs.

Peabody officials said they are pleased to proceed with a project that will turn a blighted urban parcel into a recreational resource.

``It will take a vacant lot in the downtown and revitalize that neighborhood with an open

space area," said Brendan Callahan, a planner for the city's Department of Community Development and Planning.

Karen Sawyer, director of the department, said the project is a good example of cooperation among the local, state, and federal governments.

``All three entities contributed to what will be much-needed and hard to find open space in the downtown area," she said.

The property, enclosed by a chain-link fence, was the site of a tannery from 1917 until the 1940s. It was then used by New England Sportswear, a manufacturer of leather and suede apparel, until 1990, when the buildings were razed. It has sat unused since.

While specific features of the project will be determined through the design process, officials said the park will be an open grassy area with a walking path, benches, new trees, and an entry plaza that will include a brick patio and planters. A bocce court and a tot lot also are being considered.

Mayor Michael J. Bonfanti said the park fits into a broader effort to enhance quality of life for downtown residents.

``We have a lot of seniors right across the street," he said of two nearby senior housing complexes, ``and there are no green areas down there." He said the new park ``will give them a place to go that's right nearby."

The park will be part of an evolving network of green spaces in the downtown that now includes the Leather City Common, an approximately 1.5-acre public park the city built in the 1990s on another former tannery site; Emerson Park; and the Higgins School field.

The site also is adjacent to a planned section of the riverwalk the city is developing along the North River. Callahan said a goal of the park is to highlight its proximity to the river.

In addition to providing a recreational resource, officials said the park will serve to absorb rainwater, helping to ease the city's chronic downtown flooding.

Peabody began actively pursuing the project in July 2008 when the City Council authorized seeking state funding to acquire the parcel. In September 2008, the state awarded Peabody a grant of up to $240,000 through its Parkland Acquisitions and Renovations for Communities program to help purchase the site. Last June, the city acquired the site from a real estate trust for $131,437. Of that cost, $78,862 was covered through the state grant, with the remainder funded with $52,575 in matching dollars from the city.

In August, the **EPA** awarded $1 million through its **Brownfields** Program for Peabody

and Salem to undertake environmental assessments of former industrial sites. Callahan said a portion of the award is being spent on an environmental assessment of the Walnut Street site. He said that work, mostly completed, shows the site is primarily contaminated with heavy metals, with some isolated ``hot spots'' of petroleum. According to Callahan, the planned cleanup will meet state standards for the site to be reused as a park.

In November, the state awarded Peabody a second grant for the project under its PARC program. The $329,416 grant and a $219,611 city match will be used to pay for the project design and the park construction.

The $200,000 grant awarded by the **EPA** for cleanup of the site requires an additional $40,000 contribution from the city.

Horsley Witten Group, a Sandwich engineering firm, is heading a consulting team that is designing the project. Callahan said the most recent **EPA** grant requires that the project be ready for use by June 2011.

CLIMATE CHANGE / GLOBAL WARMING

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Scientists defend research on global warming (*Washington Times*)

May 20, 2010 Thursday
A, POLITICS; Pg. 4
Scientists defend research on global warming;
Say U.S. must take action to reduce manmade gases
By Stephen Dinan THE WASHINGTON TIMES
Six months after "climategate" called into question the science underpinning claims of global warming, the National Academy of Sciences said Wednesday the science is sound, human-caused warming is already occurring, and the U.S. must take urgent action.

Trying to end the scientific debate and set the stage for action, the National Research Council, an arm of the Academy, took the unusual step of recommending specific political moves. The council called for lawmakers to set a price on carbon dioxide emissions through either a tax or a cap-and-trade system, and to adopt an emissions-reductions target similar to the one proposed by President Obama.

"Climate change is occurring, is caused largely by human activities, and poses significant risks for - and in many cases is already affecting - a broad range of human and natural systems," the scientists concluded in one of several congressionally mandated reports released Wednesday.

The report comes three years after the Intergovernmental Panel on Climate Change concluded that global warming is real and very likely manmade. But that report, and the temperature record underlying many of its conclusions, have come into question with the revelation of e-mails from a leading British climate research project that seemed to suggest scientists manipulated data. Critics labeled the e-mails "climategate."

The science debate will get an airing in Congress. Rep. Edward J. Markey, chairman of the House Select Committee on Global Warming, will hold a hearing Thursday on the academy's reports.

But the science also could face a challenge on the Senate floor soon.

Sen. Lisa Murkowski, Alaska Republican, is planning to offer legislation that would overturn the Environmental Protection Agency's recent decision to regulate greenhouse gas emissions under the Clean Air Act.

Already, Freedom Action, a project of employees of the free-market think-tank Competitive Enterprise Institute, is running radio ads in six states arguing that the e-mails in question taint the entire process.

"The National Academy of Sciences reports are swimming against the tide here, which is they're trying to save the establishment position supporting alarmism, when not only the science is moving against them, but public opinion is going against them, partly because of climategate," said Myron Ebell, director of Freedom Action.

Mr. Ebell predicted that even lawmakers who conclude global warming is occurring, and is largely caused by humans, might still balk at the Obama administration rules as being unwise and potentially damaging to some states' economies. And he said there will be other votes that could give Congress other chances to object to the administration rules.

The House last year passed a bill that set a limit on carbon emissions and allowed emission credits to be traded among companies, but that approach has stalled in the Senate. Sens. John Kerry, Massachusetts Democrat, and Joe Lieberman, Connecticut independent, announced a different set of caps last week, but that approach appears to lack enough support to overcome an expected filibuster.

Pamela A. Matson, who led the panel on climate science, said members were aware of "the publicity around doubts about climate change," and that research is never finished.

But she said they have high confidence now that warming is occurring, and the panelists said research should now begin to focus not on whether warming is occurring but rather on questions of how to combat warming or adapt to its effects.

She said their conclusions in the reports are in line with many in the IPCC's 2007 report, though for example where the earlier report said sea levels might rise by as much as a foot and a half through 2100, new research says it could rise by as much as 5 feet.

Environmentalists said the academy reports should be a turning point in the debate.

"Those who are out there denying climate science, many for ideological reasons, aren't going to go away, so in that sense this report doesn't end that debate. I don't think you ever can. But I do hope it turns a corner and allows people to really see what the fundamental conclusions of the scientific community are," said Dan Lashof, director of the Natural Resources Defense Council's climate center.

National Academy says action needed against warming (*Boston Globe*)

May 20, 2010 Thursday
NEWS; National; Pg. 12
Top US scientists urge carbon tax;
National Academy says action needed against warming
By Seth Borenstein, Associated Press
WASHINGTON - Ditching its past cautious tone, the nation's top scientists urged the government yesterday to take drastic action to raise the cost of using coal and oil to slow global warming.

The National Academy of Sciences specifically called for a carbon tax on fossil fuels or a cap-and-trade system for curbing greenhouse gas emissions, calling global warming an urgent threat.

The academy, which advises the government on scientific matters, said the nation needs to cut the pollution that causes global warming by about 57 percent to 83 percent by 2050. That's close to President Obama's goal.

``We really need to get started right away. It's not opinion, it's what the science tells you,'' said Robert Fri, who chaired one of the three panels producing separate climate reports.

Fri was acting Environmental Protection Agency chief under President Richard Nixon and until recently on the board of American Electric Power Co., a major producer of carbon dioxide. ``The country needs both a prompt and a sustained commitment to reducing greenhouse gas emissions,'' he said yesterday.

In the past, the academy has called climate change a problem, but it has never recommended a specific policy.

The impetus for its bolder stance now was a set of questions posed by Congress on

climate change and how to deal with it.

The cap-and-trade idea, which is supported by the Obama administration, has been proposed for several years in Congress but never passed the Senate. It would set overall limits on carbon dioxide pollution but would allow companies to pollute more by paying for it and buying pollution credits from cleaner companies.

Last year, the House approved a cap-and-trade bill, but it stalled in the Senate as health care legislation took center stage.

A new version, that doesn't use the cap-and-trade phrase but has similar characteristics, was introduced last week. Lawmakers have pledged a floor vote on the bill this summer.

The national academy is an elite independent organization chartered to give the federal government advice on science and technical matters. Being elected as an academy member is considered a major honor for a scientist.

In a series of three reports, the panel tried to illustrate the challenge ahead by describing tons of polluting gases as money in a budget.

America is on an escalating trajectory to blow its budget. The budget allows for the use of 170 to 200 billion tons between now and 2050. In 2008, America spewed 7 billion tons of greenhouse gas.

``If we continue at the same rate we're going, we're going to use that up quickly, which is the case for urgency,'' said panel member Ed Rubin, an engineering and public policy professor at Carnegie Mellon University.

Panel members said this is unusual for the academy to be so blunt about what needs to be done.

But Congress asked the academy in 2008 to answer four questions, starting with: ``What short-term actions can be taken to respond effectively to climate change?'' Panel members said that is what gave them freedom to say more about what needs to be done.

The result was three reports issued yesterday, totaling 869 pages. The reports come after a winter in which mainstream climate science took a beating because of leaked e-mails from a British university and errors revealed in the Intergovernmental Panel on Climate Change's report. And in December, despite dozens of world leaders seeking a climate deal in Copenhagen, countries could not agree to renew and tighten mandatory curbs on greenhouse gas emissions.

All the criticism and inaction spurred the national academy to deliver a sharper message, said panel chair Pam Matson, dean of earth sciences at Stanford University

who chaired one of three panels.

Change is occurring in warmer temperatures, melting ice caps, sea rise, and many other areas that have been carefully studied, Matson said.

Future changes will include water and food shortages in many areas, more heat waves and increased intense rainfall in some regions.

The reports agree with the international climate panel's assessment that climate change is already occurring ``and poses significant risks for - and in many cases is already affecting - a broad range of human and natural systems."

White House science adviser John Holdren praised the group's work as ``well documented in their science . . . and compelling in their conclusions about policy." He said he hoped members of Congress would read the reports or at least their summaries.

Also yesterday, the journal Nature published a study suggesting the world's oceans are absorbing more heat from global warming than previously thought.

Scientists from the United States and Japan estimated the amount of energy swallowed by the oceans since 1993, a figure roughly equivalent to more than 2 billion Hiroshima-sized bombs.

Scientists urge action on greenhouse gases (*Los Angeles Times*)

The National Academy of Sciences, issuing new reports on climate change, takes a stronger stance than it has in the past.
By Thomas H. Maugh II
In a sharp departure from its formerly cautious stance on climate change, the National Academy of Sciences on Wednesday not only said that temperatures were rising rapidly, but also called for taxes on carbon emissions, a cap-and-trade program for those emissions or some other strong action to curb runaway global warming.

Such actions, which would increase the cost of using coal and petroleum -- at least in the immediate future -- are necessary because "climate change is occurring, the Earth is warming ... concentrations of carbon dioxide are increasing, and there are very clear fingerprints that link [those effects] to humans," said earth scientist Pamela A. Matson of Stanford University, who chaired one of five panels organized by the academy at the request of Congress to look at the science of climate change and how the nation should respond.

The three reports issued Wednesday, totaling more than 860 pages, provide the broad outlines for a potential U.S. response to the threat; two more reports are to come. Now it is up to a politically divided Congress to determine whether any of the recommendations will be implemented.

"This is our most comprehensive report ever on climate change," said atmospheric scientist Ralph J. Cicerone, president of the academy. They outline "why the U.S. should act now to reduce greenhouse gas emissions and why we should have a national strategy to adapt to the inevitable." The reports are available online at www.nationalacademies.org.

The three reports are focused on advancing the science of climate change, limiting its magnitude and adapting to its effects. A fourth, "Informing Effective Decisions and Actions Related to Climate Change," will look at how to best provide decision makers with information about climate change. The last will be a summary report that crafts a scientific framework for shaping policy choices.

Among other things, the new reports recommend that a central agency be in charge of the response, possibly a greatly strengthened U.S. Global Change Research Program. That organization now integrates research of climate and global change from 13 U.S. agencies. The reports also lay out a series of potential ways to adapt to inevitable changes, such as shifting populations in threatened areas away from coasts and finding ways to protect the already limited water supplies in the Southwest.

The conclusions generally reflect those of the Intergovernmental Panel on Climate Change released in 2007, which prompted governments to begin moving -- albeit slowly -- toward reducing emissions. But the new reports contain a greater sense of urgency because committee members had five more years of research to draw on, Matson said.

As a consequence, for example, the panels concluded that ocean levels could rise by as much as 5 feet by the end of the century, as opposed to the intergovernmental panel's estimate of a foot and a half increase.

Earlier this week, the National Oceanic and Atmospheric Administration and NASA reported that 2009 was the warmest year worldwide in human history, reflecting the belief of most scientists that the situation will continue to worsen.

Perhaps the most contentious part of the reports will be the panel's recommendations for carbon emissions. "We focused primarily on carbon dioxide because it is responsible for so much of the problem," said Robert Fri of Resources for the Future, who chaired the panel on limiting the magnitude of climate change.

That panel recommended that the United States restrict its carbon emissions to 170 billion to 200 billion tons of greenhouse gases from 2012 to 2050, which would represent as much as an 80% reduction of carbon compared with current projections.

"That's a very challenging task," Fri said. "At the current rate of 7 billion tons per year, we would use up the allotment well before 2050." Moreover, he added, "even if all available and emerging technologies could be deployed to their fullest technical potential, it is clear we will still need new and additional emission reduction options."

Congress has been wrestling with the possibility of a cap-and-trade system, which would set a limit on the amount of carbon dioxide that could be released, but allow companies to buy and sell their own allotments.

The Obama administration supports the approach and the House passed a bill last year that would implement it, but the legislation got shunted aside in the Senate during the debate over healthcare.

A vote on a newer form of the bill could occur this summer.

The government and communities need to prepare for threats that are likely no matter what actions are taken to limit emissions, said Thomas J. Wilbanks, group leader for climate change and developing countries programs at Oak Ridge National Laboratory, and chairman of a third panel that considered potential adaptations to global warming.

"The most dramatic possible threat, by 2050, is a sea level rise in the Gulf Coast of 2 to 4 feet, plus the prospect of more intense coastal storms," he said. "We may need to consider contingency plans ... such as movement of infrastructure and settlements away from vulnerable areas."

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NPRA's Scott gives refining industry's reaction to Kerry-Lieberman bill (*Greenwire*)

(05/19/2010)
How does the Senate's "American Power Act" treat the petrochemical and refining industries? During today's OnPoint, Gregory Scott, executive vice president and general counsel at the National Petrochemical & Refiners Association, explains why he believes the legislation will raise energy costs for Americans and negatively affect the economy. He also talks about how the transportation sector is handled in the bill and weighs in on the legality of U.S. EPA's "tailoring" rule.

U.S. Science Body Urges Action on Climate (*New York Times*)

May 20, 2010 Thursday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 19
U.S. Science Body Urges Action on Climate
By JOHN M. BRODER; Leslie Kaufman contributed reporting from New York.

WASHINGTON -- In its most comprehensive study so far, the nation's leading scientific body declared on Wednesday that climate change is a reality and is driven mostly by human activity, chiefly the burning of fossil fuels and deforestation.

The group, the National Research Council, an arm of the National Academy of Sciences, issued three reports describing the case for a harmful human influence on the global climate as overwhelming and arguing for strong immediate action to limit emissions of climate-altering gases in the United States and around the world -- including the creation of a carbon pricing system.

Congress requested the reports in 2008. This is the first time the academy has issued specific recommendations on how to mitigate or adapt to climate change.

One of the reports, "Limiting the Magnitude of Future Climate Change," urges the United States to set a greenhouse gas emissions "budget" that restricts overall emissions and provides a measurable goal for policy makers and for industry. It does not recommend a specific target but says the range put forward by the Obama administration and Congress is a "reasonable goal."

Legislation pending in Congress calls for reducing greenhouse gas emissions by about 17 percent from 2005 levels by 2020.

The report says the most efficient way to reduce carbon dioxide emissions is to set a predictable and rising price. It does not explicitly recommend a cap-and-trade system, but says that such a system of tradable emissions permits would give industry more flexibility in meeting an emissions target or budget.

Another report, "Adapting to the Impacts of Climate Change," suggests that the United States and other nations begin planning for effects like rising sea levels and more severe storms and droughts. Increasing preparedness can be viewed as "an insurance policy against an uncertain future," the report said, while inaction could impose large costs on future generations.

"These reports show that the state of climate-change science is strong," Ralph J. Cicerone, president of the National Academy of Sciences, said in a statement accompanying the reports. "But the nation also needs the scientific community to expand upon its understanding of why climate change is happening and focus also on when and where the most severe impacts will occur and what we can do to respond."

John P. Holdren, the science adviser to the Obama administration, was briefed on the report Tuesday night, researchers said.

The academy recommends that an interagency group be given the authority and the resources to coordinate national research and response. It notes that previous efforts have fallen short of providing the kind of action-oriented research that policy makers need.

Predictably, advocates of climate and energy legislation embraced the reports.

"These studies clearly demonstrate the urgency for Senate action," said Senator John Kerry, Democrat of Massachusetts and a sponsor of a climate bill introduced in the Senate this month.

Peter Frumhoff, director of science and policy for the Union of Concerned Scientists said: "This report should light a fire under Congress. Lawmakers should stop dragging their feet, pay attention to the science and pass a bill this session."

Action urged; on climate (*Newsday*)

New York
May 20, 2010 Thursday
ALL EDITIONS
NEWS; Pg. A30
WASHINGTON - Ditching its past cautious tone, the nation's top scientists urged the government yesterday to take drastic action to raise the cost of using coal and oil to slow global warming.

The National Academy of Sciences specifically called for a carbon tax on fossil fuels or a cap-and-trade system for curbing greenhouse gas emissions, calling global warming an urgent threat.

The academy, which advises the government on scientific matters, said the nation needs to cut the pollution that causes **global warming** by about 57 percent to 83 percent by 2050.

"We really need to get started right away. It's not opinion, it's what the science tells you," said academy panel vice chairman Robert Fri. The cap-and-trade idea would set overall limits on carbon dioxide pollution, but would allow companies to pollute more by paying for it and buying pollution credits from cleaner companies.

As oceans get warmer, Congress is facing heat (*San Francisco Chronicle*)

California
May 20, 2010 Thursday
FINAL Edition
SECTION: Main News; Pg. A1
As oceans get warmer, Congress is facing heat;
CLIMATE CHANGE
By: David Perlman, Chronicle Science Editor

On the same day that climate researchers reported strong new evidence that the temperatures of the world's oceans are on the rise, teams of America's leading scientists Wednesday called on Congress to face the urgent problem of global warming by raising the cost of greenhouse gas emissions to U.S. industry.

The reality of the planet's changing climate was underscored by a new report on ocean temperatures that combined years of conflicting data into what researchers say is a realistic picture of ocean warming and the National Academy of Sciences, which released three major reports on the science behind the climate problem and the urgency with which it must be faced.

There is no longer any doubt that **global warming** is real, said Pamela A. Matson, dean of the School of Earth Sciences at Stanford, who led one of five panels organized at Congress' request to assess the reality and urgency of **global warming** and propose measures to cope with it.

"**Climate change** is occurring," Matson said. "The Earth is warming, concentrations of carbon dioxide are increasing, and there are clear fingerprints that link these warming effects to human activity."

End business as usual

The three academy reports issued Wednesday totaled more than 860 pages and represent a dramatic shift from the organization's cautious approach to **climate change** in the past. The academy scientists warned that "business as usual" is no longer possible for American industry and called on Congress to quickly enact a "carbon pricing system" to curb the rise in greenhouse gas emissions.

In 2008, American industries emitted the equivalent of 7 billion tons of carbon dioxide, the academy experts noted. They suggested that the nation adopt a "greenhouse budget" of permitted carbon emissions that would range from 170 billion to 200 billion tons of carbon dioxide for the period from 2012 to 2050, saying it is a "reasonable goal." If greenhouse gas emissions continue at the 2008 level, the scientists warned, the budget would be exceeded well before 2050.

"We focused primarily on carbon dioxide because it is responsible for so much of the problem," said Robert W. Fri, an energy expert and academy member from the nonprofit, nonpartisan Resources for the Future.

To reach even part of the goal recommended by the academy, either a "cap-and-trade" system or a tax on carbon emissions or a combination of both are needed, the scientists said.

They gave a special nod to the cap-and-trade concept. That system would set limits on how much carbon-containing gases could be emitted by industries as a whole, and then allow companies that emit little or none of the gases to sell "carbon credits" to the big

polluters.

The issue of cap-and-trade is a thorny political one; the Obama administration supports such a system and Congress is wrestling with it. The House passed a bill last year, but it stalled in the Senate, which deferred it while the health care bill was debated.

Rising sea levels

In a separate report published today, but released Wednesday, in the journal Nature, scientists from the United States, Britain, Germany and Japan said they have found "robust" evidence that sea levels have risen over the past 16 years as the upper layers of the world's oceans have warmed and caused water expansion. They looked to the ocean for signals of **climate change** because the oceans absorb up to 90 percent of the heat that reaches Earth from the sun.

The oceans have warmed by at least three-tenths of a degree Fahrenheit since 1993, and where sea levels were rising by only 1 millimeter a year 100 years ago, the rate is now 3 millimeters a year, said John Lyman, an oceanographer with the National Oceanographic and Atmospheric Administration. The effects may seem small, but they are highly significant, he said.

The scientists in the Nature study deployed a global network of more than 3,200 free-floating sensors across all the oceans, and the sensors broadcast their readings on temperature, salinity and currents to satellites overhead.

More accuracy

The results, they said, are far more accurate than earlier ocean studies, which resulted in a wide range of estimates because temperatures were recorded by ships towing instruments called XBTs - for expendable bathythermographs - and they covered only part of the world.

"If you want to know how the world has warmed, you've got to look at the upper layers of the ocean," Lyman said. "And it continues to warm."

Academy of Sciences reports

- The reports can be found at www.nationalacademies.org.

Charge for carbon emissions (*USA TODAY*)

May 20, 2010 Thursday
FIRST EDITION

LIFE; Pg. 10B
Reports' advice: Charge for carbon emissions;
Congress must 'get real' about climate change

By: Dan Vergano
In three reports on global warming, the U.S. National Academy of Sciences called Wednesday for limiting greenhouse gas emissions by setting a price on them.

The three "America's Climate Choices" reports, requested by Congress during the Bush administration, come as roiling debate over climate and energy legislation in Washington and the oil spill in the Gulf of Mexico cloud future energy decisions.

"Together, these reports show that the state of climate change science is strong," NAS chief Ralph Cicerone says. "The data show the reality of climate change."

Echoing past reports such as those by the 2007 Intergovernmental Panel on Climate Change, researchers in the new reports expressed confidence that average global atmosphere temperatures were about 1.4 degrees warmer in this decade compared with a century ago and that future fossil-fuel emissions of greenhouse gases and related activities would increase temperatures anywhere from 2 to 11 additional degrees by 2100.

"The reports reinforce that we know enough, now, to take sensible actions to address climate change," says James Connaughton, former environment council chief for the Bush administration.

In wide-ranging recommendations, the studies call for better coordination of federal climate research efforts and for setting a price on carbon emitted from industrial smokestacks, either through a tax or in a carbon market proposed in a bill that was approved in the House but still debated in the Senate.

The report explicitly calls for cutting U.S. carbon emissions 50% to 80% from 1990 levels by 2050, in line with goals of both the Bush and Obama administrations.

"This is a wake-up call from science telling Congress to get real," says Alden Meyer of the Union of Concerned Scientists in Washington, D.C. "Wake up and smell the carbon."

This week, NASA and the National Oceanic and Atmospheric Administration independently reported that 2010 has been the warmest year so far recorded worldwide, despite a snowy winter in parts of the United States. At least six climate-related bills are in play in the Senate. Whether the academy reports will make the difference in those debates is unclear.

"The fundamental problems we have in climate are political in nature," says political scientist David Victor of the University of California-San Diego. "Scientists weighing in one more time aren't going to change things."

Lawmakers should work to combat climate change (*Zanesville Times Recorder*)

May 20, 2010
Coincidence or not? Recently, Sens. John Kerry and Joseph Lieberman unveiled their much-anticipated framework for comprehensive energy and climate legislation. A day later, the U.S. Environmental Protection Agency advanced its effort to regulate major emitters of greenhouse gases, such as coal-fired power plants. The agency has little choice but to move ahead. No less than the Supreme Court has found that greenhouse emissions fall under the Clean Air Act. The EPA must enforce the law.

And good thing. The scientific consensus about climate change remains sound and firm. Humans contribute significantly to the warming of the planet. Fail to curb the emissions, and real consequences will follow, along the lines of falling farm yields, diminished coral reefs and coastal flooding.

For many lawmakers and business leaders, the prospect of the EPA taking the lead in addressing climate change is chilling. They would rather see Congress perform the task, allowing for more flexibility in the approach. With the agency pressing forward, will lawmakers now pick up the pace?

Few are optimistic about the prospects for Senate action, let alone reaching a compromise with the House and gaining a presidential signature. President Obama would do well to signal his interest in winning passage, the United States becoming more influential in international discussions.

As it is, the prospect of EPA action rates as the strongest incentive for lawmakers. If the agency has proved more flexible than critics claim, the job of combating climate change belongs in the hands of lawmakers, where competing interests can be heard

and a national consensus can form.

GRANTS
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Science is a day at the beach (*St. Petersburg Times*)

Florida
May 20, 2010 Thursday
CLW; Pg. 1CLW
By Gytis Garsys
Times Correspondent
DUNEDIN

The sixth-graders from Dunedin Highland Middle School spilled out of the bus and ran to the shore on Honeymoon Island.

The dozens of students were excited: Nature would be their classroom for the day.

"Instead of just learning from a book, we get to do hands-on stuff," said Angelica Morse, 11.

Last Thursday, Dunedin Highland Middle School kicked off a two-year, $50,000 effort to have its students do more of that "hands-on stuff" as they study the environment. The school's proximity to the state park - 8 miles - helped it win the grant from the Environmental Protection Agency, one of eight schools from a Gulf Coast state to get it.

"Hands-on experience for the kids will stick," said sixth-grade science teacher Ann Meredith. "It's a lasting experience because they get a chance to do it themselves."

Teachers prepared students to participate in field labs called "Observation and Inference" and "Gulf Shoreline."

With the help of staffers from the Florida Department of Environmental Protection, students made hypotheses about their observations of the beach, with subjects ranging from seashells to a dolphin skull.

Students in the Gulf Shoreline lab split into three groups: the Surfers, the Beachcombers and the Lifeguards.

The Surfers stood by the water, measuring wave frequency and the slope of the beach.

The Beachcombers looked at sand particle composition and tackled the water-driven drift of sand by tracking the motion of a floating tennis ball.

The Lifeguards took note of wind direction and used a GPS to learn about the tides.

Teachers had prepped students before they left school to give them an understanding of what they would be doing, but "seeing it in action is exciting," Meredith said.

In addition to field labs about the environment, students also will participate in park cleanup efforts. "I think it will give a knowledge base to appreciate nature and the environment," Meredith said.

The school hopes the project's benefits will go beyond environmental education.

"When students are in field-based labs, all skill sets will be helped, not just the sciences," said Brenda Poff, the school's principal.

For 12-year-old Nathan Sorokurs, the prospect of visiting Honeymoon Island boils down to one thing: "Beaches are fun."

Gytis Garsys is a senior at Tampa Preparatory and a staff writer for tb-two*, the Times' weekly newspaper for high school students.

MINING

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W.Va. miners protest mountaintop removal restrictions (*Greenwire*)

(05/19/2010)
Coal miners, industry employees and political leaders gathered yesterday to protest a plan to limit mountaintop removal coal mining and urge federal regulators to stop the threatened veto of a permit for a West Virginia mine.

The meeting came just before a U.S. EPA public hearing over the agency's review of whether to block Arch Coal Inc.'s Spruce No. 1 Mine. The mine supporters, led by industry group FACES of Coal, said EPA should not intervene once a mining permit has been issued. Industry officials warned that the Spruce Mine permit veto was the beginning of a larger crackdown on mining.

At issue is the Spruce Mine, a proposed 3,113-acre project that would bury more than 10 miles of streams. EPA is threatening to veto an Army Corps permit approval over concerns that the mine's environmental impact will be too great.

Protesters were particularly upset about Obama administration water quality guidelines, which address pollution EPA believes is hurting water downstream from large-scale surface mines such as the Spruce. The administration has vowed to take more action against mountaintop removal mining.

The EPA hearing was mostly orderly, in contrast to an October U.S. Army Corps of Engineers session that was interrupted by loud protesters. Politicians and industry officials told EPA that preventing the mine would damage the coal industry and economic outlook of the region. Opponents added that vetoing the permit sent the message that no coal mine was safe.

A scaled-back Spruce Mine project has been producing coal since the beginning of this year (Ken Ward Jr., Charleston [S.C.] Gazette, May 18). – JP

transportation problems (Ed Marcum, *Knoxville News Sentinel*, May 19). **-- DFM**

PESTICIDES

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Federal court restricts use of 75 pesticides (*San Francisco Chronicle*)

Peter Fimrite, Chronicle Staff Writer
Thursday, May 20, 2010
A federal court this week restricted the use of 75 pesticides in eight Bay Area counties and ordered the Environmental Protection Agency to study the impacts the chemicals have on wildlife.

The injunction, issued Monday in U.S. District Court in San Francisco, was an effort to protect 11 endangered snakes, insects, birds, fish, mammals, crustaceans and amphibians that live in areas where spraying occurs.

"All of these species were chosen because there is evidence of potential harm," said Jeff Miller, a conservation advocate for the Center for Biological Diversity, which sued the EPA in 2007. "These pesticide use restrictions will protect some of the Bay Area's most vulnerable wildlife."

The order, part of a settlement agreement, prevents registered pesticide applicators, including municipalities, farmers and wineries, from using the 75 pesticides for five years in areas where the listed species reside.

It does not restrict individuals from using the pesticides on their gardens or around their homes. Instead, it requires the EPA to mandate that warnings be placed on all products that contain the chemicals advising people that the pesticide can be harmful to wildlife.

EPA administrators in San Francisco referred inquiries Wednesday to their Washington office, where officials could not be reached for comment.

Miller said the lawsuit was filed because EPA officials consistently ignored their obligation under the Endangered Species Act to consult with the U.S. Fish and Wildlife Service to determine whether pesticides being considered for registration harm listed species or their habitat.

"They just don't do those consultations," Miller said. "That has been their M.O. They register pesticides and just blow off that requirement."

The injunction set a deadline of Sept. 30, 2014, for the EPA to determine how the pesticides affect wildlife and to develop permanent regulations in Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma counties.

Sonoma and Napa counties showed the highest use of pesticides, according to a report by the center. San Francisco had the lowest pesticide use and was not included in the injunction.

An estimated 10 million pounds of pesticides are used in the Bay Area annually. Environmentalists say pesticide pollution has contributed to the collapse of fish populations, including the delta smelt, longfin smelt and chinook salmon.

The ruling protects the Alameda whipsnake, bay checkerspot butterfly, California clapper rail, California freshwater shrimp, California tiger salamander, delta smelt, salt marsh harvest mouse, San Francisco garter snake, San Joaquin kit fox, tidewater goby and valley elderberry longhorn beetle.

A similar settlement in 2006 prohibited use of 66 pesticides near California red-legged frog habitat.

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http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/05/20/BA561DGJPS.DTL

This article appeared on page C - 3 of the San Francisco Chronicle

Pesticide residue exposure linked to ADHD in children (*The Ecologist*)

Ecologist
20th May, 2010

Parents urged to wash fruits and vegetables before eating after study finds commonly used pesticides may contribute to ADHD in children
Children exposed to organophosphate pesticide residues found in fruit are at increased risk of developing Attention-Deficit Hyperactivity Disorder (ADHD), according to a US study.

Scientists from the University of Montreal and Harvard University measured pesticide levels in the urine of 1,139 children, aged 8-15, 119 of whom had ADHD. They found those with higher amounts of pesticide residue were twice as likely to be diagnosed with the disorder compared to children with undetectable levels.

Previous studies have focused on populations with high levels of exposure, such as agricultural workers, but this is the first to suggest a risk to the general population from low-level exposure to pesticide residues.

'A key point of our paper is that it was among a generally representative sample of the US, so these kids had lower exposure levels than what one might find among those at high risk from exposure (such as those using sheep dips),' said co-author Marc Weisskopf.

Children

The study said children in particular were considered to be at greater risk from organophosphate toxicity because the developing brain is more susceptible to neurotoxicants and the dose of pesticides per body weight is likely to be larger for them.

The main source of exposure for infants and children is diet. The US Pesticide Residue Program Report 2008 found detectable concentrations of the organophosphopate malathion, an insecticide, in 28 per cent of frozen blueberry, 25 per cent of fresh strawberry and 19 per cent of celery samples.

In the UK, surveys from the Pesticides Residue Committee have found residues of four organophosphorus pesticides in peppers and residues of malathion in pears, grapes, grapefruit and citrus fruits.

The US Environmental Protection Agency (EPA) has also said drinking water and residential pesticide use are potential sources of exposure.

Previous research has shown that exposure to some organophosphate compounds cause hyperactivity and cognitive deficits in animals, but this study is one of the first to find that exposure may also have similar effects on the developing neurological systems of children.

'What is really needed is a prospective study, where mothers are enrolled when pregnant and measurements of organophosphate exposure taken over the course of the child's life (and during the mother's pregnancy), and relating those to the likelihood of subsequent development of ADHD. Our study measured exposure and ADHD at the same time,' said Weisskopf.

TOXICS

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Wal-Mart pulls Cyrus jewelry brand (*Associated Press*)

Story also appeared: *Boston Globe, Star Telegram, Newsday, Philadelphia Daily News, St. Petersburg Times*

May 20, 2010 Thursday
SECTION: BUSINESS; Pg. 8
Wal-Mart pulls Cyrus jewelry brand
By Associated Press

LOS ANGELES - Wal-Mart said yesterday it is pulling an entire line of Miley Cyrus-brand necklaces and bracelets from its shelves after tests performed for the Associated Press found the jewelry contained high levels of the toxic metal cadmium.

In a statement, Wal-Mart said it would remove the jewelry while it investigates.

The statement was issued along with Cyrus and Max Azria, the designer of the jewelry.

Wal-Mart said the jewelry is not intended for children, but ``it is possible that a few younger consumers may seek it out in stores."

Cadmium in jewelry is not known to be dangerous if the items are simply worn. Concerns come if people injest it.

Cleanup of Stauffer toxic site begins (*St. Petersburg Times*)

Florida
May 20, 2010 Thursday
PAS; Pg. 8PAS
BY DEMORRIS A. LEE

Times Staff Writer

TARPON SPRINGS - Efforts have finally begun to clean up a hazardous swath of land that housed a chemical plant along the Anclote River.

But some residents who for years fought for the cleanup of the 130-acre site are still a bit uneasy.

"It's a good thing for something to be done because it's a bad situation out there," said Heather Malinowski, a Tarpon Springs resident who was active in the push for a cleanup. "On the other hand, how adequate is what they are doing?

Workers began arriving at the site last month, with the bulk arriving this month. They are implementing a remediation plan designed to contain toxic materials left behind when the plant closed in 1981.

The plant was built and operated by Victor Chemical Co. It began production in 1947. In 1960, Stauffer Chemical Co. bought the plant and it continued to produce elemental phosphorous until its 1981 closure.

The phosphorus-processing plant left 30 toxic substances in the water and soil, including arsenic, lead and radium-226.

Workers at the plant were exposed to asbestos, lead, sulfur dioxide and other contaminants that could lead to an increased risk of cancer.

The EPA put the area on its Superfund list in 1994. The cleanup is expected to cost upward of $10 million and will be paid for by Stauffer. The project is expected to be completed in July 2011.

Work has began on the southern parcel, which calls for a 10- to 20-foot deep wall to be built around ponds in a 29-acre area. The area will then be sealed with a watertight cap. A cap also will be put on an 181/2-acre area of a northern parcel.

A seawall will be built on the eastern side of Meyers Cove and along a portion of the Anclote River shoreline.

During the cleanup, the air will be tested every 15 minutes to ensure contaminants are not spread. Construction equipment also will have air monitoring capabilities. To tamp down some of the dust, the areas are being sprayed with water.

"The monitoring results so far have been fine," said Randy Bryant, remedial project manager for the EPA, who is based in Atlanta. "Some people said they have noticed a smell.

"Some of the dirt that has been sitting for a while may have a musty smell to it, it's possible. I didn't notice that when I was there."

Andrew Boeckl, 37, was raised in Tarpon Springs and remembers the odor the plant used to emit. He recently moved back to town and said that folks are questioning the site's future use.

Bob Shay of Stauffer Management Co. said at a meeting in March that there are no future plans for the property. And while the company wants a solid piece of property, the main concern right now is safety, Shay said.

The site is 2 miles from the Gulf of Mexico near the Pinellas-Pasco county line and is one of few large tracts of vacant waterfront left in Pinellas. No homes can be built on the site, according to Stauffer.

Boeckl said the environmental value should have been a concern when the chemical plant was there initially.

"The thing that strikes out at me is whenever people are doing these sort of explorative things, no one understands the costs down the road," Boeckl said. "The short-term profits outweigh long-term cost. Somewhere down the line, the environment, the ecology something is going to pay the price."

Reach Demorris A. Lee at dalee@sptimes.com or (727) 445-4174.

Retreading rooftops (*San Antonio Express-News*)

May 20, 2010 Thursday
PT Edition
PT - NORTHWEST WEEKLY; Pg. 9NW
Tire dumping has long been a problem in San Antonio, and a new local green company has a solution.

E&G Coatings takes scrap tires and turns them into roof coating that reflects the sun. With the turn of a roller, home and business owners can slash their energy cost in half while recycling tires.

"We have the only patented product of this kind in North America," said business partner Victor Cantu of the company's Tire2Coat sealant. "There is roof coating out there, but none are made with recycled tires. From recycling water and buckets during production to keeping all ingredients non-toxic, Tire2Coat truly is a green product."

Northside Independent School District rooftops and a few residential fences already sport the Tire2Coat sealant in San Antonio.

In Mexico, where the product is widely acclaimed, colleges, hotels and homes use the once-a-decade application to dramatically reduce air conditioning cost. The Environmental Protection Agency reports that roof sealants, when combined with proper insulation, can cut energy costs by 50 percent.

"As homebuilders, we always try to use green products on our properties," said Angel Morales, president of Mormeck Homes. "I like it so much, I put it in my own home."

The city of San Antonio removed more than 2,000 illegally dumped tires in 2008, a $200,000 annual expense that is part of a national crisis that amounts to 300 million tires a year. Available in a variety of colors, each bucket of Tire2Coat spares 1.5 tires from dumping. An average home of 2,000 square feet will keep 15 tires out of dump sites.

For more information, contact Victor Cantu at (210) 248-5354 or Victor@egcoatings.com and visit www.egcoatings.com.

TVA to store ash at site of Kingston spill (*Greenwire*)

(05/19/2010)
The Tennessee Valley Authority will store 2.5 million cubic yards of coal fly ash on the site of the 2008 Kingston coal ash spill, rather than transport it to a landfill outside of the area, the federal utility announced yesterday.
U.S. EPA and the Tennessee Department of Environment and Conservation have signed off on the plan to clean up the site, where more than 5.4 million cubic yards of ash and water breached a containment pond spread across more than 300 acres around Kingston Fossil Plant in Tennessee (Greenwire, Dec. 24, 2008).
Steve McCracken, TVA project manager for the cleanup, said the stored ash will be safely contained and that the community will be safe from any contamination.
"We will have built something that will survive an earthquake event of 6.0 magnitude, that will substantially reduce the possibility of migration of contaminants to the surface water, the ground water and to the air, and we will do monitoring into the distant future to make sure that conditions remain safe," McCracken said.
Some residents have already expressed concerns about the plan, which is the cheapest strategy TVA had considered for addressing the remaining coal ash from the spill. The choice comes with a price tag of about $268.2 million plus operation and maintenance costs of $686,000 per year.
Removing 2.8 million cubic yards for permanent off-site storage would have cost up to $455.3 million, or removing 6.8 million cubic yards of ash for permanent off-site storage would have cost up to $741 million.
Craig Zeller, an EPA official who will oversee phase two of the TVA recovery effort, said EPA supports TVA's decision because it is the most cost-effective option and will help avoid

MAY 19, 2010, 11:47 P.M. ET

Ban on Pet Provisions Proves Too Much for Lawmakers (*Wall Street Journal*)

By ELIZABETH WILLIAMSON And DAMIAN PALETTA
They said they wouldn't. They tried to stop themselves. But they're doing it anyway.

As they debate a more than 1,500-page bill intended to overhaul Wall Street and prevent the next financial crisis, senators from both parties are inserting pet provisions into the legislation.

Buried among more than 300 amendments to the bill are efforts to keep Social Security numbers off documents processed by U.S. prison inmates; regulate the oil, gas and mining industries; condemn Myanmar for human-rights violations; and control the sale of minerals from war zones.

In order to smooth passage of a high-priority bill, congressional leaders said they would ban any provisions that didn't have something to do with the financial industry.

But Sen. James Inhofe has inserted an amendment to address what he sees as problems associated with lead-paint removal regulations. The Oklahoma Republican has drafted language to stall enforcement of an Environmental Protection Agency rule that requires special instruction and certification for contractors who remove lead paint.

In Oklahoma, where he lives in a 75-year-old lead-painted house, no such instructors exist. His amendment would delay the rule until every state has training programs.

Asked how the amendment was connected with Congress's response to the financial crisis, Mr. Inhofe said, "It's not! That's the point." This whole lead paint thing is "a mess," he said, "so anything we can put this in, we will."

Sen. Sam Brownback (R., Kan.) and senators from both parties won passage of their amendment reining in the global trade in Congolese cassiterite. The measure would require anyone who buys cassiterite or a half-dozen other minerals abroad to certify to federal regulators that the sale did not directly or indirectly finance or benefit armed groups in the Democratic Republic of Congo accused of human-rights abuses.

Mr. Brownback, a conservative with a long record of support for such causes, built a coalition of liberal and conservative lawmakers to back his measure. He has framed the amendment as relating to financial issues.

"It is on Congo conflict commodities," he said on the Senate floor this week. "It is a narrow SEC [Securities and Exchange Commission] reporting requirement." The amendment passed the Senate.

Sen. Tom Coburn (R., Okla.) said he hoped his Stop Secret Spending Act would make it into the bill, or that he at least could leverage a deal to reintroduce it down the road. The provision, which his staffers have nicknamed "The If-You-Only-Knew Act," would require lawmakers to certify they have read every bill they adopt by "unanimous consent," a process that doesn't record how they voted.

The process is usually reserved for measures seen as noncontroversial. But Mr. Coburn, a well-known deficit hawk, objects that noncontroversial bills often involve spending, too.

Among those that get his goat: Disease-specific earmarks that call for more research money for certain conditions. Mr. Coburn, a physician, wants legislators to have 72 hours to read those bills and decide them on the merits, not "who has the best celebrity lobbyist for the disease," said his spokesman.

West Virginia Democratic Sen. Robert Byrd's amendment would "require the disclosure of safety and health conditions at risky workplaces (coal mines, refineries, oil rigs), and to empower the SEC and shareholders to compel disclosure and to seek civil penalties for those who fail to disclose this safety and health information."

"As we seek to make Wall Street more transparent and accountable to investors and Main Street America, I believe it is imperative that workers, investors and the general public receive a more complete and consistent analysis of whether the companies in which they have invested their funds are operating in a safe and healthy manner," Mr. Byrd said in a statement.

Aides to Mr. Byrd are uncertain whether the measure will make it into the legislation.

South Carolina Republican Sen. Jim DeMint's proposal demanding that the U.S. finish work on the 700-mile border fence between the U.S. and Mexico within a year already has been withdrawn.

Sen. Dianne Feinstein (D., Calif.) and five senators from both parties want to keep prison inmates, many of whom hold data-processing jobs while incarcerated, from gaining access to Americans' Social Security numbers, such as by seeing them on government checks.

"In 2009, more than nine million Americans were victims of identity theft, at an estimated cost of roughly $50 billion a year. These costs flow to financial institutions, retailers and consumers," Sen. Feinstein said in an emailed statement. "I believe the financial reform bill is an appropriate vehicle for this bipartisan amendment."

Write to Elizabeth Williamson at elizabeth.williamson@wsj.com and Damian Paletta at damian.paletta@wsj.com

WATER
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EPA report finds testing deficiencies at CTS site (*Asheville Citizen-Times*)

By Nanci Bompey • and Jonathan Walczak • May
20, 2010

SKYLAND Water and air quality sampling by the Environmental Protection Agency at the former CTS of Asheville site was conducted incorrectly until 2007, according to a report released Wednesday.

The report, prepared by the EPA's Office of Inspector General, found that “the limited scope of Region 4's past sampling activities and oversight kept the region from detecting groundwater contamination in drinking water wells.”

But the region did adhere to accepted standards from 2007 to 2009, according to the report.

In July 1999, the chemical tricholoroethylene, or TCE, was found in the drinking water well near the site. TCE is an industrial chemical and suspected carcinogen. The CTS plant manufactured switches and resistors for more than 20 years before closing in 1986.

The report also concluded that letters to residents did not clearly communicate safety issues and could have been misleading.

The agency's community involvement plan did not reflect all site activities and did not include a
communications strategy, impeding the EPA's ability to effectively manage community concerns and relationships, according to the report.

Local resident Tate McQueen said he is grateful to finally have the report and is concerned with some of the findings.

“The satisfaction that we got out of the report is that we feel vindication for what we've been working on,” McQueen said. “But the real vindication will come when the plant is gone and the source of the contamination is gone.”

The report recommends the agency develop a plan for site transition to the state, clarify resident

communications, update the community involvement plan and improve recordkeeping.

EPA Region 4, which is responsible for the site, is required to provide a written response, including a corrective action plan and milestone dates, within 90 days.

EPA testing first found contamination in soil and stream samples in 1990, but the groundwater wasn't tested, according to the report.

Testing since 1999 has shown contamination in several wells in the area, and the city and county
paid to extend municipal waterlines to a nearby neighborhood.

The report cost about $380,000 to prepare. An EPA spokeswoman could not immediately be reached for comment late Wednesday.

Kansas City ordered to fix water system (*Associated Press)*

Story also appeared: *Columbia Daily Tribune*

Wednesday, May 19, 2010

KANSAS CITY (AP) — The federal government has ordered Kansas City to undertake a $2.5-billion, 25-year water infrastructure plan that could serve as a template for scores of other cities with aging, inefficient sewer systems.

A consent decree between the city, the Justice Department and the Environmental Protection Agency announced yesterday aims to reduce the amount of untreated sewage that ends up in area waterways and basements. The decree, filed in federal court in Kansas City, also orders the city to pay a $600,000 fine for violating clean water laws with its outdated sewer system.

Assistant U.S. Attorney General Ignacia Moreno said discharges of untreated sewage from aging collection systems are “one of the most pressing infrastructure issues in our nation’s older cities.” He said the agreement is a good beginning but much more needs to be done.

The plan involves more than 2,800 miles of pipe and is Kansas City’s largest infrastructure plan to date, EPA regional administrator Karl Brooks said.

EPA announces cleanup for part of Buick City site (*Associated Press*)

Story also appeared: *WLNS.com*

May 19, 2010 7:34 PM ET
FLINT, Mich. (AP) - The U.S. Environmental Protection Agency has approved a cleanup plan for part of a former General Motors factory complex in Flint.
EPA said Wednesday the cleanup at the Southend portion of the 452-acre Buick City property will cost $5 million to $7 million.
Contractors hired by Motors Liquidation Corp., the site's owner, will do the job.
Margaret Guerriero of EPA's Land and Chemicals Division says most of the work will take place below the ground's surface or in isolated areas and won't interfere with any new business occupying the property.
EPA has identified areas of lead-contaminated soil and groundwater polluted by gasoline and hydraulic fluid, but says the contaminants haven't affected drinking water supplies or reached the Flint River.

EPA inspector general blasts agency's handling of CTS site (*Mountain Xpress*)

by David Forbes on 05/19/2010
Related topics: CTS of Asheville, EPA
Share or bookmarkShare

A report released today by the Environmental Protection Agency's Office of the Inspector General strongly criticizes the agency's response to contamination at the former CTS of Asheville site. The report asserts that while testing standards were followed, limited oversight, along with poor record-keeping and communication, harmed the effort and failed to communicate the hazards to the public.

"We concluded that the Region's assessment of drinking water and air quality showed that the Region's oversight and administration of drinking water sampling and assessment of air quality was limited," the report reads. "In addition, emergency response actions taken provided limited protection, and communication of sample results was not always clear. As a result, contaminated drinking water wells went undetected, Site risk remains, and the Region's communications may have misled and confused some residents."

Further, "we also found that the Region's recordkeeping practices did not satisfy EPA requirements" and that plans for cleanup and communication "didn't adequately address current site activities. As a result, the Region may have impeded its ability to effectively respond to and manage community concerns and relationships."

As one example, the report notes that EPA's Region 4 — who are overseeing the cleanup along with the state Department of Environment and Natural Resources — didn't follow up with a well owner who reportedly refused testing in 2006. In 2009, that well was found to have more than 160 times the legal limit of trichloroethylene, one of the main contaminants detected in groundwater near the former electroplating plant.

"Had Region 4 evaluated the completeness of its own well sampling, or conducted better oversight of the 2006 sampling done by [CTS'] contractor, the Region may have known the extent of drinking water contamination earlier."

Dealing with air contamination, the report also says that a vapor extraction system set up near a contaminated spring failed, and "Area residents will remain at risk from potential TCE exposure through coming into direct contact with contaminated springs and breathing nearby contaminated air."

Region 4 officials also failed to communicate with residents of the surrounding area in danger from the contamination, the report declares.

"Some letters communicating air sample results were not clear and did not address safety concerns at the Site," the report reads. "The letters were not consistent with the principles of EPA's public participation guidance."

"This complex site is of great interest to the community and poses public health risks," the inspectors' report concludes. "We concluded that shortcomings in the Region's oversight of activities under its authority have been a factor in not detecting some Site contamination until recently. In addition, the Region has not always communicated effectively with the community regarding the safety of drinking water and air around the Site. The Region's Community Involvement Plan is incomplete; it neither addresses all of the Region's activities at the Site, nor includes a communication strategy. The Region also had inconsistent recordkeeping practices."

It suggests that Region 4 focus on a smooth transition of the cleanup operations to the state, or on declaring the abandoned plant a Superfund site:

These shortcomings impede the Region's ability to effectively respond to and manage community concerns. Region 4's completion of its response work at the Site will neither remedy remaining Site contamination, nor mitigate potential future risks. The Region must be proactive in developing a clear plan to transition the Site to the State."

Region 4's performance has long been a subject of harsh criticism from residents and activists, who've accused it of incompetence and an unwillingness to face or deal with the full extent of the contamination.

According to the report, the response from the office Region 4's acting director is that it "will do everything within our authority to ensure the safety of the residents in the Mills Gap area."

— David Forbes, staff writer

Oil Is Fouling Wetlands, Official Says (*New York Times*)

May 20, 2010 Thursday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 20
By JAMES C. McKINLEY Jr. and CAMPBELL ROBERTSON; John M. Broder, Liz Robbins and John Collins Rudolph contributed reporting.
VENICE, La. -- Gov. Bobby Jindal of Louisiana said Wednesday that sheets of heavy crude oil from the offshore spill had seeped deep into the delicate marshes around the mouth of the Mississippi River. He called on the federal government to approve a plan to build sand berms to protect the bayou country.

"These are not tar balls, this is not sheen, this is heavy oil," Mr. Jindal told reporters on a pier here, holding up a plastic bag full of sticky brownish liquid, after taking a helicopter and boat tour of the area. "What we are seeing yesterday and today is literally this heavy oil coming into our wetlands."

Mr. Jindal again chastised the Army Corps of Engineers, the Coast Guard and BP for not moving quickly enough to decide on the state's proposal to build more than 80 miles of sand berms along the coastline. "It's past time to act," he said.

Ken Holder, a spokesman for the Army Corps of Engineers, said in a statement that the Army Corps was still evaluating the potential environmental impact of the sand-berm plan. The Coast Guard was also still reviewing the plan, said a spokesman, Lt. Cmdr. Tony Russell. Tom Mueller, a spokesman for BP, said the company had several questions about the proposal, including whether the berms would be effective or cause unintended damages to the environment.

State officials complained that the process was taking too long. Mr. Jindal and other officials who surveyed the damage said they had found several long fingers of heavy oil, each about a quarter-mile wide, reaching into the marshes where the Mississippi divides and empties into the Gulf of Mexico. The oil had covered cane and other flora along the North Pass, the Pass a Loutre and the South Pass, they said.

Scientists were divided about what the appearance of darker liquid oil in the marshes meant for the environment. Edward B. Overton, professor emeritus of environmental science at Louisiana State University and an expert on oil spills, said he was concerned that it could be more dangerous to vegetation than the less toxic, reddish-colored oil, which has emulsified.

But Charlie Henry, scientific support coordinator for the National Oceanic and Atmospheric Administration, said it was possible that the darker oil was the result of the heat of the sun breaking apart oil that had already emulsified, separating some of the thinner, darker oil out. If so, it was not likely to be as toxic as fresh oil would be, he said.

Efforts to contain the spill continued Wednesday, but a procedure that could possibly shut the well off completely will not be ready until next week, officials said. The procedure, called a top-kill, in which heavy fluid would be pumped into the well, could be conducted on Sunday at the earliest, said Doug Suttles, chief operating officer for BP.

For four weeks, BP has been trying to stem the leak on several fronts, even taking e-mail suggestions for stopping the flow. Next week, BP will start testing six centrifuge machines that separate the oil from the water, a project that is financed by the actor Kevin Costner, Mr. Suttles said. Mr. Costner bought technology in development from the government in 1995, hired scientists and developed the centrifuge machines for the private sector, financing the $24 million project.

"Kevin saw the Exxon Valdez spill, and as a fisherman and an environmentalist, it just stuck in his craw, the fact that we didn't have separation technology," said John Houghtaling, Mr. Costner's lawyer and business partner as chief executive of Ocean Therapy Solutions, which developed the machines.

In Washington, Interior Secretary Ken Salazar announced that he was dividing the troubled Minerals Management Service into three offices reporting to two different senior managers at Interior. The move amounts to the dismantling of an agency that has been scarred by scandal for years and has come under criticism for poor oversight of drilling operations in the Gulf of Mexico.

A new bureau of ocean energy management would oversee development of offshore resources, including oil, gas and wind, and would be responsible for planning and leasing decisions. A bureau of safety and environmental enforcement would enforce regulations and perform other police functions.

Both offices would report to the assistant secretary of interior for land and minerals management. A third office would be responsible for revenue collection; it would report to the assistant secretary for policy, management and budget.

Mr. Salazar's announcement left major questions unanswered, including who would run each bureau, how revenues collected from oil companies would be used and whether he would need Congressional approval for some parts of the plan. He said the department was reviewing those and other questions.

D.C. families misled about water (*Washington Post*)

May 20, 2010 Thursday
Met 2 Edition
A-SECTION; Pg. A01
Maryland
Panel: D.C. families misled about water;
CDC accused of using flawed data in claiming lead levels were safe
By: Carol D. Leonnig
The nation's premier public health agency knowingly used flawed data to claim that high lead levels in the District's drinking water did not pose a health risk to the public, a congressional investigation has found. And, investigators determined, the agency has not publicized more thorough internal research showing that the problem harmed children across the city and continues to endanger thousands of D.C. residents.

A House investigative subcommittee concludes that the Centers for Disease Control and Prevention made "scientifically indefensible" claims in 2004 that high lead in the water was not causing noticeable harm to the health of city residents. As terrified District parents demanded explanations for the spike in lead in their water, the CDC hurriedly published its calming analysis, knowing that it relied on incomplete, misleading blood-test results that played down the potential health impact, the investigation found.

The city utility says lead levels have been in the safe range in D.C. water since 2006, after a chemical change to reduce lead leaching. But the House report raises concerns about children in 9,100 residences throughout the city with partial lead-pipe replacements. Their parents may not know CDC research has found that children in such homes are four times as likely to have elevated lead in their blood.

The House science and technology subcommittee investigation, scheduled to be released Thursday, was spurred last year by one scientist's research and Washington Post reporting suggesting that the 2004 CDC analysis was missing many test results for children who might have lead poisoning. With its final report, the committee reveals that the missing data showed clear harm to children from the water -- and that CDC authors knew the data was flawed. It finds that CDC officials "failed in their public health duty."

Pediatric lead experts advise concerned parents to monitor their children's behavior to determine whether they have noticed coordination, hearing or mental-focus problems or changes. Parents who witness such changes should have their children's blood tested for lead.

Late Wednesday, the CDC declined to directly rebut the House investigators' findings. Instead, it released a brief re-analysis based on the missing tests, which it said confirms the original 2004 findings that residents did not suffer significant harm.

The agency acknowledged, however, that its 2004 claim that no children had been found with lead poisoning was "misleading," because it referred to only one part of its

study. Another part showed that children living in homes serviced by a lead pipes were more than twice as likely as other D.C. children to have unsafe lead in their blood.

Yanna Lambrinidou, head of a parents' activist group that formed in the lead crisis, said the CDC, the city water utility, the U.S. Environmental Protection Agency and the D.C. Health Department knew that lead was spiking in the water but did little to fix it or warn the public.

"CDC gave the perpetrators of D.C.'s lead crisis a 'get out of jail free' card," Lambrinidou said. "They will finally have to answer for what they did."

When nearly 1 million residents throughout the District and in small parts of Falls Church and Arlington learned from a Post article in January 2004 that they had been exposed to unsafe lead in water for at least a year, the CDC analysis was largely used to quiet public anger. The study has since been cited as evidence that even astronomically high lead levels are not cause for concern.

Rep. Brad Miller (D-N.C.), the subcommittee chairman, said the CDC report "left the public health community with the dangerous and wrong impression that lead-contaminated water is safe for children to drink."

Lead is a toxic metal long known to cause brain damage and developmental delays in fetuses and children when they or their pregnant mothers ingest significant amounts.

Marc Edwards, a Virginia Tech scientist who early on questioned the paper, said it's time for the CDC to retract its findings and for the senior author of the 2004 report, Mary Jean Brown, to resign.

The House subcommittee's investigation also chides the CDC for not alerting the public to its subsequent research that contradicted its earlier claims. This 2007 research determined a clear link between the water problem and lead poisoning in D.C. children. For example, it showed that city children with high levels of lead in their blood were significantly more likely to live in homes with lead pipes, and after the city fixed its water treatment problem, the CDC saw a "dramatic reduction" in lead poisoning.

The committee also urged release of this research to alert residents to a continuing, lurking threat in the estimated 9,100 D.C. homes where water utility crews replaced part of the lead service pipe bringing water to the house. The CDC study concluded that the D.C. Water and Sewer Authority's $93 million effort to reduce lead risks after the 2004 lead crisis had largely backfired: Children living in homes with partial lead pipe replacements were four times as likely to suffer from unsafe levels of lead as those in homes without lead pipes.

The House science subcommittee reserves its strongest criticisms for Brown, the CDC's director of lead poisoning prevention. She worked with D.C. health officials to review

blood-test results and frame the CDC's response. Brown led a team in publishing the conclusion that the lead problem wasn't having a serious health impact.

But the committee said it found evidence that Brown knew that the D.C. Health Department data was missing thousands of blood-test results in a critical period of the lead crisis. She told investigators that she believed all the missing data was for low blood-lead levels, but she never tried to obtain the original results to check.

The committee did go back to the labs for the original test results for 2002-03 and learned that three times as many children had elevated lead levels as reported, 954 instead of 315. This means child lead poisoning was rising, not falling or staying the same, as the CDC had claimed.

In one part of the 2004 report, the CDC paper analyzed the blood of children and adults living with lead levels in their tap water 20 times the amount raising concern -- and said not one was suffering from elevated lead. Brown and her co-authors knew, however, that most of those tested had been drinking bottled or filtered water before their blood was analyzed.

A public health expert and co-author suggested to Brown in an e-mail that the report mention this factor because "this may help to explain why currently none of the persons have blood lead levels above the level of concern." It was never mentioned.

Brown acknowledged to investigators that she "didn't have a lot of confidence" in the results but didn't delay the report's release because many federal agencies were pushing the CDC to publish.

In internal e-mails at the time, Brown expressed pleasure that the drumbeat of media reports was easing. "Today has been the first day in over a month that there wasn't a story on lead in water in the Washington Post and also the first that I haven't been interviewed by at least one news outlet," Brown wrote to her boss. "I guess that means it worked!"

Keller considers tightening water-well regulation over concerns about nitrate contamination (*Fort Worth Star-Telegram*)

Texas
May 20, 2010 Thursday
SECTION: B
Keller considers tightening water-well regulation over concerns about nitrate contamination
BY: ADRIAN McCANDLESS; amccandless@star-telegram.com

KELLER -- Concerns about possible nitrate contamination of some water wells in north Keller are prompting officials to look into regulating water well drilling and requiring annual water tests.

"More and more water wells are being drilled out there, and we have come across information that there is some contamination in some of the wells," City Manager Dan O'Leary said during a City Council work session Tuesday. "Probably a lot of folks up there don't know about it, and it is going to continue to happen unless the community tries to get in there and regulate that. We know there are probably people drinking water right now with high levels of nitrates that they're not even aware of it."

The proposed ordinance would require owners to have well water tested annually by a state-approved laboratory to check nitrate and nitrite levels, Public Works Director Gregory Dickens said.

"If we instigate an ordinance, then we will be able to watch over the installation and will be able to see if we are getting any kind of contamination into the wells by the nitrate and nitrite level tests," Dickens said.

City staffers would also conduct two inspections on all new water wells, he said.

Although Texas has little regulation of private water wells, the state does set construction standards. The proposed ordinance would also require new water wells to comply with state laws, which include restrictions on location.

"We've got roughly 222 water wells that we know of in the city -- I am sure there is more than that," Dickens said. "Water wells typically come in after the house is built and the septic tank and lateral field [are] put in, so it has kind of all been upon the well driller to make sure that he is not violating rules by getting it too close to the septic tank or lateral field."

The proposed ordinance would also permit only licensed drillers to build wells and would require them to pay a $50 annual registration fee.

"In the past, there wasn't quite as much regulation. There is a little bit more now than there used to be for the well drillers," Dickens said. "Hopefully there is a better adherence to the rules by the well drillers, but they were pretty much policing themselves."

The issue is important, Councilman John Baker said. But he said the council needs to tread carefully.

"Before we pass an ordinance, if we don't get a buy-in from the folks that live in north Keller that have water wells -- if they don't understand the why [and] the health issue that is involved here, then this is going to be another government intrusion," he said.

Nitrates and nitrites are related compounds that come from nitrogen, often used in fertilizer. They can also come from animal manure and leaky septic tanks. Infants who drink water with high levels of nitrates can have oxygen problems resulting in "blue baby syndrome," according to Tarrant County Public Health. Excessive amounts have also been tied to some adult illnesses, studies show.

The Environmental Protection Agency regulates nitrate levels in public water supplies but not private wells.

Mayor Pat McGrail said that before the council votes, it will need more time to discuss the issue and more community involvement.

Staffers will use utility bills to inform the public, Dickens said.

The city is not looking to harshly punish owners of contaminated wells, Dickens said.

"There is a level set for potable water by the state, and there are rules and regulations, and that is what we would try to be following," he said. "When we look at the results, we would try to educate the owner of the well. We wouldn't go out with police and haul them to jail until they did something about their situation."

Councilman Ray Brown asked the staff what the city would do if a well has excessive nitrate or nitrite levels.

"It all depends on how strict that you want to make the ordinance," O'Leary said. "The way the ordinance is written now, we are not really going to do anything other than inform them that they have a problem. You can make it tougher if you want."

ADRIAN M c CANDLESS, 817-431-2231

NY POLITICS
MAY 20, 2010

Higher Water Rates Are on Tap for New York City Residents (*Wall Street Journal*)

By MICHAEL HOWARD SAUL
Drinking a glass of tap water, washing the dishes and taking a shower in New York City is about to cost 12.9% more.

The Water Board is expected Friday to raise rates, marking the fourth consecutive year of double-digit increases. The average single-family homeowner's annual water bill would increase from $723 to $816 beginning July 1. Most New Yorkers, though, don't personally receive a water bill because it goes to the building owner, who typically passes along increases via rent or maintenance fees.

"It is unfair to keep increasing rates because they need more money—there's got to be another answer," said Johanna Kletter, a Bronx housing advocate.

City officials blamed the string of increases on paying off clean-water projects mandated by the state and federal governments, such as a water-filtration and sewage-treatment plants.

"We're going to do everything we can to continue to tighten our belt and do our job as efficiently as possible," said Cas Holloway, the new commissioner of the Department of Environmental Protection, "but we also need to have an end to unfunded legal mandates."

In the past decade, $13 billion, or 68%, of the $19 billion in capital spending by the department has gone to projects imposed by federal and state regulators. In the last four years, the cost of paying off those projects has jumped 27% to $837 million. Every day, DEP spends $9 million on construction.

Mr. Holloway said one of the largest projects—a $1.6 billion ultraviolet-disinfection facility for drinking water—has been thrust upon the city with little regard to "whether the investment is actually needed right now for the water system."

A federal official in the Environmental Protection Agency's New York office said the mandates are in place to protect the environment and public health. The agency expects municipalities to plan accordingly.

While the city charges less for water than other major municipalities nationwide, the last time there was no increase was 1995, records show. To dull the bite this year, the city will offer a 1% discount to customers who pay their bills through direct deposit.

Marc LaVorgna, a spokesman for Mayor Michael Bloomberg, said the mayor is sympathetic to ratepayers, but "we have had to compensate for decades of under-investment in the system, and the costs are overwhelmingly due to federally mandated investments that have to be paid for." Mr. Bloomberg appoints the Water Board.

But Council Speaker Christine Quinn called on the Water Board and DEP to review whether such a large rate increase is necessary. "A 12.9% increase in water and sewer rates could put families and business owners in a position where they are forced to sacrifice other necessities," the Manhattan Democrat said.

Linda Baran, president of the Staten Island Chamber of Commerce, said the increases are taking a toll. "The only way for businesses to survive these constant increases is to pass the costs down to the consumer," she said in testimony at a rate hearing. "It is a vicious cycle."

Ms. Kletter, financial director of the nonprofit University Neighborhood Housing Program, said in an interview, "Every year, it seems to be a giant increase. There is a spending problem."

Despite an 8% spending cut Mr. Holloway is implementing, Ms. Kletter said at a hearing that the department "should have had a goal to cover the rate increase."

Write to Michael Howard Saul at michael.saul@wsj.com

Pine River fishing derby to become part of study (*The Morning Sun*)

Thursday, May 20, 2010 6:23 AM EDT
By LINDA GITTLEMAN
Gratiot Managing Editor
From Monday until Wednesday, researchers from the Michigan Department of Natural Resources and Environment, did a little boating on the Pine River, using equipment a lot like fish finders.

They weren't looking for fish however. They were using sound to study the bottom of the river, its sediment, and to find out where the sediment is coming from.

Aaron Berndt with the MDNRE, provided a kind of show and tell Wednesday afternoon at Leppien Park in St. Louis to several members of the Pine River Task Force.

Berndt reported that nothing unusual or unexpected was found in his samplings. The report, however, will take several weeks to complete.

Once completed, members of the Environmental Protection Agency will use that data in its sediment sampling.

Berndt explained how the sounds bounces off the bottom of the river and the sediment, providing an outline of the river.

The EPA is continuing its monitoring of the fish and the sediment of the river, even after the river has undergone a $100 million clean up.

It has already been discovered that DDT is still present in the river.

In order to help with the study, MDNRE employees will participate in the annual St. Louis fishing derby that takes place June 12.

Organizer and Mayor Joe Scholtz suggested that the agency use the fish caught in the free fishing derby. Scott Cornelius, MDNRE representative said the people in his agency thought it was a great idea.

Generally, the agency likes to have about 12 examples of the same species of fish, the bigger the better, he said.

Bass and carp will likely be chosen.

"Carp is like a sponge," Cornelius said. "It absorbs everything."

The MDNRE employees will likely grind them up and inject the "mush" into a machine that will provide a graph of the the chemicals absorbed by the fish.

Scholtz said he was expecting about 1,000 people of all ages to participate in the derby. Anywhere from 400 to 600 fish are likely to be caught.

If the MDNRE however, does not get the number, kind and size it wants, it will come back to the river to catch more fish to complete its sampling, Cornelius said.

Remedies for Nitrate-Contaminated Water in California are Anything but Quick, Cheap (*Circle of Blue WaterNews*)

Posted By Circle of Blue On May 20, 2010 @ 6:48 am In Agriculture, Business, Corporate Social Responsibility, Economics, Environment, Food Industry, Health, North America, Policy + Politics, Reports & Studies, Science + Tech, Water Policy, World | No Comments

Wells that serve more than two million Californians are contaminated with nitrates at levels that surpass public health standards, California Watch reports. In small towns and rural settings, schools and families often don't have access to groundwater filtration systems. Tap water spiked with high nitrate levels can lead to illness in infants and some studies have found connections to certain cancers in lab animals.

John Mataka of Grayson, Calif., and his wife Rosenda drink bottled water although Modesto has invested in a treatment plant.
By Julia Scott
California Watch, Special to Circle of Blue

John and Rosenda Mataka never gave a thought to their tap water until 1995, when the city of Modesto took over the town of Grayson's water supply wells and informed everyone that they had been drinking nitrate-contaminated water for over a decade.

Modesto officials began conducting regular tests of Grayson's two production wells. The state Department of Public Health reacted to the results by requiring the city to install a treatment plant to rid the water of dangerous nitrate levels.

"I was angry. We just weren't told. Every year they said the water was fine," said Rosenda Mataka, who raised her son Emiliano on compromised tap water.

ABOUT THE PROJECT:
The California Watch nitrates project was a yearlong reporting effort that found a long legacy of groundwater polluted by nitrates from agricultural runoff and septic tanks..Although Emiliano and his parents show no indication that their health has been harmed by the water they drank for years, the Matakas worry about the long-term health impacts of exposure to tainted drinking water. Tap water spiked with high nitrate levels can lead to "blue baby syndrome," which cuts off an infant's oxygen supply. Some studies have found connections to certain cancers in lab animals.

Grayson's water treatment system provides an oddly incongruous sight: an assortment of gleaming pipes and tanks that tower above apricot orchards and alfalfa fields, with a tall fence wrapped around them and a big warning sign that says "Caution: Chlorine."

It's Grayson's accidental landmark, a symbol of the hidden legacy that has prevented this rural outpost of 1,200 from becoming the prosperous Modesto suburb it could have been.

In a way, Grayson is lucky. Most small communities of its size with serious nitrate problems can't afford expensive water treatment plants. That means these communities, made up largely of low-income families who work the fields, end up drinking whatever comes out of the tap, even if the water violates public health standards for nitrates.

At least one million Californians rely on private wells that have no public health oversight. These residents are at high risk for nitrate contamination because their wells are shallower than municipal wells. Nitrates are colorless and odorless, making them hard to detect without lab testing.

Many dairies moved north, to the Central Valley, after Chino water regulators passed strict rules limiting the number of cows.
At the other end of the spectrum, cities in Southern California have spent millions of dollars on nitrate treatment plants because they have no other choice – dirty or not, the groundwater is crucial to meet population growth while access to imported water shrinks. The Irvine Ranch Water District, for instance, built a $33 million system to remove nitrates in 2007. It costs an additional $2.3 million a year just to operate and maintain. The plant itself serves 50,000 water customers in Orange County.

Other California communities will be facing the same tough choices in the coming years. California's population is projected to increase 53 percent by 2050. Of the 50 million

people who will one day call this state home, many will settle in the greater Los Angeles area, Inland Empire, and parts of the Central Valley – areas that overlie some of the most nitrate-contaminated groundwater in the state.

City planners are looking to groundwater to supply one-third of the water needed to accommodate California's coming population boom, or 1.1 trillion gallons per year – more than any other source, according to the Public Policy Institute of California.

Looking around Grayson today, it's hard to believe the town was once in the running to become a major suburb of Modesto. Twenty years ago, a developer was planning to build a 633-unit subdivision at the site of a peach orchard in Grayson.

Those dreams were dashed shortly after Modesto installed a de-nitrification plant. Although it can barely afford it, the city spends $800 per acre-foot of water to make water drinkable for Grayson's 1,200 residents – up to $19,440 a month, four times the cost of the treated Tuolomne River water Modesto pipes to half its 210,000 residents.

Another problem is the leftovers: Grayson's ion exchange process leaves behind hundreds of tons of saline brine that can't be recycled or reused, so Modesto pays extra to export four truckloads of it each week to a Bay Area wastewater plant. At those prices, the city quickly concluded it couldn't afford any new water connections in Grayson and banned them outright. The ban is still in place today, minimizing the area's population growth.

"If water wasn't a problem here, the whole area would be developed in a heartbeat," said John Mataka, who works for Stanislaus County as a behavioral health specialist. He and Rosenda both advocate for environmental justice issues with a variety of local and state organizations.

Experts say the slow spread of nitrates underground has already affected millions of Californians, mostly due to a legacy of leaky septic tanks and intensive nitrogen fertilizer-based farming over the last 60 years. Nitrates are the leading cause of well closures in California. Scientists say that if nitrate concentrations don't taper off, the pollution will eventually sink deep enough to affect the well water that millions of Californians depend upon.

Studies have shown that although only 3.5 percent of public water supply wells in the Central Valley exceed the public health limit for nitrates today, an additional 13 percent of wells are at substantial risk of contamination.

That message is somehow getting lost on people, says Karen Burow, a Sacramento-based scientist with the U.S. Geological Survey. Past farming practices have already contributed to tomorrow's nitrate problems, and today's contributions are making the problem worse.

“I think that’s the most important point we can get across – that there is a lot of nitrate in shallow groundwater and it’s moving, and we don’t see it going away very fast. There is some urgency for the policy people to figure out what to do,” Burow said.

Solving the groundwater problem will take imagination – and a lot more money than the state is spending. California voters have passed two water bonds since 2002, worth more than $8 billion. Roughly $2 billion was allocated for clean, safe drinking water.

No estimate exists for what it would cost to clean up the nitrates in our groundwater basins, in part because the state has limited knowledge about where the pollutants are and where they go when they reach the water table.

The Environmental Protection Agency has estimated that the cost of treating all the polluted groundwater in California over the next 20 years, including nitrates, would amount to $7.5 billion.

Tackling the source

“The solution isn’t usually to just shut down a dairy. The ones that we found having problems, we’ve worked with them to get more land, improve their cropping practices, in some cases line manure basins.”
-Ken LandauActivists and regulators agree that the best way to solve the nitrate problem is to prevent it. But that is easier said than done. State regulators have started requiring certain operations to limit the nitrogen they apply to land. Records show, however, that in many cases, officials have been aware of ongoing nitrate pollution for years – and took little action to address it.

One of the best examples of this is the state’s dairies, which grow crops with manure. Many dairies lack enough cropland to absorb all the nitrogen they produce. As a result, they over-apply liquid manure, causing nitrate problems.

Most dairies began testing their domestic wells for nitrates in 2007 and 65 percent of the dairy wells exceeded the public health limit for nitrates. Forty-two percent of wells had nitrate levels that were twice the drinking water standard.

Many dairies moved north, to the Central Valley, after Chino water regulators passed strict rules limiting the number of cows.

Since 2000, the state has mandated that 48 dairies submit groundwater test results – in response to numerous other findings of nitrate contamination on their land. Yet none of the dairies were fined, required to cease operations or asked to clean up a nitrate problem identified by the state.

Dairies receive violation letters for not monitoring properly, but exceeding the nitrate limits rarely has serious consequences.

Records show some dairies were even suspected of spreading contamination to adjacent lands, potentially affecting the drinking water of neighbors and farmhands living onsite. But only one dairy, The Bosma Milk Co. in Tipton, received a violation letter specifically for high nitrates in groundwater beneath the property, according to an online database of state enforcement actions.

The Bosma Milk Co. has reported nitrate concentrations above the public health limit since 2003. Like many other Central Valley dairies with nitrate problems, nitrate concentrations in some of Bosma's wells spiked as high as five times the pollution limit between 2000 and 2007.

The dairy received a violation letter in 2008, but no fine. The Central Valley Regional Water Board has asked the dairy to collect more information before it takes action.

Gary Bosma, co-owner of Bosma Milk Co., said he and his brother Jake have gone out of their way to comply with water quality requirements imposed by the state. He suggested that regulators would have a hard time proving that nitrates were coming from Bosma given that there are other dairies in the area.

"We have neighbors and the water moves around in the aquifer. Just because one well pops up positive doesn't mean it's coming from that dairy," Bosma said.

Officials say they have been aware of nitrate issues at dairies for a long time.

Some lettuce growers in Monterey County are participating in a farm program to help them gauge how much nitrogen to apply.
"The solution isn't usually to just shut down a dairy. The ones that we found having problems, we've worked with them to get more land, improve their cropping practices, in some cases line manure basins," said Ken Landau, assistant executive officer of the Central Valley Regional Water Quality Control Board.

In 2007, Central Valley regulators started requiring most dairies to develop plans to manage their manure to reduce water contamination. Another rule, the first of its kind in the country, required dairies to sample their domestic wells for nitrates. If the levels are too high, the dairy needs to pay to install additional monitoring wells to gauge the extent of the contamination.

The program was welcomed by environmentalists, but Dairy CARES, a statewide dairy-industry coalition, feels the requirements are too burdensome. The group is working on an alternative that calls for installing wells in select regional locations to monitor contamination, an approach that would avoid pointing fingers at individual dairy operators.

"It's a much broader scale than holding an individual responsible for their exact actions," said Darrin Polhemus, deputy director of the State Water Resources Control Board's

division of water quality. “Obviously that’s what we’ll want to get to eventually, but that’s not the focus. It’s not designed to find that one guy out there.”

An expensive problem

It’s too late to prevent nitrate contamination in many Southern California groundwater basins, especially in heavily urbanized portions of Los Angeles, Orange, Riverside and San Bernardino counties.

It’s a problem that harkens back to the region’s agricultural legacy. Land now covered with suburban neighborhoods once sprouted with citrus trees and vegetable fields where farmers used nitrogen fertilizer. Until recently, the Chino Basin was home to more dairies than anywhere in the world.

Nitrate problems were detected as early as the 1970s in the Chino Basin, one of the largest groundwater basins in the state. The area is at the heart of California’s Inland Empire and home to more than a million people. Nitrate concentrations in the worst-hit parts of the basin were double the EPA threshold in the 1980s and quadruple the limit by 2000, according to records.

Regulators with the Santa Ana Regional Water Quality Control Board tried with limited success to contain the problem by banning dairies from applying manure to land in the Chino Basin in 1999.

Today, residents pay high water bills to bankroll multimillion-dollar nitrate treatment plants in places like Pomona and Riverside. The Inland Empire Utilities Agency in western San Bernardino County is in the midst of a $300 million project to expand its nitrate removal plant as part of an aggressive strategy to cope with drought-related limits on imported water.

“We recognized that imported water was vulnerable and less reliable,” agency General Manager Rich Atwater said. “We’ve literally hit the wall with the Delta. We’re in a huge economic recession and everybody recognizes that we’re going to go from 38 million to 50 million people in the next 25 years, and Southern California is a big part of the demand.”

Times have changed since the 1970s, when water managers could just shut down a well and dig a new one if nitrates became a serious problem. Atwater says the causes of nitrate contamination were ignored for too long, creating a problem for everyone in the region.

“All that nitrate contamination that we’re addressing today is literally a legacy of 50 to 100 years ago,” Atwater said. “Prevention is so much more cost effective – 10, 20 times as much. It’s so much more expensive to remove the contaminant from the groundwater basin than to keep it from getting there in the first place.”

In Modesto, the city has had to shut down 10 of its 140 municipal wells because of nitrate contamination in the past 15 years, and there will likely be more, said Allen Lagarbo, deputy public works director.

“All cities on wells in this area start developing contamination problems eventually,” he said.

“We do this crazy thing now and take pristine, beautiful water and put it on our farms, and the minute it soaks into the ground it’s filled with nitrate, and then we ask cities to clean up marginal water and use it as drinking water.”
-Jean MoranThe combined population of cities in the Sacramento Metro region and the San Joaquin Valley is projected to top 9 million by 2030. The population in the Central Valley has doubled every 30 years since 1900 as residents move onto former farmlands.

Meeting those future water demands is not as simple as building a new generation of nitrate treatment plants, as Modesto has discovered. The most common technologies to remove nitrates, ionic exchange and reverse osmosis, can be expensive and cumbersome.

“We do this crazy thing now and take pristine, beautiful water and put it on our farms, and the minute it soaks into the ground it’s filled with nitrate, and then we ask cities to clean up marginal water and use it as drinking water,” said Jean Moran, professor of earth and environmental science at CSU East Bay and a former groundwater research scientist at Lawrence Livermore National Laboratory.

A Sacramento solution?

In the Central Valley, farmers may soon face regulations on their use offertilizer similar to an order imposed on dairies in 2007. The agricultural industry wants those rules to remain voluntary and says it would be unfair for regulators to require farmers to comply with strict statewide water quality standards.

Nitrogen fertilizer use in California has stabilized at an average 700,000 tons each year, but it’s unclear whether voluntary strategies have made a difference for nitrate levels so far. It took 50 years to detect nitrate problems in many areas and it will take decades to see changes, experts say.

One option would be to require farmers to limit the amount of fertilizer they apply to their fields. That would require new legislation. The State Water Resources Control Board does not have the authority to impose those limits.

Lawmakers have directed hundreds of thousands of dollars of aid to small communities struggling with nitrates, and established demonstration projects for good farming practices through the University of California. But when it comes to tackling fertilizer itself, results have been mixed.

Former Bay Area state Assemblyman Johan Klehs tried to pass a bill in 2006 that would have raised the mill tax on fertilizer. The money would have been used to provide grants to communities affected by nitrate contamination. (In California, fertilizer is exempt from local and state sales taxes). The bill died in the Assembly's Agriculture Committee.

"All efforts along those lines automatically go to the ag committee and they die there. Legislators are not friendly to anything that could negatively impact agriculture," said Debbie Davis, legislative analyst with the Oakland-based Environmental Justice Coalition for Water.

State Senate Majority Leader Dean Florez, D-Shafter, calls nitrates "a backwater issue in Sacramento."

"These are the kinds of things public policy makers need to hear," he said. "It's always difficult to get any of these things on the radar screen. … We've got to get our farmers to recognize the long-term impact of these materials on water systems. People say it's the end of a major, multi-billion dollar industry without these fertilizers."

Scientists with the U.S. Geological Survey have calculated that even if fertilizer inputs ceased immediately and forever, nitrate levels would continue to climb for many more decades before starting to decline because of the lag time in deeper aquifers.

All the more reason to take preventative action, says Eli Moore, a research associate with the Oakland-based Pacific Institute.

"We can deal with nitrate contamination once it's already reached the tap water, or we can try to prevent nitrate contamination before it becomes a problem," Moore said. "It's really a question of whether we as Californians are going to ensure that all Californians have access to clean drinking water."

Grayson's moratorium on new water connections hasn't kept people from building new homes and simply digging their own backyard wells at the risk of exposing themselves to dangerous levels of nitrates.

Nitrate concentrations in Grayson's raw water have tested as high as 65 milligrams per liter over the past 15 years. The public health limit is 45 milligrams per liter. One milligram is equivalent to half a teaspoon in a swimming pool. It may not seem like much, but for vulnerable populations, like infants, the effects can be acute, experts say.

"If this is an issue now, can you imagine a town three times the size?" asked John Mataka. "It would have been a calamity."

Unused meds? Just drop them off (*Newark Advocate*)

Saturday event provides safe outlet to
dispose of old prescription drugs
BY JESSIE BALMERT • Advocate Reporter • May
20, 2010

NEWARK -- Proper disposal of prescription medications can safeguard a home from theft and
protect the groundwater from trace pharmaceuticals.

On Saturday, the Licking County office of Home Instead Senior Care is hosting Operation Medical Cabinet so residents can dispose of expired or unused prescription medication. The medications are gathered, weighed and incinerated by the Licking County Sheriff's Office, said Deputy Tim Caldwell, president of the Licking County Task Force on Aging.

"It's a good time to clean out your medicine cabinets," said Deborah Archer, recruitment and
retention coordinator for Home Instead Senior Care.

Outdated medications for the most part are safe but might not be as effective as they were before their expiration date, said Craig Cairns, vice president of medical affairs at Licking Memorial Hospital.

It generally is a good practice to discard outdated medication, especially drugs like nitroglycerin,
insulin and antibiotics, Cairns said.

Outside of the event, which has happened twice a year since 2007, law enforcement doesn't collect expired medication for disposal, Caldwell said.

"There really isn't any other good way to get rid of it," Caldwell said.

By stockpiling unused medication, people put themselves at risk of thefts or break-ins, Archer
said.

Individuals with prescription medications should store them in a safe, locked area to keep them away from children, said Lt. Tom Brown of the Central Ohio Drug Enforcement Task Force.

"Pharming is a big thing right now," Caldwell said.

Children, as young as 12 years old, will rifle through their parents' medicine cabinet, throw the

pills into a bowl and consume them at random, Caldwell said.

"They have no idea what they do. They don't know where they came from," Caldwell said.

The agencies want to prevent people from flushing their pills down the toilet or sink, which can run into the groundwater, Archer said.

"I don't think people think about it," she said.

Utilities Superintendent Roger Loomis said water departments are not required to test for trace
pharmaceuticals, but his office is watching research to see if new regulations will be implemented.

Studies show many streams contain traces of chemicals found in pharmaceuticals because of
improper disposal, according to the U.S. Environmental Protection Agency.

The events at Newark Catholic High School and West Licking Joint Fire District Station 1 will take liquids, creams and pills and recycle the packaging, Archer said.

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