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EDITORIAL/COMMENTARY/OP ED/LETTERS

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Cap and trade defies common sense (*Argus Leader*)

Tim J. Carr

January 13, 2010

Don't pour salt on an open wound. Don't paddle against the current. Don't wrestle with a pig. Don't tax energy consumption in the middle of a recession. All are ideas that come naturally to most of us here in the heartland, yet they are ideas representative of the common sense that seems to have escaped many of our leaders in Washington, D.C.

In late June, the U.S. House of Representatives narrowly passed the Waxman-Markey climate-change bill that will tax energy consumption in the middle of a recession. The Senate soon might follow, enacting the most devastating piece of economic legislation in U.S. history.

Proponents of the bill are clear about its intent: to raise the cost of energy to the point where Americans are forced to consume less. In a 2008 interview in the San Francisco Chronicle, then-Sen. Obama made this clear: "Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket."

Accepting the notion that carbon-dioxide emissions are causing the earth to warm, it would follow that sensible climate legislation would lead to a reduction in the earth's temperature.

But Waxman-Markey doesn't do that. The World Climate Report indicates that if the bill fulfills its goal of reducing emissions 83 percent by mid-century and the rest of the world follows suit, global temperature would decrease somewhere between one- and two-tenths of one degree by the year 2100. For perspective, that amount of temperature variation occurred in a single year between 2000 and 2001.

Waxman-Markey won't reduce global temperature, but it will reduce jobs and increase energy costs. Jobs in energy-intensive industries will be shipped to countries that don't put a cap on productivity. Our pain will be China and India's gain.

The National Black Chamber of Commerce recently released a study saying the bill will kill a net 2 million jobs by 2012. The left-leaning Brookings Institute indicates the bill will lead to a 2.5 percent decline in gross domestic product by 2050.

Waxman-Markey proponents often cite a Congressional Budget Office study indicating the bill will cost the average household a mere $175 annually. They fail to mention one important detail: The CBO study is not an economic study that addresses losses in productivity and GDP. Economic studies indicate an average family's energy costs will increase anywhere from $1,000 to $3,000 per year.

The silliest argument you hear floating around is that the bill will create jobs. That's partially true, but here in South Dakota, unlike many of our leaders in D.C., we consider a half-truth to be a lie. There will be government-subsidized jobs created by the bill, but the fact remains that far more jobs will be killed than created.

Spain adopted a similar cap-and-trade system in 1997. Its unemployment rate is 18.1 percent. Professor Gabriel Calzada of Rey Juan Carlos University in Madrid recently released a report indicating that for every "green" job created in Spain, 2.2 jobs were lost elsewhere in the economy. The Spanish government spends an average of three quarters of a million dollars on each new job created, giving new meaning to the phrase "bad investment."

In 2006, California adopted Assembly Bill 32, which aimed to reduce greenhouse emissions to 1990 levels by 2020. Upon signing the bill, Gov. Arnold Schwarzenegger assured Californians the measure would be dynamite for business. In reality, with a stroke of a pen, the governor terminated hundreds of thousands of jobs.

California now finds itself with 11.5 percent unemployment, two percentage points above the national average. Residential electricity rates in the state are 50 percent higher than the national average.

Everyone, Republican and Democrat alike, agrees that America must make the transition to renewable energy. The question is: What's the best way to do it? President Obama thinks an expensive government regulatory scheme that forces the transition will work. History proves otherwise.

Instead of following the lead of Spain and California, America should chart its own unique course. A comprehensive energy plan that incentivizes the transition to renewable energy rather than mandating it will ensure self-sustaining, renewable energy that creates jobs, wealth and innovation rather than destroys all three.

Government mandates did not create aviation, automobiles, electricity or state-of-the-art cancer treatments. The great advances in American history have been created by private initiative, not government regulation.

Let's make sure that our representatives in Washington don't forget that.

Let the EPA enforce the Clean Air Act (*Columbia Missourian*)

Wednesday, January 13, 2010
BY Melissa K. Hope

Big oil and dirty coal are spending hundreds of millions of dollars to stop Congress from passing new clean-energy legislation, and now they are trying to gut one of our nation's most important environmental laws, the Clean Air Act.

Just last month, President Barack Obama’s Environmental Protection Agency moved to enforce the Clean Air Act. The EPA declared that global-warming pollution endangers human health and welfare and announced plans to limit emissions from the biggest polluters. Now this plan is under attack in Congress by Sen. Lisa Murkowski of Alaska and other friends of big coal and oil, and faces a crucial vote in mid-January.

Sen. Murkowski wants to bail out big polluters by blocking Obama and the EPA from taking action to limit emissions. She is proposing an amendment to the Senate’s national debt ceiling bill — an amendment that would dismantle the Clean Air Act and put the public's health and

safety at risk to global warming. Her “Dirty Air Act of 2010” would block EPA from limiting CO2 emissions.

After years of research, scientific debate, court cases, public hearings and comments, Sen. Murkowski is suggesting that we simply choose to "unlearn" that global warming is happening and that it will be dangerous to human health and welfare.

EPA is merely doing what the Clean Air Act already requires — and what it was ordered to do almost three years ago by the Supreme Court. And last month, more than 400,000 Americans submitted comments in favor of EPA’s proposal to limit pollution from the biggest global-warming polluters — among the highest number of comments ever submitted in favor of any proposal.

EPA plans to limit the new common-sense, economically feasible regulations to only the largest polluters. Suggestions that EPA plans to regulate farms, schools, hospitals, cows and Dunkin' Donuts are simply false — EPA Administrator Lisa Jackson has said as much on numerous occasions. Those statements attempting to scare small businesses are merely misleading smears designed to derail any limits on polluters.

Sen. Murkowski may say her amendment is just a one-year timeout, but we've already had a nearly decade-long "timeout" as pundits for big oil and coal had their way. The clean-energy economy and action to curb global warming can no longer be held hostage by petty politics and partisan obstructionism. We can't choose to deny that this pollution is harmful any longer.

Instead of looking for ways to delay action, Congress needs to finalize comprehensive clean-energy and climate legislation as soon possible. Missouri’s senators must say no to this fast-approaching amendment blocking EPA action on global-warming emissions from the largest polluters. More important, it is time Missouri’s senators strongly support clean-energy and climate legislation that will mean less pollution, new industries, more jobs and greater security right here at home.

Melissa K. Hope is the associate regional representative for the Sierra Club. She lives in Jefferson City.

AIR

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EPA Sniffs Smog (*American Spectator*)

By Iain Murray & Roger Abbott on 1.14.10 @ 6:06AM

On Thursday, January 7, the Environmental Protection Agency (EPA) proposed to tighten regulations on ground-level ozone (smog) beyond the already strict levels set by the Bush administration in March 2008. This misguided proposal is yet another example of environmentalism run amok. If implemented, it will hamper America's economic recovery by increasing energy costs for businesses, without creating any offsetting health benefits.

The EPA proposes setting the primary standard of smog between 0.060 and 0.070 parts per million (ppm), below the current level of 0.075 ppm. This would force thousands of American power plants to install expensive smog-reducing equipment, such as scrubbers. The agency optimistically estimates that the plan will cost between $19 billion and $90 billion -- costs that will be passed on to American businesses and consumers, and result in even more job losses. Hardly the tonic our flagging economy needs.

The EPA and the American Lung Association both assert that smog at current levels causes heart and lung problems, indirectly claims thousands of lives, and costs the country billions in health care costs. According to EPA chief Lisa P. Jackson, "Smog in the air we breathe poses a very serious health threat, especially to children." So isn't the plan worth implementing, *for the children*?

The problem is that even the most marginal improvements in air quality are not free. They impose huge costs, often without any mitigating benefit. Resources are scarce, and the resources devoted to making insignificant improvements in air quality would be better spent on reducing the national debt, or leaving taxpayers with more money to spend on health care or other needs. Furthermore, the low-hanging fruit has already been plucked. Reducing smog to the levels demanded is far more expensive than smog reduction has been to date.

Moreover, levels of air pollution in America have been declining rapidly since the 1950s despite increases in energy consumption and automobile use. According to air quality expert Joel Schwartz, "Even the worst areas have far better air quality than was typical of American cities during the 1950s, '60s, or '70s." Further improvements in air quality are bound to happen anyhow, as technology develops and as vehicles and power plants become cleaner.

Moreover, the evidence used by the EPA to justify tightening regulations is dubious. The vast majority of the studies the agency relies on have been shown to be methodologically flawed. Their results are belied by the fact that incidence of asthma has nearly doubled in America this past quarter century; even as air pollution of all kinds has dropped.

Despite all these studies, there is no *new* scientific evidence put forward by EPA to justify this new rule. Nor is there any evidence that the current laws are not working.

Why, then, has the EPA proposed this rule? Because the Obama administration wants to increase the cost of energy. The President's flagship global warming policy, "cap and trade," remains stalled in the Senate, with Senators of both parties all too aware of the damage it will do to their states. The President, however, promised in his election campaign that energy rates would "necessarily skyrocket," and the smog rule is another way to achieve that end without having to bother with the messy business of gaining Congressional approval.

As it stands, the latest regulation proposed by the EPA is typical of the Obama administration: a false threat is raised; the Bush administration is accused of failing to address it; and action is taken through the bureaucracy in order to circumvent Congress. Americans should not be fooled. Far from hitting "big business," the EPA's new proposed smog standards amount to yet another indirect tax on consumers, at all income levels.

EPA proposes stricter smog rules (*Rexburg Standard Journal*)

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The U.S. Environmental Protection Agency has proposed stricter rules regarding smog, and while Idaho Falls may be facing some troubles because of the new rules, an Idaho Department of Environmental Quality official says the rules will have no effect in Madison and Fremont counties.

Smog levels have never been monitored by the agency in the upper valley.

"It is in a way difficult to give specific answers to our questions pertaining to air quality in Madison and Fremont counties, due to the lack of monitoring information," Bruce Louks, the air quality monitoring coordinator for the DEQ.

"In general DEQ monitors for the seven criteria pollutants in populated or urban areas (per EPA rules), sometimes in areas where local industrial impacts may occur and in areas known to be at risk for smoke impacts due to unwanted wildfire or agricultural crop residue burning," Louks says in an e-mail in response.

"Without significant sources of emissions, air quality in rural Idaho is generally pretty good," he says.

"The proposed EPA rules on ground-level ozone (smog) will have no effect in Madison and Fremont counties," he says.

"However, EPA is also proposing changes to the ozone monitoring rules whereby ozone monitoring may be required in Idaho Falls," Louks says. "That would be the first time DEQ will have monitored for a criteria pollutant other than particulate matter (PM10 and PM2.5) in that part of Idaho," he says. "I cannot recall an air quality alert being issued in either Madison and Fremont County."

Last week the EPA proposed the strictest health standards to date for smog, also known as ground-level ozone. The pollutant is linked to a number of serious health problems, ranging from aggravation of asthma to increased risk of premature death in people with heart or lung disease.

The agency is proposing to set the primary standard that protects public health at a level between 0.060 and 0.070 parts per million measured over eight hours, according to a news release.

EPA is also proposing to set a separate secondary standard to protect the environment, especially plants and trees. This seasonal standard is designed to protect plants and trees from damage occurring from repeated ozone exposure, which can reduce tree growth, damage leaves and increase susceptibility to disease, the EPA says.

Ground-level ozone forms when emissions from industrial facilities, power plants, landfills and motor vehicles react in the sun.

The EPA will take public comment for 60 days after the proposed rule is published in the Federal Register. The agency will hold three public hearings on the proposal: Feb. 2 in Arlington, Va. and in Houston and Feb. 4 in Sacramento. Visit www.epa.gov/groundlevelozone for more information on how to comment.

Ed Jolley at the Idaho Falls office of the state DEQ says his office monitors air quality for particulate levels in Idaho Falls and Salmon. There is monitoring gauge in Idaho Falls and three in Salmon - two being for special uses.

There is a seasonal monitoring station in the Rexburg area that used during the field-burning season to detail the amount of smoke in the air, if necessary, he says.

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Pomeroy Strives to Halt EPA Regulation of Greenhouse Gases (*Kansas Farmer*)

Representative Earl Pomeroy, D-N.D., is trying to stop the Environmental Protection Agency from regulating greenhouse gases. He says this is not how the issue should be dealt with.

"Let's have a full, thorough debate and legislate in due course with the elected representatives from across the country exercising their responsibilities," Pomeroy said. "This isn't for a bureaucrat at his desk in the Executive Branch."

According to Pomeroy the regulation of greenhouse gas emissions under the current provisions of the Clean Air Act is dangerous, irresponsible and wrong. That's why he's introduced H.R. 4396 - the Save Our Energy Jobs Act. It's a measure he believes can gain traction in Congress.

"I think even some of those that were supportive of cap and trade legislation are going to have qualms about this being now a matter for regulatory process and not for a duly deliberate process of passing a bill and putting a law in place tailor made to address this problem," Pomeroy said.

Pomeroy says the Legislative Branch is where laws are written, not the EPA. Earlier this week delegates at the 91st American Farm Bureau Federation Meeting voted to support any legislative action to stop EPA regulation of greenhouse gases.

Report Links Vehicle Exhaust to Health Problems (*New York Times*)

By MATTHEW L. WALD

January 13, 2010

Exhaust from cars and trucks exacerbates asthma in children and may cause new cases as well as other respiratory illnesses and heart problems resulting in deaths, an independent institute that focuses on vehicle-related air pollution has concluded.

The report, to be issued on Wednesday by the nonprofit Health Effects Institute, analyzed 700 peer-reviewed studies conducted around the world on varying aspects of motor vehicle emissions and health. It found “evidence of a causal relationship,” but not proof of one, between pollution from vehicles and impaired lung function and accelerated hardening of the arteries.
It said there was “strong evidence” that exposure to traffic helped cause variations in heart rate and other heart ailments that result in deaths. But among the many studies that evaluated death from heart problems, some did not separate stress and noise from air pollution as a cause, it said.

The institute, based in Boston, is jointly financed by the Environmental Protection Agency and the auto industry to help assure its independence. Its reports are peer-reviewed but are not published in a scientific journal.

The researchers noted that proving that air pollution from vehicles caused illness was difficult. The pollutants studied often come from sources like industry in addition to cars and trucks, they said, and many of the studies failed to rule out factors like income levels that could contribute to the illnesses studied.

Many people who live near major roads fall into lower-income categories. Vibration and noise rather than air pollution could also cause some health damage, the report said.

Nonetheless, “we see a strong signal that says traffic exposure seems to be causing effects,” said Dan Greenbaum, the president of the institute.

The study found that the biggest effects occurred among people who lived within 300 to 500 meters — about two-tenths to three-tenths of a mile — from highways and major roads. That applies to 30 percent to 45 percent of the population of North America, the authors said.

The pollutants studied in the report do not include ozone, the chemical for which the Environmental Protection Agency proposed new regulations last week. Ozone is more prevalent in places distant from highways.

For many categories of health effects, the authors concluded that the studies completed so far suggested that air pollution from vehicles was the cause, without establishing that as fact.

Contacted for comment, the environmental agency said it welcomed the study. The agency added that it was taking steps to cut toxic materials in gasoline and that the federal recovery act included $300 million for cleaning up diesel engines.

Outside experts briefed on the study had mixed reactions.

“Like the issue of second-hand smoke, it’s very difficult to understand the exact mechanisms that make it bad — but it’s easy to understand that it is in fact bad,” said Rich Kassel, an expert on diesel engines at the Natural Resources Defense Council, an environmental group. “This study underscores that difficulty.”

“Despite 40 years of building ever-cleaner vehicles, we still have a vehicle pollution problem in this country,” Mr. Kassel said.

Howard J. Feldman, the director of regulatory and scientific affairs at the American Petroleum Institute, noted that the evidence of a causal factor was inconclusive for some ailments.

“The only conclusive thing that was found was with the asthma,” Mr. Feldman said. “Nothing else was found to be conclusive, which to me was interesting in itself.”

“These are epidemiological studies, which by definition reflect past exposures with past fuels,” he added.

As emissions from traffic decline, Mr. Feldman predicted, exposures from other sources will become more important.

EPA Revisits Bush-Era Smog Rule (*MLive.com*)

By Saulius Mikalonis

January 13, 2010, 11:05AM

"Cheers to a new year and another chance for us to get it right." - Oprah Winfrey

On January 6, the United States Environmental Protection Agency (EPA) **announced** significant changes to regulations limiting the amount of ground-level ozone, also known as "smog." In 2008, the Bush Administration passed **regulations** over the recommendations of EPA's own experts, the Clean Air Scientific Advisory Committee. Soon afterward, a large number of public interest groups and several states filed suit challenging the 2008 EPA smog rule.

President Obama's Administrator of the EPA, Lisa Jackson, began her term by reviewing a wide variety of policy decisions made by the Bush Administration. On the top of her list was the 2008 smog standards. In September 2009, EPA **announced** that it was going to review the regulations, publish a proposal by December 2009 and issue a final rule by August 2010.

Ground-level ozone is the primary component of what is known as smog. It is well understood that high levels of this gas can result in impaired lung function and premature deaths. Ozone also negatively affects vegetation, including crops, and other living things. Ozone also causes **impairment** of visibility, including in what are considered pristine areas, like the Grand Canyon.

What the new proposed rule does is change the National Ambient Air Quality Standards (NAAQS) under the Clean Air Act. Under the Act, EPA is required to establish air quality standards based on the best available scientific information that defines clean and safe versus dirty and unsafe air quality, with an adequate margin of safety. In setting that standard, the Act forbids EPA from considering the cost of compliance.

The standard under the Bush-era smog rules was 75 parts per billion (ppb). The new standard is set at 60 to 70 ppb. In addition, there are specific secondary standards that vary with the season to protect plants and the ecosystem.

Under the Clean Air Act, states are required to monitor ozone in a variety of Metropolitan Statistical Areas (MSAs). The new rule will also require monitoring in selected non-urban areas. By January 7, 2011, the governors of each state must submit to EPA the areas within each state that are determined to be "nonattainment" (not meeting the NAAQS standard) or, "attainment" (meeting the standard or expected to be meeting the standard despite a lack of monitoring data), or “unclassifiable” (insufficient data to classify) with respect to the new ozone

standards. Under the Act, once an area is confirmed to be "nonattainment," state and local governments must implement plans outlining how the nonattainment areas will achieve attainment status and maintain that status. It is expected that the number of ozone nonattainment areas in the United States will increase significantly.

It is likely that the final rule will be challenged in court by industry representatives, but such an effort is unlikely to delay implementation of the new ozone rule in the short term, even if it is ultimately successful. We can also expect that EPA will review many more of the previous Administration's regulatory decisions. The new ground-level ozone standard is just one of many changes people can expect in the Obama Administration's efforts to toughen environmental standards throughout the United States.

CLIMATE CHANGE/GLOBAL WARMING

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Lisa Murkowski wants to block EPA action on climate change (*Washington Post*)

By Ezra Klein | January 13, 2010; 11:09 AM ET

So far, the Senate hasn't been able to get its act together long enough to pass legislation doing something about climate change. But if Lisa Murkowski has her way, it will get its act together long enough to do something making sure the EPA can't do anything about climate change:

Sen. Lisa Murkowski on Tuesday left open the possibility that she would seek a vote next week on stopping the U.S. Environmental Protection Agency from going forward with regulations to limit greenhouse-gas emissions.

"I do not believe and I don't believe that most of my colleagues in the Senate believe that the EPA is the entity that is the best suited to develop climate-change policy for this country," Murkowski (R-Alaska) told reporters. "I'm trying to get a time-out. I'm trying to allow the legislative process to proceed. I'm hopeful that we'll be able to have a vote that will allow for that discussion."

Democrats, businesses and environmentalists are closely watching the vote, which could come in the form of an amendment to a debt-ceiling measure up for a vote in the Senate next week.

Push For Natural Gas To Limit GHGs Poses Unintended Pollution Impacts (*Inside EPA*)

Wednesday, January 13, 2010

Policymakers seeking to regulate greenhouse gas (GHG) emissions are weighing several measures to encourage increased use of natural gas as a lower-emitting alternative to coal -- but increased use and production of the fuel is already resulting in unintended pollution consequences that could be difficult to address.

The issue is likely to be especially challenging for EPA, which has begun to take some steps to address the issue, for example by reviewing some air quality regulations and requiring first-time GHG reporting for natural gas operations.

More difficult to address is the question of whether hydraulic fracturing -- a controversial technology for extracting natural gas that pumps chemical-laden water and sand into rock seams -- results in contamination of groundwater.

EPA is preparing to launch in 2010 a congressionally mandated study on the pollution impacts of so-called “fracking” operations that could determine whether Congress advances legislation to reinstate EPA’s Safe Drinking Water Act (SDWA) authority to regulate the practice.

But questions about fracking’s impacts are politically fraught as industry officials warn that new regulations from EPA could shut down some operations. And nearly two dozen House Democrats recently wrote a letter to EPA that some in industry say shows opposition to efforts by fellow Democrats and environmentalists to reinstate EPA’s SDWA authority.

Environmentalists are also split on the issue, with some Sierra Club officials actively supporting policies to encourage increased gas use while some of the club’s local chapters -- especially those close to drilling operations -- opposing it.

The difficulties in addressing the pollution consequences of natural gas echo similar pollution problems in the agriculture sector, which could also see a pollution increase as a result of GHG rules. For example, many environmentalists are concerned that incentives included in the House climate bill to encourage no-till farming -- which results in increased terrestrial sequestration of GHGs -- also results in increased chemical use. To assess such problems, EPA’s Science Advisory Panel is preparing to review an upcoming agency white paper on how to address increased pesticide and chemical use in the agriculture sector that will likely result from climate change.

There may also be indirect pollution consequences from regulating GHGs as EPA faces limited resources to address some of these issues. One informed source says the agency will have to make trade-offs in the kinds of mitigation it can win in enforcement cases as there is a limited amount of money that industry will be able to dedicate to injunctive relief. That could mean money will be diverted from controls for criteria and air toxics to GHGs, a shift the source says would be a “terrible trade” due to the health benefits of criteria pollutant reductions.

Similarly, the agency may be forced to divert resources from other programs to address the huge administrative burden that will come with developing GHG rules. EPA’s unions have estimated that some offices will have to triple in size to handle the workload, prompting fears that the agency may

have to shift resources from other programs. “Our fear is there is a breaking point where we have so much work on our plate that we’re not effective at anything,” one agency source said recently.

EPA has struggled with unintended consequences of policy choices in the past -- for example, belatedly discovering that methyl-tertiary-butyl ether (MTBE) in gasoline, which was intended to reduce air pollution, had contaminated groundwater and could not be cleaned up under Superfund or other environmental authorities. But the agency has never faced an issue like climate change that could have such dramatic and far-reaching effects on all aspects of the agency’s work, sources say.

Like MTBE, which was added to gasoline as a result of a congressional mandate to reduce harmful emissions, policymakers are new eyeing steps that would encourage fuel switching to natural gas -- which releases as much as 50 percent less GHGs than coal.

EPA signaled late last year that it may be open to calls from environmentalists to require permit writers to consider natural gas as a best available control technology for new or expanded power plants. While the agency stopped short of mandating consideration of the fuel in permits -- it nevertheless signaled for the first time that fuel switching to natural gas could be an acceptable emissions control approach.

Similarly, climate legislation in both the House and Senate includes incentives for increasing use of natural gas as a lower-emitting fuel source than coal.

But already gas production is causing pollution problems. In Wyoming, for example, regulators are grappling with how to address extraordinarily high levels of ozone due to emissions from natural gas production. This includes unusual wintertime exceedances of EPA’s ozone air quality standards in rural areas -- a significant change given that ozone has traditionally been considered a problem in urban areas in the summertime, when industrial and vehicle emissions combine with heat and sunlight to form ozone.

Environmentalists have focused part of their efforts on the air quality impacts of natural gas drilling, for example, challenging air permits and suing EPA to replace air regulations that they say do not protect against pollution from drilling on the scale that is now occurring.

One industry source also points to the GHG impact of natural gas operations, noting that methane, a potent GHG, can leak from extraction and processing operations, possibly negating some of the fuel’s GHG benefits.

Air quality impacts are not the only problem. State officials are already grappling with how to address possible water contamination as a result of increased drilling in traditional energy producing states in the West as well as along the Marcellus Shale -- a 600-mile long geologic formation that spans New York, Pennsylvania, Ohio and West Virginia.

Pennsylvania officials have proposed what may be the nation’s first state discharge limit on total dissolved solids to address water quality problems from drilling. Similarly, EPA and New York City officials are calling on the state to limit the pollution impacts of drilling within upstate watersheds that provide the city with drinking water, charging that the state’s drilling plans could violate a waiver EPA has granted the city from federal drinking water treatment requirements.

However, a second industry source says the unintended consequences of natural gas are “grossly overstated.” The source notes that the industry has been drilling in the United States for decades and there have been no documented cases of contamination from fracturing. The source also says it is in industry’s interest to prevent leaks of methane because it is a valuable product. The industry

already is subject to state regulation and federal rules for discharging or injecting underground water that is produced in the extraction process, the source says.

One environmentalist says EPA is taking some steps to address air pollution. The agency settled an activist lawsuit seeking new air rules and has set a schedule to review and possibly revise its standards for criteria and toxic air pollutants from oil and natural gas operations, the source says. EPA also recently revoked a Bush-era policy that environmentalists said made it easier to avoid strict pollution controls in oil and gas air permits and submitted for White House review a proposal to begin monitoring GHGs from oil and gas operations.

“The push for more natural gas drilling as a hedge against coal is incredibly shortsighted and ill-informed,” the environmentalist says, but notes “Things are going in the right direction at EPA . . . though I am frustrated at politicians for throwing natural gas around as a solution.”

But addressing contamination from fracking may not be easy. Environmentalists -- and their congressional allies -- have launched a push to reinstate EPA’s SDWA authority to regulate the practice, which Congress eliminated in the 2005 energy law. The activists are backing a bill introduced by Rep. Dianna DeGette (D-CO) and Sen. Bob Casey, (D-PA) that would reverse the 2005 waiver. Although the bills have not moved since they were introduced, EPA’s fiscal year 2010 spending law requires the agency to conduct a study on the safety of fracking, which could determine future congressional action.

But the prospects for future action may be limited. Late last year, 22 House Democrats sent a letter to EPA Administrator Lisa Jackson asking her, among other things, to take into account a previous agency study that found no harmful impacts from the practice.

The second industry source says the letter may raise questions about the breadth of support for the DeGette bill, which now has 39 co-sponsors in the House. “I think that most of these members who signed that letter recognize that [fracking] is an essential lynchpin of American natural gas . . . and certainly wouldn’t want to impede it, which would be a consequence of the [legislation],” the industry source says. -- *Kate Winston*

Call-in hits Senate on cap and trade, Murkowski amendment *(Greenwire)*

Anne C. Mulkern, E&E reporter

01/13/2010

An environmental group yesterday staged a call-in of Senate offices to urge both action on climate legislation and a "no" vote on a possible amendment from Sen. Lisa Murkowski (R-Alaska) to restrict U.S. EPA's authority on greenhouse gas regulation.

1Sky said that 3,600 members called senators from all states. Members of the group's policy team tomorrow plan to visit the offices of senators from swing states on climate, emphasizing support for defeating the Murkowski move, said Alex Posorske, 1Sky's field and communications manager.

"The Clean Air Act is one of the most successful environmental laws ever created, and we must defend it from the interests of the Big Oil and dirty coal industries that have gotten behind the Murkowski amendment," said 1Sky Campaign Director Gillian Caldwell.

The Senate will vote this month on increasing the statutory limit on the public debt. As part of that, Murkowski will be allowed to offer an amendment on EPA's authority to curb emissions. She has not said exactly what that legislation would say.

EPA in March is expected to roll out the first-ever federal standards affecting greenhouse gas emissions from automobile tailpipes. This follows the agency's move in December declaring greenhouse gases a danger to public health. The tailpipe standards would automatically trigger requirements that stationary sources -- such as power plants -- install "best available control technology," or BACT, according to EPA. The agency has proposed a separate rule to shield smaller facilities from those requirements, the "tailoring rule," which is also expected to be in place by March.

Many energy industry groups, including the American Petroleum Institute, National Mining Association and Edison Electric Institute, are concerned about EPA using the Clean Air Act to regulate greenhouse gas emissions. API has said it fears the tailoring rule would not protect smaller sources of the pollutant blamed for climate change.

Industry lobbyists have said they are talking with lawmakers about delaying EPA action.

Caldwell also pointed to news reports about a connection between Murkowski and energy lobbyists who helped draft her 2009 proposed amendment on EPA.

"After years of inaction in Washington, the Obama administration is making sure that the Clean Air Act is used to protect Americans from the dangers of global warming air pollution," Caldwell said. "This can help make sure the oldest, dirtiest coal plants will have to clean up or shut down, but first we have to beat back this attack sponsored by dirty fossil fuel interests."

One of those lobbyists, Jeff Holmstead, is minimizing the connection. Holmstead, former air chief during the George W. Bush administration, told E&E that he advised Murkowski's office on an amendment offered last fall but had no role in writing the language.

Although callers contacted all senators, 1Sky said it has increased efforts in key states on a climate bill vote: Arkansas, Colorado, Florida, Louisiana, Maine, Maryland, Minnesota, Missouri, Montana, Nevada, New York, North Carolina, Ohio, Oregon, South Carolina, Virginia, Washington and Wisconsin.

"The number of calls yesterday shows the widespread support throughout America for strong climate legislation," Caldwell said. "Senators who are champions for clean energy legislation will have a grateful and enthusiastic base to support them in the months ahead."

HAZARDOUS WASTES

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Recycling questions complicate EPA ash decision *(Greenwire)*

Patrick Reis, E&E reporter

01/13/2010

More than a year after 1 billion or so gallons of water polluted by ash spilled from a coal-burning power plant in Tennessee, the Obama administration is struggling to decide whether to declare such waste "hazardous."

Slapping a hazardous label on coal ash and other coal byproducts would trigger the writing of a federal disposal standard to replace a patchwork of state regulations. The standard could outright ban wet storage ponds -- such as the one that ruptured in December 2008 in Kingston, Tenn. -- and require landfill liners, leak controls and groundwater monitoring at ash dumps.

The industry also fears that the hazardous designation would kill an ash-recycling enterprise that the Electric Power Research Institute (EPRI) says generates $5 billion to $10 billion a year in revenue for coal-burning utilities. In 2008, about 60 million tons -- 45 percent of the 136 million tons of coal-combustion ash that the industry generated -- were used to fill abandoned mines, make concrete and shore up eroding highway embankments, according to the American Coal Ash Association.

The designation would also cause disposal costs to soar. Ken Ladwig, a senior program manager for EPRI, said a hazardous designation could raise the cost of ash disposal from $10-15 a ton to $150 per ton, a total of $10 billion to $15 billion more a year. And that estimate cost could balloon, he added, if the designation chokes recycling programs.

The American Society for Testing and Materials International, a coalition that sets material and building standards, warned U.S. EPA last month that it would not support the use of coal ash in concrete if the ash is declared a hazardous waste. "If a material is excluded from the standard,

you're not going to be able to use it," said Jim Roewer, executive director of the Utility Solid Waste Activities Group.

Said Tom Addams, executive director of the coal ash group, "A hazardous determination would make builders reluctant to use coal ash not because of what it may contain, but because of tort activity. If litigation was filed on a national basis, it would be mind-boggling to see what the defense costs were."

But environmentalists pushing for the hazardous designation say the industry groups are trying to scare EPA away from protecting waterways and groundwater from arsenic, selenium and other heavy metals that leach from power plant ash. There is no evidence, they say, that the "beneficial use" of ash would stop with a hazardous-waste designation.

"I have never seen the first study or piece of data to substantiate the claim that there would be this stigma that would stop recycling of coal ash," said Jeff Stant, director of the Environmental Integrity Project's campaign for federal regulation of coal-combustion waste. "It's important to note that the people who have been making that claim are the ones who have a financial interest in not having the designation."

And Stant added, "The job of EPA first and foremost ... is to prevent wastes from causing harm. It is not to worry over whether the concrete industry is going to have some component stigmatized."

Push at White House, on Hill

The industry is working hard to promote its argument about recycling or "beneficial use" of coal-combustion waste. After all, that argument was key in persuading the Clinton administration's EPA in 2000 to forego regulation of ash under the Resource Conservation and Reclamation Act (RCRA).

Industry groups have met 16 times with EPA, the White House Council on Environmental Quality and the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) since October to discuss ash regulations and question their potential effect on recycling programs, according to documents posted on the OMB Web site.

Among the players are American Electric Power Co. Inc., Duke Energy Corp., the Utility Solid Waste Activities Group, the American Coal Ash Association, the National Association of Manufacturers and lobbyist Lisa Jaeger, who was EPA's acting general counsel during the George W. Bush administration. Jaeger is representing the Council of Industrial Boiler Owners.

During that same period, Obama administration officials discussed the ash issue in four meetings with environmentalists and two with health professionals.

"By executive order, if a stakeholder on a proposal asks to meet with OMB (OIRA), they are required to take the meeting," an administration official said in a statement. "For this proposal,

OIRA has met with groups on both sides of the issue. The numbers of meetings that 'one side' gets versus another is not indicative of one side getting more input into the process."

EPA declined to comment for this story, but the agency is crafting its decision on a coal ash standard with beneficial use in mind, Stan Meiburg, acting director of EPA's Region 4, told Congress at a hearing last month.

The agency is struggling to find a way forward. After pledging early last year to decide the ash issue by December, EPA Administrator Lisa Jackson announced last month the "complexity of the analysis" of the matter had delayed the decision.

Meanwhile, the industry groups' pitch has struck a chord in Congress. "Beneficial use" was cited in a letter signed by 25 senators and more than 70 House members last month that asked Jackson to forgo the hazardous designation.

The argument was repeated at two December House hearings on ash regulations. "How could coal ash be hazardous in a landfill and not hazardous in recycling?" Rep. Bill Shuster (R-Pa.) asked at a House Transportation and Infrastructure hearing Dec. 9. "It's frightening that we come up with that sort of illogical ruling."

Rep. Jim Matheson (D-Utah) echoed that notion at an Energy and Commerce subcommittee hearing two days later. Matheson's top campaign contributor for the current election cycle is Ceramatec Inc., a materials science company in his Salt Lake City district that is exploring new ways to recycle coal ash.

The company, whose political action committees and individuals have donated $10,000 to Matheson's campaign according to nonpartisan watchdog Open Secrets, has conveyed to Matheson through several forums that a hazardous designation would cripple its recycling programs, Ceramatec chemist Chett Boxley said in an interview.

'Hybrid' designation?

On the other side are environmentalists and construction industry stakeholders who maintain that a hazardous-waste designation won't doom ash recycling efforts.

"It's really hard to say how markets react and what ultimately happens once you have that kind of designation," said Scot Horst, senior vice president of the U.S. Green Building Council. "I know, just from talking to people, that that's what the fear is, but EPA has the ability to make a ruling any way it wants.

"It could say that beneficial use isn't a hazardous material, but the waste is, and I suspect that's the work that they're trying to figure out."

The council offers incentives for builders to use the ash in concrete in its famous LEED program for certifying "green" buildings, and those incentives would remain in place even under a hazardous determination, Horst said.

RCRA gives EPA flexibility to craft a "hybrid" hazardous designation that would set strong disposal standards but make exemptions to encourage recycling, Earthjustice attorney Lisa Evans said.

Evans argues that other materials classified as hazardous wastes -- such as spent solvents and steel production byproducts -- enjoy robust recycling programs, and there is no reason to believe coal ash could not as well.

"People are acting as if this is the first time that hazardous waste would ever re-enter the stream of commerce," Evans said. "That's really far from true."

Emissions in Barnett Shale don't exceed standards, commission says *(Greenwire)*

01/13/2010

Natural gas drilling is not causing a release of hazardous chemicals in Fort Worth, Texas, according to preliminary tests.

The state Commission on Environmental Quality analyzed 126 Barnett Shale sites for toxic vapor and studied eight in greater depth. Those tests checked for 22 chemicals, and none of the samples showed levels exceeding standards for short- or long-term exposure.

Commission officials cautioned that the tests were a one-day snapshot and the results not guaranteed. Critics said cold weather prevents hazardous chemicals from evaporating, which would affect test results.

"I think we need to do a much more comprehensive study than doing a snapshot at the fence line," said Gary Hogan, a member of the task force that crafted Fort Worth's drilling ordinance in 2006 and 2008.

The state agency has acknowledged that it knew about fumes released from the Barnett Shale in 2007 but did not conduct tests until last summer. It found one site where benzene levels were five times the long-term exposure limit and has since been asking gas companies to voluntarily reduce emissions.

State Rep. Lon Burnam (D) of Fort Worth has asked the Texas Railroad Commission to put a moratorium on new drilling permits until studies are complete (Mike Lee, *Star-Telegram*, Jan. 12). **-- EL**

MINING

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West Virginians urged to 'stand up for our coal miners' (*Charleston Gazette*)

By Ken Ward Jr.

Staff writer

Advertiser

January 13, 2010

CHARLESTON, W.Va. -- Gov. Joe Manchin on Wednesday night urged West Virginians to "stand up for our coal miners and their families" as federal officials seek to reduce mountaintop removal impacts and limit power plant emissions that cause global warming.

In his annual State of the State address, Manchin both criticized those who seek to reduce coal's negative effects and insisted West Virginia is doing a lot to make coal cleaner.

The remarks drew criticism from environmental group leaders and praise from coal industry lobbyists.

"It's a continuation of his mantra," said Don Garvin, lead lobbyist for the West Virginia Environmental Council. "It basically was a big rally cry for coal."

Bill Raney, president of the West Virginia Coal Association, said industry officials were glad -- but not especially surprised -- at Manchin's strong statement.

"The governor has been very helpful," Raney said. "I think they're probably doing everything they possibly can to get the federal government's attention."

Raney said the industry hopes Manchin continues his focus on pushing the U.S. Environmental Protection Agency to relent and allow the federal Army Corps of Engineers to issue new mining permits that are undergoing more thorough EPA reviews.

"We need to do whatever we possibly can to get them moving," Raney said.

In his speech, Manchin acknowledged, "2009 was a tough year for coal.

"Despite the fact that half of our nation's electricity is generated by coal, and that our national economy depends on this abundant, reliable and affordable energy, some want to villainize this resource that helped us win two world wars and built the greatest country in the world," Manchin said.

But the governor also said, "We are reaching new and better ways to use our coal. There is a balance to be had between our economy and our environment and West Virginia is leading the way in finding that balance."

In an especially tight budget year, Manchin proposed no new programs or initiatives concerning coal, energy or the environment.

Manchin noted the passage last year of a new law requiring utilities to get a share of their energy from alternative sources and a measure supporters say will help promote economic development on former strip-mine sites.

But, the governor's energy law defines alternative fuels so broadly that critics worry the legislation won't really accomplish much. And Manchin's post-mining land use bill may not change the long-time failure of regulators to enforce existing requirements that mine operators plan developments for the mountains they flatten.

Manchin did not mention a new effort by his state Department of Environmental Protection to write new guidelines aimed at forcing coal operators to reduce the downstream water quality impacts of mountaintop removal.

"I wish he had a future vision and not a vision of the past," Garvin said.

Manchin praised American Electric Power's major test project for greenhouse gas controls on its Mountaineer Plant in Mason County. But, he also plugged a Mingo County coal-to-liquids project that has no plans to capture its carbon dioxide emissions.

The governor touted wind power, saying West Virginia has more than 1,000 megawatts of wind power "in service or in development," enough, he said, to power 250,000 homes.

Manchin also emphasized the possible expansion of the state's oil and gas industry, saying "with new ways to recover massive natural gas reserves from the Marcellus Shale, we are poised to power our nation for the next century."

But, the governor didn't mention ongoing efforts by DEP to put in place tougher regulations on such wells and their potential for creating huge water pollution problems.

Earlier in the day, a legislative interim committee advanced the DEP rules proposal, setting up a potential fight should the industry seek to weaken them or environmentalists try to further strengthen them.

"DEP is taking some small steps to monitor these [drilling] technologies and to make sure they

don't get out of hand," Garvin said. "We have some concerns and would like to see their proposal tightened up a bit. But it is a good first step, and at least they seem to be willing to deal with it."

Manchin also touted the state's improvements in coal-mine safety, citing a record low of three coal-mining deaths in 2009. But, he added, "Even one death is far too many."

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

POLITICAL

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KU professor appointed regional administrator for EPA (*LJWorld.com*)

January 13, 2010

President Barack Obama has appointed Kansas University history and environmental studies associate professor Karl Boyd Brooks to be the regional administrator for the U.S. Environmental Protection Agency.

Brooks, a former Idaho state senator, will lead the region that includes Kansas, Iowa, Missouri and Nebraska. The regional office is in Kansas City, Kan.

Brooks has taught at KU for the last decade.

Regional administrators promote state and local environmental protection efforts and serve as a liaison to state and local government officials.

EPA regional leader chosen (*Seattle Times*)

Originally published January 13, 2010 at 11:20 PM

The Obama administration has chosen Dennis McLarren as the new regional head of the Environmental Protection Agency.

The Obama administration has chosen Dennis McLarren as the new regional head of the Environmental Protection Agency.

McLarren, director of the Puget Sound Clean Air Agency, will oversee pollution control, toxic cleanup and air and water issues in Alaska, Washington, Oregon and Idaho.

He previously served as city attorney for Port Townsend and as director of the Seattle Department of Construction and Land Use.

Times staff and news services

Karl Brooks named regional administrator for Environmental Protection Agency (*Kansas City Star*)

Posted on Wed, Jan. 13, 2010

President Barack Obama has appointed an associate professor of history and environmental studies at the University of Kansas to be the area's top environmental chief.

Karl Brooks, an Idaho native and lawyer, will be the administrator of the Environmental Protection Agency Region 7 in Kansas City, Kan. The region covers Missouri, Kansas, Nebraska and Iowa.

Brooks has degrees from KU, Harvard University, the London School of Economics and Yale University. He spent 2001 and 2002 in Washington, D.C., as a fellow with the Supreme Court.

When contacted Wednesday afternoon at KU, Brooks would not comment.

An Idaho native, Brooks practiced law in Boise from 1983 to 1993. He served three terms in the Idaho Senate from 1986 to 1992. He also worked as executive director of the Idaho Conservation League, Idaho's largest citizens' environmental group.

TOXICS

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EPA to test more homes for toxic vapor near Superfund site (*Associated Press*) This story also appeared: *WCAX*

Associated Press - January 14, 2010 3:15 AM ET

ELMIRA, N.Y. (AP) - The Environmental Protection Agency plans to test 27 more homes near an Elmira Superfund site for toxic solvent vapors.

The EPA launched a study in 2007 to see if homes near the Facet Enterprises cleanup site were contaminated with vapors from trichloroethylene, or TCE, a common industrial solvent and probable carcinogen.

EPA found elevated levels in 27 of 103 homes sampled and installed mitigation systems.

Facet manufactured products like bicycle parts, car engine components, and small arms for the military. Waste disposed of at the site included cyanide salts, heavy metal sludge, oils and solvents.

EPA excavated contaminated soil and treated contaminated ground water. But in recent years, tests showed solvent vapors had migrated underground to homes.

EPA to test for more vapor intrusion in Elmira Heights (*Elmira Star-Gazette*)

By Jeff Murray
jdmurray@gannett.com

January 13, 2010

The Environmental Protection Agency is back in the Elmira area, looking into the possibility of vapor intrusion from the Facet Enterprises Superfund site.

In 2007, the EPA launched a study of the Elmira Heights area to determine if homes or businesses were contaminated with vapors from trichloroethylene, a common industrial solvent and probable carcinogen.

EPA sampled 103 homes and found elevated levels in some, installing mitigation systems in 27 households.

Now the agency plans to test under the foundations of 18 additional homes and conduct indoor sampling of nine more houses in the latest round.

"Long-term exposure to these vapors can have serious health implications, and I strongly recommend that people allow EPA to conduct sampling, and if necessary, install systems if we find elevated levels," EPA Regional Administrator Judith Enck said in a news release. "The good news is the systems are relatively easy to install and they are extremely effective in venting noxious vapors so that residents are no longer impacted."

The Facet site on Corning Road in Elmira Heights has been a location for makers of automotive parts since 1895 and remains an active industrial site.

Various types of waste were disposed of at the site over the years, including cyanide salts, heavy metal sludge, spent solvents and oils, according to EPA.

The agency cleaned up the site by excavating contaminated soil and sediment and treating contaminated groundwater.

But in recent years, EPA and the state Department of Environmental Conservation determined that vapors from trichloroethylene contamination might have reached the basements of some homes and buildings in the vicinity of Facet Enterprises.

The designated area for sampling spans west to east from Robinwood to Prescott avenues, and north to south from West 18th Street to West 12th and East 9th streets.

The additional sampling is a good step but only the beginning of what should be a much larger remediation process, said Walter Hang, president of Ithaca-based Toxics Targeting Inc.

Hang has been critical of EPA and DEC for years over their handling of the Facet Enterprises site and the former Kentucky Avenue wellfield site, which was contaminated primarily by activity at Westinghouse Corp. in Horseheads.

"In fact, all of the solvent contamination problems had never been properly investigated or remediated on a comprehensive basis," Hang said. "So the question now is, how many people were breathing contamination for years and years around these well-known solvent contaminated sites that were never cleaned up?

"The (other) question is, are they only testing for TCE? There are numerous compounds that could be present," he said. "People could have been breathing these fumes for literally decades. This is a good first step, but it's not a comprehensive solution."

EPA Crafting Communication Plan To Handle Dioxin Food Safety Concerns (*Inside EPA*)

Wednesday, January 13, 2010

EPA has established a special communication committee to address concerns about the safety of the food supply and other public health issues stemming from the upcoming release of its reassessment of dioxin’s risks -- which the agency is expected to identify as highly toxic and bioaccumulative with almost all exposure occuring through food consumption, sources say.

But calming possible public concerns about food safety may be difficult even though environmental levels and body burdens are declining.

“It’s a classic communication problem because most dioxin emissions are greatly reduced. It’s a big legacy problem instead of a current emissions problem,” an agency source says. While many exposure sources have been “greatly reduced,” most human exposure is through food instead, the source says. Still, the source says that although human and environmental levels are declining, they are still not below any level of concern.

How EPA addresses the issue could provide insight into how the agency addresses similar concerns with other pending risk assessments, such as the agency’s pending assessment of the rocket fuel ingredient perchlorate.

In that case, industry officials have warned that identifying the rocket fuel chemical as highly toxic could prompt “media-generated health scares” as consumers, fearing the chemical’s presence in produce, switch to less-nutritious dietary choices. A group of defense contractors and food industry officials last year urged the administration to create a special interagency group to address food safety and other concerns that may be raised if the administration moves forward with stricter risk and regulatory limits.

An EPA spokeswoman did not respond to questions about the dioxin communication committee but said in a statement that “communicating the importance of our environmental work to the broadest possible audience is always a high agency priority.”

EPA is expected in the coming weeks to unveil its response to a 2006 National Academy of Sciences (NAS) report that recommended changes the agency should make to its 2000 draft assessment of the risks posed by 2,3,7,8 Tetrachlorodibenzo-p-Dioxin (TCDD) -- the most toxic of a ubiquitous class of chemicals produced by combustion and other industrial processes.

In one indication that the new reassessment may prompt concerns, the agency source says human body burdens are “probably” at levels higher than any reference dose, or safe exposure standard, the agency may recommend. In addition, the document shows that the lifestage of greatest concern is breast-feeding infants, whose mothers are exposed by food consumption, the source says.

Such concerns are likely to intensify given existing data from the Food & Drug Administration (FDA) that the vast majority of exposure stems from food consumption, according to an FDA fact sheet last updated in September 2009. The fact sheet says that over 95 percent of exposure arises from dietary intake of animal fats. Small exposures occur from inhalation, inadvertent ingestion of contaminated soil and from absorption through the skin, FDA says.

Study Driving Stricter EPA Rules

The pending reassessment is already driving EPA to significantly strengthen its regulatory requirements to address the risks. The agency’s waste office, for example, recently proposed strengthening soil screening levels for the substance in residential areas to 72 parts per trillion (ppt) from 1,000 ppt to protect against non-cancer risks. Environmentalists are urging the agency to instead adopt the even stricter 3.7 ppt-level to protect against cancer risks (*see related story*).

But the agency’s upcoming study may not prompt the same level of concern as when EPA unveiled its 2000 draft document, which labeled the substance a known carcinogen and found that then-current body burden levels of the chemical were approaching maximum safe exposure levels.

That draft finding prompted the U.S. Department of Agriculture (USDA) and FDA to seek a separate study from the Institute of Medicine (IOM) in which the agencies sought to raise concern that removing dioxin from the food supply would raise food prices, leading to less nutritious diets.

IOM's 2003 report -- "Dioxins and Dioxin-like Compounds in the Food Supply: Strategies to Decrease Exposure" -- stopped short of recommending that the government place regulatory limits on dioxin in various foods but recommended aggressive risk management options to limit dioxin levels in the food supply.

Since then, the NAS panel in 2006 recommended that EPA scale back its classification of the substance's cancer risk from a "known" carcinogen to a "likely" carcinogen.

And new data shows declining levels of dioxins in the food supply and in human. According to a recently released USDA report of 2008 data, dioxin levels in the four major meat categories -- cattles, hogs, chicken and turkey -- declined in some cases by as much as 80 percent since 2003.

"The comparison of the data from the surveys indicates that dioxin levels appear to have declined in three of the four slaughter classes, with young chickens, market hogs, and young turkeys declining 20-80%, while any declines in cattle dioxin levels, if real, are less than those observed in the other slaughter classes," says the report, "Dioxin '08 Survey: Dioxins and Dioxin-Like Compounds in the U.S. Domestic Meat and Poultry Supply." "Data comparison of data collected from 2002 to 2008 shows that the median [dioxin toxicity equivalents] TEQs had declined 14% and 25% for beef and chicken, respectively," according to the report.

TEQ are a means of calculating the toxicity of mixtures of dioxin compounds, by comparing their toxicity to the most toxic dioxin, TCDD. The report continues, "The median TEQs for turkey were relatively constant between these two survey time periods (6% decrease in total TEQ)."

A USDA source says the department is now expanding its survey to catfish, which are increasingly farm-raised. Fish are also known to accumulate dioxin, the source says, adding that USDA has already started to collect catfish fat samples.

Declining Body Burdens

Chemical industry sources are also citing recent data from the Centers for Disease Control & Prevention (CDC) biomonitoring study showing declining body burdens of the substances in humans to argue against strict regulatory levels. In recent comments to EPA, for example, the American Chemistry Council (ACC) urged EPA to weaken its proposed soil screening levels for dioxin because it would result in limited benefits.

"EPA's efforts to review the current [cleanup targets] should be undertaken within the context of the precipitous decline in dioxin levels in the environment and in body burden levels," according to the ACC's Dec. 1 comments.

"These dramatic reductions are a direct result of the many successful regulatory and voluntary risk management efforts, including the current [cleanup target] for dioxin. Any reductions in the current [cleanup targets] are unlikely to result in tangible public health benefits because they will not impact the continuing decline in dioxin body burden levels"

But an environmentalist rejects the industry argument, charging that environmental and body burden levels are still too high and the margin of error too small. -- *Maria Hegstad*

Carbon particles could pose health risk for lab workers -- federal study *(Greenwire)*

Sara Goodman, E&E reporter

01/13/2010

Laboratory workers risk exposure to engineered carbon nanomaterials even when the particles are suspended in liquid, according to a federal study published in this month's *Environmental Health Perspectives*.

The National Institute for Occupational Safety and Health study challenges conventional wisdom that nanomaterials suspended in liquid pose less of an inhalation risk than dry materials.

NIOSH researchers examined several carbon-based nanomaterials -- including carbon nanotubes and fullerenes -- suspended in liquid. Liquid suspension is common lab practice with nanomaterials.

The researchers found nanomaterials suspended in liquid were released as mist during the application of sound energy. Sound energy is typically used to keep carbon nanoparticles from clumping.

The study is preliminary, the scientists said, and further research is needed to understand the emissions from carbon nanomaterials and worker exposure. But researchers recommended the lab workers take steps to minimize exposure.

"Bottom line: The assumption that suspending carbon nanoparticles in water reduces the concentration of airborne particles, thereby reducing the chances of worker exposure, is at best overly simplistic," said Cal Baier-Anderson, a health scientist with the Environmental Defense Fund, in a blog.

"It is important that assumptions be tested as quickly and objectively as possible if we are to make sure that worker and public health are being adequately protected."

WATER

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Md. working to improve Chesapeake water quality (*Baltimore Sun*)

January 14, 2010

The Sun's Jan. 11 op-ed accurately describes the Department of the Environment's focus on enforcing environmental laws that, despite resource constraints, resulted in a 34 percent increase in enforcement actions in 2008 ("Tougher policing of water quality needed"). Our annual report will soon detail an additional 7 percent increase in 2009. But while there are certainly differences of opinion, the claim that "nobody is doing anything" to clean up the Chesapeake Bay is simply incorrect.

The new two-year bay restoration milestones promoted by Maryland and now backed by the significant authority of the Environmental Protection Agency put bay restoration within our reach. Whether we get there is up to all of us.

In Maryland, new regulations and permits will significantly improve how we control stormwater from both new and older development and reduce nutrient runoff from poultry litter storage. We have kicked our septic system upgrade program into high gear. These actions follow Marylanders' commitment to fund upgrades to our largest wastewater treatment plants with state-of-the-art nutrient reduction technology - all on schedule - and the Healthy Air Act going live, using modern "scrubbers" to reduce nitrogen emissions from power plants 75 percent.

When it comes to cleaning up the Chesapeake Bay, enforcement is an important tool to get the job done, but it is not the only tool. State-of-the-art technologies and upgraded regulations to reduce pollution reach much further. Enforcement makes sure those tools are fully implemented.

Let's focus on what will take us over that goal line of a clean bay. In addition to regulations and improved technologies and practices, each of us must do our part - connecting downspouts to rain barrels, reducing paved areas, combining and reducing car trips, recycling and composting, reducing energy consumption, using less fertilizer, upgrading septic systems, and even picking up pet waste. These actions may not be glamorous, but they must all be done if we are going to save the bay.

Finally, hold your state agencies and the EPA accountable for our two-year milestones - the key to making sure the next decade brings the bay restoration home.Shari T. Wilson, Baltimore

The writer is secretary of the Maryland Department of the Environment.

EPA awards funds for Spencer sewer project (*Sioux City Journal*)

Posted: Thursday, January 14, 2010 12:00 am

SPENCER, Iowa -- The U.S. Environmental Protection Agency said Wednesday it has awarded $146,000 to Spencer, Iowa, for ongoing planning and design for a multi-phased combined sewer separation project.

In 2008, the city signed a consent order with the EPA to reduce or eliminate its combined sewer overflows into the Little Sioux River. The city has retained an engineer to perform planning and design of this project that will meet requirements outlined in the EPA consent order.

EPA oversees the protection of water quality and public health.

N. Idaho city reaches $122K settlement with EPA (*Associated Press*) This story also appeared: *LocalNews8.com*

Associated Press - January 13, 2010 8:14 AM ET

BOISE, Idaho (AP) - The Environmental Protection Agency says the northern Idaho city of St. Maries will spend more than $113,000 on a system to improve safety measures at a wastewater treatment plant.

The EPA says city officials will also pay a $9,220 penalty as part of a settlement over off-site chlorine releases at the facility and the lack of an emergency program to prevent the accidental release of dangerous chemicals.

The agency says improvements ordered as part of the settlement will cut annual chlorine use by 270 pounds, reducing the city's chlorine consumption to about 1,930 pounds per year.

The EPA says the wastewater treatment facility used more than 2,500 pounds of chlorine between May 2004 and February 2007, in violation of the federal Clean Air Act.

On the Net: The Idaho Business Review: http://www.idahobusiness.net/

EPA says no to Portland's open reservoirs (*The Oregonian*)

By James Mayer, The Oregonian

January 13, 2010, 5:21PM

The federal government has given Portland its final word: There's no exception to a rule requiring Portland to replace its open drinking water reservoirs.

"The EPA has closed the door and they have closed it hard," Water Bureau Administrator David Shaff said Wednesday.

The word came in a letter to Commissioner Randy Leonard, who oversees the Water Bureau, from Peter S. Silva, assistant administrator for the U.S. Environmental Protection Agency.

It appears to put an end to a long struggle between Portland and the federal agency over the rule, aimed at controlling the parasite cryptosporidium and other contaminants in drinking water. The rule also requires treatment of the city's Bull Run water supply. The city, which contends that its water supply is safe, continues to seek guidance on how to avoid building the treatment plant.

Silva's letter says the EPA found that uncovered finished water reservoirs like those in Portland "were subject to contamination from many sources including birds, animals, humans. algae, insects, and airborne deposition."

In November, Leonard asked the EPA for guidance, citing two potential variances included in the Safe Drinking Water Act.

In his reply, Silva said neither variance applies to the city's open reservoirs.

One of the variances applies only to treatment of the source water, Silva said. The other variance applies if there's an alternative treatment that is at least as effective as the technique specified in the rule. During development of the rule, the EPA considered allowing cities to adopt a plan to reduce the risk as an alternative to a covering the reservoirs, but the agency did not include the alternative in the final rule.

Leonard said the letter resolves the issue.

"We have been pursuing a dual path, seeking a variance and constructing replacement storage on Powell Butte and Kelly Butte that will replicate the storage on Mt. Tabor," he said. The city must have the projects completed by April 1, 2014.

Silva said the city should proceed with that plan, which also includes building an underground tank beneath one reservoir in Washington Park, and leaving the other reservoir there as a back-up.

Leonard said the reservoirs, once they aren't needed for drinking water storage could be used for "any number of things, whatever the community desires."

--**James Mayer**

FAA to close vehicle waste disposal wells in Alaska (*Waste & Recycling News*)

Jan. 13 -- The Federal Aviation Administration has pledged to close more than two dozen motor vehicle waste disposal wells in Alaska by 2012. The FAA action resulted from an administrative order on consent issued by the U.S. Environmental Protection Agency.

The injection wells were used by FAA to dispose of fluids collected through maintenance facility floor drains. Disposed fluids included engine oil, brake fluid, fuel, cleaning solvents and other materials. FAA has not used the injection wells for motor vehicle waste in years. They were built in areas where sewage treatment facilities are not available.

The wells have been banned by the Safe Drinking Water Act since 1999. The EPA said the wells can contaminate underground sources of drinking water.

"FAA is doing the right thing by setting a schedule to close these wells," said Edward Kowalski, director of the Office of Compliance and Enforcement in EPA's Seattle office. "These wells were banned to protect Alaska's drinking water. EPA is stepping up its program to make sure this threat is reduced across the state."

For more information about the wells, log on to http://yosemite.epa.gov/R10/water.nsf/UIC/MVWDW

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Ill. 'not in denial' about Asian carp, Durbin says *(Greenwire)*

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In a hearing at Chicago's Shedd Aquarium yesterday, Illinois Sen. Dick Durbin (D) urged the stakeholders in the legal fight over invasive Asian carp to approach the issue rationally.

Durbin acknowledged that the ravenous fish are "a real threat to the future of Lake Michigan and the Great Lakes," saying Illinois is "not in denial." But he criticized the legal strategy of Michigan Attorney General Mike Cox (R), which he said would cripple the shipping industry in Illinois and expose 14,000 homes or more to potential flooding.

"I want to take this fish out of the courtroom and out of the campaign headquarters and into an honest discussion," Durbin said.

Joined by several other states that border the Great Lakes, Cox filed a lawsuit last month demanding the closure of Chicago-area locks that could allow Asian carp to swim into Lake Michigan. The request is scheduled for consideration by the U.S. Supreme Court during a conference meeting Friday.

John Selleck, a spokesman for Cox, described Durbin's hearing as a publicity stunt. The event was attended by a slew of government officials, including the Illinois attorney general and an assistant secretary of the Army.

"It's very troubling that the fate of Michigan's economy and ecology rests in the hands of a state that accounts for only 63 of the 10,000 miles of Great Lakes shoreline," Selleck said (Dan Egan, *Milwaukee Journal Sentinel*, Jan. 12). **-- GN**

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