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Table of Contents
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Tuesday, July 27, 2010

ADMINISTRATOR JACKSON 3
EPA Focuses on Poor, Minorities (*Wall Street Journal*) 3
EPA's Jackson defends Gulf response at Aspen event (*Aspen Times)* 4
EPA administrator arrives for Alaska visit (*KTUU*) 6
EPA Outlines Plan To Put Environmental Justice At Forefront (*Wall Street Journal*) 7
EPA sets Pebble mine listening sessions (*Dutch Harbor Fisherman*) 8
NCGA: Farmers, Ethanol Groups Call On EPA To Act On Raising Level Of Ethanol In Gasoline (*CattleNetwork.com*) 9
Farmers may face serious restrictions on pesticides (*News Tribune*) 10
EDITORIAL / OP-ED / COMMENTARY / LETTERS 14
Stop stalling on bridge replacement (*Washington Times*) 14
The power of cap and trade (*Boston Globe*) 15
Keystone XL timetable extended as Mike Johanns raises concerns (*Lincoln Journal Star*) 16
Pines, Beetles and Bears (*New York Times*) 18
AIR 19
Texas: Air Quality Decision Is Appealed (*Associated Press*) 19
Story also appeared: *New York Times* 19
What happens when Congress fails (*Washington Post*) 19
Texas Appeals EPA Veto of 'Flexible' Air Pollution Permits (*New York Times*) 20
Texas challenges EPA on overturning permit program (*Associated Press*) 21
Story also appeared: *Washington Post* 21
Bitumen with no place to go (*Calgary Herald*) 22
State appeals EPA rejection of air permits (*Houston Chronicle*) 23
Navistar exposes troubling data on urea SCR (Biodiesel Magazine) 25
Texas Challenges EPA on Overturning Permit Program (*ABC News*) 26
Study Analyzes Regulatory Scenarios for Reducing Carbon Emissions (*SustainableBusiness.com*) 27
GM to use climate-friendly refrigerant (*Greenwire*) 28
Activists Urge EPA To Set GHG Performance Standard To Boost CCS Use (*Inside EPA*) 29
Texas challenges EPA on overturning permit program (*Associated Press*) 32

Texas Appeals EPA's Ruling That Its Air-Pollution Permitting is Inadequate (*Bloomberg*) 33
BP SPILL 34
EPA Says Its Conducting Tests On Dispersants (*WKRG-TV*) 34
Oil heads back to Louisiana coast (*WAFB*) 35
CLIMATE CHANGE / GLOBAL WARMING 36
Warming could fuel immigration (*Los Angeles Times*) 36
Among House Democrats, a sense of abandonment (*Washington Post*) 37
Kerry's lonely push on climate change (*Washington Post*) 40
ENERGY 42
Among House Democrats in Rust Belt, a sense of abandonment over energy bill (*Washington Post*) 42
North Lake Tahoe-based biomass plant deemed ‘a real possibility' (*Sierra Sun*) 44
Renewable Energy Industry Bites the Bullet, Calls for Weak Renewables Standard (*Washington Independent*) 46
Momentum Builds to Regulate Fracking Industry (*Newsinferno*) 48
Windfrastructure Program Makes the Purchase of Renewable Energy Financially Neutral for Large Power Users (*Bradenton Herald*) 49
FUEL 51
Economist's conclusions hinge on iffy assumption (*Illinois Farm Bureau*) 51
New research seeks to improve sensors that monitor diesel fuel quality (*PhysOrg.com)* 52
GENERAL 53
Wal-Mart: More Clout 'Than EPA' on Environmental Issues, Author Says (*Arkansas Business*) 53
GRANTS 53
Ithaca Company to receive $18 million grant for plastics embedded with carbon dioxide (*The Post-Standard - Syracuse.com*) 54
SUPERFUND 54
Another step taken toward cleaning up Camden Superfund site (*Philadelphia Inquirer*) 55
EPA to hold session in Edgewater on Quanta Resources superfund site (*NorthJersey.com*) 57
TOXICS 58
Disputed chemical bisphenol-A found in paper receipts (*Washington Post*) 58
4 on Your Side: Dangerous Jewelry (*Today's TMJ4*) 60
WATER 61
Think the bay's a sewer? Don't insult the sewer (*Washington Post*) 61
Aiken notifies water customers of radium (*Augusta Chronicle*) 64
EPA seeking input from small businesses on new stormwater rule (*WaterTech*) 65
Environmentalists Press FDA To Assess Water Impacts Of Pharmaceuticals (*Inside EPA*) 65
Migrating chemicals pose risk to Potomac Aquifer (*Greenwire*) 67
EPA seeks input on stormwater rule, presentations for brownfields conference (*American City & County*) 68
Lake Champlain groups to spend $12.8 million (*Burlington Free Press*) 69

ADMINISTRATOR JACKSON
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POLITICS
JULY 27, 2010

EPA Focuses on Poor, Minorities (*Wall Street Journal*)

By SIOBHAN HUGHES
The Environmental Protection Agency outlined a plan Monday to place special emphasis on the health of low-income and minority populations when drafting rules, prompting concern among businesses that it would seek to restrict commercial activity.

EPA Administrator Lisa Jackson has toured the U.S. talking about environmental justice, allying herself with a movement that calls on the government to take a stronger hand in assuring that poor and minority neighborhoods aren't overloaded with polluting industrial activity or subjected to chemical dumping or other environmental hazards.

Under interim guidance unveiled Monday, EPA staff would reach out to people in communities affected by a potentially hazardous activity. The guidelines, which are subject to a public comment period, call on EPA staff to consult with communities "early and often" when evaluating proposals.

"Historically, the low-income and minority communities that carry the greatest environmental burdens haven't had a voice in our policy development or rulemaking," Ms. Jackson said in a statement Monday. "This plan is part of my ongoing commitment to give all communities a seat at the decision-making table."

While the EPA accepts public comments as a regular part of its rule-making process, the new policy would make the agency more proactive when proposals could affect low-income or minority neighborhoods.

Business groups questioned whether the result would be to stop or restrict economic activity, costing jobs at a time of high unemployment.

"We don't deny that there could very well be legitimate concerns in some affected communities, but we question whether the way that EPA has proposed to address them is justified, let alone legal," said Luke Popovich, a spokesman for the National Mining Association. "Certainly, communities in Appalachia, where surface mining is common, benefit from high-wage jobs, tax revenue that supports communities. It is legitimate to ask that caution be observed and that we are not unwittingly destroying more opportunity than we are creating for these communities."

The U.S. Chamber of Commerce has staked out a position against the policy. While the business group says it "supports the fair treatment and meaningful involvement of all people in the regulatory process regardless of race, ethnicity or income," it warned that

an environmental-justice program "introduces intolerable uncertainty into the regulatory process" and "ultimately prevents economic development in the most disadvantaged communities in the nation."

The agency's own inspector general has placed limits on the EPA's environmental-justice efforts. Last month, the official cleared it of wrongdoing in connection with an allegation that officials failed to consider environmental-justice concerns connected with the disposal of coal ash, which is produced by coal-burning power plants. The inspector general found states were responsible for permitting procedures, and the EPA didn't have any separate authority.

Write to Siobhan Hughes at siobhan.hughes@dowjones.com

EPA's Jackson defends Gulf response at Aspen event (*Aspen Times)*

Aaron Hedge
The Aspen Times
Aspen, CO Colorado,
ASPEN — As speculation remains on whether the Obama administration and BP are properly handling the oil spill in the Gulf of Mexico, the director of the U.S. Environmental Protection Agency said Sunday in Aspen that the government has acted appropriately.

“I absolutely do” think the administration acted in the best way possible, said Lisa Jackson, the director of the EPA, responding to Tulane University President Scott Cowen.

Both were on a panel that attracted a full house in the Greenwald Pavilion on the first day of The Aspen Institute's Environment Forum.

At the beginning of the crisis, BP didn't even know that oil was leaking from the well, Jackson said.

But as news organizations slowly started reporting the full extent of the danger of the spill, she said the EPA realized it had to step into the fray of what is now the worst manmade environmental crisis in U.S. history.

“We are a guardpost,” Jackson said of the organization.

The Obama administration has come under sharp criticism by right-wing pundits for not taking the helm of the cleanup effort sooner than it did.

Oil was pumping into the ocean for nine days before the administration publicly acknowledged the gravity of the spill.

Moving forward from the disaster after the massive cleanup, “preparedness” will be the most important consideration for oil companies and the government to prevent a similar disaster, Jackson said.

Fellow panelists Joel Bourne, an environmental reporter for National Geographic, and former Shell Oil president John Hofmeister readily agreed with that sentiment.

Bourne said the commonplace quality of oil disasters is the impetus for a vast knowledge of how spills work, but should also serve as incentive for government to impose stricter operating guidelines on the industry.

“We know a lot about oil spills because we've been spilling it pretty much since we started drilling,” Bourne said.

He stressed the catastrophic nature of the crises, not only on the environment, but on the industries that rely on a healthy ecosystem.

Especially in the case of the Gulf spill, Bourne said, its unclear how long it will take for the ecosystem to recover. He said oxygen is an integral component of recovery because it breaks down the chemical makeup of oil. In past oil spills, the surface of the water usually churns until the circulated oxygen depletes the oil.

But because of the low level of oxygen in deep places of the ocean, which until now were free from such a disaster, he said the oil in the Gulf will take longer than usual to disperse. He alluded that it could take multiple decades for the Gulf to return to normal.

“When you don't have oxygen ... it hangs around forever,” Bourne said.

And when that oil lingers, it continues killing the ecosystem, which has the double effect of killing the economies that rely on it — like the robust seafood industry that supplies the Gulf Coast with much of its livelihood. Still, though, most people turn a blind eye after a few short months, Bourne said.

“The public — the American public, especially — has a very short attention span,” he said. “As soon as they don't see oil, it's all good.”

Hofmeister agreed that there should be a high level of government oversight of the oil industry, but said Shell, which produces 400,000 barrels of oil a day and supplies 170,000 people with jobs, already complies with its own rigorous safety guidelines.

“I think the standards we operate by in the Gulf of Mexico would be in concert with the regulations that are becoming,” he said in response to an audience member's question.

Jackson told the audience that the only way to fix the problem is to gradually wean the United States from its fossil-fuel addiction. The nation should replace that reliance with clean energy and, in the meantime, impose strict, enforceable guidelines on oil companies to hold them accountable to those rules, she said.

For that to happen, though, the private sector must jump on board, Jackson said.

“There's only so much public-sector investment that we can do,” she said before expressing confidence that the private sector will follow through with that call to accountability.

ahedge@aspentimes.com

EPA administrator arrives for Alaska visit (*KTUU*)

by Ted Land
Monday, July 26, 2010
ANCHORAGE, Alaska -- Environmental Protection Agency Administrator Lisa Jackson is in Alaska for her first visit. Jackson is visiting to find out how decisions she makes in Washington, D.C. affect the industry and environment in the state.

The EPA doesn't always get a warm reception from the State of Alaska and some of its lawmakers, so many are interested in what Jackson will be able to accomplish in her visit. She has three days to help the largest state she oversees understand the intentions of the federal government.

"We certainly realize that actions EPA can take can have an impact on our country's economy, our country's well-being -- generally for the better," Jackson said.

She has been busy lately, working on the Gulf of Mexico oil spill and crafting a response to make sure Alaska won't see some of the problems affecting the Gulf Coast.

"One of the biggest government lessons for EPA right now is that preparedness -- many of the decisions and things we're doing -- are because no one ever envisioned the true worst-case scenario," Jackson said.

Another issue many Alaskans are watching involves avgas, an aviation fuel containing lead, which many pilots rely on to reach rural communities. The EPA wants to eventually curb its use, and says the head of its Office of Transportation and Air Quality is listening closely to pilots' concerns.

"They're moving at a very measured pace on that," said EPA regional administrator Dennis McLerran. "Nothing's going to happen quickly on that, and she's very aware of the Alaska issues and wants to hear more."

The shipping industry, meanwhile, is concerned about an EPA requirement that vessels start using cleaner but more expensive low-sulfur diesel fuel. The EPA says there may be alternatives for ships to continue using regular diesel, as long as they're cleaning their exhaust before expelling it.

Jackson will spend the next few days in Bethel and Dillingham, learning more about issues as varied as community sanitation, erosion and the proposed Pebble Mine.

"It's very rare that I've met a business leader or environmental leader who doesn't agree on the importance of conserving our natural heritage," Jackson said.

Jackson met with industry groups, including the Alaska Oil and Gas Association and the Resource Development Council. She also met with a collection of environmental groups, under the umbrella organization the Alaska Conservation Alliance.

Contact Ted Land at tland@ktuu.com

JULY 26, 2010, 5:12 P.M. ET

EPA Outlines Plan To Put Environmental Justice At Forefront (*Wall Street Journal*)

By Siobhan Hughes Of DOW JONES NEWSWIRES WASHINGTON (Dow Jones)--The U.S. Environmental Protection Agency Monday outlined a plan for placing special emphasis on the health of low-income and minority populations when drafting regulations, prompting concern among businesses that the agency would seek to restrict some commercial activities.

EPA Administrator Lisa Jackson has been touring the country talking about environmental justice, which involves paying special attention to the vulnerabilities of poor or minority communities on the grounds that the areas have been exposed to a combination of chemical, biological, social and other burdens that are disproportionately higher than the burdens faced by the general population.

Under interim guidance announced Monday, EPA staff would reach out to people in the affected communities early in the process, building awareness and seeking feedback along the way.

"Historically, the low-income and minority communities that carry the greatest environmental burdens haven't had a voice in our policy development or rulemaking," Jackson said in a statement Monday. "This plan is part of my ongoing commitment to give all communities a seat at the decision-making table."

But businesses question whether the result will be to stop or restrict economic activity, inadvertently costing jobs at a time of already high unemployment.

"We don't deny that there could very well be legitimate concerns in some affected communities, but we question whether the way that EPA has proposed to address them is justified, let alone legal," said Luke Popovich, a spokesman for the National Mining Association. "Certainly, communities in Appalachia, where surface mining is common, benefit from high-wage jobs, tax revenue that supports communities. It is legitimate to ask that caution be observed and that we are not unwittingly destroying more opportunity than we are creating for these communities."

The U.S. Chamber of Commerce lists the policy as one of its issues. While the business group says it "supports the fair treatment and meaningful involvement of all people in the regulatory process regardless of race, ethnicity or income," it also warned that an environmental justice program "introduces intolerable uncertainty into the regulatory process" and "ultimately prevents economic development in the most disadvantaged communities in the nation."

The EPA's program also might face limits. Last month, an EPA inspector general cleared the agency of wrongdoing in connection with an allegation that officials failed to consider environmental justice concerns connected with the disposal of coal ash, which is produced by coal-burning power plants, in a landfill in Perry County, Ala. The inspector general found that states were responsible for permitting procedures, and thus the EPA didn't have any separate authority for the program.

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

EPA sets Pebble mine listening sessions (*Dutch Harbor Fisherman*)

Published on July 26th, 2010
By MARGARET BAUMAN
Environmental Protection Agency Administrator Lisa P. Jackson is in Alaska this week to meet with the Pebble Limited Partnership in Anchorage, then travel to Dillingham to hold a listening session with local, economic and tribal groups.

EPA officials said that Jackson would meet today with officials of the Pebble Limited Partnership.

On Tuesday Jackson will fly to western Alaska to meet with residents of Chefornak, Kasigluk and Napakiak before arriving for another meeting in Bethel. On Wednesday the EPA administrator will fly to Dillingham to tour the boat harbor and beach to observe coastal erosion areas, then have lunch with the Curyung Tribe and Bristol Bay Native Association, followed by a closed meeting with tribal governments.

Later that afternoon, Jackson will hold a listening session with the Bristol Bay Native Corp., Bristol Bay Borough and other stakeholders who want to share their thoughts on the Pebble mine project.

Jackson has listed as her priorities reducing greenhouse gas emissions, improving air quality, managing chemical risks, cleaning up hazardous waste sites, and protecting America's water. She is an honors graduate of Tulane University's School of Chemical engineering and holds a master's degree in chemical engineering from Princeton University.

"I'm very glad they are coming out here," said Robin Samuelsen, a Bristol Bay fisherman and president and chief executive officer of the Bristol Bay Economic Development Corp. "It's about time that they conduct hearings in the Bristol Bay region.

"The last poll I saw done showed that 82 percent were opposed to the mine," he said.

Fishermen, fisheries scientists and a number of environmental organizations have voiced concern that the building the mine at the headwaters of the Bristol Bay watershed could threaten the entire Bristol Bay watershed.

Proponents of the mine argue that the advanced technologies they are employing would allow the mine and fisheries to coexist. They also argue that the vast deposits of copper, gold and molybdenum in the mine area, which lies on state land designated for mining, would bring opportunities for major economic development to the region.

Commercial, sport and subsistence fisheries have for decades been the mainstay of the economy of Southwest Alaska. For thousands of years before the commercial fisheries began, the land and water provided an environment that sustained area people, wildlife, fish and marine mammals. Current commercial fishing, plus sport fishing and hunting enterprises contribute thousands of jobs and millions of dollars to the regional economy. Margaret Bauman can be reached at mbauman@alaskanewspapers.com, or by phone at 907-348-2438

NCGA: Farmers, Ethanol Groups Call On EPA To Act On Raising Level Of Ethanol In Gasoline (*CattleNetwork.com*)

07/26/2010 03:09PM
Three major ethanol groups today called on EPA Administrator Jackson to formally approve the use of E12 in the nation’s gasoline supply. The groups – American Coalition for Ethanol, National Corn Growers Association and the Renewable Fuels Association – in a formal letter to the EPA Administrator wrote, “based on the EPA’s delay in acting upon the full E15 waiver and on our concerns that the Agency will restrict the use of E15 to cars made in 2001 and thereafter, we encourage the EPA to formally approve the use of E12 for all motor vehicles as an immediate interim step pending any ongoing additional testing on E15.”

The groups pointed to President Obama's stated goal of reducing reliance on oil imports and reiterated that expanded use of domestically produced ethanol will help accomplish that goal. According to the letter, "Decreasing dependence on foreign oil is a key to this country's environmental, energy and security policy, and the EPA must provide a practical and workable solution to the ethanol blend wall issue and do so soon. Allowing E12 for all motor vehicles as an interim step to a full waiver for E15 is a reasonable and defensible first step to solve the immediate problem."

The groups' letter reviewed previous EPA findings, policy positions and research to demonstrate the reasonableness of approving E12 for use in the nation's automobile and light truck fleet.

"The EPA has a clear basis and the authority to approve E12. While we think delay on E15 is unnecessary and will slow progress on expanding the use of ethanol, we all agree that approval of E12 is a vital interim step that EPA can and should take."

Farmers may face serious restrictions on pesticides (*News Tribune*)

Last updated: July 26th, 2010 09:16 AM (PDT)
WASHINGTON -- Farmers in Washington and across the nation could face severe restrictions on the use of pesticides as environmentalists, spurred by a favorable legal ruling, want the courts to force federal regulators to protect endangered species from the effects of agricultural chemicals.
An 8-year-old ruling by a federal judge in Seattle required the National Marine Fisheries Service and the Environmental Protection Agency to review whether 54 pesticides, herbicides and fungicides were jeopardizing troubled West Coast salmon runs.

The agencies recently moved to restrict the use of three of the chemicals near any bodies of water that flow into salmon-bearing streams and regulators are now considering restrictions on 12 additional chemicals. The Washington State Department of Agriculture says such restrictions will prevent pesticide use on 75 percent of the state's farmlands.

A federal judge in California has issued a similar ruling involving 11 endangered and threatened species and 75 pesticides in the San Francisco Bay area.

Rather than continuing to file piecemeal lawsuits, the Center for Biological Diversity says it will file a broader suit this summer involving nearly 400 pesticides and almost 900 species protected under the Endangered Species Act.

Washington officials said restrictions that might result from that lawsuit could "significantly" affect agricultural production in at least 48 states.

Dan Newhouse, director of the state Department of Agriculture who farms hops, apples, cherries and other row crops on 600 irrigated acres in the Yakima Valley, said if the courts ordered far-reaching restrictions, "farmers across the country will have significantly fewer tools at their disposal to manage plant pests and disease."

Newhouse said there was so much uncertainty it was impossible to tell how "widespread or dramatic" the effects might actually be. But in his state, Newhouse said, "I am coming to believe every farmer would be impacted one way or another."

The Endangered Species Act, signed into law in 1973, requires federal agencies contemplating an action that could "jeopardize" listed species consult with either the Fish and Wildlife Service or the National Marine Fisheries Service and come up with a plan to alleviate or lessen the effects. The fisheries service has jurisdiction over some fish species such as salmon, and the Fish and Wildlife Service covers everything else.

EPA has jurisdiction over pesticides. Over the years, environmentalists claim the EPA pretty much ignored the endangered species requirements.

That began to change in 1992 when U.S. District Court Judge John Coughenour in Seattle ruled EPA had violated provisions of the Endangered Species Act by not consulting with the fisheries services over how the use of pesticides and other chemicals could affect the more than two dozen salmon runs protected under the act in Washington, Oregon, California and Idaho.

"Such consultation is mandatory and not subject to unbridled agency discretion," Coughenour wrote.

After years of study, the fisheries service in 2009 found three pesticides -- carbaryl, carbofuran and methomyl -- were jeopardizing salmon runs and suggested EPA change the registrations on the chemicals to ban using them within 1,000 feet of salmon habitat and impose other technical restrictions involving aerial spraying, wind speed and weather.

EPA essentially agreed, but the manufacturers of the three chemicals say they won't voluntarily adopt new labeling requirements for their products and have threatened their own lawsuit.

EPA has a 2012 deadline to finish studying the other chemicals and adopt use restrictions on those that threaten salmon.

"For years and years and years, EPA didn't do these consultations on pesticides," said Steve Mashuda of Earthjustice's Seattle office, the law firm that brought the 2002 suit on behalf of the Washington Toxics Coalition. "Those days are over."

Jeff Miller, a spokesman for the Center for Biological Diversity, said until now, his and other groups have approached the issue species-by-species and region-by-region.

"We are trying to get EPA to do it nationally," he said.

Miller said, even now, EPA continues to drag its feet.

"I know (President) Obama has a lot on his plate right now, but the EPA is still not aggressively taking on this issue," he said.

Agriculture is a $40-billion-a-year business in Washington, employing 160,000 people. It's not just the large irrigation projects in the central part of the state or the wheat farms in the Palouse. It includes berry farms, tulip bulb fields and cranberry bogs on the west side.

Newhouse said state agriculture directors across the country are increasingly worried.

The consultation process for chemicals between EPA and the fisheries service and U.S. Fish and Wildlife Service needs to be overhauled, and that might entail changes in the Endangered Species Act and the Federal Insecticide, Fungicide and Rodenticide Act, Newhouse said.

In addition, Newhouse said the EPA needs to look at recent studies like one conducted by Washington state that showed only low levels of pesticides in five watersheds -- Thornton Creek in Seattle, the Skagit Delta, the lower Yakima Valley and the Wenatchee and Entiat basins. The study said the pesticide levels were not expected to affect salmon, though concentrations at some sites could harm aquatic species that salmon eat.

Manufacturers of agriculture chemicals have threatened to sue EPA, alleging the agency's method of crafting restrictions was riddled with "major flaws" and the industry was not asked to participate.

The companies that manufacture the three pesticides currently at the heart of the controversy told EPA they won't go along with voluntary labeling restrictions, arguing that if the chemicals are properly used they will not jeopardize endangered or threatened species.

The industry has also argued that pesticides actually help maintain habitat for endangered species by controlling the spread of noxious and harmful weeds, pointing to endangered orchids that have thrived in various rights of ways that have been sprayed with herbicides.

EPA officials were unavailable for comment despite e-mail and telephone requests. But they have notified the manufacturers if they don't voluntarily agree to the new labeling restrictions, the agency will pursue "administrative procedures" against them.

On Capitol Hill, lawmakers are tracking the controversy but no legislative fix has been introduced.

"Washington's agricultural industry, the backbone of our state's economy, will be enormously affected by the proposed buffers and restrictions," said Sen. Patty Murray, D-Wash. Murray said she has been in contact with the state's federal agencies and farm interests.

Rep. Doc Hastings, R-Pasco, whose district includes some of the state's richest farm lands, said in a letter to EPA Administrator Lisa Jackson it was "deeply troubling" her agency was moving ahead with restrictions despite studies that found salmon weren't being affected.

EDITORIAL / OP-ED / COMMENTARY / LETTERS
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Stop stalling on bridge replacement (*Washington Times*)

July 27, 2010 Tuesday
B, LETTERS; Pg. 2
By: THE WASHINGTON TIMES
You would think 17 years' worth of environmental studies would be enough to replace a bridge. That is not the case on the Outer Banks of North Carolina, where the government has spent nearly two decades studying the aging Herbert C. Bonner Bridge.

This two-lane span to Hatteras Island has been overdue for replacement since 1993. Ever since then, people have suffered while an endless series of repetitive environmental studies have delayed construction.

Now a federal agency and a litigious special-interest group are calling for even more environmental studies. The Department of the Interior and the Southern Environmental Law Center are opposed to the practical solution recommended by the North Carolina Department of Transportation. The new plan would begin construction right away and has overwhelming public support from Hatteras Island residents, the Dare County Board of Commissioners, state officials, the Environmental Protection Agency and the Federal Highway Administration.

Watching the delays for environmental studies reminds me of a recent situation in Louisiana dealing with the oil disaster. There, an elected official wanted to build an immediate barrier against the impending threat but was stopped from doing so until various bureaucratic agencies could conduct sufficient environmental impact studies.

Sadly, oil reached the shores before their studies could be completed.

Those who are delaying the Bonner Bridge replacement show no regard for the safety of millions of people who must cross the deteriorating structure every year. Suppose people were on the bridge during a collapse, like the one that occurred years ago on the Interstate 35W bridge in Minneapolis? If this worst-case scenario should ever occur, the blood of those who perish will be on the hands of the people who are dragging their heels.

JACK SHEA
Commissioner, Dare County Board of Commissioners
Southern Shores, N.C.

The power of cap and trade (*Boston Globe*)

July 27, 2010 Tuesday
EDITORIAL OPINION; Opinion; Pg. 13
By Richard Schmalensee and Robert Stavins,
LAST WEEK, the Senate abandoned its latest attempt to pass climate legislation that would limit carbon dioxide emissions, putting off any action until the fall at the soonest. In the process, conservative Republicans dubbed the cap-and-trade system ``cap and tax.'' Regardless of what they think about climate change, however, they should resist demonizing market-based approaches to environmental protection and reverting to pre-1980s thinking that saddled business and consumers with needless costs.

In fact, market-based policies should be embraced, not condemned by Republicans (as well as Democrats). After all, these policies were innovations developed by conservatives in the Reagan, George H. W. Bush, and George W. Bush administrations (and once strongly condemned by liberals).

In the 1980s, President Ronald Reagan's Environmental Protection Agency successfully put in place a cap-and-trade system to phase out leaded gasoline. The result was a more rapid elimination of leaded gasoline from the marketplace than anyone had anticipated, and at a savings of some $250 million per year, compared with a conventional no-trade, command-and-control approach.

In June 1989, President George H. W. Bush proposed the use of a cap-and-trade system to cut by half sulfur dioxide emissions from coal-fired power plants and consequent acid rain. An initially resistant Democratic Congress overwhelmingly endorsed the proposal. The landmark Clean Air Act amendments of 1990 passed the Senate 89 to 10 and the House 401 to 25. That cap-and-trade system has cut sulfur dioxide emissions by 50 percent, and has saved electricity companies - and hence shareholders and ratepayers - some $1 billion per year compared with a conventional, non-market approach.

In 2005, George W. Bush's EPA issued the Clean Air Interstate Rule, aimed at achieving the largest reduction in air pollution in more than a decade, including reducing sulfur dioxide emissions by a further 70 percent from their 2003 levels. Cap and trade was again the policy instrument of choice in order to keep costs down and achieve the rapid reductions at minimum economic pain. (The rule was later invalidated by the courts, and is now being reformulated.)

To reject this legacy and embrace the failed 1970s policies of one-size-fits-all regulatory mandates would signify unilateral surrender of principled support for markets. If some conservatives oppose energy or climate policies because of disagreement about the threat of climate change or the costs of those policies, so be it. But in the process of debating risks and costs, there should be no tarnishing of market-based policy instruments. Such a scorched-earth approach will come back to haunt when future environmental policies will not be able to use the power of the marketplace to reduce business costs.

Virtually all economists agree on a market-based approach to reduce carbon dioxide emissions. Some favor carbon taxes combined with revenue-neutral cuts in distortionary taxes, whereas others support cap-and-trade mechanisms - or ``cap and dividend,'' with revenues from auctioned allowances refunded directly to citizens.

Conventional approaches advanced as ``painless alternatives'' - a plethora of standards, special-interest technology subsidies, and tax breaks - won't do the job, and will be unnecessarily expensive. While we are struggling to revitalize the economy, we simply cannot afford to turn our backs on markets and impose unnecessary costs on businesses and consumers.

A price on carbon is the least costly way to provide meaningful incentives for technology innovation and diffusion, reduce emissions from fossil fuels, and drive energy efficiency. In the long run, it can reduce our use of oil and drive our transportation system toward alternative energy sources.

Market-based approaches to environmental protection - including cap and trade - should be lauded, not condemned, by political leaders, no matter what their party affiliation. Demonizing cap and trade in the short term will turn out to be a mistake with serious long-term consequences for the economy, for business, and for consumers.

Richard Schmalensee is a professor of economics and management at MIT. Robert Stavins is a professor of business and government at the Harvard Kennedy School.

Keystone XL timetable extended as Mike Johanns raises concerns (*Lincoln Journal Star*)

By ART HOVEY / Lincoln Journal Star | Posted: Monday, July 26, 2010 6:30 pm

Sen. Mike Johanns has not passed personal judgment on the Nebraska impact of the proposed Keystone XL petroleum pipeline.

Nonetheless, Johanns said Monday, he sees it as "a very unusual process" to have the U.S. State Department in charge of the environmental review and the Environmental Protection Agency in a consultant capacity.

"I don't know that you could pick a more environmentally sensitive area," Johanns said.

The Republican senator said he's completely comfortable with a recent EPA recommendation that calls for more attention to the State Department's draft environmental impact statement and to the potential risks that go with a route through the Sandhills and the Ogallala Aquifer.

"EPA has raised some issues," he said. "And even though I'm a big critic of EPA in many areas, I have to tell you, if they raise concerns on this, we have to answer those concerns."

News that EPA was waving the caution flag on Keystone XL emerged last week in an Associated Press story. In a new development on Monday, the AP reported the State Department has now decided to extend the timetable for more agency comment on the proposed $7 billion project.

The comment period had been scheduled to end Sept. 15 but it will now extend until 90 days after the State Department has issued an environmental impact statement. The department gave no clue of when the environmental impact statement would be finished.

The government's environmental watchdog is speaking out as the State Department closes out a July public comment period on TransCanada's proposed underground connection between the tar sands of Alberta and U.S. refineries along the Gulf Coast.

Keystone XL, scheduled to pass through an area west of York, is a follow-up to an initial Keystone line that began carrying oil this summer through eastern Nebraska and as close to Lincoln as the Seward area.

Johanns acknowledged that the federal review of the first project followed the same State Department path, but it did not have the same Sandhills-Ogallala proximity.

He conveyed his own concerns about the second project in letters he sent Friday to the EPA, the State Department and the Office of Management and Budget.

"When it comes to pipeline issues, the State Department does not come to mind -- in no form or fashion," Johanns said.

But don't take that as a thumbs down on the project itself from him.

"I approach this with an open mind," he said. "I'm willing to listen, anxious to get input."

In an earlier Monday interview, Carrie Le Seur of the Plains Justice public-interest law and policy center, called it "very significant" that the EPA was speaking out.

"It's something that the State Department should and will respond to," Le Seur said from her Billings, Mont. office.

Le Seur said there are plenty of questions that still need answers, including "that a foreign corporation could so easily be assigned the power of eminent domain over domestic landowners."

Asked why the earlier Keystone project didn't attract an equal level of scrutiny, she said "people have had a little more time to prepare themselves and ask questions" on the second one.

Johanns said his office had about 200 letters on Keystone XL, "virtually all against."

But he said "that's not a huge number," and not a key in his own actions.

"This may be the safest pipeline in the history of mankind," he said. "We don't know that though. And I want to be absolutely certain that what we're doing can be done in an environmentally responsible way."

Reach Art Hovey at 473-7223 or at ahovey@journalstar.com.

Pines, Beetles and Bears (*New York Times*)

July 27, 2010 Tuesday
Late Edition - Final
Column 0; Editorial Desk; EDITORIAL; Pg. 18
White bark pine forests are in trouble all across Wyoming, Idaho and Montana. Great swaths of trees are dead or dying after being attacked by the mountain pine beetle and a disease called white pine blister rust. The forests used to be protected by harsh winters and cool summers. But warmer winters and summers have allowed the beetle to breed more quickly and to move to the higher elevations favored by white bark pines.

Last summer, pilots working with the United States Forest Service and the Natural Resources Defense Council made low-level flights over 25 million acres of forest, trying to gauge how much damage has been done. The results, released this month, are devastating. Just over half the white bark pine forests are dead; one-fourth have medium to high mortality; few forests have escaped some damage.

The wider ecological effects could be serious. These forests slow the rate of spring snowmelt; without them, the spring runoff will happen faster and streams and rivers will see reduced flow and higher temperatures later in the season. The loss of the pines also threatens the symbiotic relation between the Clark's nutcracker and the pines, which depend on the bird for reseeding, as well as red squirrels, which gather pine nuts.

The worst damage will be done to grizzly bears, which feed heavily on pine nuts before hibernation. Studies have shown that in good pine-nut years, grizzlies stay in the high country where white bark pines prevail. In bad years, the bears are driven down to lower elevations where they interact more frequently -- and tragically -- with humans.

Slowing the pace of **climate change** could help, but the bears cannot wait for radical shifts in public policy. Facing possible catastrophe, the bears need all of the help they can get, including continued protection under the Endangered Species Act.

AIR

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Texas: Air Quality Decision Is Appealed (*Associated Press*)

Story also appeared: *New York Times*

July 27, 2010 Tuesday
Late Edition - Final
Section A; Column 0; National Desk; NATIONAL BRIEFING SOUTHWEST; Pg. 11
By THE ASSOCIATED PRESS
State officials on Monday appealed the Environmental Protection Agency's decision to overturn a state air permitting program. The E.P.A. ruled last month that the state's flexible permit program violated the Clean Air Act, which requires state permits to set limits on each of the dozens of individual production units inside a plant. The state's program set a general limit on pollutants an entire facility can release. The E.P.A. action will force 125 refineries and petrochemical plants to invest millions of dollars to get new permits. In his appeal, Attorney General Greg Abbott said the state program "improves air quality while helping regulators and regulated entities operate more efficiently."

What happens when Congress fails (*Washington Post*)

In June 2009, the Waxman-Markey cap-and-trade bill passed the House of Representatives with a slim majority. In July 2010, Harry Reid, the Senate majority leader, announced that the Senate couldn't find a supermajority for a companion piece of legislation. Cap-and-trade was dead.

But regulations to reduce carbon emissions are alive and well. The Environmental Protection Agency can attack carbon as a pollutant, and the Obama administration's announcement that efforts to hamstring the EPA will be vetoed suggests that they mean to do exactly that.

This is, more often than people realize, the end game of the filibuster: It's not that the issue is tabled, but that it is handed over to the executive branch, or an independent agency, or the courts. It is handed over, in other words, to an institution free from the filibuster.

The Federal Reserve took a larger-than-anticipated role in the financial rescue because Congress couldn't do everything it needed to do, and if the economy can't pull out of its funk, the Federal Reserve is going to step in and take unprecedentedly large steps to stimulate the economy. One of the health-care bill's signal achievements was creating the Independent Payment Advisory Board, which was designed to reduce congressional authority over Medicare. The deficit conversation has been offloaded to a fiscal commission formed by the executive branch. The EPA will handle carbon emissions.

All of this reduces accountability and, in may cases, leads to bad policy, as these alternative institutions and procedures don't have the flexibility and power of the normal congressional process. But it's what happens when the majority wants to act but is blocked by a supermajority requirement: They might not be able to pass a law through Congress, but they can allow another institution or agency to make policy on their behalf.

July 26, 2010

Texas Appeals EPA Veto of 'Flexible' Air Pollution Permits (*New York Times*)

By GABRIEL NELSON of Greenwire

Filing its second legal challenge against U.S. EPA in as many months, the state of Texas has appealed the agency's decision to veto a state program overseeing air pollution permits for more than 100 of the state's largest facilities.

Texas Attorney General Greg Abbott (R) filed the **petition** (pdf) today with the 6th U.S. Circuit Court of Appeals, asking EPA to rethink its recent rejection of the Texas Commission on Environmental Quality's "flexible" permits program.

EPA sided last month with environmental groups that say the Flexible Permit Program (FPP) has led to dirtier air by setting emissions limits for entire facilities rather than each individual source. The agency formally disapproved the program after 16 years without

a verdict, drawing criticism from industry groups that have operated under the permits for years (*E&ENews PM*, June 30).

In a statement today, Abbott said the program allowed large facilities to achieve reductions in the most cost-effective way. The state has reduced ozone by 22 percent and levels of nitrogen oxides by 46 percent since 2000, outpacing national figures.

"The net effect is greater regulatory efficiency, well-controlled facilities, and significant reductions in air emissions," the petition says. "In short, Texas' FPP improves air quality while helping regulators and regulated entities operate more efficiently."

Abbott has already challenged EPA's rejection of the state's "qualified facilities" program, which lets plants avoid requirements such as public review when they modify their plants (*Greenwire*, June 15).

The new challenge was applauded by Texas Gov. Rick Perry (R), who has highlighted the dispute in his re-election campaign by describing it as an example of overreach by the federal government.

"Texas has achieved greater improvements in air quality than the nation as a whole since 2000 through our use of incentives and innovation," Perry said today. "Instead of worrying about cleaner air, the EPA seems intent upon putting the jobs of tens of thousands of hardworking Texans at risk, mainly so the EPA can impose a system it says will be easier for Washington bureaucrats to understand."

Texas challenges EPA on overturning permit program (*Associated Press*)

Story also appeared: *Washington Post*

The Associated Press
Monday, July 26, 2010; 1:53 PM
DALLAS -- Texas is appealing the U.S. Environmental Protection Agency's overturning of a 16-year-old Texas air permitting program.

Texas Attorney General Greg Abbott said Monday he filed the state's petition for reconsideration with the U.S. Court of Appeals for the Fifth Circuit in New Orleans.

The EPA had said the state's so-called flexible permit program violated the Clean Air Act. The state's program set a general limit on how much air pollutants an entire facility can release. The federal Clean Air Act requires state-issued permits to set limits on each of the dozens of individual production units inside a plant.

Gov. Rick Perry praised the appeal in a statement Monday, saying "the EPA's overreach is as potentially devastating as it is unnecessary."

Bitumen with no place to go (*Calgary Herald*)

By Don Braid, Calgary HeraldJuly 26, 2010
By pipeline, by rail, by pony express if necessary -- the province is now doing whatever it takes to get oilsands bitumen to new markets.

With pipeline projects challenged at every step, the new focus on rail shipment is a shrewd option.

Marshal enough cars and you can move plenty of bitumen in the general direction of China. And rail shipments, unlike pipelines, do not require regulatory approval.

The most efficient way to send oilsands exports to Asia remains the Northern Gateway Pipeline from Edmonton to Kitimat, B.C., a deepwater port that can handle supertankers.

Like nearly every other pipeline project, though, the plan is challenged by people who blithely watch rail cars loaded with far more toxic substances roll past them every day.

With today's Herald story about the rail option, you can bet the anti-oilsands crowd will discover this new enemy on wheels.

But rail will be a tougher target because it's a complex industry that ships so many products.

The bitumen could go to nearly any seaport rail terminus on the North American west coast, not just to the end point of a pipeline.

The government is "absolutely committed" to finding new markets for oilsands exports, says Cam Hantiuk, Premier Ed Stelmach's communications boss. And Energy Minister Ron Liepert, who isn't sure Albertans should be nice guys anymore, says "we're talking about expanding our markets beyond the U.S."

It's about time. Our American friends have turned ambivalent and sometimes downright flaky.

Just when the vital Keystone Pipeline extension seems to be winning friends, the Environmental Protection Agency calls for more study based on wild projections of CO2 emissions.

Americans seem determined to make it as difficult as possible to buy something they need from their only friendly supplier.

The provincial Alberta strategists are deeply worried that this could get a lot worse.

They fear that the Obama administration, facing political trouble in mid-term, could take dramatic anti-oil measures in the wake of the BP spill disaster.

Even British Columbia looms as a potential problem.

The NDP there is soaring in the polls because of the Liberal government's broken promise on harmonized sales tax.

Pipeline co-operation for oilsands bitumen would be most unlikely with New Democrats in office (although they would happily accept revenue from B.C.'s oil and gas development).

So Alberta is ready to ship the stuff by rail, just as China passes the U.S. as the world's No. 1 energy consumer. This moment has arrived far more quickly than anybody expected a few years ago.

The Chinese, apparently alarmed by their own profligate consumption, are already trying to rearrange their energy use to play down coal and oil.

But oil demand, already at 19 per cent of Chinese consumption, could still keep rising in absolute terms for many years.

Otherwise the Chinese would hardly be pouring billions into various oilsands investments. At one point there was a deal between Enbridge Inc. and Petro-China to ship oil on the Northern Gateway pipeline.

But the Chinese pulled out because of frustration over slow progress on the pipeline.

They can't be more exasperated than the Alberta government.

The province is increasingly surrounded by neighbours who expect the benefits of oil without the political headache of pipelines.

And that's why Alberta bitumen will soon be riding the rails like a Depression hobo.

dbraid@theherald.canwest.com

State appeals EPA rejection of air permits (*Houston Chronicle*)

State insists federal agency's action unjustified
By MATTHEW TRESAUGUE
HOUSTON CHRONICLE

July 26, 2010, 7:41PM
Texas has sued the federal Environmental Protection Agency for the second time in six weeks, escalating a feud over the state's rules for air pollution from refiners and other large industries.

State Attorney General Greg Abbott said Monday he filed a petition with the 5th U.S. Circuit Court of Appeals, seeking to block the EPA from disapproving the state's so-called flexible permits.

State officials argue the federal agency had no legal or technical justification for rejecting the 16-year-old permitting program, which covers 122 refiners, chemical plants and plastics makers.

The federal Clean Air Act requires polluters to limit emissions of key pollutants at each source inside a plant. The disputed Texas permits set a plantwide ceiling, a distinction that makes them practically unenforceable, the EPA said in announcing the decision last month.

Gov. Rick Perry and state regulators say the flexible permitting program cuts red tape and air pollution without violating federal law.

In a statement praising the lawsuit, Perry said jobs and gains in air quality would be lost if the EPA's decision stands.

"The EPA's overreach is as potentially devastating as it is unnecessary," Perry said.
Feds say rules fall short

Al Armendariz, the EPA's regional administrator based in Dallas, disagreed with the state's assertion that the agency's decision threatens jobs.

"Our empirical evidence has shown that you can have environmental protection and economic growth," he said.

Armendariz said the EPA rejected flexible permitting because the rules fall short of the federal Clean Air Act's requirements. The Texas Commission on Environmental Quality issues the permits on behalf of the EPA, but the EPA decides whether they are in compliance with the law.
Fearing for jobs

Although Texas created the permitting rules in 1994, the EPA did not rule on them until after industry groups sued to force the agency to act.

The EPA has offered to work with companies to bring their permits into compliance, and six firms have accepted so far, Armendariz said.

"These companies want regulatory certainty," he said.

Abbott, however, said the EPA's rejection of the flexible permitting program "imposes significant uncertainty on entities that employ thousands of Texans."

Last month, Abbott asked the federal appeals court to prevent the EPA from taking action against another part of the state's permitting system, making similar arguments about regulatory authority and potential loss of jobs. The rule, known as the qualified facilities exemption, allowed hundreds of companies to avoid scrutiny required under the federal Clean Air Act when making changes to their plants, the EPA says.

Some environmentalists expressed disappointment with the state's decision to pursue a second lawsuit.

"It does nothing to fix the permitting problem, and, instead, wastes precious Texas resources on a failed system," said Jennifer Powis, an attorney with the Sierra Club's Lone Star chapter. "It's in the best interest of every Texan that the permitting dispute between EPA and TCEQ be remedied as quickly as possible, not through litigation, but by the constructive work that those two agencies are engaged in."

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From the August 2010 Issue

Navistar exposes troubling data on urea SCR (Biodiesel Magazine)

Posted July 26, 2010
Navistar International Corp. said from a workshop last week that the U.S. EPA and the California Air Resources Board presented preliminary proposals aimed at the compliance loopholes found in current 2010 liquid-based selective catalytic reduction (SCR) systems for diesel NOx emissions control.

“Navistar first identified these loopholes to the agencies and also presented our concerns at [this] workshop,” said Jack Allen, president of Navistar’s North American truck group. “We will be working with the EPA and CARB to ensure full environmental compliance.”

At the joint CARB and EPA workshop, Navistar’s concerns about environmental compliance were backed up by independent test findings that show new commercial vehicles that must contain liquid urea to meet federal NOx emissions standards continue to operate effectively when urea is not present. At such times, Navistar said, the vehicles throw off levels of NOx as much as 10 times higher or more than when urea is present.

The research was conducted by EnSIGHT, an independent environmental consulting firm, using two long-haul vehicles and one heavy-duty pickup, all of which use SCR technology that relies on liquid urea to clean up NOx emissions after they leave the engine.

EnSIGHT's research showed that when liquid urea was not present, there was little or no effect on the vehicles' operations. This included long periods of time when the vehicles' urea tanks were empty or were refilled with water instead of urea. One truck tested appears to operate indefinitely with water and as a result without any functioning SCR NOx control. That truck has accumulated more than 13,000 miles with its SCR NOx emission control turned off.

European research also has shown that even with a full tank of liquid urea, the SCR NOx emission control system does not turn on when exhaust temperatures are not hot enough. This occurs during stop-and-go traffic. That means that there is frequently no SCR NOx control when these trucks are operating in urban areas as well as in any other congested traffic situation.

Navistar, which commissioned EnSIGHT's work, joined two prominent environmental groups, the Coalition for Clean Air and Environment Now, in calling on the EPA and CARB to eliminate the loopholes and the resulting excessive NOx emissions.

"Truck owners are paying a substantial price to comply with 2010 NOx requirements," Allen said. "They, and the public, deserve to know that the new equipment they are purchasing actually works as promised to curb pollution. It's obvious, however, that these trucks can operate effectively without liquid urea, and that under these and other conditions, SCR NOx emission control is turned off. We're calling on the EPA and CARB to assure that all vehicles, not just ours, work when they are supposed to be working."

Texas Challenges EPA on Overturning Permit Program (*ABC News*)

Texas attorney general appeals EPA decision to overturn state's air permitting program
The Associated Press
Post a Comment DALLAS July 26, 2010 (AP)
PrintRSSFont Size: Share:EmailTwitterFacebookMoreFarkTechnoratiGoogleLiveMy SpaceNewsvineRedditDeliciousMixxYahoo
Texas is appealing the U.S. Environmental Protection Agency's overturning of a 16-year-old Texas air permitting program.

Texas Attorney General Greg Abbott said Monday he filed the state's petition for reconsideration with the U.S. Court of Appeals for the Fifth Circuit in New Orleans.

The EPA had said the state's so-called flexible permit program violated the Clean Air Act. The state's program set a general limit on how much air pollutants an entire facility

can release. The federal Clean Air Act requires state-issued permits to set limits on each of the dozens of individual production units inside a plant.

Gov. Rick Perry praised the appeal in a statement Monday, saying "the EPA's overreach is as potentially devastating as it is unnecessary."

Study Analyzes Regulatory Scenarios for Reducing Carbon Emissions (*SustainableBusiness.com*)

07/26/2010
SustainableBusiness.com News
As the U.S. Senate struggles with climate and energy legislation and Congress contemplates limiting the U.S. Environmental Protection Agency's authority, a new analysis brings clarity to the importance of regulatory tools. The analysis is particularly important in light of President Obama's commitment to the world in Copenhagen to reduce U.S. emissions in the range of 17% below 2005 levels by 2020.

In a first-of-its-kind analysis, the World Resources Institute (WRI) calculated the potential greenhouse gas reductions that could be achieved by federal agencies under a range of existing authorities and by states through announced plans. The analysis concludes that if they act aggressively, and if U.S. EPA's authority is preserved, the federal government and states can put the United States on a near-term course to considerably reduce greenhouse gas emissions, but longer-term reductions remain uncertain.

"The study highlights both the need to pass climate legislation and the importance of preserving existing authorities," said Jonathan Lash, president of WRI. "The study's findings make it very clear that current efforts by Congress to curb U.S. EPA authority will undermine U.S. competitiveness in a clean energy world economy, block control of dangerous pollutants, and put the U.S. at odds with its allies."

"Robust federal regulatory action and strong state leadership, combined with significant political will, are the needed ingredients to achieve significant reductions using existing authorities. The study also highlights that cap-and-trade legislation is needed to drive longer-term reductions and provide investors with the certainty they will need to transform the U.S. economy and add jobs." said Lash. "Particularly in a scenario of less-than-comprehensive cap, regulatory tools are absolutely essential to drive the U.S. to a low-carbon economy."

The analysis finds that if the federal government and states move aggressively through 2016, agencies--chief among them the U.S. EPA and the Departments of Transportation and Energy--could successfully use existing authorities to put the country on a trajectory to meet the Obama Administration's reduction target "in the range of" 17% below 2005 levels by 2020. This is the most aggressive scenario that WRI analyzed.

After 2016, estimated reductions diverge from the 17% reduction path and fall short of the Administration's target, suggesting additional tools, such as a carbon price, to reduce emissions will be essential. Importantly, longer-term reductions are much less certain under a regulatory path.

"Without federal climate legislation that locks in longer-term economy-wide reductions, the longer-term picture is unclear," said Nicholas Bianco, a senior associate at WRI and a co-author of the study. "A long-term declining cap on emissions, creating a robust carbon price, is still very much needed."

In the absence of comprehensive climate change legislation, however, the results of the study will be useful to assess the potential of existing regulatory tools alongside more limited climate change legislation, such as those being considered in the Senate.

The report analyzes three scenarios, each representing a level of technical feasibility and corresponding regulatory ambition by federal agencies and state governments--the "Lackluster" scenario, a "Middle-of-the-Road" scenario and a "Go-Getter" scenario. The three scenarios outline the opportunities in each sector to reduce emissions and the reality that there are a variety of factors at stake which will determine how robust action will be.

GM to use climate-friendly refrigerant (*Greenwire*)

(07/26/2010)
Jenny Mandel, E&E reporter
General Motors Co. will virtually eliminate greenhouse gas emissions from the air conditioning used in certain vehicle models beginning in 2013 by introducing a new refrigerant that reduces heat-trapping emissions by 99.7 percent compared with the current technology, the company said today.

The new chemical, developed jointly by Honeywell and DuPont, is called HFO-1234yf and lasts just 11 days in the atmosphere before breaking down, the companies say. In contrast, the industry-standard chemical used now, R-134a, lasts more than 13 years in the atmosphere.

That gives the new chemical a GWP, or global warming potential, score of 4, the company said -- a drastic reduction from the more than 1,400 GWP score of the older chemical.

GM plans to use the new chemical in its U.S.-made Chevrolet, Buick, GMC and Cadillac models.

Honeywell and DuPont developed the new chemical in response to an E.U. requirement that vehicle refrigerants have GWP scores of 150 or less starting in 2011. The two

companies have an agreement to jointly manufacture HFO-1234yf, a Honeywell spokeswoman said, but they market it independently.

Automakers will get regulatory credit from U.S. EPA for the change. GM said that using HFO-1234yf would help them "significantly exceed" requirements to reduce vehicle fleet emissions starting in 2016.

"GM's decision to adopt this new refrigerant is additional proof of our commitment to be on the forefront of green technologies that will keep our planet healthy for our children and grand-children," Mike Robinson, GM vice president of environment, energy and safety policy, said in a statement.

Activists Urge EPA To Set GHG Performance Standard To Boost CCS Use (*Inside EPA*)

Posted: July 26, 2010
Environmentalists are urging EPA to set first-time new source performance standards (NSPS) for greenhouse gas (GHG) emissions from power plants to ensure use of carbon capture and sequestration (CCS), while industry groups that support federal incentives for the emerging technology argue that CCS is not yet mature enough to be mandated under the Clean Air Act.

The issue could come to a head early next year when states must meet an EPA requirement for determining what GHG controls should be part of best available control technology (BACT) requirements in Clean Air Act permits for facilities. Sources say a planned power plant in Illinois that will use CCS could be a test for how states address deployment of the technology in the BACT permit process, but it is unclear whether the plant will be required to apply for a GHG permit.

Environmentalists argue that states should immediately begin considering CCS in BACT reviews for GHGs permits, and that EPA should establish an NSPS for GHGs that would set minimum requirements for permitting decisions. BACT requirements are set on a case-by-case basis, but activists say an NSPS is still necessary because it would establish national standards that would serve as a floor for permit requirements.

While industry is seeking new federal CCS incentives, which they say could be achieved through either legislation or regulation, they argue the technology is not yet developed enough to be mandated under either BACT or NSPS. Industry argues both standards must consider the cost of technology and say the financial hurdles for CCS are still too high for EPA to mandate it under the air act.

Environmentalists are pushing for the new rules in recommendations to the Obama administration's interagency task force on CCS, which was established by a Feb. 3 memo from the president and is co-chaired by EPA and the Department of Energy. The

task force must develop a plan by August to bring 10 demonstration projects online by 2016, and the task force accepted comment until July 2 on how to develop the plan.

In this context, the environmental group Clean Air Task Force (CATF) argues that in the absence of climate legislation EPA should finalize NSPS by 2012 for new and existing coal and natural gas plants based on emission levels that can be achieved by CCS, according to a July 1 report the group filed with the Obama administration's interagency CCS task force.

CATF also argues EPA should recommend incentives for CCS in upcoming guidance the agency plans to issue to help states conduct BACT reviews for GHG permits. In particular, the group says EPA should change the process for obtaining an "innovative control technology" waiver under the air act to give facilities seeking to use CCS the flexibility to phase in GHG control requirements.

EPA is seeking advice to inform its upcoming guidance to states on conducting BACT for GHGs. The agency's air chief asked the agency's clean air advisors to focus its BACT recommendations on energy efficiency and the innovation waiver process, which allows states, on a case-by-case basis, to exempt a facility from BACT for a number of years in order to promote a new control technology.

Broader CCS Strategy

CATF's NSPS and BACT recommendations are part of an overall plan the group is urging the administration to pursue, including building about 30 "pioneer" CCS projects by 2018 to overcome technical uncertainties associated with CCS, building more than 50 gigawatts of CCS projects between 2020 and 2040 to drive innovation and lower costs, and financing these efforts with revenue from a carbon cap, portfolio standards or other approaches.

The issue of how to address CCS in permits is likely to come to a head early next year, when states must begin requiring GHG controls in facility permits. EPA's recent regulation of emissions from vehicles triggered GHG control requirements for other sources and the agency's recent "tailoring" rule -- which described which facilities would need GHG permits and when -- said states would need to begin requiring GHG permits for the largest sources Jan. 2, 2011.

One environmentalist says states can and should immediately begin considering CCS as a control technology in BACT permits. If states consider CCS in the BACT process in areas where it can be used, there is no reason the technology cannot move into the political mainstream, but such a move will take political will on the part of regulators, the source says. EPA's upcoming BACT guidance could also set minimum requirements for how states consider CCS in the permitting process, the source adds.

However a second environmentalist says EPA's upcoming guidance is unlikely to specify technology options for BACT in different industrial categories because it could

be seen as tilting the scales too much in favor of one technology and because the agency would not want to constrict the states in their permitting decisions. "They have to balance the states' request for help . . . with a recognition of the primary role of states as the permitting authority," the source says.

But the first environmentalist says that even if states consider CCS in the BACT process, an NSPS is still necessary because it would set a consistent national floor, which the case-by-case BACT analysis could then exceed. "The best tool is a national standard because the whole point of the clean air act and standards is to level the playing field in our economy," the source says.

But industry, while arguing that new incentives are needed to promote CCS, says the technology is not mature enough to mandate under the air act. "This is a hypothetical situation because CCS is not commercially demonstrated in the [United States] today," an industry source says. EPA is not in a position to develop either NSPS or BACT guidance that effectively require CCS because both determinations require EPA to consider cost as one factor, and it is not economical to build a CCS plant right now without new incentives, the source says.

Any climate legislation should include bonus allowances for CCS facilities to help offset the cost of the technology, the source says. EPA could also potentially write NSPS rules in a way that allows multi-sector emission trading and provides similar bonus allowances to promote CCS, the source says. However, the source notes that legislative proposals to regulate only the utility sector do not spread the cost of CCS across enough of the economy to make the approach feasible, the source says.

The North American Carbon Capture and Sequestration Association echos the concern that CCS is not yet mature enough to be mandated in BACT determinations, according to July 2 comments to the CCS task force. "We support application of existing [BACT] approaches to CCS determinations. This means, for example, that EPA permit decisions should not compel the premature deployment of technologies that are commercially immature with respect to the relevant source category."

'Commercial And Economic Viability'

The comments go on to say that the BACT process should weigh the "commercial and economic viability" of pipeline transportation and geologic storage in addition to capture capability.

An integrated gasification combined cycle coal plant Tenaska Energy is planning in Taylorville, IL, which plans to sequester at least 50 percent of its emissions, could be a test case for how states permit such projects, sources say.

The plant plans to sequester carbon in order to win incentives under state law, which guarantees purchases of electricity from the first plant that sequesters its carbon emissions. Tenaska currently has a permit application for criteria pollutants pending with

the Illinois Environmental Protection Agency (IEPA). While the company has not submitted an application for a BACT permit for GHGs, it will be required to do so if the state does not approve its criteria pollutant permit before Jan. 2, 2011.

Laurel Kroack, the air bureau chief for IEPA, said on a recent American Bar Association teleconference that her agency is weighing the CCS issue due to the possibility that the Tenaska plant will have to obtain a GHG permit. One staff member at IEPA has suggested that BACT for a CCS-enabled plant could be more than what is required of a plant that is not capable of sequestering its emissions, Kroack said. However, IEPA has not yet received a permit application from Tenaska and does not yet know how it would approach the issue, she said. "Of course we, like everybody else out there, don't know what [BACT] should be."

A spokeswoman at Tenaska said, "We are looking at the issue and will include GHG BACT should our permit issuance timeline require it. It would be premature at this point to contemplate what an analysis would conclude as we have not yet performed one."

A CATF source expressed hope that the Tenaska project will seek a GHG permit application because the source says it could set a national precedent for how to conduct a BACT analysis for a CCS plant. Since the plant already plans to conduct CCS, the permit could bypass the question of whether CCS is possible and resolve other "thorny issues," involved in CCS permitting, the source says.

For example, the permit could consider what happens if the sequestration site is temporarily unavailable, what happens if a pipeline to transport the carbon dioxide is shut down, and how to structure a BACT requirement so financial planners do not balk at the stringency of the limits, the source says.

Texas challenges EPA on overturning permit program (*Associated Press*)

AUSTIN, Texas — Texas officials on Monday appealed the U.S. Environmental Protection Agency's decision to overturn a 16-year-old state air permitting program.

Texas Attorney General Greg Abbott filed the petition for reconsideration with the U.S. 5th Circuit Court of Appeals in New Orleans.

The EPA ruled last month that the state's so-called flexible permit program violated the Clean Air Act, which requires state-issued permits to set limits on each of the dozens of individual production units inside a plant. The state's program set a general limit on how much air pollutants an entire facility can release.

The EPA's decision will force some 125 refineries and petrochemical plants to invest millions of dollars to get new permits. Many plants may also have to invest in updates to comply with federal regulations.

In his appeal, Abbott wrote that the flexible permit program "improves air quality while helping regulators and regulated entities operate more efficiently."

The EPA did not immediately returned a message seeking comment on the appeal.

Gov. Rick Perry praised the appeal in a statement Monday, saying "the EPA's overreach is as potentially devastating as it is unnecessary."

The EPA's move came after years of bickering and negotiations between the federal agency and Texas. The argument recently escalated from a battle over environmental issues into a heated political dispute over states' rights.

Perry has been using the issue to drive home his contention that President Barack Obama's administration is overreaching.

"This legal action is the next step in our ongoing commitment to fight back against the Obama Administration's ever-widening effort to undermine our air quality initiatives and force a heavy-handed federal agenda on the people of Texas," he said. "The EPA's actions would likely result in significantly higher prices for energy and just about everything else, a frightening prospect during a time so many Americans are struggling to make ends meet."

State officials have insisted that the state's permitting program complies with the federal law and has improved air quality in Texas.

The EPA says Texas' system masks pollution and makes it impossible to regulate emissions and protect public health.

Texas has been issuing the permits since 1994 even though it never received the required federal approval. The EPA made clear at least five years ago it believed the permits violated federal air laws, warning Texas and the refinery and petrochemical industry it would take action. The industry, uncomfortable with the uncertainty, sued the EPA in 2008, demanding the agency take action on this and several other programs that remained in limbo.

Texas Appeals EPA's Ruling That Its Air-Pollution Permitting is Inadequate (*Bloomberg*)

By Laurel Brubaker Calkins - Jul 26, 2010

Texas’s air pollution-permitting laws meet federal emissions standards and shouldn’t be over- ruled by the U.S. Environmental Protection Agency, Texas Attorney General Greg Abbott said in a court filing.

Abbott asked in a petition filed today that the U.S. Court of Appeals in New Orleans overturn a July 15 EPA finding that the state's 16-year-old flexible permitting program was inadequate for regulating industrial air pollution.

Environmental regulators said Texas's air-pollution permitting process violated the U.S. Clean Air Act by letting plant owners obtain emissions permits covering entire facilities instead of requiring individual permits for each processing unit.

The EPA's rejection of the state's regulatory process undermines a program that has achieved "a 22 percent reduction in ozone and a 46 percent reduction in nitrous oxide, which outpaces the 8 percent and 27 percent reductions that were recorded nationally" since 2000, Abbott said in a statement.

"The net effect is greater regulatory efficiency, well- controlled facilities, and significant reductions in air emissions," Abbott said in the court petition.

David Gray, an EPA spokesman, said the agency's July 15 decision spurred Texas industries to begin meeting with air- quality regulators.

"Since our disapproval, facilities have begun working with EPA to obtain corrected permits," Gray said in an e-mail. "We are working with these permit holders to quickly transition their flexible permits into an approved form."

The case is State of Texas v. U.S. Environmental Protection Agency, 10-60614, U.S. Court of Appeals for the Fifth Circuit (New Orleans).

To contact the reporter on this story: Laurel Brubaker Calkins in Houston at laurel@calkins.us.com.

BP SPILL

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EPA Says Its Conducting Tests On Dispersants (*WKRG-TV*)

By Steve Alexander Reporter
Published: July 26 2010 - 10:32 pm Last Updated: July 26 2010 - 11:11 pm
Has the oil spill made you worry about quality of the air you breathe?
Is it safe?
Those were some of the questions put to a top official with the U.S. Environmental Protection Agency who was in the Mobile area Monday night.
The EPA Assistant Administrator for Air, Gina McCarthy, came to Prichard City Hall to answer questions about air quality.

Severia Morris with the United Concerned Citizens of Prichard had questions.
She said, "We've gotten many complaints from citizens in terms of sinus problems, those kinds of things."
Casi Callaway with Mobile Baykeeper had questions, too.
She said, "We know they're testing for the constituents of oil. We want to find what they're testing for, in terms of the dispersant: how many air tests are they doing with in regard to dispersant and then dispersed oil as well?"
McCarthy said the EPA has done testing on dispersants at sea and on the coast.
When asked what type of chemicals the EPA has tested for, McCarthy said, "We have tested for a couple of the toxic constituents, the most toxic constituents that we believe would be the biggest indicators that dispersants might be in the air, and we have not found them."
But when asked if there were any particular ones that she could think of, McCarthy said, "I can't think of the names of them. I'm sorry, I apologize."
McCarthy said there are now 12 stationary monitors to test air in the Mobile area.
And, as for what may be the biggest question of all, can we be sure the air we're breathing down here with the oil spill is safe, McCarthy said, "I think you can rest assured that EPA has a tremendous amount of monitoring going on right now. You can be assured that the data we have available to us is on the web, and you can be assured that what we're seeing is that the levels attributable to the BP spill are not at levels that would pose long term health concerns."
If you want to report an odor to the EPA, you can call 1-866-448-5816.

Oil heads back to Louisiana coast (*WAFB*)

Posted: Jul 26, 2010 12:55 PM EDT
Updated: Jul 26, 2010 12:55 PM EDT
By George Sells
GRAND ISLE, LA (WAFB) - After a weekend that saw little activity in the Gulf or along the coast due to Tropical Storm Bonnie, NOAA released an ominous report Sunday on the movement of the oil from the massive spill.

Partly due to a brisk southeast wind, the forecast calls for heavy oil to head back into areas along the Louisiana coast.

It was such a different story late Sunday afternoon. The sands of grand isle were again crystal white, but just the threat from Bonnie stopped any potential vacationers.

Cleanup crews were pulled out, leaving behind a long, large deflated boom and small items suggesting someone had been under their tents hours beforehand.

Some have suggested businesses in Grand Isle are still doing okay because of the huge cleanup labor force living there, but at least one business owner said that is not the case.

"Business hasn't been too good because the labor force isn't a crowd with a lot of money," said the owner of Pirate Island Daiquiri.

The people manning an EPA air quality station reported unusually clean air Sunday afternoon.

However, the results from their test for oil in the atmosphere apparently changed as dark fell.

CLIMATE CHANGE / GLOBAL WARMING

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Warming could fuel immigration (*Los Angeles Times*)

July 27, 2010 Tuesday
Home Edition
MAIN NEWS; National Desk; Part A; Pg. 6
THE NATION; Warming could fuel immigration
By Anna Gorman
Climbing temperatures are expected to raise sea levels and increase droughts, floods, heat waves and wildfires. Now, scientists are predicting another consequence of climate change: mass migration to the United States.

Between 1.4 million and 6.7 million Mexicans could migrate to the U.S. by 2080 as climate change reduces agricultural production in Mexico, says a study published online this week in the Proceedings of the National Academy of Sciences. The number could amount to 10% of the current Mexican population ages 15 to 65.

"Assuming that the climate projections are correct, gradually over the next several decades heading toward the end of the century, it becomes one of the more important factors in driving Mexicans across the border, all other things being equal," said study author Michael Oppenheimer, professor of geosciences and international affairs at Princeton University.

Of course, Oppenheimer acknowledged, changes could occur in U.S. immigration policy or in Mexico's economy and its reliance on agriculture. But he said this was a simplified first step in studying the effect of global warming on migration.

"Our primary objectives were, No. 1, to give policymakers something to think about and, No. 2, to give researchers a spur to start answering some of the more complicated questions," Oppenheimer said.

Oppenheimer and economists Alan B. Krueger and Shuaizhang Feng looked at

Mexican emigration, crop yield and climate data from 1995 to 2005 to make estimates about the next 70 years.

In the past, Oppenheimer said, Mexican farmers fled north when they could no longer grow their crops. If the rising temperatures dry out the land and reduce yield as expected, many more could do the same.

Philip Martin, an expert in agricultural economics at UC Davis, said that he hadn't read the study but that basing estimates solely on climate change was virtually impossible. "It is just awfully hard to separate climate change from the many, many other factors that affect people's decisions whether to stay in agriculture or move," he said.

In the last 20 years, the percentage of people who live in Mexico's rural areas has declined, Martin said. But much of that is because of economic growth. "As countries get richer, people leave agriculture," he said.

Nevertheless, Martin agreed that global warming could make farming more difficult and lead to more emigration.

Douglas Massey, a sociology professor at Princeton, also agreed but said much of that would depend on demand in the U.S. "Environmental change is not going to produce migrants from Mexico unless there are jobs to go to," he said in an e-mail.

anna.gorman@latimes.com

Among House Democrats, a sense of abandonment (*Washington Post*)

July 27, 2010 Tuesday
Met 2 Edition
A-SECTION; Pg. A01
Maryland
Among House Democrats, a sense of abandonment;
Carbon-cap backers say party leaders left them exposed on hated issue

By Paul Kane and Shailagh Murray
When Democratic Rep. John Boccieri went home to Ohio early this year to talk with voters in his Canton-based district, he figured he would have to do battle with at least some constituents over his support for health-care reform. And the economic stimulus. And the auto company bailouts.

But at a meeting with business leaders, he had to come up with fast answers on something completely different: Why, the businessmen wanted to know, had Boccieri voted for a bill last summer to cap carbon emissions, which they feared would drive up their energy bills in the middle of a recession?

Boccieri said he was tired of wars based on "petrol dictators and big oil."

"If I can take a tough vote today, I'm going to take that vote," said the freshman lawmaker, an Air Force reservist who flew C-130s over Iraq for more than a year.

But 13 months after that tough vote, Boccieri and dozens of other House Democrats along the Rust Belt are not at all happy with the way things have turned out. The White House and House Speaker Nancy Pelosi (D-Calif.) had assured reluctant members that the Senate would take up the measure. Although Senate passage wasn't a sure thing, House Democrats hoped to go back home to voters with a great story to tell -- about reducing dependence on foreign oil, slowing climate change and creating jobs.

That didn't happen. Senate leaders, sensing political danger, repeatedly put off energy legislation, and the White House didn't lean on them very hard to make it a priority. In the aftermath of the gulf oil spill, the Senate is set to take up a stripped-down bill next week, but the controversial carbon-emissions cap is conspicuously missing.

This has left some House Democrats feeling badly served by their leaders. Although lawmakers are reluctant to say so publicly, their aides and campaign advisers privately complain that the speaker and the president left Democrats exposed on an unpopular issue that has little hope of being signed into law.

Some Democrats liken the situation to that of the 1993 "Btu" tax. The House passed the tax, but the Senate never took it up. Many House Democrats felt hung out on a limb in the 1994 elections, when Republicans reclaimed control of Congress for the first time in 40 years.

House leaders stand behind the 2009 vote. Asked whether it was a mistake in light of the Senate's inaction, Pelosi joked that she would answer a different question. "We staked out a bold position," she said, "one that was a consensus within our caucus, one that received some Republican votes. We are very proud of it."

Throughout the winter and spring, as the health-care debate dominated Washington's attention, lawmakers faced less scrutiny on climate change and some thought the controversy might recede. But Republicans are reviving it as a campaign issue.

"That bill would just crucify Missouri. Voting for it, it just didn't make sense," said state Sen. Bill Stouffer, who is one of two well-financed Republican primary candidates hoping to unseat Democratic Rep. Ike Skelton in the fall. The GOP is using the climate change vote to accuse Skelton, now in his 34th year in Congress, of drifting from his moderate Midwestern roots.

"I vote for Ike Skelton. Everybody votes for Ike Skelton," said Kay Hoflander, chairman of the Lafayette County Republican Party. But when Skelton voted for the climate bill,

"he quit representing his district," Hoflander said. "People now are saying, 'Ike used to be one of us.' "

Skelton, 78, rejects that accusation. He said his initial motivation for supporting the bill was to "control the EPA." Armed with a 2007 Supreme Court ruling that gave the Environmental Protection Agency power to oversee carbon emissions, the Obama administration issued Congress an ultimatum: Unless it acted, the EPA would step in and impose tough new regulations. Better to have Congress do the job, Skelton argued, than a government agency that many farmers and manufacturers in Missouri view with scorn.

Some Democrats are defending themselves on the volatile issue by doubling down and promoting their votes as forward-looking, and others are staking out more business-friendly ground with other energy proposals. To blunt some of the criticism, Skelton joined Rep. Jo Ann Emerson (R-Mo.) in sponsoring a bill that would ban the EPA from regulating greenhouse gases -- a measure that Boccieri and other Midwestern Democrats support.

Nowhere does the issue cut as sharply as along the I-70 corridor, the nearly 800-mile stretch from Pittsburgh to Kansas City that throughout the 20th century served as the nation's economic engine. The coal-fired smokestacks and steel mills that once symbolized an honest day's work throughout the region find themselves under assault as emitters of environmental poison, creating a difficult political dance for the region's lawmakers.

This I-70 region is home to at least 20 contested House races and five open Senate seats, including in Ohio, where this month GOP Senate candidate Rob Portman launched a TV campaign calling climate legislation "a job killer for Ohio." Republicans are trying to add the bill to a mix of tough votes that could flip enough races in this region to put the House back in GOP control and seriously dent the Democratic edge in the Senate.

Of the 15 House Democrats in this corridor who are in contested races, 10 voted for the climate legislation, giving Pelosi the decisive margin in the 219 to 212 victory in June 2009. Many Midwestern Democrats preferred not taking up the issue, at least until after health care was finished. Once Pelosi moved what she calls her "hallmark" issue ahead of health care last year, Obama led a final push to get the necessary votes.

Pelosi won over wavering Democrats such as Boccieri and Reps. Mary Jo Kilroy (Ohio), Baron P. Hill (Ind.) and Zack Space (Ohio) -- each of whom faces a difficult reelection -- after intense negotiations designed to soften the blow of the initial proposal. The House bill would place new production costs on power plants, factories and oil refineries, requiring U.S. emissions to decline 17 percent by 2020. Creating a commodities market, the bill would require polluters to buy "credits" to cover their emissions; Midwestern farmers, among others, could sell "offsets" for pollutants they didn't emit.

But lofty talk about the securing the future of the planet is not likely to win over many voters who have lost their jobs.

In Boccieri's northeastern Ohio district, the manufacturing decline has been sharp and painful. Ten years ago, there were 45,000 manufacturing jobs in the Canton-Massillon region. By spring, the number had been cut nearly in half, to 24,000, according to the Bureau of Labor Statistics.

Boccieri said he knows his constituents are focused on the present. "All the average voter wants to know is, 'When my refrigerator is on, are my rates going to be lower or higher?' "

Kerry's lonely push on climate change (*Washington Post*)

July 27, 2010 Tuesday
Suburban Edition
A-SECTION; Pg. A15
Maryland
He fell just short of winning the White House in 2004. Four years later, he was rumored to be a leading contender to be secretary of state, until President-elect Barack Obama stunned everyone by tapping his former rival Hillary Rodham Clinton.

But even as Sen. John F. Kerry (D-Mass.) announced last week that he had failed in his latest political endeavor, pushing through a bill to combat **climate change,** he predicted eventual success, invoking a Massachusetts colleague and presidential contender.

"I just want to say to all of you on a personal level that, you know, I watched Ted Kennedy over 26 years fight to get tough things passed," Kerry said at a news conference Thursday. "And in 1970, he began that effort to pass health-care reform. We just got it this year. This is not going to take that long. This is not going to take close to that long."

Rather than take up a bill seeking to limit greenhouse-gas emissions, a long-held Democratic goal and campaign priority of Obama's, Democrats will try to pass legislation over the next few weeks that would raise liability caps for companies such as BP after oil spills. The measure would also offer some incentives for Americans to buy more-energy-efficient products for their homes.

The retrenchment comes after months of internal debate among Democrats, much of it led by Kerry. Last summer, the House pushed through a bill based on the principle of "cap and trade"; it set up emissions limits for companies that produce greenhouse gases, along with permits for emissions they could trade with one another.

But that legislation, which barely passed in the House, had even more opposition in the

Senate, where Republicans and Democratic lawmakers such as Sen. John D. Rockefeller IV (D-W.Va.) argued that it could raise energy prices or hurt local industries such as coal. And the phrase "cap and trade" was so sharply attacked by Republicans that Drew Westen, a professor of psychology at Emory University who has advised Democrats on language, urged them to avoid it.

So, in October, at the urging of Democratic leaders, Kerry started up a group, along with Sens. Lindsey O. Graham (R-S.C.) and Joseph I. Lieberman (I-Conn.), to write a climate bill that could weave a coalition of 60 votes.

Kerry is chairman of the Senate Foreign Relations Committee, a post usually focused on issues of war and diplomacy. But he had long worked on the environmental issues, attending climate conferences since 1992. Sen. Barbara Boxer (D-Calif.), chairman of the Committee on Environment and Public Works, had struggled to move the legislation forward in 2008.

According to his office, Kerry held 300 meetings or phone calls with senators of both parties on the legislation, along with dozens of talks with industry and environmental groups and Obama administration officials. He led near-weekly meetings this spring and summer to win over Senate Democrats.

His passion for the topic was such that a Politico article quoted Rockefeller and an unidentified senator casting Kerry as overzealous, while Senate Majority Leader Harry M. Reid (D-Nev.) publicly praised Kerry, saying, "No one has worked harder on any piece of legislation in my entire legislative career than Senator Kerry has worked on this." (In a meeting with senators last week before announcing that the **climate change** bill was dead, Kerry said, "If I'm being too aggressive, I apologize." But he emphasized the importance of the issue.)

The months of work didn't move many of his colleagues. Graham, the only Republican who had been on board, withdrew his support, arguing that Congress should pass a more pared-down bill.

Democrats such as Rockefeller never backed the bill, either -- even as Kerry modified it. The bill at first capped emissions from a whole set of industries but was modified to cap emissions only for electric companies. And while Obama called for some kind of legislation in the wake of the gulf spill, his administration didn't press for a climate bill as strongly as it did on health care. "I always knew this was difficult, and I was always knew once health care took as long as it did, this was going to be exceedingly difficult," Kerry said in an interview. "Health care stole the legislative session; there is only so much time, and there is only so much will to do a very complicated, difficult political lift."

But, he added, **climate change** legislation "will happen; it has to happen for the country. . . . The question is when and how. That's what we're working on."

ENERGY

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Among House Democrats in Rust Belt, a sense of abandonment over energy bill (*Washington Post*)

By Paul Kane and Shailagh Murray
Washington Post Staff Writer
Tuesday, July 27, 2010; A01

When Democratic Rep. John Boccieri went home to Ohio early this year to talk with voters in his Canton-based district, he figured he would have to do battle with at least some constituents over his support for health-care reform. And the economic stimulus. And the auto company bailouts.

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North Lake Tahoe-based biomass plant deemed ‘a real possibility' (*Sierra Sun*)

By Matthew Renda
Sierra Sun,
KINGS BEACH, Calif. — Jennifer Montgomery calls the prospect of a biomass plant on Lake Tahoe's North Shore “a real possibility.”

Placer County is working in conjunction with federal agency representatives and NV Energy to identify a piece of property in Kings Beach capable of housing a biomass plant, said Montgomery, a Placer County supervisor and member of the Tahoe Regional Planning Agency governing board.

A parcel owned by NV Energy on Speckled Avenue in Kings Beach has emerged as the most likely candidate to host the plant. The parcel is already zoned for energy production and currently houses diesel power generators.

The biomass plant will use pine needles, wood chips, logs, branches and trees collected as part of the basin-wide defensible space procedures to produce 1 to 3 megawatts of electricity and possibly provide heat to local public institutions, said Brett Storey, project manager for Placer County.

Creating a plant in the Lake Tahoe Basin is crucial because to be financially sustainable, a biomass plant must be close to the fuel it will consume.

Biomass plants in Loyalton, Calif., and Carson City have had financial troubles due to the trucking costs associated with hauling the plant matter from basin forests to the plant locations.

“Green technology is already expensive,” Storey said. “When you add trucking, it nearly doubles the cost.”

Despite the costs, Montgomery believes a biomass plant “creates partial solutions to a lot of the problems in the basin.”

“It provides an effective use of a lot of the leftover materials collected in the forest as part of defensible space projects,” said Montgomery, who also pointed to job creation as another benefit of the plant.

The plant would also reduce the amount of pile burning, Montgomery said. Pile burning is a controversial practice conducted by various basin-wide fire and forest management agencies. Essentially, workers collect flammable materials which could serve as fodder for a wildland fire and organize them into piles, which are then burnt in a controlled manner helping to prevent catastrophic fires.

Some residents complain that pile burning detrimentally impacts air quality while others point to the particulate matter which emits from the piles, makes its way into the lake and compromises Tahoe's famed clarity.

What's next?
Placer County will undertake a comprehensive Environmental Impact Review to gauge potential impacts resulting from the plant.

“Biomass plants do release pollution into the air,” Storey said. “But, the plant will be under the allowable amounts dictated by the Environmental Protection Agency.”

The county is also conducting financial feasibility studies.

“We need to think about all angles of the project,” Montgomery said. “We don't want to come out with a project we can't accomplish.”

A biomass plant in Carson City recently closed due costs of hauling materials and the fact the plant was not fitted to accept a variety of plant matter or wood of varying sizes, Storey said.

“The biomass plant in Kings Beach would accept pine needles, wood chips and branches of varying diameters,” Storey said.

Pending the outcome of the EIR and approval by assorted basin agencies, the project could break ground as early as 2012, Montgomery said.

Renewable Energy Industry Bites the Bullet, Calls for Weak Renewables Standard (*Washington Independent*)

Coalition Seeks Provision That Can Pass in Senate
By Andrew Restuccia 7/26/10 1:18 PM

The renewable energy industry has largely abandoned efforts to push a stringent renewable energy standard in pending energy legislation, instead calling for a standard that many have said is not strong enough to bring about rapid wind and solar energy development.

On a conference call with reporters today, a coalition of renewable energy companies scaled back its previous calls for passage of an RES that requires 25 percent of the country’s electricity to come from renewable sources like wind and solar. Instead, the coalition is now calling for passage of the RES passed by Sen. Jeff Bingaman’s (D-N.M.) Energy and Natural Resources Committee last summer, because the advocates say it can get the 60 votes necessary for passage in the Senate.

Bingaman’s RES, which passed with bipartisan support as part of a larger energy bill, requires that 15 percent of the country’s electricity come from renewable sources by 2021. That figure has been criticized by many in the environmental community for not going far enough to incentivize renewable energy production.

“In this political climate, we have to do what we have to do,” American Wind Energy Association President Denise Bode told reporters on the call. Tom Daschle, the former Senate majority leader, told reporters on the call that he believe a 15 percent RES could get 60 votes.

Participants on the call included Iowa Gov. Chet Culver (D) and Lew Hay, CEO of NextEra Energy, the largest renewable energy developer in the United States. The

energy company representatives on the call are part of a coalition called the RES Alliance for Jobs, whose members also include the renewable energy developer Iberdrola Renewables, the National Hydropower Association and General Electric.

If Senate Majority Leader Harry Reid (D-Nev.) does not include an RES in the bill he is expected to release later today (Reid said last week that an RES could not garner 60 votes), Daschle said the coalition is working with lawmakers to introduce a floor amendment in an attempt to attach Bingaman's RES language to the bill.

"I think it's fair to say that if the RES is not included in a bill when its introduced, we can virtually guarantee that there will be an amendment offered," Daschle said on the call, adding later, "There may be other amendments offered but at the very least, the Bingaman RES will be offered."

It remains unclear which lawmaker would offer an amendment on an RES. Bingaman has long maintained that he would like to strengthen an RES, but said he will only offer such a proposal if he can find 60 votes. Other possibilities include Sens. Byron Dorgan (D-N.D.), who has also expressed interest in strengthening a bill, and Amy Klobuchar (D-Minn.), who has introduced a bill that in part would bolster the RES.

But one environmentalist tracking the energy debate closely says that there is a possibility that Reid could restrict amendments to the energy bill in order to pass something before the August recess, which begins in less than two weeks. If amendments are restricted, debate on an RES would likely be pushed back until September, when many lawmakers will be heavily focused on the upcoming mid-term elections.

A source with the coalition, who asked not to be named in order to talk freely about the group, acknowledged that the Bingaman RES is inadequate in the short term. "In the Bingaman bill, the near-term targets stink; we all know that," the source said. But it is important to pass something this year in order to send a signal that more is coming down the road. "It would be much easier to strengthen in little ways and augment in little ways an RES that we have now than it would be to pass a renewable energy standard next year," the source said.

The source pointed to news last week that China has decided to implement a cap-and-trade system, though the details of the program remain unclear. "We completely dropped the ball on cap-and-trade and China picked it up," the source said. "What we're pushing for is the last chance. This is the last thing that stands between the United States and China on the clean energy race."

If an RES does not pass before the August break, the source said the coalition would continue to work to move such a proposal in September. "The renewables guys and the environmentalists are not going to stop fighting," the source said.

An environmentalist source, who also asked for anonymity to discuss the energy debate, said that passage of Bingaman's RES would be a "silver lining" on Reid's scaled-back energy bill, but added that "if all that gets done is just a weak RES, than it's still been a total failure. The source said an RES, even a more stringent one, is not a substitute for climate legislation that includes a cap on carbon emissions.

The source said that it is unlikely that an RES will pass before the August recess because Reid doesn't believe it has the votes. "So far there's not been a lot of evidence that it's going to be incorporated. Putting the RES in just makes it easier for folks to stand in the way of getting the Gulf oil spill response done," the source said.

Momentum Builds to Regulate Fracking Industry (*Newsinferno*)

Date Published: Monday, July 26th, 2010
As the Environmental Protection Agency (EPA) continues to hold hearings around the country on hydraulic fracturing, momentum is building for stricter regulation of the industry. According to a recent New York Times article, more people are beginning to worry about the impact hydraulic fracturing, also known as fracking, could have on the environment and human health.

Hydraulic fracturing is now used in about 90 percent of US gas and oil wells. The process involves injecting water, sand, and a cocktail of chemicals at high pressure into rock formations thousands of feet below the surface.

Critics of fracking have long been concerned about the chemicals used in the process. Because the federal Energy Policy Act of 2005 exempted hydraulic fracturing from regulation under the Safe Drinking Water Act, shale gas drillers don't have to disclose what chemicals they use. According to the Environmental Working Group, fracking has already been linked to drinking water contamination and property damage in Colorado, Ohio, Pennsylvania and Wyoming.

According to the Times, other aspects of fracking that worry environmentalists include the design and integrity of well casings and the transport and potential spilling of chemicals and the millions of gallons of water required for just one fracking job. Just last month, gas drilling operations in Pennsylvania and West Virginia involving hydraulic fracturing were involved in accidents. The Pennsylvania incident, a well blowout, released 5,000 gallons of drilling fluids before it was contained the afternoon following the accident.

One area of the country that is at the center of a fracking boom is the Marcellus shale, a region rich in natural gas that lies beneath parts of West Virginia, Pennsylvania, New York, Ohio and Maryland. According to the Times, it is estimated that as much as 500 trillion cubic feet of natural gas is trapped in the Marcellus shale. An industry-financed study published this week suggested that as much as $6 billion in government revenue and up to 280,000 jobs could be at stake in the Marcellus Shale region.

But not everyone is ready to embrace the boom, especially in light of the recent BP oil spill in the Gulf of Mexico, and allegations that industry shortcuts and regulatory negligence may have contributed to that catastrophe. Those concerns are spurring new efforts to regulate the fracking industry, the Times said.

This past spring, the EPA announced a $1.9 million study to assess the environmental and human health impact of shale gas drilling. As we reported last week, the House Energy and Commerce Committee has been investigating the industry, and just sent letters to more than a dozen companies seeking details on their operations.

Wyoming, long friendly to the industry, recently introduced some of the nation's toughest rules governing fracturing, including provisions that require companies to disclose the ingredients in their fracturing fluids to state regulators. There is even a push on to undo the industry's exemption to the Safe Drinking Water Act.

According to the Times, during one EPA hearing held last week in the small, southwestern Pennsylvania town of Canonsburg, many attendees supported a renewed effort to regulate the industry.

"I can take you right now to my neighbors who have lost their water supplies," Dencil Backus, a resident of nearby Mt. Pleasant Township, said. "I can take you also to places where spills have killed fish and other aquatic life."

According to the Times, Backus told regulators that corporations have no conscience. "The EPA. must give them that conscience," he said.

Posted on Mon, Jul. 26, 2010

Windfrastructure Program Makes the Purchase of Renewable Energy Financially Neutral for Large Power Users (*Bradenton Herald*)

National Wind announces today the launch of its patent-pending Windfrastructure Partner Program. Windfrastructure enables large power users to purchase renewable energy in a financially neutral manner.
The U.S. Environmental Protection Agency's (EPA) Green Power Partnership will host an informational webinar on Windfrastructure and community wind projects. The webinar will be held on July 29th from 1:00-2:15 PM Eastern Time. It is free and open to the public. More information about the webinar can be found at the EPA's website, http://www.epa.gov/greenpower

Windfrastructure incorporates several key elements. It promotes sustainability. It creates a new source of renewable energy. It is traceable, brandable and financially neutral. Click here to see how the program's elements operate.

Windfrastructure is the only program that provides its partners with an economic interest in a new community wind project in exchange for buying electricity from the new project. Thus, participating in Windfrastructure is income statement neutral because the additional cost of buying renewable energy is offset by the economic interest the participant receives in the wind farm. “The receipt of the economic interest in a new wind farm makes Windfrastructure an attractive alternative to purchasing RECs or purchasing green power through a utility,” says Robert Martorano, Managing Director of Deutsche Bank’s Asset Finance & Leasing Group.

“Companies want to become more sustainable,” says Leon Steinberg, CEO of National Wind. “But given the economic climate, many corporations are unwilling to recognize the additional expense for renewable energy. Windfrastructure is a creative solution that will allow companies to achieve and perhaps surpass their greenhouse gas emission reduction goals in a manner that will not affect their profit and loss statement.”

Windfrastructure is unique in that it is financially neutral. However, Windfrastructure also meets other important goals. Participating in Windfrastructure creates new community wind farms, and participants can directly trace and brand the source of their energy. Most importantly, participating partners reduce their carbon footprint.

“Investing in a National Wind community wind project was a great opportunity for General Mills,” says Gregg Stedronsky, Vice President of Engineering at General Mills. “We are partnering with local landowners to increase the amount of electricity generated from renewable power.”

Different types of large power users may become Windfrastructure Partners at varying levels of participation. “The flexibility of the program is noteworthy,” says Will Cooksey, Energy Programs Manager at National Wind. “We foresee participation from not only corporations, but also universities, governments and hospitals that want to reduce their carbon footprint in a financially neutral manner.”

“National Wind is excited for the opportunity to partner with the EPA through this webinar on community wind projects because Windfrastructure allows even more members of the community to become involved in wind projects and see a return on their investment,” Steinberg said.

About Windfrastructure:

National Wind has created the patent pending Windfrastructure Partner Program to help large power users reduce their carbon footprint, Unique and affordable, the program provides power users with renewable energy and lasting value. Please visit www.windfrastructure.us for more information.

About National Wind:

National Wind is the leader in developing utility-scale community wind energy projects. We form powerful partnerships with local property owners, assuring that the project’s economic benefits are shared with the community. National Wind has participated in developing 15 wind energy projects and currently has over 4,000 megawatts (MW) in active development. National Wind projects are located in Minnesota, Iowa, North

Dakota, South Dakota, Montana, Colorado, Texas and Ohio. The company is exploring expansion opportunities in other states. Please visit www.nationalwind.com for more information.

FUEL

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Economist's conclusions hinge on iffy assumption (*Illinois Farm Bureau*)

Monday, July 26, 2010
An Iowa State University economist's conclusion that elimination of key ethanol supports would have minimal impact on future biofuels production hinges on a wobbly assumption, Illinois Farm Bureau economist Mike Doherty warns.

In a study released Wednesday, Iowa State's Center for Agricultural and Rural Development Director Bruce Babcock downplayed the potential industry impact of eliminating the credit and an associated tariff on imported ethanol.

Because of projected strong demand for ethanol in Brazil and a "largely saturated" U.S. ethanol market, elimination of ethanol import tariffs would have almost no impact on U.S. corn and ethanol markets in 2011, Babcock maintained.

With elimination of the tax credit, annual U.S. ethanol production could decline by roughly 700 million gallons, causing corn prices to drop an average 23 cents per bushel, he projected.

Babcock admitted the impact of ethanol policy changes likely would grow by 2014 as Brazil ramps up biofuels export capabilities. But given Brazilian ethanol demand growth and production limits, he argued impacts would remain "modest."

However, his conclusions are based on key assumptions including U.S. approval of higher ethanol blends by 2014 and U.S. ethanol production capacity reaching 15 billion gallons within five years.

As long as a long-term renewable fuels standard (RFS2) mandate for biofuels use holds, production ultimately would drop by no more than 500 million gallons and corn prices by no more than 16 cents, Babcock said.

That's far from a foregone conclusion, IFB economist Doherty said at a Champaign County Farm Bureau renewable energy forum last week.

He noted the U.S. Environmental Protection Agency already has lowered 2011 RFS2 targets for cellulosic ethanol use from an original 250 million gallons to a mere 5 million to 17.1 million gallons, raising questions about whether “we can trust the mandates.”

“Bruce and I kind of part company over whether those mandates will hold,” Doherty said. “They could fall apart; there may not be the political will to keep them (in place).”

New research seeks to improve sensors that monitor diesel fuel quality (*PhysOrg.com)*

July 26th, 2010 in Technology / Engineering
Sensors currently used to monitor the quality of diesel fuel and biodiesel blended fuels during engine operation are unable to adequately detect certain important fuel quality concerns. Alan Hansen, professor of agricultural and biological engineering at the University of Illinois, and his colleagues are working to develop new technologies to improve these commercially-available sensors.

"Our research is contributing to the development of a sensor that, when placed in the fuel line prior to where the fuel enters a diesel engine, can detect if there are any contaminants in or other problems with the fuel," Hansen said. "Also, if biodiesel is used, the sensor would determine the quality and quantity of biodiesel entering the engine."

Biodiesel, a renewable fuel derived from natural oils like soybean oil, is typically blended at 2 to 5 percent with regular diesel fuel.

"In some cases, engine manufacturers will support warranties on engines using higher percentages of biodiesel—up to 20 percent. However, they are reluctant to support engines running too much biodiesel because there is some concern that it would affect the engine in a negative way," Hansen said.

Hansen is investigating the use of electrochemical sensors to detect contaminants and other quality issues that today's sensors are missing. By using electrochemical processes, the sensors are expected to be significantly more sensitive to the chemical composition of diesel fuel.

"Electrochemical sensors can be designed to detect specific chemicals, such as sulfur or sulfur-based compounds," he said. "One could then create a system to warn the operator or shut down the engine when the fuel has high sulfur content."

Sulfur is an important contaminant to monitor in diesel fuel, as it can contribute to the release of harmful exhaust emissions. Sulfur damages the catalysts in filters that are part of the engine's after-treatment system. Such filters are needed to comply with the Environmental Protection Agency's (EPA) strict regulations on emissions levels.

"To stay within the EPA's emissions limits, it is no longer possible to simply optimize the combustion process. We now have to capture some of the emissions after the engine, using filters or other methods," Hansen said.

Hansen also noted that when sulfur is involved in the combustion process, it creates sulfuric acid, which is a very corrosive by-product that can damage the engine.

"We've run tests to evaluate how well current sensors work with a range of different fuels, including biodiesel blends. The tests have shown us the limitations of the sensors," Hansen said. "If we can improve these sensors to successfully detect sulfur and monitor other diesel fuel quality concerns, it will be an important breakthrough."

Provided by University of Illinois at Urbana-Champaign

GENERAL

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Wal-Mart: More Clout 'Than EPA' on Environmental Issues, Author Says (*Arkansas Business*)

By Mark Friedman - 7/26/2010 7:50:52 AM
Wal-Mart Stores Inc. is trying to do for the environment what it has done for consumers.

Wal-Mart is notorious for pushing suppliers to drive down prices if they want to display their products on the shelves of the world's largest retailer. With $408 billion in revenue and a net income of $14.3 billion for the fiscal year that ended in January, Wal-Mart is the largest company in the world ranked by revenue.

Now Wal-Mart is using its clout to clean up the environment.

Wal-Mart "has more power than the [Environmental Protection Agency]," said Nelson Lichtenstein, author of "The Retail Revolution: How Wal-Mart Created a Brave New World of Business." "All the EPA can do is level some fines, but it can't take the contract away from some firm."

GRANTS

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Ithaca Company to receive $18 million grant for plastics embedded with carbon dioxide (*The Post-Standard - Syracuse.com*)

Published: Monday, July 26, 2010, 12:06 PM Updated: Monday, July 26, 2010, 12:56 PM
The Post-Standard

Ithaca, NY -- Novomer Inc. will receive an $18 million grant through the U.S. Department of Energy for its work on sequestering waste carbon dioxide in plastics used in packaging.

Novomer is teaming with Albemarle Corp. and Eastman Kodak Co. on the project. The company is based in Waltham, Mass., and has a research and development lab in Ithaca. Its technology was developed at Cornell University.

Novomer was one of six companies receiving a total of $106 million for projects that use CO2 as an inexpensive raw material that can help reduce carbon dioxide emissions, the Energy Department said in a news release. The money comes through the American Recovery and Reinvestment Act.

The $18 million grant comes on top of $2.1 million awarded to Novomer in March.

"Novomer's novel catalyst technology enables CO2 to react with petrochemical epoxides to create a family of thermoplastic polymers that are up to 50 percent by weight CO2," the release said.

These plastics can be used to make bottles, films, laminates, coatings on food and beverage cans, among other things.

Carbon dioxide is a greenhouse gas that traps heat in the atmosphere and is contributing to climate change, according to the U.S. Environmental Protection Agency.

It is anticipated that large volumes of CO2 will be available as fossil fuel-based power plants and other CO2-emitting industries are equipped with CO2 emissions control technologies to comply with regulatory requirements, the Energy Department said.

SUPERFUND

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Another step taken toward cleaning up Camden Superfund site (*Philadelphia Inquirer*)

July 27, 2010 Tuesday
JERSEY-C Edition
SOUTH JERSEY; P-com News Local; Pg. B01
By Elisa Lala; Inquirer Staff Writer
Francine Richards and her family have lived on South Fourth Street in Camden for three years.

Until Monday, she said, she had no idea there was a Superfund site down the street.

"It scares me," said Richards, 45. "I suffer from seizures, my son has asthma. If I would have known living here would further burden our health, I would have never moved here."

Officials on Monday took a step toward cleaning up a portion of the Welsbach/General Gas Mantle Superfund site, knocking down a building at Fourth and Jefferson Streets that was in the way of digging up the soil.

The ground there contains a radioactive material known as thorium left over by two New Jersey gas mantle companies that used the material to make gas lamps glow brighter. Prolonged exposure to thorium can increase the chance of cancer and lung disease.

The demolition of the building adjacent to the former General Gas Mantle site is being funded through $28 million earmarked for the project through the American Recovery and Reinvestment Act.

Camden Mayor Dana L. Redd, a former 16-year resident of the contaminated Waterfront South area, a desolate industrial section of Camden City, said that during the mantle companies' era Camden was a shining urban anchor for New Jersey. Today, remnants of its industrial past have come back to haunt it.

"Camden produced it all, it was an industrial giant," Redd said. "It also compromised our health."

She said one of her goals is to bring Camden back to its full potential as a stable and healthy city.

"I remember this community and what this community means to me," Redd said. "At the end of the day, we want the city of Camden to move toward economic self-sufficiency and a healthy quality of life."

Cleaning up the Superfund site is an important step in that transformation, said Walter Mugdan, Superfund director of EPA Region 2.

In the early 20th century, Welsbach, in Gloucester City, was America's largest manufacturer of gas mantles, a precursor to the lightbulb. General Gas Mantle in Camden, which opened in 1912, was its closest competitor. Both companies went out of business in the early 1940s.

Findings of thorium began in the early 1990s when the state Department of Environmental Protection conducted an investigation of radioactive contaminants on more than 1,000 properties in Gloucester City and Camden City.

At that time, the Welsbach site was considered a Superfund site and deemed dangerous. The investigation showed that the contaminated soil was at times taken from the companies' base, most likely by mantle workers needing fill for city and home projects, and sprinkled across other parts of Camden and Gloucester City, Mugdan said.

He said the EPA has been cleaning up many of the noted areas since 2000, which include Essex Street residential properties, the Gloucester City swim club, and Temple Avenue along Newtown Creek.

The site of Monday's demolition in Camden will use $22 million of the $28 million in stimulus money. The remaining $6 million will be used to assess other hot spots, Mugdan said.

As of Monday, 32,000 cubic yards of soil had been removed from Camden and more than 60 percent of the $22 million had been spent, he said.

With more work to do and residents' health at risk, he proposed that Congress reinstate a Superfund tax on companies to increase the pace of cleanup and spare taxpayers from having to pay for the mistakes of others.

"Individual taxpayers shouldn't pay," Mugdan said. "Responsible parties should."

However, he said, with the mantle companies gone, all that is left is the mess.

Helene Pierson, executive director of the Heart of Camden agency, said waiting for the funds to finish these cleanup projects puts people's lives in jeopardy.

"We need this tax," Pierson said. "If it [the cleanup] takes too long, we will miss generations of people."

She said that finding the money and capacity to make sure no one is living like this in the United States should not be an issue.

"It's not fair for our children," Pierson said. "Being raised in a low-income area is burden enough."

U.S. Rep. Robert Andrews (D., N.J.) said no one in any neighborhood should have to fear drinking the water, tilling a garden, or breathing the air.

"People say to me, this is not the time to worry about environmental goals," Andrews said. "I say we can't afford not to."

Contact staff writer Elisa Lala at 856-779-3970 or elala@phillynews.com.

EPA to hold session in Edgewater on Quanta Resources superfund site (*NorthJersey.com*)

Tuesday, July 27, 2010
BY MERRY FIRSCHEIN
The Record
STAFF WRITER
EDGEWATER — The federal EnvironmentalProtection Agency will hold a public information session and two question-and-answer sessions to discuss a proposed plan for the contamination at the Quanta Resources superfund site on River Road.

The information session is scheduled for Aug. 3 from 7 to 9 p.m. at the American Legion Hall, 1165 River Road. The question-and-answer sessions will be held Aug. 4 from 2 to 4 p.m. and 6 to 8 p.m. at the same location.

The 5.5-acre Quanta Resources site was once part of a 15-acre parcel owned by Honeywell, then called Allied Chemical Co., which held a waste-oil recycling facility. Coal tar residue — an oily liquid and solid waste — is found throughout the site, an EPA

proposed remediation plan states. Other tar chemicals and high concentrations of arsenic
also are present on the site, the report states .

The groundwater is also contaminated, the report states.

The report includes several alternatives for cleaning the soil and the groundwater.

The public can comment on the EPA's plan through Aug. 19. The federal agency will consult with the state Department of Environmental Protection in choosing a remedy after reviewing comments, the EPA's plan states.

Honeywell's predecessor company, AlliedSignal Inc., operated a tar processing plant at the site for about 40 years before Quanta bought the land for an oil recycling facility in the mid-1970s.

Coal tar and paving and roofing materials were made at the site since the late 1800s, the EPA's website on Quanta states.

The state shut down the Quanta site in 1981 after polychlorinated biphenyls — PCBs — were found on the River Road property.

The EPA oversaw an initial cleanup of the site in the 1980s, but it was not added to the Superfund National Priority List until 2002.

The agency last held a meeting on the site's cleanup in June 2005.

A copy of the plan can be found on the EPA's website at epa.gov/region02/superfund/npl/quanta/.

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TOXICS

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Disputed chemical bisphenol-A found in paper receipts (*Washington Post*)

By Lyndsey Layton
Washington Post Staff Writer
Tuesday, July 27, 2010; A13

As lawmakers and health experts wrestle over whether a controversial chemical, bisphenol-A, should be banned from food and beverage containers, a new analysis by an environmental group suggests Americans are being exposed to BPA through another, surprising route: paper receipts.

The Environmental Working Group found BPA on 40 percent of the receipts it collected from supermarkets, automated teller machines, gas stations and chain stores. In some cases, the total amount of BPA on the receipt was 1,000 times the amount found in the epoxy lining of a can of food, another controversial use of the chemical.

Sonya Lunder, a senior analyst with the environmental group, says BPA's prevalence on receipts could help explain why the chemical can be detected in the urine of an estimated 93 percent of Americans, according to the Centers for Disease Control and Prevention.

"We've come across potentially major sources of BPA right here in our daily lives," Lunder said. "When you're carrying around a receipt in your wallet for months while you intend to return something, you could be shedding BPA into your home, into your environment. If you throw a receipt into a bag of food, and it's lying there against an

apple, or you shove a receipt into your bag next to a baby pacifier, you could be getting all kinds of exposure and not realize it."

What remains unknown is how much of the chemical that may rub off onto the hands is absorbed through the skin or whether people then ingest BPA by handling food or touching their mouths.

Among those surveyed, receipts from Safeway supermarkets contained the highest concentration of BPA. A receipt taken from a store in the District contained 41 milligrams of the chemical. If the equivalent amount of BPA was ingested by a 155-pound adult, that would exceed EPA's decades-old safe exposure limit for BPA by 12 times.

Brian Dowling, a Safeway spokesman, said the company is researching the issue and consulting with its suppliers of receipt paper.

First synthesized in 1891 and developed in the 1930s as a synthetic form of estrogen, bisphenol-A has been widely used in commercial products including plastic bottles, compact discs and dental sealants. While it was regarded as safe for decades, recent research using sophisticated analytic techniques suggests that low doses of the compound can interfere with the endocrine system and cause a range of health effects, including reproductive problems and cancer.

Federal regulators have been focused on BPA and whether it leaches from containers into foods and beverages at levels that may cause health problems. Earlier this year, the Food and Drug Administration expressed "some concern" about BPA and joined several agencies in conducting $30 million in studies to try to answer questions about its safety. Lawmakers on the local, state and federal levels have moved to ban BPA from food and beverage containers made for infants and children.

The American Chemistry Council, which represents the chemical industry, said that while BPA can transfer from paper receipts to the skin, the level of absorption is low. "Available data suggests that BPA is not readily absorbed through the skin," a spokeswoman said. "Biomonitoring data from the U.S. Centers for Disease Control shows that exposure to BPA from all sources, which would include typical exposure from receipts, is extremely low."

The Environmental Protection Agency, however, recognizing that paper coated in BPA may be a significant route of exposure, launched an effort this month to work with paper manufacturers, the chemical industry and environmental groups to encourage companies to find alternatives to BPA in receipts.

Appleton Papers, the nation's largest manufacturer of "thermal papers," the type often used for receipts, dropped BPA from its formulation in 2006 out of growing concerns about the safety of the chemical, said Kent Willetts, the company's vice president of

strategic development. "We just realized we'd rather move away from it sooner than later," Willetts said.

The Environmental Working Group's report can be found

online at http://www.ewg.org/bpa-in-store-receipts.

4 on Your Side: Dangerous Jewelry (*Today's TMJ4*)

By Courtny Gerrish and Maureen Mack
The jewelry you buy your children could make them sick.

For years, the U.S. worked to get rid of lead in children's products. The lead leached out of jewelry and zipper pulls and made children ill. But now that lead has effectively been banned, some companies overseas are using another dangerous metal in its place: cadmium.

And parents are concerned about the effects.

Juwana Graham knows all too well the dangers of children's jewelry. When she got a new pair of shoes a few years ago, the shoes came with a free necklace. Her 4-year old son Jarnell got the necklace. He accidentally swallowed it, and died days later.

His mom sobbed when she remembered those horrible days. "This is something you would think would come out of a movie, but it's not," she told us. "Sometimes I feel like it's kind of like, all because I shouldn't have bought those shoes."

Jarnell died because the necklace was nearly 100% lead. It dissolved in his stomach. And his case brought attention to the huge problem with lead-tainted jewelry.

In 2008, the government banned lead from children's products.

The problem now is that many companies have replaced the lead with cadmium, a metal known to cause gastrointestinal problems, vomiting and abdominal pain.

Dr. Mark Kostic, who runs the poison center at Children's Hospital of Wisconsin, said long-term exposure to cadmium can cause big problems.

"If it does stay inside of you long enough to get absorbed, there is the potential to develop GI problems, also over a long period of time with repeated exposures there could be kidney problems and bone problems from cadmium," he said.

Workers who have been exposed to cadmium also have a higher cancer risk. The EPA calls it the seventh most hazardous substance on earth. Here, cadmium is regulated.

But in China, it is being used in millions of children's products that are shipped to the U.S.

Earlier this summer, McDonalds was forced to recall 12 million "Shrek" glasses found to contain cadmium.

Walmart pulled its entire line of Miley Cyrus jewelry because it was full of cadmium.

And Tween Brands had to recall more than 130,000 pieces tainted with the heavy metal. Some testers identified jewelry containing more than 90% cadmium.

Now Walmart has started labeling much of its jewelry "not appropriate for children under 14" as a precaution.

But no one is really sure just how dangerous cadmium is, in these products.

Dr. Kostic explained why. "This is something new that we don't have much information on as far as what kind of exposure will cause enough of the cadmium to leach out of the paint or leach out of the metal, there's just not enough information yet."

Also, you can't tell if something contains cadmium just by looking at it. Dr. Kostic is recommending more testing so that the government can establish a safe threshold.

"It's something that is worthy of study because the leaching is very important to know," he said. "Leaching" is the way the cadmium leaves the product and enters the body. In the case of children's jewelry, the leaching would occur as a result of sucking or chewing on the material.

But parents we talked to don't want to see any cadmium in children's products, regardless of how quickly it might leach out.

"I still don't think that makes sense cause you're replacing one harmful chemnical with another chemical, that's still putting kids at risk especially little kids," one mom told us.

The Consumer Products Safety Commission has asked other countries not to substitute cadmium or arsenic, also a poison, in children's products.

WATER

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Think the bay's a sewer? Don't insult the sewer (*Washington Post*)

July 27, 2010 Tuesday
Suburban Edition
METRO; Pg. B01
Maryland
By Petula Dvorak

It turns out my kids have basically been swimming in toilet water this summer.

They jump in, flip-dive, splash and kick around, undaunted by the jellyfish or the color of the water.

To them, it's the brown, brackish, beautiful Chesapeake Bay.

To others, it looks about as inviting as a sewer.

"I'm not going in; it just looks so gross," is something I hear at least once each season, when a friend who has joined us on the bay won't dive in.

I'm reluctant to finally say it, but the water weenies might have a point, particularly after a pounding rainstorm like the one we had Sunday.

This was made clear by some eye-opening and disgusting tests done this month by a group of students in a University of Maryland fellowship program called News 21. With the help of Sally G. Hornor, a biology professor at Anne Arundel Community College who is an expert in the field of estuary biology, the students compared samples from the Chesapeake Bay with actual toilet water.

Not Ty-D-Bol-blue fresh water, but some seriously dirty water -- the kind that has marinated a substantial load of its intended contents for four hours without being flushed.

The upshot: In some places after it's rained, the Chesapeake Bay is six times dirtier than the unflushed john.

Let me take a moment to shudder. We swam in the bay a week ago.

State and federal environmental folks frequently test the bacteria levels in spots all over the bay where folks are most likely to swim. There are certain acceptable levels of enterococci, the bacteria found in the poop of humans and warm-blooded animals, and when those levels are exceeded, that's when you see the "no swimming" warnings go up.

In its water quality reports, the Anne Arundel County Department of Health explains that, for safe swimming, there shouldn't be more than 35 bacterial colonies for every 100 milliliters of water in samples that are tested weekly.

(Hawaii, by the way, shuts down a beach when a mere seven are found.)

But we here on the East Coast are hardier souls. We can stare down those bacteria and laugh in their little silica-covered faces. We ride in Metro cars with no air conditioning, hike up broken Metro escalators and insist on wearing Brooks Brothers suits on 100-degree days.

So let's see if we can stomach what those students found in the water.

They went to six sites along the Chesapeake that aren't regularly tested by state agencies.

The worst news came from Savage Park in Howard County, where the Little Patuxent River flows and draws fishers and swimmers, although swimming is not officially allowed.

On July 7, the water there had 40 bacterial colonies per 100 milliliters. But after a rain had swept all kinds of nasty runoff into the bay July 15, the testers found a cringe-inducing 1,752 colonies.

The fetid toilet water? It had relatively humble 268.

Perhaps even scarier was the sample taken at Fairview Beach in King George County, Va., because that is an official public beach on the Potomac River. It had 240 of those hideous, feces-dwelling little buggers for every 100 milliliters of water.

The difference in the findings before and after major thunderstorms is dramatic, underscoring the horrible effects of storm water runoff.

"We have a gulf oil spill right here on the Chesapeake every day," Chesapeake Bay Foundation President William C. Baker, said last month. "Almost a million pounds of nitrogen flows into the bay every day" from farms, rolling green lawns, pavement, sewage plants and airborne pollutants.

It is a tragedy that one of the biggest factors in destroying America's largest estuary is pinpointed and preventable yet has not been curtailed.

For decades, pollution standards were not enforced, and the Chesapeake Bay grew dirtier and dirtier.

But in the past few months, the Obama administration has pledged a new effort by the Environmental Protective Agency to clean things up; the EPA settled a recent lawsuit in which it agreed to enforce tougher, new pollution-reduction standards. And last month, the Senate Committee on Environment and Public Works passed the Chesapeake Clean Water Act.

That's a start.

With the insane weather of this year -- from record snowfalls in the winter to the downpours and heat of this weekend -- the bay is poised to absorb a record-setting amount of pollution from runoff.

Think of the toilet water, sitting there for hours. Would you dive in?

Maybe we'll go to the pool, at least for this weekend.

Do you swim in the bay? E-mail me at dvorakp@washpost.com

Aiken notifies water customers of radium (*Augusta Chronicle*)

By Rob Pavey
Staff Writer
Monday, July 26, 2010 12:36 PM
Elevated levels of naturally occurring radium in drinking water prompted the city of Aiken to notify its customers and hire a consultant to help resolve the problem.

“Although this is not an emergency, as our customers you do have a right to know what happened, what you should do and what we are doing to correct the situation,” said the notice, dated Friday and sent to the municipal water customers.

Radium is a radioactive element that occurs naturally in many rocks, soils, and groundwaters, according to a U.S. Environmental Protection Agency fact sheet. Radium can dissolve in water and may be found at unsafe levels in certain areas of the country including South Carolina.

The federal limit for radium in drinking water is 5 picocuries per liter. According to Aiken’s notice, the “average level of radium over the last year” was 5.8 picocuries per liter.

City officials advised customers they do not need to find an alternative water source and that a consultant is helping to correct the problem.

“This is not an immediate risk,” the notice said. “If it had been uou would have been notified immediately.”

People who drink water with excessive levels of radium over many years have an increased risk of getting certain types of cancer.

According to the S.C. Department of Health & Environmental Control, Aiken County has eight public well sites that show elevated radium levels in groundwater and is second

only to nearby Lexington County, with 18 such sites. Richland County, with seven sites, was ranked third.

Reach Rob Pavey at (706) 868-1222, ext. 119 or rob.pavey@augustachronicle.com.

EPA seeking input from small businesses on new stormwater rule (*WaterTech*)

7/26/2010 11:14:53 AM
WASHINGTON — The U.S. Environmental Protection Agency (EPA) is inviting small businesses and municipalities to nominate representatives to provide input on a proposed stormwater rule, according to a press release.

The rule would strengthen the national stormwater program under the Clean Water Act (CWA) and focus on stormwater discharges from developed sites, such as subdivisions, roadways, industrial facilities and commercial buildings or shopping centers.

Selected participants would provide input to a Small Business Advocacy Review panel, which will consist of officials from EPA, the U.S. Small Business Administration and the Office of Management and Budget, the release stated.

As required by the Regulatory Flexibility Act, EPA is establishing this panel because the rule could have a significant economic impact on small businesses.

Nominations must be received by August 4, 2010.

Environmentalists Press FDA To Assess Water Impacts Of Pharmaceuticals (*Inside EPA*)

Posted: July 26, 2010
Environmentalists are petitioning the Food & Drug Administration (FDA) to revoke a rule that exempts the agency from evaluating the environmental impacts of new drug applications if a drug's residue enters the environment in a concentration of 1 part per billion (ppb) or less, citing human health and environmental concerns of pharmaceuticals in waterbodies.

The July 7 petition from the Great Lakes Environmental Law Center (GLELC) and the Natural Resources Defense Council (NRDC) is the latest tactic from environmentalists concerned about the endocrine-disrupting effects of pharmaceuticals in waterbodies and drinking water, even if the pharmaceuticals are detected only at very low levels.

For example, the Center for Biological Diversity earlier this year petitioned EPA to include first-time protections from endocrine-disrupting effects in new and revised water quality criteria for dozens of pesticides, pharmaceuticals and other chemicals (*see related story*).

Under the National Environmental Policy Act (NEPA), FDA is required to evaluate the environmental impacts of approving a new drug. But the law allows actions that do not individually or cumulatively have a significant effect on the human environment to be categorically excluded from the impact analysis. And FDA's NEPA regulations categorically exempt drugs when the "estimated concentration of the substance at the point of entry into the aquatic environment will be below 1 [ppb]."

GLELC and NRDC, in their petition, argue that this categorical exemption "is threatening the health of the general public . . . and could put aquatic ecosystems and human health at significant risk." The groups urge FDA "to repeal its threshold for pharmaceutical drug residue concentrations that are permitted to enter the environment without undergoing an environmental assessment."

"When these pharmaceuticals are regulated in a manner that takes into account the broader safety issues, the residual levels of these contaminants in water will not continue to pose a threat to humans and the ecosystems on which they depend, or on the aesthetic, recreational, and economic values of our fresh water systems," the petition says.

In seeking a revocation of the FDA categorical exclusion, the environmental groups say the actions the agency excludes can be cumulatively significant and the wording of the exclusion rule is ambiguous -- conditions that courts have ruled invalidate such exclusions.

The current exclusion "is clearly outdated and does not comply with NEPA," the petition says.

The groups cite "[a] plethora of scientific research" that indicates pharmaceuticals have endocrine-disrupting effects at levels below 1 ppb. "The assumption that exposure to a pharmaceutical substance is only dangerous in extreme amounts is a precarious inference when it comes to evaluating endocrine disrupting chemicals," the petition says.

GLELC and NRDC also take issue with FDA's rationale for the categorical exclusion, saying that such an exclusion "based on an 'estimated' concentration with no clear explanation regarding how the 'estimate' should be determined is dubious and far from a standard setting application."

"[W]ithout the ability to scientifically support that 1 ppb is a safe threshold the FDA should relinquish the 1 ppb threshold that makes a categorical exclusion available," the petition says.

Noah Hall, GLELC's founder, explains in a July 13 blog post that the environmental review the groups are seeking "would not prohibit new drugs, even if they are found to cause public health and environmental harm, but it would require the FDA to study the potential harm and acknowledge environmental risks." The groups may sue if FDA does not address the petition within a reasonable time or denies the petition without explanation, Hall said.

Migrating chemicals pose risk to Potomac Aquifer (*Greenwire*)

(07/26/2010)
Groundwater polluted with carcinogenic chemicals is spreading out through northern Delaware and may have reached the Potomac Aquifer, which supplies drinking water to Delaware, Maryland and New Jersey, according to an investigation by the Delaware *News Journal.*

The concentrations of benzene, vinyl chloride and chlorinated benzenes are so high in parts of the upper Potomac that they constitute an immediate public health threat, said the newspaper. The toxins came from chemical and petroleum factories that steadily polluted the environment over previous decades. Cleanup of the spills is progressing with little oversight by state and federal officials, according to the newspaper.

The pollution has led to a groundwater ban near the Delaware City petrochemical complex, but the chemicals migrate in plumes, and the pollution is expanding to newer areas. U.S. EPA has maintained that the deep clay layers above the Potomac Aquifer would act as an effective barrier keeping chemicals away from the waters. But scientists have found that the layer is pockmarked.

Cleanup of chemical spills was never properly enforced, and has often been burdened on the taxpayer, according to the *News Journal*

Whether these pollutants have made their way to the Potomac Aquifer is unknown. EPA says such an incident would take decades. Other scientists disagree, saying they don't understand the geology of the area well enough to predict the rate of contaminated water migration underground.

After decades of spills, explosions and dumping, most of the industries along the Delaware River Basin have shut down, leaving cleanup to either the public or a few private players. In many cases of drinking water pollution, the public remains uninformed as state and federal regulators choose not to publicize their findings.

In one case, gasoline entered the Potomac and a creek that enters the Delaware river, according to 2006 monitoring tests that found benzene and a now-banned additive at 160 times the federal limit for drinking water. The information collected by the state Department of Natural Resources and Environmental Control was never made public.

"I kind of know what's out there," said Patti Bennett, who lives close to the area. "But nobody has ever come up and knocked at my door and said: 'Look, we have a problem, and you might want to check your water.'"

The cleanup activities are overseen by the DNREC or EPA under the Resource Conservation and Recovery Act, but are not open to public participation or commentary. The state acknowledged some errors with the scope of its cleanup monitoring.

"I think that the focus of the department going forward has to be on the resource, not just on the property boundary," said Collin O'Mara, state secretary of Natural Resources and Environmental Control. "We're trying to shift that mindset. A lot of the focus in the past has been on legal issues. Maybe we haven't done quite enough looking at the migration of some of these plumes, to try to move beyond the legal boundaries" (Jeff Montgomery, Delaware *News Journal*, July 25). **--GV**

EPA seeks input on stormwater rule, presentations for brownfields conference (*American City & County*)

Jul 26, 2010 11:00 AM
The U.S. Environmental Protection Agency (EPA) wants input from municipalities on a proposed stormwater rule that is intended to strengthen the national stormwater program under the Clean Water Act (CWA). Also, EPA is seeking proposals for educational sessions at the 14th National Brownfields Conference, scheduled for April 3-5, 2011, at the Pennsylvania Convention Center in Philadelphia.

The proposed stormwater rule would focus on stormwater discharges from developed sites, such as subdivisions, roadways, industrial facilities, and commercial buildings or shopping centers. Local governments and businesses would nominate representatives who would provide input to a Small Business Advocacy Review panel, which will consist of officials from EPA, the U.S. Small Business Administration and the Office of Management and Budget. The representatives will provide input on how EPA can minimize the potential burden of the proposed regulation on small entities. Nominations must be received by Aug. 4.

The deadline for submitting proposals for the National Brownfields Conference has been extended to July 30. The conference, which is cosponsored by EPA and the Washington-based International City/County Management Association, focuses on cleaning up and redeveloping abandoned, underused and potentially contaminated properties. It generally attracts more than 5,000 registrants and hundreds of exhibitors, and includes more than 100 educational sessions.

The conference addresses issues facing brownfields practitioners, policy makers and communities. This year, conference organizers are particularly interested in ideas

related to green jobs, community engagement and environmental justice, the business of brownfields, green technology and emerging solutions, planning for community revitalization, and sustainability. Additionally, the Brownfields 2011 planning committee wants to encourage more interactive sessions that use a marketplace/roundtable format or a public dialogue/debate format.

Lake Champlain groups to spend $12.8 million (*Burlington Free Press*)

Tuesday, July 27, 2010
Politicians, lake advocates and federal officials praised one another and pledged continued
cooperation Monday as they agreed to divvy up $6.5 million in new federal spending on Lake
Champlain.

A brisk wind gusted over the outdoor ceremony on the Burlington waterfront, blowing off its
stand a color chart showing the total of direct federal investment in Lake Champlain programs
this year: $12.8 million.

The money will support more than a dozen programs, from controlling cormorants and lamprey to reducing nutrient-rich runoff from farms and city streets.

Not included in the $12.8 million total -- another $11 million spent by federal agencies on water
quality improvement in Vermont, two-thirds to three-quarters of it in the Champlain basin.

"I can't think of a more committed friend and sustainer of Lake Champlain than Senator Patrick Leahy," Pixley Tyler Hill of Swanton, chairwoman of the Friends of Northern Lake
Champlain, said as she opened the gathering.

Leahy, D-Vt., is a member of the Senate Appropriations Committee and is the primary advocate in Washington for spending more money on the lake.

In turn, Leahy praised the work of volunteer groups, the state of Vermont, and federal agencies for their "shared commitment" to Lake Champlain.

"This is not pork," he said of the federal spending. "If we don't do right by Lake Champlain today, succeeding generations will ask, 'Why did you miss this chance?'"

Curt Spaulding, regional administrator of the U.S. Environmental Protection Agency, and Jamie
Geiger, assistant regional director of fisheries for the U.S. Fish and Wildlife Service, added their
voices to the mutual admiration chorus and called for a renewed commitment from all parties.

"The federal government is not going to save Lake Champlain -- it's the people of the basin,"
Spaulding said.

Money targeted for Lake Champlain will come through four agencies:

• $6.5 million to the Great Lakes Fisheries Commission.

• $4 million from the U.S. Environmental Protection Agency, funneled to the Lake Champlain

Basin Program.

• $1.9 million from the U.S. Army Corps of Engineers for invasive plant control, Burlington
harbor bollards and other projects.

• $376,000 from the U.S. Department of Agriculture for runoff reduction and cormorant control.

Lake Champlain spending Federal funds targeted for Lake Champlain, 2010 fiscal year:
U.S. DEPARTMENT OF AGRICULTURE
• Lamprey control, $94,000
• Runoff reduction, $179,000
• Cormorant control, $103,000 ARMY CORPS OF
ENGINEERS
• Water initiative, $920,000
• Burlington harbor bollards, $500,000
• Invasive plant control, $500,000 EPA
• Support of Lake Champlain Basin Program and
its projects, $4 million GREAT LAKES FISHERIES
COMMISSION
• Local grants, $1.15 million
• Agronomists, $550,000
• Burlington stormwater project, $200,000
• Rock River farm cleanup, $250,000
• North lake, wetlands restoration, $500,000
• South lake, Conservation Reserve Program,
$195,000

• Conservation Reserve technical manual, $60,000
• Wetlands Reserve Program staffing, $225,000
• Blue-green algae monitoring, $120,000
• Long-term water quality monitoring, $420,000
• Champlain Canal, barrier feasibility study, $200,000
• Study of impact of catch-and-release fishing tourneys on fisheries, $80,000
• Sea lamprey control, $700,000 (plus $500,000 reserved for federalization of the program)
• Fish passage program, $400,000
• Salmon, American eel restoration, $350,000
• Study of climate change impacts, $100,000
• Refurbish Lake Champlain resource room at ECHO, $40,000
• Teacher professional development, $110,000
• Stormwater outreach program, $200,000
• Graphic design, web support for Basin Program, $110,000

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