# EPA REGION III

<>Office of Public Affairs

# <>PM Headlines

**Thursday, February 23, 2012**

## *** PM HOT LIST ***

### EPA Issues Guidelines to Protect Rivers, Lakes, Streams and Wetlands

**EARTH JUSTICE** Washington, D.C. — The U.S. Environmental Protection Agency sent to the White House a final, new clean water guidance meant to protect rivers, streams, and wetlands from pollution, restoring Clean Water Act safeguards that were in place for decades but recently placed in jeopardy. The following statement is from Earthjustice President Trip Van Noppen, commending the EPA and other federal agencies for this latest action to preserve the nation's waters:"We are pleased that the Obama administration is taking this important step to protect rivers, streams and all of our waterways from pollution. The public depends on clean water and demands programs that limit water pollution."This new guidance replaces two bad Bush administration guidances that left millions of miles of streams and acres of wetlands without safeguards from pollution. "Clean water is critical to public health, the economy, and communities."

### Obama directs agencies to buy more bio-based products

**FEDERAL TIMES**President Obama in a memo Tuesday directs agencies to step up their purchasing of bio-based products. The Agriculture Department must increase the number of categories and products eligible for its BioPreferred program by 50 percent within one year. Those products include, for example, paints, soaps and detergents that are developed from farm-grown plants rather than chemicals or petroleum bases. About 9,000 products fall under USDA's bio-based products program — a voluntary program under which companies certify their products as bio-based, making them eligible for preferential procurement by agencies. The memo will "dramatically increase the purchase of bio-based products over the next two years." Agriculture Secretary Tom Vilsack said in a news release.

### Editorial: The Job-Creating Mercury Rule

**NEW YORK TIMES** After 20 years of delay and litigation by polluters, the Obama administration approved in December one of the most important rules in the history of the Clean Air Act. It will require power plants to reduce emissions of mercury and other toxic pollutants by more than 90 percent in the next five years and is expected to prevent as many as 11,000 premature deaths annually from asthma, other respiratory diseases and heart attacks.The technology to control the pollutants is readily available. The health benefits far outweigh the costs to the power companies. That isn't stopping Senator James Inhofe of Oklahoma, one of the most persistent critics of the clean air laws. The moment the rule was published in the Federal Register last week, he filed a resolution of disapproval under the 1996 Congressional Review Act.

### DEP Secretary: I'm Bullish About This Budget And In Our Ability To Deliver

**NORTHCENTRALPA.COM**Secretary of Environmental Protection Michael Krancer told the Senate Appropriations Committee Wednesday DEP has the resources and personnel to properly regulate and protect pubic health and safety and the environment in all areas of the department, including Marcellus Shale. "I'm bullish about this budget and in our ability to deliver." A copy of Secretary Krancer's formal budget statement is available online and a summary appears below. Here are some highlights of the Committee's two hours of questioning on DEP's proposed budget-- **Drilling Wastewater Treatment:** Drilling companies have complied with the request to not send their wastewater to public wastewater treatment facilities without the ability to properly treat the water. He said it is one of the real success stories that happened without the need to issue orders. 90 percent or more of the wastewater is being recycled and about 10 percent is being sent for disposal. He also said there are facilities being developed in-state specifically for treating drilling wastewater. He added DEP is continuing to monitor rivers like the Monongahela River for the impact of the drilling wastewater policy, but it is too early to draw any conclusions from the information. This issue was also addressed in Secretary Krancer's written opening statement (below).**County Option Marcellus Fee:** In response to a question about what happens if counties like Bradford do not adopt the new impact fee, Secretary Krancer said the funds DEP expects are supplementing the funding they have now. The revenue from the impact fee is not "backfilling" funding that is not there.


DIM0078366

## Krancer: DEP Has Expanded Its Inspection Staff

**NPR-STATE IMPACT** Department of Environmental Protection Secretary Michael Krancer took his turn before the state Senate's Appropriations Committee yesterday. Discussing his department's budget, Krancer said DEP has the staff it needs to inspect Pennsylvania's Marcellus Shale wells. That's despite Governor Corbett's proposal to trim the department's budget by more than $10 million.Capitolwire has more: Department of Environmental Protection Secretary Michael Krancer told the Senate Appropriations panel the department has doubled its Bureau of Oil and Gas Management staff, and said a new revenue stream from the recently passed Marcellus Shale law could also be used for staff funding.

## W. Pa. residents say water ruined, state says no

**ASSOCIATED PRESS (Pa.)** (AP) PITTSBURGH — At least 10 households in western Pennsylvania fear their drinking water has been ruined by natural gas drilling, but state officials said tests don't show that. "Everything was fine. Now, I don't use my water at all," said Kim McEvoy, who lives in Connoquenessing Township, about 35 miles north of Pittsburgh. McEvoy and other residents say the water problems started about a year ago, after Rex Energy Corp. drilled two wells. But a map Rex provided also shows gas wells from other companies in the area. The Department of Environmental Protection tested the water of those who complained and found no evidence that oil or gas drilling caused problems, said spokesman John Poister. Rex Energy said in a statement Wednesday that testing by an independent company found no notable differences in pre and post-drilling water chemistry in the neighborhood. There are also old oil wells in the area that could impact water quality. But others say something did change early last year. "We never had a problem until January, 2011," said Janet McIntyre, another resident. She said some of the water tests done over the last year showed very high levels of iron, manganese, and traces of Toluene....McEvoy and other residents said they're trying to get local officials to hook the neighborhood up to a public water supply, but there's no indication when or if that might happen.

## Pa. government updates fish consumption warnings

**ASSOCIATED PRESS (Pa.)** HARRISBURG, Pa. — Pennsylvania government officials are publicizing updated fish consumption advisories, including a clarification that prohibits harvesting live mussels and clams in the state.The new list released Thursday applies only to fish caught recreationally and not to commercial operations or restaurants.The entire state remains under a blanket advisory to limit consumption of recreationally caught fish to one meal per week, or a half-pound for a 150-pound person.Safe consumption of fish involves properly cleaning, skinning, trimming and cooking the meat. The latest advisories are available on the Department of Environmental Protection's website by using the keywords, "fish advisories."

## DEP Fines Driller for Contaminating Drinking Water in Forest County

**NPR-STATE IMPACT** The Department of Environmental Protection says Catalyst Energy will have to pay a fine and conduct remediation for its oil and gas production in Forest, McKean and Warren counties. The DEP fined the Pittsburgh-based oil and gas company $185,000 for violations at non-Marcellus wells. The DEP says Catalyst operations polluted 14 residential drinking water supplies in Hickory Township, Forest County.A press release issued by DEP lists high levels of iron, manganese and methane. All of the water wells are within 1000 feet of a Catalyst well, so the company is presumed liable under current state law. DEP spokesman Kevin Sunday says methane migration occurred through nearby abandoned wells. He says the department didn't determine how drilling polluted the wells with manganese and iron.Sunday says Catalyst restored the water in some of the wells, and are providing water to other residents. Some of the wells are attached to hunting cabins and so are not used year round. DEP inspections found that Catalyst did not install controls to prevent sediment runoff at Forest County wells. State regulators say the company also caused oil and fluid leaks at sites in Forest, Warren and McKean counties.

## Groups threaten suit over Frasure Creek mine

**BECKLEY REGISTER-HERALD** Several environmental groups say Frasure Creek Mining is committing water quality violations on its Open Fork No. 1 Surface Mine in Fayette County. On Nov. 14, the groups filed a 60-day notice of intent to sue if steps were not immediately taken to remedy the pollution problems. So far, no civil suit has been filed in court. Mike Becher, a lawyer from Appalachian Mountain Advocates representing the groups, says a settlement is possible but would not comment further on details. The Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy and Sierra Club are the groups filing the suit. They allege that Frasure Creek violated selenium discharge allowances at two Open Fork outlets on nine separate occasions. They also allege 40 aluminum and iron violations, as well as monitoring and reporting violations. They say the occurrences violate the Clean Water Act, the West Virginia Water Pollution Control Act, and the Surface Mine Control and Reclamation Act.

## Talbot officials hear latest on pollution reduction goals

**EASTON STAR-DEMOCRAT** EASTON Talbot County officials should soon have an idea of how to achieve federally-mandated pollution reduction goals, but not how to pay for implementation. "The plan is likely to be hugely expensive," said Sandy Coyman, Talbot County planner, at a Feb. 14 workshop with the Talbot County Council. Coyman gave the council a briefing on deadlines and plans for the county's part of Maryland's Watershed Implementation Plan (WIP). The seven districts in the Chesapeake Bay Watershed, including Maryland, must have those plans for doing their parts in the unprecedented pollution diet for the Bay and its tributaries. That diet, a series of Total Maximum Daily Loads (TMDL), prescribes how much pollution a body of water can handle and still meet water quality standards. The U.S. Environmental Protection Agency accepted Maryland's phase one plan, and issued its final TMDL, on Dec. 29.

## Tr-Ash Talk: $2 Billion Coal Ash Suit In Chesapeake

**EARTH JUSTICE** On Tuesday, Virginia attorney Ted G. Yoakam, representing nearly 400 people living near the Battlefield Golf Club in Chesapeake, refiled a lawsuit against Dominion Virginian Power, MJM Golf LLC (the owner of the golf course) and two additional parties involved in building the course, requesting more than $2 billion in damages. The refiling doubles the demand for damages of the original suit and is based on new evidence of residential water wells

contaminated with hazardous substances. Wells near the golf course were found with elevated levels of toxic metals, including lead, vanadium, manganese, cobalt, nickel, cadmium and zinc. The complaint also alleges that 10 individuals – nine of them children – are injured by exposure to the hazardous chemicals from coal ash. Arsenic found in the fly ash on one of the properties was 700 times the accepted level, and radioactive elements thorium, radium and uranium in the ash was twice the level of background soils. Yet, according to Dominion, the ash is "completely non-hazardous." This is a familiar story.

# *** MORNING HOT LIST ***

## EPA chief: 'Fracking' can be OK

**ASBURY PARK PRESS (N.J.)** GALLOWAY TOWNSHIP — U.S. Environmental Protection Agency Administrator Lisa P. Jackson told energy industry leaders and environmentalists Wednesday that natural gas fracking can be done without harmful impacts, presenting "an historic opportunity" for the country in terms of energy development and job creation. "I think that fracking as a technology is perfectly capable of being clean. I do. But it requires people who are doing it and innovators who use the technology to take some time to make sure that it's done right. And it requires smart regulation, smart rules of the road," Jackson said. The comments at a Richard Stockton College energy conference were some of the strongest from Jackson in support of fracking, or hydraulic fracturing, which involves harvesting shale reserves by blasting underground rock formations with pressurized water and chemicals. Jackson signaled a leaning last year when testifying before a U.S. House Oversight Committee when she said wasn't aware "of any proven case where the fracking process itself has affected water, although there are investigations ongoing." Jackson told the audience at the college that the investigations continue. She said an EPA report on ground water impacts from fracking is due by the end of the year.

## Study Refutes Water Claims

**WHEELING INTELLIGENCER**ÀFracking does not cause contamination, university concludes. WHEELING - As natural gas industry leaders tout a new report stating that fracking is unlikely to contaminate groundwater, biology professors set to speak on the topic Monday at Wheeling Jesuit University question the study's merits. The report, compiled by researchers at the University of Texas at Austin, does not deny there are potential chemical and methane contamination problems related to the entire drilling process. Instead, it states that these hazards - well casing failures, poor cement jobs or surface chemical spills - can occur at drill sites independent from the actual fracking process. "These problems are not unique to hydraulic fracturing," said Charles "Chip" Groat, a UT Energy Institute associate director who led the project. "Fracking" is short for hydraulic fracturing, a process in which drillers pump millions of gallons of water, sand and chemicals deep into the earth at high pressure in an effort to break shale rock to release the natural gas and/or oil trapped within it. If even 0.5 percent of the 5 million gallons of water, sand and chemical solution used to frack a typical Marcellus Shale well in the local area consists of chemicals, that means 25,000 gallons of chemicals are being pumped into the ground at pressure as high as 10,000 pounds per square inch.

## DEP, Flatirons LLC answer questions about drilling in watershed

**WJAC-TV JOHNSTOWN, Pa.**ÀBROCKWAY, Pa. — The Pennsylvania Department of Environmental Protection organized a public meeting Wednesday night. Officials said they were contacted by state Sen. Joe Scarnati about concerns in a Jefferson County watershed. In an effort to answer questions and hear concerns, DEP representatives traveled from Harrisburg to Brockway on Wednesday night. "Tonight's purpose is for individuals that rely on the watershed and reservoir to hear what (Flatirons Resources) have to say, to ask questions and to get answers," Scarnati told attendees of the meeting. Flatirons Resources LLC is an independent oil and gas company based in Denver. Larry Moore, of Flatirons, said that the company has completed wells in 11 states. Moore said it began Marcellus Shale drilling in 2009. In 2011, it drilled and fracked Well No.6 in the Brockway Watershed, specifically the Rattlesnake and Wetstone Watershed. While drilling in the Watershed, officials said a water aquifer was disturbed. Robert Ging, the Brockway Municipal Authority's environmental attorney, said that this aquifer is what helps supply water to thousands of residents in the area. After that incident, residents started raising questions about the effects drilling is having on their water supply. This is why the DEP scheduled Wednesday's meeting. A representative from the DEP told the audience of more than 150 people that there is one pending permit application to drill in the Watershed, which is also on the Municipal Authority's property.

## Injection wells may cause earthquakes

**WEST VIRGINIA PUBLIC BROADCASTING**ÀWV has seen seismic activity over the past couple of years and some residents and lawmakers are concerned. Is there a connection between the oil and gas industry and recent earthquakes on the east coast? In the 4th installment of our Natural Gas series this week: waste-water injection wells and whether or not they could be causing seismic activity. According to recent reports in Ohio, investigating seismologists believe injection wells used to dispose of wastewater from oil and gas drilling caused a series of 11 minor quakes in the Youngstown area. When the quakes reached a 4.0 magnitude early this year, state leaders ordered four fluid-injection wells in eastern Ohio be "indefinitely" prohibited from operating. The brine wastewater dumped in wells comes from the fracking drilling operation that has been a source of concern among environmental groups and some property owners. Injection wells have also been suspected to cause quakes in Arkansas, Colorado, Oklahoma, and here in West Virginia. In 2010, a series of earthquakes in Braxton County shook residents up. Majority leader Brent Boggs lives in Braxton County in the vicinity of a Chesapeake Energy injection well site. He describes his personal experience:"It basically jarred our house in Gassaway which is about ten miles away from the injection well site, pretty substantially," Boggs says, "to the point that, the first thing that I thought of when I felt it at about 6:30 in the morning or so, was a vehicle had hit our home." After the seismic activity in 2010, Chesapeake voluntarily lowered the pressure of its injections at the request of the West Virginia Division of Environmental Protection. But Chesapeake Spokeswoman Maribeth Anderson says it's unlikely that the quakes had anything to do with the well. "We're being very attentive to this issue and studying it," Anderson says. "We're working with the DEP on trying to locate the seismic activity and working with them on pressures and volumes of our injections. We're doing that to address concerns. But this latest event was mapped at seven miles away from our facility and given the history of quakes in this region; we don't see a clear connection."

## Environmentalists give low grade to county water plan

**SOUTHERN MARYLAND NEWSPAPERS**À The grades are out on local jurisdictions' Watershed Implementation Plans and Charles County's plan did not fare well. Charles County's WIP, which is intended to outline strategies to clean up the area's waters, received the lowest grade possible, "Much More Work Ahead for Clean Local Waters," from the Choose Clean Water Coalition, an organization comprising hundreds of nonprofits that seeks federal leadership to clean up the Chesapeake Bay and its tributaries. The coalition includes organizations such as the 1,000 Friends of Maryland, the Mattawoman Watershed Society and the Coalition for Smarter Growth. The coalition found that Charles' WIP plan and eight other county WIP plans are "skeletal and did not commit to clear implementation strategies," according to the coalition's report released last week. The WIP is the state's mechanism for local juridications to use to meet the U.S. Environmental Protection Agency's Chesapeake Bay total maximum daily load of nutrient pollution and sediment by 2025. The bay TMDL, established in 2010, is 185.9 million pounds of nitrogen per year, 12.54 million pounds of phosphorus per year and 6.45 billion pounds of sediment per year. Claudia Friedetzky, conservation representative with the Maryland Sierra Club, said Charles' Watershed Implementation Plan focuses a lot on planning strategies, but shows no commitment to measures that begin to reduce nutrient pollution in the county's waters.

## Bill would restrict manure use to prevent pollution

**FREDERICK NEWS-POST**À ANNAPOLIS -- Agricultural and environmental advocates weighed in Tuesday on a state bill that would prevent farmers from spreading manure on their fields in winter months, a time when some say it is more likely to wash into waterways. The legislation seeks to keep animal manure off the land between Nov. 1 and March 1 unless a farmer can bury more than 90 percent of it below the soil's surface. The proposal would require farmers to deal with manure in much the same way the law already tells them to treat fertilizer from sewage sludge. "Pooh is pooh. It doesn't matter if it's from people or animals," said Will Morrow, an Emmitsburg livestock farmer who traveled to Annapolis to testify in support of the legislation. Maryland Sen. Paul Pinsky, who sponsored the bill along with Sen. Brian Frosh, told his colleagues in the Education, Health and Environmental Affairs Committee that the proposal is an act of common sense. Manure does not mix well into soil when the ground is frozen, bill supporters say. A rainy day or snowfall can rinse the fertilizer from the land and into the streams leading to the Chesapeake Bay, polluting it with nitrogen and phosphorus. State statistics indicate that Maryland farms account for about 37 percent of the nitrogen the state sends into the bay and about 48 percent of the phosphorus. Many farmers worry, however, that Pinsky's proposal would leave them stuck with large piles of manure during the cold months and offer only a narrow window of time to apply the fertilizer in the warmer ones.

## Ludlum to pay federal government $535000 for Superfund site

**PITTSBURGH TRIBUNE REVIEW** Allegheny Ludlum has agreed to reimburse the federal government for $535,000 of past cleanup costs at the Breslube-Penn Superfund site in Moon Township, the U.S. Environmental Protection Agency said. The company is the last of 158 responsible parties to reach a settlement with the EPA since 2005 over cleanup costs associated with the site. In 1978, Wiseman Oil built a facility that made lubricating oil by recycling waste oil. Wiseman Oil went bankrupt in 1982. The property was bought by Breslube-Penn, which continued used-oil reprocessing until 1986. The facility was used as a used-oil transfer station from 1987 until it was closed in 1992. Allegheny Ludlum was a customer of Wiseman and Breslube-Penn and had sent oil to the facility for recycling, a Ludlum spokesman said. He had no comment on the settlement. Under the Superfund law, the landowners, waste generators and waste transporters that are responsible for the contamination of a Superfund site must either clean up the site or reimburse the government or other parties for cleanup activities.

## Toxic Waste Dump Stuck On Street

**FOX 29 PHILADELPHIA** A toxic waste dump has remained at the corner of Castor and Delaware Avenues in Philadelphia's Port Richmond section since 2004. It's about the size of two football fields, and so big it can be seen from space. The dump stands 50 feet high and is over 200 yards long. Beneath the heavy tarp is a huge pile of almost 70,000 cubic yards of hazardous waste and it appears it's not going anywhere, any time soon. It is known as the Franklin Slag pile, located on a three-acre industrial site at Castor and Delaware avenues. The EPA says it contains waste from the old Franklin Smelting And Refinery Company including aluminum, lead, chromium, cobalt and copper. Although they have no scientific proof, people who live and work near here are convinced it's been the source of major illnesses. There are at least a dozen police officers who worked this area, plus, people who have died from cancer or toxic chemicals in this area. Bill Schreiber is a retired 24th district police officer who patrolled this area for 20 years. He has a rare form of lymphoma and is convinced he and others were sickened by materials that blew off that site for years. "All the money we spend on other stuff and it's still here. This is really a dangerous site," he says. The EPA proposed putting a permanent cap on the site five years ago, then reopened discussions on a permanent cleanup. The city and state stepped in and the EPA has now delayed a final cleanup solution. Fox 29 called the EPA and was waiting for a response.

## Coal creates half the global warming problem, UC speaker says

**CHARLESTON GAZETTE** CHARLESTON, W.Va. -- The coal industry is creating one-half of the global warming problem, the director of the Bard Center for Environmental Policy said Wednesday. "[The coal industry] is going to keep shrinking," said Eban Goodstein, director of the school in New York, who is also an economist and author. "The state needs to transition to something else."Goodstein addressed an audience of about 100 people at the University of Charleston Wednesday night for the UC Speaker Series event "Energy: Who's Got the Power?" UC President Ed Welch moderated the discussion, which was sponsored by the Dow Chemical Foundation. "Climate Change and Power Solutions" was the topic, and Goodstein spoke about how power sources will need to evolve and mitigate the earth's warming. "Coal has this problem, well, coal has a lot of problems . . . but it's a 19th-century fuel in some ways," he said. "I think global warming possesses a huge challenge for the industry because it's going to keep getting hotter." What people refer to as "clean coal" would be "quite expensive," he said. "Twenty years from now, who knows if anyone would want to buy a coal plant," he said. There are vast arrays of technological opportunities, Goodstein said, to cut carbon emissions. That includes using wind and solar power, among other things, which would contribute to new jobs and not cause communities to collapse, as some speculate.

## No new spill at Washington County gas well, DEP reports

**PITTSBURGH TRIBUNE REVIEW** The Department of Environmental Protection said on Tuesday that it determined no new spill occurred at a Washington County gas well owned by Chevron-Appalachia. DEP investigated after

a Robinson official reported seeing absorbent pads in the area last week, said John Poister, a DEP spokesman. The pads were part of an ongoing cleanup by Chevron-Appalachia crews to address a condensate leak they discovered Dec. 19, Poister said. Condensate is wet natural gas in the soil. That leak came from a crack in a 2-inch underground condensate line, the company said. Chevron spokesman Trip Oliver said the company took immediate action to stop the leak and shut the line. There is no evidence that any condensate reached nearby Bigger Run Creek, he said. Crews placed hay bales and absorbent pads at the site as a precautionary measure.

## Oil, Natural Gas Groups Sue EPA Over Greenhouse Gas Reporting Changes

**BNA DAILY ENVIRONMENT REPORT** Oil and natural gas industry groups challenge an EPA rule requiring drilling operations to report greenhouse gas emissions from wells and storage tanks on a county level and by geologic formation. The American Petroleum Institute and American Gas Association file the lawsuits in the U.S. Court of Appeals for the District of Columbia Circuit, challenging a December rule from EPA that revised the reporting requirements as part of its mandatory emissions reporting rule. The revisions were not subject to a notice-and-comment period before being finalized, an AGA spokeswoman says

# PENNSYLVANIA

### *PITTSBURGH POST-GAZETTE*

**From Early Bird** Range Resources sets its sights on the 'super rich' Like many of its peers in the gas drilling industry, Range Resources plans to focus this year on drilling in parts of Pennsylvania and Ohio's shale that house lucrative natural gas liquids and oil reserves, the Fort Worth, Texas-based company announced Wednesday. The company even has a name for the bountiful region: the "super-rich area." That means super-rich in the volume of natural gas liquids found in the region's shale rock and super-rich in its capacity to make Range money at a time of record-low gas prices. And Range owns 125,000 acres of it. Some drilling companies have moved rigs or scaled back production altogether in regions where "dry" gas is extracted without liquids like ethane. But unlike other companies, Range Resources doesn't have to worry about leases in the dry gas region expiring and forcing costly renegotiation when it comes time to drill. That's because most of its dry gas acreage throughout southwestern Pennsylvania is held by production, meaning landowners are locked into current agreements because development has already begun on Marcellus Shale wells or because of pre-existing shallow wells on their properties. The firm's 2012 capital expenditure budget of $1.6 billion allocates $1.3 billion to drilling operations, 75 percent of which will target the liquids- and oil-rich portions of the Marcellus Shale as well as opportunities in Mississippi.

**From Early Bird** Lawn service firm agrees to settlement over discharge EG Systems of Marysville, Ohio, owner of Scotts Lawn Service in Monroeville has agreed to pay a $160,000 penalty to settle charges stemming from the intentional discharge of up to 1,000 gallons of wastewater containing high levels of herbicides, pesticides and fertilizer into a tributary of Thompson Run in June 2010. Investigators with the state Department of Environmental Resources, responding to complaints of offensive odors, discovered a Scotts employee had built a syphon system to drain an 8,000-gallon tank into a storm sewer that connected to the stream, according to DEP news release. The fine will be paid to the state's Clean Water Fund, which is used to address pollution problems. In a separate action, the employee involved will serve two years probation, pay a $2,500 fine and perform 40 hours of community service.

**From Early Bird** Column: Let's drink to gas drillers, with sake, too You can learn a lot about a person by pouring a drink. You can learn even more by poring over what they drink. The Pennsylvania Liquor Control Board, though under siege longer than the Red Army in Leningrad, remains a resolute marketeer of its reds, whites and booze. Its glossy "Retail Year in Review" is a treasure trove of tippling trivia and swigging statistics, and I keep going back for another round.Where to begin?

• To see where sales are up, follow the gas-drilling trucks. LCB sales were up almost 12 percent in Bradford County and more than 9 percent in Tioga County in the retail year ending last June. No counties had higher upticks (and maybe up-hics) than these neighboring counties in Pennsylvania's northern tier, and it's no coincidence that each has hundreds of Marcellus Shale wells. Seventeen of the 20 counties with the highest percentage increases in liquor sales have Marcellus wells. I've suggested this before, but if nobody has done it yet (and I have a cousin-in-law who dreams of doing so), somebody ought to open a bar called Frackers

### *PITTSBURGH TRIBUNE REVIEW*

**From Early Bird** Ludlum to pay federal government $535000 for *Superfund* site Allegheny Ludlum has agreed to reimburse the federal government for $535,000 of past cleanup costs at the Breslube-Penn Superfund site in Moon Township, the U.S. Environmental Protection Agency said. The company is the last of 158 responsible parties to reach a settlement with the EPA since 2005 over cleanup costs associated with the site. In 1978, Wiseman Oil built a facility that made lubricating oil by recycling waste oil. Wiseman Oil went bankrupt in 1982. The property was bought by Breslube-Penn, which continued used-oil reprocessing until 1986. The facility was used as a used-oil transfer station from 1987 until it was closed in 1992. Allegheny Ludlum was a customer of Wiseman and Breslube-Penn and had sent oil to the facility for recycling, a Ludlum spokesman said. He had no comment on the settlement. Under the Superfund law, the landowners, waste generators and waste transporters that are responsible for the contamination of a Superfund site must either clean up the site or reimburse the government or other parties for cleanup activities.

**From Early Bird** Another leak springs at drilling site near Crab Run Creek A coating of clay remained in portions of a Butler County creek Wednesday after a second leak of water, mud and the drilling clay bentonite from a pipeline operation within the past week, state officials said. Department of Environmental Protection spokesman Kevin Sunday said officials didn't see any immediate evidence that the release harmed wildlife in Crab Run Creek. Drilling resumed yesterday, said pipeline company Keystone Midstream Services LLC. Sunday said the department hadn't decided whether the company could face fines. It's illegal to release mud or sediment into streams because it can harm stream beds and kill aquatic creatures and their eggs. "It's unfortunate when you have an accident like this," said Rick Relyea, a professor in the University of Pittsburgh's biological sciences department who lives near the stream. "Hopefully the stream can clear itself ... and the stream will rebound." A leak from the pipeline operation Feb. 14 didn't enter the stream, Sunday said, but was contained in a ditch. Keystone General Manager Michael Brinkmeyer said some sediment in the creek at that time likely came from a heavy snow melt, though he added that a small portion of sediment could have been from an underground leak.

**From Early Bird** No new spill at Washington County gas well, DEP reports The Department of Environmental Protection said on Tuesday that it determined no new spill occurred at a Washington County gas well owned by Chevron-

Appalachia. DEP investigated after a Robinson official reported seeing absorbent pads in the area last week, said John Poister, a DEP spokesman. The pads were part of an ongoing cleanup by Chevron-Appalachia crews to address a condensate leak they discovered Dec. 19, Poister said. Condensate is wet natural gas in the soil. That leak came from a crack in a 2-inch underground condensate line, the company said. Chevron spokesman Trip Oliver said the company took immediate action to stop the leak and shut the line. There is no evidence that any condensate reached nearby Bigger Run Creek, he said. Crews placed hay bales and absorbent pads at the site as a precautionary measure.

***WPXI-TV 11 PITTSBURGH***

**From Early Bird** Target 11 investigates *Marcellus Shale* drilling PITTSBURGH -- It's been billed as a modern-day gold rush. Marcellus shale drilling has already made some folks in our area a lot of money, but others claim the process used to extract natural gas known as fracking is to blame for their water woes. Target 11 Investigator Rick Earle has been talking to people on both sides of this very controversial and emotional issues. Earle said it's an issue that has divided neighbors. On one side there are homeowners who claim the drilling is compromising their water. On the other side are the land owners and drillers who contend it's perfectly safe and say there's no scientific evidence linking fracking to water contamination. And now they have a brand-new independent study that proves their point. "The Department of Environmental Protection says I can drink this. We can have coffee later," said Kim McEvoy, of Connoquenessing Twp., Butler County, while holding a gallon jug of discolored water. McEvoy told Target 11 that she and other neighbors began having problems with their well water last summer. Today, McEvoy said her well is nearly dry. "There it goes. I'm not even getting a gallon of water. I'm done. I lived here 16 years and the only thing I know that's changed in my environment is these gas wells," said McEvoy. The gas wells began popping up last year and so did water complaints from other neighbors. "I turned on the bathroom sink water and foam comes outand turned around to the bathtub and the toilet he had just used was foaming, " said Janet McIntyre, who lives down the road from McEvoy. "I've never seen a rush of complaints about drinking water problems like I have since the Marcellus shale industry moved in here," said Myron Arnowitt, the director of Pennsylvania's Clean Water Action. Clean Water Action has called for a temporary ban on drilling until more studies are done. "The drilling is far too close to where peoples houses are, to where there drinking water is coming from. There needs to be much greater protection, said Arnowitt.

***FOX 29 NEWS PHILADELPHIA***

**From Early Bird** Toxic Waste Dump Stuck On Street A toxic waste dump has remained at the corner of Castor and Delaware Avenues in Philadelphia's Port Richmond section since 2004. It's about the size of two football fields, and so big it can be seen from space. The dump stands 50 feet high and is over 200 yards long. Beneath the heavy tarp is a huge pile of almost 70,000 cubic yards of hazardous waste and it appears it's not going anywhere, any time soon. It is known as the Franklin Slag pile, located on a three-acre industrial site at Castor and Delaware avenues. The EPA says it contains waste from the old Franklin Smelting And Refinery Company including aluminum, lead, chromium, cobalt and copper. Although they have no scientific proof, people who live and work near here are convinced it's been the source of major illnesses. There are at least a dozen police officers who worked this area, plus, people who have died from cancer or toxic chemicals in this area. Bill Schreiber is a retired 24th district police officer who patrolled this area for 20 years. He has a rare form of lymphoma and is convinced he and others were sickened by materials that blew off that site for years. "All the money we spend on other stuff and it's still here. This is really a dangerous site," he says. The EPA proposed putting a permanent cap on the site five years ago, then reopened discussions on a permanent cleanup. The city and state stepped in and the EPA has now delayed a final cleanup solution. Fox 29 called the EPA and was waiting for a response.

***WJAC-TV JOHNSTOWN***

**From Early Bird** DEP, Flatirons LLC answer questions about drilling in watershed BROCKWAY, Pa. — The Pennsylvania Department of Environmental Protection organized a public meeting Wednesday night. Officials said they were contacted by state Sen. Joe Scarnati about concerns in a Jefferson County watershed. In an effort to answer questions and hear concerns, DEP representatives traveled from Harrisburg to Brockway on Wednesday night. "Tonight's purpose is for individuals that rely on the watershed and reservoir to hear what (Flatirons Resources) have to say, to ask questions and to get answers," Scarnati told attendees of the meeting. Flatirons Resources LLC is an independent oil and gas company based in Denver. Larry Moore, of Flatirons, said that the company has completed wells in 11 states. Moore said it began Marcellus Shale drilling in 2009. In 2011, it drilled and fracked Well No.6 in the Brockway Watershed, specifically the Rattlesnake and Wetstone Watershed. While drilling in the Watershed, officials said a water aquifer was disturbed. Robert Ging, the Brockway Municipal Authority's environmental attorney, said that this aquifer is what helps supply water to thousands of residents in the area. After that incident, residents started raising questions about the effects drilling is having on their water supply. This is why the DEP scheduled Wednesday's meeting. A representative from the DEP told the audience of more than 150 people that there is one pending permit application to drill in the Watershed, which is also on the Municipal Authority's property.

***NORTHAMPTON PATCH***

**From Early Bird** Opinion: Gas Bill "Allows the Fox to Build the Hen House." "Their addiction to natural gas dollars has overwhelmed their ability to lead responsibly," says a Newtown woman of legislators who voted for the state's new natural gas drilling bill. I am appalled at Harrisburg's passage of HB 1950, which removes our local municipal authorities' power to protect our communities from natural gas drilling. Now, instead of our locally elected councils or boards of supervisors legislating the harm that drilling does to air and water, faceless bureaucrats in Harrisburg, who don't live in our communities and who have no connection to what they will oversee, will apply industry-approved, cookie-cutter zoning regulations across this vast, geographically diverse state. Under this new law, municipal officials who dare to impose stricter ordinances on drillers to protect their communities will face the legal wrath of our PA PUC (Public Utility Commission) who, thanks to this bill, is now doing the gas industry's dirty work at taxpayers' expense. (What a sweetheart deal for their Valentine's Day!) It's like tying up the farmer in the corner of the barn and allowing the fox to build the hen house. The Pennsylvania legislature went mad on Wednesday; their addiction to natural gas dollars has overwhelmed their ability to lead responsibly. I fear for Pennsylvania. Thank you for your time and consideration.

***PA ENVIRONMENT DIGEST***

**From Early Bird** Blog: DEP Secretary: I'm Bullish About This Budget And In Our Ability To Deliver Secretary of Environmental Protection Michael Krancer told the Senate Appropriations Committee Wednesday DEP has the resources and personnel to properly regulate and protect pubic health and safety and the environment in all areas of the department, including Marcellus Shale. "I'm bullish about this budget and in our ability to deliver." A copy of Secretary Krancer's formal budget statement is available online and a summary appears below. Here are some highlights of the Committee's two hours of questioning on DEP's proposed budget--

**Drilling Wastewater Treatment:** Drilling companies have complied with the request to not send their wastewater to public wastewater treatment facilities without the ability to properly treat the water. He said it is one of the real success stories that happened without the need to issue orders. 90 percent or more of the wastewater is being recycled and about 10 percent is being sent for disposal. He also said there are facilities being developed in-state specifically for treating drilling wastewater. He added DEP is continuing to monitor rivers like the Monongahela River for the impact of the drilling wastewater policy, but it is too early to draw any conclusions from the information. This issue was also addressed in

Secretary Krancer's written opening statement (below).**County Option Marcellus Fee:** In response to a question about what happens if counties like Bradford do not adopt the new impact fee, Secretary Krancer said the funds DEP expects are supplementing the funding they have now. The revenue from the impact fee is not "backfilling" funding that is not there.**Coordination With PUC On Impact Fee:** Secretary Krancer said he has a good personal relationship with the Chair of the PUC Robert Powelson and talks to him almost every day so coordination on implementing the new impact fee should not be a problem.**Marcellus Shale Air Inventory:** In answer to a question about the Marcellus Shale air emission inventory DEP is working on, Secretary Krancer said it will yield important data about the nature and extent of emissions related to the industry.

***ALLENTOWN MORNING CALL***

**From Early Bird** RETTEW moves its Lehigh Valley office RETTEW recently relocated its Lehigh Valley office to 941 Marcon Blvd., Suite 801, Hanover Township, Lehigh County. The firm's local office was previously at 701 W. Broad St., Suite 203, Bethlehem.The 7,200-square-foot facility is significantly larger than RETTEW's previous office and employs nine professional staff members. RETTEW anticipates adding six employees by the end of 2012. Locally, RETTEW provides engineering and consulting services to Allentown, Bethlehem, Pen Argyl, Habitat for Humanity of Lehigh Valley and Lehigh County Authority. The firm is involved in the Greater Lehigh Valley Chamber of Commerce and the Lehigh Valley Economic Development Corp. RETTEW is also an active member of the Marcellus Shale Coalition. The firm provides engineering, consulting and construction-related services to natural gas exploration and production firms active in Pennsylvania's Marcellus Shale region and Utica Shale in Ohio. As a result, RETTEW has opened or expanded offices in Pennsylvania; RETTEW also recently opened its first office in Canton, Ohio.

***HARRISBURGH PATRIOT NEWS***

**From Early Bird** Feds plan land use study in and around Fort Indiantown Gap The federal government will conduct a land use study in and around Fort Indiantown Gap to try to ensure that civilian interests and military training needs mesh, a Defense Department official told Dauphin County commissioners today. Jay Sweat, a Defense Department project manager, said the study, expected to take a year and cost up to $225,000, will be done in unison with Dauphin and Lebanon counties. The focus will be to plan for land use on and off the installation to mitigate adverse effects of the base's military operations on its civilian neighbors and vice versa, Sweat said. Commissioner George Hartwick III asked whether the study is an omen that the Gap might end up on the Pentagon's base-cutting list. Sweat said there is no indication of that. Commissioner Mike Pries said it is vital to the local economy that the Gap stay in operation.

***ERIE TIMES-NEWS***

**From Early Bird** Erie's mild winter affects beaches, plants and animals Well, so far, Mr. Punxsutawney Phil is looking pretty harebrained. On Feb. 2, he predicted six more weeks of winter, but it's not even clear this winter ever got started. Snowfall has been in short supply, and warm, sunny days have brought creatures great and small out of doors more often than not. Can spring really be that far off? "This is unbelievable," said Presque Isle State Park naturalist Anne DeSarro, pointing at Lake Erie, lapping at the shore on Beach 1. Normally, she said, the water would have frozen out to the break walls. This year, the sea gulls never left to fish in warmer climes. Coots and mallards have hung around because the bay never froze them out of their feeding grounds. Beavers never holed up inside their lodges. "In 18 years here, I don't remember the lake not freezing," at least a few feet from shore, she said. That's not necessarily a good thing. "It's tough on the beaches," DeSarro said, adding that lake ice keeps water and wind from eroding sand during winter storms. "The beach is pretty vulnerable." This mild winter doesn't just mean idle shovels and lackluster skiing. It will reverberate throughout the natural world at least through the summer.

***THE DAILY PENNSYLVANIAN (Univ. of Pennsylvania)***

**From Early Bird** UA passes resolution against *mountaintop* removal On Sunday, the Undergraduate Assembly passed a resolution urging the University to reevaluate its relationship with longtime partner PNC Bank. The resolution, authored by the Penn Community Against Mountaintop Removal, passed with a vote of 20-4, with two abstaining. Mountaintop removal is a method of mining that involves removing the tops of mountains to obtain the resources that lie beneath the mountain. It leads to serious environmental and human health consequences, according to PCAMTR. PNC, which partners with Penn, invests in companies that engage in this practice. Since last September, PCAMTR has worked on their campaign to sever ties with PNC if they continue the practice. Students from communities where the practice is common, including West Virginia and Kentucky, are being affected. This coupled with PNC's presence on campus makes it an issue to address, said Tyler Ernst, UA president and Engineering and Wharton senior. "The Undergraduate Assembly hereby … calls upon the Office of the Executive Vice President to condition the renewal of the contract with PNC upon the bank's commitment to issue a plan for reducing its financing of mountaintop removal with the goal of sector exclusion in the near future in mind," the resolution read.

***ASSOCIATED PRESS (Pa.)***

**From Early Bird** W. Pa. firm agrees to pay $535000 for cleanup The U.S. Environmental Protection Agency announced the last settlement for the costs of cleaning up a Superfund site near Pittsburgh. The EPA says in a release Wednesday that ATI Allegheny-Ludlum has agreed to pay $535,000 of past cleanup costs for a former fuel oil recycling facility run by another now-bankrupt company. The Breslube-Penn Site was added to the national Superfund List of toxic waste sites in 1996. EPA says ATI Allegheny-Ludlum is the last of 158 responsible parties to settle in the case.A spokesman for ATI Allegheny-Ludlum didn't immediately respond to a request for comment.

W. *Pa.* residents say water ruined, state says no
(AP) PITTSBURGH — At least 10 households in western Pennsylvania fear their drinking water has been ruined by natural gas drilling, but state officials said tests don't show that. "Everything was fine. Now, I don't use my water at all," said Kim McEvoy, who lives in Connoquenessing Township, about 35 miles north of Pittsburgh. McEvoy and other residents say the water problems started about a year ago, after Rex Energy Corp. drilled two wells. But a map Rex provided also shows gas wells from other companies in the area. The Department of Environmental Protection tested the water of those who complained and found no evidence that oil or gas drilling caused problems, said spokesman John Poister. Rex Energy said in a statement Wednesday that testing by an independent company found no notable differences in pre and post-drilling water chemistry in the neighborhood. There are also old oil wells in the area that could impact water quality. But others say something did change early last year. "We never had a problem until January, 2011," said Janet McIntyre, another resident. She said some of the water tests done over the last year showed very high levels of iron, manganese, and traces of Toluene....McEvoy and other residents said they're trying to get local officials to hook the neighborhood up to a public water supply, but there's no indication when or if that might happen.
*Pa.* government updates fish consumption warnings
HARRISBURG, Pa. — Pennsylvania government officials are publicizing updated fish consumption advisories, including a clarification that prohibits harvesting live mussels and clams in the state.The new list released Thursday applies only

to fish caught recreationally and not to commercial operations or restaurants.The entire state remains under a blanket advisory to limit consumption of recreationally caught fish to one meal per week, or a half-pound for a 150-pound person.Safe consumption of fish involves properly cleaning, skinning, trimming and cooking the meat. The latest advisories are available on the Department of Environmental Protection's website by using the keywords, "fish advisories."

***NPR-STATEIMPACT***

DEP Fines Driller for Contaminating Drinking Water in Forest County

The Department of Environmental Protection says Catalyst Energy will have to pay a fine and conduct remediation for its oil and gas production in Forest, McKean and Warren counties. The DEP fined the Pittsburgh-based oil and gas company $185,000 for violations at non-Marcellus wells. The DEP says Catalyst operations polluted 14 residential drinking water supplies in Hickory Township, Forest County.A press release issued by DEP lists high levels of iron, manganese and methane. All of the water wells are within 1000 feet of a Catalyst well, so the company is presumed liable under current state law. DEP spokesman Kevin Sunday says methane migration occurred through nearby abandoned wells. He says the department didn't determine how drilling polluted the wells with manganese and iron.Sunday says Catalyst restored the water in some of the wells, and are providing water to other residents. Some of the wells are attached to hunting cabins and so are not used year round. DEP inspections found that Catalyst did not install controls to prevent sediment runoff at Forest County wells. State regulators say the company also caused oil and fluid leaks at sites in Forest, Warren and McKean counties.

Krancer: DEP Has Expanded Its Inspection Staff

Department of Environmental Protection Secretary Michael Krancer took his turn before the state Senate's Appropriations Committee yesterday. Discussing his department's budget, Krancer said DEP has the staff it needs to inspect Pennsylvania's Marcellus Shale wells. That's despite Governor Corbett's proposal to trim the department's budget by more than $10 million.Capitolwire has more: Department of Environmental Protection Secretary Michael Krancer told the Senate Appropriations panel the department has doubled its Bureau of Oil and Gas Management staff, and said a new revenue stream from the recently passed Marcellus Shale law could also be used for staff funding.

***NORTHCENTRAPA.COM***

DEP Secretary: I'm Bullish About This Budget And In Our Ability To Deliver

Secretary of Environmental Protection Michael Krancer told the Senate Appropriations Committee Wednesday DEP has the resources and personnel to properly regulate and protect pubic health and safety and the environment in all areas of the department, including Marcellus Shale. "I'm bullish about this budget and in our ability to deliver." A copy of Secretary Krancer's formal budget statement is available online and a summary appears below. Here are some highlights of the Committee's two hours of questioning on DEP's proposed budget-- **Drilling Wastewater Treatment:** Drilling companies have complied with the request to not send their wastewater to public wastewater treatment facilities without the ability to properly treat the water. He said it is one of the real success stories that happened without the need to issue orders. 90 percent or more of the wastewater is being recycled and about 10 percent is being sent for disposal. He also said there are facilities being developed in-state specifically for treating drilling wastewater. He added DEP is continuing to monitor rivers like the Monongahela River for the impact of the drilling wastewater policy, but it is too early to draw any conclusions from the information. This issue was also addressed in Secretary Krancer's written opening statement (below).**County Option Marcellus Fee:** In response to a question about what happens if counties like Bradford do not adopt the new impact fee, Secretary Krancer said the funds DEP expects are supplementing the funding they have now. The revenue from the impact fee is not "backfilling" funding that is not there.

***CHESTNUT HILL PATCH***

Chestnut Hill Resident is a Master NaturalistNobody does interconnectivity like Pennsylvania Master Naturalists."Everything is connected," the health of our streams, birds, insects, rain, weeds, parks, roads, geology of the watersheds, according to Janet Boys of Mt. Airy, a certified Master Naturalist since 2010. "Everybody lives downstream from somebody else."Boys calls herself a lifelong learner, and a "vibrant 62." She has been instrumental in creating a rain garden as a method of stormwater management in the Vernon Park Improvement Project in Germantown. By channeling rain water off impervious surfaces and into soil lush with appropriate plantings, Philadelphia citizens can minimize the terrible pollution that takes place when excess storm water disrupts and overrides sanitary sewage treatment.

---

## WASHINGTON, D.C.

***WASHINGTON POST***

**From Early Bird** Federal Diary Column: Federal worker fights Uncle Sam, wins During this extended period of cloudy federal employee horizons comes a wee bit of sunshine, the story of a worker who took on Uncle Sam and won. But it took her more than a decade to do it. As the federal workforce endures a two-year freeze on basic pay rates and faces a possible increase in pension payments and as new employees will have to contribute more to their retirement program, Barbara Murchison has reason to smile. A decision by the U.S. Court of Appeals for the 4th Circuit could finally end her employment discrimination case against the Social Security Administration (SSA), which began 11 years ago.

---

## DELAWARE

***DELAWARE CAPE GAZETTE***

**From Early Bird** Applications due March 9 for conservation programs in Delaware The USDA Natural Resources Conservation Service in Delaware has announced that the application cutoff date for assistance through the Agricultural Management Assistance program and Wildlife Habitat Incentive Program has been extended to Friday, March 9, due to additional funds. Delaware NRCS is encouraging interested producers to apply for technical and financial assistance to implement voluntary conservation measures on their operation in fiscal year 2012. AMA provides payments to agricultural producers to voluntarily address issues such as water quality, water management and erosion control by incorporating conservation practices into their farming operations. Conservation practices eligible for funding include, but are not limited to, nutrient management, cover crops, poultry windbreaks, manure storage and composters. WHIP offers technical and financial assistance to private landowners who want to develop and improve high-quality habitat that supports fish and wildlife populations of significance. Land eligible for WHIP includes private agricultural or forest land. Practices eligible for WHIP funding include conservation cover, windbreaks, filter strips, riparian forest buffers, wetland restoration (including spraying of invasive species such as phragmites) and more. In addition, the application cutoff date for applying for technical and financial assistance for forestry and poultry remediation practices has also been extended to March 9 under the popular Environmental Quality Incentives Program. Forestry practices include tree planting, tree thinning, forest stand improvement and more. Poultry remediation practices include demolishing the abandoned chicken house and grinding the wood, excavating the soil and land-applying it to cropland; and replacing the nutrient-rich soil pad with clean soil and reseeding the site.

---

# WEST VIRGINIA

***CHARLESTON GAZETTE***

**From Early Bird** Coal creates half the global warming problem, UC speaker says CHARLESTON, W.Va. -- The coal industry is creating one-half of the global warming problem, the director of the Bard Center for Environmental Policy said Wednesday. "[The coal industry] is going to keep shrinking," said Eban Goodstein, director of the school in New York, who is also an economist and author. "The state needs to transition to something else."Goodstein addressed an audience of about 100 people at the University of Charleston Wednesday night for the UC Speaker Series event "Energy: Who's Got the Power?" UC President Ed Welch moderated the discussion, which was sponsored by the Dow Chemical Foundation. "Climate Change and Power Solutions" was the topic, and Goodstein spoke about how power sources will need to evolve and mitigate the earth's warming. "Coal has this problem, well, coal has a lot of problems . . . but it's a 19th-century fuel in some ways," he said. "I think global warming possesses a huge challenge for the industry because it's going to keep getting hotter." What people refer to as "clean coal" would be "quite expensive," he said. "Twenty years from now, who knows if anyone would want to buy a coal plant," he said. There are vast arrays of technological opportunities, Goodstein said, to cut carbon emissions. That includes using wind and solar power, among other things, which would contribute to new jobs and not cause communities to collapse, as some speculate.

**From Early Bird** Tomblin remains optimistic about mine safety bill CHARLESTON, W.Va. -- Gov. Earl Ray Tomblin said Wednesday he remains optimistic that an agreement will be worked out on his bill to improve coal mine safety (HB4351). "It could happen very shortly," he said Wednesday afternoon. "It could be by today that we get these differences worked out." However, by Wednesday evening, a compromise had yet to be reached, as coal industry lobbyists continued pushback on several key points in the bill. The bill, one of the keystones of Tomblin's 2012 legislative agenda, was to have been on amendment stage on the House floor on Tuesday, but the House Rules Committee moved it to the inactive calendar, after coal industry lobbyists objected to several provisions in the bill.

**From Early Bird** Editorial: Mine safety In the same week that an Upper Big Branch mine superintendent was charged with safety violations linked to the explosion death of 29 miners, news from the Legislature said coal industry lobbyists are hindering improvements in West Virginia mine safety laws. Statehouse correspondent Phil Kabler reported that pressure from mining lobbyists caused the House Rules Committee to remove a safety bill from the active calendar - until the lobbyists hold secret meetings with legislators and others in an attempt to weaken reforms that coal corporations don't like. Think of that: Big-money agents have power to stall legislative efforts to save lives. They can negotiate back-room deals. A Beckley teacher phoned us Wednesday to express amazement that coal lobbyists can manipulate West Virginia's lawmaking process so brazenly. The mine safety proposal (House Bill 4351) is backed by Gov. Tomblin and House Speaker Rick Thompson. Industry lobbyists oppose three provisions that would (1) let victims' families name a representative on teams investigating mine disasters, (2) require top mine officials to sign safety reports, and (3) require miners to be paid when inspectors close dangerous mines. Delegate Mike Caputo, D-Marion, a United Mine Workers official, said coal corporation opposition could be a "deal-breaker" menacing the reforms. If no secret compromise can be reached, House Judiciary Chairman Tim Miley, D-Harrison, said "we can run the bill and fight it out on the floor." Maybe Wednesday's announcement that another UBB official seems headed for conviction will embolden legislators to stand up against coal industry attempts to stymie safety rules. For generations, out-of-state coal corporations have used West Virginia like a colony, bleeding away mineral wealth and leaving little behind but poverty and ravages. The industry invests heavily to sway the Legislature. Traditionally, it wielded enormous power.

**From Early Bird**Blog: Breaking news: Upper Big Branch superintendent charged with 'conspiracy' in mine disaster probeWe that federal prosecutors have charged one of the superintendents of the Upper Big Branch with conspiracy in what appears to be the next step toward moving up the chain of Massey Energy management personnel that played a role on the conditions that led to that terrible April 5, 2010, explosion that killed 29 miners.

***WHEELING INTELLIGENCER***

**From Early Bird** Study Refutes Water Claims Fracking does not cause contamination, university concludes. WHEELING - As natural gas industry leaders tout a new report stating that fracking is unlikely to contaminate groundwater, biology professors set to speak on the topic Monday at Wheeling Jesuit University question the study's merits. The report, compiled by researchers at the University of Texas at Austin, does not deny there are potential chemical and methane contamination problems related to the entire drilling process. Instead, it states that these hazards - well casing failures, poor cement jobs or surface chemical spills - can occur at drill sites independent from the actual fracking process. "These problems are not unique to hydraulic fracturing," said Charles "Chip" Groat, a UT Energy Institute associate director who led the project. "Fracking" is short for hydraulic fracturing, a process in which drillers pump millions of gallons of water, sand and chemicals deep into the earth at high pressure in an effort to break shale rock to release the natural gas and/or oil trapped within it. If even 0.5 percent of the 5 million gallons of water, sand and chemical solution used to frack a typical

Marcellus Shale well in the local area consists of chemicals, that means 25,000 gallons of chemicals are being pumped into the ground at pressure as high as 10,000 pounds per square inch.

***WEST VIRGINIA PUBLIC BROADCASTING***

**From Early Bird** Injection wells may cause earthquakesWV has seen seismic activity over the past couple of years and some residents and lawmakers are concerned. Is there a connection between the oil and gas industry and recent earthquakes on the east coast? In the 4th installment of our Natural Gas series this week: waste-water injection wells and whether or not they could be causing seismic activity. According to recent reports in Ohio, investigating seismologists believe injection wells used to dispose of wastewater from oil and gas drilling caused a series of 11 minor quakes in the Youngstown area. When the quakes reached a 4.0 magnitude early this year, state leaders ordered four fluid-injection wells in eastern Ohio be "indefinitely" prohibited from operating. The brine wastewater dumped in wells comes from the fracking drilling operation that has been a source of concern among environmental groups and some property owners. Injection wells have also been suspected to cause quakes in Arkansas, Colorado, Oklahoma, and here in West Virginia. In 2010, a series of earthquakes in Braxton County shook residents up. Majority leader Brent Boggs lives in Braxton County in the vicinity of a Chesapeake Energy injection well site. He describes his personal experience:"It basically jarred our house in Gassaway which is about ten miles away from the injection well site, pretty substantially," Boggs says, "to the point that, the first thing that I thought of when I felt it at about 6:30 in the morning or so, was a vehicle had hit our home." After the seismic activity in 2010, Chesapeake voluntarily lowered the pressure of its injections at the request of the West Virginia Division of Environmental Protection. But Chesapeake Spokeswoman Maribeth Anderson says it's unlikely that the quakes had anything to do with the well. "We're being very attentive to this issue and studying it," Anderson says. "We're working with the DEP on trying to locate the seismic activity and working with them on pressures and volumes of our injections. We're doing that to address concerns. But this latest event was mapped at seven miles away from our facility and given the history of quakes in this region; we don't see a clear connection."

**From Early Bird** Cracker plant implications Lately the news has been full of stories about bills passing in record time to lure a cracker plant to West Virginia. There have been trips to Texas for behind-closed-doors conversations with unnamed corporations, and debates about the ideal location for such a facility.

**From Early Bird** Gas severance tax to countiesWest Virginia counties which are now or could be producing more natural gas and oil could be getting a benefit from the state severance tax. The Senate Energy Industry and Mining Committee has approved a bill doing just that.

***PARKERSBRG NEWS AND SENTINEL***

**From Early Bird** Oil and gas industry spends big in Ohio politics MARIETTA - Even before "fracking" became a buzzword and drilling in the Marcellus and Utica shales the hope for areas' economic rebirth, the oil and natural gas industry was a big spender in Ohio politics. Now some are questioning how much influence contributions from people and groups affiliated with the industry, as well as with other groups, have on the officeholders who receive them. A report issued in November by the nonpartisan, nonprofit group Common Cause says natural gas interests have directed more than $20 million to the campaigns of current members of Congress, including $600,000 to Ohio representatives. In addition, $726 million has been spent on lobbying, which Common Cause claims is aimed at "shielding (the industry) from oversight," particularly in reference to the practice of hydraulic fracturing, or "fracking." The group's website includes data pulled from Ohio campaign finance report records on Ohio General Assembly candidates and those seeking statewide office as well.

***MARTINSBURG JOURNAL***

**From Early Bird** Environmental meetings slated MARTINSBURG - A discussion of backyard conservation techniques and fish health in the Opequon watershed will headline two upcoming events that organizers hope will be well attended. Both events are open to the public and deal with topics of local interest. "Our main focus is to provide homeowners with the necessary information to install conservation practices that are healthy for the environment and financially savvy," said Eastern Panhandle Conservation District Education Outreach Specialist Kate Hendershot. A backyard conservation workshop, held Feb. 28, is sponsored by the Conservation District and Habitat for Humanity Homeowners of Martinsburg. The workshop will run from 5 to 8 p.m. at the Martinsburg Public Library, 101 W. King St. Reservations can be made by calling Hendershot at 304-263-4376, ext. 4. Participants must RSVP by Friday in order to be eligible for homeowner conservation kits, Hendershot said. She said the kits will include a reusable bag, native wildflower seeds, do-it-yourself project ideas, 108 water conservation tips and a conservation calendar. Hendershot said the workshop idea stemmed from a conversation with Patricia Colwell, a local homeowner with a "passion for water conservation." As a result of that joint effort, several topics will be covered at the workshop to help "educate homeowners on the impact that our daily tasks can have on the environment - both positively and negatively," Hendershot said.

***ASSOCIATED PRESS (W. Va.)***

**From Early Bird** Final report on W.Va. mine blast comes amid charge CHARLESTON, W.Va. (AP) - West Virginia mine safety officials were to release the final report on a 2010 explosion that killed 29 miners Thursday just as federal prosecutors turn up the heat on managers they say contributed to the tragedy. Families of those killed will gather in Beckley to receive the fourth report on the Upper Big Branch mine blast - this one from the state Office of Miners Health Safety and Training. The report will be made public after the families are briefed. Previous reports - issued by the Mine Safety and Health Administration, the United Mine Workers of America and an independent panel appointed by the former governor- all concluded that Virginia-based Massey Energy let explosive methane and coal dust build up in the mine, and that worn and broken cutting equipment ignited it. The release comes a day after federal prosecutors charged the mine's former superintendent with fraud and signaled they are going after other former Massey employees.

***BECKLEY REGISTER-HERALD***

Groups threaten suit over Frasure Creek mine Several environmental groups say Frasure Creek Mining is committing water quality violations on its Open Fork No. 1 Surface Mine in Fayette County. On Nov. 14, the groups filed a 60-day notice of intent to sue if steps were not immediately taken to remedy the pollution problems. So far, no civil suit has been filed in court. Mike Becher, a lawyer from Appalachian Mountain Advocates representing the groups, says a settlement is possible but would not comment further on details. The Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy and Sierra Club are the groups filing the suit. They allege that Frasure Creek violated selenium discharge allowances at two Open Fork outlets on nine separate occasions. They also allege 40 aluminum and iron violations, as well as monitoring and reporting violations. They say the occurrences violate the Clean Water Act, the West Virginia Water Pollution Control Act, and the Surface Mine Control and Reclamation Act.

# MARYLAND

***BALTIMORE SUN***

**From Early Bird** Blog: O'Malley flush tax proposal goes easy on septic owners Gov. Martin O'Malleyis pushing legislation that would "effectively double" the Bay Restoration Fee or "flush tax," ("EPA gives mixed grades on Chesapeake Bay cleanup." Feb. 19). Senate Bill 240 raises the fee from $30 to $60 per year on septic system users. However, metered sewer customers will pay according to their usage; $1.80 for the first 2,000 gallons and $1.25 for every 1,000 gallons thereafter per month. This will result in many Marylanders paying considerably more than double the current $30 fee. Any metered customer using more than 5,000 gallons per month (check your latest bill) will see their fees exceed and possibly far exceed the state's estimated $60 per year. A household using just 7,000 gallons of water a month will pay $96.60 per year or over 50 percent more than their neighbor on septic. And, the fee just continues to grow as usage increases.

**From Early Bird** Blog: State honors Maryland's first forester Fred W. Besley promoted conservation, tree planting. Maryland's first state forester earned some modern-day recognition Wednesday, when the Board of Public Works voted to name 1,000 acres of woods in Dorchester County for Fred W. Besley ..

**From Early Bird** Blog: No deposit, no return: UM study says bottle laws curb litter Proponents eye measure to clean up Baltimore streets, water ways. Some ideas just won't go away. Researchers with the University of Maryland have taken another look at bottle-deposit laws and found that they actually do reduce litter without undermining recycling of other waste items..

***SALISBURY DAILY TIMES***

**From Early Bird** Cover crops benefit farmers and environment SALISBURY -- Farmers and environmentalists don't always agree. But when it comes to cover crops, which can help to boost soil quality for farmers and reduce pollutants entering waterways, both sides seem to have found common ground. This year farmers and environmental organizations have found 429,818 acres of such common ground after farms throughout the state planted a record amount of winter wheat, barley and rye as part of the Department of Agriculture's Cover Crop program. Throughout the Lower Shore, the number of farmers planting cover crops has increased as well, as longtime farmers continue to plant cover crops and new farmers join the program every year. "There are a couple different purposes to cover crops -- the main purpose is to prevent soil erosion, but they also help build organic matter and they also help nutrient cycling in the soil," said Ted Wycall, owner of Greenbranch Organic Farm in Salisbury, who has planted and plowed under cover crops for six years. "We do it whenever we can; if there is not a cash crop in the field there is a cover crop in the field."

**From Early Bird** Crisfield delays wind project over $35,000 to fund study CRISFIELD -- The construction of a wind energy system to power Crisfield's sewage treatment plant will likely be delayed after city officials learned this week they must first pay for a study on how it will affect the power grid.

***FREDERICK NEWS POST***

**From Early Bird** Bill would restrict manure use to prevent pollution ANNAPOLIS -- Agricultural and environmental advocates weighed in Tuesday on a state bill that would prevent farmers from spreading manure on their fields in winter months, a time when some say it is more likely to wash into waterways. The legislation seeks to keep animal manure off the land between Nov. 1 and March 1 unless a farmer can bury more than 90 percent of it below the soil's surface. The proposal would require farmers to deal with manure in much the same way the law already tells them to treat fertilizer from sewage sludge. "Pooh is pooh. It doesn't matter if it's from people or animals," said Will Morrow, an Emmitsburg livestock farmer who traveled to Annapolis to testify in support of the legislation. Maryland Sen. Paul Pinsky, who sponsored the bill along with Sen. Brian Frosh, told his colleagues in the Education, Health and Environmental Affairs Committee that the proposal is an act of common sense. Manure does not mix well into soil when the ground is frozen, bill supporters say. A rainy day or snowfall can rinse the fertilizer from the land and into the streams leading to the Chesapeake Bay, polluting it with nitrogen and phosphorus. State statistics indicate that Maryland farms account for about 37 percent of the nitrogen the state sends into the bay and about 48 percent of the phosphorus. Many farmers worry, however, that Pinsky's proposal would leave them stuck with large piles of manure during the cold months and offer only a narrow window of time to apply the fertilizer in the warmer ones.

***EASTON STAR DEMOCRAT***

**From Early Bird** Commentary: Talbot County's farmers have taken part numerous times Have shown 'a degree of willingness to adopt progressive stewardship techniques.' The Feb. 15 edition of The Star Democrat contained a letter from Jack Fischer criticizing farmers for "The reluctance to participate candidly in discussions of the impact of fertilizer on the deteriorating quality of water in our rivers and Bay." This is incorrect. For the last two years, many farmers locally and statewide have been involved in the process leading to the development of the Total Maximum Daily Load (TMDL) Watershed Implementation Plan (WIP) to reduce pollution and meet Bay clean up goals. This process resulted from a consent decree obtained by the Chesapeake Bay Foundation leading to a directive from President Obama requiring EPA to require each state in the Bay watershed to implement a WIP. The state of Maryland, led by Gov. O'Malley, appears to me to be the only state, in the watershed, to embrace this process and become fully cooperative. Multiple public hearings and meetings have been held over approximately the last two years by EPA, Maryland Department of the Environment (MDE) and Maryland Department of Agriculture (MDA) to develop the WIP mandated by EPA. Farmers have been involved locally and across the state in this process.

**From Early Bird** Talbot farmers lead state in cover crops EASTON It's another banner year for cover crops in Maryland, with Talbot County leading the way with about half the eligible acres planted in 2011. Gov. Martin O'Malley announced Tuesday that Maryland's farmers participating in the Maryland Department of Agriculture's Cover Crop Program planted 429,818 acres on their farms this past fall. That planting is the largest in the state's history. Talbot County

farmers led the state in acres planted, Julie Oberg, MDA spokeswoman, said Wednesday. "Our farmers continue to show their leadership in the Chesapeake Bay restoration efforts by planting a record number of acres of cover crops, exceeding their two-year goal by 21 percent," O'Malley said. "Cover crops are the workhorse of our Bay restoration efforts. I thank all farmers who planted cover crops and especially encourage those who did not participate to enroll in the program this summer." Cover crops are small grain crops planted after summer harvest that absorb excess nitrogen, help control erosion and help improve soil for the next crop. Collectively, the crops planted last fall will prevent about 2.58 million pounds of nitrogen and 86,000 pounds of phosphorus from entering the Bay and its tributaries. Talbot County farmers, who often lead the state in acres planted, last fall signed up for 54,634 acres and planted 47,192 86.4 percent, said Levin Schwaninger, soil conservation planner for the county. That's up 4 percent from last year, he said.

Talbot officials hear latest on pollution reduction goals EASTON Talbot County officials should soon have an idea of how to achieve federally-mandated pollution reduction goals, but not how to pay for implementation. "The plan is likely to be hugely expensive," said Sandy Coyman, Talbot County planner, at a Feb. 14 workshop with the Talbot County Council. Coyman gave the council a briefing on deadlines and plans for the county's part of Maryland's Watershed Implementation Plan (WIP). The seven districts in the Chesapeake Bay Watershed, including Maryland, must have those plans for doing their parts in the unprecedented pollution diet for the Bay and its tributaries. That diet, a series of Total Maximum Daily Loads (TMDL), prescribes how much pollution a body of water can handle and still meet water quality standards. The U.S. Environmental Protection Agency accepted Maryland's phase one plan, and issued its final TMDL, on Dec. 29.

***SOUTHERN MARYLAND NEWSPAPERS***

**From Early Bird** Environmentalists give low grade to county water plan The grades are out on local jurisdictions' Watershed Implementation Plans and Charles County's plan did not fare well. Charles County's WIP, which is intended to outline strategies to clean up the area's waters, received the lowest grade possible, "Much More Work Ahead for Clean Local Waters," from the Choose Clean Water Coalition, an organization comprising hundreds of nonprofits that seeks federal leadership to clean up the Chesapeake Bay and its tributaries. The coalition includes organizations such as the 1,000 Friends of Maryland, the Mattawoman Watershed Society and the Coalition for Smarter Growth. The coalition found that Charles' WIP plan and eight other county WIP plans are "skeletal and did not commit to clear implementation strategies," according to the coalition's report released last week. The WIP is the state's mechanism for local juridications to use to meet the U.S. Environmental Protection Agency's Chesapeake Bay total maximum daily load of nutrient pollution and sediment by 2025. The bay TMDL, established in 2010, is 185.9 million pounds of nitrogen per year, 12.54 million pounds of phosphorus per year and 6.45 billion pounds of sediment per year. Claudia Friedetzky, conservation representative with the Maryland Sierra Club, said Charles' Watershed Implementation Plan focuses a lot on planning strategies, but shows no commitment to measures that begin to reduce nutrient pollution in the county's waters.

***ASSOCIATED PRESS (Md.)***

**From Early Bird** Offshore wind bill goes before House lawmakers ANNAPOLIS — Legislation to spur offshore wind energy in Maryland is on the schedule for House lawmakers in Annapolis. The House Economic Matters committee is scheduled to hear testimony today on the bill, which has already been heard by a Senate committee. Gov. Martin O'Malley testified before the Senate committee earlier this month in support of the bill, which marks the second time the governor has tried to pass offshore wind legislation.A bill was killed by lawmakers last year over concerns about its costs. That bill would have mandated utilities enter into long-term contracts with offshore wind power producers. The current bill establishes requirements for offshore wind power production, but does not require mandatory contracts.

---

# VIRGINIA

***RICHMOND TIMES-DISPATCH***

**From Early Bird** Virginia business briefs: Chesapeake residents file $2B fly ash lawsuit A group of Chesapeake residents has filed a $2 billion lawsuit against the owners of Battlefield Golf Club at Centreville and Dominion Virginia Power, claiming that the toxic fly ash on which the course was built contaminated the area's well water and harmed several people. Lawyers representing nearly 400 people living near the club filed the suit Tuesday. A previous lawsuit was dropped after a judge ruled that the plaintiffs had not provided enough evidence in the case. The latest complaint includes new evidence showing elevated toxin levels in well-water testing. It also specifically claims that nine children and one adult were harmed by the fly ash, a byproduct of burning coal. A Dominion spokesman declined to comment.

***NORFOLK VIRGINIAN-PILOT***

**From Early Bird** Norfolk golf course gets sandbag fix after Irene NORFOLK -- The city has completed the first part of an estimated yearlong, $2.5 million renovation to Lambert's Point Golf Club, where sections along the Elizabeth River split open during Hurricane Irene and released buried garbage into the environment. The public course, home to the Old Dominion University golf teams, was built atop a city landfill that closed in 1980. Trash and debris had been tossed in the dump for more than 50 years, mostly before laws existed governing such waste sites. In the past month, workers have covered exposed areas along two waterfront holes - Nos. 6 and 7 - with black plastic liners and sandbags as a temporary fix. It was here that wind, rain and heavy surf from the August hurricane eroded shoreline slopes and exposed mounds of antique trash buried in the ground. A permanent repair is being designed by an engineering firm, Moffatt & Nichol, to consist mostly of big boulders and rocks - and perhaps some wetland grasses - that should armor the shore against future storm damage. Construction is expected to begin in September or October, assuming the City Council approves necessary funding, said Chris Chambers, a design engineer for the Norfolk Public Works Department, who is overseeing the project. City officials are not sure how much trash escaped into the river during and after Irene. They took action in October after photos from the ODU student newspaper, the Mace & Crown, showed exposed garbage flapping in the wind along the western edges of the course.

Asbestos delay costs Norfolk, as eyesore still standsMoton Circle should be an open, grassy field, free of traces of its history as an outdated public housing development.Yet, nearly a year after its demolition was set to begin, the vacant, gutted brick buildings still stand - in stark contrast to the newer homes erected across Cary Avenue in the Broad Creek community."... The delay has proved to be a costly one for the Norfolk Redevelopment and Housing Authority. The total cost to

demolish Moton Circle is now about $1.2 million. The original contract was for $718,000. However, the authority's Board of Commissioners voted last week to pay Contaminant Control Inc. of North Carolina as much as $400,000 more to now do the work. Asbestos is the main reason for the price increase and the delay. Even though the hazardous material had been identified in some parts of the buildings, the contractor was surprised to find it in the walls when demolition began in April, according to authority Chairman Sheppard Miller. Once the U.S. Department of Housing and Urban Development approves the authority's amended contract, then Moton Circle's demolition can resume.

***NEWPORT NEWS DAILY PRESS***

**From Early Bird** Researchers begin dissecting dead fin whale in Norfolk NORFOLK — — Cigar smoke is seldom welcomed in public places. It was, however, on Tuesday as crowds gathered in Norfolk's Ocean View neighborhood to watch researchers cut open and bury parts of a 42-foot fin whale. For the few standing on a nearby wooden deck — an ideal viewing platform — the pungent smell of burning tobacco briefly overpowered the rotting corpse's stench. Part sideshow, part construction project and all science experiment, Tuesday's necropsy offered the public a rare glimpse of a mammal seldom observed — even during whale-watching tours. "It's not everyday that you see this," said Joan Barns, spokeswoman for the Virginia Aquarium and Marine Science Center in Virginia Beach. Researchers incorrectly identified the corpse as a sei whale when it washed ashore Sunday at the mouth of the Chesapeake Bay. They determined it was a juvenile fin whale — also called finback whales — after pulling it from the surf on Tuesday. The next step is to figure out what killed the beast, which is an endangered species and protected by the federal Marine Mammal Protection Act. "You hate that these things happen, but scientifically they're incredibly important," said Mark Swingle, the aquarium's director of research and conservation.

***ROANOKE TIMES***

**From Early Bird** Franklin County refocuses Center for Efficient Energy Design building ROCKY MOUNT — The curriculum of one of Franklin County's most high-profile school programs is changing, but not everyone is happy with the new direction. John Richardson, a founder of the county's Center for Energy Efficient Design, a teaching laboratory using environmentally friendly and energy efficient construction, has tendered his resignation effective at the end of the school year. Changes include eliminating classes at the high school level at the center and focusing the education center to the county's eighth-grade students and visiting elementary school classes. The building, situated next to the Gereau Center for Applied Technology and Career Exploration off North Main Street, was built using green technology and includes solar panels, rainwater recycling and triple-glass thermal windows, and is the first energy efficient "Passivhaus" school building in the country. Richardson helped plan the center with fellow teacher Neil Sigmon. His concerns include what he feels is a lack of direction, from the absence of a sign out front to delays in starting a website that would track the center's real-time and archived data from the building's monitoring systems to use in lesson planning and teaching in other school systems. "When we wrote the grant proposals [for the center] we stated the building would be used for specific purposes, things like AP [Advanced Placement] environmental science, a high school curriculum, adult education, working with the local business community to further training in solar and wind power," Richardson said. "My concern is that instead of adding, we're taking programs away."

***EARTH JUSTICE***

Tr-Ash Talk: $2 Billion Coal Ash Suit In Chesapeake On Tuesday, Virginia attorney Ted G. Yoakam, representing nearly 400 people living near the Battlefield Golf Club in Chesapeake, refiled a lawsuit against Dominion Virginian Power, MJM Golf LLC (the owner of the golf course) and two additional parties involved in building the course, requesting more than $2 billion in damages. The refiling doubles the demand for damages of the original suit and is based on new evidence of residential water wells contaminated with hazardous substances. Wells near the golf course were found with elevated levels of toxic metals, including lead, vanadium, manganese, cobalt, nickel, cadmium and zinc. The complaint also alleges that 10 individuals – nine of them children – are injured by exposure to the hazardous chemicals from coal ash. Arsenic found in the fly ash on one of the properties was 700 times the accepted level, and radioactive elements thorium, radium and uranium in the ash was twice the level of background soils. Yet, according to Dominion, the ash is "completely non-hazardous." This is a familiar story.

***PUBLIC NEWS SERVICE***

How Dangerous Is VA Industrial Boiler *Pollution*?

How Dangerous Is VA Industrial Boiler Pollution? CHARLESTON, Va. - A new report highlights a little discussed source of air pollution that the authors say is quietly killing thousands of Americans every year. Earthjustice crunched the numbers for what comes from the smokestacks at tens of thousands of industrial boilers - small onsite power plants for factories. Emissions from just 87 boilers were enough to put Virginia among the worst states in the country for pollutants mercury, lead, chromium, hydrochloric acid and soot, according to staff attorney Jim Pew. "A lot of industrial power plants are really quite clean. It comes down to these several hundred in the nation that are causing a problem that is killing literally thousands of people every year." The Environmental Protection Agency (EPA) is preparing tighter boiler air pollution rules nationally. Some in the industry say the planned federal rules could slow economic growth.

---

# MISCELLANEOUS

***BNA DAILY ENVIRONMENT REPORT***

**From Early Bird** Oil, Natural Gas Groups Sue EPA Over Greenhouse Gas Reporting Changes Oil and natural gas industry groups challenge an EPA rule requiring drilling operations to report greenhouse gas emissions from wells and storage tanks on a county level and by geologic formation. The American Petroleum Institute and American Gas Association file the lawsuits in the U.S. Court of Appeals for the District of Columbia Circuit, challenging a December rule from EPA that revised the reporting requirements as part of its mandatory emissions reporting rule. The revisions were not subject to a notice-and-comment period before being finalized, an AGA spokeswoman says.

**From Early Bird** Maryland Court Allows Damages for Fear of Cancer From MTBE, Benzene The Maryland Court of Special Appeals upholds a $147 million verdict, saying parties may recover damages related to the fear of developing cancer after being exposed to methyl tertiary-butyl ether and benzene released in a petroleum leak. However, the court vacates awards for 53 of the individuals because they did not prove sufficient evidence of emotional distress

**From Early Bird** Obama to Defend Energy Policies as Republicans Point to High Gas Prices President Obama plans to visit Florida today to make the case that his emphasis on alternative energy is not contributing to high oil and gasoline prices. On a trip to the University of Miami, the president will emphasize the "all-of-the-above" energy strategy outlined in his State of the Union address, a White House spokesman says. The trip represents Obama's second to focus on energy since his Jan. 24 address to the nation, in which he renewed his call for tax incentives to promote clean energy, more natural gas development, and elimination of $40 billion in oil and gas industry tax breaks.

**From Early Bird** N.Y. Trial Court Upholds Town Zoning Ordinance Banning FrackingA town zoning ordinance that bans hydraulic fracturing is not preempted by state law, a New York state trial court says, upholding the zoning provision. The New York State Supreme Court in Tompkins County says the state Oil, Gas, and Solution Mining Law does not preempt local governments from regulating land use. Anschutz Exploration Corp. attorney Thomas S. West tells Bloomberg BNA that no decision has been made on whether to appeal, adding that a similar case is pending in another state trial court.

***NEW YORK TIMES***

**From Early Bird** Judge's Ruling Complicates Hydrofracking Issue in New York A state judge's decision this week supporting the rights of individual towns to determine whether to allow hydraulic fracturing has added a new wrinkle to the fight over the natural gas drilling process in New York. Parties on all sides are trying to figure out what the ruling will mean, but a consensus emerged on Wednesday that there will be further court challenges and delays over when, how and where the process, known as hydrofracking, will be allowed in the state, and by whom. Officials of natural gas companies voiced concern that such local restrictions could render more areas of the Marcellus Shale off-limits to drillers in a state that is already proposing strict regulation of where the industry will be allowed to operate. Opponents of hydrofracking said they were happy to have a weapon added to their arsenal, although it remains to be seen whether the decision will stand up to further judicial review. And the State Department of Environmental Conservation, with the task of regulating the industry, said the judge's decision would not affect their continuing review — at least not at this point.

**From Early Bird** Mutated Trout Raise New Concerns Near Mine Sites It was the two-headed baby trout that got everyone's attention. Photographs of variously mutated brown trout were relegated to an appendix of a scientific study commissioned by the J. R. Simplot Company, whose mining operations have polluted nearby creeks in southern Idaho. The trout were the offspring of local fish caught in the wild that had been spawned in the laboratory. Some had two heads; others had facial, fin and egg deformities. Yet the company's report concluded that it would be safe to allow selenium -- a metal byproduct of mining that is toxic to fish and birds -- to remain in area creeks at higher levels than are now permitted under regulatory guidelines. The company is seeking a judgment to that effect from the Environmental Protection Agency. After receiving a draft report that ran hundreds of pages, an E.P.A. review described the research as "comprehensive" and seemed open to its findings, which supported the selenium variance for Simplot's Smoky Canyon mine. But when other federal scientists and some environmentalists learned of the two-headed brown trout, they raised a ruckus, which resulted in further scientific review that found the company's research wanting. Now, several federal agencies, an array of environmental groups and one of the nation's largest private companies are at odds over selenium contamination from the Idaho phosphate mine, the integrity of the company's research, and what its effect will be on future regulatory policy. The implications extend beyond Idaho. Selenium is a pollutant at 200 of the 1,294 locations designated by the federal government as toxic Superfund sites. And even though its effects on wildlife have been known for decades, federal agencies have not been able to agree on what level should be prohibited. The E.P.A. is currently reviewing federal selenium rules.

Editorial: The Job-Creating Mercury Rule After 20 years of delay and litigation by polluters, the Obama administration approved in December one of the most important rules in the history of the Clean Air Act. It will require power plants to reduce emissions of mercury and other toxic pollutants by more than 90 percent in the next five years and is expected to prevent as many as 11,000 premature deaths annually from asthma, other respiratory diseases and heart attacks.The technology to control the pollutants is readily available. The health benefits far outweigh the costs to the power companies. That isn't stopping Senator James Inhofe of Oklahoma, one of the most persistent critics of the clean air laws. The moment the rule was published in the Federal Register last week, he filed a resolution of disapproval under the 1996 Congressional Review Act.

***LOWER HUDSON JOURNAL NEWS (NY)***

**From Early Bird** Editorial: Town's anti-drilling law is wise safeguard An upstate town's prohibition against natural gas drilling would seem like regrettable overreach if New York had cornered the market on smart regulation of the practice, instilled confidence it can adequately protect the environment and ensured that other important land-uses, such as tourism and agriculture, would gain painstaking protection. New York, however, remains light years from achieving those necessary ends, making this week's state court ruling upholding the local ban both timely and proper.Disappointed drilling interests no doubt will appeal Tuesday's ruling from state Supreme Court Justice Phillip R. Rumsey, who held that the town of Dryden in Tompkins County had every right under its zoning law to bar natural gas drilling within its boundaries. Their time, however, doubtless would be better spent working with state regulators and environmental watchdogs to toughen proposed state regulations of high-volume hydraulic fracturing, the controversial method for extracting natural gas from deep within the earth. Other municipalities, with ample reason, are likely to follow Dryden's smart lead — notwithstanding the oft-touted economic benefits associated with the drilling.

***WATER WORLD***

**From Early Bird** Study: No Evidence Hydraulic Fracturing Pollutes Water A new study finds no evidence that the controversial practice to extract natural gas known as hydraulic fracturing is contaminating ground water. The report, "Separating Fact from Fiction in Shale Gas Development," published by the University of Texas Energy Institute, attempts to allay fears that fracking poses a threat to public health and the environment. According to Charles Groat, associate director of the institute, fracking, which injects water and chemicals into a well at high pressure to shatter the gas-bearing rock deep underground, is not to blame for polluted wells. "However, that doesn't mean that there aren't other parts of the process of shale gas development that could get things you don't want in shallow ground water or surface water," Groat says. The rush to develop new domestic sources of energy in the United States has led to a surge in drilling across the country in more than 30 states. The northeastern state of Pennsylvania is issuing 2,500 permits a year to drill the Marcellus Shale, estimated to be the largest underground reservoir of natural gas in the United States. While the stepped-up gas extraction promises to boost employment and stimulate the economy, activists who oppose the practice for environmental and health concerns, are working to ban it. The oil and gas industry insists that fracking is both efficient and safe. The analysis of major gas drilling operations in Pennsylvania, Texas and Louisiana finds that many reports of groundwater problems can be traced to surface chemical spills, leaky open air ponds or mishandling of wastewater and not fracking.

***PLATTS (TRADE PUBLICATION)***

**From Early Bird** Analysts back Cabot plan to cut natural gas drilling by $100 million Energy industry analysts Wednesday applauded a decision by Appalachian producer Cabot Oil and Gas to reduce by $100 million its projected 2012 capital spending for natural gas drilling, primarily in the Marcellus Shale play. In a conference call Tuesday announcing the company's fourth-quarter and full-year 2011 results, officials said that the producer would lower its 2012 capital expenditures 15% to 20% in response to the low commodity price environment for natural gas. As a result, the producer also reduced its production growth estimate for the year to 35% to 50%, down from a previous 45% to 55%. Cabot recorded dramatic production growth in the past year, chiefly driven by its ramp-up in the Marcellus play. The company announced Monday that its gas production increased to 51.6 Bcf, or 561,000 Mcf/d, in the fourth quarter of 2011 from 36.3 Bcf, or 398,000 Mcf/d, in the fourth quarter of 2010. Total oil and gas production increased to 54.8 Bcf of gas equivalent, or about 596,000 Mcfe/d, from 37.5 Bcf, or 408,000 Mcfe/d, over the same period. In an interview Wednesday, Gabriele Sorbara, an analyst with Caris & Company, said that with gas prices expected to remain in the range between $2 and $3/MMBtu for the remainder of the year, Cabot's decision to cut back its capital spending on gas drilling makes good economic sense. "I would not be surprised if we see a $1[/MMBtu] handle sometime this year," he added. "Cabot makes 50% rate of return for natural gas. They're a victim of their own success. It doesn't make sense for them to bring on more natural gas production," he said.

***ASBURY PARK PRESS (N.J.)***

**From Early Bird** .EPA chief: 'Fracking' can be OK GALLOWAY TOWNSHIP — U.S. Environmental Protection Agency Administrator Lisa P. Jackson told energy industry leaders and environmentalists Wednesday that natural gas fracking can be done without harmful impacts, presenting "an historic opportunity" for the country in terms of energy development and job creation. "I think that fracking as a technology is perfectly capable of being clean. I do. But it requires people who are doing it and innovators who use the technology to take some time to make sure that it's done right. And it requires smart regulation, smart rules of the road," Jackson said. The comments at a Richard Stockton College energy conference were some of the strongest from Jackson in support of fracking, or hydraulic fracturing, which involves harvesting shale reserves by blasting underground rock formations with pressurized water and chemicals. Jackson signaled a leaning last year when testifying before a U.S. House Oversight Committee when she said wasn't aware "of any proven case where the fracking process itself has affected water, although there are investigations ongoing." Jackson told the audience at the college that the investigations continue. She said an EPA report on ground water impacts from fracking is due by the end of the year.

***NEWARK STAR LEDGER (N.J.)***

**From Early Bird** EPA chief says fracking regulations don't have to be federal States are right to take the lead on the issue of hydraulic fracturing, or fracking, the natural gas technology that some environmentalists accuse of polluting groundwater, said Environmental Protection Agency head Lisa Jackson today at an event at the Richard Stockton College of New Jersey. Asked what the odds were that fracking can comply with environmental law, Jackson laughed and joked about nearby gambling hub Atlantic City. "They're good. You can bet on that," Jackson said. "I believe fracking as a technology is perfectly capable of being clean. But it requires people who are doing it and the innovators who create technology to make sure it be done right."

***ASSOCIATED PRESS***

**From Early Bird** Feds to spend $50 million in 2012 on fight to protect Great Lakes from Asian carp TRAVERSE CITY, Mich. — The Obama administration will spend about $50 million this year to shield the Great Lakes from greedy Asian carp, including first-time water sampling to determine whether the destructive fish have established a foothold in Lakes Michigan and Erie, officials said Thursday. An updated federal strategy for preventing an invasion also includes stepped-up trapping and netting in rivers that could provide access to the lakes, as well as initial field tests of chemicals that could lure carp to where they could be captured, officials told The Associated Press. An acoustic water gun that could scare the carp away from crucial locations will be tested near a Chicago-area shipping lock that some want closed because it could serve as a doorway to Lake Michigan.

**From Early Bird** Judge rules BP, minority partner liable for Clean Water Act civil penalties in Gulf oil spill NEW ORLEANS — A federal judge ruled Wednesday that BP PLC and one of its minority partners in the blown-out Macondo well are liable for civil penalties under the Clean Water Act for their roles in the nation's worst offshore oil spill. U.S. District Judge Carl Barbier also ruled that Deepwater Horizon rig owner Transocean Ltd. may be liable under the same law as an "operator" of the well. The judge, however, said he couldn't decide before a trial scheduled to start Feb. 27 whether Transocean meets the definition of that term.

**From Early Bird** NY court decision bolsters movement among municipalities to ban natural gas drilling
ALBANY, N.Y. — A New York court decision has bolstered a movement among towns determined to prevent the controversial practice of hydraulic fracturing for natural gas within their borders. A state Supreme Court justice on Tuesday upheld the town of Dryden's August 2011 zoning amendment banning gas drilling. Denver-based Anschutz Exploration Corporation, which has spent $5.1 million leasing and developing 22,000 acres in Dryden, about 40 miles southwest of Syracuse, had argued state law trumped the ban.

**From Early Bird** Alaska Native, environmental groups challenge Arctic air permit granted to Shell drill ship ANCHORAGE, Alaska — Environmental and Alaska Native groups will try to keep Shell Oil out of Arctic waters this summer by appealing an air permit that was granted by the Environmental Protection Agency. The nine groups have sued in the 9th Circuit Court of Appeals, asking judges to send the permit granted to the Shell drilling ship Noble Discoverer back to the EPA for reconsideration.

***BUFFALO NEWS***

**From Early Bird** EPA begins removing barrels from Superfund site The U.S. Environmental Protection Agency Wednesday began removing barrels from a Superfund site in Genesee County. The site has been the subject of speculation related to an illness affecting students at Le Roy High School. Rep. Kathleen Hochul, D-Hamburg, made the announcement in a news release. She said the barrels would be gone by the end of the week and would be disposed of at a landfill in Belleville, Mich. "Removing these barrels is a critical step forward to ensuring that we clean up this site and put public health and safety first," U.S. Sen. Charles Schumer said in the same release, which also credited Sen. Kirsten Gillibrand and came following discussions with EPA Regional Administrator Judith Enck. "The people who live, work, and visit Le Roy deserve the peace of mind that comes with knowing that the area is free from contaminants, and removing these barrels is an important part of that process."

***WALL STREET JOURNAL***

**From Early Bird** Obama's Virtual Economy If you were a president who for three years presided over an economy with more than 13 million unemployed, a growth rate gasping around 2%, an historic credit downgrade and underwater home mortgages drifting like icebergs toward the American Titanic, what would you do? You'd do what Barack Obama's done: Reboot. With his recently announced campaign platform—An Economy Built to Last—President Obama has essentially constructed a virtual economy. Instead of the economy we all live in, he's making one up and inviting us to pretend we are living in it. Welcome to the Sim City Economy. Sim City, one of the most popular products ever in the imaginary world of video games, lets players bring to life towns of their own devising in great detail. It's endless fun, fiddling with the dials on the real world... What's interesting about this claim is that the corridor between Cleveland and Pittsburgh, much of it economically moribund for years, is experiencing a rebirth thanks to real economic forces, not a president who types in the name of another beleaguered city and hits Ctrl-Shift-Enter to solve its problems. Most of this revival is taking place around the godforsaken city of Youngstown, Ohio, and the formerly dying steel towns west of Pittsburgh, an area better known today as the Marcellus Shale Natural Gas Field. Last summer, a French steel company, Vallourec & Mannesmann Holdings Inc., began construction on a new $650 million plant to make steel tubes for the hydraulic fracking industry. About 400 workers are building it. Nothing Barack Obama has done in three years—not the $800 billion stimulus or anything in his four, $3 trillion-plus budgets—is remotely related to the better times in Ohio and Pennsylvania.

***FEDERAL TIMES***

Obama directs agencies to buy more bio-based products President Obama in a memo Tuesday directs agencies to step up their purchasing of bio-based products. The Agriculture Department must increase the number of categories and products eligible for its BioPreferred program by 50 percent within one year. Those products include, for example, paints, soaps and detergents that are developed from farm-grown plants rather than chemicals or petroleum bases. About 9,000 products fall under USDA's bio-based products program — a voluntary program under which companies certify their products as bio-based, making them eligible for preferential procurement by agencies. The memo will "dramatically increase the purchase of bio-based products over the next two years." Agriculture Secretary Tom Vilsack said in a news release.

***COOS BAY WORLD***

Letter: The fracking answer: bentonite I am confused about some of the facts in Richard Knablin's Feb. 14 letter, 'Fracking stance shows ignorance." Hydraulic fracturing requires the use of what sort of chemicals? You state these unknown chemicals must be toxic and cancerous. If they are unknown to you, perhaps the chemical values are unknown also?My family has worked in the oil and gas industry for 30 years, and it is no trade secret that bentonite and water comprise the makeup of fracking fluid and drilling mud.Sir, and readers, look it up. Bentonite is an absorbent clay formed by the weathering of volcanic ash and water. Bentonite is used in vineyards, processing wine, also in spas with our soothing mudbaths. Farmers also use it to seal ponds from leaking. Hmmmm.Just wanting the facts folks, just the facts.

***EARTH JUSTICE***

EPA Issues Guidelines to Protect Rivers, Lakes, Streams and Wetlands.

Washington, D.C. — The U.S. Environmental Protection Agency sent to the White House a final, new clean water guidance meant to protect rivers, streams, and wetlands from pollution, restoring Clean Water Act safeguards that were in place for decades but recently placed in jeopardy. The following statement is from Earthjustice President Trip Van Noppen, commending the EPA and other federal agencies for this latest action to preserve the nation's waters:"We are pleased that the Obama administration is taking this important step to protect rivers, streams and all of our waterways from pollution. The public depends on clean water and demands programs that limit water pollution."This new guidance replaces two bad Bush administration guidances that left millions of miles of streams and acres of wetlands without safeguards from pollution. "Clean water is critical to public health, the economy, and communities."

***FINANCIAL TIMES***

BP and Anadarko liable for spill damages

BP and Anadarko Petroleum, co-owners of the Macondo well that blew out in the Gulf of Mexico in 2010, are both liable for damages and penalties that could run into billions of dollars, the judge hearing the case arising from the disaster has ruled. On Wednesday, Judge Carl Barbier at the federal court in New Orleans delivered a summary judgment that both companies were liable for clean-up costs and damages under the Oil Pollution Act, and civil penalties under the Clean Water Act.