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Table of Contents
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Thursday, April 16, 2009

ADMINISTRATOR JACKSON 3
EPA'S LISA JACKSON TO INDUSTRY: YOUR FEARS WON'T COME SOON ENOUGH (*Tapped*) 3
AIR 4
Pollution estimates for refineries, plants revisited (*Houston Chronicle*) 4
EPA to review Bush-era rule for Ala. soot emissions *(Greenwire)* 5
BUDGET/STIMULUS 7
Stimulus funds to hasten cleanup in New Bedford (*Boston Globe*) 7
New Bedford Harbor cleanup on faster track (*South Coast Today*) 9
EPA selects 50 polluted sites for stimulus money (*Associated Press*) 11
Stimulus money trickling into state (*Deseret News*) 12
Up to $15M in stimulus funds for two LI Superfund sites (*Newsday*) 13
Stimulus money trickling into state (*Deseret News*) 15
Feds give $5M to Davis Superfund site (*Bizjournals.com*) 16
2 Wash. Superfund sites get stimulus money (*Seattle Times*) 16
Millions from stimulus to clean New Bedford Harbor (*Boston Globe*) 18
Davis pesticide plant site gets stimulus boost (*Bizjournals.com*) 19
Stimulus money will help clean up New Bedford Harbor (*Boston Globe*) 20
CLIMATE CHANGE/GLOBAL WARMING 22
Tricky Course Lies Ahead for Browner on the Environment (*Wall Street Journal*) 22
Pollution risks could rise as climate changes (*Planet Earth*) 24
Green activists claim success on septics and global warming (*Annapolis Capital*) 27
U.S. greenhouse gas emissions increase by 1.4% in 2007 (*Waste News*) 29
Strong emissions treaty will protect U.S. jobs -- Trade Rep. Kirk *(Greenwire)* 30
EARTH DAY 31

Earth Day Reminder: We All Share One Planet (*NewsLI*) 31
EDITORIAL/COMMENTARY/OP ED/LETTERS 33
Congress Should Take Risk-Based Approach To Lead-Content Law (*Wall Street Journal*)33
ENERGY 34
Renewable Energy's Environmental Paradox (*Washington Post*) 34
EPA presents 2008 Energy Star awards to 89 businesses (*Waste News*) 37
Income Eligible Can Go Energy Efficient (*Louisburg Herald*)..... 37
MINING..... 38
EPA in Charleston to discuss halted mining permits (*West Virginia Public Broadcasting*) 39
PESTICIDES 40
Largest Bedbug Outbreak Since WWII Forces EPA to Hold Bedbug Summit (*findingDulcinea*)..... 41
Experts mount all-out fight to not let the bedbugs bite (*The Star Ledger*) 42
US pesticides to be tested for gender bending chemicals (*Environmental Data Interactive*) 44
E.P.A. To Order Pesticide Testing (*New York Times*)..... 45
Pesticides to be subjected to EPA testing (*United Press International*)..... 46
EPA Seeks to Squash Bedbug Resurgence (*Wheeling Intelligecer*)..... 46
EPA asked to pursue a rehearing on pesticide ruling (*Southwest Farm Press*)..... 49
EPA aims to stem bedbug outbreak *(Greenwire)* 49
RECYCLING..... 50
COMPANIES GO GREEN (*Cape Cod Times*)..... 50
SUPERFUND 51
Superfund Status for Gowanus Canal Is Opposed (*New York Times*) 51
TOXICS 52
Asbestos Study Delayed due to Lack of Volunteers (*Mesothelioma.com*)..... 52
EPA rejects bid to sideline endocrine program *(Greenwire)*..... 53
WATER 54
Chesapeake Bay Polluted Despite Cleanup Efforts, Report Says (*Washington Post*)..... 54
Pa. towns' lawsuit over Chesapeake Bay cleanup plan clears hurdle (Associated Press).... 55
Foundation releases annual Chesapeake Bay report (*Associated Press*) This story also appeared: *Philadelphia Inquirer* 56
Foundation to release annual Chesapeake Bay report (*Associated Press*) This story also appeared: *Daily Mail*..... 58
City might consider rate hikes for wastewater system upgrades (*The Newark Advocate*) ... 58
CO2 a threat under Clean Water Act? (*KOAA*) 59
Senate Urged To Drop 'Buy American' Rules From Water SRF Funding Bill (*Inside EPA*)60
Oberstar Inquiry, Obama Earmark Seen Pushing Cannon's Exit From EPA (*Inside EPA*).. 63
Prodded by petition, EPA reconsiders ocean pH limits *(Greenwire)* 65
Md. passes bill to curb septic runoff *(Greenwire)* 66

ADMINISTRATOR JACKSON

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EPA'S LISA JACKSON TO INDUSTRY: YOUR FEARS WON'T COME SOON ENOUGH (*Tapped*)

Posted by Brentin Mock on April 15, 2009 10:15 AM

District of Columbia

The Environmental Protection Agency's proposal that global warming endangers public health and welfare cleared the White House's review process earlier this week. Carbon-emitting industries have long feared the day when they'd finally be held accountable for their release of heat-trapping gases, and now they're especially spooked.

Bill Kovacs, vice president of environment, technology and regulatory affairs for the U.S. Chamber of Commerce, worries about the regulation of businesses and projects set to receive stimulus funds, and he's concerned that they will be tangled up by EPA reviews if the endangerment proposal flies. **James Hackett**, CEO of major oil company Anadarko, said recently in an interview, "The histrionic and maniacal focus on carbon dioxide is intellectually repugnant" and would take "the economy into a tailspin" where we'd end up "the world's cleanest third world country" -- which, I guess, could be worse for our health than living in the world's dirtiest first world country.

Lisa Jackson, EPA chief administrator, will reportedly sign off on the proposal this week before sending it off for a 60-day public comment period and two public hearings. In an interview with *TAP* at her EPA office last month, Jackson anticipated that the industries would begin to bellyache. But if industries are truly worried that the regulation hammers will start pounding, said Jackson, their paranoia is unfounded ... at least for now. Jackson stated:

It will be a looong road to this future, but some are trying to portray it as "EPA is going to regulate tomorrow," or my favorite one is "EPA is going to regulate so now we can't do stimulus work." ... The process of carbon regulation, if it were gonna happen, will probably take years. The regulatory process of EPA is not a quick one. And so I don't know how one spins a potential finding of endangerment into "we're not going to be able to get stimulus projects done." Kovacs, of course, is leaving out that most federal projects are already subject to environmental review through the National Environmental Protection Act (NEPA). That Hackett fails to focus on carbon dioxide, and the potential revenue he could draw if a cap-and-trade policy is enacted

by Congress, is a repugnance itself. But whether from Congress or EPA, carbon regulations are most certainly coming, albeit later than sooner, so business leaders would be best served to start confronting their fears now.

-- *Brentin Mock*

AIR

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Pollution estimates for refineries, plants revisited (*Houston Chronicle*)

By MATTHEW TRESAUGUE

Houston Chronicle

April 15, 2009, 9:32PM
Texas

The U.S. Environmental Protection Agency has agreed to Mayor Bill White's request to overhaul its methods for estimating emissions from large refineries and chemical plants, a move that could reveal higher pollution levels.

In response to White, the federal agency acknowledged flaws in its formulas for calculating pollution levels, leading to unreliable data for decision-making.

The new estimates would for the first time include emissions of toxic gases and other pollutants during startups, shutdowns and equipment malfunctions, according to the EPA's letter to the mayor.

The agency didn't give White everything he wanted. Among requests it declined were a requirement that certain industrial sites verify the accuracy of their emissions with emerging laser technology and with fence-line monitors.

Still, environmentalists, public health advocates and some air-quality officials hailed the agency's response, predicting that the promised revisions will reveal more emissions from refineries and chemical plants than previously reported.

“It will show the truth,” said Elena Marks, director of health and environmental policy for White.

For years, the EPA’s emissions estimates have assumed that equipment is operating as designed under normal conditions.

Until a recent, unrelated U.S. Court of Appeals ruling, refineries, chemical plants and other industrial facilities could exceed federal pollution limits during certain periods of operation, including startups and shutdowns. The ruling affects about 250 industrial sites in Texas alone.

White challenged the EPA’s methods for calculating emissions last July, arguing that the approach significantly understates the amount of pollution in Houston’s air.

At the time, the mayor said federal, state and local governments must have reliable data to make decisions regarding public health. His request came at the start of work by state regulators on a new pollution-fighting plan for the eight-county Houston region, one of the nation’s smoggiest.

Effect disputed

The agency’s response to White’s request represents “one of the smartest and most meaningful victories of his tenure” in terms of reducing emissions, said Matthew Tejada, executive director of the Galveston-Houston Association for Smog Prevention.

But Jeffrey Holmstead, a former EPA official who now represents U.S. utilities and refineries for the law firm Bracewell & Giuliani, said he doesn’t expect any significant regulation to come from the agency’s decision.

It’s also not certain that the changes will lead to more accurate estimates because Houston, for one, already has a robust network of air pollution monitors, he said.

The EPA said it would use the new estimates to evaluate risks to exposed populations and to determine which pollution controls are the most cost-effective.

It remains unclear when the changes will be put in place. The EPA is developing new methods and hasn’t set a deadline for implementation.

“We will do everything we can to make sure that the time line is expedited as soon as possible,” Marks said.

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EPA to review Bush-era rule for Ala. soot emissions *(Greenwire)*

Robin Bravender, E&E reporter

04/15/2009

U.S. EPA has asked a federal appeals court to return for agency review a controversial air pollution rule governing how much soot can be emitted from Alabama smokestacks.

At issue is an EPA rule limiting the density of smoke, or opacity, that can be emitted from aging power plants and other sources within the state. The Bush administration's EPA revised the rule in October, a move that riled environmental groups claiming that the revision allowed industrial polluters to spew more soot into the air.

Groups including the Alabama Environmental Council, the Sierra Club and the Natural Resources Defense Council sued EPA over the rule and asked the agency to reconsider its decision. The Bush EPA denied the groups' request, but the Obama EPA asked the 11th U.S. Circuit Court of Appeals last week to stall legal proceedings while the agency reconsiders the rule.

Environmental groups saw the decision as a signal that the Obama administration plans to overhaul the regulation.

"We hope and believe that the Obama administration will reverse this travesty and reinstate the stronger rule," said John Walke, a senior attorney at the Natural Resources Defense Council.

The agency has not indicated whether it will reverse the Bush rule, however, and the Alabama Department of Environmental Management (ADEM) and industry intervenors in the lawsuit are hopeful that EPA will leave the current regulation intact.

"We oppose EPA granting this second petition for rehearing, and we oppose the request to the court to remand the issue to EPA and hold the court proceedings in abeyance," said Ron Gore, the head of ADEM's air division. "We want the trial on the merits to proceed."

ADEM says the change merely codified an enforcement practice the state had used for decades, but environmentalists argue that rule was ratifying illegal exemptions for air pollution violations.

"Alabama polluters had to comply with stronger standards for 30 years, so the idea that the rule needed to be weakened for them to comply was absurd," said Michael Churchman, executive director of the Alabama Environmental Council. "Many of those polluters are using control equipment which is aging and degrading instead of using up-to-date technology that can perform much better."

Click here to read EPA's request to the court.

BUDGET/STIMULUS

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Stimulus funds to hasten cleanup in New Bedford (*Boston Globe*)

By Beth Daley, Globe Staff | April 16, 2009

Massachusetts

NEW BEDFORD - Millions of dollars in federal stimulus money will be invested in a massive cleanup of polluted New Bedford Harbor, home of one of New England's oldest and largest Superfund sites, federal officials announced yesterday.

US Environmental Protection Agency administrator Lisa P. Jackson came to the Whaling City to unveil the award of at least $25 million, and perhaps as much as $35 million - the single largest portion of the $600 million in stimulus money designated for Superfund cleanups nationwide. Four other New England properties, in Mans field, Lowell, Kingston, N.H., and Strafford, Vt., also received millions in funding.

"Today we are finally back on the road to get our harbor back," boomed Senator Edward M. Kennedy via telephone at a press conference that included Jackson, Governor Deval Patrick, and US Representative Barney Frank. Kennedy has been a champion of the harbor and pushed hard for the stimulus funds, designed to help jumpstart the ailing economy, to be sent to New Bedford.

"This city has a remarkable history and we can finally say our best days are ahead," Kennedy said.

Mayor Scott Lang of New Bedford said the money would extend work for locals and probably create "several dozen jobs." But more important, he said, the cleanup will allow "tremendous economic opportunities" for the revitalization of the New Bedford waterfront. It will "take away the stigma" of the filthy water, he said, and with that rejuvenation will come even more jobs.

Pollution of New Bedford Harbor began decades ago, and by the mid-1900s, the once-pristine harbor had been transformed into an 18,000-acre dumping ground for polychlorinated biphenyls. Through the 1970s, at least two electronic manufacturers dumped tons of the chemicals, which settled deep in the harbor's sediment.

Today, the harbor remains a blight on New Bedford's fabled reputation as one of the nation's top fishing ports: The place where millions of pounds of seafood are unloaded each year is so deeply polluted that eating fish caught there is prohibited.

Polychlorinated biphenyls, which are considered probable human carcinogens, were federally banned in the mid-1970s. By 1983, New Bedford Harbor was declared a Superfund site, one of the nation's most polluted locations, with almost 900,000 cubic yards of contaminated sediment. Since then, about $270 million has been spent cleaning it up - but the vast majority of the polluted sediment remains.

Federal officials were able to get about $100 million from the companies responsible for the toxic pollution, but by 2004 that money was all but gone. Since then, the cleanup project has relied on federal funding of about $15 million a year.

By the EPA's own estimate, at that funding level the cleanup would have taken another 38 years, at a cost of $1 billion.

The stimulus funds will hasten the cleanup by four or five years, EPA officials said. They are also exploring other ways to dispose of the sediment to finish the cleanup far sooner.

The additional money will allow a massive "dewatering" facility on the harbor to operate continuously eight months a year, instead of the 40 to 45 days it now runs. The facility squeezes water out of the sediment before it is shipped to a hazardous waste disposal site in Michigan.

"You have heard of shovel-ready; well, this is dredge-ready," said EPA chief Jackson. "This is real money, a real cleanup for the New Bedford community." The harbor was one of 50 sites nationwide that received cleanup money.

The federal stimulus money is supposed to be spent as soon as possible, so preference was given to projects already running or able to begin quickly. A range of funding was given in part to encourage the money to be spent quickly.

The New Bedford announcement also underscored a promised change under President Obama's administration: the reinstatement of a tax on polluting industries, such as chemical companies, to help pay for cleanups if the polluter goes bankrupt or disappears.

The tax expired in the mid-1990s and the money all but ran out several years later. If the tax had survived, New Bedford would probably have received money from it.

Jackson said the administration wants the polluting tax to begin again in 2011, hopefully after the economy recovers.

Other Superfund projects in New England that won stimulus money were the Silresim site in Lowell, which received $10 million to $25 million; the Hatheway & Patterson site in Mansfield, $10 million to $25 million; the Elizabeth Mine site in Strafford, Vt., $5 million to $10 million; and up to $5 million for the Ottati & Goss site in Kingston, N.H., a former steel drum company.

Beth Daley can be reached at bdaley@globe.com ■

New Bedford Harbor cleanup on faster track (*South Coast Today*)

April 16, 2009 6:00 AM
Massachusetts

NEW BEDFORD — Cleanup of the harbor could resume on a faster track as soon as June 1, with up to a $35 million boost from federal stimulus money that will create jobs and spur economic development, EPA Agency Administrator Lisa Jackson said.

Limited cleanup funds have allowed for just 45 days per year of dredging and de-watering plant operations that remove PCB-contaminated sediment from the harbor. At that rate, Environmental Protection Agency officials have estimated that sweeping up New England's oldest and largest Superfund site could take as many as 38 years to complete.

"Thirty-eight years is not acceptable to the Obama administration," Jackson said to applause from a crowd of elected officials and environmental activists who gathered for a press conference Wednesday at the $25 million dewatering plant.

Jackson, who did not offer a target date for completing the New Bedford Harbor Superfund project, said the stimulus money will accelerate this year's cleanup activity, more than tripling the amount of PCB-contaminated material that has been dredged in recent years.

In addition, the money will preserve 65 to 70 existing jobs, create ancillary jobs, and pump money into the local economy as out-of-town workers spend money on housing, food and construction supplies.

Mayor Scott W. Lang told The Standard-Times the funding would create "a couple dozen" new jobs in the short term, with real employment growth coming in the long term with "economic development on a clean waterway." Development could include recreational boating, housing and restaurants, he said.

The harbor cleanup will receive $60 million to $70 million over the next two years, Jackson said. The sum includes $25 million to $35 million in stimulus money from the American Recovery and Reinvestment Act of 2009 and additional funding appropriated annually by Congress.

President Barack Obama has proposed reinstating the Superfund tax in 2011, Jackson added. The tax on chemicals, petroleum and corporations financed toxic waste cleanups around the country until it expired in 1995. Since then, Superfund cleanups have been paid for with money from the general tax fund that Congress appropriates each year.

"It's now our job to provide more funding for EPA," Rep. Barney Frank, D-Mass, said at the press conference.

The length of the harbor cleanup will be determined in part by whether the EPA changes its current method of disposal, Jackson said. Dewatered sediment is shipped by rail to a PCB-licensed facility in Michigan, but EPA officials are studying the feasibility of burying contaminated sediment in deep pits within the harbor capped with clean soil.

The method, known as Confined Aquatic Disposal, is cheaper and would allow more money to be spent on dredging, thus speeding up the cleanup.

EPA project managers said the stimulus money, in addition to $15 million appropriated by Congress for 2009, should knock four to five years off the project's 38-year time line, since the plant will be operating six to nine months of the year rather than 45 days. Dredging activity is expected to run from June through November in 2009 and resume in mid-March of 2010. Winter conditions are too dark and cold to allow for safe working conditions, officials said.

The stimulus money will allow for the removal of some of the most contaminated sediment in the upper harbor. Electric cables that run across the harbor from Acushnet to New Bedford are buried in the contaminated mud, said Paul L'heureux, a civil engineer for the U.S. Army Corps of Engineers. Some of the funding will go toward removing and replacing the cables so the contaminated area may be dredged, he said.

The Superfund harbor site, which covers 18,000 acres from the Acushnet River to Buzzards Bay, contains 880,000 cubic yards of PCB-contaminated sediment. About 150,000 cubic yards have been removed to date. Approximately $270 million has been spent on the cleanup, with about $100 million of that sum coming from a settlement with the responsible parties.

Electrical parts manufacturers, including Aerovox and Cornell Dubilier, discharged PCBs and heavy metals into New Bedford Harbor from the 1940s to the 1970s, when the toxic chemicals were banned. Since 1979, residents have been banned from eating seafood caught in the harbor due to health risks from PCB contamination.

EPA selects 50 polluted sites for stimulus money (*Associated Press*)

By DINA CAPPIELLO –

WASHINGTON (AP) — Fifty of the country's most polluted and hazardous waste sites were selected Wednesday to receive a share of federal stimulus money to continue cleanup operations.

The Environmental Protection Agency announced that $582 million in recently approved economic stimulus money would be used to help clean up the sites in 28 states.

The sites were contaminated years ago by mining waste, lead smelters, landfills, and other sources of chemicals but the companies responsible are no longer around to pay for their cleanup.

At half the sites, cleanups were either stalled last year or were expected to face delays this year because the EPA was running short of funds.

The money announced Wednesday will pay to excavate contaminated soil from hundreds of residential lawns in Evansville, Ind., Minneapolis, Minn., Madison County, Mo. and Omaha, Neb.

Up to $25 million will connect 180 houses in southeastern North Dakota to public drinking water. Their wells were tainted with arsenic from bait applied to control grasshoppers in the '30s and '40s. The people who live there have been supplied with bottled water since their wells were contaminated.

And at New Bedford Harbor, Mass., where the announcement was made by EPA Administrator Lisa Jackson, three times more mud will be dredged from the bottom of the harbor over the next two years than would have occurred without the money.

Jackson talked about the timeline for the project, which was originally thought to take 38 years to complete. "Thirty-eight years is not acceptable to the Obama administration," she said.

Participating by telephone was Sen. Edward M. Kennedy, D-Mass, who has cut back on public activities while being treated for brain cancer. He said the effort to clean up the New Bedford site and freeing the community of pollution has been "an uphill battle all the way."

The funding announced by Jackson is aimed at creating jobs for cleanup contractors, soil excavation companies, hazardous waste disposal facilities and labs that test samples to detect contamination.

Beyond the jobs, the money will supply — at least temporarily — much needed cash to a program that has struggled to find money to pay for cleanups. Since 2000, the program has suffered budget shortfalls, with money for the dwindling cleanup fund declining each year.

Congress in 1995 refused to renew the excise tax on hazardous chemicals and petroleum products that was supposed to pay for the majority of the Superfund cleanup costs. Today the fund has declined to $137 million, while costs of cleanup annually have exceeded the amount Congress has been willing to appropriate.

President Barack Obama in February called for injecting $1 billion into the Superfund program by reinstating the tax beginning in 2011, after the nation emerges from its current economic problems.

The result has been fewer Superfund sites being cleaned up.

Last year, the EPA did not have enough money to pay for cleanup projects at 10 sites. This year, without the stimulus money, the agency expected work at 15 sites to go unfunded.

The effect has been that many sites languish on the Superfund rolls. Since 1980, EPA has identified 1,596 hazardous waste sites. Today, there are still 1,264.

"They were just doing the minimum they could do with the money they had," said Lois Gibbs, executive director of the Center for Health, Environment and Justice, whose experience living atop the Love Canal hazardous waste site outside Niagara Falls, N.Y., led to the passage of the law that created Superfund.

"The stimulus money is going to only put a Band-Aid on these really problematic sites, and it does not deal with the core problem that Superfund doesn't have any money," said Gibbs, executive director of the Center for Health, Environment and Justice. "It shouldn't be the American taxpayers that have to pay for it."

Stimulus money trickling into state (*Deseret News*)

By Amy Joi O'Donoghue

Deseret News

Published: Wednesday, April 15, 2009 10:58 p.m. MDT

Utah

Two Superfund sites in Utah will receive $30 million in federal stimulus money from the Environmental Protection Agency to accelerate cleanup efforts.

The announcement of $600 million in new funding was made Wednesday morning by the agency, which detailed sites in 28 states targeted for the money.

About $5 million will go to the Bountiful/Woods Cross 500 South PCE plume in Davis County, which was named to the agency's National Priorities List in 2001 because of groundwater contaminants that pose a public health risk at the 400-acre site.

PCE — or tetrachloroethylene — is a chemical that was commonly used in dry-cleaning operations and can cause dizziness, headaches, sleepiness and nausea. In high concentrations it can cause death if exposure happens in poorly ventilated areas.

Michael Storck, the state project manager with the Department of Environmental Quality, said recent quarterly monitoring of the groundwater showed PCE levels at 60 parts per billion in contrast to federal standards of 5 parts per billion.

The contamination is at the 130 feet level of the aquifer and affects domestic wells used for agricultural purposes, Storck said.

The money will pay for installation of additional ground water extraction wells, monitoring wells and the construction of a water treatment system.

An estimated $25 million will, in part, cap three large mine waste sites at the 680-acre Eureka Mills site in Juab County's East Tintic mountains.

Listed since 2002, the site poses a public health risk because of heaving mining in the area that left lead contaminants in waste rock. The EPA says the money will also go for the clean up of approximately 160 residences where there are lead-contaminated soils.

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Up to $15M in stimulus funds for two LI Superfund sites (*Newsday*)

BY JENNIFER SMITH | jennifer.smith@newsday.com

9:13 PM EDT, April 15, 2009

New York

Hazardous-waste cleanups at two local Superfund sites will get a boost from up to $15 million in federal stimulus money, Environmental Protection Agency officials said Wednesday.

The grants will help speed up remediation of chemicals spilled decades earlier at two prominent Long Island Superfund sites: Lawrence Aviation Industries, a former manufacturing site in Port Jefferson Station, and Old Roosevelt Field in Garden City, which served as a military and commercial airfield before the area was redeveloped after World War II.

Added to the EPA's list of national priorities in 2000, both sites have extensive groundwater contamination from past improper disposal of chlorinated solvents such as trichloroethylene and tetrachloroethylene.

The grants come from $600 million appropriated for the federal Superfund remedial program in the American Recovery and Reinvestment Act of 2009, passed by Congress.

"New jobs will be created immediately because these projects are 'shovel ready,' and the surrounding communities benefit because the funds allow us to continue the important work of cleaning up the sites," Acting Regional EPA Administrator George Pavlou said in a statement.

Cleanup is already under way at both Long Island sites, "but with this, it's happening sooner . . . in the near future rather than a step-by-step process of waiting for funds," EPA spokeswoman Beth Totman said.

Between $5 million and $10 million in stimulus money will be used to build and run a system to extract and treat groundwater at Old Roosevelt Field, where chemicals used at airfield maintenance shops entered the water table and tainted two Village of Garden City supply wells. The already-designed system will keep the plume from traveling further and "protect the public water supply," Totman said. Construction is expected to begin this summer.

In Port Jefferson Station, the EPA will use up to $5 million to halt and treat a groundwater plume that migrated north of the Lawrence Aviation site to a residential area, where a number of homes had to be connected to public water. Over time, the treatment will stop further contamination of waters and sediments in Old Mill Pond and Old Mill Creek, EPA officials said.

Stimulus money trickling into state (*Deseret News*)

By Amy Joi O'Donoghue

Deseret News

Utah

Published: Wednesday, April 15, 2009 10:58 p.m. MDT

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Feds give $5M to Davis Superfund site (*Bizjournals.com*)

Sacramento Business Journal - by Celia Lamb Staff writer

Wednesday, April 15, 2009, 1:13pm PDT | Modified: Wednesday, April 15, 2009, 1:16pm

The **U.S. Environmental Protection Agency** announced $5 million in new funding today for cleaning up the Frontier Fertilizer Superfund site near Davis.

The money is part of $600 million appropriated for the federal Superfund program by the American Recovery and Reinvestment Act of 2009.

EPA has plans to use heat to break down pesticides more than 80 feet underground at the Frontier Fertilizer site, located on Second Street between Pena Drive and Mace Boulevard. The site was formerly an agricultural chemical supply and distribution facility operated by **Frontier Fertilizer Co.**

"The infusion of Recovery Act funding will allow us to clean up deep soil contamination right away and bring additional jobs to the local community when we initiate construction this spring," said Laura Yoshii, the EPA's acting regional administrator for the Pacific Southwest, in a news release.

The federal Superfund program was created in 1980 to clean up uncontrolled hazardous waste sites that pose unacceptable risks to human health and the environment. The stimulus package will allow new or expanded cleanup actions at 50 sites around the country.

2 Wash. Superfund sites get stimulus money (*Seattle Times*)

The U.S. Environmental Protection Agency said Wednesday it will use a portion of $582 million in federal stimulus money to speed cleanup at two Superfund sites in Tacoma and on Bainbridge Island.

By PHUONG LE
Associated Press Writer
SEATTLE —

Originally published Wednesday, April 15, 2009 at 8:07 PM

Washington

The U.S. Environmental Protection Agency said Wednesday it will use a portion of $582 million in federal stimulus money to speed cleanup at two Superfund sites in Tacoma and on Bainbridge Island.

Between $5 million and $10 million will be spent to remove contaminated soils from residential backyards and park areas within a mile of the former Asarco smelter along Tacoma's Commencement Bay.

Another $5 million will be used to remove old wood-treating equipment and clean up groundwater at the Wyckoff-Eagle Harbor site on Bainbridge Island.

The projects were among 50 hazardous sites in 28 states that got federal stimulus money.

EPA officials said the money removes dangerous chemicals from communities while creating jobs.

"We have not seen this kind of money before," said Dan Opalski, who directs the EPA's environmental cleanup office in Seattle. Work could begin this summer, he added.

In north Tacoma and Ruston, the EPA will use the money to dig up and replace arsenic- and lead-contaminated soil, the fallout of more than a century of smelter operations.

"We're really excited about the opportunity to put this money into play to finish off that yard work," Opalski said.

About 2,300 yards, park areas and right-of-ways in the area have been cleaned up since soil sampling began in 1993. Money from an Asarco national trust pays for the work but is running out, the EPA said, so stimulus money allows cleanup of 100 to 150 homes to be completed in the next two years.

Seth Preston, a spokesman for the Washington Department of Ecology, said the sites "pose some significant challenges to our environment and to the neighboring communities so we want to make sure we get those taken care of."

On Bainbridge Island, the EPA has been working to clean up the Superfund site that includes the former Wyckoff wood-treating facility and a former shipyard. Heavy metals and other chemicals have been found in the ground water and soils in the area.

Stimulus money will be spent to remove and treat polluted groundwater and demolish old structures so that a cap can be built to contain contaminated soil.

Millions from stimulus to clean New Bedford Harbor (*Boston Globe*)

April 15, 2009 08:27 AM

By Beth Daley, Globe Staff

New England's oldest and largest Superfund site in New Bedford Harbor is expected to receive tens of millions of dollars today in federal stimulus funds from Environmental Protection Agency administrator Lisa Jackson.

The $25-35 million for the harbor's clean-up will be the largest portion of the $600 million in stimulus money designated for Superfund sites across the country.

Jackson is scheduled to travel to New Bedford for the announcement to help scrub probable cancer-causing PCBs and other heavy metals from the harbor's sediment that were dumped there through the 1970s by electronic manufacturers. The area continues to be so polluted people are warned not to eat seafood from the 18,000-acre harbor and nearby Acushnet River estuary.

Since New Bedford Harbor was placed on the Superfund list, EPA has spent more than $250 million cleaning it up. At the rate of spending the current clean-up is going -- about $15 million a year -- it would have taken another 40 years and $1 billion to finish the job. Still, the funding being announced today is not expected to finish the job.

Senator Edward M. Kennedy, along with Senator John F. Kerry and U.S. Representatives Barney Frank and William Delahunt, wrote a letter to Jackson in February asking for $110 million of the stimulus money for New Bedford over the next two years, calling it one of the most urgent clean-up projects in the country. New Bedford is trying to transform itself into

a vibrant seaside city, but redevelopment hinges in large part on the harbor's clean-up, authorities there have said.

"We've been on this mission for more than 30 years, and today we can finally see light at the end of the tunnel,'' said Kennedy in a statement. Today's expected announcement "is a welcome vote of confidence that great days still lie ahead for this historic Whaling City."

Davis pesticide plant site gets stimulus boost (*Bizjournals.com*)

San Francisco Business Times - by Steven E.F. Brown

Wednesday, April 15, 2009, 2:09pm PDT

The Environmental Protection Agency got $5 million extra for cleanup efforts at the Frontier Fertilizer waste site near Davis.

This extra money comes through the federal stimulus package passed this year.

Money will be spent at this 8-acre Superfund site where **Barber and Rowland Co.** ran a pesticide and fertilizer factory from 1972 to 1982, followed by the **Frontier Fertilizer Co.** until 1987. Both companies washed out chemical tanks and dumped unused pesticides, herbicides and fertilizer in a runoff pond on the site.

Mace Ranch, a residential neighborhood, lies about 800 feet north of the site, and a business park is planned for a field north of the area.

EPA seeks to clean up groundwater in the area and stop any contaminated water from shifting to nearby areas. Wells are used to pump out water on site for treatment.

The agency also said this month it will sample soil gas along a bike path beside the Mace Ranch neighborhood.

Target Corp. (NYSE: TGT) has a store north and east of the Frontier Fertilizer site, and has worked under EPA supervision to monitor contamination in the area around its store.

EPA officials stressed that the extra $5 million will speed up the cleaning at the site, while also adding jobs in the Davis area.

Stimulus money will help clean up New Bedford Harbor (*Boston Globe*)

Posted by Christine Chinlund April 15, 2009 07:00 PM

By Beth Daley, Globe Staff

NEW BEDFORD – Millions of dollars in federal stimulus money will be invested in a massive cleanup of polluted New Bedford Harbor, home of one of New England's oldest and largest Superfund sites, federal officials announced today.

U.S. Environmental Protection Agency Administrator Lisa P. Jackson came to the Whaling City to unveil the award of at least $25 million, and perhaps as much as $35 million -- the single largest portion of the $600 million in stimulus money designated for cleanups nationwide. Four other New England properties in Mansfield, Lowell, Kingston, N.H. and Strafford, Vt. also received millions in funding.

"Today we are finally back on the road to get our harbor back,'' boomed Sen. Edward Kennedy via telephone at a press conference that included Jackson, Governor Deval Patrick and U.S. Rep. Barney Frank. Kennedy has been a champion of the harbor and pushed hard for the stimulus funds, designed to help jumpstart the ailing economy, to be sent to New Bedford.

"This city has a remarkable history and we can finally say our best days are ahead," Kennedy said.

New Bedford Mayor Scott Lang said the money would extend work for locals and probably create "several dozen jobs." But more important, he said, is that the clean-up will allow "tremendous economic opportunities" for the revitalization of the New Bedford waterfront. It will "take away the stigma" of the filthy water, he said, and with that rejuvenation will come even more jobs in the future.

Pollution of New Bedford Harbor began many decades ago, and by the mid-1900s, the once-pristine harbor had been transformed into a 18,000-acre dumping ground for polychlorinated biphenyls, or PCBs. Through the 1970s, at least two electronic

manufacturers dumped tons of the chemicals, which settled deep in the harbor's sediment.

Today, the harbor remains a blight on New Bedford's fabled reputation as one of the nation's top fishing ports: The place where millions of pounds of seafood are unloaded each year is so deeply polluted eating fish from it is prohibited.

PCBs, which are considered probable human carcinogens, were federally banned in the mid-1970s. By 1983, New Bedford Harbor was declared a Superfund site, one of the nation's most polluted locations, with almost 900,000 cubic yards of contaminated sediment. Since then, about $270 million has been spent cleaning it up – but the vast majority of the polluted sediment remains.

Federal officials were able to get about $100 million from the companies responsible for the toxic pollution, but by 2004 that money it was all but gone. Since then, the clean-up project has relied on federal funding of about $15 million a year.

By the EPA's own estimate, at that funding level the cleanup would have taken another 38 years, at a cost of $1 billion.

The stimulus funds will hasten the clean-up by four or five years, EPA officials said. They are also exploring other ways to dispose of the sediment to finish the clean-up far sooner.

The additional money will allow a massive "dewatering" facility on the harbor to operate continuously eight months a year, instead of the 40-45 days it now runs. The facility squeezes water out of the sediment before it is shipped to a hazardous waste disposal site in Michigan.

"You have heard of shovel-ready, well this is dredge-ready,'' said EPA chief Jackson. "This is real money, a real clean-up for the New Bedford community." The harbor was one of 50 sites nationwide that received cleanup money.

The federal stimulus money is supposed to be spent as soon as possible, so preference was given to projects already running or able to begin quickly. A range of funding was given in part to encourage the money to be spent quickly.

The New Bedford announcement also underscored a promised change under President Barack Obama's administration: The reinstatement of a tax on polluting industries, such as chemical companies, to help pay for clean-ups if the polluter goes bankrupt or disappears. The tax expired in the mid-1990s and the money ran out several years later. If the tax had survived, New Bedford would have likely received money from it.

Jackson said the administration wants the polluting tax to begin again in 2011, hopefully after the economy recovers.

Other Superfund projects in New England that won stimulus money were the Silresim site in Lowell, which received $10-$25 million; the Hatheway & Patterson site in Mansfield, $10-$25 million; the Elizabeth Mine site in Strafford, Vt., $5-$10 million; and up to $5 million for the Ottati & Goss site in Kingston, N.H. a former steel drum company.

CLIMATE CHANGE/GLOBAL WARMING

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Tricky Course Lies Ahead for Browner on the Environment (*Wall Street Journal*)

By STEPHEN POWER

APRIL 16, 2009

WASHINGTON -- President Barack Obama's effort to remake federal energy and environmental policy will undergo some rigorous tests in the coming weeks -- and so will his environmental-policy czar, Carol Browner.

When Mr. Obama picked Ms. Browner to be his top White House aide on climate and energy issues, his opponents and many business groups braced for the worst. Ms. Browner is "a proud liberal who has long advocated an environmentalist agenda that would drive up energy costs on families and put thousands of Americans out of jobs," said Sen. James Inhofe, an Oklahoma Republican who sits on the Senate Committee on Environment and Public Works.

During her first three months on the job, Ms. Browner has proven to be a less controlling or controversial figure than her critics might have imagined.

With only a handful of aides, she has been occupied with organizing and leading meetings among the many agencies involved in energy policy, reviewing scientific data on climate change

and reassuring members of Congress nervous about proposals requiring businesses to pay a price for emitting greenhouse gases.

"Comprehensive energy and climate legislation is a very, very significant undertaking," Ms. Browner said in an interview Wednesday. "I've spent a lot of time on the Hill listening to people and getting an understanding of their...concerns and what they want to see achieved."

Congress is expected next week to begin debating proposals to institute a system that would compel businesses to buy permits to emit carbon dioxide and other greenhouse gases. Separately, the Environmental Protection Agency is on track to declare that greenhouse-gas emissions from automobiles "endanger" health and welfare. After that, the agency is expected to try to forge new federal emissions standards that would match California's still-to-be-implemented greenhouse-gas standards for vehicles and be in sync with automobile fuel-economy regulations now being developed by the Transportation Department.

The task before Ms. Browner is figuring out how to get all these agencies on the same page. The costs of new regulations could become a concern for the government if it winds up owning a stake in General Motors Corp. as part of a restructuring effort being led by a Treasury Department task force.

Ms. Browner declined to say how the administration will resolve the auto-emissions issues.

"We're looking at how you achieve a national policy that preserves the legal authority of each of the agencies," she said. "The question is, how do we weave those authorities together, to create something that's more than just the sum of the parts, and in the case of the auto industry, also recognizing they are in a difficult time? That's what this office was created to do, and we're making good progress."

Administration opponents are skeptical. The Transportation Department, they note, is required by law to consider the economic impact tougher fuel-economy regulations will have on auto makers and their operations nationally. No such legal requirement exists for the California Air Resources Board, though a spokesman for the agency said "it is in all of our interests to ensure a viable and profitable automotive industry."

Raymond Ludwiszewski, a former EPA general counsel who now represents auto makers opposed to California's standards, said the agencies "all have different mandates, and getting them to the same endpoint is going to require a lot of flexibility."

On the broader climate-change issue, Ms. Browner has avoided dictating specifics to lawmakers. The 648-page climate-change bill introduced last month by House Energy and Commerce Committee Chairman Henry Waxman (D., Calif.) and Rep. Edward Markey (D., Mass.) was drafted largely by the lawmakers and their aides, people familiar with the matter say.

When House Democrats recently met with Ms. Browner to discuss Mr. Obama's desire for legislation to curb greenhouse-gas emissions, she gave the group no firm deadline for getting a bill to Mr. Obama's desk, even though the administration has said it wants a bill by December,

when governments around the world are scheduled to hold talks on forging an emissions-reduction pact.

"She was basically asking us what we think. It was like, 'Let's get the conversation started,'" said Rep. Ron Klein, a Florida Democrat who attended.

—Siobhan Hughes contributed to this article.

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

Pollution risks could rise as climate changes (*Planet Earth*)

16 April 2009

Dust storms, agricultural chemicals and harmful bacteria from British farms are likely to pose a growing threat to human health because of climate change, according to new research.

The authors of the paper, which appears in *Environmental Health Perspectives*, say policy-makers need to start thinking about these risks and how they can be managed.

They also argue we need far more research into the threat different pollutants will pose to human health as the climate changes.

The paper focuses on Britain's farming sector, and identifies areas in which climate change will affect the dangers people face from harmful chemicals and microbes. While there are a few bright spots, in general its conclusions aren't encouraging. 'We anticipate that climate change will result in an increase of risks of pathogens and chemicals from agriculture to human health,' the authors write.

'It's definitely an area policy-makers and research funders need to be looking at,' says Dr Alistair Boxall, an environmental chemist at the University of York and the paper's lead author. 'One of the key messages here is how complicated this subject is - initially we were hoping to make firm predictions of what impact climate change would have on human health, but we soon realised that a lot more interdisciplinary work is needed before we will be in a position to do this,' he adds.

Boxall explains that it's not certain where the greatest risks to our health will come from - not only do we not know just how harmful many pollutants are, but we don't know which of numerous possible climate change scenarios will become a reality. Because of this, the research tries to explore possibilities that we need to bear in mind rather than making firm predictions.

Blowing in the wind

One major area of concern is that hotter, drier summers could damage soil structure and cause more dust to be thrown up from the land during tilling or harvesting, and that this dust, blown on the wind, could carry diseases and poisons into contact with humans.

Soil erosion and dust storms are becoming more of a problem for large agricultural producers like China and the US; similar problems could start to affect Britain. Indeed, some British farmers are reporting that summers are much dustier now than when they were young. 'This aspect of our research has met with lots of interest in the US, where they have a major problem with huge dust storms,' says Boxall.

Another potential problem is that farmers may need to use more pesticides, if warmer temperatures lead to more insect pests. This would mean people could be exposed to more pesticide residues on fruit and vegetables, as well as in food from fish and livestock which have absorbed more chemicals through the food chain. Higher levels of windblown dust could transport pollutants further than at present, worsening the problem.

But exactly how pesticides affect human health, and how this would change if we were exposed to larger quantities, is hardly a settled topic.

For example some scientists claim that pesticide exposure can cause Parkinson's disease; other researchers disagree vehemently. Other studies have suggested that regular exposure to chemicals makes farm workers more vulnerable to certain cancers, though again this conclusion is not universally accepted.

North American studies have suggested exposure to certain herbicides can lead to problems ranging from circulatory and respiratory problems to changes in the ratio of male to female offspring. Other recent research has highlighted the potential dangers of agricultural antibiotics causing microbes in the soil to become more drug-resistant.

Chemicals and heavy metals in the environment aren't the only problem; pathogens like e coli or salmonella could be equally harmful and in many cases their effects are better

understood. Unwelcome bacteria may breed more quickly in a hotter environment, although they may also die more quickly in very dry conditions.

Though summers are in general expected to be warmer and drier, bursts of extreme rain are also predicted to get more common; this could increase problems of polluted runoff from farmland into streams and rivers.

These effects may not be confined to newly-created pollution; heavy rainfall may also disturb previously-buried layers of pollutants from the past. Conversely, during dry periods rivers levels will tend to be lower, meaning that any pollution entering them makes up a bigger proportion of the total flow and potentially increasing the risk to humans.

Unintended consequences

The range of potential risks is wide, and there could be several indirect effects of a changing climate and human responses to it. For example many councils are trying to compost more municipal waste to lower their reliance on landfill; if the resulting compost ends up on farmland, more pathogens and pollutants may end up in agricultural land and ultimately in our food.

Boxall says much more research is needed, both in gathering data about the effects of these pollutants on humans and in modelling how they come into contact with humans. In some cases we could look at other nations whose present climate resembles the climate predicted for the UK in the future.

But he argues that the problems should be manageable if we make sensible preparations. 'We should begin to introduce more strategic monitoring programmes to find out how things are changing. And we need to develop scientific understanding of the exposure pathways we don't face much at the moment.'

He gives the example of flooding; despite recent high-profile incidents in Britain, floods are still comparatively rare and our understanding of the risks is probably weaker than in other areas such as pollutant runoff from fields, which have been recognised as problems in Britain for longer.

In many cases measures to deal with potential problems, such as better filtration technologies for drinking water, are already available, though installing them will be costly. In others, measures are being developed that could help at little extra cost.

For example, Canadian researchers have been looking at ways of limiting the creation of dust by changes in the way fields are planted and drained - one idea is that before the

land has time to dry out in hot weather, a farmer could block off drainage ditches to keep water in the soil as long as possible.

The research comes out of the Environment and Human Health (EHH) programme, a multidisciplinary initiative intended to research how a changing environment will affect human health and how

EHH is supported by the Biotechnology and Biological Sciences Research Council, Defra, the Economic and Social Research Council, the Engineering and Physical Sciences Research Council, the Environment Agency, the Health Protection Agency, the Ministry of Defence, the Medical Research Council, the Natural Environment Research Council and the Wellcome Trust.

Green activists claim success on septics and global warming (*Annapolis Capital*)

Compromises struck during General Assembly session

By PAMELA WOOD, Staff Writer

Published 04/14/09

Maryland

Environmental activists scored a few major victories in the General Assembly this year, but their bills largely remained in the shadows of issues such as the budget, driver's licenses for immigrants, speed cameras and the death penalty.

But green lobbyists are calling the 90-day session, which ended last night, a success, as they're going home from Annapolis with a state commitment to battle global warming and a requirement for pollution-reducing septic systems along the shores of the Chesapeake Bay and its rivers.

Even so, those two bills were watered down from their original versions, as were other environmental measures that passed.

"Compromise can be part of the process," said Kim Coble, Maryland executive director of the Chesapeake Bay Foundation. She said the compromises that were struck still make progress for the environment.

Brad Heavner, director of the advocacy group Environment Maryland, said the septic bill and global warming bill are "a couple strong steps forward."

"They're both very strong bills," he said.

Heavner and Coble both said they were pleased lawmakers still managed to focus on environmental bills, even with all the other hot-button issues in Annapolis this year.

"We got a few things, so you can't complain about that," Heavner said.

The septic system bill originally was written to apply to the whole state. In the legislative process, however, it was whittled down to apply only to the Critical Area, which is within 1,000 feet of the shoreline.

The new systems, which some say could cost $12,000, remove up to half the nitrogen that seeps out of septic systems. Nitrogen drives the growth of algae blooms, which lead to the bay's infamous, oxygen-deprived "dead zone."

Meanwhile, the Greenhouse Gas Emissions Reduction Act will require the state to come up with a plan to reduce greenhouse gas emissions, which scientists say cause global warming, by 25 percent by 2020, using 2006 as a base line.

Manufacturers, however, will be exempt from having to make any significant changes, a key concession that was made this year in order to get the bill to pass.

Gov. Martin O'Malley sponsored the bill and is expected to sign it. He also is expected to sign the septic-system bill.

Other environmental bills that passed include:

Smart growth: A trio of bills from O'Malley passed that require local governments to be more detailed in their growth plans, as well as require them to actually follow the plans when they make zoning decisions.

Environmentalists were disappointed they failed in their effort to tie state funding decisions to how well local governments control their growth.

Oysters: Legislation passed that modernizes the state's aquaculture laws in hopes of spurring oyster farming on the water.

The Legislature also passed a bill allowing the state to apply for a federal permit to dredge fossilized shells from a spot near Baltimore to be used in restoration.

Legal standing: In certain cases, citizens will have more opportunity to appeal environmental permit decisions and zoning variances in the Critical Area in court. In the past, citizens and activist groups have been kicked out of court cases due to lack of legal "standing." The number of permits and decisions that this applies to was whittled down from the original bill.

Environmental bills that failed include:

Bag tax: No action was taken on a proposed 5-cent tax on plastic and paper bags given out by merchants.

Stormwater fee: A bill was killed that would have required local governments to charge a tax on property owners to pay for stormwater projects.

Piers: Inspired by a controversial case in Severna Park, a bill was proposed that would ban piers over wetlands. The bill was changed to establish a task force - which the state already is doing - but ultimately was killed.

U.S. greenhouse gas emissions increase by 1.4% in 2007 (*Waste News*)

April 15 -- U.S. greenhouse gas emissions increased by 1.4% in 2007 compared with the previous year, according to the U.S. EPA´s latest national greenhouse gas inventory.

The report, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2007, is the latest annual report that the United States has submitted to the United Nations´ secretariat in charge of addressing climate change.

Total emissions of the six main greenhouse gases in 2007 were equivalent to 7.15 million metric tons of carbon dioxide. The gases are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. The report indicates that overall emissions have grown by 17.2% from 1990 to 2007.

The increase in emissions in 2007 was due primarily to an increase in carbon dioxide emissions associated with fuel and electricity consumption, according to the EPA. Cooler winter and warmer summer conditions in 2007 were part of the reason for the increase, along with increased consumption of fossil fuels to generate electricity and a significant decrease in hydropower generation, according to the agency.

Details about the greenhouse gas inventory report are available at http://epa.gov/climatechange/emissions/usinventoryreport.html.

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

Strong emissions treaty will protect U.S. jobs -- Trade Rep. Kirk *(Greenwire)*

Robin Bravender, E&E reporter

04/15/2009

The Obama administration is trying to assure House Republicans that a muscular international climate agreement won't spark an exodus of energy-intensive U.S. companies to countries with weak emissions rules.

"The Administration believes that the best approach to address concerns with carbon leakage is to negotiate a new international climate change agreement in the United Nations that ensures that all the major emitters take long term, significant action to reduce their greenhouse gas emissions," U.S. Trade Representative Ron Kirk said in **letters** to the House Energy and Commerce Committee's ranking Republican, Rep. Joe Barton of Texas, and other key ranking members.

Barton and Republicans Ralph Hall of Texas, Greg Walden of Oregon and Paul Brown of Georgia expressed concern in a **letter** to Kirk last month about the administration's interest in using import tariffs to spur emission reductions in China, India and other developing countries (*E&ENews PM*, March 26).

"Any emissions-related trade policy will be extremely complicated," the Republicans wrote. "Poor decisions can lead to destructive trade wars that could put tens of thousands of U.S. workers out of a job, and severely harm our economy."

Kirk's response: The administration is sensitive to those worries.

"I acknowledge some of the concerns of certain U.S. manufacturers, particularly in those sectors that are energy and trade intensive, that increased costs associated with carbon reductions could lead to competitive disadvantages vis-à-vis producers in countries that do not take action to reduce their carbon emissions," he wrote.

By transforming the United States to a low-carbon economy and negotiating a meaningful global climate agreement, Kirk said, the administration would stimulate domestic economic growth while avoiding circumstances in which carbon emissions are exported abroad.

But Kirk stopped short of advocating specific provisions.

"The Administration ... does not support any specific measures, including border measures, at this time," he wrote. "As we move forward in our engagement with Congress on the design of domestic climate change policy, we will evaluate the various options to address carbon leakage under consideration on Capitol Hill."

The issue of protecting U.S. jobs in the wake of U.S. action on climate has been a key concern of lawmakers discussing the draft emissions bill introduced last month by Reps. Henry Waxman (D-Calif.) and Ed Markey (D-Mass.).

Markey, chairman of the Energy and Environment Subcommittee, said during a recent hearing that the threat of carbon leakage is an "important but manageable" problem for the industrial sectors considered most vulnerable to foreign competition upon the creation of a cap-and-trade program mandating pollution cuts across the U.S. economy (*E&ENews PM*, March 18).

But Republicans countered that Democrats should not pursue a costly cap-and-trade system during an economic crisis. "We can debate the ins and outs all we want, but if you really want to stop job leakage, don't do cap and trade," Barton said.

To address that issue, the Waxman-Markey draft includes a proposal from Reps. Jay Inslee (D-Wash.) and Mike Doyle (D-Pa.) that would set aside some cap-and-trade emission allowances for giveaways to industrial sectors likely to be hit hardest by international competition -- manufacturers of iron and steel, aluminum, cement, glass, ceramics, chemicals and paper (*E&ENews PM*, March 18).

EARTH DAY

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Earth Day Reminder: We All Share One Planet (*NewsLI*)

Paul Prouty
April 15, 2009

(Washington, D.C.) Earth Day is April 22, just around the corner, bringing with it a stark reminder of the importance of protecting our environment and natural resources.

The first Earth Day was celebrated in 1970. Nearly four decades later, and despite the difficulties in our economy, protecting our environment is still center stage. In fact, protecting the environment holds one of the keys to the nation's economic recovery.

The American Recovery and Reinvestment Act has provided the General Services Administration $5.5 billion to invest in federal buildings, which will lead to jobs for construction workers, electricians, plumbers, and many other trades. Significantly, $4.5 billion will be used to convert federal buildings to high-performance green buildings.

As the federal government's landlord, GSA has been following the principles of sustainable design for years. Applied to buildings, these principles focus on reducing energy and water consumption, providing safe and healthy workplaces, and preserving natural resources, among others. In the long run, these activities improve building performance and save taxpayers millions of dollars.

Last year, GSA completed a comprehensive evaluation of 12 sustainable design buildings, which compared the energy performance, operating cost, and water use of these buildings against the average performance of U.S. commercial buildings.

The results were impressive: Taken together, the GSA buildings produced 33 percent lower carbon emissions, used 26 percent less energy and used 3 percent less domestic water than the national average.

Of course, GSA does much more than build green. As one of the largest single purchaser of cars and trucks in the world, GSA will use $300 million provided in the Recovery Act for hybrids and alternative fuel vehicles.

GSA is also playing a pivotal role in helping other federal agencies strategically spend their Recovery Act funds. GSA offers its federal customers a variety of environmentally friendly products and services, including Energy Star-qualified and other energy efficient products, and safer paints and cleaning products. And since reuse is a key environmental goal, GSA manages the transfer or sale of surplus government property … as it has for 60 years.

Finally, let's not forget the benefits of teleworking as a way of reducing greenhouse gases and traffic congestion. The Environmental Protection Agency predicts that if half of the eligible federal work force were to telework two days a week, the reduction in carbon dioxide emissions would be like taking 42,000 cars off the road. Currently, about 43 percent of GSA employees telework at least once a week.

GSA is tremendously proud of its contributions to the federal government green movement. But each of us can help in both big and small ways. For some tips on how you can go green, visit www.gsa.gov/gogreen.

Our planet depends on all of us.

Paul Prouty is acting administrator of the U.S. General Services Administration, (4/09).

Earth Day-Related Events (Washington Post)

Earth Day Clean-up at the National Zoo - April 17 from 8 a.m. to noon.

Green Apple Festival - April 18 starting at noon; annual Earth Day celebration on the National Mall (looks like they'll have much better weather than last year).

Keep reading for more upcoming outdoor events, and indoor alternatives...

15th Annual Anacostia River Cleanup & Celebration - April 18, 8:30 a.m. to 2 p.m. at various locations in Maryland and the District.

U.S. Department of the Interior 2009 Earth Day Fair - April 22 (Earth Day) from 11 a.m. to 2 p.m.

Alexandria Earth Day - April 25, 10 a.m. to 2 p.m.

EDITORIAL/COMMENTARY/OP ED/LETTERS

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Congress Should Take Risk-Based Approach To Lead-Content Law (*Wall Street Journal*)

APRIL 15, 2009, 11:08 P.M. ET

Your April 3 editorial "Toys R Congress" on the Consumer Product Safety Improvement Act mentions a study I conducted at Gradient Corp. Our study found a child's intake of lead from riding an ATV or motorbike would be less than the typical intake of lead in food or drinking water, and would have no measurable impact on blood lead levels.

For this study, we used a model, developed by the Environmental Protection Agency, to evaluate exposures to lead-containing alloys in valve stems and brake handles of ATVs. Models such as these have been used in regulatory decision-making for years to set permissible exposure limits for lead in air, water and soil.

The results of our study show the fundamental flaw with the product safety law passed by Congress last year. The law does not allow a risk-based approach to determine compliance or to support exclusions from the lead standard. This is a significant failing. The central tenet of toxicology, as stated by the Swiss physician, Paracelsus, over 500 years ago, is "the dose makes

the poison." If exposures to lead, or any other chemical, are very low, there will be no health effects. This point is particularly significant when applied to lead, because lead is naturally-occurring and can be found in air, water and soil, even in the absence of human activities.

Scientifically sound decision-making requires that a risk-based approach be applied to children's products to ensure that actions are consistent with the risk (or lack thereof) posed by such products.

Barbara D. Beck, Ph.D.
Principal
Gradient Corp.
Cambridge, Mass.

ENERGY

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Renewable Energy's Environmental Paradox (*Washington Post*)

Wind and Solar Projects May Carry Costs for Wildlife

By Juliet Eilperin and Steven Mufson
Washington Post Staff Writers
Thursday, April 16, 2009

The SunZia transmission line that would link sun and wind power from central New Mexico with cities in Arizona is just the sort of energy project an environmentalist could love -- or hate. And it is just the sort of line the Interior Department has been tasked with promoting -- or guarding against.

If built, the 460-mile line would carry about 3,000 megawatts of power, enough to avoid the need for a handful of coal-fired plants and to help utilities meet mandated targets for use of renewable fuel. "We have to connect the sun of the deserts and the winds of the plains to places where people live," Interior Secretary Ken Salazar said recently.

But the line would also cross grasslands, skirt two national wildlife refuges and traverse the Rio Grande, all habitat areas rich in wildlife. The graceful sandhill crane, for example, makes its winter home in the wetlands of New Mexico's Bosque del Apache National Wildlife Refuge, right next to the path of the proposed power line. And much of the area falls under the protection of the Interior Department's Bureau of Land Management (BLM).

Renewable-energy development, which the Obama administration has made a priority, is posing conflicts between economic interests and environmental concerns, not entirely unlike the way offshore oil and gas development pits economics against environment. But because of concerns about climate, many environmentalists and government agencies could find themselves straddling both sides, especially in Western states where the federal government is a major landowner.

"Everybody in New Mexico loves the sandhill cranes," said Ned Farquhar, a former aide to New Mexico Gov. Bill Richardson (D). "We also love our renewable energy. So we have to figure this out."

Farquhar made that comment a month ago when he was working for the Natural Resources Defense Council. Since then, he has been appointed head of the BLM -- in charge of figuring it out.

As the push for renewable-energy development intensifies across the United States, scientists and activists have begun to voice concern that policymakers have underestimated the environmental impact of projects that are otherwise "green."

"There is no free lunch when it comes to meeting our energy needs," said Johanna Wald, a senior lawyer at the Natural Resources Defense Council. She added, however, that the renewables boom "offers a chance to do it right."

"We want to do it differently compared to how we did oil and gas development," she said.

There is no question that permit applications for renewable-energy projects are on the rise, especially on federal land in the West. According to Ray Brady, leader of the BLM's energy policy team, the bureau has received 199 applications for solar projects encompassing 1.7 million acres of land, though only two of them have undergone environmental assessments.

The agency has already authorized 206 wind projects -- 28 of them to generate power, the rest primarily to test a region's wind-generation capacity -- and at least 200 more are awaiting approval.

The fact that eight Western states have established "renewable portfolio standards" has accelerated the push for new projects, Brady said, because those policies are forcing utilities to find additional renewable sources of electricity.

"For all of these reasons, BLM does have a challenge because of the additional work involved," said Brady, who predicted that the agency may hire as many as 100 people just to work on

renewable-energy permits. "Clearly there's an interest in expediting and streamlining the process. However, we need to make the right decisions that are based on the best science."

One of the biggest challenges renewable-energy projects pose is that they often take up much more land than conventional sources, such as coal-fired power plants. A team of scientists, several of whom work for the Nature Conservancy, has written a paper that will appear in the journal PLoS One showing that it can take 300 times as much land to produce a given amount of energy from soy biodiesel as from a nuclear power plant. Regardless of the climate policy the nation adopts, the paper predicts that by 2030, energy production will occupy an additional 79,537 square miles of land.

The impact will be "substantial," said Jimmie Powell, the Nature Conservancy's national energy leader and one of the paper's co-authors. "It's important to know where the footprint is going to be."

In some cases, scientists are just beginning to discover the unintended effect of projects such as wind turbines. Grassland birds such as the lesser prairie chicken and the greater sage grouse, both of which are candidates for listing under the Endangered Species Act, appear to avoid vertical structures such as wind turbines and transmission-line towers. This is proving to be a problem in states such as Kansas, an ideal site for wind power, because as more turbines are built, lesser prairie chickens will confine themselves to narrow ranges, fragmenting a population that must be connected to survive.

"Nobody knows what's in the bird's head, but presumably there's an inherited behavior that allows the birds to avoid avian predators who could perch overhead," said Michael Bean, wildlife director for the Environmental Defense Fund, an advocacy group.

The U.S. Fish and Wildlife Service has proposed requiring that developers keep wind turbines at least five miles away from a prairie grouse lek, or mating area, but the wind industry has resisted this idea.

Ditlev Engel, president and chief executive of the Danish wind-energy company Vestas, said anecdotal evidence about birds being caught in turbine blades and other environmental horror stories do not usually hold up under scrutiny.

"Do people think it's better all those birds are breathing CO2? I'm not a scientist, but I doubt it," said Engel, whose company is expanding its U.S. manufacturing and distribution operations. "Let's get the facts on the table and not the feelings. The fact is, these are not issues."

In many instances, producers of renewable energy are coordinating with environmental groups and federal agencies to try to map out the best locations for energy production, whether in the West or offshore. The Natural Resources Defense Council and the National Audubon Society have created an online mapping project, using Google Earth, of 13 Western states to show where renewable projects would have the most impact. Out of the 860 million acres in those states, for example, there are 10,000 conservation areas, and 128 million acres are off limits to energy development.

In the case of SunZia, the company has been working to minimize the impact of its proposed transmission line. Tom Wray, manager of generation and transmission projects, said that as much as 80 percent of the line's path would parallel existing lines. He said that it would cross the Rio Grande north of the sandhill crane's flyway and that it would zig and zag to skirt environmentally sensitive areas. Every mile added to the length of the line, however, would add about $1 million to the project.

"We're not aware of any threatened or endangered species habitat or impact issues that we can't mitigate or deal with," Wray said.

Lawrence A. Selzer, president of the Conservation Fund, said the new administration is eager to advance these projects without alienating environmentalists. "The answer from President Obama can't be no," he said. "They've got to find a way to say yes."

EPA presents 2008 Energy Star awards to 89 businesses (*Waste News*)

April 15 -- The U.S. EPA has presented 2008 Energy Star awards to 89 businesses and organizations across the country for their accomplishments in reducing greenhouse gas emissions through energy efficiency.

They were selected from more than 15,000 partners in the Energy Star program.

The Energy Star program helped Americans saved $19 billion on their energy bills in 2008 and avoided greenhouse gas emissions equivalent to those of 29 million vehicles, according to the EPA.

To date, 940,000 new homes and more than 6,000 office buildings, schools, hospitals and public buildings have earned the Energy Star. Since 2000, more than 2.5 billion Energy Star qualified products have been sold.

The EPA introduced the Energy Star program in 1992 as a voluntary partnership to reduce greenhouse gas emissions and increase energy efficiency.

More information about the Energy Star awards and a complete list of winners is at www.energystar.gov/awards.

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

Income Eligible Can Go Energy Efficient (*Louisburg Herald*)

WRITTEN BY ROBIN HIXSON

WEDNESDAY, 15 APRIL 2009 08:00

Miami County Economic Development Director Janet McRae has found yet another American Recovery and Reinvestment Act-funded program that can benefit families and individuals in eastern Kansas.

“Here is another stimulus round of funding that can help both our homeowners and the renters,” she said.
The Kansas Housing Resources Corp., a subsidiary of the Kansas Development Finance Authority, has implemented a new statewide initiative that allows income-eligible residents to replace old, energy-guzzling or unsafe appliances with new ones that are energy-efficient and environmentally safe.

“Installing energy-efficient appliances is one of the best ways to lower a household’s energy costs,” Housing Resources Executive Director Gary Allsup said.

By replacing old appliances, people can see substantial cost savings. According to U.S. Environmental Protection Agency estimates, replacing a 20-year-old refrigerator with an Energy Star model will save about 700 kilowatt hours of electricity a year.

Allsup’s agency says $4 million in low-income energy assistance is available to fund the Residential Appliance Replacement Program. Assistance through the program is available on a first-come, first-served basis, and once the money has been used up, the program will end.

To qualify, an applicant must be a Kansas resident and have a household income that falls within the following guidelines based on household size: one person, $27,247 or less; two people, $35,630 or less; three people, $44,014 or less; four or more, $52,397 or less. The program also only applies to residences in Kansas that serve as the applicant’s primary residence. A renter can qualify by having his or her landlord complete a property owner consent form.

Appliances eligible for replacement are window air conditioners, heating and cooling systems, water heaters and refrigerators. The appliance to be replaced must be at least 10 years old.

Any resident interested in the program can download an application online at www.kshousingcorp.org or call (785) 291-3282.

MINING

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EPA in Charleston to discuss halted mining permits (*West Virginia Public Broadcasting*)

By Erica Peterson

April 15, 2009 · Environmental Protection Agency officials are in Charleston Wednesday and Thursday to meet with representatives from the West Virginia DEP and coal company operators.
Both this visit and a meeting earlier this month are in response to an EPA announcement that the federal agency planned to review three mountaintop removal permits, two of which were in West Virginia.

As recently as last week, the agency asked the U.S. Army Corps of Engineers to hold up three more permits—one in Kanawha County, one in Mingo County and one in Virginia.

The news was greeted with joy by environmentalists, who saw the announcement as a sign of the Obama Administration's closer scrutiny of the environmental consequences of mountaintop removal. But many in West Virginia who earn their living in the coal industry saw the news as indication of the state's economic demise.

Governor Manchin's spokesman says the meetings are to discuss technical matters pertaining to the permits. The EPA declined to answer questions, but issued the following statement:

"EPA continues to review applications for new surface coal mining permits that will impact streams, rivers, wetlands and other waters in Appalachian states. The Agency appreciates the opportunity to work closely with West Virginia and mine operators to assess opportunities to improve the environmental review of proposed coal mines in Appalachia."

The meetings are closed to the public and the press.

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PESTICIDES

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Largest Bedbug Outbreak Since WWII Forces EPA to Hold Bedbug Summit (*findingDulcinea*)

April 16, 2009 07:00 AM
by Haley A. Lovett

Many pesticides effective at killing bedbugs, such as DDT, are banned in the United States. Will the EPA approve emergency pesticides to quash the rise in bedbug outbreaks?

EPA's Bedbug Summit to Discuss Methods for Extermination

Over the past few years, public health officials, doctors and pest control experts have seen a significant increase in complaints about bedbugs, a pest that was once nearly eliminated from the United States.

In recent years, the banning of pesticides that once killed bedbugs and other household pests, along with increased international travel, have brought the nighttime critters back, along with their bites. In Houston, residents of a men's homeless shelter have gone to the local emergency room looking for relief from the bites, and exterminators that rarely saw bedbug infestations in the past are getting as many as three calls a day.

The complaints are so rampant that the EPA is holding its first ever bedbug summit this week in Arlington, Va., to discuss ideas for prevention, control and management of the pests.

Some at the summit will be looking to the EPA to approve new pesticides for this "emergency" situation, or to approve certain pesticides used by farmers outdoors for household use, for temporary relief from the problem. Others will push for funding from the EPA to explore alternative methods for getting rid of bedbugs, such as freezing, heating, or steaming them away.

Background: Why are bedbugs so hard to get rid of?

Adult bedbugs are about the size of an appleseed. They range in color from white to brown or orange. They typically hide in cracks and crevices in houses, such as in the folds of a mattress, in loose wallpaper, or hidden away in other pieces of furniture. They are difficult to find because their bodies are nearly flat, although from above they appear oval-shaped.

According to the Harvard School of Public Health, keeping your furniture away from walls and your bedding from coming into contact with the floor may help prevent bedbug infestation. If you think you may have come into contact with bedbugs during your travels, thoroughly wash all of your clothing and scrub out any luggage with a stiff brush, or leave all of your travel belongings in the hot sun for a few hours.

Bites from a bedbug resemble those from a mosquito, and may itch because the bug injects a small amount of numbing saliva into the host while feeding, so that the person does not feel the bite. According to a spokeswoman for the Texas Department of State Heath Services, infestation of bedbugs isn't tracked by health departments because the insects are not known to spread disease.

One myth about bedbugs is that their infestation is the result of an unclean home; bedbugs feed only

on blood, so the cleanliness of a home has little to do with infestation, a scientist with the National Pest Management Association told The Houston Chronicle.

Although harsh pesticides have been banned in the United States, other countries continue to use them, and now some bedbugs have become resistant to pesticides such as DDT. Also, adult bedbugs can live for up to a year without eating.

Reference: What is DDT? Why was it banned?

DDT, or Dichloro-Diphenyl-Trichloroethane, is a pesticide that was first created in a laboratory in 1873. In the late 1930s Dr. Paul Mueller realized DDT could be used to kill insects. During WWII it was used as a pesticide. Later it was used to control pests in crops and to prevent the spread of malaria by killing carriers like mosquitoes.

The United States applied nearly 700,000 tons of DDT during its heyday, but so much application of the chemical led to increased resistance by pests, and a growing concern about the environmental and health effects of the chemical. On Dec. 31, 1972, the general use of DDT became illegal.

Since the ban of DDT, the levels of contamination of the chemical have dropped. Studies of the coastal waters in the United States have found that levels of DDT have decreased significantly.

However, the ban of DDT has not stopped contamination completely. Although the levels of DDT in the Arctic seem to have declined consistently, levels of DDT found in dead Antarctic penguins are similar to those levels detected in the 1970s. The thought is that continued use of the chemical by other countries, as well as DDT frozen in glaciers that are now melting and releasing the chemical, are contributing to the continued contamination.

Experts mount all-out fight to not let the bedbugs bite (*The Star Ledger*)

As EPA summit seeks solutions, N.J. firm calls out the dogs

Thursday, April 16, 2009

BY PHILIP READ AND RALPH ORTEGA
Star-Ledger Staff
New Jersey

The bedbug -- a minuscule, multiple-legged, blood-sucking pest -- is clawing its way back into the American consciousness.

A resurgence of the pesticide-resistant bugs -- believed to have been largely eradicated after World War II -- prompted the U.S. Environmental Protection Agency to convene the first-ever National Bed Bug Summit this week in Arlington, Va., as a way for experts and politicians to discuss the implications and find a solution for this "modern scourge."

Unlike mosquitoes, bedbugs -- technically called Cimex lectularius -- don't carry disease but were classified in 2002 by the EPA as a public health pest. Their bites leave small, itchy red bumps on the skin.

The bugs have a financial impact as well, as their population has multiplied in recent years from apartments in New Jersey to posh hotels in London, mainly the result of a globe-trotting public.

"One man sat behind me and whispered to me he had a 300-unit building," said Assemblywoman Joan Quigley (D-Hudson), a summit attendee. "He has already spent more than $100,000 to try to eradicate the bedbugs. Landlords can't afford to spend this kind of money.

"I came home more frightened than I was when I went" to the summit, said Quigley, who has introduced legislation in Trenton that would require landlords to pay for quick eradication of bedbug infestation.

Bedbugs don't fly. They rely on people and items, from books to cell phones to purses, to hitch a ride. Most of the invaders are so tiny -- barely big enough to cover Lincoln's beard on the head of a penny -- they're difficult to detect.

Bedbugs have been showing up in nearly every setting, from limousines and hotels, large corporations and small businesses, to private homes and the largest apartment complexes, experts said.

Richard Pollack, an entomologist at the Harvard School of Public Health, said there's no way to put a number on the bedbug population explosion but that it is likely to get worse before it gets better. Many are stowaways on international travelers, he said.

"Apartment house to apartment house, house to house, community to community, we bring home more than fond memories of our vacations and business trips. ... They spread far and wide," Pollack said.

Orlando Burgos knows about the situation firsthand.

Sitting in his Newark apartment yesterday, Burgos pointed to bites on his hands and a small sore on his Chihuahua, fearing that it, too, was bitten by bedbugs that have infested his apartment in a Newark Housing Authority senior citizen building.

"It's horrible. You know how these things live? They suck your blood," said Burgos, a 63-year-old retired social worker who discarded his mattress and now sleeps in a sleeping bag on the floor.

"Look at how I'm living," he said, pointing to his belongings, bagged and stored on his apartment's terrace. "You've got to wash everything, your bedspreads, your curtains, send your clothes to the cleaners, and put everything into bags."

Tory Gunsolley, chief administrative officer at the Newark Housing Authority, said the agency launched an "aggressive bedbug eradication program" a year ago, after the insects resurfaced.

"It's unfortunate that they've come back, but they've come back, and they're everywhere," Gunsolley said.

Bedbugs have been a boon for Bell Environmental Services of Parsippany. The family-run pest-control outfit didn't often deal with the pest three years ago. Today, it takes about 50 calls a day, largely from apartment dwellers who might opt to spend $400 to $500 a room to eradicate the pests.

The company uses a liquid carbon dioxide that freezes the bedbugs and is said to be 98 percent effective. Last August, the company brought in a bedbug-sniffing team of Roscoe, a beagle, and Simon, a mixed breed -- both trained at the Florida Canine Academy, said Jennifer Erdogan, manager of the company's bedbug division. The dogs are an effective ways to find the bugs, she said.

The resurgence of the bugs has, in fact, created a cottage industry of bedbug remedies. There's PackTite, advertised at $295, with a patent-pending heating technology that promises to heat luggage just enough to kill the pests, and Protect-A-Bed, with the AllerZip bedding encasement.

The small size of the creatures can be problematic in itself. "I've even seen them inside a screw hole," Erdogan said. "They get behind outlet covers, mirrors, everything. They're pretty tricky."

Just identifying the pest can be tricky, said Harvard's Pollack, who has examined thousands of specimens sent in by a worrisome public. Some of the specimens, he said, have even turned out to be cookie crumbs.

"Just because you find an insect on a bed and mattress doesn't mean it's a bedbug" Pollack said.

Philip Read may be reached at pread@starledger.com or (973) 392-1851.

US pesticides to be tested for gender bending chemicals (*Environmental Data Interactive*)

Source URL: *http://www.edie.net/news/news_story.asp?id=16293*

April 16, 2009

Pesticides used in the USA are to be screened for the first time to see if they might be disrupting the reproductive systems of humans and animals.

Many industrial substances contain endocrine disruptors - chemicals which affect growth, metabolism and reproduction.

These 'gender bending' chemicals have been held responsible for a multitude environmental problems throughout the world.

Their use is widely regulated and now the US Environmental Protection Agency (EPA) is looking into how pesticides might altering fertility and reproduction in agricultural areas.

The EPA has drawn up a list of 67 possibly suspect chemicals used in pesticides and will be contacting those companies which produce them to provide product samples for testing over the summer.

The list was developed on the basis of exposure potential and the EPA is warning against panic, saying it should not be construed as a list of known or likely endocrine disruptors.

The listed pesticide chemicals were selected because there is high potential for human exposure through food and water, residential activity, or agricultural pesticide application.

"Endocrine disruptors can cause lifelong health problems, especially for children," said EPA administrator Lisa P Jackson.

"Gathering this information will help us work with communities and industry to protect Americans from harmful exposure."

Sam Bond

E.P.A. To Order Pesticide Testing (*New York Times*)

By MATTHEW L. WALD
April 16, 2009

The Environmental Protection Agency said it would order the manufacturers of 67 pesticides to test whether their products disrupt the hormonal system of humans or animals. Congress passed a bill mandating such tests in 1996, but the agency took years to develop them and ensure their validity, officials said. The agency said that the 67 pesticides were chosen because humans and animals are widely exposed to them, not because they are necessarily the most likely disruptors of endocrinal functions. About 1,000 substances will eventually be tested, said James J. Jones, acting assistant administrator for prevention, pesticides and toxic substances. The results are due back from manufacturers around the end of next year.

Pesticides to be subjected to EPA testing (*United Press International*)

Published: April 15, 2009 at 1:22 PM

WASHINGTON, April 15 (UPI) -- The U.S. Environmental Protection Agency says it has issued the first list of pesticides to be screened for possibly disrupting the endocrine system.

The federal agency said endocrine disruptors are chemicals that interact with and possibly disrupt the hormones produced or secreted by the human or animal endocrine system, which regulates growth, metabolism and reproduction.

"Endocrine disruptors can cause lifelong health problems -- especially for children," said EPA Administrator Lisa Jackson. "Gathering this information will help us work with communities and industry to protect Americans from harmful exposure."

Officials said they will issue test orders to the manufacturers of 67 pesticide chemicals this summer to determine whether the chemicals might disrupt the endocrine systems -- estrogen, androgen and thyroid. Testing, the EPA said, will eventually be expanded to cover all pesticide chemicals.

Additional information, including a list of the 67 chemicals, is available at http://www.epa.gov/scipoly/oscpendo.

EPA Seeks to Squash Bedbug Resurgence (*Wheeling Intelligecer*)

With Staff, AP Dispatches

POSTED: April 15, 2009

Ohio County isn't the only place where the bed bugs are biting.

Across the nation, people are battling the bloodsucking insects, which led to a federal agency hosting a bed bug summit on Tuesday - the first of its kind.

According to the Associated Press, the nasty critters are invading hospitals, college dorms and even swanky hotels. With the most effective pesticides banned, the government is trying to figure out how to respond to the biggest bed bug outbreak since World War II.

Bedbugs live in the crevices and folds of mattresses, sofas and sheets. Then, most often before dawn, they emerge to feed on human blood.

Faced with rising numbers of complaints to city information lines and increasingly frustrated landlords, hotel chains and housing authorities, the Environmental Protection Agency held its first-ever bedbug summit Tuesday.

Organized by one of the agency's advisory committees, the two-day conference drew about 300 participants to a hotel in Arlington, Va., just across the Potomac River from Washington, D.C. The hotel in question has had no reports of bedbugs.

One of the problems with controlling the reddish-brown insects, according to researchers and the pest control industry, is that there are few chemicals on the market approved for use on mattresses and other household items that are effective at controlling bedbug infestations.

Unlike roaches and ants, bedbugs are blood feeders and can't be lured by bait. It's also difficult for pesticides to reach them in every crack and crevice they hide out in.

"It is a question of reaching them, finding them," said Harold Harlan, an entomologist who has been raising bedbugs for 36 years, feeding them with his own blood. He has the bites to prove it.

In Ohio County, officials with the Wheeling-Ohio County Health Department have been investigating complaints of bed bug infestations in public and private high-rise buildings, a hotel room and a couple private homes. Sanitarian Charles Fisher said recently that he hopes to better educate the public about the bugs to put a stop to their spread.

Howard Gamble, administrator at the Wheeling-Ohio County Health Department, noted Tuesday that his department just recently learned a bed bug summit was scheduled to occur. However, though it is a public health issue, his department did not receive any official notice about the meeting.

According to the EPA, the public meeting was meant to help participants learn about options for prevention and control of the bugs, in addition to learning strategies for outreach and education.

The EPA, out of concern for the environment and the effects on public health, has pulled many of the chemicals that were most effective in eradicating the bugs in the U.S. At the same time, the appleseed-sized critters have developed a pesticide resistance because those chemicals are still in use in other countries.

Increasing international travel has also helped them to hitchhike into the U.S.

"One of our roles would be to learn of new products or safer products. ... What we are concerned about is that if people take things into their own hands and start using pesticides on their mattresses that aren't really registered for that, that's a problem," said Lois Rossi, director of the registration division in the EPA's Office of Pesticide Programs.

The EPA is not alone in trying to deal with the problem. An aide to Rep. G.K. Butterfield, D-N.C., says the congressman plans to reintroduce legislation next week to expand grant programs to help public housing authorities cope with infestations.

The bill will be called the "Don't Let the Bedbugs Bite Act."

"It was clear something needed to be done," said Saul Hernandez, Butterfield's legislative assistant.

Bedbugs are not known to transmit any diseases. But their bites can cause infections and allergic reactions in some people. The insects release an anticoagulant to get blood flowing, and they also excrete a numbing agent so their bites don't often wake their victims.

Those often hardest hit are the urban poor, who cannot afford to throw out all their belongings or take other drastic measures. Extermination can cost between $400-$900.

So bedbug problems increase, said Dini Miller, an entomologist and bedbug expert at Virginia Tech, who until 2001 saw bedbugs only on microscope slides dating from the 1950s. Now she gets calls and e-mails several times a day from people at their wits' end.

"I can't tell you how many people have spent the night in their bathtubs because they are so freaked out by bedbugs," Miller said. "I get these people over the phone that have lost their marbles."

Because the registration of new pesticides takes so long, one thing the EPA could do is to approve some pesticides for emergency use, Miller said.

Another tactic would be to screen pesticides allowed for use by farmers to see if they are safe in household settings.

Representatives of the pest control industry will be pushing for federal funding for research into alternative solutions, such as heating, freezing or steaming the bugs out of bedrooms.

"We need to have better tools," said Greg Baumann, a senior scientist at the National Pest Management Association. "We need EPA to consider all the options for us."

EPA asked to pursue a rehearing on pesticide ruling (*Southwest Farm Press*)

Apr 15, 2009 10:31 AM

Sixth District ruling threatens to override current science-based regulations

This week the Weed Science Society of America (WSSA) is asking the U.S. Environmental Protection Agency (EPA) to request a rehearing of the recent Sixth Circuit Court of Appeals decision defining pesticides as pollutants and requiring Clean Water Act permits before they can be applied in or near water sources. The Court's ruling overrides existing government regulations for pesticides that are based on extensive scientific analysis.

Currently the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires all pesticides marketed in the U.S. to be assessed for potential risks to both people and the environment. These scientific risk analyses determine which products are registered for use and how registered products are to be applied. No one may sell, distribute or use a pesticide unless it is registered by the EPA under FIFRA. The Clean Water Act permitting process mandated by the Court of Appeals, however, would in effect supersede FIFRA analyses.

More than 60 years after FIFRA was enacted, it remains a significant government success story – resulting in new weed control strategies and safer products that are far more precise and benign to the environment than ever before. Crop yields have soared, tillage and erosion have plummeted, and millions of acres of natural habitats have been protected for future generations.

"As a nonprofit professional society devoted to the scientific study of weeds, we fully support government regulation of pesticide use," said Lee Van Wychen, science policy director for the WSSA. "But the new permitting system mandated by the Sixth District Court of Appeals overrides FIFRA without offering any additional protection. It places an unnecessary, unfunded burden on states, growers, homeowners and applicators and will discourage the timely and effective management of invasive plants and weeds. We strongly urge the EPA to file a petition for rehearing before the Court's April 9 deadline."

EPA aims to stem bedbug outbreak *(Greenwire)*

04/15/2009

Federal officials are working to stem the biggest bedbug outbreak since World War II, but regulations have banned their most powerful pesticides.

U.S. EPA is hosting its first-ever bedbug summit in Arlington, Va., prompted by bedbug invasions in hospitals, college dorms and even upscale hotels. The tiny bugs live in mattresses, sofas and sheets and emerge before dawn to feed on sleepers' blood, leaving nasty bites behind.

The effort to stem bedbugs is complicated by the lack of approved chemicals for use on mattresses that can effectively contain them. Bedbugs have also developed resistance to some pesticides because they continue to be used in other countries. Increased international travel and trade has brought those strains to the United States.

The office of Rep. G.K. Butterfield (D-N.C.) says he plans to introduce legislation next week to expand grant programs to help public housing authorities deal with infestations.

Pesticide approval is a lengthy process, but EPA could approve some for emergency use, said Dini Miller, a Virginia Tech entomologist.

"We need to have better tools," said Greg Baumann, a senior scientist at the National Pest Management Association. "We need EPA to consider all the options to us" (Dina Cappiello, Associated Press, April 14). **-- PR**

RECYCLING

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COMPANIES GO GREEN (*Cape Cod Times*)

April 15, 2009

With Earth Day a week from today, companies are thinking green — both in terms of the products they're offering and the profits they hope to make. Two items that caught our eye: Cuisinart GreenGourmet Hard Anodized Nonstick Cookware uses petroleum-free Cuisinart Ceramica non-stick coating that has the added capability of top-browning and broiling in the oven. The trademarked GreenGourmet cookware is free of PTFE and PFOA, and conforms to FDA and European RoHS standards for environmentally sound products. Plus, the stainless steel handles are manufactured using 70 percent recycled stainless steel and are sold in packaging made entirely from recycled materials and biodegradable soy ink. Info: cuisinart.com

You've cooked, now recycle. The U.S. Environmental Protection Agency estimates that 75 percent of what we throw away could be recycled. The Mode-All-in-One Recycling Center is designed to do that in style. The center eliminates the clutter of bottles, cans, and paper by sorting, storing, and compacting recyclables in a stainless stainless steel bin about the size of a typical kitchen trash bin. It also has a junk mail slot and a recycling day programmable digital alert, so you don't forget to put it out. Info: modeproducts.com

SUPERFUND

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Superfund Status for Gowanus Canal Is Opposed (*New York Times*)

By Mireya Navarro

April 15, 2009, 12:57 pm

Andrea Mohin/The New York Times If the Gowanus Canal in Brooklyn becomes a Superfund site, financing for planned development projects may be jeopardized, city officials say.
The Bloomberg administration is opposing a proposal by the federal Environmental Protection Agency to add Brooklyn's Gowanus Canal to the agency's list of Superfund sites, arguing that the designation could jeopardize planned development for the area and the city's own cleanup efforts.

Daniel Walsh, director of the Mayor's Office of Environmental Remediation, said a Superfund cleanup would likely take more than two decades, putting at risk more than $400 million of private investment already committed to the area for housing and other development. Speaking at an informational forum on Tuesday night held by Representatives Nydía M. Velázquez and Yvette D. Clarke, both Democrats from Brooklyn, he said that cleanup projects like the city's planned dredging of 1,000 feet of contaminated sediment at the bottom of the canal, at a cost of $15 million, could also be at stake.

"These investments are part of the a plan that the city has developed to remediate the canal that is collaborative and efficient, rather than embarking on a Superfund process that is, at its core, an adversarial process focused on finding responsible parties for past contamination," Mr. Walsh said.

But a designation could steer hundreds of millions of federal dollars toward a comprehensive cleanup, and neighbors at the meeting were split on their support for the Superfund designation. Mr. Walsh was both booed and applauded during his remarks.

Walter Mugdan, the Environmental Protection Agency's director of the Superfund Division for the New York region, told the several hundred people in the audience that a Superfund cleanup need not to slow or impede any ongoing efforts toward restoring the canal because all necessary work can take place in tandem.

"Our express goal is not to slow down in any way, not to hinder in any way, the redevelopment aims of the community," he said.

The city's position puts it at odds with the state, whose Department of Environmental Conservation requested the nomination of the canal to the Superfund National Priorities List. E.P.A. officials will make their decision after a 60-day public comment period scheduled to end June 6.

Sampling at the Gowanus Canal has found a variety of pollutants, the E.P.A. said, including pesticides, heavy metals and the cancer-causing chemicals PCBs. The contamination, agency officials said, stems from the canal's history since its construction in the 1860s as a busy industrial waterway for the oil refineries, coal yards, concrete-mixing facilities and tanneries along its banks, and from being "a repository" of untreated industrial wastes and raw sewage and runoff.

TOXICS

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Asbestos Study Delayed due to Lack of Volunteers (*Mesothelioma.com*)

North Dakota - April 15, 2009

The U.S. Environmental Protection Agency is working with state health officials in North Dakota to prepare a study on the effects of asbestos exposure. But officials are worried the study may never get underway, as they are having difficulty locating enough western North Dakota residents who want to volunteer for a study of their lungs.

Government officials need to locate 50 people who have had long term exposure to erionite, an asbestos-like mineral. The mineral, and minerals like it, are thought to be the cause of cancer found in a study conducted in Turkey, and additional studies conducted on lab rats.

Erionite is found in rock used for gravel in Dunn, Stark and Slope counties in North Dakota. In Turkey, the mineral has been linked to **mesothelioma**, an incurable form of lung cancer associated with asbestos exposure. Mesothelioma is most commonly only linked to asbestos exposure.

State and federal officials have been studying erionite in North Dakota three years, but are unable to make any recommendations or determinations without further studies on humans.

A few volunteers have been located, but more must be found. State geologist Ed Murphy and state paleontologist John Hoganson have both volunteered for the study. Both men say they have been exposed to erionite for years, and are eager to know if they have unwittingly endangered their lives.

According to Mark Dihle, a scientist with the state Health Department's air quality division, only about 10 people have signed up for the study.

EPA rejects bid to sideline endocrine program *(Greenwire)*

Sara Goodman, E&E reporter

04/15/2009

U.S. EPA has denied a trade group's petition to reconsider a new program aimed at identifying pesticides, commercial chemicals and environmental contaminants that could alter human hormones.

The agency has been working on suspected endocrine disruptors since 1996, when EPA's Office of Research and Development ranked the issue among its top six research priorities. Endocrine disruptors affect glands and hormones that regulate many bodily functions, most notably reproduction.

The Endocrine Disruptor Screening Program was first established in 1998 to identify chemicals that disrupt hormones and to use existing laws to manage the associated risk.

The law called for the program to be rolled out by Aug. 31, 2008. In July of last year, with the deadline looming, CropLife America asked EPA for further explanation about why existing data on pesticide toxicity are not sufficient, saying the agency does not have a clear plan for how to use the data it collects. The group also wanted EPA to analyze what the program would cost industry and inform the public about where the program is headed.

Specifically, the petition highlighted the concern that "unnecessary and redundant testing" could occur if the agency does not review data already submitted by pesticide registrants. The petition also wanted the agency to have alternative procedures in place before the rollout, so that small

businesses are not unduly harmed by the program's requirements; a final process for any additional testing and interpretation of data; and greater efforts to minimize false results.

In its response, released this month, EPA said it has a format that ensures each chemical is tested only once. It will also review all data that are submitted, including any submissions that cite existing data, the agency said. Furthermore, EPA is developing standard evaluating procedures for screening chemicals.

The agency also said it is not required to conduct an economic analysis of the program.

CropLife said it was disappointed with EPA's decision but would continue to work with the agency to ensure that science and transparency provide the foundation for the program.

"In arriving at this formal response, we worry EPA have not taken into account the unique aspects of pesticide regulatory requirements as they intersect with the overarching, new endocrine screening process," said Jay Vroom, CropLife's president and CEO, in a statement.

Over the past 13 years, many environmentalists have watched the program with concern, as the agency has not yet screened any chemicals. EPA says it is hampered by a lack of data on the chemicals' endocrine-associated risks. "While EPA has some data on endocrine-disrupting pesticides, currently insufficient scientific data are available on most of the estimated 87,000 chemicals produced today to allow for an evaluation of endocrine associated risks," the agency says on its Web site.

Under new leadership, many hope, EPA will move quickly to get the program back on schedule. EPA Administrator Lisa Jackson has pledged to jump-start the program in the next couple of months. EPA did not respond to requests for comment on the petition or its proposed timeline.

WATER

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Chesapeake Bay Polluted Despite Cleanup Efforts, Report Says (*Washington Post*)

Thursday, April 16, 2009

The Chesapeake Bay's health rates a score of 28 out of 100, with pollution high and populations of crabs and oysters low despite a government-led cleanup effort, the Chesapeake Bay Foundation said yesterday.

In its annual "State of the Bay" report, the nonprofit foundation gave the Chesapeake the same overall score as last year. The foundation said that some problems, such as pollution runoff from farms, had not improved as much as governments had promised they would. A few issues, such as dirty stormwater from cities and suburbs, are getting worse.

Foundation President William C. Baker said he was encouraged that J. Charles Fox, former Maryland secretary of natural resources, has been appointed to advise the head of the U.S. Environmental Protection Agency about the bay.

-- David A. Fahrenthold

Pa. towns' lawsuit over Chesapeake Bay cleanup plan clears hurdle (Associated Press)

ASSOCIATED PRESS

Posted on Wed, Apr. 15, 2009

HARRISBURG - A Pennsylvania court refused yesterday to throw out a lawsuit brought by dozens of municipalities and local sewer authorities that claim the state's Chesapeake Bay watershed cleanup plan is illegal.

Commonwealth Court's 5-2 decision denied a state Department of Environmental Protection motion to dismiss the year-old lawsuit. The municipalities and authorities sued after complaining that they would be saddled with at least $1 billion in sewer plant improvements they say they can't afford.

At issue is who should pay to clean up the wastewater treatment plant discharge and farm runoff that pollutes water running into the Chesapeake Bay.

The court's majority opinion said more study is necessary to determine whether the state's cleanup plan acts as a regulation, which has the force of law.

The municipalities and authorities contend that the state's cleanup plan is an invalid regulation and must be voided because it did not undergo the long approval process required to finalize a regulation.

State officials say the strategy is simply a statement of policy, which is not binding and is typically an agency's interpretation of law. As such, it has no approval burden.

Pennsylvania contributes more pollutants to the bay than any other state and faces a 2010 deadline for meeting water quality standards that were once voluntary, but were made mandatory in 2005.

Algae feed on the pollutants, including nitrogen, and make much of the bay uninhabitable for fish, crabs and oysters during the summer.

Foundation releases annual Chesapeake Bay report (*Associated Press*) This story also appeared: *Philadelphia Inquirer*

BRIAN WITTE

The Associated Press

Posted on Wed, Apr. 15, 2009

Pennsylvania

ANNAPOLIS, Md. - As it works to help clean up the Chesapeake Bay, the Environmental Protection Agency may change policy to reduce pollution in multiple watersheds and explore a range of other approaches, a senior adviser to EPA administrator Lisa Jackson said Wednesday.

Chuck Fox spoke at a news conference at the Chesapeake Bay Foundation, which gave the nation's largest estuary a health index grade of "D" and only 28 points out of a possible 100 in the foundation's 10th annual State of the Bay report on Wednesday.

"In our short time in office, we are already considering a range of potential actions to improve the accountability and performance of the Chesapeake Bay Program," Fox said.

The program is a regional partnership formed in 1983 to address pollution in the bay. It includes the states of Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia, as well as the District of Columbia and the EPA.

Fox said the EPA is considering direct funding to environmental programs, changes in policy to reduce pollution in different watersheds and modifications to regulations.

"We have 25 years of history that suggests that the accountability has been lacking and the performance has been lacking and we need to change that," Fox said.

William Baker, president of the Chesapeake Bay Foundation, renewed the organization's call on the federal government for meaningful intervention.

"The condition of the Chesapeake Bay is a national disgrace," Baker said. "The federal government has made a mockery of the Clean Water Act and the result is a system that continues to die."

Poor water quality caused by pollution has harmed the blue crab population, destroyed underwater grasses and hurt bay fish. The losses have badly damaged the soft shell and peeler blue crab fishery industries in Maryland and Virginia. A key challenge is controlling runoff pollution from urban, suburban and agricultural lands.

In January, the foundation filed a lawsuit in federal court to force the EPA to enforce the Clean Water Act.

Baker said he was heartened to hear President Barack Obama's administration was showing greater interest in the bay's problems. Baker referred to Fox as "the new Chesapeake Bay czar," with long experience in the bay's pollution issues, and he said the foundation was "very encouraged" by his appointment.

"Is this a new day for the bay? Maybe," Baker said. "History will tell, but we have a real sense that things are different at EPA."

Baker also commended Virginia Gov. Timothy Kaine, who is the new chairman of the Chesapeake Bay Executive Council, which leads restoration efforts throughout the 64,000-square mile bay watershed.

"We think he's right on the mark, and we're impressed and optimistic by the leadership he is taking as chairman of the executive council," Baker said.

Baker has been pushing for a unified effort to tackle the bay's pollution problems. Baker contends the EPA is the only division of government that has legal authority and responsibility to manage the bay as a single system.

"The big idea and the relief that we're seeking in our litigation is for EPA to seize control of management of the entire Chesapeake Bay system and require that a pollution reduction budget be put in place and that the states and local governments be held accountable to meet that, and if they don't meet it that there will be consequences for them," Baker said.

Baker also mentioned there are early signs that underwater bay grasses , a key indicator of overall bay health , are showing signs of recovery. But it's too soon to say if it's the start of a trend. Baker also said the oyster population is beginning to demonstrate a resistance to two diseases that have devastated oysters, which help filter bay water.

Foundation to release annual Chesapeake Bay report (*Associated Press*) This story also appeared: *Daily Mail*

The Associated Press
Wednesday April 15, 2009

ANNAPOLIS, Md. (AP) - The Chesapeake Bay Foundation will be releasing its 10th annual report on the nation's largest estuary.

Chuck Fox, a senior adviser to Environmental Protection Agency administrator Lisa Jackson, is scheduled to speak at a news conference Wednesday at the foundation's headquarters in Annapolis.

William Baker, the foundation's president, says he'll be calling on the EPA to use its authority to crack down on pollution in the bay.

Portions of West Virginia are in the bay's watershed.

City might consider rate hikes for wastewater system upgrades (*The Newark Advocate*)

BY CHAD KLIMACK
Standard Reporter

April 15, 2009

PATASKALA -- The city must spend a significant sum of money to upgrade its wastewater plant in the coming year, and officials might consider rate hikes to help pay for the upgrades.

Inspectors from the Ohio Environmental Protection Agency recently informed the city its current wastewater system cannot sustain an acceptable level of treatment.

To that end, the city intends to spend up to $385,000 this year to buy new sludge-processing equipment. Council last week approved the expenditure, and it likely will need to spend an additional $1.5 million to construct a building to house a new sludge press, among other upgrades.

"The sludge-processing equipment we have is not adequate," City Administrator Tim Boland informed council.

The more expensive of the two projects likely will take place in 2010, Boland said.

If the city moves forward with the improvements -- council has yet to approve the $1.5 million expenditure -- Boland said the city may need to look at adjusting its sanitary sewer rates.

In the meantime, a representative from the city's wastewater engineering firm told council the city has not violated its EPA wastewater discharge permit.

Still, Jerry Dailey, executive vice president of W.E. Stilson, said the city needs to make some additional changes, as required by the EPA.

It must stop applying sludge to its primary fields because the level of nutrients has reached the EPA threshold, Dailey said.

To address the issue, the city intends to increase the operation of its sludge processor from eight hours to 16 hours. It also intends to apply its sludge to a new field.

The newest round of mandates from the EPA are not related to its mandate the city install a sanitary sewer system in the Oaks subdivision. The city is moving forward with the Oaks project, and it intends to schedule a public hearing in the coming weeks to discuss the issue with the subdivision's residents.

CO2 a threat under Clean Water Act? (*KOAA*)

Story By: MSNBC
Source: MSNBC

Published Wed Apr 15, 2009, 09:18 AM MDT
Updated Wed Apr 15, 2009, 09:18 AM MDT

The Obama administration took another step toward regulating carbon dioxide, issuing a notice Tuesday that the Environmental Protection Agency will review whether those emissions should fall under the Clean Water Act.

The EPA earlier this year determined that C02 should be regulated under the Clean Air Act due to its impact on temperatures. But Tuesday's notice — soliciting scientific data as to what extent seas are made more acidic by C02 — could extend regulation out to U.S. waters.

The notice was in response to a petition filed by the Center for Biological Diversity, which wants the EPA to impose stricter pH criteria for ocean water quality and publish guidance to help states protect their waters from ocean acidification, which reduces pH levels.

"As more CO2 dissolves in the ocean, it reduces ocean pH, which changes the chemistry of the water," the EPA said in its notice. "These changes present potential risks across a broad spectrum of marine ecosystems."

"Preliminary projections indicate that oceans will become more acidic over time and overall, the net effect is likely to disrupt the normal functioning of many marine and coastal ecosystems," it added.

Miyoko Sakashita, a Center for Biological Diversity attorney, called acidification "likely the greatest threat to the health of our oceans."

"The federal government has finally acknowledged that ocean acidification is a threat," Sakashita added. "Now it must take the next step and fully implement the Clean Water Act to protect our nation's waters from 'the other CO2 problem.'"

The EPA said that among the input it hopes to gather is a national study commissioned last September by the National Oceanic and Atmospheric Administration. That study is expected to take 18 months to complete.

The EPA said it hoped to make a decision within one year.

Last month, the EPA sent to the White House its recommendation that carbon dioxide be considered a pollutant under the Clean Air Act.

President Barack Obama could give the agency a green light to pursue regulating the gas, but Democrats in Congress are also moving in that direction. The administration has suggested it would prefer to have Congress deal with regulation via a system that caps emissions, then allows industry to trade allowances.

Senate Urged To Drop 'Buy American' Rules From Water SRF Funding Bill (*Inside EPA*)

Wednesday, April 15, 2009

Industry and state officials are pushing to keep "Buy American" procurement provisions out of the Senate's pending bill to reauthorize EPA's clean water and drinking water state revolving funds

(SRFs), fearing the broad scope of the requirements could frustrate future water infrastructure projects.

But congressional staff are telling stakeholders to prepare for “Buy American” language in any future authorization and appropriations bill, sources say. The $18.7 billion House version of the SRF reauthorization bill, approved last month, includes such a provision that mirrors the stimulus laws’ strict requirements that all projects funded through the law use iron, steel and manufactured goods produced in the United States.

While “Buy American” provisions have been included in various bills over the years, sources say the stimulus law language -- which the House-passed SRF reauthorization bill mirrors -- is written so broadly as to jeopardize potential future water infrastructure projects.

“In the worst case scenario, this would be a death knell” to the water treatment industry, an industry source says, because many components of water treatment systems are not available domestically.

State, industry and EPA sources say if “Buy American” provisions are applied in the broadest possible way, it would prohibit the use of a product containing any components made by a foreign manufacturer. The industry source says that only 5 percent of water treatment equipment would be considered a manufactured good produced in the United States under that broad definition, which would inhibit a slew of projects.

The push comes as the stimulus law’s “Buy American” provisions are already causing delays to proposed water infrastructure stimulus projects amidst uncertainty over how far the provisions will reach.

The White House Office of Management & Budget (OMB) April 3 released additional guidance that offers some flexibility from the requirements, for instance permitting foreign components to be used in American-made “manufactured goods,” and EPA is slated to soon issue a definitive guidance for the SRF program.

At a recent water treatment industry conference, participants said the “best case” scenario would be for stimulus projects to begin in the third quarter of fiscal year 2009. But as the season turns from fall to winter, construction will become more difficult, leading to fear over the consequences of the issue not being quickly resolved.

Delays to and problems with the stimulus SRF funding could pose difficulties for stakeholders, states, EPA and lawmakers who have all stated their desire to use the results of the funding as evidence for future baseline increases. Some projects that have not yet been funded, or were funded prior to the start of the current fiscal year last October, are facing delays due to the law’s procurement rules.

EPA recently waived the “Buy American” requirements to allow some already-funded water infrastructure projects to refinance loans to access the more attractive financing options the stimulus law provides, though it only applies to eligible projects for which debt was incurred on or after Oct. 1, 2008 and before Feb. 17, 2009, the day President Barack Obama signed the stimulus law.

Another obstacle in terms of the stimulus law’s “Buy American” provision is its relatively high threshold for waiving it for increased costs. A Democratic aide says that similar provisions in the past generally set the “cost premium” that allows “Buy American” to be waived at six percent. The 6 percent difference is usually compared for each domestic product against other foreign products but

in some cases an aggregate cost increase among products is considered, according to a March 13 Congressional Research Service report.

But in the stimulus law, any “manufactured good” must, by itself, drive the total project cost up by 25 percent to be eligible for a waiver to use a foreign alternative good.

OMB in its interim guidance April 3 defined when “manufactured goods” meet the law’s requirement that projects must utilize American-made “iron, steel and manufactured goods.” EPA, states and industry officials have worried that OMB could define “manufactured goods” too broadly, making it more difficult for SRF projects to procure enough domestic-manufactured goods to meet the law’s requirements.

OMB defines the term broadly to include any goods “[p]rocessed into a specific form and shape” or “[c]ombined with other raw material to create a material that has different properties than the properties of the individual raw materials.” However, the guidance also states that “components or subcomponents” produced abroad may be included in American-made goods whose final manufacturing takes place domestically.

The industry source says the OMB definition is a mixed bag because the OMB definition is “about as broad as it could be,” but it is also “very welcome news” that OMB’s guidance allowed foreign “components and subcomponents” in American-made “manufactured goods.”

The stimulus law also includes a clause exempting some purchases from having to comply with the “Buy American” provisions if compliance with the requirements would conflict with “obligations under international agreements.” However, that waiver does not apply to SRF funds because those are ultimately dispersed by local governments, which are not party to most trade agreements.

Additionally, even state projects must have a value of at least $7.4 million to qualify for the exemption under the limited trade agreements to which they are party and the average SRF-financed project costs around $3 million.

The Office of the U.S. Trade Representative and OMB officials have confirmed that international trade agreements do not apply to municipalities, according to e-mails reviewed by *Inside EPA*. Stakeholders are therefore acting with increasing urgency to keep “Buy American” out of the Senate SRF reauthorization bill after the House-passed bill included the language and delays to stimulus projects because of the provision are becoming more apparent.

For instance, Canada’s environment minister Jim Prentice recently met with House Transportation & Infrastructure Committee Chairman James Oberstar (D-MN) to communicate his concerns about the issue. Oberstar has expressed his vigorous support for “Buy American” provisions in the past.

Oberstar lauded inclusion of the provisions in the House version of the SRF reauthorization bill, noting that China holds an excess of steel reserves, and said that it would be economically unwise to open up government spending to being undercut by low prices from Chinese products.

Oberstar has requested reports from stimulus beneficiaries due April 4 seeking reams of data on how they spend their stimulus funds and other items. A spokeswoman says the reports are still being reviewed by committee staff. -- *Jonathan Strong*

Oberstar Inquiry, Obama Earmark Seen Pushing Cannon's Exit From EPA (*Inside EPA*)

Wednesday, April 15, 2009

Jonathan Cannon's abrupt withdrawal as nominee for EPA's deputy administrator slot was due primarily to an ongoing inquiry into America's Clean Water Foundation (ACWF) -- a now-disbanded organization on whose board Cannon once served -- by House transportation committee Chairman James Oberstar (D-MN), which sources believe could have complicated Cannon's confirmation hearing.

But his withdrawal, which has left EPA without a nominee for a key position, may also be due to several other factors, including then-Sen. Barack Obama's (D-IL) support for a $3 million earmark for the organization even after ACWF officials had briefed some lawmakers -- though not Obama -- that a former bookkeeper had embezzled hundreds of thousands of dollars from ACWF and other organizations, spurring an investigation by EPA's inspector general.

Cannon hinted at the Oberstar investigation in a March 25 statement withdrawing his name from consideration, saying the organization, which was established to monitor farms' environmental performance but was disbanded after a critical EPA Inspector General (IG) inquiry, "has become the subject of scrutiny."

He added that while his service on the organization's board is not the subject of scrutiny, he feared that the scrutiny could delay his confirmation and distract from the challenges facing the agency.

Sen. James Inhofe (R-OK), the ranking Republican on the Senate environment committee, acknowledged in a March 25 statement that his staff had queried Cannon about the IG report, but had not demanded his withdrawal. "I want to make clear . . . that . . . Inhofe staff expressed to Mr. Cannon that, though the organization committed serious missteps in managing federal grants, it did not warrant opposition to his nomination," he said.

But sources say another factor that may have contributed to Cannon's withdrawal is that Obama and other farm-state senators had successfully backed ACWF's efforts to win a $3 million earmark in EPA's fiscal year 2006 appropriation bill, because the revelation could have proved embarrassing for the president given political criticism of his support for earmarks.

The other supporters of the earmark request were Sens. Kit Bond (R-MO), Ben Nelson (D-NE), Charles Grassley (R-IA), Richard Durbin (D-IL), Norm Coleman (R-MN), Richard Burr (D-NC), Mark Dayton (D-MN), Tom Harkin (D-IA), James Talent (R-MO) and Elizabeth Dole (R-NC).

Obama and the other lawmakers had sought the earmark even after ACWF officials had briefed some lawmakers -- though not Obama -- that a former bookkeeper had embezzled thousands of dollars from ACWF and other water organizations, according to a source familiar with the issue. The bookkeeper's embezzlement eventually prompted the IG's inquiry.

A spokeswoman for Oberstar says the 2007 IG report is the reason the chairman began investigating ACWF. Several sources say the lawmaker's investigation and the prospect of future revelations was a key cause for concern.

Cannon abruptly withdrew his name from consideration as deputy administrator March 25, the day before a scheduled confirmation hearing in the Senate environment committee. His withdrawal has left EPA without a nominee for a slot that sources say is critically important for overseeing scores of day-to-day issues that require a lot of “heavy lifting.”

Cannon sat on the board of ACWF from 2002 until the organization was forced to dissolve because it ran out of funds.

The organization primarily provided farmers confidential environmental assessments of their farms under the On Farm Assessment and Environmental Review (OFAER) program. Sources familiar with the program say it was highly successful and popular with farmers. Some states even required farmers to participate in the OFAER program, making the organization’s services more important. Some critics charged that the program’s environmental assessments should not be confidential, but ACWF thought confidentiality was “critical” to ensure participation, sources say.

One farm source who was not involved with the organization gives it “a lot of credit” and says the OFAER program and ACWF’s involvement is a reason the pork industry -- which participated thoroughly and early on -- has generally fared better on environmental issues in recent years than other livestock sectors.

The earmark request from Obama and the other senators also backed the program, saying “it provides livestock producers an objective, thorough and fully confidential assessment of environmental strengths, risks and challenges at their operations at no charge. These assessments are conducted by teams of well trained and experienced professionals certified in the use of a tested and proven assessment tool.”

Although highly regarded by many, the organization’s problems began in April 2005 when officials discovered its bookkeeper had embezzled over $300,000 from ACWF, as well as the Association of State & Interstate Water Pollution Control Administrators (ASIWPCA), with which ACWF had shared offices.

In the wake of the embezzlement discovery the IG began investigating ACWF, eventually concluding that EPA should try to reclaim the more than $25 million in federal grants that had gone to the organization. The IG’s February 2007 report found ACWF “did not comply with the financial and program management standards and the procurement standards,” and demonstrated a range of accounting shortcomings.

One source familiar with the matter says the organization wasn’t “perfect” but that ACWF consistently provided contracts and other documentation to EPA for comment and review before making final decisions, and that EPA staff overseeing the program had often praised the organization.

The source also says that a two-year audit from the EPA’s IG from 2001-03, during which the funds were being embezzled, did not find improprieties. The 2007 IG report does not mention the embezzlement, but another source says the bookkeeper did not steal federal grant dollars because “she was too smart for that.”

Discovery of the embezzlement came after the bookkeeper’s alleged death when ACWF switched auditing firms, a common business practice because auditors analyze records in different ways.

ACWF officials immediately brought news of the embezzlement to the FBI, D.C. police, EPA and relevant lawmakers, sources say. -- *Jonathan Strong*

Prodded by petition, EPA reconsiders ocean pH limits *(Greenwire)*

Katherine Boyle, E&E reporter

04/15/2009

U.S. EPA is weighing a revision of standards aimed at preventing the acidification of marine waters.

The effort marks the first time EPA has invoked the Clean Water Act to address ocean acidification, and comes in response to a 2007 petition from the Center for Biological Diversity. The center noted that EPA has failed to update the pH standard since 1976 and has ignored research published since then.

Concerns about ocean acidification have risen lately, as research shows a link between it and rising atmospheric carbon dioxide levels. Studies show that oceans absorb about 22 million tons of CO2 per day from the atmosphere, resulting in increasing acidity that impairs marine animals' ability to build and maintain protective shells and skeletons and threatens coral reefs.

The agency moved toward stiffening marine pH standards in a *Federal Register* **notice** seeking information on possible changes in ocean acidity.

Miyoko Sakashita, an attorney with the Center for Biological Diversity's ocean program, described the notice as a step in the right direction.

"The federal government has finally acknowledged that ocean acidification is a threat," she said in a statement. "Now it must take the next step and fully implement the Clean Water Act to protect our nation's waters from 'the other CO2 problem.'"

The center says EPA's recommended pH criterion is an important benchmark for states and tribes. A stricter recommendation could potentially help promote the imposition of federal CO2 controls.

The center also asked EPA to publish a guidance providing recommendations to states on preventing ocean acidification.

"We must take immediate action to address ocean acidification, or the impacts will be catastrophic," Sakashita said. "Fortunately, we need not wait for new legislation addressing CO2 emissions, as the Clean Water Act already provides us with important tools to confront this problem."

Stakeholders will have 60 days to submit ocean acidification data to the agency. EPA plans to decide whether the pH standards should be revised within one year.

Md. passes bill to curb septic runoff *(Greenwire)*

04/15/2009

The Maryland General Assembly passed an environmental bill requiring thousands of homes to install expensive septic systems to keep nitrogen-laden runoff out of Chesapeake Bay.

Bay advocates say the bill -- passed in a legislative session that ended Monday and was devoted largely to addressing budget holes -- is critical to improve the Chesapeake's longstanding troubles with water quality.

"It's really, really amazing," said Sen. Michael G. Lenett, a Montgomery County Democrat and lead sponsor of the septic bill that he thought had a "long shot" of passage this year. "For too long we have known exactly what we needed to do to clean up the bay, and yet we have been unwilling to do what's necessary."

Fierce opposition from builders and real estate agents killed a similar measure a decade ago. It faced similar opposition this year, as industry advocates said it put an unfair burden on rural homeowners and deal another blow to a crippled housing industry.

Septic waste from individual homes contributes only 5 percent of the nitrogen fouling the bay -- far less than farms and sewage plants -- but in some heavily polluted rivers it accounts for more than a quarter (Timothy B. Wheeler, *Baltimore Sun*, April 15). **-- PR**

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