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Table of Contents
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Weekend Edition
March 7, 2009 & March 8, 2009

ADMINISTRATOR JACKSON 3
Lisa Jackson's Plan (*Living on the Earth*) 3
BU students among 12,000 crowd at alternative energy (*Binghamton University Pipe Dream*) 8
AIR 10
EPA calls for more air pollution testing around schools (*Greenville News*) 10
After long battle, new mercury rules coming from EPA (*StarNewsOnline.com*) 12
Morgantown has struggled in past with air quality (*Times-West Virginian*) 13
A Plan to Cut Cruise Ship Pollution (*New York Times*) 15
Know your radon risk (*Signal*) 16
'Cow tax' bill enters Congress (*Daily Republic*) 19
Senators call on EPA to inspect coal ash impoundments (*Waste News*) 20
Iowans defend pig-odor earmark *(Greenwire)* 21
CLIMATE CHANGE/GLOBAL WARMING 22
N.Y. governor plans to offer more emissions allowances to power plants *(Greenwire)* 22
EDITORIAL/COMMENTARY/OP ED/LETTERS 23
Cleaner vehicles help air, wallets (*The Republican & Herald*) 23
Way cleared for tougher standards for mercury (*Towanda Daily*) 24
ENERGY 25
Companies rethink coal plants (*USA Today*) 25
Doing nothing is too costly a 'solution' (*Modesto Bee*) 27
Weirton Steel Plant Recognized for Energy-Saving Efforts (*State Journal*) 29
ENFORCEMENT 30

EPA to withdraw from Idaho feedlot agreements (*Associated Press*) This story also also appeared: *Fox 12 Boise* 30
FUEL 31
Industry Seeks to Raise Ethanol Levels in Fuel (*Wall Street Journal*) 31
Ethanol industry seeks OK to put more corn-based fuel in the tank (*St. Louis Post-Dispatch*) 32
Backers want to put more ethanol in your fuel (*Kansas City Star*) 35
EPA urged to raise ethanol blend rate (*Reuters*) 37
Levin protests California fuel rules, seeks U.S. standard (*Detroit Free Press*) 39
U.S. Ethanol Producers Want Ethanol Limit Raised To 15 Percent (*AHN*) 40
Groups ask EPA to allow use of 15% ethanol in gasoline (*Waste News*) 41
GENERAL 42
Leadership needed to address 'persistent' shortcomings -- GAO *(Greenwire)* 42
HAZARDOUS WASTES 44
EPA halts dioxin talks – again (*The Saginaw News - MLive.com*) 44
EPA drops Dioxin talks with Dow (*ConnectMidMichigan.com*) 46
Debate smolders over coal ash safety (*Baltimore Sun*) 46
TOXICS 50
Asbestos reports on high school due today (*phillyBurbs.com*) 50
6 companies to halt sales of baby bottles containing BPA *(Greenwire)* 51
Specter tries to get funding for cancer study *(Greenwire)* 52
WATER 53
Administration Plans New Regulations on Coal-Ash Ponds (*New York Times*) 53
Ex-Md. official to oversee EPA cleanup of bay (*Baltimore Sun*) 55
EPA trenches looking for sludge (*mycameronnews.com*) 56
Hiring in Hydrology Resists the Slump (*New York Times*) 57
River or reservoir? (*Gainesville Sun*) 59

ADMINISTRATOR JACKSON

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Lisa Jackson’s Plan (*Living on the Earth*)

Air Date: Week of March 6, 2009
Massachusetts

Lisa Jackson has no small job ahead of her. As the new EPA administrator, she's charged with protecting public health and safeguarding the environment. One of her first initiatives is to follow up on a USA Today series that found hundreds of America's schools located dangerously close to toxic hot spots. Administrator Jackson talks with host Bruce Gellerman about testing the air that schoolchildren breathe, regulating carbon dioxide, and what she'd like to do with the EPA's proposed budget increase.

TRANSCRIPT

GELLERMAN: From the Jennifer and Ted Stanley Studios in Somerville, Massachusetts. This is Living on Earth. I'm Bruce Gellerman, in for Steve Curwood.

The new head of the US Environmental Protection Agency has her work cut out for her. Administrator Lisa Jackson trained as chemical engineer. Now she oversees an agency with 18,000 workers and the nation's environment.

One of the first issues confronting her is toxic chemicals in the air around America's schools. A recent USA Today investigation, using the EPA's own data, found hundreds of schools where students were exposed to industrial pollutants at levels far exceeding federal standards.

From toxic chemicals to the threat of climate change - it's Lisa Jackson's responsibility to come up with the answers - and we called her up to ask her the questions. Ms. Jackson, welcome to Living on Earth.

JACKSON: Well thanks for having me.

GELLERMAN: So how's the new job?

JACKSON: Well, it's overwhelming. The D.C. expression is drinking from a fire hose, but everyday is a little bit better and the extraordinary staff here at the EPA have just been doing a fantastic job getting me oriented again. Or I should say reoriented back to the agency.

GELLERMAN: Yeah, you worked there many years ago.

JACKSON: Yeah, the years are starting to pile up. I was here sixteen years altogether. A couple years in Washington D.C. and most of my time spent in the New York City regional office.

GELLERMAN: Well let's talk about the USA Today series, "The Smoke Stack Effect." It found that there were extremely high levels of toxic air pollution around hundreds of the country's schools. And that was published around the same time you were nominated to lead the EPA. What was your reaction to the series?

JACKSON: You know, I think every parent who read that story or who saw the headlines or even heard about it had some level of concern. And, you know, talking with the USA Today reporters, I think what they wanted to do, they were very successful in doing which was asking the right questions and questions that I think it's fine for EPA initially to say we don't know, but what I hope our response has been is that it's our job to know, to find out, to be able to say, to speak to parents and give them information so that they can feel more at ease - or, alternatively, ask for more to make sure that at the end of the day they feel comfortable about the school environments for their children. We're embarking now on a several month long partnership with states and local entities to do modeling around those schools where we think we're most likely to see problems, to try to get additional information to bring to bear on this.

GELLERMAN: Well what can you do if you do find a problem at these schools?

JACKSON: Well, EPA's authorities are great, states and locals are great and sometimes the most important thing is to get that information out to parents, because as a mother, I know that if a parent thinks that their school is unsafe, they're gonna begin to be our biggest advocates for action. You know, first thing we'll do is make the local authorities aware of the information we have so that we can all work together to come up with a solution.

GELLERMAN: So you'd use the Clean Air Act to regulate these hot spots if need be?

JACKSON: Sure. We could use our authorities under the Clean Air Act. You know, EPA is required since 1990 to limit emissions of air toxics. These are chemicals that have the potential essentially to cause cancer and other serious health effects. And since 1990, EPA has issued 96 regulations covering about 174 categories of industrial chemicals. And, you know, the data show that between 1990 and 2005, emissions of air toxics have actually declined by 41 percent, largely due to EPA regulation, although there's certainly lots of categories left to be addressed. And I think what the story, especially with schools goes – brings to bear is the issue that, you know, overall reductions in toxic levels are certainly important and first and foremost EPA is concerned about the quality of our air as a whole, but hot spots – schools located near sources – the general reduction doesn't necessarily mean that we've done our job. Children's health is still not being protected. And those issues mean that we have to give special attention to potential hot spots of contamination. But again, as a parent, my experience is that any number of folks will be more than happy to advocate with us and work with us to address any concerns.

GELLERMAN: I want to switch gears a bit now.

JACKSON: Sure.

GELLERMAN: You know, it's almost two years that the Supreme Court handed down its historic ruling. It was Massachusetts verse the EPA. And it ruled then that the EPA can regulate carbon dioxide as an air pollutant under the Clean Air Act. I'm wondering, what are you going to do with that authority now?

JACKSON: Well, what the Supreme Court said, Bruce, was that EPA – it required EPA to make a finding, affirmatively or not, as to whether green house gases endanger public health and welfare. And so for two – almost two years now – EPA has owed something, if you will, to the American public. And that's a statement on a fairly fundamental issue. The reason that lawyers and regulators and lot of people who watch Washington are concerned is because, if EPA makes a finding of endangerment as it's called – that finding can trigger EPA's regulatory authority under the Clean Air Act to address climate change. But, I like to think of it more as the average citizen. I think it's reasonable for the average citizen to expect the Environmental Protection Agency to have an opinion on whether green house gases endanger public health and welfare, And so we are expediting getting a finding either way out to the American people.

GELLERMAN: It's a very tantalizing answer you gave there.

JACKSON: [Laughs]

GELLERMAN: April 2nd is the two year anniversary – you think you'll have an answer for the public by then?

JACKSON: No, you know, Bruce, I don't wanna get wrapped up in one particular date. I think what I'd like the public to know is a couple things. First, as head of the Environmental Protection Agency under President Barack Obama, I take very seriously our responsibility to speak to the American people on the issues of the day, and climate change and greenhouse gases is one of them. So we will expedite our work. I would not advise anyone to put money down on April 2nd as the date. I think instead what I'd like people to know is that we're gonna get a determination out one way or the other as soon as possible, and it will be subject to public comment, and I'm sure it will engender much of that.

GELLERMAN: So what do you think is the best way to regulate CO2, if you had to? Would it be EPA

regulations or do you think Congress should take a role in this and come up with new laws?

JACKSON: Well, I think new legislation that specifically is designed to address climate change is optimal. It probably puts to bed a world of potential lawsuits that are waiting to happen and will give very clear direction, obviously law, in the issue. But what we've also said is that we know we owe some things to the American people, and we know that we owe them a robust look at the endangerment issue, public comment and, if indeed regulation turns out to be a path that we will travel, we will do it deliberately, but we will do it mindful of the importance of this issue on the environmental agenda of the American people.

GELLERMAN: There are some businesses that say if the Environmental Protection Agency were to regulate CO2 emissions, they might have to close down, especially in this economic environment.

JACKSON: Well, you know, there are any number of doomsday scenarios with respect to regulation that I think it's part of my job also to assure people that we're not going to pursue. One of the reasons legislation is better is that it gives clear direction on to what's regulated and what's not, and it allays some of the concerns that EPA will begin regulating small businesses and tiny sources. I think it's important for us to remember that major sources of green house gases are still our transportation – how we get around as a people, as a nation – and how we generate power. And President Obama has given us clear direction, both in the Recovery Act he just signed and his upcoming budget that he believes that the new energy economy, renewable energy, and energy efficiency should all be part of our economy going forward. And so there are lots of things we can do on energy and transportation that will help to move us along a path to a new energy future and a new low carbon future.

GELLERMAN: Well you are getting a lot more tools in terms of dollars from President Obama's proposed budget.

JACKSON: That's right. President Obama's budget of about $10.5 billion for EPA is the largest in real dollars in the agency's almost 39 year history. It's a very tangible demonstration of the President's understanding that the Environmental Protection Agency is key to ensuring public health and protection for all Americans and that we don't have to choose between a green environment and a robust economy.

GELLERMAN: Well, I am going to ask you to choose your top three priorities for the money.

[LAUGHING]

GELLERMAN: What would you do with it?

JACKSON: Oh man, let's see. I think, I'd like to talk less about programs for our first meeting, Bruce, and talk more about the importance of restoring the American public's trust that EPA is first and foremost a science based organization. That we need to be a place where American's look to get answers and American's need to believe that those answers are based on the soundest science that we can possibly muster and without regard to politics, if you will. That the environment is clearly a nonpartisan, nonpolitical issue at its heart. People care about the places where they live and work. So we've talked a lot about making sure that agency scientists are – and their science – are respected and conversely, that they live up to awesome responsibility of being a voice for the environment and public health in this country.

Second, we talked about restoring the rule of law at this agency. I wouldn't call it lawless, but we've had some – a number of cases where our major regulatory actions, especially on air, have been overturned by the courts. And what's really disturbing there is that, in the mean time, a

framework for protection of human health is undermined.

Finally, we've talked a lot about transparency and the importance of people being able to see inside this agency and feel assured that no individual stakeholder or special interest is making the agenda, that our agenda is governed by an open dialogue with all stake holders, environmental groups, industry advocates of all types, and then we move on based on science and the law. You know, this EPA, the Obama EPA is on the job, and all we can ask of the American people is that we be given an opportunity to earn their trust and to have them see us as a steward of the issues that they care about. That is our fundamental job here at EPA.

GELLERMAN: Ms. Jackson, you – you have a lot on your plate.

JACKSON: [Laughs] Thanks. But it's a great job.

GELLERMAN: Well Administrator Jackson, I want to thank you very much for talking with us, and let's do it again sometime soon, okay?

JACKSON: That'd be great, Bruce. Look forward to meeting you as well. Thank you so much.

GELLERMAN: Lisa Jackson is the Administrator of the Environmental Protection Agency.

[MUSIC: James Taylor "Inner Mystic Love" from New World (Real Self Records 2009)]

GELLERMAN: Just ahead – It's not a drop in the ocean...The Great Lakes get a bucket full of cash to clean up their act. Keep listening to Living on Earth!

LINKS TO RELATED STORIES

For more on Lisa Jackson and the EPA, click here

The EPA's Schools Monitoring Initiative

The USA Today series "The Smokestack Effect"

Listen to Living on Earth's interview with USA Today reporter Blake Morrison

BU students among 12,000 crowd at alternative energy (*Binghamton University Pipe Dream*)

Originally Published March 06, 2009

By Marisol Maddox

Twelve thousand people came together last weekend in the Washington Convention Center of Washington, D.C. for the Power Shift 2009 conference.

The event, which took place from Friday, Feb. 27, to Monday, March 2, aimed to “successfully fight for clean energy solutions” such as solar, hydroelectric, geothermal and wind energy, as well as for “the creation of a new green economy.”

Conference-goers made a point, however, to differentiate between true energy alternatives and options like clean coal and ethanol, which do not hold up as well in the scientific community.

Among those attending were 18 Binghamton University students.

“I thought a lot of the workshops were very interesting, and things that we can bring back to BU

to implement here," said Caitlyn Edmundson, a junior economics and math major and treasurer of the BU chapter of the Student Environmental Awareness Club (SEAC).

The conference was hosted by the Energy Action Coalition, a network of non-profit organizations and their member supporters, which aims to educate and empower youth to make change in regards to climate and clean energy policies. Energy Action Coalition is responsible for the Campus Climate Challenge, of which a chapter exists at BU.

During the course of the four-day conference, students and advocates chose from between around 200 options of panels, seminars and workshops to attend. These ranged from addressing leadership and campaign development to empowering youth through special high-school-based workshops, to nonviolent direct-action strategies, questions of faith and its role in eco-activism, and discussions of local food systems.

The conference gave out prizes to the top-attending universities, including optimal seats for the evening addresses and performances.

"The more people you bring you bring with you, who experience what you experience, the more you can bring the momentum of the conference back to campus and make some real changes," said Mary Davis, president of SEAC.

Davis' efforts ended up bringing more than half of the total participants from Binghamton University.

The keynote address was opened by Environmental Protection Agency Administrator Lisa Jackson, the first African American to hold the position. She spoke about the importance of funds appropriated to the EPA so that it could adequately carry out its duties, and praised President Obama for the $10.5 billion budget he proposed the day before. The EPA is entering its 40th year and, with proper funding, Jackson told the audience, the "EPA is back on the job."

Evenings were filled with other high-profile speakers such as Secretary of the Interior Ken Salazar, who spoke of the importance of everyone doing their part to stop climate change.

"Our nation doesn't end at our borders; we are one planet and one people," Salazar said.

He also announced, to a very enthusiastic audience, the plan of the Department of the Interior to create "thousands of jobs in sustainable energy, and resource management, restoration and protection," to be opened within the next few weeks.

One of his other current projects is focusing on creating the "best 21st century youth conservation corps the world has ever seen."

"It was unbelievable for me to stand last night behind the stage with Administrator Jackson and Secretary Salazar and to realize for the first time in my life as an activist that I had partners and allies inside government to work beside us," said Jesse Tolkan, the Power Shift 2009 organizer. "They literally said we need your help to make this happen; we need your 12,000 leaders."

Some of the lesser hyped, but equally powerful speeches came from names like Van Jones, whose organization Green for All is focusing on the creation and expansion of green-collar jobs, and Majora Carter, whose work includes the revitalization of communities in the South Bronx, also made an impassioned speech.

The conference culminated on March 2 on Capitol Hill, where participants met with their Congressional Representatives to express their support of legislation increasing the viability and use of clean energy alternatives. Although faced with freezing temperatures and less than ideal weather conditions, approximately 2,500 activists toughed it out and proceeded to the Capitol's coal-fired power plant to form a blockade as an act of civil disobedience.

The 99-year-old plant has been publicly criticized by Speaker of the House Nancy Pelosi and NASA climatologist Dr. James Hansen for emitting almost a third of the Capitol's green house gasses. After nearly four hours, the blockade broke up. No arrests were made.

AIR

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EPA calls for more air pollution testing around schools (*Greenville News*)

USA Today analysis helps trigger further investigation

By Ron Barnett
STAFF WRITER

March 7, 2009

South Carolina

The new administrator of the Environmental Protection Agency is calling for more testing of air pollution around schools, in part because of an analysis done by USA TODAY, a spokeswoman for the agency said Friday.

The Greenville News, which participated in the USA TODAY study, reported in December that four schools in South Carolina — including Riverside High in Greer -- are in the top 1 percent in the nation for potential of hazardous air pollution.

Cathy Milbourn, spokeswoman for the EPA, said the agency hasn't completed a list of schools to be tested but will be putting one together using the USA TODAY report as well as EPA's own comprehensive analysis and input from state and local agencies.

"EPA is concerned about air quality, and certainly air quality around schools," she said. "Our goal is to identify potential risks from toxic pollution in the outdoor air around schools."

In a statement released by the EPA, the agency's newly appointed administrator, Lisa P. Jackson, said: "Questions have been raised about air quality around some U.S. schools, and those questions merit investigation. EPA will work quickly to make assessments and take swift action where necessary."

The agency plans to spend $2.25 million on air monitors, initially testing between 50 and 100 schools, Milbourn said.

Some testing could begin within 30 days, she said.

Henry Porter, director of the Division of Emissions Evaluation and Support for the state Department of Health and Environmental Control, said a draft list of the first schools the EPA is considering doesn't include any in South Carolina.

However, DHEC is asking the EPA to add schools in the state to the program, particularly in the Charleston area, which the USA TODAY project showed to be among the potentially worst polluted.

"What they have told us is that even if there's not money available through this national effort they may have some money available at regional level," Porter said. "So we're pursuing that."

Riverside High ranked No. 483 out of nearly 128,000 schools across the nation for the potential of having the most toxic outdoor air pollution, according to the analysis by USA TODAY of a computer model developed by the EPA.

Ohio health officials shut down a school that ranked No. 446 on the same scale after air monitoring found high levels of chemicals coming from a plastics plant across the street, USA TODAY reported.

Only 168 schools in the nation had higher potential for toxic air than Chicora Elementary in North Charleston, according to USA TODAY's analysis.

The analysis, which looks at the relative danger and concentration of chemicals companies report they have released, estimates that 65 percent of the projected potential toxicity near Riverside comes from the chemical acetaldehyde released by Mitsubishi Polyester Film Inc. on Hood Road, about a mile and a half from the school.

Mitsubishi has told The News there is no actual data to show any unacceptable levels of air pollution at the school and that it released only 6.5 percent of what federal limits allow it to

release during the year chosen for the computer analysis.

Two other Greenville County schools, Woodland and Fountain Inn elementary, ranked in the top 2 percent on the same screening model, meaning 98 percent of the others would be expected to have less polluted air.

Whether the ranking means students at Riverside, Woodland and Fountain Inn -- or any of the other schools in South Carolina that rank highly -- are in any danger, no one knows, because no samples of air outside the school have been taken, said school district and EPA officials.

DHEC monitors air in urban areas but not specifically at schools, Porter said.

Greenville County School District spokesman Oby Lyles said Friday that the district has not been contacted about testing outside any schools.

After long battle, new mercury rules coming from EPA (*StarNewsOnline.com*)

By Chris Mazzolini
Staff Writer

Published: Saturday, March 7, 2009 at 3:30 a.m.
North Carolina

For Jim Pew, the lawsuits start blending together.

An attorney with the environmental law firm Earthjustice, Pew has been front and center in the convoluted legal battle to regulate mercury emissions from the nation's cement plants.

Since the 1990s, Pew and other environmentalists have accused the U.S. Environmental Protection Agency of dragging its feet to regulate an industry with "enormous clout."

That battle may end March 31. On that day, the EPA is scheduled to release new mercury pollution standards for cement plants, the result of a settlement agreement that ended the latest lawsuit.

"After three different - maybe four different – lawsuits, EPA is apparently going to propose some mercury standards," Pew said. "I hope that's true. I'm not betting the farm on it, but I'm cautiously hopeful."

The EPA has existing mercury regulations in place, but only for plants built after December 2005. That means the vast majority of the nation's cement kilns have basically no obligation to reduce their mercury footprint, Pew said.

That resulted in the latest lawsuit, filed in 2007 by environmental groups and the attorneys general of nine states, arguing that the EPA had a legal obligation to regulate mercury pollution from these plants.

Titan America's proposed plant would fall under the existing regulations. Under the current rules, Titan's proposed plant could release as much as 263 pounds of mercury per year.

Titan officials have also said they will submit to more stringent new rules.

The EPA has released few details on the regulations it will impose, so it's unclear how they could potentially affect mercury emissions from Titan's plant.

But rules are coming, said Cathy Milbourn, an EPA spokeswoman.

"We have a court order deadline to have new regulations out by March 31," she said.

Leaders of the Portland Cement Association, an industry group that represents cement companies, said they want to ensure that any rules balance environmental concerns with the need for a viable cement industry.

"The industry is not doing well right now," Andy O'Hare, vice president of the association's regulatory affairs, told the Associated Press. "A good chunk of the U.S. cement production capacity is shut down because of market circumstances. We're certainly not looking to add to our costs."

The U.S. cement industry releases roughly 12,000 pounds of mercury each year, according to the EPA's toxic release data. Two environmental groups, Earthjustice and the Environmental Integrity Project, released a report last year that said cement plants actually release nearly 23,000 pounds of mercury each year.

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Morgantown has struggled in past with air quality (*Times-West Virginian*)

Sulfur dioxide has reduced significantly in the past few years

By Mallory Panuska
Times West Virginian

FAIRMONT — Just a few miles from the Friendly City, the City of Morgantown has struggled in the past with staying compliant with ambient air-quality standards set by the federal Environmental Protection Agency.

“In the past, the area has flirted with non-attainment status with air quality,” Morgantown City Manager Dan Boroff said. “Officials of the DEP and the EPA have approached city council in the past. We are very reliant on the state government to ensure these standards are observed, and they do affect the area.”

At a small shelter on the grounds of the Morgantown Municipal Airport, the air is monitored for fine particulate matter, sulfur dioxide and ozone.

Tim Carroll, assistant director of air monitoring for the West Virginian Division of Air Quality of the West Virginia Department of Environmental Protection (DEP), said Morgantown is the central monitor location for sulfur dioxide and ozone for the entire region. He said sulfur dioxide is monitored year-round, and ozone is looked at for half the year, from April to October.

“Ozone is monitored on hot summer days when people would be interested in that information,” Carroll said. “It encompasses the metro statistical area, and we try to put the monitors in areas that are highly populated.”

Carroll said that there are ways that individuals can reduce the emission of ozone in the air to help keep the levels down.

“ During ozone season and high ozone days or particularly humid days, people should make sure their cars are tuned up and try not to fill up their tanks during hottest part of the day,” he said. “Also, don’t overfill your gas tank, and open burning may contribute.”

“The same thing during ozone season also helps for fine particles,” he added.

Fine particulate matter, which is monitored in both Fairmont and Clarksburg weekly as well, is also monitored every day in Morgantown.

And despite teetering on the edge of noncompliance in the past for all monitored pollutants, Carroll said Morgantown received passing grades over the last study period.

“Sulfur dioxide has reduced significantly in the past few years,” Carroll said. “It is attributed to reductions caused by the acid rain program, reduced emissions of sulfur-burning fossil fuels, and some power plants are putting scrubbers on. The areas where we used to have problems don’t see that now.”

Morgantown also displays the area's daily air quality meter rating on its public access channel and has information about air quality standards on its Web site for people to view, Boroff said.

And while he said the city government does not have much pull when it comes to monitoring the levels, he said officials pay close attention to the data they receive and encourage people to do things to help keep air pollutants down.

"The city has so little influence. The state government is responsible, and we request and advise and assist as best as we can," Boroff said.

At one point, Boroff said the city tried to encourage the West Virginia Department of Transportation to regulate truck traffic in the downtown area to eliminate engine emissions in the air. However, that measure did not pass.

Overall, Carroll said the EPA created these standards across the country to protect the health of all citizens. And if an area is not in compliance, which he said is happening in some other places in the state, officials will come in and help bring it back up to compliance with different types of pollution-reducing measures.

"The EPA passed self-based standards to protect public health," Carroll said. "And if an area is exceeding the standards, the state has to put in a plan to lower it. The Fairmont area is not exceeding it, and other areas are constructing plans to lower it."

In any case, he said officials or individuals can request copies of the data collected by the DEP and the EPA to see where their areas stand in terms of meeting these standards.

E-mail Mallory Panuska at mpanuska@timeswv.com.

A Plan to Cut Cruise Ship Pollution (*New York Times*)

By Jake Mooney

March 6, 2009, 11:08 am

Robert Stolarik for The New York Times Cruise ships near Red Hook, Brooklyn, are one of the area's major sources of air pollution.
When it comes to air pollution in the New York City area, there is no shortage of places to cast blame. The Environmental Protection Agency's definition of the local "nonattainment area" where pollutants regularly exceed federal air quality standards includes the city, northern New Jersey, Long Island and part of Connecticut.

In a territory that large, 6.5 tons of particulate matter emissions per year amount to a drop in the bucket. In context, the same goes for 99 tons of sulfur dioxide. Still, the chance to prevent pollution on that level is an exciting one, and two local agencies, the

Port Authority and the city's Economic Development Corporation, are hoping to do just that with a new initiative being planned for the Red Hook waterfront.

The culprits responsible for some of the pollutants, in this case, are cruise ships. When ships are docked at the Brooklyn Cruise Terminal, at Pier 12, their diesel engines continue running to maintain power to the ships' electrical systems. And when the engines are running, there is smoke coming from the smokestacks — a lot of it.

An alternative, which came to prominence in recent years at West Coast ports including Los Angeles and Seattle, is requiring ships to plug into shore-based power and run off the local electrical grid.

This is known as "cold ironing," and it is what the local agencies are hoping to institute in Brooklyn. If all goes well, they say, a system could be in place by 2011, and it could be the first on the East Coast — though other ports are considering similar ideas, too.

Cold ironing, and its local potential, are the subject of the Dispatches feature in this weekend's City section. In short, the Port Authority and Economic Development Corporation, which control the cruise terminal, say they are committed to installing the system on shore.

They also say Carnival Cruise Lines, which operates most of the ships that use the terminal, has agreed to retrofit its vessels to use shore power. The remaining hurdle is finding a way to lower the cruise companies' cost for using shore power instead of diesel, which is far cheaper.

The issue, spokespeople from the agencies said, is that the existing rate structure is set up for buildings, which use power at a steady, constant rate. A ship, on the other hand, requires a great deal of energy over a short period — often a day — before it moves on to another port.

Some of the added cost to the cruise companies — about $1.7 million a year, in addition to the retrofitting expenses — could be eased if the state Public Service Commission made an exception to lower its tariffs for shore-based cruise ship power. That is what the agencies that control the terminal are lobbying for the commission to do, and they have the support of governmental organizations from the United States Environmental Protection Agency to Brooklyn's Community Board 6.

The latter organization passed a resolution this month in support of the lower tariffs. Craig R. Hammerman, the board's district manager, said that what matters to area residents is decreasing the emissions.

"Obviously, we want a rate schedule that encourages ships to plug in and not emit what they are currently," he said. "It doesn't seem fair or logical for the cruise ships to have to pay such a high price to keep the air clean."

Know your radon risk (*Signal*)

Radon testing for your home is easy and affordable

By Jim Walker
Escape Editor
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Posted: March 7, 2009

California

We missed it. The Environmental Protection Agency had designated January 2009 as National Radon Action Month. What with New Year's and the Super Bowl and some other pressing topics, we are just now getting around to bringing you up to speed on radon, a dangerous radioactive gas that may be lurking in your home. Now, if you've started glowing in the dark, we apologize, but either way, it's past time to take action and find out if radon is in your air.

The related stories on these pages explain all about radon gas, where it comes from and what to do about it. But we'll give you some easy insights here.

Quick, what does pCi/L stand for? Why, picoCuries per liter, that's what. It's a measure of radiation — tiny counts, actually, something like one part in a trillion.

But it doesn't take much. The Environmental Protection Agency and the Centers for Disease Control recommend that homes where the indoor air has radon levels at 4 pCi/L or higher should be "fixed."

According to the map at www.epa.gov/radon/zonemap/california.htm, Los Angeles County has a predicted average indoor radon screening level between 2 and 4 pCi/L. That's a mid-range level, as opposed to San Diego County, coming in at less than 2 pCi/L, and Ventura and Santa Barbara Counties, which are greater than 4 pCi/L. (Ouch — and you wanted to move north to the beach to get that "glow" of good health.)

But a general-area prediction isn't enough to go by. Your next-door neighbor's home could have a significantly different radon level from yours. You need to get tested my friend.

With or without help

There are two ways to test the air in your home for the level of radon gas — short term and long term. The short-term test is done over a couple days, and the long term from 91 days up to a year. With either, you can do the tests yourself or you can employ a certified radon tester.

The do-it-yourself method is easy and inexpensive. You purchase a radon test kit, use it according to directions, and then mail the exposed samples to a lab. The lab analyzes your samples and sends you the results.

These kinds of kits are available at local hardware stores and you can get them online. For example, Alpha Energy Lab's short-term test kits are only $5 for California residents. Visit www.drhomeair.com.

On the other hand, employing the services of a certified radon tester could make your results a lot more valid because that will ensure the test is done correctly.

B.J. Rogers is a partner and inspector with Affordable Inspection Services of Chatsworth. The company, which has been in business since 2002, offers a number of services, including testing for radon, mold, asbestos, lead and pollen.

"We offer any type of indoor air quality testing," Rogers said. "And we've done quite a few radon inspections in Santa Clarita."

Rogers emphasized the need for each individual home to be tested for radon. "You can't go by a map (of local radon levels). You won't know unless you test," she said.

Rogers said that Affordable gets a lot of business from relocation companies that are concerned homes their employees will be staying in might have elevated radon levels. She added that a lot of people contact Affordable for radon inspections because the EPA's public information campaigns are working (things like National Radon Action Month).

"The state has been very proactive about making the public aware of the potential health risks of elevated radon levels in the home." she said.

Rogers explained that disclosure forms for real estate transactions now include mention of radon gas, and thus a lot of business comes via real estate agents.

"The good news is that at least they now disclose it, so the (buyer) has the option to test," she said.

Testing

Short-term test: Rogers said that homeowners "can certainly do" the short term radon tests themselves but emphasized doing it correctly.

"Follow the manufacturer's recommendations on the test kit," she said. "They need to follow protocol to get an accurate reading, and some devices don't outline the protocol."

As the test basically involves exposing the test media, such as activated charcoal, to the air inside the home, the most important aspect of this protocol is "closed building conditions." That means keeping the home sealed up, with windows and doors closed during the testing period. And she said that attic fans, or other devices that exchange inside air with outside air, should be turned off. Rogers said that family members can go in and out of the house during the testing period but they need to "close the door behind them."

Of course, Affordable Inspection Services can do the short term test for you, and Rogers said the

company can usually send out an inspector the next day after they are contacted. The test period includes having the closed building conditions for 12 hours before the test starts and the testing period of 48 hours — 60 hours total. “The advantage of having a professional is they will know the protocols involved,” she said.

Instead of using things like activated charcoal and sending them to a lab, Affordable uses a Sun Nuclear Continuous Radon Monitor. This electronic device takes hourly readings on radon levels. And the best part is you don’t have to wait for lab analysis.

“We can print out the hourly readings for the test period and print out the average,” Rogers said.

Naturally, this professional protocol, extensive data collection and fast analysis cost more than a mail-in test kit. Rogers said that for local areas, such as the Santa Clarita Valley, the short term test is $250.

Long-term test: Rogers said that if the short term test shows radon levels higher than 4 pCi/L, Affordable can do a long term test.

“These run from 91 days up to one year,” she said. And during this time the family members “just live in the home normally. There are no restrictions.” The most important protocol is in placing the monitor correctly, away from windows and other sources of air exchange with the outdoors.

The cost of the long term inspection is the same as the short term — $250. “But these do have to go out to a lab,” Rogers said.

“The results are sent back to us and we prepare a written report and provide recommendations.”

Call Affordable Inspection Services at (818) 773-9932 or http://affordableinspections.biz/. For more information on radon and your home, visit www.epa.gov/radon.

‘Cow tax’ bill enters Congress (*Daily Republic*)

Korrie Wenzel The Daily Republic
Published Friday, March 06, 2009

U.S. Sen. John Thune on Thursday introduced legislation to prevent future implementation of a so-called “cow tax,” which, if enacted, would require producers to purchase permits to offset the gases their livestock emit.

The proposal was deemed “onerous” by Thune, but the executive director of the South Dakota Stockgrowers Association on Thursday had stronger words for the cow tax and applauded Thune’s efforts.

“If this ridiculous cow tax is imposed on the livestock producers, it will essentially put them out of business,” said Margaret Nachtigall, who works in the South Dakota Stockgrowers Association’s Rapid City office.

She said the work of Thune and Sen. Charles Schumer, D-N.Y. — a co-sponsor of the legislation introduced Thursday — is appreciated by the association, and that South Dakota’s livestock producers are pleased with “their bipartisan efforts to keep our rural economy viable and profitable and free of these outrageous attempts to regulate the livestock industry.”

Although the Environmental Protection Agency has not made an attempt to tax livestock emissions, the possibility of such a tax stirred the emotion of producers nationwide late in 2008. Around that time, the EPA discussed regulating greenhouse gases, possibly including livestock.

According to numbers from Thune’s office, the tax could cost South Dakota producers an estimated $367 million, or $174 per dairy cow, $87.50 per beef cow and $20 per hog.

If approved, the Schumer-Thune bill would prevent a livestock-based tax from becoming reality.

“The Clean Air Act was written to curb pollution from smokestack industries, not to regulate livestock production in South Dakota or elsewhere,” Thune said. “Livestock producers do not need another burdensome regulation to worry about, and this legislation would ensure that the cow tax never becomes reality.”

According to a release from Thune, the USDA has indicated that if the EPA chose to ever move forward with regulating farm animals, farms with more than 25 dairy cows or 50 beef cattle would need to purchase permits for each ton of methane their animals emit. That, according to figures from Thune’s office, would cost a medium-sized cattle farm with 200 to 300 cows between $17,000 and $27,000 a year.

Thune said the financial impact would be devastating to the thousands of family-owned farms in South Dakota.

Nachtigall said the South Dakota Stockgrowers Association heard many comments about the cow tax from its membership, either at public meetings or by telephone and e-mail.

“There probably aren’t more than one or two issues that have ever caused as much concern among the livestock folks that this tax did,” she told The Daily Republic Thursday. “Some thought it so ridiculous that it was laughable. Others were concerned that it actually may be implemented.”

Senators call on EPA to inspect coal ash impoundments (*Waste News*)

March 6 -- U.S. Sens. Barbara Boxer, D-Calif., and Tom Carper, D-Dela., have introduced a resolution calling on the U.S. EPA to immediately inspect all coal ash impoundments in the United States.

Boxer, chairwoman of the Senate environment committee, and Carper, chairman of the Clean Air and Nuclear Safety Subcommittee, also want the agency to propose and issue as quickly as possible rules to regulate coal combustion waste under the Resource Conservation and Recovery Act.

Senate Resolution 64 also calls on the Tennessee Valley Authority to become a national leader in technological innovation, low-cost power and environmental stewardship.

The TVA, a federally owned public utility, spilled 5.4 million cubic yards of ash across 275 acres at its Kingston Fossil Plant in Roane County, Tenn., Dec. 22. Cleanup costs could reach $825 million.

"The Kingston coal ash spill is an ongoing tragedy that must not be repeated, and we have the laws on the books to act now," Sen. Boxer said.

"We cannot afford to have another tragedy like the recent TVA ash spill that threatened public health and safety," Carper said. "The time has come for the Environmental Protection Agency to give industry the guidelines it needs to safely store this hazardous waste."

The coal sludge burst through a dike at the site destroying three homes and damaging nine others.

The U.S. EPA has studied regulating coal fly ash for decades and determined in 2000 that it did not warrant being regulated as a hazardous waste, leaving the regulation of coal ash to the states.

Contact Waste & Recycling News senior reporter Bruce Geiselman at 330-865-6172 or bgeiselman@crain.com

Iowans defend pig-odor earmark *(Greenwire)*

03/06/2009

Republicans are blasting a $1.7 million earmark in the $410 billion omnibus spending bill for research on reducing the odor eminating from Iowa pig farms as an example of wasteful spending, but residents of the nation's largest producer of hogs say the funding is desperately needed.

The rotten-egg-and-ammonia smell of waste from the state's 20 million pigs is nauseating Iowa's 3 million people. "You hold your breath and when it's really bad you get the taste in your mouth," said Carroll Harless, a 70-year-old retired corn-and-soybean farmer from Iowa Falls.

Sen. Tom Harkin (D-Iowa), who inserted the earmark into the omnibus, said it would help the pork industry go about its business "in an environmentally friendly way and be good neighbors."

"We could probably quadruple the money going into research if we got some of [the earmark's critics] to tour areas where these large hog confinements are going up," Harkin said.

The money would be used for a federal study on reducing the stench through adjusting hogs' diets and other measures. Iowans have worked on the problems for years with limited success, although treating waste with ultraviolet light to remove odors and planting trees and other vegetation to suck up the smell has shown some promise (Michael J. Crumb, Associated Press, March 5). **– PR**

CLIMATE CHANGE/GLOBAL WARMING

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N.Y. governor plans to offer more emissions allowances to power plants *(Greenwire)*

03/06/2009

New York Gov. David Paterson (D) will reconsider a key rule the state adopted as part of a 10-state pact aimed at reducing global warming's threat by cutting power plant emissions. His move could provide power plants with the leeway to release more emissions at no additional cost.

The Regional Greenhouse Gas Initiative that New York signed onto four years ago established a system for power producers to obtain allowances for carbon dioxide emissions. They typically obtain the allowances by buying them at auction or trading them, which serves as a financial disincentive to discourage them from polluting and as a way for the states to raise money for greener energy initiatives.

Paterson does not plan to withdraw from RGGI, but he has agreed to increase the number of free allowances provided by the state, which would lower the industry's cost of compliance.

Administration officials said he was concerned the rule might unfairly burden the energy industry.

The industry says the system hurts those power producers that signed long-term contracts with utilities years ago without being able to factor in the price of allowances. The additional allowances would go to those with such contracts. Industry executives have asked for an increase in free allowances from enough that allow 1.5 million tons of emissions to 6.5 million tons, which they say would save them $16.9 million at the most recent auction price.

Environmentalists were infuriated by the move when they learned about it just this week, although the governor met with energy executives privately last fall and assured them he would take this step. Environmental groups worry the move could set a precedent for other Northeastern states to revisit their regulations and are concerned about the secret negotiations between the governor and an industry that has donated tens of thousands of dollars to his campaign (Danny Hakim, *New York Times*, March 6). **-- KJH**

EDITORIAL/COMMENTARY/OP ED/LETTERS

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Cleaner vehicles help air, wallets (*The Republican & Herald*)

Pennsylvania is among 13 states that wisely want to adopt standards for cleaner cars.

Published: Friday, March 6, 2009 4:13 AM EST

Pennsylvania is among 13 states that wisely want to adopt standards for cleaner cars.

Thursday, the Environmental Protection Agency conducted a hearing on the plan, which was blocked by the Bush administration.

The initiative should be restated, especially now that the auto industry has been forced by economic necessity to develop more fuel-efficient vehicles.

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Under the federal Clean Air Act, California has special standing. It may adopt auto emission standards stronger than federal standards. Once it does so, other states are allowed to adopt those standards.

The EPA had approved California's measures over the course of four decades, which is partially responsible for Los Angeles no longer being the most smog-enshrouded city on the planet.

In 2008, however, the Bush administration disallowed a new California standard that would require a 30 percent reduction in vehicle emissions by 2016.

Pennsylvania, New Jersey, New York, Maryland, Maine, Massachusetts, Rhode Island, Vermont, Connecticut, Arizona, New Mexico, Oregon, Washington and the District of Columbia all had adopted the standard after California introduced it in 2005.

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Pennsylvania has estimated that, if implemented now, the standard would reduce tailpipe emissions in the state alone by 47.4 million tons by 2020, while saving drivers more than $9 billion at the gas pump over the same period.

As a national standard, drivers would save $260 billion at the pump and exponentially reduce the amount of tailpipe emissions into the atmosphere.

Those projects mesh with environmental and economic goals of the new administration.

President Barack Obama's proposed budget, for example, emphasizes alternative energy initiatives. Applying some of those to vehicles would enable manufacturers to meet the new standard.

The EPA should approve the California standard.

Way cleared for tougher standards for mercury (*Towanda Daily*)

Published: Friday, March 6, 2009 3:14 AM EST
Pennsylvania

The legal air was cleared Monday by the U.S. Supreme Court, when it declined to hear an appeal of an important air pollution case. That, in turn, should clear the way for substantial improvements in actual air and water quality, especially in the Northeast.

A group of power utilities and trade associations attempted, by appeal to the Supreme Court, to

retain some Bush administration regulations regarding mercury and pollution reductions at power plants.

Lower federal courts last year threw out a Bush administration proposed rule that would have removed mercury from a list of pollutants that the EPA must regulate at power plants. Also dismissed was a broader plan under which power plants would be able to buy pollution credits rather than actually reducing mercury pollution.

In effect, the Supreme Court's rejection of the appeal reflected the change in administration. The Obama administration basically abandoned the appeal because it favors the more stringent environmental regulations that its predecessor had attempted to replace.

Pollution credit trading works in some cases, but not for mercury. Utilities buy credits that help to fund pollution reductions elsewhere, producing overall national reductions in emissions, without having to reduce pollution at their own plants.

The problem with mercury is that it tends to fall quickly to earth. Several studies have identified mercury "hot spots" near their generation sources. It also falls into waterways, in some cases poisoning fish populations. Because it is such a dangerous substance, mercury needs to be diminished at the source, which was the point of the regulation that the Bush administration sought to revise.

The current EPA should move aggressively to reinstate tougher standards and to substantially reduce mercury pollution at its sources.

ENERGY

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Companies rethink coal plants (*USA Today*)

By Traci Watson, USA TODAY

03/08/09

WASHINGTON — Even as demand for electricity rises, energy companies are delaying or scrapping plans for new coal-burning power plants because of the prospect of restrictions imposed by federal global warming legislation.

Power use in the USA could grow 22% during the next 20 years, according to the Energy Department. To help keep the nation's laptops and TVs humming, dozens of new plants that burn coal — by far the nation's largest source of electricity — were in the works.

President Obama and many members of Congress vow to cut U.S. emissions of carbon dioxide, the major "greenhouse gas" warming the Earth. Coal-burning power plants are the USA's single largest source of carbon dioxide.

Proposed coal plants around the nation face difficulties:

• Thursday, Alliant Energy dropped plans to build a coal-burning plant in central Iowa that would have been big enough to power nearly half a million homes and businesses. The company cited "increasing environmental, legislative and regulatory uncertainty regarding regulation of future greenhouse gas emissions" as part of the reason.

• Last month, NV Energy announced it would delay the construction of a coal-burning power plant in eastern Nevada until it can install "clean coal" technology to bury the plant's carbon dioxide. Such technology won't be widely available for a decade or more. "While uncertainty exists," NV Energy's Roberto Denis said of federal regulation, "we basically are standing still."

• Last month, Southern Montana Electric Generation & Transmission Cooperative halted work on a coal-burning power plant near Great Falls, Mont. Instead it will build wind turbines and a plant that burns natural gas, even though the combination will not make as much power as the coal plant would have.

• Also last month, Michigan Gov. Jennifer Granholm, a Democrat, ordered state regulators not to approve new coal-fired plants until "all feasible and prudent alternatives" had been considered. Five plants are planned. The state attorney general and Republican legislators are challenging Granholm's directive.

• In December, Peabody Energy said it had dropped a plan announced eight years ago for a coal-burning plant in western Kentucky. Instead the company will build a plant to convert coal to natural gas, in part because it's easier to capture carbon dioxide for burial from such a plant, said Peabody's Vic Svec.

Obama's election sharpened the trend. Last month, Lisa Jackson, Obama's chief of the Environmental Protection Agency, said the agency will reconsider a 2008 decision that the agency lacks the legal authority to regulate carbon dioxide from power plants. Obama has asked Congress for legislation mandating carbon-dioxide cuts, but it's not clear whether such a bill will pass, let alone how strict it would be.

"What you have right now is uncertainty," said Wayne Leonard, CEO of Entergy, a Fortune 500 power company. "When you look at the risks around the coal plant at this time, it's very hard to justify."

Jackson said the nation can't afford to let power companies dangle indefinitely. "There needs to be some certainty," Jackson said in an interview with USA TODAY. "Without legislation to address (carbon dioxide), something's going to have to give."

If there is less power from coal, the nation will have to turn to natural gas, which is subject to big price swings, or build nuclear plants, said Revis James of the Electric Power Research Institute, which is funded by the power industry. "Long term … we're going to be facing some challenging scenarios," James said.

Doing nothing is too costly a 'solution' (*Modesto Bee*)

By DeeDee D'Adamo

last updated: March 08, 2009 03:43:52 AM

California

The state of California has been recognized as an environmental leader throughout the world. In my role as member of the California Air Resources Board for the last decade, I am acutely aware of the need to balance clean air goals with a healthy economy. The fact is, good air quality and a robust economy go hand in hand in today's world.

And today we know that climate change is a serious concern for human health, our planet and our economy. Scientists throughout the world concur that there is a strong relationship between the concentration of greenhouse gases in the atmosphere and climate change. One area of considerable concern is the effect of increased temperatures on our state's water supply. As is evidenced by the drought, a reduction in the snowpack has a devastating effect on agricultural and drinking water supplies.

Higher temperatures can also result in increased flooding and an increase in "smog" days.

A paradigm change has occurred in recent years and people are paying attention to global warming and how it will affect them, their children and grandchildren. Doing nothing is the most expensive strategy of addressing climate change. The longer we wait to act, the more money and effort it will take to reverse the effects of climate change.

When AB 32, the Global Warming Solutions Act of 2006, was signed by Gov. Schwarzenegger, it was natural that the ARB was given primary responsibility for cutting greenhouse gas emissions 30 percent by 2020. The ARB's 40 years of experience slashing air pollution, spurring the creation of advanced technologies, broadening

California's green-job market and working cooperatively with industry puts the state on a solid footing to meet AB 32 goals.

Being "green" is marketable in today's economy. California has always been a mecca for innovation and home to entrepreneurs looking for ways to capitalize on green technologies. Regulated industries -- and that includes nearly every sector of the economy -- have stepped up and done their parts for clean air in ways that are often technologically astounding. Businesses also are finding that to stay competitive they must pay attention to their environmental actions because of customer demands.

Clearing the skies has enormous health benefits, and savvy business owners stand to make money from these efforts. For example, Hilarides Dairy in Lindsay and Joseph Farms in Atwater are converting dairy waste to power for their operations, allowing the business to reap the benefits of making clean power onsite without relying on volatile energy markets.

Smog will be reduced in the valley through AB 32 measures, as well. The ARB is working with the U.S. Environmental Protection Agency to secure the needed waiver so that even cleaner vehicles can be sold in California and 14 other states. The ARB's clean vehicle rule, known as "the Pavley regulation," aims to cut vehicle greenhouse gas emissions 30 percent by 2016. The regulation will also reduce valley smog through improved fuel efficiency and cleaner-burning cars.

California is on a path of action. The ARB adopted a scoping plan in December, which includes a comprehensive list of specific measures for meeting AB 32 goals. Each measure -- whether a regulation to reduce emissions from motor vehicle fuels or one that requires automotive maintenance and repair facilities to make sure your vehicle's tires are properly inflated -- requires a rigorous economic analysis. Rules that send California businesses out of the state cannot -- and will not -- be passed by our board.

It is important that our board continue to monitor the economic impacts of our decisions, especially in this economy. Our board may decide to revisit any program after the passage of a new rule to make amendments. This might include pushing out compliance deadlines if the economic impacts are too great. California Air Resources Board members are medical doctors, local government leaders, attorneys such as myself, and businessmen and -women who all share the same goal: cleaning up California skies while maintaining a robust economy. Shutting the door on AB 32 implementation will achieve neither.

Adamo is a member of the California Air Resources Board and a senior policy analyst for Rep. Dennis Cardoza, D-Merced.

Weirton Steel Plant Recognized for Energy-Saving Efforts (*State Journal*)

Posted Sunday, March 8, 2009 ; 06:00 AM

West Virginia

The U.S. Department of Energy has honored ArcelorMittal for reducing its energy use at its plants, including the steel mill in Weirton.

By Linda Harris

Ohio Valley Correspondent

ArcelorMittal reduced energy consumption at its U.S. holdings in 2008 and over the past three years has shaved millions from its bottom line.

As a result, the company has earned accolades from the U.S. Environmental Protection Agency and Department of Energy.

The two government agencies have recognized the steel giant as a 2009 Energy Star Partner of the Year for its energy management practices. It's the second consecutive year ArcelorMittal received the award, which recognizes outstanding contributions to protecting the environment and reducing greenhouse gas emissions through energy efficiency.

ArcelorMittal Corporate Responsibility Manager Mary Beth Holdford said the company reduced its corporate energy footprint by some 4.1 percent over the past three years by cutting natural gas, fuel oil and electricity consumption at its domestic operations.

At its Weirton plant, for instance, total dollars spent for energy in 2008 were down roughly $6 million from the year before. Although the plant has gone through a very public downsizing, Holdford said the energy reduction is more the result of employees taking a common sense approach to how things are being done — things like turning off motors that aren't being used and fixing leaks.

"We shut down things that were no longer necessary," said James Taylor, division manager of maintenance, engineering and utilities at the Weirton plant. "Maybe we run part of the operation from Monday through Friday and it's down on weekends. In the old days, when things were cheaper, they would leave the pumps on, the lights on … everything was already on so it was easier (to get started) when they came in on Monday morning, and they didn't think much about it. Today, we do. Today we shut those operations down."

Taylor and Holdford said the plant shaved roughly $13,000 per month from its electric bill by shutting down non-essential utilities in areas of the plant no longer needed for operations. Power boilers used for plant process steam production were examined and tuned to reduce fuel use and improve energy efficiency, bringing a monthly fuel savings of $50,000. The Weirton plant also performed steam trap surveys throughout the mill to identify and repair steam leaks in the piping and replace trap systems, an additional $20,000 per month savings from its natural gas bill.

Taylor said the plant also has been systematically replacing older, less efficient lighting with energy conserving hi-bay fluorescent models — a newer, greener technology.

“Over the past year we replaced lights in three areas of plant,” Taylor said. “We can’t do it all at once; it is expensive. As we come to an area we replace a section, then we move on to the next.”

They also shut down excess transformer capacity, reducing the electrical load significantly.

“We still have enough transformers to do production, but it’s saved us $62,000 a month,” Taylor said, adding the Weirton plant has achieved a 10 percent reduction in the amount of energy burned for every ton of steel shipped.

“That’s tremendous,” he said. “We just need to go out and do things more efficiently. If you look at the dollars, it’s incredible what you can do.”

ArcelorMittal USA President and CEO Michael Rippey pointed out they’re the only steel company to be selected for the award, saying it “further demonstrates ArcelorMittal’s commitment to maintaining operational excellence, while efficiently managing energy resources.”

ENFORCEMENT

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EPA to withdraw from Idaho feedlot agreements (*Associated Press*) This story also also appeared: *Fox 12 Boise*

Associated Press - March 8, 2009 4:14 PM ET

Idaho

TWIN FALLS, Idaho (AP) - An official with the U.S. Environmental Protection Agency says the agency is withdrawing in April from two agreements with Idaho concerning the regulating of animal feed lots.

Ed Kowalski, head of EPA's regional enforcement group, says confined-animal feeding operations have become a national priority with the agency and it plans to play a more direct role in inspection and enforcement.

The agreements concerning the state's dairy and beef-cattle operations regulate such things as discharges of animal waste into state waters.

Attorneys for the EPA say the agreements with the Idaho Department of Agriculture and the Idaho Department of Environmental Quality limit the federal agency's powers to monitor the industry.

Information from: The Times-News, http://www.magicvalley.com

FUEL

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Industry Seeks to Raise Ethanol Levels in Fuel (*Wall Street Journal*)

By **STEPHEN POWER**

MARCH 7, 2009

WASHINGTON -- The ethanol industry is putting pressure on the Obama administration to allow higher levels of ethanol in gasoline, a step that auto makers and some public-health advocates have resisted amid concerns it could harm engines and air quality.

On Friday, an ethanol trade group led by Wesley Clark, the retired Army general and 2004 Democratic presidential candidate, petitioned the Environmental Protection Agency to allow the ethanol levels in gasoline blends to be as high as 15%, up from the current 10%. Without the

increase, the group said the U.S. won't be able to meet a congressional mandate requiring some 36 billion gallons of renewable fuel to be blended into the domestic fuel supply by 2022.

Demand for the corn-based fuel has been falling. Consumers have cut back on driving due to the economic crisis, and the plunge in oil prices from last summer's record high has pushed down ethanol prices, cutting producers' profits. The industry also has been stung by high corn prices, which increase the expense of ethanol production.

The EPA already is approaching another big decision with consequences for the ethanol industry: how to measure the greenhouse-gas emissions associated with biofuels such as corn ethanol. Many producers are nervous that the EPA will use a formula that hurts the industry, by taking into account not only emissions in the U.S. as a result of ethanol production but also emissions overseas when farmers world-wide respond to higher food prices by converting forest and grassland to cropland.

The vast majority of ethanol used in the U.S. is blended with gasoline to create E10 -- gasoline with up to 10% ethanol. Some auto-industry officials and public-health advocates, worried that higher ethanol blends could damage vehicles' engines and overwhelm their pollution-control systems, say there hasn't been enough testing done to justify raising the cap.

The group led by Mr. Clark, Growth Energy, cited an Energy Department study last fall that found blends as high as E20 didn't significantly change vehicles' emissions levels, and that "no operability or driveability issues were identified."

A spokesman for the Alliance of Automobile Manufacturers said the group believes that "more testing is necessary before the impact of midlevel blends on the 240 million vehicles currently in operation can be determined." A spokesman for the American Lung Association said the EPA shouldn't rush its decision before concluding its own research.

At the EPA, a spokeswoman said the agency will review the petition and "act based on the best available science." Speaking to reporters at an agriculture forum last week, EPA Administrator Lisa Jackson said a decision on lifting the cap would likely take several months.

Write to Stephen Power at stephen.power@wsj.com

Ethanol industry seeks OK to put more corn-based fuel in the tank (*St. Louis Post-Dispatch*)

By Jeffrey Tomich

ST. LOUIS POST-DISPATCH
Saturday, Mar. 07 2009
Missouri

An ethanol producers group on Friday asked federal environmental regulators to allow more of the corn-based fuel to be blended into the nation's gasoline supply — a move that could boost demand by billions of gallons a year at a time when many plants are struggling to survive.

The group, Growth Energy, requested a waiver under the Clean Air Act that would allow all cars to burn fuel that contains 15 percent ethanol. Currently, the law only allows 10 percent ethanol for most vehicles.

A 2007 federal law mandated the use of 36 billion gallons of ethanol by 2022, including 11 billion this year. But most of the country's gasoline already contains the maximum amount of ethanol allowed, and sales of an 85 percent ethanol mix, E85, have been slow to materialize.

That's left ethanol producers, many of which are struggling financially, to see a future with nowhere to sell their fuel unless the waiver is lifted.

"We are solidly up against that blend wall," Jeff Broin, chief executive of ethanol producer POET, said in an interview on Friday. POET operates two of the six ethanol plants in Missouri.

Producers say allowing 15 percent ethanol in gasoline would create an additional 6 billion gallons of annual demand. It would create thousands of new jobs, reduce dependence on foreign oil and provide incentive to companies developing next-generation biofuels made from nonfood crops.

POET, based in Sioux Falls, S.D., is considering a commercial-scale cellulosic ethanol plant in Iowa but is hesitant to commit unless it knows a market for the fuel will exist.

"In order for us to make that large investment, we need to see the market opportunity there," spokesman Nathan Schock said. "Otherwise it's difficult to justify that big of an expense when there's no place to put the product."

Other groups ranging from manufacturers to boat owners urged the EPA to take its time studying higher-level ethanol blends before approving the waiver. Without more research, E15 could damage millions of lawn mowers and other vehicles and equipment because of the corrosive nature of the fuel.

"The use of E15 and higher levels of ethanol is a complex issue, and it can't be rushed by efforts that overlook the impacts on consumer safety and economic interests," said Kris Kiser, executive vice president at Outdoor Power Equipment Institute.

The Petroleum Marketers Association of America, an umbrella organization for fuel sellers and marketers, said the fuel hasn't yet been proven safe for pumps, underground tanks and other equipment, spokesman Brandon Wright said.

The ethanol industry said the existing 10 percent cap on ethanol in gasoline is an arbitrary threshold established decades ago. It cites a Department of Energy study released in October, among others, as proof that higher-level ethanol blends don't affect engine performance or tailpipe emissions. Critics say the DOE study is being misused.

"We believe the data that we provided is more than sufficient to meet what's required under the Clean Air Act," said Jim Memmel, the attorney who helped draft the EPA waiver request for Growth Energy.

If the EPA won't act immediately to approve E15, Growth Energy is asking for approval of a 12 percent or 13 percent blend while studies are ongoing.

Regulators have 270 days to make a decision. Andy Adora, the EPA's press secretary, said the agency will "review the waiver and act based on the best available science."

jtomich@post-dispatch.com | 314-340-8320

Backers want to put more ethanol in your fuel (*Kansas City Star*)

By STEVE EVERLY
The Kansas City Star

Posted on Sat, Mar. 07, 2009 12:29 AM

Missouri

The struggling biofuels industry is pushing to dramatically raise the legal limit for ethanol blends in gasoline for cars, trucks and power equipment such as lawn mowers.

The move already is sparking criticism from some industry groups worried about richer ethanol blends fouling engines and fuel lines.

Growth Energy, a newly formed ethanol industry group, filed a formal request Friday urging the Environmental Protection Agency to raise the legal limit for ethanol-blended fuel from 10 percent to 15 percent ethanol.

A decision is possible this year.

“This is a necessity,” said Wesley Clark, a retired general and former presidential candidate who is co-chairman of Growth Energy, which includes key industry players such as ethanol producer Poet LLC and ethanol plant designer ICM Inc. of Colwich, Kan.

Clark posed the proposal as “a common-sense solution to our economic, energy and environmental challenges.”

Backers say allowing up to 15 percent ethanol, a blend known as E15, would add 136,000 jobs as the ethanol industry expanded and contribute $25 billion to the U.S. economy. The additional ethanol production also would help the nation reduce its dependence on crude-oil imports.

Eventually, Growth Energy would like to see the ethanol-blend standard raised in stages to E20 and possibly E25 over a period of years.

The request comes at a pivotal time for the struggling ethanol industry. A boost in the legal limit would dramatically increase demand for an industry that has seen 23 plants idled amid falling oil prices, a worldwide credit crisis and a wave of bankruptcies.

Although the move to raise the limit from 10 percent could be a boon for the industry, it is certain to reignite debate about the effects of higher levels of ethanol on cars, trucks and power equipment. Manufacturers have generally been cautious about raising the limit on ethanol, saying careful study is needed.

Growth Energy said there now is sufficient evidence to show that E15 shouldn't be a problem. The group added that it supported further study of E20.

But its request to boost the legal limit to E15 without further study was quickly questioned by a trade group of outdoor power equipment manufacturers that called the move premature.

The Outdoor Power Equipment Institute, a trade association of manufacturers ranging from snowblowers to weed trimmers, said studies show E15 could cause permanent damage or even safety risks to products made by its members.

"There are tremendous implications of putting fuel into the marketplace in products that aren't designed for it, said Kris Kiser, the institute's executive vice president.

General Motors, a strong supporter of using more biofuels, also called the strategy "risky" without more study of the effects of E15 and higher blends on cars and trucks.

The ethanol industry's request is aimed at increasing demand to dispose of what could be huge jumps in ethanol production prompted by the renewable-fuel standard approved by Congress. That legislation mandates an increasing amount of ethanol produced each year through 2022.

Last year, the mandate called for 9 billion gallons of ethanol. This year it's 10.5 billion gallons. In 2022 it's more than 30 billion gallons.

But left out of the mandate was how to sell the ethanol that was produced.

"I'm not sure it gave us a road map for consumption," said Greg Krissek, director of government affairs for ICM.

The industry was once helped by ethanol's cheaper price, which encouraged more retailers to sell the fuel as gas prices soared toward $4 a gallon.

Indeed, ethanol was once so much cheaper than traditional gasoline that some retailers who were "splash blending" their own fuel occasionally illegally put in more than 10 percent ethanol to pump up profits.

The major problem now, says Growth Energy, is that demand will hit a "blend wall" in the next year or so. That is the point at which demand caused by the E10 mandate won't be sufficient to dispose of the ethanol being produced.

Boosting the legal limit to E15 would increase demand to around 17 billion gallons, which should be sufficient for a few more years, when the legal limit would need to be raised to E20 to soak up supply.

Gasoline refiners and importers of gasoline, meanwhile, would be required to blend it into gasoline, since under the renewable-fuel standard they each have a quota and can be fined for falling short.

"We're required to use it," said Al Mannato, fuel issues manager for the American Petroleum Institute.

But first the EPA will have to issue a waiver to go past the current 10 percent limit, which was established in 1978. The agency has up to nine months to make a decision on the waiver. The agency, as an intermediate step, could choose to pick another figure between 10 and 15 percent.

“We will review the waiver and act based on the best available science,” said Adora Andy, press secretary for EPA.

The bid to raise the limit will first have to answer questions about the effects on vehicles and equipment.

Automakers have been producing flex-fuel vehicles that can use up to 85 percent ethanol, but those are only a small fraction of cars and trucks on the road today.

The current 10 percent ethanol limit applies to most cars and trucks to ensure emissions don’t violate clean-air laws or cause mechanical problems. Automakers, as well as manufacturers of other power equipment using gasoline blends, have warned that raising the ethanol has to be done with caution.

Growth Energy is trying to avert a delay by claiming that some studies already show that E15 would not cause problems and agreeing to further study of E20. That approach appeared to soften the stance of at least one automaker.

In a letter obtained by *The Kansas City Star*, Ford Motor Co. told Poet LLC that it endorsed efforts to increase ethanol blends to E15 and would collaborate with others, including the ethanol industry, to overcome challenges.

“Based on our biofuel discussions, it is clear that Ford and Poet share a common vision to accelerate renewable-fuel use,” said Susan Cischke, vice president of sustainability, environment and safety engineering for Ford, in the letter.

The letter did not call for further study. A Ford spokeswoman would not discuss whether the company wanted additional study of E15. But she reiterated the company’s commitment to work with others on concerns about any effects on cars and trucks already on the road.

“It would be premature to say we endorse E15,” said Jennifer Moore of Ford.

General Motors, which has pushed production of flex-fuel vehicles and the use of E85 and has invested in an ethanol producer, said the studies on higher ethanol blends have not been definitive, but still suggest there could be problems when using higher blends.

Notably, manufacturers’ warranties are based on using up to E10 in vehicles that are not flex-fuel designed. There are also concerns about effects on emissions equipment and other components.

“It’s a risky strategy,” said Coleman Jones, GM’s biofuels implementation manager.

EPA urged to raise ethanol blend rate (*Reuters*)

Fri Mar 6, 2009 2:05am EST

By Christopher Doering

WASHINGTON (Reuters) - An ethanol trade group submitted a formal request to the U.S. Environmental Protection Agency on Friday to boost the allowed ethanol-to-gasoline blend rate as high as 15 percent from the current cap of 10 percent.

The higher blend rate would reduce the country's dependence on foreign oil and help the sagging U.S. economy by generating as many as 136,000 new jobs and injecting $24.4 billion into the American economy each year, said Growth Energy,

The EPA has 270 days to review, collect public comment and make a decision on Growth Energy's request. In the meantime, it could decide to allow a jump to a 12 percent or 13 percent blend, the group said.

"If the EPA acts swiftly, a higher blend of ethanol will help us jump-start the economy while further reducing our dependence on foreign oil," General Wesley Clark, co-chairman of Growth Energy, said in a statement. "I hope the EPA will approve this request expeditiously."

Ethanol groups have complained the 10 percent cap stifles development and growth of the alternative fuel industry, which has been hit hard by volatile prices and slumping fuel demand.

But automakers worry higher blends of ethanol, made mainly from corn, could hurt engines of older cars.

The EPA will determine whether a higher blend would harm emission control systems, including catalytic converters, in vehicles.

A preliminary study released last October by the Energy Department found emissions and exhaust temperatures in cars running on 15 percent and 20 percent ethanol did not change significantly from those using traditional fuels.

The DOE cautioned more studies were needed to determine whether higher blends of ethanol could be used.

In its bid to raise the cap, Growth Energy cited studies showing cars are not harmed by using 15 percent ethanol.

The auto industry says it supports higher use of alternative fuels -- particularly more use of E85, or gasoline that contains 85 percent ethanol, which millions of special new "flex fuel" cars can burn.

But automakers have said more testing is still needed to see whether higher blends harm older, regular cars. Ford Motor Co downplayed a report on Thursday that it had endorsed the use of 15 percent ethanol blends in gasoline.

The federal government's so-called U.S. renewable fuels standard requires the use of 11.1 billion gallons of renewable fuels in 2009 with much of the output coming from corn.

In 2022, the energy law requires the U.S. gasoline supply to include 36 billion gallons of renewable fuels, 15 billion gallons from corn-based ethanol and 21 billion gallons from advanced biofuels, such as ethanol from cellulose.

(Editing by Christian Wiessner)

Levin protests California fuel rules, seeks U.S. standard (*Detroit Free Press*)

BY JUSTIN HYDE
FREE PRESS WASHINGTON STAFF

March 6, 2009

Michigan

ARLINGTON, Va. -- Michigan Sen. Carl Levin asked the Obama administration Thursday to deny California's attempt to limit global-warming emissions from cars and trucks, saying the country needed a nationwide rule.

Levin's testimony to a U.S. Environmental Protection Agency hearing followed California officials who contended the state had met the legal burden to prove it could set such limits, and that global warming was worsening the state's pollution problems.

"Global warming is not unique to California, and to suggest that it is actually undermines the argument that it is a global threat that knows no boundaries," Levin said.

The EPA hearing comes after President Barack Obama ordered the agency to revisit the Bush administration's decision blocking a waiver that would have allowed California's rules to take effect. The waiver also would allow other states to adopt California's rules; 13 other states and the District of Columbia already have done so, while four more are moving toward them.

As a candidate, Obama had vowed to allow California's rules to take effect. But the president has said he favors a national standard for greenhouse gas limits, and his administration has begun crafting new rules for vehicles that would likely supplant California's law if the EPA lets it proceed as expected.

In a statement to the hearing, California Gov. Arnold Schwarzenegger said his state and others needed the power to start tackling global warming today.

"Recognizing the right of California and other states to aggressively reduce their own harmful vehicular greenhouse-gas emissions would be a historic win for clean air and for millions of Americans who want more efficient, environmentally friendly cars," Schwarzenegger said.

Mary Nichols, chairwoman of the California Air Resources Board, said global warming was more pronounced in the state, threatening its air quality, water supplies and creating fire risks.

"We think EPA needs to continue as it has in the past to give California substantial deference to protect its own interests."

The auto industry -- including Detroit, Japanese and European automakers, along with dealers -- opposes the California rules and has fought them in court repeatedly, saying they could lead to a patchwork of state-level limits on vehicle sales.

General Motors Corp. said in its annual report released Thursday that "we do not believe that it is technically possible for us to comply" with the California rule, given its current models and its expectations for future technology.

Because most of the global-warming pollution from cars and trucks comes from burning fuel, California's law would act similar to a fuel-economy standard. The law would have little immediate effect on automakers for the first few years, but the standards would toughen annually through 2020.

By 2016, the California rule would require fuel economy of about 35 m.p.g., rising to more than 40 m.p.g. by 2020, depending on the mix of cars and trucks sold. Federal law sets a minimum standard of 35 m.p.g. by 2020.

The Obama administration plans to set a standard for 2011 models before the end of the month, but has started working on a unified standard for the years beyond then.

*Contact **JUSTIN HYDE** at 202-906-8204 or jhyde@freepress.com.*

U.S. Ethanol Producers Want Ethanol Limit Raised To 15 Percent (*AHN*)

March 6, 2009 7:37 a.m. EST

AHN Staff

Washington, D.C. (AHN) - To give the waning U.S. ethanol industry a boost, a group of American ethanol companies plans to seek a waiver on Friday from the Environmental

Protection Agency to increase the ethanol content of motor fuel to 15 from the current 10 percent.

The waiver was announced by retired Gen. Wesley Clark, co-chairman of Growth Energy. Clark explained, "This is about jobs, energy security for America, improving the environment and meeting our legal responsibilities under the 2007 energy bill."

Unless the government agrees to hike the required blend, Clark warned it will be hard for the industry to meet the congressional mandate for renewable fuel use and it may keep producers of new forms of ethanol which uses feedstock other than corn out of the fuel market.

Under the 10 percent limit, 14 billion gallons of ethanol are needed yearly based on current fuel consumption. It is below the target set by law for refiners to use 36 billion gallons of ethanol per year by 2022, while current production level is 10.5 billion gallons.

According to the Growth Energy study released Wednesday, a 5 percent increase in ethanol fuel blend will pump $24.4 billion into the U.S. economy yearly. The study was made by faculty members of the North Dakota State University.

Clark said in a statement, "These figures are dramatic and prove that we can create desperately needed jobs in the midst of difficult economic times with a relatively simple step. By increasing the amount of ethanol blend into our current gasoline supply, we can create thousands of new American jobs that cannot be outsourced, support rural communities and farmers, reduce greenhouse gas emissions, and ensure the market for cellulosic ethanol."

Groups ask EPA to allow use of 15% ethanol in gasoline (*Waste News*)

March 6 -- An alliance of ethanol groups has petitioned the U.S. Environmental Protection Agency to allow the use of up to 15% ethanol in gasoline for motor vehicles.

The American Coalition for Ethanol, the Renewable Fuels Association and the National Ethanol Vehicle Coalition claim scientific data on using ethanol beyond a 10% blend has been "overwhelmingly positive."

They call the current 10% cap arbitrary and unnecessary. Increasing the amount of ethanol in gasoline would solidify the biofuels market and create jobs, said Brian Jennings, executive vice president of ACE.

Contact Waste & Recycling News reporter Joe Truini at 330-865-6166 or jtruini@crain.com

GENERAL

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Leadership needed to address 'persistent' shortcomings -- GAO *(Greenwire)*

Sara Goodman, Katherine Boyle and Robin Bravender, E&E reporters

03/06/2009

U.S. EPA needs a coherent national strategy for managing the complicated issues under its jurisdiction, the Government Accountability Office said in a **report** released this week.

Because of the breadth of its mission, the agency faces regulatory challenges in several key areas, including toxic chemical oversight, implementing air and water regulations, and addressing issues linked with climate change, the GAO says.

The agency has been hampered by what GAO calls "repetitive and persistent" shortcomings, including a lack of consistency in environmental enforcement and effective use of its resources.

Although EPA was initially tasked with cleaning up environmental pollution, the agency's purview has expanded over time to include improving air, land and water quality while protecting the public from toxic substances released into the environment.

"Until it addresses these longstanding challenges, EPA is unlikely to be able to respond effectively to much larger emerging challenges, such as climate change," the report concludes. "Facing these challenges head-on will require a sustained commitment by agency leadership."

Toxics, water challenges

Last month, GAO added EPA's risk assessment process for chemicals to its list of high-risk programs governmentwide, highlighting the importance of EPA's ability to efficiently and effectively monitor the thousands of chemicals currently in use.

EPA also struggles with water issues because of the billions of dollars needed to upgrade the nation's aging water infrastructure.

Monitoring and regulating decentralized pollution sources, such as urban storm water runoff, also poses problems for the agency. Though the pollution threatens wildlife and recreational

swimmers and boaters, the agency has not yet developed rapid water-testing methods and current water quality standards, the report notes.

Stemming pollution from sources like concentrated animal-feeding operations is another significant challenge, GAO says. EPA lacks comprehensive and reliable data on the number, location, and size of the operations that have been issued permits. The agency is presently working on a national data system that would compile information on animal-feeding operations.

Reviewers said the problems EPA must address in the water sector are reflected in the agency's lack of progress in cleaning up water bodies such as the Chesapeake Bay, which is plagued by nutrient pollution, and the Great Lakes.

EPA also faces numerous obstacles preventing the agency from expeditiously cleaning up hazardous waste sites. The agency says competing priorities and a lack of funding have stymied any attempt to implement a 1980 statutory mandate that would require businesses handling hazardous substances to provide financial assurances that would pay for future environmental cleanup.

Part of the funding problem can be attributed to the expiration in 1995 of polluter fee requirements that generated revenue for cleaning up toxic waste sites, the report said. In recent years, appropriations for Superfund have declined and the pace of cleanups has slowed. Funding, however, may be on the upswing, as the White House fiscal 2010 proposal would reinstate Superfund excise taxes.

Emerging challenges

GAO cites climate change as EPA's chief emerging challenge. The agency will be at the center of the federal strategy for combating global warming and must devise a better approach to addressing it, the report says.

"In GAO's view, the federal government's approach to climate change has been ad hoc and is not well coordinated across government agencies," the report says.

The government has failed to develop a comprehensive approach for targeting federal research dollars toward the development and deployment of low-carbon technologies, reviewers say. Government agencies have also allowed energy conservation efforts to stagnate over the past decade, the report says.

EPA has also faltered in its implementation of federal clean air laws, GAO notes. Problems that must be resolved include coordinating efforts with other federal agencies, analyzing the health impacts caused by air pollution, and overcoming delays in the regulation of mercury and other air toxics.

Additionally, the agency must now grapple with several major air regulations that have been overturned or remanded by courts. Those include the Bush administration's controversial Clean Air Interstate Rule and Clean Air Mercury Rule, regulations related to the New Source Review

permitting program, and issues surrounding whether EPA and the states can use existing authority under the Clean Air Act to regulate greenhouse gases. Each of those issues will require prompt attention from the agency, GAO says.

EPA did not respond to requests for comment on the report by press time but has said in the past that it agrees with many of GAO's recommendations.

HAZARDOUS WASTES

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EPA halts dioxin talks – again (*The Saginaw News - MLive.com*)

Sunday, March 08, 2009

BARRIE BARBER
THE SAGINAW NEWS

Michigan

The U.S. Environmental Protection Agency halted dioxin cleanup talks with Dow Chemical Co. until the federal agency's new top administrator reviews how to proceed with negotiations, a Lone Tree Council spokeswoman says.

The EPA will send officials on a "fact-finding mission" this month to interview stakeholders -- homeowners, state officials, environmentalists and Dow -- about how the clean-up of dioxin in the Saginaw Bay watersheds should move forward, said Michelle Hurd Riddick, Lone Tree spokeswoman.

This is the second time in about a year the EPA has suspended talks with the chemical giant.

The agency didn't say why it cut off talks in January 2008.

"We are ready to continue talking with the EPA, or negotiating with the EPA, when they are ready," Dow spokeswoman Mary Draves said Saturday.

A coalition of environmental leaders and others sent a Jan. 30 letter to new EPA Administrator Lisa P. Jackson asking to withhold any agreements with Dow until the groups met with agency officials. The letter also accused Dow of years of foot-dragging and other tactics to delay cleanup.

The company has removed dioxin from some "hot spots" in the Saginaw and Tittabawassee river watersheds, but the extent of the cleanup has remained in contention.

In 2003 as part of a license renewal for its 1,900-acre Midland operations, Dow agreed with the state Department of Environmental Quality to address de-cades-old off-site releases that originated from the facility, the company has said.

"What we're focused on in these negotiations (is) we want a definitive resolution to this issue," Draves said.

In a response letter to the environmental groups last week, Jackson said the EPA will not resume talks with Dow until the fact-finding team has reported back to her. Federal officials also will meet with Dow and the DEQ.

"My goal is to ensure an expeditious and robust cleanup, and I will take steps to ensure that the dioxin contamination is addressed in a manner that is protective of human health and the environment -- and that the process is open and transparent," Jackson wrote.

The environmentalists have "very significant concerns" about switching the clean-up process from the Resource Conservation Recovery Act to less stringent rules under the Superfund Alternative Site process, Hurd Riddick said. The move put negotiations "behind closed doors," she said.

"Our primary concern is we are going from a regulatory process to a guidance, and we're also going to a process that is not transparent," Hurd Riddick said.

Draves said the EPA asked Dow to follow the latest process in December.

Lone Tree and others claimed "by all indications" Dow asked for the switch granted in the waning days of the Bush administration, the environmental groups' letter said.

The letter further claimed Dow influenced the removal of former EPA Great Lakes Region Director Mary Gade's authority over the cleanup. A Dow spokesman has denied the allegation. Gade later left the post but re-emerged at a public meeting at Saginaw Valley State University in January to question EPA officials on cleanup progress.

State Rep. Kenneth B. Horn, a Frankenmuth Republican whose district includes much of the contaminated area, said EPA already had planned to send a team to the Great Lakes Bay Region and expressed frustration with the latest delay.

"I'm disappointed that EPA walked away from Dow a second time," he said. "It's not what our taxpayers expect from their government agencies.

"We've been trying to solve this problem for a very long time," he said. "I'm not sure what we can discover that we haven't already discussed. The time for talking is over. The time for acting is now."

Hurd Riddick hoped the temporary halt in talks will lead to greater public oversight.

"The Obama administrations mantra has been transparency and open government," she said. "We're hopeful."

The Saginaw News could not reach an EPA spokesperson for comment Saturday. v

Barrie Barber is a staff writer for The Saginaw News. You may reach him at 776-9725 or bbarber@thesaginawnews.com.

EPA drops Dioxin talks with Dow (*ConnectMidMichigan.com*)

By Sunday, March 08, 2009 at 7:54 p.m.

Michigan

Environmental regulators have yet again stopped Dioxin clean-up talks with Dow Chemical. Reports say the Environmental Protection Agency ceased conversations with Dow Chemical officials until the EPA's new head can examine the negotiations process.

A team of EPA analysts will eventually meet with people living along the Saginaw Bay watersheds, including homeowners and local government leaders about how Dioxin clean-up should be handled. The talks broke down back in January of last year as well, but the reason was never made public.

Debate smolders over coal ash safety (*Baltimore Sun*)

Md. expanded water testing near coal mines where ash is stored, but critics say environmental concerns remain

By Timothy B. Wheeler

March 8, 2009

FROSTBURG

The state fined Constellation Energy $1 million for contaminating wells in Gambrills by dumping millions of tons of ash from its power plants in old gravel mines there.

But with the state's blessing, another energy company is dumping hundreds of thousands of tons of ash into active mine pits in Western Maryland. Eighteen-wheel trucks routinely deposit steaming loads of ash from the Warrior Run power plant at a hillside coal mine overlooking the hamlet of Carlos just south of here.

The difference, state officials say, is that they consider dumping ash into coal mines beneficial for Western Maryland's streams, which suffer from acidic pollution draining from mined lands. The ash from the Warrior Run plant helps prevent acid from leaching out of the rubble left behind after the coal is extracted, they say. It's also a money-saver for the power company - AES, based in Arlington, Va. - since it doesn't have to pay for costly disposal in a state-regulated landfill.

But environmental activists call the practice of filling coal mines with ash a worrisome experiment that has not proved to be environmentally safe - and they are asking for federal regulations to govern the disposal of ash, with its many harmful chemicals.

"It's waste disposal, not mine reclamation," contends Lisa Evans, an attorney with the environmental group Earthjustice. "I don't know that in every circumstance it will cause harm, but we have seen it cause harm in enough mines and landfills and surface impoundments that safeguards are absolutely required."

Coal ash is the waste produced by burning coal - light fly ash collected in the smokestack, plus heavier bottom ash left after the fire has consumed the fossil fuel. The nation's power plants produce enough ash from the coal they burn to fill 1 million railroad cars a year, according to a 2006 report by the National Research Council. Maryland's coal-burning power plants produce about 2 million tons of ash a year, state officials estimate.

Nationally, most of it is deposited in landfills and man-made ponds, where there have been a number of problems. Recently, an earthen dam in Tennessee ruptured, releasing millions of tons of coal-ash sludge thatdestroyed homes and fouled a river.

In Maryland, in addition to the Gambrills well contamination, an ash landfill in Charles County has polluted streams feeding the Zekiah Swamp. Those problems have led to calls for stricter federal regulation of coal ash disposal, and the new administrator of the U.S. Environmental Protection Agency, Lisa Jackson, has vowed to reconsider her agency's decision to leave oversight largely to the states.

Environmentalists say similar federal attention should be paid to the growing use of coal ash in mine reclamation. The U.S. Office of Surface Mining in the Bush administration drafted regulations that environmentalists criticized as too weak, and then did not issue them. The rules are now under review.

In Maryland, 18 mines in Allegany and Garrett counties are permitted to accept coal ash, though it is not clear how many have actually received any.

State officials contend that despite the lack of federal rules, they have imposed safeguards on the decade-old practice of using the ash in mine reclamation in Western Maryland. Both mine and power plant operators have been required to take precautions to prevent stream or ground-water contamination, they say, and the ash has helped to ease the acidic pollution fouling streams, particularly from old underground mines that have long since been abandoned.

"There are some very good uses of this material when properly used," says Paul Petzrick of the power plant research program at the state Department of Natural Resources. The National Research Council agreed in a report, but its panel of independent scientists cautioned that toxic substances in coal become concentrated in the ash after it is burned. They urged enforceable federal requirements for more testing of the ash, of the mine sites and of the water leaving the mines.

Environmentalists say the state-by-state patchwork of oversight isn't enough. An environmental group's study of coal ash dumped in 15 Pennsylvania mines, for instance, found that water quality actually worsened at 10 of them. State officials there dispute the finding.

It's not clear if the ash has put harmful chemicals in Western Maryland waterways.The state has been testing mainly for evidence of acid mine drainage over the years - not for arsenic, lead, selenium and the rest of the toxic potpourri of metals and minerals found in much higher concentrations in ash than in raw coal. Those substances can cause cancer, nerve damage or other health problems for people, fish and insects.

A few months ago, prompted by the Gambrills and Charles County problems, Maryland imposed rules regulating any new landfills where coal ash would be dumped. The state also tightened oversight of ash disposal in mines, ordering more testing of nearby waterways before and as it's being placed in the ground. The tests must check for arsenic and the other toxic chemicals found in ash.

But other than more testing, mine disposal is not subject to the same safeguards as when coal ash is dumped anywhere else. Ash put in landfills must be kept away from ground water with a heavy plastic barrier, and monitoring wells must surround the site to give early warning if any contaminants leak out.

Maryland officials say that liners aren't needed in mines, because the ash is being dumped well above the water table and in relatively small amounts.

Warrior Run is depositing 370,000 tons of ash in four Allegany mines, according to an AES report to the state. That's much less than the estimated 8 million tons Constellation poured into the Gambrills gravel pits.

State regulators say monitoring wells aren't practical at mines, because they are so far above the

water table. Instead, mines are required to test water seeping from springs at the base of slopes or in creeks downstream from the mine. Also, officials say, they only allow alkaline ash to be dumped in mines, so it will help neutralize acid mine drainage. Warrior Run's ash is highly alkaline because the power plant burns coal with limestone to reduce air pollution.

Environmentalists say Maryland's new coal-ash disposal regulations are better than those in many states but are still inadequate when it comes to mine disposal.

"It doesn't seem like the gap has been plugged," said Earthjustice's Evans. "We still have potential problems that can occur from this waste. It's just going to a location that is arguably more distant, and it's a little harder to tell what the impacts will be."

Neither Maryland nor most other states require sufficient testing of water for ash contaminants, contends Jeffrey Stant of the Environmental Integrity Project, a Washington-based group led by a former EPA enforcement official. State rules only require water monitoring for five years after the mine has been reclaimed. Stant said problems may not show up for a decade or more after the ash has been put in the ground.

While state officials say there hasn't been evidence of coal ash harming Western Maryland streams, others say it may not be easily discernible. Even contaminants not at levels deemed unsafe for humans can affect fish and other water-dwelling creatures.

"It's kind of subtle and insidious, because you rarely see things like fish kills," said Christopher Rowe, a toxicologist at the University of Maryland's Chesapeake Biological Laboratory. He and other researchers have found frogs and lizards with deformities and other problems in ash-contaminated ponds in southern states. Developmental and reproductive problems might not kill creatures right away, but could affect their abundance and diversity over time.

At 400 acres, the Carlos mine operated by ICG Inc. is one of the largest surface excavations for coal in Maryland. State mine regulators and mine officials showed a reporter last week how ash is deposited in gashes in the hill from which coal has been excavated, then buried under tons of dirt and rock. The ash dumped there is gray and damp, a bit like sand - wetted down, officials say, to keep it from becoming airborne.

As the earth movers finish extracting coal from the hill, the land is restored to its original contour and replanted with trees, officials said. Rainfall running off the slope is channeled to settling ponds before draining into Staub Run, a stream that empties into George's Creek, a tributary of the Potomac.

The stream has been tested every three months for evidence of mine-related pollution, and the readings "aren't particularly high," according to Alan Hooker, chief of the state's mine permitting.

Still, Staub Run suffers from "an impaired fish and aquatic insect community" and from other evidence of suspected acid mine drainage, according to MDE spokeswoman Dawn Stoltzfus. The area has been mined for decades, so it's hard to tell whether the problems are from mining

occurring now or the legacy of past mining activity in the area, she said.

The new testing will help determine whether arsenic or other chemicals found in ash may be contributing to that pollution.

TOXICS

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Asbestos reports on high school due today (*phillyBurbs.com*)

By: JOAN HELLYER Bucks County Courier Times

March 08, 2009

Pennsylvania

Bristol School District officials will decide today whether class can be held Monday at the district's junior-senior high school, the superintendent said Saturday.

Officials are waiting for written reports from asbestos and air quality experts who conducted tests at Bristol Borough Junior-Senior High School on Friday and Saturday after possible asbestos was detected in the auditorium, Superintendent Broadus Davis Jr. said.

The air quality tests were done throughout the building off Wilson Avenue to check for the cancer-causing asbestos, the superintendent said.

No students were in school Friday because of a staff professional development day. Upon learning about the possible asbestos, Davis said he directed staff members in the high school Friday to move to Warren Snyder-John Girotti Elementary School for the rest of the day.

Also as a precaution, the superintendent postponed the student performances of "Seussical the Musical" that had been scheduled for Friday, Saturday and today in the school auditorium.

Asbestos was once widely used in building materials, but it becomes hazardous and poses a health threat if its fibers become airborne and lodge in the lungs, according to the Environmental Protection Agency.

The environmental experts are expected to give district officials a written report about their findings by this afternoon, Davis said. Once administrators have a chance to review the reports, a decision will be made about Monday, he said.

Students also are scheduled to perform the musical, based on stories written by Dr. Seuss, at 7 p.m. on March 13 and 14.

So far, two of the three postponed play performances have been rescheduled for this week, said Maria Figueroa, president of the school's Parents Alumni Students Theatrical Association. The first makeup performance is at 7 p.m. on Thursday, she said. The second is a 2 p.m. matinee on March 14.

"We will accommodate them. That's not even an issue," Davis said Saturday. "It's a shame that the play had to be delayed, but I have to consider the safety of the students and staff first."

6 companies to halt sales of baby bottles containing BPA *(Greenwire)*

Sara Goodman, E&E reporter

03/06/2009

The country's six largest manufacturers of baby bottles have agreed to stop using a controversial plastics additive, spurring a call by Connecticut's attorney general to ban the chemical in all baby products.

The bottlemakers -- Avent, Disney First Years, Gerber, Dr. Brown's, Playtex and Evenflo -- said they would stop using bisphenol A, or BPA, at the request of Connecticut Attorney General Richard Blumenthal (D), New Jersey Attorney General Anne Milgram (D) and Delaware Attorney General Joseph Biden III (D).

Several companies had already taken steps to provide alternative products that do not contain BPA. Handi-Craft Co., which makes Dr. Brown's Natural Flow bottles, recently introduced a new line that does not contain polycarbonate plastic. The new line includes glass and polypropylene bottles. Playtex also removed BPA from its products last year.

Shannon Jenest, a spokeswoman for Avent, which is owned by the Philips Group, said in an e-mail that the company made the decision because of consumers' confusion about the safety of the chemical in baby bottles. The company will continue to sell baby products with BPA outside of the United States, Jenest said, adding that its products meet all federal safety standards.

Blumenthal applauded the companies' efforts in a statement yesterday, saying they were sending a strong message about BPA risks.

"There is no excuse for this avoidable and unconscionable threat to continue," Blumenthal said. "Hopefully other industries will heed our plea, and a broader [state] legislative ban will be approved this session."

BPA is a high-protein chemical that has been used for decades to make polycarbonate plastics and epoxy linings for food cans. Concerns about it are growing because studies show it mimics estrogen and has been linked to developmental problems and precancerous growths in animals.

The Food and Drug Administration has repeatedly declared BPA safe, a position supported by industry groups. They say evidence linking BPA to adverse effects in humans is inadequate, especially given the small doses to which most people are exposed.

BPA's critics point to a different conclusion drawn by the National Toxicology Program, which issued a report last year citing scientific literature finding that BPA could effect the development of the prostate and brain, as well as cause behavioral damages to fetuses, infants and children.

Manufacturers are moving to eliminate BPA as state lawmakers consider proposals to limit or prohibit its use.

Washington state's House of Representatives passed a bill yesterday that would ban BPA in food containers used by children under 3. If passed by the state Senate, Washington would be the first state to institute a ban.

Last week, a California state lawmaker introduced a bill that would limit BPA in baby-care products, including its use in the lining of infant formula cans.

Specter tries to get funding for cancer study *(Greenwire)*

03/06/2009

Scientists at the Centers for Disease Control and Prevention would receive $5 million to study a cancer cluster found in Northeastern Pennsylvania thought to be connected to Superfund sites through a provision inserted into the federal spending bill being considered by Congress.

Sen. Arlen Specter (R-Pa.), himself a cancer survivor, said the people who live close to Superfund sites and a waste-coal-fired power plant are "entitled to the best answers science can give them" about a rare cluster called polycythemia vera (PV).

The condition has turned up in unusually high numbers in an area about 80 miles northwest of Philadelphia.

"People in that area are very concerned about the problem," Specter said. His provision in the $410 billion federal spending bill includes $499,000 for Drexel University School of Public Health to conduct a "case control study" (Amy Worden, *Philadelphia Inquirer*, March 6). **-- PT**

WATER

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Administration Plans New Regulations on Coal-Ash Ponds (*New York Times*)

By SHAILA DEWAN
March 8, 2009

The Obama administration will propose new regulations governing coal combustion waste by the end of the year, and will act immediately to prevent accidents like the release in December of more than a billion gallons of coal ash that smothered 300 acres in eastern Tennessee and choked nearby waterways, a senior Environmental Protection Agency official said.

The spill, at the Kingston Fossil Plant operated by the Tennessee Valley Authority near Knoxville, brought renewed attention to the agency's failure to live up to a promise in 2000 to issue regulations for coal ash, which contains toxins like arsenic, lead and mercury.
"We're committing to develop a regulatory proposal for comment by the end of this calendar year," said the senior official, Matthew Hale, the director of the agency's Office of Resource Conservation and Recovery.
Mr. Hale said the agency was deciding whether to regulate the waste as hazardous or nonhazardous. In 2000, it deemed coal ash to be nonhazardous, but better pollution controls that

have kept toxins from spewing into the air have left the solid wastes from coal plants, which is mostly ash, more poisonous.

The E.P.A. has also developed improved tests that show more toxins leaching from the ash into groundwater than previously thought.

In the short term, the agency will seek to prevent spills like the one at the Kingston plant, where the wall retaining a pile of ash 55 feet high ruptured, destroying nearby homes and choking waterways with a toxic sludge.

On Monday the agency will send a questionnaire to 163 utilities that manage an estimated 300 ash ponds, agency officials said. It asks plant operators to list any spills or unauthorized releases from the ponds in the last decade, as well as information about their design, engineering and inspections.

The questionnaire will be followed by on-site visits, said M. Allyn Brooks-LaSure, a spokesman for the agency. The agency can then order improvements to any sites it deems unsafe, Mr. Brooks-LaSure said.

The coal industry has opposed regulation, saying it would cost billions of dollars a year. But James R. Roewer, the executive director of the Utility Solid Wastes Activity Group, an industry organization, said utilities welcomed the inventory of ash ponds.

“It’s our view that before you start developing a regulatory program, you need to understand what structures are in place and how or whether they’re working,” Mr. Roewer said. “Let’s develop a regulatory program that can address the gaps or the shortcomings.”

Every year, domestic power plants produce more than 125 million tons of coal combustion waste. Most of the waste is disposed of as a slurry in above-ground ponds with retaining walls, like the one at Kingston, or dry in landfills. The environmental agency has identified 63 sites where groundwater was contaminated by heavy metals from coal ash dumps.

The questionnaire, aimed at above-ground ponds, does not ask about several key aspects of ash dumps, including whether they are lined to prevent leaking, have systems to collect water that could contain metals leached from the ash, or include groundwater monitors.

But environmentalists applauded the action. “It is excellent news that E.P.A. is now moving forward,” said Lisa Evans, a lawyer for Earthjustice, an environmental group, and an expert on coal ash. “This issue demands strong and quick action, and E.P.A.’s initiation of an inventory of coal ash ponds is a good first step.”

Ex-Md. official to oversee EPA cleanup of bay (*Baltimore Sun*)

Ex-DNR secretary to oversee federal cleanup of bay

By Timothy B. Wheeler

March 8, 2009

Maryland

A former Maryland natural resources secretary has been tapped to oversee the Environmental Protection Agency's Chesapeake Bay restoration effort, an appointment activists say they hope signifies an increased commitment by the Obama administration to cleaning up the troubled estuary.

J. Charles Fox, who has held a variety of posts in state and federal government and with environmental groups, will be a special assistant to the EPA administrator for the bay and for the Anacostia River in Washington, according to sources familiar with the matter, who requested anonymity to avoid upstaging the official announcement.

Fox declined to comment, as did an EPA spokesman.

Fox, 48, an Annapolis resident, ran the Maryland Department of Natural Resources from 2001 to 2003. He served as an assistant state environment secretary and held several posts with the EPA in the 1990s, including assistant administrator for water. He also worked briefly for the Chesapeake Bay Foundation, and most recently had been senior officer with the Pew Environment Group, an arm of the Pew Charitable Trusts.

Bay Foundation President William Baker said he believed it would be "very significant" to have someone like Fox overseeing the federal bay cleanup effort, particularly if he reports directly to EPA Administrator Lisa Jackson - as is said to be the case. The director of the EPA's bay program office in Annapolis, Jeffrey Lape, reports to the agency's Mid-Atlantic chief in Philadelphia.

"I've known Chuck for over 30 years, and he has the highest environmental credentials possible," said Baker. "If true, I hope this sends a signal that EPA is far more serious about saving the bay than they have been in the past."

The Annapolis-based Chesapeake Bay Foundation sued the EPA late last year, accusing the federal agency of shirking its legal responsibilities to lead the bay cleanup, which has repeatedly failed to achieve its goals, leaving the bay no healthier in many respects than when the multistate restoration effort began 25 years ago. Baker, who has charged the Bush administration in particular with neglecting the bay, said he hoped Fox's appointment would help bring about a settlement of the case.

Fox's appointment also comes as a new congressional report finds the EPA struggling to make progress on a number of environmental fronts, including the bay. The Government Accountability Office said the agency suffers from "repetitive and persistent" shortcomings, including a lack of consistency in environmental enforcement and effective use of its resources.

In congressional testimony last year, Fox, then with Pew, called for boosting the bay cleanup through increased enforcement of pollution laws, as well as increased funding and accountability of cleanup efforts.

EPA trenches looking for sludge (*mycameronnews.com*)

By Jamey Honeycutt, publisher
Published on: Saturday, March 07, 2009

Missouri

Further testing at the former Rockwool facility continued in Cameron on Tuesday morning. The Environmental Protection Agency was on hand as well as members of the City of Cameron to trench an area just east of the electric substation on the property.

City employees had reported encountering a sludge-like substance while burying underground utility cables years earlier. This report came to light during previous testing and the EPA agreed to return to look for abnormal substances.

The City of Cameron provided trenching equipment and the utility company marked the position of the electric line. Trenching was conducted alongside the buried electric line.

City employees reported that the abnormal substance was discovered previously at a depth between eight and thirteen feet. After trenching approximately 15 feet at a depth close to eight feet, a grayish clay substance was found near that depth. Samples were taken for laboratory analysis as to their content.

Test results should be returned in three weeks.

Hiring in Hydrology Resists the Slump (*New York Times*)

By EILENE ZIMMERMAN
March 8, 2009

THE Earth may be two-thirds water, but only about 1 percent of that water is actually usable for human consumption and agriculture. What's more, as the planet warms and the population shifts, even that 1 percent is at risk.

That is why demand for hydrologists has been predicted to grow 24 percent from 2006 to 2016, much faster than the average for all occupations, according to the Bureau of Labor Statistics. Hydrologists study the distribution, circulation and physical properties of water, with hydrogeologists focusing specifically on groundwater. (According to the United States Geological Survey, there is 100 times more water beneath the ground than there is in all the world's lakes and rivers.)

"Hydrologist is a fairly broad term, but generally, any research or problems having to do with water, there's a hydrologist working on it," said Matthew C. Larsen, a hydrologist and associate director for water at the Geological Survey.

Most hydrologists did not earn degrees in hydrology; in fact, only a handful of undergraduate and graduate hydrology programs exist across the country. It is far more common for hydrologists to come from a hard-science or engineering background. Though it is possible to enter the field with a bachelor's degree — most often as a lab technician — moving up in the career requires an advanced degree, Mr. Larsen said.

After creation of the Environmental Protection Agency in 1970 and passage of the Clean Air Act in 1977 and Superfund legislation in 1980, hydrologists' work was largely focused on water quality. Today, however, "an increasing percentage of hydrologists are interested in water quantity and supply, which is an emerging issue and where global climate change plays a big role," said Dork Sahagian, professor of earth and environmental science at Lehigh University and director of its Environmental Initiative in Bethlehem, Pa.

"But concern with water quality — which involves local, site-based issues — still drives the job market," he said. "Most hydrologists in this part of the world are still hired to cope with the availability of clean water for drinking and municipal supplies."

Hydrologists use samples of water and soil, which they have traditionally collected themselves by wading out into a river or lake. Computers, however, have changed the nature of that field

work. The Geological Survey now uses computerized samplers set up in rivers and streams throughout the nation.

But some field work is still required, especially early in a hydrologist's career, and is often considered a perk — the ability to work outdoors and in beautiful places. That work could involve inspecting a dam, drilling a well or measuring a river's flow.

"I used to say the worst day in the field still beat the best day in the office," said Mark Wigmosta, a hydrologist with the Pacific Northwest National Laboratory, an Energy Department research center in Richland, Wash. "I don't spend as much time out in the field, and I miss it. My work now is primarily in front of a computer."

In fact, computers have revolutionized hydrology in ways beyond sampling. Data collected in the field is now plugged into complex mathematic models that allow hydrologists to make predictions — for example, about the effect of climate change on sea levels. The models also help them develop recommendations for solving problems, like how much water can be diverted from a river to combat a drought.

"People interested in hydrology often don't understand you need to be very strong in math," said Michael Boufadel, an engineer and hydrologist and the chairman of the civil and environmental engineering department at Temple University in Philadelphia.

They also need to communicate well, because their research is often written in reports and presented to others — to policy makers, if they work in the public sector, or to clients in the private sector.

According to the Bureau of Labor Statistics, about 28 percent of hydrologists are employed by the federal government, at the Geological Survey and the Defense Department. An additional 21 percent work for state agencies and state departments of conservation. Others work in architecture, engineering and for management, scientific and technical consulting firms.

SCOTT D. WARNER, principal hydrogeologist and a vice president at the environmental consulting firm Amec Geomatrix in Oakland, Calif., said demand for his firm's services had been strong since the 1980s. "Our firm is growing, even in this economic downturn," he said. Much of Amec's work is with municipal water districts that need to find ways to manage their water and predict their needs.

Salaries for hydrologists range from an entry level of about $35,000 to well into six figures for the most senior scientists at consulting firms. Jobs in consulting firms generally pay higher salaries than those with the government.

But few choose the profession to become rich, Mr. Warner said. Most often, the reason is that the work is fulfilling. "We're not oil tycoons, but we feel good about the type of work we do and the problems we solve," he said. "You really learn something new every day."

Fresh Starts is a monthly column about emerging jobs and job trends.

River or reservoir? (*Gainesville Sun*)

By Bill Thompson
Staff Writer

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Florida

It's one of the most ambitious undertakings to capitalize on a local man-made wonder - or, some would say, one of the most foolhardy.

The owners of an RV park in Fort McCoy want to construct a 400-slip marina on Rodman Reservoir.

To take further advantage of their proximity to the 9,000-acre waterway, the Lake Oklawaha RV Park's owners also want to lay a 3.757-foot-long, 10-foot-wide shoreline boardwalk.

The estimated cost is in the neighborhood of $2 million, according to the contractor.

Opponents assert that the plan, if approved, would severely harm the environment. And, they say, it would also prove to be for naught, and thus should be stopped.

Since the reservoir will eventually be drained, they maintain, hundreds of fishing boats will - literally - be left high and dry.

Yet the project will go forward for now, primarily because the contractor believes the history surrounding the reservoir indicates that the water will be there long after he, and those opposing him, are gone.

Besides reigniting the decades-long battle over the restoration of the Ocklawaha River, the marina proposal has inspired one of the more fevered - and, to a large extent, orchestrated - protest campaigns state water regulators have seen recently.

Official state policy, dating back more than a decade, is to remove Kirkpatrick Dam, the construction of which created the reservoir in 1968 by plugging the river and flooding part of the Ocala National Forest.

Named for the late George Kirkpatrick, a long-serving state senator from Gainesville, the structure was part of the federal government's attempt to carve a shipping channel across Florida.

The Nixon administration halted that effort in 1971, miring the dam in controversy ever since.

For four decades, environmentalists who want the river restored have philosophically grappled against anglers who don't want to lose one of the premiere bass-fishing sites in Florida.

In June 1995, Gov. Lawton Chiles ordered state environmental regulators to file for the permits to take down the dam, and they filed the paperwork in 1997.

Dismantling the Kirkpatrick Dam, and returning the Ocklawaha River to its historic channel, has been subsequently supported by the administrations of both former Gov. Jeb Bush and current Gov. Charlie Crist.

Sportsmen, however, have regularly found powerful allies in Tallahassee who have been able to thwart attempts to remove the dam. Lawmakers have flatly refused to fund such an effort, which the Florida Department of Environmental Protection estimates today would cost $21 million.

Like other plans over the past 40 years that promote or preserve fishing on Rodman Reservoir, the proposed marina has stoked the anger and angst of environmentalists.

As of Thursday, state water regulators have fielded more than 510 letters objecting to the project.

Those critics make two basic arguments: that the project would intensify the existing degradation of a waterway already impaired by pollution and nitrate build-up; and the marina flouts long-standing state and federal policies to restore the river.

Letters have been submitted from individuals around the state, including many from Marion County, and from all corners of the country.

The list of foes also includes the U.S. Environmental Protection Agency, the Marion County Soil and Water Conservation District and the Florida Federation of Garden Clubs.

Nick Williams, executive director of Florida Defenders of the Environment, a Gainesville-based environmental group that supports removal of the dam, said St. Johns should deny the marina permit.

"We don't want to spend taxpayer money on a facility that will be torn down," Williams said, "and it is inconsistent with state policy, which is for restoration."

But when asked to point out how that interferes with the state's plan, officials from both DEP and the St. Johns River Water Management District declined to comment because the permit application is still pending.

Rebell Investors Corp., owners of the RV park, and Miner's Marine Construction, a Palatka-based dock builder, filed the marina application last June. It has plenty of hurdles to clear.

A July 2008 letter from the water district identified 34 separate points for the applicants to address - one of which was demonstrating they have appropriate land-use approval to proceed from the Marion County Commission.

Water regulators, for example, expressed concern about the marina's potential to harm wetlands, increase pollution in the river and affect navigation, among other problems.

But topping their list was water - or the lack thereof.

"It is unclear how you would operate the proposed docks during partial or complete drawdown of Lake Ocklawaha or if Rodman Dam (sic) is removed, and how much such operation would avoid causing environmental impacts," the letter said.

Thus, they wanted the developer to demonstrate that "there is adequate water depth at each dock location" and that the docks have "sufficient navigable access ... in the event that Rodman Dam is removed."

The EPA was blunter. In announcing its opposition to the marina last November, federal regulators, in addition to concerns about water quality, observed that "breaching the Rodman Reservoir dam would result in substantially reducing water level at the proposed marina site, making operation of a marina untenable."

Their state counterparts concurred.

Stanley Inabinet, the DEP's project manager, said once the river's natural drainage system is restored, "There will not be any water where the proposed marina is proposed to be located once the river has been freed."

The RV park operators could not be reached for comment.

But David Miner, owner of Miner's Marine, the contractor for the $2-million marina, agreed: if the dam goes, there won't be any water - and that is not a problem.

His plan is to install four 100-slip aluminum floating docks moored to concrete pilings to accommodate fishing boats up to 20 feet long.

"It's like a giant Erector Set," Miner said, noting that the docks are "recyclable." That means if the dam is torn down, the platforms can be unhooked from the pillars and sold for use elsewhere.

Miner also maintains they are more environmentally sound than normal wooden docks because they won't leach chemicals - and would do less harm than releasing Rodman's nutrient-laden holdings into the St. Johns and Ocklawaha rivers, or forcing boaters to park on the shore because they have nowhere else to tie up their boats.

Just as Miner and Rebell must explain in greater detail to state and federal authorities how their project won't hurt the reservoir, state water managers and the U.S. Army Corps of Engineers await similar information from the DEP.

Specifically, the DEP must submit final reports on how the river's health would be affected upon the release of that stored-up reservoir water.

It's unclear how long that might take.

Osvaldo Collazo, chief of the Corps' northern permits branch, said the file has languished for so long that DEP's application to remove Kirkpatrick Dam has been deactivated.

Even when the DEP report is filed, Collazo said, the Corps must review the plan and issue its own environmental impact statement, which he described as a "fairly long process."

So, there is no way to determine how long it would be before dam would actually be dismantled.

"DEP is continuing to design the restoration such that the restoration will have no negative impact to the water quality of the St. Johns River," said Doug Tobin, an agency spokesman.

"The design could have a potentially large impact on the river. The water quality studies and action steps are complex, time consuming and require careful review."

And that, in part, is what Miner and the RV park owners are banking on.

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