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ADMINISTRATOR JACKSON

EPA says Gulf dispersants not more toxic than oil (*Associated Press*)

Story also appeared: *Washington Post*

By MATTHEW DALY
The Associated Press
Monday, August 2, 2010; 3:58 PM

WASHINGTON -- A new federal study of chemical dispersants used to break up oil in the Gulf of Mexico shows that when mixed with oil, the dispersant is no more toxic to aquatic life than oil alone.

The study also show that when mixed with oil, the dispersant used in the Gulf, Corexit 9500A, is no more or less toxic than oil mixtures with other chemical dispersants approved for use in oil spills.

The Environmental Protection Agency released the study results Monday as the Obama administration defended itself against assertions that officials allowed oil giant BP to use excessive amounts of chemical dispersants whose threat to sea life remains unknown.

Congressional investigators charge that the Coast Guard routinely approved BP requests to use thousands of gallons per day of Corexit despite a federal directive to use the chemical sparingly.

The Coast Guard approved 74 waivers over a 48-day period after the Environmental Protection Agency order, according to documents reviewed by the investigators. Only in a small number of cases did the government scale back BP's request.

EPA Administrator Lisa Jackson said in a statement that officials have long acknowledged use of dispersants presents environmental trade-offs. The agency took steps to ensure that other response efforts were used instead of dispersants and dramatically cut dispersant use in late May, she said.

Dispersants were last used July 19, four days after a temporary cap was placed on the leaking Macondo well, and dispersant use dropped by 72 percent from peak volumes following a joint EPA-U.S. Coast Guard directive to BP in late May, Jackson said.

Paul Anastas, EPA assistant administrator for research and development, said he was surprised to learn that the mixture of dispersant and oil was about the same toxicity as the oil alone.

That result shows that use of the dispersant "seems to be a wise decision, and that the oil itself is the hazard that we're concerned about," Anastas said. He called the oil that spewed into the Gulf for nearly three months "Enemy No. 1."

While the chemical dispersant was effective at breaking up the oil into small droplets so that it could be more easily consumed by bacteria, the long-term effects to aquatic life are unknown. That environmental uncertainty has led to several spats between BP and the government over the use of dispersants on the water's surface and deep underwater when oil was spewing out of the well.

Rep. Edward Markey, D-Mass., said more than 1.8 million gallons of toxic dispersants were used to break up the oil as it came out of the well and after it reached the ocean surface.

(This version CORRECTS that dispersants mixed with oil are not more toxic than oil alone, instead of less toxic.)

EPA Addresses River Oil Spill (*WLNS*)

Posted: Aug 02, 2010 11:03 AM EDT
The head of the Environmental Protection Agency assesses Marshall's oil spill. The EPA administrator, Governor Granholm and Senator Debbie Stabenow flew over the effected area. Late Sunday night or early Monday morning, a pipe ruptured leaking nearly a million gallons of oil into Talmedge Creek and the Kalamazoo River.

The government officials gave the press an update on the situation. The good news is there has been significant progress. Governor Granholm says the response has increased dramatically since her last flyover two days ago, but there is still a long way to go. Right now officials believe the oil has spread about 25 miles, but there are now 28 boom sites to keep it from inching any further. At this point, they do not believe the oil will reach Lake Michigan. However, they say the rain coming is a bit of a concern, because it will cause the oil sheen to spread.

There are currently 450 people cleaning the disaster, but EPA Administrator Lisa Jackson says they are talking this very seriously and will continue to add resources to the effort. She says she does not believe the oil is a serious health threat, but the impact of the spill will definitely linger for a long time to come.

Lisa Jackson, EPA Administrator: "There will certainly be damages that will take a long time for the system to heal itself. It will heal itself and the majority of the oil will be addressed in weeks, not months, but this is a significant spill."

Senator Debbie Stabenow, (D) Michigan: "We are going to make sure, and I've talked to the administration, the EPA has what they need in terms of resources. In talking to the company, they have committed and they will be responsible."

Jackson says there will be a series of community meetings to address the problem. She expects the 1st one to be Monday. The EPA isn't the only agency getting involved. The Michigan Attorney General's Office has now opened an investigation into the massive spill. AGg Mike Cox made the announcement. Spokesman John Sellek says Michigan law gives the state the power to deal with water quality separately from the actions of the feds.

EPA Bids To Institutionalize Equity Reviews Before Administration Change (*Inside EPA*)

Posted: August 2, 2010
EPA officials say the agency is moving to quickly implement and "institutionalize" its just-issued interim guidance on weighing environmental justice in regulatory development and implementation, fearing that the next administration in either 2012 or 2016 could halt or undo the effort.

"If we don't institutionalize it, then all is for naught," Jim Jones, deputy administrator in EPA's Office of Chemical Safety & Pollution Prevention, said at a July 27 meeting of agency environmental justice advisers in Washington, DC. "I think one of the keys is to do this early enough that it becomes part of the fabric," Jones said, adding that EPA should strive to achieve concrete results from equity analyses to demonstrate the utility of the guidance.

"I think that's part of the decision to move ahead with this process guidance right away," added Louise Wise, principal deputy associate administrator in EPA's Office of Policy, Economics & Innovation (OPEI).

Wise said that EPA Administrator Lisa Jackson has asked all deputy administrators to identify "selected rules where we really ought to concentrate our effort" implementing the guidance. It will apply "for sure" to new rules, except those in their final stages of development, she said. Wise added that the guidance is not designed for reviewing already issued rules but there may be exceptions if those rules have a significant equity impact.

Attendees at the National Environmental Justice Advisory Committee (NEJAC) meeting suggested that the rush to implement and institutionalize the guidance and make it part of EPA's "fabric" is designed to make it harder for future administrations to undo the Obama agency's efforts on environmental justice.

For example, Rhea Suh, assistant secretary for policy, management and budget at the Interior Department, referenced the fact that the Clinton administration's work on equity issues was largely dropped during the Bush administration. During a NEJAC panel July 28, Suh said she is excited to "revisit the diversity and [environmental justice] strategies that we had going in the '90s . . . and to leapfrog over some of the more dormant years that we had."

Environmentalists criticized the previous administration for undoing or downplaying President Clinton's push to have equity be a factor in agency rules. The Bush EPA drew criticism from its Office of Inspector General (OIG) for inconsistently implementing a Clinton-era Executive Order requiring agencies to ensure that minority and low-income populations are not subjected to a disproportionately high level of environmental risk.

OIG in a March 2004 report said that under the Bush administration, EPA changed the focus of the environmental justice program by de-emphasizing minority and low-income populations and emphasizing the concept of environmental justice for everyone. This action moved the Agency away from the basic tenet of the Executive Order and has contributed to the lack of consistency in the area of environmental justice integration."

Since taking office, Jackson has repeatedly said that equity is a top priority for her agency. Last year Jackson required consideration of environmental justice and other priorities during the "early guidance" and "options selections" phases of the rulemaking processes, where program managers give guidance on what issues need to be considered in the rulemaking and what regulatory options they plan to propose for consideration.

Addressing Equity In Implementation

But the interim guidance issued to senior agency officials July 22 appears to go further, urging officials to ensure that rules' implementation also addresses environmental justice concerns. "As you develop your action, you should consider how you can promote [environmental justice] not only in the *development* of the action, but also in the *implementation* of the action. You should consider whether and how you can craft your action to influence its implementation in a manner that promotes [environmental justice]," the guidance says.

EPA sent the interim guidance to senior officials at the agency's headquarters, general counsel and regional offices. The interim guidance is a "step-by-step guide" to help staff incorporate environmental justice considerations in the formal rulemaking process, as well as how rules are implemented, the agency says.

EPA is also seeking comment on the interim guide to inform a revised version due out later this year as well as new technical guidance on the issue, according to a memo accompanying the guidance written by OPEI Associate Administrator Lisa Heinzerling.

The guide could help ease environmentalists' fears, raised earlier this year, that initial steps by the Obama EPA set a high bar for when the agency will take action to limit disproportionate impacts on minority communities. At the time, activists called on EPA to develop guidance for how and when to conduct analyses to realistically define disparate impact on these communities.

The interim guidance outlines a host of factors agency staff should consider in the rule-development process to determine whether the rule has the ability to create, worsen or improve disproportionate impacts.

EDITORIAL / OP-ED / COMMENTARY / LETTERS

View:

Follow the science on increasing ethanol in gasoline (*UPI*)

Published: Aug. 3, 2010 at 6:20 AM
By CHARLES T. DREVNA
UPI Outside View Commentator
WASHINGTON, Aug. 3 (UPI) -- "Pump first, ask questions later" seems to be the message of over-eager ethanol advocates trying to pressure the U.S. government to approve an increase in the amount of ethanol in gasoline by up to 50 percent. Common sense tells us that we'd all be a lot better off asking questions first.

Four members of the U.S. Congress -- Democrats Henry Waxman of California and Edward Markey of Massachusetts and Republicans Joe Barton of Texas and Fred Upton of Michigan -- agree with this view, and sent a letter to EPA Administrator Lisa Jackson last Thursday raising a series of important questions.

(http://energycommerce.house.gov/documents/20100729/Jackson.EPA.2010.7.29.pdf)

In their letter, the congressmen request information to "ensure that increasing the permissible level of ethanol in gasoline is accomplished in a way that does not present any potential harm to air quality, consumers' investments in cars, trucks, and other engines and equipment, or small business owners' investments in gas stations."

In the interest of consumer protection and safety, Congress and the Environmental Protection Agency shouldn't be stampeded into making a rapid and reckless decision on changing the amount of ethanol in gasoline from the current 10 percent (E10) to a higher amount, such as the 15 percent ethanol (E15) blend now under consideration.

Before Congress votes to raise the amount of ethanol in gasoline -- or before the EPA

makes the decision on its own -- thorough and objective scientific testing needs to be completed and analyzed to determine if more ethanol in gasoline is safe and compatible with all gasoline-powered engines.

Ethanol burns hotter than gasoline and corrodes soft metals, plastics and rubber. More testing is needed to determine how much ethanol is too much for different types of existing engines to use safely without risking engine failure that could leave a boat stranded at sea, a snowmobile stuck in subfreezing temperatures in a wilderness blizzard or a motorcycle unable to move in the blazing heat of a desert.

Testing will need to evaluate existing data and engineering judgments suggesting that E15 may: lead to a significant increase in emissions of environmental pollutants from some engines; damage car and non-road engines; and pose a safety hazard to people operating gasoline-powered equipment.

Under current law, consumers whose vehicles and equipment were ruined by E15 -- or who suffered serious injury or worse as the result of engine malfunctions -- would have the right to file lawsuits seeking monetary damages. This leaves the manufacturers of cars, trucks, boats, gasoline-powered equipment and gasoline potentially liable for huge amounts of damages resulting from E15 use.

If the ethanol industry is so certain that E15 would not cause environmental, personal injury and engine problems, the industry should step forward to assume legal liability to pay for any such harm caused by E15. But ethanol producers are unwilling to do this. Why are they afraid to stand behind their product?

Without controlled scientific tests, a premature decision on raising the amount of ethanol in gasoline will turn every American who owns a car, boat, snowmobile or gasoline-powered equipment -- such as a lawnmower or a chain saw -- into an unwilling participant in a giant science experiment.

Because of our concern regarding unanswered questions about E15, 15 environmental and industry groups that frequently oppose each other on a broad range of policy issues have launched a joint campaign calling on Congress and the EPA to require thorough and objective scientific testing before allowing an increase in the amount of ethanol in gasoline.

Working under the banner "Say NO to Untested E15," we are funding advertising and other efforts to urge a policy of "Test first, pump later."

Groups working together on the campaign are: the Environmental Working Group; Natural Resources Defense Council; Hispanic Institute; Engine Manufacturers Association; International Snowmobile Manufacturers Association; Motorcycle Industry Council; National Marine Manufacturers Association; Outdoor Power Equipment Institute; American Frozen Food Institute; American Meat Institute; Grocery Manufacturers Association; Snack Food Association; American Petroleum Institute;

NATSO (National Association of Truck Stop Operators); and the National Petrochemical & Refiners Association.

More information about our effort to have the decision on higher ethanol blends made based on science is on the Web site www.FollowTheScience.org.

An even broader collection of 36 groups sent a letter to the majority and minority leaders of the U.S. Senate July 26. This letter urges opposition to any amendment to the upcoming energy bill that would authorize the sale of gasoline with more than 10 percent ethanol.

Safety should be the guiding principle for Congress and the EPA regarding ethanol levels in gasoline. Just as our government takes the necessary time to test the food and medicines we put into our mouths to make sure they are safe, it should collect and evaluate all needed tests on the fuel we put into our vehicles and equipment.

(Charles T. Drevna is president of the National Petrochemical & Refiners Association,

a national trade association in Washington representing more than 450 members, including virtually all U.S. refiners and petrochemical manufacturers.)

AIR

August 2, 2010

Enviro Group Sues EPA Over Greenhouse Gas 'Tailoring' Rule (*New York Times*)

By ROBIN BRAVENDER of Greenwire
Environmentalists are suing U.S. EPA over a rule that aims to regulate greenhouse gases from only the largest industrial sources, arguing that the agency exempts too many big polluters.

The Center for Biological Diversity is joining a number of industry groups in challenging EPA's "tailoring" rule, which will force large facilities to limit their greenhouse gas emissions starting next January. But while industry groups argue that EPA climate rules will hurt businesses, CBD says the agency is not going far enough.

"We want to make sure that there are some lines in the sand that are drawn and that truly the large industrial sources of greenhouse gases are actually regulated," CBD senior counsel Bill Snape said. Today marks the legal deadline for opponents to challenge the rule in the U.S. Circuit Court of Appeals for the District of Columbia.

Without the tailoring rule, EPA says, even small sources would need to get permits for their greenhouse gas emissions when the agency's emission limits for tailpipes will trigger Clean Air Act permitting rules for industrial facilities. The Clean Air Act's

thresholds for "conventional pollutants" like lead and sulfur dioxide are 100 or 250 sources a year, but EPA says those limits are not feasible for greenhouse gases, which are emitted in much larger quantities.

CBD has long been cited as the environmental group that would seek to overturn the tailoring rule in court, but attorneys representing the group have repeatedly insisted that they would not try to force EPA to regulate small sources. Snape says that is still the case but that EPA can do better than the final rule.

CBD agrees with EPA that small sources do not need to be regulated, Snape said, and CBD's **petition** **(pdf)** was filed with a "generic nod of support to what EPA is doing." But the final rule leaves out a lot of big, corporate polluters, and EPA should reconsider its time frame and its thresholds, he added.

EPA initially proposed to regulate industrial sources that emit more than 25,000 tons of carbon dioxide per year, but the final rule set a significantly higher threshold with plans to phase in smaller sources over time. Starting in January, only sources that already have to apply for permits for other pollutants and emit more than 75,000 tons of greenhouse gases per year would be affected. And starting next July, new and modified plants that emit more than 100,000 tons of greenhouse gases per year would be affected.

"You've already seen EPA pushed back so the final rule is significantly weaker," Snape said. "Our take was: That jump from the proposed rule from the final rule was pure fear politics."

EPA air chief Gina McCarthy said in May that agency officials realized the proposed 25,000-ton limit was going to reach sources it did not intend to cover, including large apartment buildings and other commercial sources "that clearly were not appropriate at this point to even consider regulating" (*Greenwire*, May 13).

Industry challenges

In addition to CBD, a series of industry groups have filed challenges to the tailoring rule and more lawsuits are expected before the midnight deadline.

The Energy Intensive Manufacturers Working Group on Greenhouse Gas Regulation filed a separate petition today. Groups that filed lawsuits last week include Peabody Energy Corp., the American Farm Bureau Federation, the National Mining Association, the Georgia Coalition for Sound Environmental Policy and the U.S. Chamber of Commerce.

Two steel groups -- Gerdau Ameristeel US Inc. and the American Iron and Steel Institute -- and the industry-backed advocacy groups Coalition for Responsible Regulation and the Southeastern Legal Foundation filed additional challenges in June.

Shannon Goessling, the Southeastern Legal Foundation's executive director and chief legal counsel, said EPA's attempt to modify federal clean air laws to limit greenhouse gases is illegal. "They should not and do not have the authority to modify the Clean Air Act to fit into the niche that they want," she said in a June interview (*Greenwire*, June 3).

EPA hears from industry, environmental groups and residents at session on Barnett Shale drilling (*Dallas Morning News*)

12:00 AM CDT on Tuesday, August 3, 2010
By RANDY LEE LOFTIS / The Dallas Morning News
rloftis@dallasnews.com
ARLINGTON – When money from Barnett Shale natural-gas drilling started pouring into rural Johnson County a few years ago, there was no doubt good times had come.

"We got hit like a rocket ship" by all that new prosperity, former County Commissioner R.C. McFall told a crowd at an EPA public meeting on possible new air-pollution rules for the oil and gas industry.

But eventually there were drawbacks, such as the haze of air pollution that started obscuring the horizon.

After a while, he said, he no longer had a clear view from his house of two local landmarks: the twin reactor-containment domes at the nearby Comanche Peak nuclear power plant.

"I'm very concerned about our air," McFall told the crowd of nearly 200 people who filled the council chamber at Arlington City Hall for the first of two four-hour sessions. Many were from environmental or industry groups.

Industry representatives argued for state controls by the Texas Commission on Environmental Quality and the Texas Railroad Commission, but also for keeping an eye on the industry's economic health.

Environmentalists and residents of drilling areas called for a federal regulatory crackdown.

"We support continuing to work with our state agency," said Debbie Hastings, vice president for environmental affairs with the Texas Oil & Gas Association.

But Timothy Ruggiero of Decatur, who said toxic pollution from gas drilling has turned his home into an environmental disaster zone, argued that only the federal government can keep people safe – a hard conclusion for a conservative, he said.

"I've long lost any faith in Gov. [Rick] Perry's TCEQ or the Railroad Commission," Ruggiero said.

The Barnett Shale, a huge gas field that covers 23 counties, including western Dallas County, is among the nation's hotspots for drilling, providing about 7 percent of current U.S. natural-gas production.

With intense natural-gas drilling under way in several parts of the country, two environmental groups sued the EPA to force it to examine its national air rules governing the industry. The EPA agreed to review and consider rewriting the rules as part of a settlement in January.

Under the settlement, the EPA will propose any rule changes by Jan. 31 and take final action by Nov. 30, 2011. The agency is not obligated to make any changes.

Finding, extracting, processing and distributing natural gas can involve leaks of toxic or smog-causing chemicals at many points from the well to the pipeline. Emissions from operations in the Barnett Shale have raised neighborhood concerns about harmful chemicals as well as broader questions about their impact on North Texas' smog.

The gas industry has drilled about 14,000 wells in the Barnett Shale and has permits for about 3,000 more, according to the Texas Railroad Commission, which regulates the industry. However, that is just a small percentage of the potential emissions sources associated with natural-gas production.

A preliminary state inventory has found 48,621 pieces of equipment in the Barnett Shale that could produce air emissions.

All those numbers added up to economic opportunities and environmental worries for those who attended the EPA meetings.

Industry representatives told federal officials that state agencies closely regulate oil and gas operations in Texas.

They argued that natural gas is cleaner than coal or gasoline in every category of pollution, boosts domestic energy independence and puts money in Texas' public accounts.

Rich Varela, senior vice president of the Texas Independent Producers and Royalty Owners Association, told the EPA that state rules have protected the public while keeping the industry healthy.

"We are not opposed to regulation; we are opposed to any regulation that is not supported by scientific data," said Varela, a former executive director of the Railroad Commission.

Environmentalists agreed that natural gas is a better choice than other fossil fuels such as coal or gasoline. They added, however, that the environmental costs of producing natural gas greatly reduce its desirability.

Those costs must be lowered with tougher regulations, said Sandra Breakfield of Dallas, treasurer of Downwinders at Risk, a North Texas clean-air advocacy group.

Until then, she said, "it can't be considered a clean energy source."

North Texas residents want to protect the economy as well as the air (*Fort Worth Star Telegram*)

Posted Monday, Aug. 02, 2010
By Mike Lee
mikelee@star-telegram.com
ARLINGTON -- Dozens of people called on the federal government Monday to help clean up air pollution tied to natural gas drilling in Texas, while others cautioned that the government should be careful not to overreach its authority or hurt the state's economy. Natural gas produces less pollution than coal, particularly when it's burned to generate electricity, said Michelle Bloodworth, vice president of the trade group America's Natural Gas Alliance. About 2.8 million people nationwide work in the natural gas industry, she said during an Environmental Protection Agency meeting to discuss new regulations on air pollution from oil and gas.

"We can develop this resource, and we can do it in a safe and responsible way," she said.

The meeting covered oil and gas production, but most of the discussion focused on the ongoing natural gas boom in Texas and other states.

Several residents said they believe that gas development may contribute to ozone and other forms of air pollution.

Tim Ruggiero, who has a drilling site 300 feet from his home in Decatur, said the industry is whitewashing the seriousness of the problem. His family has been sickened by fumes from the wells, and chemicals have appeared in his water well, he said. "The only people that are claiming the air is perfectly clean are the ones that are pumping carcinogens into it or toxics into it."

The Texas Commission on Environmental Quality has detected higher-than-normal levels of benzene, a chemical that causes cancer, around compressors and well sites in the Barnett Shale, which lies beneath Dallas and Fort Worth.

But the state agency has been slow to act, only recently taking a major inventory of wells and other equipment in the Barnett Shale.

"We're looking to the EPA as kind of a last hope for real meaningful enforcement of the Clean Air Act," said Sara Bagheri, a lawyer who works with Texans for Responsible and Accountable Energy Development. She said it's a myth that regulations could reduce the number of jobs.

"There is a cost to oil and gas development, and right now it's being borne by the public," she said.

The EPA is rewriting a series of regulations as part of a legal settlement with two environmental groups. The suit claimed that the EPA missed deadlines under the Clean Air Act to review its rules on toxic emissions from pipelines, compressors and processing plants. The EPA agreed in the settlement to rewrite the rules by November 2011.

The EPA wants to look at all aspects of gas production, from the time gas wells are drilled to the time gas arrives at customers' homes and businesses, said Bruce Moore, senior technical adviser for the EPA's air permitting office. The EPA has rules, for instance, for emissions from storage tanks, but it doesn't have rules for well completions, the phase when wells are sometimes vented to clean out debris.

"We're going to do this thing right," Moore said.

The agency is concerned about the increase in natural gas drilling that started in the Barnett Shale and spread to similar geological formations across the country.

There are about 14,000 active wells in the Barnett Shale, which lies under 18 North Texas counties, and thousands more are possible. Similar development is under way in other shale formations.

"There's a lot of concerted activity going on to get at this shale gas, there's been a lot of concern on your part and other people in the public about the water and air impacts of these operations," Moore said. "We're trying to do our part to establish our understanding of what those impacts are."

Texas officials have generally opposed the EPA's involvement, saying state regulators are doing a good job of reducing emissions.

"I hope we can carefully study and tailor cost-effective solutions that will provide the biggest bang for everyone's shrinking budget," said Leslie Savage, with the Texas Railroad Commission.

State Rep. Jim Keffer, R-Eastland, said there's a perception in Texas that the federal government wants to slow the state's economy.

"I've heard people say they want to level the playing field, that the only reason Texas has succeeded economically is because they cheated environmentally," he said.

Jeremy Nichols, with WildEarth Guardians, said much of the pollution could be addressed with existing technology. His nonprofit was one of the plaintiffs in the lawsuit that forced the EPA to reconsider its regulations.

Vapor recovery systems could cut down on the fumes from storage tanks, and using electric motors for compressors, instead of gas-fired engines, would cut down on soot and other pollutants. So-called "green completions" could recapture the gas that would otherwise be vented during the completion phase.

"Reducing emissions is often good for the industry's bottom line," Nichols said.

The settlement requires the EPA to write the new rules by January. The rules are scheduled to be final in November 2011.

Mike Lee, 817-390-7539

Enviro group sues EPA over 'tailoring' rule (*Greenwire*)

(08/02/2010)
Robin Bravender, E&E reporter
Environmentalists are suing U.S. EPA over a rule that aims to regulate greenhouse gases from only the largest industrial sources, arguing that the agency exempts too many big polluters.
The Center for Biological Diversity is joining a number of industry groups in challenging EPA's "tailoring" rule, which will force large facilities to limit their greenhouse gas emissions starting next January. But while industry groups argue that EPA climate rules will hurt businesses, CBD says the agency is not going far enough.

"We want to make sure that there are some lines in the sand that are drawn and that truly the large industrial sources of greenhouse gases are actually regulated," CBD senior counsel Bill Snape said. Today marks the legal deadline for opponents to challenge the rule in the U.S. Circuit Court of Appeals for the District of Columbia.

Without the tailoring rule, EPA says, even small sources would need to get permits for their greenhouse gas emissions when the agency's emission limits for tailpipes will trigger Clean Air Act permitting rules for industrial facilities. The Clean Air Act's thresholds for "conventional pollutants" like lead and sulfur dioxide are 100 or 250 sources a year, but EPA says those limits are not feasible for greenhouse gases, which are emitted in much larger quantities.

CBD has long been cited as the environmental group that would seek to overturn the tailoring rule in court, but attorneys representing the group have repeatedly insisted that they would not try to force EPA to regulate small sources. Snape says that is still the case but that EPA can do better than the final rule.

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EPA initially proposed to regulate industrial sources that emit more than 25,000 tons of carbon dioxide per year, but the final rule set a significantly higher threshold with plans to phase in smaller sources over time. Starting in January, only sources that already have to apply for permits for other pollutants and emit more than 75,000 tons of greenhouse gases per year would be affected. And starting next July, new and modified plants that emit more than 100,000 tons of greenhouse gases per year would be affected.

"You've already seen EPA pushed back so the final rule is significantly weaker," Snape said. "Our take was: That jump from the proposed rule from the final rule was pure fear politics."

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BP SPILL

Day 104: The Latest on the Oil Spill (*New York Times*)

August 3, 2010 Tuesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 14
Day 104: The Latest on the Oil Spill
E.P.A. Releases Results on Dispersant-Oil Mix

Spraying dispersants on oily water in the Gulf of Mexico to break up the spill does not make the water any more toxic than it was with Louisiana sweet crude alone, the Environmental Protection Agency said Monday. Paul Anastas, the agency's assistant administrator for research and development, said the toxicity of the mix of oil and dispersant was generally in the range of "moderate," comparable to the effects of the oil. So while the use of toxic chemicals in the gulf has always been recognized as a trade-off of risks, Dr. Anastas said, the agency's latest research shows that using dispersants to limit the effects of the BP spill was "wise." The agency's conclusion was based on a report dated Saturday relaying the results of agency tests on two species, shrimp and inland silverside, he said. The E.P.A. has yet to investigate the health effects of the breakdown products of the dispersant.

Measuring the Dead Zone

Scientists say that this year the "dead zone" area that forms every summer in the Gulf of Mexico is one of the largest ever measured. It is roughly the size of New Jersey, or at least 7,722 square miles, according to the Louisiana Universities Marine Consortium. The researchers who measure the dead zone could not say there was a connection between the spill and the dead zone's size. The dead zone forms every year when bacteria feed on algae blooms and use up oxygen. The largest ever measured was just over 8,000 square miles in 2002.

Aid for Oil Workers

Up to 9,000 people will be eligible for money from a $100 million fund set up by BP to help oil workers idled by a federal moratorium on deepwater drilling in the Gulf of Mexico, according to a Louisiana charity chosen by BP to run the program. The Baton Rouge Area Foundation said on Monday that it would accept applications from Sept. 1 to Sept. 30. The group's president, John G. Davies, said in a statement that the applications would be graded against one another to determine need before any money was doled out. Grant checks ranging from $3,000 to $30,000 will be mailed in October.

An interactive map tracking the BP spill and where it has made landfall, a guide to online spill resources and additional updates: nytimes.com/national.

Spill tops 200 million gallons (*Los Angeles Times*)

August 3, 2010 Tuesday
Home Edition
LATEXTRA; National Desk; Part AA; Pg. 1
Spill tops 200 million gallons;
The latest calculations confirm it as the worst offshore oil disaster in U.S. history.
By: Bettina Boxall
BP's ruptured well in the Gulf of Mexico released more than 200 million gallons of oil before it was capped, government officials said Monday, as the company was poised to stuff the well with dense mud in preparation for a final seal later this month.

The new figures, described as the most accurate to date, place the size of the BP spill in the upper range of earlier estimates, affirming the disaster's ranking as by far the worst offshore oil spill in U.S. history.

Based on pressure measurements from the capped well and new modeling, science teams believe that the deep-sea leak initially poured 62,000 barrels of oil a day into the gulf.

As the leak depleted the underlying oil reservoir, the rate fell to a daily flow of 53,000 barrels just before the well was corked with a mechanical cap in mid-July.

All told, experts say, about 4.9 million barrels of oil, or 205.8 million gallons, gushed from the well. Not all of that tainted the gulf, as containment efforts captured about 33 million gallons and funneled it to ships.

With the cap in place, BP is embarking on a series of carefully calibrated steps this week to plug the well in advance of permanently sealing it with cement.

After detecting a small leak in the capping system, engineers postponed until Tuesday the start of a "static kill" procedure that involves pumping heavy drilling mud through the well top. If it works as planned, the dense material will shove the oil down the well's pipe system into the reservoir miles beneath the seabed.

Expected to take several days to complete, the process will fill the well with mud. But federal officials continued to say Monday that even then, they would probably not write the well's obituary.

"I don't think we can see this as the end-all, be-all until we actually get the relief wells done," said retired Coast Guard Adm. Thad Allen, who is overseeing the federal

response effort.

It is possible that the final shot of cement could be pumped into the well from the top at the end of the static kill procedure. But it is more likely, Allen said, that the first of two relief wells being drilled will be used to inject cement into the bottom of the original well, smothering it sometime in the next week or two.

In the first phase of the static kill, now scheduled for Tuesday, BP will run an "injectivity test" to see how the well holds up when material is pumped into it. Pressure at the top of the well will be carefully monitored to make sure it does not rise to dangerous levels.

If that goes well, a surface ship will start slowly pumping dense mud, weighing 13.2 pounds per gallon, into the well. How long that takes and how much mud is needed depends on the oil's location in the well system.

Oil could have seeped up through the drill pipe, its casing, the space between the pipes and the edge of the drill hole -- an area called the annulus -- or all three. If oil is in all three places, it could take more than two days to fill them with mud, Allen said.

Engineers cannot be certain that all of the oil's upward paths have been blocked until the relief well bores into the lower portion of the original well, sometime between Aug. 10 and 15.

"We're going to need the final step of drilling into the annulus and making sure that the mud effort from the top got everything done. I don't think we will know that until we come in from the bottom," Allen said.

Controversy continues over one of the tools BP used to keep the oil offshore. Especially in the early stages of the three-month leak, the company made extensive use of chemical dispersants to break the oil into smaller bits that would rapidly dissolve and degrade.

That raised questions about the dispersant's toxicity and the degree to which it would speed the uptake of oil into the gulf's ecological webs.

On Monday, the **Environmental Protection Agency** released a second round of test results it said showed that oil treated with dispersants was no more toxic than untreated oil.

"I think that probably shows us ... the oil itself is the hazard we're concerned about," Paul Anastas, the **EPA's** assistant administrator for research and development, said in a news briefing.

In tests, researchers exposed juvenile mysid shrimp and an estuarine fish called the inland silverside to oil and dispersed oil.

Anastas said the **EPA** had not turned up any evidence that dispersants or their byproducts were traveling up the food chain.

Still, Robert Diaz, a marine scientist at the College of William & Mary, said the long-term effects on marine life and the gulf environment remained unclear.

With some gulf waters reopening to commercial fishing, Louisiana Gov. Bobby Jindal and other state officials demanded Monday that BP fund a $173-million, long-term seafood safety and marketing plan that would include testing samples of shrimp, crab, oysters and fish each month in all coastal parishes.

"The key to consumer confidence is comprehensive testing," Jindal said during a news conference on a steamy fishing dock in Venice, La. "We need to be able to demonstrate, based on hundreds of samples every month, that this continues to be the safest seafood you can get anywhere in the country, anywhere in the world."

"The future of this industry is in peril," the officials wrote in a letter to BP executives. "The image of oil and dispersants will be difficult to overcome without science to back up our claims."

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Times staff writers Louis Sahagun in Venice, La., and Amina Khan in Los Angeles contributed to this report.

Crews Hope Kill Attempt Might Stop Gulf Oil Leak (*Associated Press*)

Story also appeared: *NPR*

by The Associated Press
August 3, 2010
Crews hoped to begin pumping mud and perhaps cement down the throat of the blown-out oil well at the bottom of the Gulf of Mexico on Tuesday in what BP officials said could be the method of attack that finally snuffs the spill.

Engineers planned to probe the busted blowout preventer with an oil-like liquid to determine whether it could handle the static kill. If the test is successful, they plan to spend Tuesday through Thursday pumping the heavy mud down the well.

The so-called "static kill" is meant as insurance for the crews who have spent months fighting the oil spill. The only thing keeping oil from blowing into the Gulf at the moment

is an experimental cap that has held for more than two weeks but was never meant to be permanent.

BP officials had insisted for months that a pair of costly relief wells were the only surefire way to kill the oil leak but said Monday that the static kill alone - involving lines running from a ship to the blown-out well a mile below - might do the trick.

BP Senior Vice President Kent Wells said that if the static kill is successful, the relief wells may not be needed to do the same thing weeks later, but from the bottom. The primary relief well, near completion, will still be finished and could be used simply to ensure the leak is plugged, he said.

"Even if we were to pump the cement from the top, we will still continue on with the relief well and confirm that the well is dead," he said. Either way, "we want to end up with cement in the bottom of the hole."

Government officials and company executives have long said the wells, which can cost about $100 million each, might be the only way to make certain the oil is contained to its vast undersea reservoir. A federal task force said about 172 million gallons of oil made it into the Gulf between April and mid-July, when a temporary cap bottled up all the oil.

The task force said actually about 206 million gallons total gushed out of the mile-deep well but a fleet of boats and other efforts were able to contain more than 33 million gallons.

The 172 million gallons is on the high end of recent estimates that anywhere from 92 million to 184 million gallons had gushed into the sea.

The company began drilling the primary, 18,000-foot relief well May 2, 12 days after the Deepwater Horizon rig exploded and killed 11 workers, and a second backup well May 16. The first well is now only about 100 feet from the target, and Wells said it could reach it as early as Aug. 11.

Retired Adm. Thad Allen, the government's point man on the spill response, said Monday that the focus now is on making sure the static kill is successful. But he cautioned that federal officials don't see it as "the end all, be all until we get the relief well done."

Before the effort can begin, engineers must probe the broken blowout preventer with an oil-like liquid to decide whether it can handle the static kill process. They had hoped to begin the hours-long test Monday but delayed it until Tuesday after a small leak was discovered in the hydraulic control system.

One of the biggest variables on the static kill's finality is whether the area called the annulus, which is between the inner piping and the outer casing, has sprung an oil leak.

Engineers probably won't be able to answer that question until they drill in from the bottom, he said.

"Everyone would like to have this thing over as soon as possible," Allen said, adding: "We don't know the condition of the well until we start pushing mud into it."

The company's statements Monday might signal that it is more concerned than it has acknowledged about debris found in the relief well after it was briefly capped as Tropical Storm Bonnie passed last week, said Ed Overton, a Louisiana State University environmental sciences professor.

Plus, trying to seal the well from the top gives BP two shots at ending the disaster, Overton said.

"Frankly, if they can shut it off from the top and it's a good, permanent seal, I'll take it," Overton said. "A bird in the hand at this point is a good thing with this deal."

BP and federal officials have managed to contain large parts of the spill through skimmers, oil-absorbant boom and chemical dispersants meant to break up the oil.

Federal regulators have come under fire from critics who say that BP was allowed to use excessive amounts of the dispersants, but government officials counter that they have helped dramatically cut the use of the chemicals since late May.

The Environmental Protection Agency released a study Monday concluding that when mixed with oil, chemical dispersants used to break up the crude in the Gulf are no more toxic to aquatic life than oil alone.

BP didn't make Gulf oil spill worse with dispersants, EPA finds (*Christian Science Monitor*)

August 3, 2010
The EPA issued a report Monday that suggests the dispersant used by BP in the Gulf oil spill, Corexit, doesn't form a more toxic stew when mixed with oil. The dispersant was also no more toxic than seven other alternatives, the study concluded. Oil and gas leaking from BP's ruptured well were sprayed with the dispersant Corexit on July 15. BP used 1.8 million gallons of dispersant during the Gulf oil spill both on the surface and at the well.

BP/Reuters Enlarge By Mark Clayton, Staff writer, Mark Guarino, Staff writer / August 2, 2010 BP did not make things worse by using massive quantities of dispersant to combat

the Gulf oil spill, according to research released Monday by the US Environmental Protection Agency. Critics have worried that BP used unprecedented amounts – about 1.8 million gallons – of the chemical dispersant Corexit 9500 A, which is itself toxic. Rep. Edward Markey (D) of Massachusetts said Saturday that BP's efforts created a "toxic stew of chemicals." But two rounds of tests conducted by the EPA suggest that Corexit is not more toxic than oil itself – either alone or when mixed with oil. Moreover, the EPA report says that Corexit is not more or less toxic than eight other alternative oil dispersants that were also tested. The results partially vindicate BP, which refused a May 22 EPA order to find a less-toxic alternative to Corexit. The company had argued that Corexit was the least toxic chemical available – an argument that the EPA eventually accepted and which now has been validated. But the report released Monday also vindicates the EPA's broader position that widespread use of dispersants – while not desirable – ultimately made sense under the extreme circumstances of the Gulf oil spill. "It shows us that [using the dispersant was] a wise decision, and that the oil itself is the hazard we're concerned about and, as we've said before, is enemy No. 1," Paul Anastas, the EPA's assistant administrator for research and development, told reporters in a teleconference. Two rounds of tests In an initial round of tests, the EPA determined that Corexit and seven other dispersants were, by themselves, less toxic to the environment than oil alone. Then, the EPA did a second round of toxicity testing on baby mysid shrimp and the inland silverside, a small Gulf fish. It found that the oil dispersant, when mixed with oil, was no more toxic than oil alone. All eight oil dispersants also showed a similar level of toxicity when mixed with sweet crude oil. The mixtures were "roughly equal in toxicity to one another, but generally less toxic than oil." Even so, he reiterated that the test results should not be construed as a blanket endorsement for slathering dispersant on future spills. Environmental conditions at the time were important variables, he said. Along those lines, Dr. Anastas noted that toxicity tests were not conducted at the same pressures and temperatures where much of the dispersant was applied – 5,000 feet beneath the surface at the wellhead. That leaves uncertainties about how the dispersant might affect the ecosystem at that depth. The dispersant was not showing up in subsea "clouds" of dispersed oil in the deep ocean, however, he added. And there also has been no evidence so far of the bioaccumulation of dispersant chemicals migrating up the food chain from plankton to small fish to larger creatures that could be eaten by humans, Anastas said. A 'vast uncontrolled chemical experiment' Meanwhile, the EPA has been testing water samples for other potential problems, such as signs of oxygen in the water becoming depleted as the oil is digested by microbes. So far, it has not found worrisome impacts – though those short-term ecosystem impacts so far are hardly definitive. New suggestions that the oil spill might not have been as damaging as originally thought don't change the need for long-term evaluation of the effects of dispersants on deep ocean ecosystems, say environmentalists. The Gulf oil spill remains a "vast uncontrolled chemical experiment," say experts at the Environmental Defense Fund. "This is not at all bad news today," says Richard Denison, a senior scientist with the EDF in Washington. "It will take some time for us to find out whether nature's own forces have been able to deal with much larger amount of oil than we thought possible – or whether there are going to be large effects from dispersed oil that are hard to see right now, but which may be with us for some time – effects less physical but just as profound."

Dispersants rapped (*2theadvocate*)

Coast Guard, EPA at odds over quantity
By GERARD SHIELDS
Advocate Washington bureau
Published: Aug 3, 2010 - Page: 1A
Comments (0)

WASHINGTON — With the BP oil well capped for now, the battle and focus in Washington has turned to the company's use of chemical dispersants to break up the leaked oil.

Rep. Ed Markey, D-Mass., ignited the debate this weekend when he released a letter sent to the federal government's representative on the oil spill disaster, retired U.S. Coast Guard Adm. Thad Allen.

Markey questioned the U.S. Coast Guard's approval of waivers allowing BP to apply more dispersants than initially authorized.

The Environmental Protection Agency instructed BP to reduce the overall volume of the chemical used to break up the oil by 75 percent. That came after a day when BP used 70,000 gallons of the material.

Despite the directive, the Coast Guard has granted BP 74 exemptions of the order over a 48-day period to allow BP to use more than directed, Markey said. The use of 1.8 million gallons of the chemical since the spill began has contributed to a "toxic stew of chemicals, oil and gas with impacts that are not well understood.," Markey said.

Markey called the EPA's directive "more of a meaningless paperwork exercise."

Markey's action has people jumping. But he also has detractors who disagree with his position.

On Monday, the EPA held a press conference announcing a study that found the oil and dispersant mix is not more toxic than the dispersant itself.

The finding shows that using the dispersants "seems to be a wise decision," said Paul Anastas, EPA assistant administrator for research and development.

Ed Overton, the environmental chemist with LSU's Department of Environmental Science, agrees.

"Using dispersants is a bad idea," Overton said. "The worst idea is not using dispersants."

That less than 300 of the 7,000 miles of Louisiana coast line has been oiled is an indication that the dispersants likely helped, Overton said. He expressed anger over Markey's assertions.

"That's ridiculous, what the hell is wrong with these people?" Overton said. "It's a political debate and not an environmental matter and that's what irritates me."

As for the impact on seafood, both Anastas and Overton said the largest impact would be on larval and juvenile species of fish that live on the surface.

Markey's letter isn't the first time that concern over dispersant use has reached the halls of Washington. Democratic U.S. Rep. Barbara Mikulski of Maryland recently held a hearing of the Senate subcommittee on commerce, justice and science saying that she didn't want Corexit, the dispersant being used, to be the "DDT or Agent Orange" of the oil spill.

Mikulski chastised EPA Administrator Lisa Jackson over the federal chain of command on the matter. Mikulski wanted to know whether Jackson had the power to unilaterally act if she had concerns about the dispersant use.

Jackson said she had been making her recommendations to the Coast Guard, which was coordinating response but would want her lawyers to get an answer in writing, angering Mikulski.

"That's a question you needed to know from day one Ms. Jackson," Mikulski said.

Dispersants will be the subject of Wednesday hearing by the U.S. Senate Environment and Public Works committee.

In a press conference on Monday, Allen said the final decision on the use of dispersants rests with him. Allen said over the weekend that he was satisfied with how the chemicals have been applied.

Republican U.S. Rep. Bill Cassidy of Baton Rouge said he supports Overton's position.

"I think it's a stretch to say that the use of dispersants was a bad decision," Cassidy said. "Markey seems to be saying it was a bad decision, but what's the alternative?"

Dispersants no more toxic than oil, EPA says (*Boston Globe*)

August 3, 2010 Tuesday
NEWS; National; Pg. 6
Dispersants no more toxic than oil, EPA says
By Matthew Daly, Associate Press

WASHINGTON - A new federal study of chemical dispersants used to break up oil in the Gulf of Mexico shows that when mixed with oil, the dispersant is no more toxic to aquatic life than oil alone.

The study also shows that when mixed with oil, the dispersant used in the gulf, Corexit 9500A, is no more or less toxic than oil mixtures with other chemical dispersants approved for use in oil spills.

The Environmental Protection Agency released the study results yesterday as the Obama administration defended itself against assertions that officials allowed oil giant BP to use excessive amounts of chemical dispersants whose threat to sea life remains unknown.

Congressional investigators charge that the Coast Guard routinely approved BP requests to use thousands of gallons per day of Corexit despite a federal directive to use the chemical sparingly.

The Coast Guard approved 74 waivers over a 48-day period after the Environmental Protection Agency order, according to documents reviewed by the investigators. Only in a small number of cases did the government scale back BP's request.

Lisa Jackson, EPA administrator, said in a statement that officials have long acknowledged that use of dispersants presents environmental trade-offs. The agency took steps to ensure that other response efforts were used instead of dispersants and dramatically cut dispersant use in late May, she said.

Dispersants were last used July 19, four days after a temporary cap was placed on the leaking Macondo well, and dispersant use dropped by 72 percent from peak volumes following a joint EPA-US Coast Guard directive to BP in late May, Jackson said.

Representative Edward Markey, a Democrat from Massachusetts, has said more than 1.8 million gallons of toxic dispersants were used to break up the oil as it came out of the well and after it reached the ocean surface.

Paul Anastas, EPA assistant administrator for research and development, said he was surprised to learn that the mixture of dispersant and oil was about the same toxicity as the oil alone.

That result shows that use of the dispersant ``seems to be a wise decision, and that the oil itself is the hazard that we're concerned about," Anastas said. He called the oil that spewed into the gulf for nearly three months ``enemy No. 1."

Markey Investigation Finds ‘Excessive’ Use of Chemical Dispersants in Gulf (*Washington Independent*)

By Andrew Restuccia 8/2/10 10:46 AM
Rep. Edward Markey (D-Mass) released this weekend the findings of an investigation into the use of dispersants in the Gulf of Mexico. The investigation finds “excessive” use of the potentially harmful chemicals used to break up oil from the Deepwater Horizon spill, according to Markey.

The investigation found that the Environmental Protection Agency and the U.S. Coast Guard approved more than 74 requests by BP and the Unified Command Center in Louisiana to deviate from requirements for dispersant use. And this is all after EPA and the Coast Guard issued a directive May 26 that told BP to eliminate the surface use of dispersant (except in “rare cases” that would require an exemption), reduce the overall volume of dispersant that is used and limit subsurface dispersant use, Markey notes.

According to a July 30 letter from Markey, the chairman of the House Energy and Commerce Committee’s energy and environment subcommittee:

An analysis of the exemption request letters submitted by both BP and Houma Unified Command, as well as other documents provided to me by the [Coast Guard], reveals that since the Directive was issued on May 26, more than 74 exemption requests have been submitted and, usually within the same day, approved by the [Coast Guard]. On 5 separate occasions BP submitted requests for pre-authorized exemptions to deviate from EPA and [Coast Guard] intructions by applying 6,000 gallons of dispersant per day to the ocean surface for an entire week, amounting to 35 days of pre-approved continuous use.

Gulf Spill Is the Largest of Its Kind, Scientists Say (*New York Times)*

August 3, 2010 Tuesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 14
By CAMPBELL ROBERTSON and CLIFFORD KRAUSS; Campbell Robertson reported from New Orleans, and Clifford Krauss from Houston. Catrin Einhorn and John Schwartz contributed reporting from New York.
NEW ORLEANS -- The BP spill is by far the world's largest accidental release of oil into marine waters, according to the most precise estimates yet of the well's flow rate, announced by federal scientists on Monday.

Nearly five million barrels of oil have gushed from BP's well since the Deepwater Horizon rig exploded on April 20, according to the latest data. That amount outstrips the estimated 3.3 million barrels spilled into the Bay of Campeche by the Mexican rig Ixtoc I in 1979, previously believed to be the world's largest accidental release.

The BP spill was already thought to be the largest spill in American waters, but it was unclear whether it had eclipsed Ixtoc.

"We've never had a spill of this magnitude in the deep ocean," said Ian R. MacDonald, a professor of oceanography at Florida State University.

"These things reverberate through the ecosystem," he said. "It is an ecological echo chamber, and I think we'll be hearing the echoes of this, ecologically, for the rest of my life."

Federal science and engineering teams, citing data that are "the most accurate to date," estimated that 53,000 barrels of oil a day were pouring from the well just before BP was able to cap it on July 15. They also estimated that the daily flow rate had diminished over time, starting at about 62,000 barrels a day and decreasing as the reservoir of hydrocarbons feeding the gusher was gradually depleted. Before Monday's announcement, federal scientific teams had estimated the spill in a range from 35,000 to 60,000 barrels a day.

The teams believe that the current estimates are accurate to within 10 percent. They also reported that of the roughly 4.9 million barrels that had been released from the well, about 800,000 had been captured by BP's containment efforts. That leaves over four million barrels that gushed into the Gulf of Mexico from April 20 to July 15.

As the estimates of the number of barrels spilled increases, so, too, do the penalties under the Clean Water Act, which calls for fines of $1,100 per barrel, or $4,300 per barrel if the government finds that gross negligence led to the spill.

At 4.9 million barrels, that means that the total fine could be $5.4 billion -- and, if gross negligence led to the spill, $21 billion. If BP successfully argues that the 800,000 barrels it has recovered should mitigate the penalty, then the figure drops to $4.5 billion and $17.6 billion, respectively.

The amount of oil estimated to be pouring from the well has been a matter of dispute from the earliest days of the spill. Federal and BP officials initially announced that no oil appeared to be leaking, then 1,000 barrels a day, then 5,000 a day, frequently repeating that spill estimates are rough at best and that the main goal was to stop the well. But criticism mounted that no effort was being made to measure the leak with more certainty.

The Obama administration announced the creation of a scientific group dedicated to analyzing the flow rate, which came up with a new estimate of 12,000 to 19,000 barrels a day in late May, a figure that was met with skepticism. That, too, was later revised upward several times before Monday's announcement. Previous estimates came from analysis of videos from remote-controlled vehicles at the wellhead, modeling of the reservoir and measurements of the oil that was collected by surface ships in the response effort.

After BP capped the well, these measurements could be reinforced by pressure readings within the well. Those pressure readings were compared with pressure

estimates when the well was first drilled to determine whether the rate had changed over time, which it apparently had.

The government is continuing to study the data and may refine the estimate.

Meanwhile, BP continued efforts Monday to permanently seal the well. It said it was preparing to conduct final testing on Tuesday to determine whether to go ahead with a plan to pump heavy drilling mud into the runaway Macondo well, in hopes of permanently sealing it by the end of the week.

During the tests, a surface ship will slowly inject small amounts of mud into the well to make sure the mud will reach the oil reservoir from the column of pipes and valves that sit atop it. If that is accomplished, BP will pump higher volumes of mud, and possibly cement, into the well, in an operation known as a static kill or bullheading.

BP executives said Monday that they expected positive results from the tests, which will also check the pressure of the well to ensure that it is safe to pump the mud.

The efforts come 18 days after BP placed a tight-fitting cap on the well that put a temporary end to months of leaking. Engineers had planned to begin the tests on Monday but had to delay when they found a small hydraulic leak in the capping control system above the well.

Kent Wells, senior vice president for exploration and production at BP, said on Monday that a day or two after the pumping of mud began, engineers would consider pumping cement into the well, which could permanently plug it. Engineers might also decide to wait for a relief well to be completed before pumping cement in. There is also a chance that they will pump cement during the static kill and later through the relief well, to make sure the runaway well is sealed.

"We want to end up with cement in the bottom of the hole, completely filling the entire Macondo well," Mr. Wells said Monday. "Whether that comes from the top or whether it comes from the relief well, those will be decisions made along the way."

An estimated 2,000 pounds of mud is to be flooded into the well this week.

Thad W. Allen, the retired Coast Guard admiral who is leading the federal response to the spill, cautioned against rushing to declare the static kill a final victory over the well. "I don't think we can see this as the end-all, be-all, until we actually get the relief wells done," he said.

Mr. Wells said the last 100 feet of the first of two relief wells should be completed by Aug. 15. A final killing of the well by pouring mud and cement just above the reservoir could take a few days or as much as a few weeks. If the first relief well somehow misses its target, a second one is being drilled for insurance.

Nelson says dispersants produced 'toxic brew' (*St. Petersburg Times*)

Florida
August 3, 2010 Tuesday
A; Pg. 12A
Nelson says dispersants produced 'toxic brew'
By Cristina Silva
Times Staff Writer
TAMPA - U.S. Sen. Bill Nelson called for a federal investigation Monday of BP's use of chemicals to break down oil as it spread across the Gulf of Mexico.

He called it a "toxic brew" that might result in greater environmental troubles than if the oil had been allowed to sit on the surface until it was collected.

The Democratic senator also introduced a bill to require companies to disclose chemicals used in future oil spill cleanups.

"The real potential danger still lurks because there is a toxic brew deep beneath the surface that we cannot see," Nelson said at a news conference in his Tampa office Monday morning.

BP used up to 15,000 gallons of chemicals a day in its cleanup effort. The dispersants helped clear the surface of oil, leaving traces of chemical-drenched oil matter in the water column.

Bob Weisberg, a professor at the University of South Florida's College of Marine Science, joined Nelson at the news conference. Researchers will conduct a nine-day mission to collect oil samples next week, the university's third voyage related to the spill.

When some dispersants are combined with oil the result can be less toxic than the oil itself, while others are more harmful, according to test results released by the federal Environmental Protection Agency on Monday.

Countdown begins for final well plugging (*Greenwire*)

(08/02/2010)
Katie Howell, E&E reporter
BP PLC and the Obama administration are beginning the final countdown to plugging for good the runaway Macondo well in the Gulf of Mexico.
BP crews today will take the initial steps to begin a so-called static kill of the well, which involves pumping heavy drilling muds and cement down the wellbore to staunch the flow.

The company plans to begin the first phase -- an injectivity test -- later this afternoon, Kent Wells, BP's senior vice president for exploration and production, said this morning. The test will involve pumping oil from the surface down the wellbore to determine whether oil can be forced back into the reservoir.

The static kill, which will start tomorrow if today's tests go well, will involve pumping some 2,000 barrels of heavy drilling fluids down the wellbore to force the oil back into the reservoir miles below the seafloor.

"When we get done with the static kill, we have some choices to make," Wells said.

The company wants to permanently seal the well using cement. But until the static kill is complete, officials and scientists won't know whether to inject the cement from the top or from the bottom, where a relief well is poised to intercept the wellbore.

"After we've done that, the important decision will be about what is the best way to pump ... what is the best way to actually cement the well," Wells said.

The static kill will likely be completed by Wednesday, Wells said. The top U.S. official in charge of the response operation said yesterday that the interception of the failed wellbore with the relief well would take place five to seven days after the static kill.

Wells said today he anticipated that interception to occur sometime late next week. And the bottom kill operations themselves will likely take "a number of days to a few weeks," Wells said.

EPA, Allen fire back at Markey over dispersants

BP's use of dispersants in the spill-response effort is continuing to spark controversy after Rep. Ed Markey (D-Mass.), chairman of the House Energy Independence and Global Warming Committee, released documents late last week cataloguing the Coast Guard's decision to grant BP near-daily exemptions to a May 26 directive curbing surface dispersant sprays (*E&E Daily*, Aug. 2).

Markey said in a letter to retired Coast Guard Adm. Thad Allen that more information is needed on BP's dispersant use. Markey says his staff has discovered discrepancies in the total dispersant volumes BP has reported.

"BP carpet-bombed the ocean with these chemicals, and the Coast Guard allowed them to do it," Markey said in a statement accompanying the letter. "It appears to me that the May 26, 2010, directive has become more of a meaningless paperwork exercise."

But U.S. EPA, the agency that issued the May 26 directive, indicated in a statement yesterday that the difference between what the agency directed and what BP and the Coast Guard achieved is slight.

And Allen echoed those comments yesterday in a briefing with reporters.

"We established a goal to reduce dispersant use by 75 percent," Allen said. "At the time the capping stack went on we reduced that to 72 percent. There are times when our leaders have to make decisions on-scene based on oil that's sighted by aircraft and we may have a window of opportunity to try and deal with it there rather than take the impact into the marshes or the beaches."

Anadarko chief tops Houston pay scales

The head of Anadarko Petroleum Corp., one of the minority owners of the failed Macondo well in the Gulf of Mexico, has topped this year's list of the highest-paid executives in Houston.

Anadarko Chairman and CEO James Hackett received $27.5 million in cash, stock and other compensation last year, making him the highest-paid executive at a publicly traded company in Houston, the *Houston Chronicle* reported.

Anadarko owns 25 percent of the Macondo well, but it is embroiled in a bitter dispute with BP over paying for cleanup costs. BP has sent Anadarko an invoice for $272 million, which Anadarko has so far refused to pay, blaming BP for "recklessness" in the accident.

Dudley, Hayward head to Russia

BP's newly appointed CEO Bob Dudley and outgoing CEO Tony Hayward will meet with Russia's top energy official, Igor Sechin, this week.

The meetings are seen as key for the British oil giant that needs to maintain warm ties with Moscow as one-fourth of its total oil output comes from Russia, and its relationship with several Russian cash-rich energy giants could pave the way for deals the company needs to make in the coming months to pay for the ongoing Gulf spill cleanup effort.

Dudley is the former head of BP's 50-50 joint venture with Russian billionaires. Dudley has not been back to Russia since he was forced to leave in 2008 amid disputes with the TNK-BP partners. The dispute has since been resolved, and TNK-BP's co-owners and Sechin have welcomed Dudley's appointment.

TNK-BP said last week it was interested in buying BP's Venezuelan assets.

Calls for Mediterranean moratorium as BP prepares to drill in Libyan waters

BP's preparations to start drilling off the coast of Libya have prompted calls for a moratorium on deepwater operations in the Mediterranean.

Stefania Prestigiacomo, Italy's environment minister, is the first senior official within the European Union to suggest a Mediterranean moratorium while the 21 Mediterranean states find a "common voice," the *Financial Times* reported.

The European Union's energy commissioner has called for a moratorium within E.U. waters.

BP said yesterday it had a rig in place to start drilling in Libya's Gulf of Sirte, but no date has been set for drilling to start. The Gulf of Sirte is positioned about 300 miles from Italian and Maltese territory.

Environmental groups are also urging for a suspension of drilling in the Mediterranean.

GENERAL

Florida environmental secretary Sole stepping down (*Palm Beach Post*)

By Dara Kam
Palm Beach Post Staff Writer
Updated: 7:09 p.m. Monday, Aug. 2, 2010
Posted: 6:58 p.m. Monday, Aug. 2, 2010
Department of Environmental Protection Secretary Mike Sole, the state's lead official on the BP oil crisis, is stepping down.
Sole, a marine biologist, worked his way up through the ranks during more than two decades at the agency before Gov. Charlie Crist tapped him as secretary shortly after taking office in 2007.
For the past three months, Sole has been the chief of the state's response to the massive Gulf of Mexico oil spill, participating in daily conference calls with federal officials and BP executives and traveling throughout the Panhandle and to the Deepwater Horizon response headquarters in Louisiana.

Sole announced his resignation Monday.

"Now that the Deepwater Horizon well has been capped, and Florida is on the road to recovery, it is necessary for me to announce my departure date," Sole wrote in his resignation letter to Crist.

He did not say what his plans are, but sources close to the agency say he may be under consideration to be the U.S. Environmental Protection Agency's regional administrator, where his duties would include overseeing water and air pollution regulation.

Sole is the latest agency head to leave the Crist administration. The governor, who is running for U.S. Senate, leaves office in January.

But as head of the oil spill recovery, Sole has been the most visible of Crist's chiefs. Since taking over at DEP, Sole has been at the forefront of a number of other controversial issues.

"He was thrown the heaviest workload of any DEP person I've seen," said Eric Draper, executive director of Audubon Florida, who has worked beside Sole for 20 years. "We're losing one of Florida's best agency leaders."

Sole was in charge of Crist's ambitious climate change agenda, which included cap-and-trade, renewable energy standards and clean cars. But the GOP-dominated legislature blocked Crist's proposal for clean energy and greenhouse gas limits for electric utilities.

Sole then went to work on Crist's U.S. Sugar deal, another grand proposal, in which Crist originally planned to pay the sugar giant $1.75 billion for more than 180,000 acres of land in South Florida to be used for Everglades restoration. But after less than a year, the deal was down-sized to less than half the original plan: the state would give U.S. Sugar $536 million for about 72,800 acres of citrus groves with the possibility of buying 100,000 more.

Critics accused Sole, who negotiated the deal, of relying on outdated property appraisals in agreeing to pay U.S. Sugar what some considered a vastly inflated price.

Sole is also involved in litigation over water quality standards proposed by the U.S. Environmental Protection Agency. Environmentalists filed a lawsuit accusing Sole of failing to clean up polluted waters, forcing the EPA to begin setting hard limits on nutrient pollution in state waters.

"I know that that knocked the wind out of Mike," Draper said. "Because he was already negotiating with the regulated community about Florida's approach to the water quality standards, then all of a sudden he felt like the EPA pulled the rug out from under him."

Now, Sole, a former Marine and veteran of Operations Desert Shield and Desert Storm, is handling what may be Florida's worst environmental disaster.

Environmentalists have criticized Sole for failing to recommend closing Panhandle waters to swimming and fishing even as oil was washing ashore.

Sole occasionally used his wartime experiences to demonstrate that the water was safe.

"I've been covered head to toe in oil," Sole told The Palm Beach Post in an interview in May. "And I am perfectly fine."

Dara_Kam@pbpost.com

GRANTS

Long-awaited Victor Mill cleanup under way in Greer (*Spartanburg Herald Journal*)

By Jason Spencer
jason.spencer@shj.com
Published: Tuesday, August 3, 2010 at 3:15 a.m.
GREER — The first trucks rolled onto the site of the ruins of Victor Mill on Monday, marking the beginning of a long-awaited five-month cleanup project.

“The residents that drove past early this morning, they were saying, ‘It's finally happening.' They were excited,” said state Rep. Harold Mitchell, D-Spartanburg, who formed a limited liability corporation to gather the necessary partners for the project.

That project, spearheaded by Mitchell and Spartanburg County Councilwoman Jane Hall, has been in the works for nearly two years. The effort has involved winning a $200,000 Brownfields Grant from the Environmental Protection Agency and securing a $1 million low-interest loan from the EPA.

Since closing more than a decade ago, the mill has been stripped of valuable metals and burned, and weeds and rodents have found homes in the piles of debris. The main site is 21 acres. An adjacent parking lot, where cleanup work began Monday, is 3 acres.

Charlotte, N.C.-based HEPACO spent most of Monday prepping the site for debris removal, which starts today. That included plowing piles of debris out of the way for trucks to get onto the site for loading.

Hall said once the contractors get fully under way, she'll check on their progress about every other day — at least at the beginning.

“It was wonderful,” Hall said Monday afternoon. “I'll tell you what was neat about it: Standing out by the roadside and watching all the cars go by and slow down, and people who wouldn't normally go out for early-morning walks out for a walk. Because everybody is curious. I think it's finally starting to sink in that something is truly going to happen this time.”

The EPA and state Department of Health and Environmental Control will monitor the progress, too, and collect soil and water samples along the way.

Some soil has already been found to be contaminated with lead and arsenic, and old floor tiles — piled among the debris — contain asbestos.

“It's great that they're finally able to start,” said Tim Fields, a Washington, D.C.-based consultant. “It's a great victory for the citizens of Victor Mill.”

Fields worked at the EPA for 30 years and led the team that created the Brownfields Program in the mid-1990s. He's since retired, and his work includes helping communities like Victor Mill land Brownfields grants.

Mitchell spent part of Monday morning directing cleanup traffic along Victor Avenue — just a few blocks from the new Greer City Hall.

Air monitors and water meters were installed on the site Monday. Debris will be doused with water to limit the amount of dust generated by removal.

Residents say the ruins already have become a nesting ground for snakes and rats. Cleanup organizers have gone door to door and spent half of Saturday helping people clean areas of their yard that could attract rodents. The expectation: When rubble moves, rodents will scatter.

“There's no telling what they'll find under there,” resident Steve Wilson said.

“I've already seen rats that long,” Wilson said, holding his index fingers about 8 inches apart, “and that's not counting the tail. That's rat. I've killed a couple of 'em.”

HEPACO should be finished cleaning the old parking lot sometime next week, according to a project timeline.

When cleanup of the main site is finished in December, the company will begin grading to drain the land properly and will plant grass.

The mill's water tower will remain standing for residents and the city to use as a landmark.

MINING

August 2, 2010

EPA mandates mine permits examine stream functions (*Charleston Gazette*)

By Ken Ward Jr.
The Charleston Gazette
Advertiser
Keep up with coal on the Gazette's Coal Tattoo blog.

CHARLESTON, W.Va. -- Regulators will more closely examine the potential impacts of mountaintop-removal proposals on the important ecological functions of headwater streams that are often buried by such mining operations, according to new guidance issued by the Obama administration.

Late Friday, the U.S. Environmental Protection Agency and the Army Corps of Engineers issued more new guidance as part of the Obama administration's announced plan to "take unprecedented steps" to reduce the impacts of surface mining in the Appalachian coalfields.

The guidance responds to issues raised in a federal court lawsuit -- and in recent scientific studies -- that rules for mining permits do not consider impacts of "stream function."

Under the guidance, regulators reviewing Clean Water Act permit applications for mining companies will now determine what impacts proposed valley fills will have on stream structure and function before approving those applications.

"Scientifically sound and consistent evaluation of high-gradient streams in the coalfields of Central Appalachia is a priority for making permit decisions," the new EPA-Corps guidance said.

For years, mining companies have been permitted to bury hundreds of miles of streams with waste rock and dirt and then replace those streams with rock-lined ditches. Scientists believe this practice replaces the "structure" of streams, but does not replace important "functions" such as broken down organic matter and bugs that provide food that moves up the aquatic food chain.

In March 2007, U.S. District Judge Robert C. Chambers threw out the Corps' approval of four Massey Energy permits, in part because agency officials had not examined the potential loss of stream function. Chambers cited an "alarming cumulative stream loss" and said permit reviews needed to be more thorough.

That ruling was overturned by the 4th U.S. Circuit Court of Appeals. Environmental groups, including Coal River Mountain Watch, the Ohio Valley Environmental Coalition and the West Virginia Highlands Conservancy were pursuing an appeal to the U.S. Supreme Court.

In a prepared statement, Earthjustice, which represented the citizen groups, said that with the new guidance "the agencies have corrected the problem that was presented in the Fourth Circuit case and the Supreme Court petition."

"We applaud the Corps and the EPA for recognizing what the law and science required: The protection of streams and communities," said Earthjustice lawyer Steve Roady. "We will continue to urge these agencies to take meaningful action to guarantee that our streams are no longer the dumping grounds for mining waste."

Carol Raulston, spokeswoman for the National Mining Association, declined comment on Monday, saying her group was still reviewing the new guidance.

Reach Ken Ward Jr. at kw...@wvgazette.com or 304-348-1702.

SUPERFUND

EPA declares old asbestos dumps in Harding and Long Hill are now clean (*Daily Record*)

By MICHAEL DAIGLE • STAFF WRITER • August 2, 2010

Sites in Long Hill and Harding townships, including one in the Great Swamp National Wildlife Refuge, that were dumping grounds for asbestos for nearly 50 years have been declared clean and have been removed from the U.S. Superfund site list, according to the U.S. Environmental Protection Agency.

The sites were collectively known as the Asbestos Dump Superfund site, which comprised four separate plots. After assessing monitoring data, the EPA has determined that the primary contaminant -- asbestos -- has been successfully contained, and no longer poses a significant threat to public health or the environment.

"Thanks to EPA's efforts, the risk from the asbestos at this site has been addressed and now the site can come off the Superfund list," said EPA Regional Administrator Judith Enck. "Our assessment found that the cleanup was successful, clearing the way for the deletion of this property from the list of the country's most hazardous waste sites."

The Asbestos Dump site consists of four separate properties, comprising three areas in which cleanup work has been conducted: the Millington unit, 11 acres; the New Vernon and White Bridge Road unit, 42 acres combined; and the Dietzman Tract, a 7-acre parcel of the Great Swamp.

The Great Swamp, once under threat of becoming an airport in the 1950's, covers approximately 7,700 acres of swamp, wooded, and wetland areas. It is managed by the U.S. Fish and Wildlife Service for wildlife habitat and observation, and receives approximately 185,000 visitors per year.

Between 1927 and 1975, under the operation of several different manufacturing companies, waste products containing asbestos were disposed of at the sites, resulting in soil contamination. The nearby Passaic River was also threatened by runoff of contaminated surface water.

Currently, the properties are owned by the State of New Jersey, the Fish and Wildlife Service, and private parties. National Gypsum Company is the responsible party.

The asbestos site was placed on the National Priorities List in 1983. EPA selected cleanup approaches for the three areas of the site in 1988, 1991, and 1998.

Cleanup actions included consolidating and solidifying contaminated material in designated areas on-site, capping those areas, installing systems to divert surface runoff, slope protection and stabilization plans, drainage improvements, erosion controls, assessments of wetlands impacts, and restrictions on future uses for particular portions of the site.

The state Department of Environmental Protection and the U.S. Fish and Wildlife Service are responsible for the ongoing monitoring and maintenance activities at the site. The EPA will review conditions at the site every five years to ensure that the work it did continues to protect the public and the environment.
In February 2002, the completion of cleanup activities at the White Bridge Road portion of the site enabled EPA to delete that property from the National Priorities List. The current deletion applies to the remaining two areas of the Asbestos Dump site: the Millington unit and the Dietzman Tract.
Michael Daigle; 973-267-7947; mdaigle@gannett.com.

2 Morris County Superfund sites declared safe by EPA (*NJ.com - Star Ledger*)

Published: Monday, August 02, 2010, 10:47 PM Updated: Monday, August 02, 2010, 10:51 PM
Tomas Dinges/For the Star-Ledger Tomas Dinges/For the Star-Ledger

Two asbestos-contaminated sites in Millington and Harding Township have been declared safe by the government, federal officials said yesterday.

The cleaned-up sites include 11 acres alongside the Passaic River in Millington that was used for more than 20 years by National Gypsum Company to manufacture and dispose of cement asbestos siding and roofing and a seven-acre site within the Great Swamp Wildlife Refuge in Harding Township that was used to dump products containing asbestos.

The sites were added to the Superfund National Priorities list in 1983, as part of 60 acres throughout Long Hill and Harding.

Now, after monitoring the effectiveness of caps on the two sites for five years, the EPA has declared that the asbestos, a cancer-causing chemical, "has been succesfully contained and no longer poses a significant threat to public health or the environment," according to a statement released by the EPA yesterday.

The sites were officially removed from the list on July 12.

"Our assessment found that the cleanup was successful, clearing the way for the deletion of this property from the list of the country's most hazardous waste sites." said EPA Regional Administrator Judith Enck.

A 42-acre site in New Vernon, along White Bridge Road, was taken off the list in February 2002.

The EPA's efforts focused on consolidating the contaminated material, solidifying it, capping the areas, and installing systems to make sure that surface water runoff would not contaminate nearby water bodies, according to the release.

The EPA will monitor the sites every five years to ensure that they continue to be safe.

The land in the Great Swamp, called the Dietzman Tract, is owned by the federal government and portions of the Millington site are privately owned.

Property owners are free to use the land as they see fit, as long as they do not disturb the cap on the material, said Elizabeth Miller, an EPA spokeswoman.

The Millington site is being eyed for redevelopment, said Long Hill Township mayor Jerry Aroneo.

"The owners want to do something with mixed use residential and retail," he said.

But Aroneo has mixed feelings about the EPA declaration.

"It's sort of double-edged sword," Aroneo said. "On one hand we have had the restriction lifted, but on the other hand (people) will always say it's questionable."

EPA sets meeting dates in Edgewater (*North Jersey.com*)

Monday, August 2, 2010
BY MAXIM ALMENAS
Edgewater View
STAFF WRITER
Edgewater — After canceling July meetings with the general public to discuss remediation plans for the Quanta Resource Superfund site, the Environmental Protection Agency will make a formal presentation to address its feasibility study on Aug. 3 from 7 to 9 p.m.
The EPA will also hold question and answer sessions on Aug. 4, from 2 p.m. to 4 p.m. and 6 p.m. to 8p.m.
All the meetings will be held at the American Legion Hall at 1165 River Road.

The EPA held a conference call last week with borough officials and stakeholders to discuss the proposal it plans to present to the public.
"Based on the limited discussion we had on the conference call, it's a process that solidifies the contaminant in place," said Borough Administrator Greg Franz. "They made reference to how the contamination migrated to different areas, and the mayor was always critical of that, saying to the EPA, 'Hey look, you've known about this migration problem, but you never addressed it. And now it continues to migrate, and you continue to study, study, study.'"
The EPA is recommending the solidification of non-aqueous phase liquid coal tar and arsenic to address the land portions of the site under 115 River Road and other neighboring properties.
But the removal of the solid contaminants would be addressed in the future.
"They have a process that apparently hardens the material so that it keeps it in place and prevents it from migrating," Franz explained, adding that the EPA did not address plans to remove the solidified material.
But the EPA concluded that the characteristics of the site make groundwater restoration technically impractical.
EPA's preferred alternative for groundwater includes the construction of a contaminant barrier to treat groundwater before it reaches the Hudson River, along with active measures to address sources contaminating the groundwater.
According to the EPA website, when the New Jersey Department of Environmental Protection closed the Quanta Resource facility in 1981, it contained 61 aboveground storage tanks, at least 10 underground storage tanks, septic tanks and underground piping.
The total storage capacity of the tanks was over nine million gallons. The property has not been in use since 1981. Following its shutdown, the DEP requested that the EPA address site contamination under the Comprehensive Environmental Response, Compensation and Liability Act.
Several removal actions were performed at the site from 1984 to 1988 by a group of potentially responsible parties, under EPA oversight. The removals focused on the cleaning and decommissioning of the aboveground and underground tanks.
Several million gallons were removed and disposed of or recycled. Some underground piping and shallow soils were also removed.
Although the EPA, in consultation with the DEP will consider all information submitted during a 30-day public comment period and the question and answer sessions, the EPA will decide the final remedy for the site.
Nevertheless, Franz said the borough is being "cautiously optimistic" because it's thankful to make it to this point, despite the fact the process will be lengthy.
"I'm sure there will be some people that will be critical of the remediation plan," Franz said. "However, after many years of this being a burden to the borough with no end in sight, it finally appears we're at a turning point, so finally it's going to be addressed and eventually cleaned up, and make the property usable again."
The EPA could not be reached for comment prior to publication but did say on its Web site that the general public is encouraged to review and comment on all the information presented during the meetings.
Oral and written comments will also be accepted at the meetings.

The public comment period runs from July 21 to Aug. 19.
E-mail: almenasm@northjersey.com or call 201-894-6725
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San Francisco to redevelop contaminated shipyard (*Greenwire*)

(08/02/2010)
After decades of environmental cleanup efforts, the abandoned Hunters Point Naval Shipyard in San Francisco will be transformed into a 700-acre residential and commercial center, complete with large parks and perhaps even a new football stadium.

The county Board of Supervisors last week approved the redevelopment project of the city's southeast shoreline, which is expected to create jobs and improve safety in the poor Bayview-Hunters Point neighborhood.

"This is a part of San Francisco desperately in need of revitalization," said Board of Supervisors President David Chiu. "This area is the last remaining plot of land to help develop the future of what San Francisco is going to be."

The shipyard closed in 1974 and was designated a Superfund site in 1989. Its pollution levels were high enough to land it on U.S. EPA's National Priorities List. The Navy has spent $700 million to clean up toxic metals, chemicals and low-level radiation.

Eighty-eight acres of the 936-acre base have been completely decontaminated. The developer, Miami-based Lennar Corp., will be required to take extra safety precautions during construction such as covering polluted "hot spots" with new soil or pavement.

The development is widely supported by city residents, but critics are concerned about the environmental pollution as well as pushing out the city's last predominantly black community. About 30 percent of the 10,500 new homes are set aside for low- and moderate-income residents.

"Part of San Francisco died yesterday," said Supervisor Chris Daly, the board's lone dissenting vote on the current proposal. "The city is essentially green-lighting gentrification."

Along with 885,000 square feet of retail space, the developers are building a large green technology research hub. Land has been set aside for a new football stadium if the San Francisco 49ers do not move to Santa Clara (Robin Hindery, AP/MSNBC, Aug. 1). **--**

TOXICS

Groups Seek Ban on Lead In Sporting Ammunition (*New York Times*)

August 3, 2010 Tuesday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 15
By FELICITY BARRINGER
Lead, for centuries the core ingredient of ammunition, is now coming under attack itself.

As the American military begins to embrace "green bullets," environmental groups are pushing state and federal officials to ban the use of lead in hunters' guns and fishermen's tackle.

Their goal is to protect both the animals that scavenge the carcasses of hunted prey and the people who consume meat from hunting expeditions.

On Tuesday, the Center for Biological Diversity and the American Bird Conservancy plan to file a petition with the **Environmental Protection Agency** seeking a comprehensive nationwide ban on lead-based sporting ammunition and fishing tackle.

The petitioners argue that "it is now incontrovertible fact" that lead fragments in the bodies of animals shot with lead bullets or lead pellets are "a serious source of lead exposure to scavenging animals" and a health risk to humans who eat hunters' kills.

Scientists have found that chronic lead poisoning in birds leads to "appetite loss, anemia, anorexia, reproductive or neurological impairment, immune suppression, weakness, and susceptibility to predation and starvation," the petition said.

Lead's toxicity has long been known, and most of the uses that led to human exposure, like the manufacture of lead paint, have been banned for decades. Lead ammunition consumed only about 3 percent of the 6.4 million tons of lead used worldwide in 2000, according to a 2003 report by the Nordic Council of Ministers.

Michael Fry, a wildlife toxicologist who directs conservation advocacy for the American Bird Conservancy, said that even sub-lethal levels of lead in condors, bald eagles and other raptors can be debilitating, affecting their ability to fly and avoid collisions.

But hunting organizations dispute the dimensions of the problem. Larry Keane, the vice president and general counsel of the National Shooting Sports Foundation, said the petition was "fundamentally flawed as a matter of science."

"You don't manage harm to individual animals," he said in an interview. "Wildlife biologists manage wildlife populations."

Populations of eagles, one of the raptors cited by the petition as being at risk, are soaring, Mr. Keane added.

Jeff Miller, a conservation advocate at the Center for Biological Diversity, said several regional bird populations were indeed affected by ingesting lead ammunition or fishing tackle, including the endangered Mississippi sandhilll crane; eiders in Alaska, which are listed as threatened by the Interior Department; and trumpeter swans, considered species of concern in the Rocky Mountain West.

"If we had to show major population-level effects on many species to evaluate anything that caused ecological harm, we'd never ban anything," he said. "There is compelling evidence of harm to many species, and there are alternatives. It doesn't make sense to continue with it."

Ammunition manufacturers have long experimented with alternatives to traditional bullets. Bullets made from copper, bismuth and various alloys have been under development for 20 years or more. In June, the Army announced that it was shipping

one million rounds of a new 5.56-mm lead-free cartridge that had been in development for a decade to its troops in Afghanistan.

But most sporting ammunition still comes in the form of copper-jacketed lead, which is dense, the better to carry the energy of the shot downrange, and malleable, the better to expand on impact, increasing the bullet's lethality.

Nationally, the chief existing regulation on the domestic use of lead ammunition is a 19-year-old Interior Department ban on the use of lead shot to hunt waterfowl in wetlands, according to the groups' petition. California has banned the use of lead ammunition in the range of the endangered California condor.

Richard Patterson, the managing director of the Sporting Arms and Ammunition Manufacturers' Institute, an industry-supported technical organization, dismissed the arguments made in the environmental groups' petition as "inflammatory, throw-it-against-the-wall material."

The petitioners counter that hunters and fishermen should not cause lead poisoning in animals they are not even seeking to kill.

EPA says Gulf dispersants not more toxic than oil (*Associated Press*)

By MATTHEW DALY (AP) – 14 hours ago
WASHINGTON — A new federal study of chemical dispersants used to break up oil in the Gulf of Mexico shows that when mixed with oil, the dispersant is less toxic to aquatic life than oil alone.

The study also show that when mixed with oil, the dispersant used in the Gulf, Corexit 9500A, is no more or less toxic than oil mixtures with other chemical dispersants approved for use in oil spills.

The Environmental Protection Agency released the study results Monday as the Obama administration defended itself against assertions that officials allowed oil giant BP to use excessive amounts of chemical dispersants whose threat to sea life remains unknown.

Congressional investigators charge that the Coast Guard routinely approved BP requests to use thousands of gallons per day of Corexit despite a federal directive to use the chemical sparingly.

The Coast Guard approved 74 waivers over a 48-day period after the Environmental Protection Agency order, according to documents reviewed by the investigators. Only in a small number of cases did the government scale back BP's request.

EPA Administrator Lisa Jackson said in a statement that officials have long acknowledged use of dispersants presents environmental trade-offs. The agency took steps to ensure that other response efforts were used instead of dispersants and dramatically cut dispersant use in late May, she said.

Dispersants were last used July 19, four days after a temporary cap was placed on the leaking Macondo well, and dispersant use dropped by 72 percent from peak volumes following a joint EPA-U.S. Coast Guard directive to BP in late May, Jackson said.

Paul Anastas, EPA assistant administrator for research and development, said he was surprised to learn that the mixture of dispersant and oil was about the same toxicity as the oil alone.

That result shows that use of the dispersant "seems to be a wise decision, and that the oil itself is the hazard that we're concerned about," Anastas said. He called the oil that spewed into the Gulf for nearly three months "Enemy No. 1."

While the chemical dispersant was effective at breaking up the oil into small droplets so that it could be more easily consumed by bacteria, the long-term effects to aquatic life are unknown. That environmental uncertainty has led to several spats between BP and the government over the use of dispersants on the water's surface and deep underwater when oil was spewing out of the well.

Rep. Edward Markey, D-Mass., said more than 1.8 million gallons of toxic dispersants were used to break up the oil as it came out of the well and after it reached the ocean surface.

Bloom-Carroll officials approve work on gym's mercury problem (*Lancaster Eagle Gazette)*

Complete repairs expected to cost more than $11K
BY MORGAN DAY • The Eagle-Gazette Staff •
August 3, 2010
CARROLL -- The Bloom-Carroll Board of Education took its first step Monday night in fixing the high school's gym floor, under which lies hazardous mercury.

In a special meeting, the board approved a motion in a 4-0 vote to close the gym and immediately begin construction to repair and replace the floor, which has bubbled up in spots from moisture. Members also agreed to abate all hazardous materials and identify where the moisture that supposedly damaged the flooring came from.

Board member Mike Allen said school officials had planned to replace the floor entirely in more than a year from now, when students took summer vacation. But because of safety concerns, that no longer is an option.

The situation has put school officials in a hard spot as they try to decide what to do about physical education classes and athletic events and practices that take place in the gym, used by both high school and middle school students. The middle school gym hasn't been used in years, he said.

"We went from two gyms to zero gyms," Allen said. "It couldn't be worse."

He estimated the gym, if construction begins as soon as possible, could be wrapped up by mid-
December.

The design and pre-abatement of the floor, to be done by Gandee & Associates, is expected to cost $11,500, which Allen said will be taken from either the school's general or construction funds.

The mercury problem unfolded July 14, as contractors from Final Flooring, Inc. cut into the
polyurethane flooring in the gym that had been manufactured with mercury in it. That day, the
contractors planned to do minor repair work to the floor, which was put down in the 1970s and had been covered over in the 1990s with the current, wood flooring.

On July 16, Allen said he was informed construction had begun on the floor and that the Fairfield
Department of Health had received a call that there might be mercury contamination at the building.
Testing had previously been conducted in June on the original polyurethane flooring, confirming the presence of mercury under the floor.

District officials had received a quote from Final Flooring, Inc. for $2,964 and Superintendent Roger Mace and Treasurer Travis Bigam later signed a purchase order with Final Floors, Inc. on July 1, 2010, according to public records from the district. But Allen said a breakdown in communication between district officials and the maintenance department is the reason he was unaware construction had started on the floor.

"That's where the district had some responsibility, in not having clear communication with maintenance on when to get started and who is in charge of getting it started," Allen said of the floor. "Anytime there is a situation where there is mold or asbestos or anything, anytime those issues come up, everyone needs to stop and talk about it. ... I think this whole month has been a learning experience for us."

The district hired UST Environmental Contractors Inc., of Baltimore, to complete a mercury clean-up on July 17 and 18. District officials sent out notices to students and employees who had been in the building during the construction and asked them to

come in July 17 and be checked for mercury contamination. Twenty-seven people came to the school that day.

The mercury discussion has spurred a lot of interest from the community, with many members showing up to Monday night's meeting. Angela Dawson, mother of two former Bloom-Carroll students, vocalized her opinions about the situation before the board.

Regarding the minor construction work on the floor, she questioned whether board members knew construction would be hazardous to students' health and chose to proceed with it despite the risks.

"This just did not happen by accident," she said after the meeting. "They tried to keep it hushed."

Meanwhile, the board is set to meet Aug. 16 for a regularly scheduled meeting, and Allen anticipates another special meeting at the end of the month. The Aug. 16 meeting would involve board members' vote on "urgent necessity," which involves them skipping the typical two-week bidding process and, instead, putting the bids for construction out immediately.

Allen stressed that the levels of mercury exposure exceeded the limit of continuous exposure, not
temporary exposure. He also said he's looking into why the Environmental Protection Agency was aware of similar flooring problems around the country but did not warn schools about the potential problems.

"The EPA is not doing their job of informing schools, and everyone has to find out for themselves," he said.

Reporter Michelle George contributed to this article.

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WATER

Article published August 3, 2010

U.S. EPA gets up to $13M for Mich. Cleanup (*Toledo Blade*)

By TOM HENRY
BLADE STAFF WRITER
MARSHALL, Mich. - The U.S. Environmental Protection Agency said Monday the Obama Administration has authorized it to spend up to $13 million to cover the

government's immediate costs in responding to the spill of more than 1 million gallons of oil into the Kalamazoo River.

Federal officials also said Monday that the environmental disaster will take months to clean up and investigate.

News of the incident attracted a standing-room-only crowd of nearly 1,000 people to a town hall meeting Monday night.

Earlier yesterday, Susan Hedman, the agency's Midwest regional administrator, opened a two-hour multiagency briefing by telling reporters the federal money was being provided up front only to address emergency needs. She said the government would seek reimbursement of all costs from Enbridge Inc., the Canadian company that owns the pipeline.

"We will be seeking recovery of every penny from the responsible party, Enbridge," Ms. Hedman said.

Anne Rowan, U.S. EPA spokesman, said the agency may request more money if it appears that $13 million won't be enough.

The federal EPA had previously been given a $2 million budget for emergency-response costs associated with the incident, which occurred sometime in the two days July 25 and July 26 along one of the river's tributaries, Talmadge Creek.

The broken pipeline has spurred an all-out response from multiple state and federal agencies, with some experts being flown in from other parts of the country, in part because of concerns of oil reaching Lake Michigan. The Kalamazoo River flows into Lake Michigan.

Although the U.S. EPA has exercised its authority to take control of the scene, the investigation is being headed by the National Transportation and Safety Board.

Board officials Matt Nicholson and Bob Trainor told reporters yesterday they can now say with certainty that the pipeline experienced an unexplained pressure drop in the vicinity of the spill at 5:58 p.m. on July 25, two minutes after Enbridge began initiating a routine pipeline shutdown for planned maintenance.

But Mr. Trainor, chief of the board's pipeline and hazardous materials division, said it is not yet clear if the pressure drop was related to the planned shutdown or was a symptom of the ruptured pipe.

The investigation, still in its infancy stages, includes information from 22 interviews in the Marshall area and 16 more at Enbridge's command center in Edmonton, Alberta, he said.

Marshall Township firefighters were called to the scene the night of July 25. They had received a complaint of a possible natural-gas leak and did not see oil seeping into the marshy floodplain along the Talmadge, said Mr. Nicholson, the safety board's investigator in charge of the oil spill.

"We are not any closer to a cause," Mr. Nicholson said. "Once the pipe gets out of the ground, that will fill in a lot of gaps."

Officials plan to excavate a 140-foot section of pipeline at the spill site and send an undetermined length of it to an NTSB laboratory in Washington for metallurgical analysis. But even removing the ruptured pipeline is a job that probably is weeks away because of the danger of volatile chemicals at the scene and the health hazards they pose to workers. The task is complicated by the marshy terrain, which limits access on its own, Mr. Trainor said.

"We won't be getting into an analysis for some months from now," Mr. Trainor said. "We're not really even sure how large of a fracture we're dealing with."

The spill, although contained, continues to present enormous challenges, officials said.

"We're seeing a lot of sheen, especially on the upper 10 miles of the river," Mark Durno, the U.S. EPA's deputy incident commander, said. The sheen is broken up in many parts, depending on the flow and dynamics of the river. The federal EPA now is overseeing 37 containment sites along the Kalamazoo River and Talmadge Creek and has 78,000 feet of boom deployed, with more than 200,000 additional feet of containment boom on standby in the event of severe storms, Mr. Durno said.

"There is still a lot of oil out there, especially in the initial breakpoint near Talmadge Creek," he said.

Many ducks, geese, turtles, and frogs have died because of the spill. The impact on fish has been minimal, but officials said they are expecting large numbers of fish to die as oil works its way through, robbing the water of oxygen.

Jim Rutherford, a public health officer for the Calhoun County health department, said municipal water wells that serve residents of the Marshall and Battle Creek areas continue to be monitored for contamination. No oil has shown up, but seepage could occur over several months.

Air quality within the vicinity of the spill continues to be monitored for cancer-causing benzene and other contaminants.

Sixty-one homes lie in an area where officials have encouraged, - but not required - residents to leave. Twenty-seven owners have declined; a few have not been located, Mr. Rutherford said. He said he issued a ban Sunday night on water use for agriculture and in residences within the evacuation zone.

Residents are discouraged from fishing, swimming, or boating in Talmadge Creek and some nearby portions of the Kalamazoo River, 1st Lt. Bonnie Kanicki Wilson of the Michigan State Police said.

Contact Tom Henry at:
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EPA declares L.A. River 'navigable' so kayakers give it a try (Greenwire)

(08/02/2010)
Most of the 51-mile Los Angeles River is a concrete flood-control channel, but parts of the river still have a sandy bottom and are lush with fish, birds and even a few river rapids.

After U.S. EPA recently designated the river a "traditional navigable waterway," a small group of kayakers traversed an 8-mile stretch of it, led by environmental activist George Wolfe.

Along with a surprising amount of wildlife, was the expected litter -- shoes, clothing, shopping carts, tires, plastic bottles and bags. The river was warm and "smelly as old socks."

Still, Wolfe sees the river's potential as a recreational area and nature preserve. "With increased public access to this river, it could be the heart and soul of the city again," he said.

While the freeway noise was constant, the kayakers observed an osprey hunting for fish and thousands of young carp shimmering in the water.

"It's hard to believe we're floating through the heart of one of the biggest cities on Earth," said Gabriela Castaneda, a naturalist at the Audubon Center at Debs Park.

Some people are not sure increased recreational activities on the river is a good thing.

"Los Angeles has this little hidden treasure, which will only grow more popular as it gets discovered and developed as a green space for California residents," said Grove Pashley, a professional photographer. "My hope is that its wildlife is protected through thoughtful regulation of any boating or fishing that occurs" (Louis Sahagun, *Los Angeles Times*, Aug. 1). **-- LP**

Effects of Mich. oil spill could linger (*Greenwire*)

(08/02/2010)
U.S. EPA officials said the cleanup at the site of an oil spill in Michigan was "adequate" but warned that it would take months for the river to be completely cleaned.
Deputy Incident Commander Mark Durno said the effort was now about "recovery and removal of the remainder of the sheen" on the Kalamazoo River, a process that could last into the fall.

Officials estimate that 1 million gallons of oil spilled into the river after a 30-inch pipeline owned by Canadian firm Enbridge Energy Partners burst last week. EPA officials are holding daily press briefings to update nearby residents.

The company, which has been hounded for underreporting the spill's scope, had a long-range cleanup plan rejected Saturday because of "deficiencies in content and technical details." A substitute plan is due by 5 p.m. today. EPA spokesman Mick Hans said it was not unusual for an initial cleanup plan to be rejected.

EPA says the company must arrange to clean the nearby wetlands, floodplain and marshes, as well as deal with odor complaints made by area residents the night before the spill was reported. Enbidge CEO Patrick Daniel said the company was "committed to making this right" (*Detroit News*, Aug. 2). **-- JP**

EPA Seeks To Tally Drinking Water Costs To Justify Strict Nutrient Controls (*Inside EPA*)

Posted: August 2, 2010
EPA is asking its advisers to quantify the costs to drinking water utilities of cleaning up nutrient pollution in ambient waters as part of an effort to help the agency justify its pending efforts to clamp down on the ubiquitous pollutants, which could result in significant new costs for discharging industries.

Ephraim King, director of EPA's water office's Office of Science & Technology, asked the agency's National Drinking Water Advisory Council (NDWAC) July 22 to help "identify the cost implications" of nutrient pollution. He said the effort was intended to "create the baseline for more aggressive and effective leadership."

King said the economic costs of nutrient pollution "have not been clearly documented" and asked NDWAC to help "create the case for stronger water quality controls."

The agency's approach appears to echo the agency's broader effort to leverage toxics and pesticide statutes to improve drinking water quality. The agency this Spring

announced an aggressive new effort to improve drinking water quality, vowing to use chemical safety laws to protect drinking water, such the Toxic Substances Control Act (TSCA), as well as the Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA), which governs pesticide registration.

"This means that we can stop contaminants before they get into drinking water -- a safer and cheaper alternative to getting them out of drinking water," EPA Administrator Lisa Jackson said when announcing the plan March 22.

Now, EPA officials say they are aiming to use their Clean Water Act (CWA) programs as a means to clean up drinking water sources, especially nutrient pollution, which causes eutrophication and diminished oxygen levels, harming aquatic life, and may cause toxic algae which drinking water utilities must then remove.

Under a consent decree with environmentalists, the agency is crafting first-time numeric water quality criteria for Florida waters, criteria that will drive enforceable water quality standards, permit limits and other regulatory requirements. But the move is facing strong resistance from wastewater, agriculture and other industry officials whose facilities are likely to be subject to costly new control requirements. Opponents also say that setting numeric nutrient standards varies widely by water segment and area, and that the extremely costly cleanup requirements are not always beneficial enough to warrant the cost.

At the NDWAC meeting, EPA officials urged the advisory panel to back their nutrient control efforts. "How can we partner together to create the demand" for protecting source waters from nutrient pollution, King said.

The panel was enthusiastic about the idea, and formulated plans to pen a letter to EPA on the issue. In a draft version of the letter, the NDWAC panel urges EPA to continue synergy between wastewater and drinking water utilities and their governing statutes, focusing on atmospheric deposition, livestock production, wastewater output, stormwater and consumer education.

Host Of Regulatory Measures

The agency officials also detailed a host of regulatory measures they intend to implement that will help clamp down on nutrient pollution. For example, Randy Hill of EPA's office of wastewater management told the meeting July 22 that officials plan to soon issue guidance on how states can translate narrative requirements -- such as "no toxics in toxic amounts" -- into water quality effluent limits in CWA permits.

Until now, most states have crafted narrative, rather than numeric, criteria, which are difficult to translate into regulatory limits. But King and other EPA officials say that numeric standards are considered to be a stricter option for regulating dischargers in Clean Water Act (CWA) permits.

King and other officials also identified several other "underused" tools they plan to use to curtail nutrient pollution, including CWA National Pollutant Discharge Elimination System (NPDES) permits for publicly owned treatment works (POTWs). King noted, for example, that only 10 percent of POTW permits have nitrogen or phosphorus limits. He also cited "rarely used" antidegradation standards, which are intended to preserve water quality in pristine waters. A "tremendous part of the country" has a chance to prevent deterioration of source waters.

Despite a need for more stringent NPDES permits, King said, the agency has placed a "disproportionate emphasis on point sources," and needs to deal with upstream agricultural pollution, though the CWA does not provide direct authority to do so. King said he, however, has a "strong belief" that wastewater and drinking water utilities "can come together and create demand" for upstream cleanup of nutrient pollution.

"With respect, we have to stop waiting for Congress to change the Clean Water Act" to address nonpoint sources, he said.

EPA officials said they plan to develop an inventory of concentrated animal feeding operation activities, and ongoing guidance on how states can translate narrative standards into water quality effluent limits. King also suggested that states could use triennial reviews to revisit water quality standards, and the "drinking water community could engage more than it currently does" in that process.

That may be EPA's intent in its just-announced rulemaking where the agency plans to require public comment as part of the required every-three-years review of water quality standards. EPA is planning to make a slew of changes to its water quality standards regulations to deal with a variety of unclear requirements and long-standing court rulings.

Hill, in his discussion of EPA activities, also drew the drinking water panel's attention to EPA's ongoing work with stormwater regulations, and plans to propose a rule next year governing municipal separate storm sewer systems. Hill said that EPA is very seriously focused on a "need to account for a post-construction environment" and how that affects stormwater pollution. -- *Erica Martinson*

Posted on Mon, Aug. 02, 2010

Fla. congressional delegation seeks EPA rule delay (*Associated Press*)

Story also appeared: *Miami Herald*

Twenty-one members of Florida's 27-person congressional delegation want the Environmental Protection Agency to delay proposed water pollution rules for the state's lakes and streams.

The EPA already has agreed to delay similar rules for canals, coastal waters and estuaries until October 2012 to allow time for a scientific review of the agency's data and methodology.

A letter Monday urged the agency to do the same for rules due this October covering lakes and streams. The signers included Republican Sen. George LeMieux but not Democratic Sen. Bill Nelson.

EPA agreed to adopt the rules to settle a lawsuit blaming algae blooms on lax pollution control.

Agriculture and business interests oppose the rules.

Read more: http://www.miamiherald.com/2010/08/02/v-print/1758013/fla-congressional-delegation-seeks.html#ixzz0vXAS2RWQ

St. Johns River woes start upstream, pile up on First Coast (*Florida Times-Union*)

From building storm ponds to controlling how Jacksonville residents fertilize their lawns, Mayor John Peyton has tried to cut pollution in the St. Johns River. But he has no illusions he can solve the river's troubles alone. “To think that any one county can make a huge difference is unreasonable,” Peyton told environmentalists during a symposium this month at the University of North Florida. Simple math makes that clearer in Northeast Florida. Out of 8,200 tons of nitrogen once estimated to have flowed yearly through the river's final few miles, more than 5,000 tons entered the water at least 75 miles upstream, state officials concluded in a 2008 report on plans for controlling nitrogen and phosphorus pollution. That fact gained new relevance this month, as Peyton and other political leaders advocated for state leadership — and money — in an “Everglades-style” campaign to cut the river's burden of nitrogen, phosphorus and other pollutants. The two nutrient chemicals are the mother's milk of algae blooms that can harm both fish and underwater plants by sucking up oxygen and blocking the little light that pierces the dark river. Moseying more than 200 miles before it reaches the First Coast, the St. Johns arrives lugging nutrients that could have started the trip anywhere from an Ocala horse farm to an

Orlando wastewater plant. Easing the burden those nutrients put on the river's lower basin — an area from north of Lake George in Putnam County to Mayport — will mean curbing their flow both here and far upstream. “I think we all have to work together to solve the problem. … We don't want to put all the burden on the downstream source,” said Daryll Joyner, a bureau chief in the Florida Department of Environmental Protection who has worked several years on a project to cut nutrients in the lower basin. The impact of upstream loading became one rationale this month for Peyton's advocacy for a broad effort to help the river. During a forum at Jacksonville

City Hall about the reasons for recent algae blooms and fish kills , the mayor said maybe four-fifths of the nutrients the St. Johns carries through his town started somewhere else. Subordinates restated the point to guests on a river tour with U.S. Sen. Bill Nelson last week . “We need a statewide solution,” Sen. John Thrasher, R-St. Augustine, said bluntly during the forum with Peyton. Florida has never had clear, quantified standards for how much nitrogen and phosphorus to allow in rivers. Instead, the state said rivers should not have so many nutrients that they disrupt a healthy ecosystem. A 1999 lawsuit settlement required Environmental Protection to catalog rivers it considers “impaired” by pollution, including nutrients. The St. Johns lower basin got that label in 2003, and a cleanup plan was signed two years ago. The middle basin, including a big chunk of Central Florida, was added in 2004, with no plan finished yet. Separately, environmentalists' concerns about nutrients statewide led to another lawsuit, this one against the

U.S. Environmental Protection Agency. EPA settled with the activists last year by committing to impose clear, number-based nutrient standards on the state. That agreement is being fought by a series of business groups, who this week lobbied Congress to help them. Joyner said the state understands that upstream pollution hurts the St. Johns, and will require a 30 percent nutrient cut in waters flowing into the lower basin. Much of Peyton's environmental agenda has fit inside a nutrient cleanup work list of more than $600 million worth of projects that Northeast Florida communities, utilities and some companies agreed to in 2008. Joyner said the lower basin plan, with efforts ranging from septic tank replacement to fertilizer restrictions, was a particularly good example of cooperation that could be tried in other places. But even facing a big problem, there's still a need for people to act one by one, said Quinton White, a Jacksonville University biologist who has studied the river for decades. He compares the way nitrogen-soaked water runs off of many lawns to the way people a generation ago casually tossed litter onto roadsides.
“We've made people understand that we all contribute to the problem, so we all have to be part of the solution,” he said. “I would make the same argument for fertilizer use and over-watering.”

Big changes can grow from small choices, White said. “We may feel like we don't make much of a difference,” he said. “But collectively, as one of what, a million people in the Jacksonville metropolitan area … we can have a huge impact.”
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EPA proposes fines at 5 central Pa. sewage plants (*Associated Press*)

August 2, 2010 9:11am EDT
ALTOONA, Pa. — The federal Environmental Protection Agency is proposing fines ranging from $22,000 to $32,000 for five central Pennsylvania sewage treatment plants that allegedly failed to conduct sampling to determine new pollution limits for industrial users.

http://www.altoonamirror.com
The EPA is proposing fines at two Altoona Water Authority plants, and at plants in Tyrone, Huntingdon and one operated by Centre County's University Area Joint Authority.

The EPA says in a press release that the proposed fines are part of a strategy to improve local water supplies at the watershed that supplies the Chesapeake Bay.

Officials in Tyrone say they were surprised by the announcement because they've been working with the EPA to comply with sewage limits for industrial users.

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