EPA Region III

Office of Public Affairs

EARLY BIRD HEADLINES

Tuesday, August 28, 2012

*** MORNING HOT LIST ***

NY to rule on fracking, which could affect the Delaware River Water Basin

PHILADELPHIA INQUIRER SANFORD, N.Y. - Back when Elizabeth and Margaret Davidson were little girls playing along the West Branch of the Delaware River, a ball, maybe, would float away. And they would say, "Guess it's headed for Philadelphia." Decades later, that notion has taken on volumes of new meaning. The Davidsons' bucolic town about 235 river miles upstream of the Ben Franklin Bridge has become a flash point for the expansion of natural gas drilling to New York - and after, to northeastern Pennsylvania, the state's next frontier for hydraulic fracturing. After putting a hold on hydraulic fracturing in 2008 to study its environmental effects, New York is poised to allow fracking - and could issue its final rules after Labor Day, many in the industry say. Opponents are concerned enough that more than 1,000 protesters converged Monday on the state capitol in Albany, hoping to convince Gov. Andrew Cuomo that his political future is at risk. Many feel that a green light in New York would soon lead regulators to open the Delaware River Basin - which provides drinking water for Philadelphians and millions of others - to fracking. Hydraulic fracturing uses large amounts of water, sand and chemicals injected into a well to break apart shale deposits deep underground to release natural gas. Opposition to fracking raises the potential for water pollution. The Cuomo administration also has suggested letting towns opt out of drilling. This sets the stage for residents to slug it out town-by-town. Broome County, at the western edge of the Catskills, is one of five atop the Pennsylvania border where the state is expected to allow limited drilling first. The Davidsons live in the eastern part of the county, in Sanford - officially a "town," but more a landscape of mountains and country roads bordered by wildflowers. It encompasses part of the historic village of Deposit. Their combined population of about 4,000 has been falling. Farms are dying. Businesses are closing. Two high school football teams had to merge to get enough players. The area's youths "go to college, come back, get their stuff and leave," said Rick Williams, a pro-drilling native of Queens, N.Y., who moved here 30 years ago.

Editorial: China fuels growth with coal; we should, too

CHARLESTON DAILY MAIL Americans are justly proud of these United States, the rights it guarantees to each individual, and the economic progress it has helped many millions to achieve. But as Kenneth R. Weiss of the Los Angeles Times reported, growth on a stupendous scale is playing out on the other side of the globe - in China. It will be a force - demographically, economically and ecologically - for the foreseeable future. Consider:

* China has 1.3 billion people, hundreds of millions of them of child-bearing age. The United States has 314

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million people.
* China has more than 100 cities with 1 million or more residents. The United States has nine.
* In 20 years, China is expected to have 221 cities with a million or more citizens. More than a dozen will have populations of 25 million or more. About a quarter of China's population - equal to the population of the United States - is now middle class. Population and industrial growth, along with rising living standards, takes huge amounts of energy. China consumes half the world's coal supply and leads the world in carbon dioxide emissions. On some days, almost 25 percent of the air pollution in Los Angeles originated in China. China meets two-thirds of its energy needs with coal, and expects carbon dioxide emissions to rise by 50 percent from today's levels before peaking in 2035. Obviously, growth on such a scale will affect the world. It also puts discussions of energy policy in the United States into much-needed perspective. Even if Americans committed economic suicide - banning the use of coal and condemning its citizens to expensive and unreliable power - the United States and all the other energy consumers of the world would not be able to offset the expected increase in Chinese consumption.

New Marsh Fork Elementary School part of legacy

WEST VIRGINIA PUBLIC BROADCASTING Construction of the new Marsh Fork Elementary School is expected to be complete in December. Advocating for a new school turned into the life's work of former resident and environmentalist Judy Bonds.Julia Belle Thompson Bonds, known as Judy, would have been 60 years-old on Monday, August 27. The former Co-Director of Coal River Mountain Watch died in January last year. She was known to some as a trouble maker, but others as a hero for a better tomorrow. She was passionate about protesting mountain top removal along Coal River in Raleigh County and across the county. But perhaps her most publicized protests were against mining activity around Marsh Fork Elementary. In 2009 Hollywood actress Darryl Hannah stood shoulder to shoulder with environmentalists as they were greeted by chanting Massey Energy employees at the entrance to a mining site. Massey was a mining company purchased by Alpha Natural Resources that owns several underground and surface mines along Coal River Road. They were protesting mountain top removal and the mining activity surrounding Marsh Fork Elementary. Two coal silos sits about 235 feet from the school. Many of the protestors were members of Coal River Mountain Watch a group led by Judy Bonds, at the time. “This school is literally what is wrong with the coal industry today,” Bond said. “When you have a preparation plant using chemicals and ammonium, ammonium nitrate is stored there and ammonia. When you are blasting right behind this school on 2,000 acres of mountain top removal site and you have a 2.8 billion gallon sludge dam the package is here at this school.

Manufacturer: EPA against all fossil fuels, not just coal

BLUEFIELD DAILY TELEGRAPH Universal sentiment in West Virginia portrays the federal Environmental Protection Agency as Public Enemy No. 1, directing a “war on coal.” Charlie Drevna suggests Mountain State folks aren’t giving the EPA sufficient credit. In truth, he says, the Obama administration is engaged in a war against all fossil fuels, not limiting its regulatory artillery to coal alone. Drevna is president of the American Fuel and Petrochemical Manufacturers, which recently lost a court challenge of the EPA’s new rule that raises the ceiling on allowable ethanol in a gallon of gasoline to 15 percent, or 50 percent higher than the existing standard. “I firmly believe that this administration, including the EPA, has a very, very robust, anti-fossil fuels agenda,” Drevna said in a telephone interview. “You guys in West Virginia should know this as well as anybody else. What is this administration trying to do with coal? Well, they’re trying to do the same with oil and other fossil fuels. It’s just an anti-fossil fuels agenda. One can argue whether it’s noble or not. I don’t think it is. Is it detrimental to the consumers? Is it detrimental to the economy and national security? Absolutely.” Consumers stand to lose dramatically, whether they are driving a pickup truck or a passenger car, mowing the lawn or steering a motorboat, he said. Six years ago, the EPA said vehicles through 2011 could use the higher ethane level, known simply by its rule, E15. Trouble is, Drevna said, there is no auto manufacturer that will honor a warranty if the owner burns fuel with an ethanol content above 10 percent. “You have the EPA saying, through very limited testing, that this stuff is good and it can be used, and you have every engine manufacturer saying, ‘Fine, but we’re not going to warranty it’ because they know better,” Drevna said. “We’re right up against the E10 blend wall. We

knew that this day was going to come. We didn't know it would come this early. Every year we've had to blend more and more ethanol, and every year we've been using less and less gasoline." Refiners are forced to blend a higher content of ethanol, he said, and therein lies the rub. "One thing we won't do is we won't put the consumer at risk," he said. "In our opinion, the EPA's decision to allow the increase of the amount of ethanol by 50 percent is a bad decision that's going to directly hurt consumers."

PENNSYLVANIA

PHILADELPHIA INQUIRER

NY to rule on fracking, which could affect the Delaware River Water Basin SANFORD, N.Y. - Back when Elizabeth and Margaret Davidson were little girls playing along the West Branch of the Delaware River, a ball, maybe, would float away. And they would say, "Guess it's headed for Philadelphia." Decades later, that notion has taken on volumes of new meaning. The Davidsons' bucolic town about 235 river miles upstream of the Ben Franklin Bridge has become a flash point for the expansion of natural gas drilling to New York - and after, to northeastern Pennsylvania, the state's next frontier for hydraulic fracturing. After putting a hold on hydraulic fracturing in 2008 to study its environmental effects, New York is poised to allow fracking - and could issue its final rules after Labor Day, many in the industry say. Opponents are concerned enough that more than 1,000 protesters converged Monday on the state capitol in Albany, hoping to convince Gov. Andrew Cuomo that his political future is at risk. Many feel that a green light in New York would soon lead regulators to open the Delaware River Basin - which provides drinking water for Philadelphians and millions of others - to fracking. Hydraulic fracturing uses large amounts of water, sand and chemicals injected into a well to break apart shale deposits deep underground to release natural gas. Opposition to fracking raises the potential for water pollution. The Cuomo administration also has suggested letting towns opt out of drilling. This sets the stage for residents to slug it out town-by-town. Broome County, at the western edge of the Catskills, is one of five atop the Pennsylvania border where the state is expected to allow limited drilling first. The Davidsons live in the eastern part of the county, in Sanford - officially a "town," but more a landscape of mountains and country roads bordered by wildflowers. It encompasses part of the historic village of Deposit. Their combined population of about 4,000 has been falling. Farms are dying. Businesses are closing. Two high school football teams had to merge to get enough players. The area's youths "go to college, come back, get their stuff and leave," said Rick Williams, a pro-drilling native of Queens, N.Y., who moved here 30 years ago.

Changing Skyline: Christie grants a reprieve to historic public art "Green Acres" slated to be destroyed Gov. Christie is not known as a connoisseur of fine art, but days before leaving for the GOP convention, his office quietly intervened to stop the state environmental agency from carrying out the controversial demolition of a groundbreaking work of public art. The action ensures that Athena Tacha's 1985 spiraling, place-specific sculpture, *Green Acres,* will remain a focal point of the plaza at the Department of Environmental Protection headquarters on East State Street in Trenton. The planned 2013 demolition of *Green Acres* became an art world *cause célèbre* this summer after the Cultural Landscape Foundation, a Washington-based advocacy group, chastened the DEP for overlooking the work's pedigree and launched an online petition calling for its preservation. The DEP decision was criticized in numerous publications, including The Inquirer and the Huffington Post. Tacha, reached by telephone Monday, said she learned "the wonderful news" last week when she received an e-mail, and then a telephone call, from Amy Cradic, a Christie policy adviser. "We talked and she said the governor had decided to save the work," Tacha recounted. A DEP spokesman confirmed that Tacha's large outdoor sculpture, which includes seating areas and greenery, and is used as a lunchtime getaway by DEP employees, would not be removed from the agency's courtyard. He gave no reason for the change of heart. The spokesman, Larry Ragonese, did, however, seek to play down Christie's role in reversing the demolition order. "It was a decision made by all parties after much discussion," Ragonese said. "We decided not to demolish and will be assessing the future of the plaza, especially the safety issues. I can't say any more." A Christie spokesman, Sean Conner, did not return phone calls.

PITTSBURGH TRIBUNE REVIEW

Efforts emerging to get coal supporters to vote Republican (Sunday) CARMICHAELS -- Three retired coal miners were sitting behind the United Mine Workers Association vendor table at the King Coal Show here Wednesday when a fellow Greene County resident approached with a question. "Who are the coal miners going to endorse in the presidential election?" asked Emmett McKenzie of Carmichaels. Good question. Conversations at the show, now in its 59th year of celebrating the bedrock and the community that mines it, were as clear an indication as any of the political overtones that coal is taking on this election year. Homes surrounding the fire hall where the festival was held had yard signs calling voters to "Fire Obama." Once again, no natural gas firms working in the area could be convinced to buy a $50 advertisement in the show booklet. The United Mine Workers of America endorsed Barack Obama in the 2008 presidential election, with union President Cecil E. Roberts saying at the time, "Sen. Obama is from a coal state. He understands that coal will remain a primary source for electricity generation in this country for many decades to come." The word this year: "Neither candidate has yet demonstrated that he will be on the side of UMWA members and their families as president." Republican candidates and the super-PACs that support them see an opening. A concentrated effort has emerged across the tri-state area to get black-rock supporters to vote red and to tie the Obama administration to hard times hitting the industry. The well-financed campaign has been visible on billboards and yard signs along southern Pennsylvania counties such as Greene and Fayette, with some of the massive signage financed by national organizations orchestrating a multistate movement. Pundits and observers had thought the energy debate in the 2012 presidential election would be about shale gas, the bountiful resource that has brought controversial development to parts of the country and forced the coal industry on the defensive. Increased competition from cheap natural gas and Environmental Protection Agency decisions to shutter dozens of coal-fired power plants have led to unprecedented drops in coal demand. Last month, the U.S. Energy Information Administration reported that domestic coal- and natural gas-powered generation were equal for the first time since the agency began calculating the information.

Letter: Thanks to the court, we won't breathe easier I was extremely disappointed by the decision of the U.S. Court of Appeals in Washington to block the Cross-State Air Pollution Rule ("Federal Appeals Court Tosses New EPA Power-Plant Emissions Rule," Aug. 22), which would have saved hundreds of billions of dollars worth of health care and missed work days annually. The Environmental Protection Agency takes years to develop or re-develop every one of its rules, spending huge sums of money and involving thousands of people -- from ordinary people to business leaders to high-level government officials. But whether or not you agree with the court, one thing is certain: The ruling hits close to home. According to the American Lung Association, the Pittsburgh area not only has some of the worst air quality in the country but also is home to 200,000 asthmatics, 40,000 of whom are children. Most of us know people with serious lung problems, and it is a shame they will suffer for a few extra years while the rule is rewritten to the court's liking.

WASHINGTON, D.C.

WASHINGTON POST

KidsPost: The Chesapeake Bay You drive across it on the way to the beach, but have you ever really thought about this amazing natural resource?

DELAWARE

WILMINGTON NEWS JOURNAL

Flooding hits Delaware OAK ORCHARD -- A night of heavy rain and flooding dumped more than 7 inches of rain on parts of Sussex County, the National Weather Service said. Just before 3 p.m., the service reported flash flooding on Route 50 at Easton, with vehicles stalled along the roadway. The weather service said its Doppler radar

indicated amounts close to 10 inches may have fallen in parts of Sussex. Mandy Hess said neighbors of her parents had to evacuate in Oak Orchard and the electric company had to shut off power. She said a new bulkhead was damaged and almost swept away. More than 2,500 Delmarva Power customers were without electric service early Sunday, but by mid-afternoon, the number was down to about 170. Most of the outages had been in Sussex. Storms dumped 7.21 inches of rain at a site near Rehoboth Bay, the weather service reported. The Delaware Environmental Observing System website reported 6.89 inches was measured in Selbyville. At Sussex County Airport near Georgetown, 4.79 inches of rain were measured.

DELAWARE CAPE GAZETTE

NRCS announces conservation grant winners U.S. Department of Agriculture Secretary Tom Vilsack recently announced $26 million in Conservation Innovation Grants awarded to 59 entities across the nation for projects that test and prove innovative approaches to conserving America's private lands. The University of Delaware will receive nearly $1 million through CIG for innovative approaches to capture nitrogen and air pollutant emissions from poultry operations. The goal is to help broiler producers adopt economical and effective strategies to improve their environmental performance, meet regulation requirements on air and water quality, and achieve sustainable, productive and profitable broiler-producing operations. Demonstration sites will be in Arkansas, Delaware and Pennsylvania. "These grants will help spur creative solutions to address natural resource concerns of our nation's waterways, farms and forests," said Russell Morgan, state conservationist for USDA Natural Resources Conservation Service. "Conservation grants allow the best minds in America to develop unique and innovative solutions that will help make conservation more efficient in the future." New this year was a special emphasis on water-quality trading markets to demonstrate how farmers and ranchers can help municipalities and other point sources overcome high pollution-control costs. Twelve entities received grant funds for this purpose; however, none were in Delaware. In a water-quality trading program, point sources buy environmental benefits or credits from landowners who install specific conservation practices. Farmers can produce water-quality credits by implementing conservation practices that reduce nutrients or sediment losses, and generally at a much lower cost than a municipal treatment facility. The goal is to achieve water-quality improvements more cost-effectively by bringing together willing buyers and sellers. NRCS administers CIG as part of the Environmental Quality Incentives Program. Grant winners pay 50 percent of all project costs. Grants are awarded to state and local governments, federally recognized Indian tribes, nongovernmental organizations and individuals.

Downpour floods Rehoboth Beach Rehoboth Beach took a licking from a severe storm this weekend, but the city keeps on ticking. Flooding on Rehoboth and Wilmington avenues damaged cars over the Aug. 25-26 weekend, but businesses were up and running Aug. 27, and visitors were crowding the beaches. Crews from the city's Public Works Department were the city's first line in the clean up. Director Mel Craig said crews have been cleaning sand and debris out of catch basins at the foot showers on the Boardwalk, and dirt and sand that had accumulated near the Delaware Avenue restrooms were removed. Craig said crews have not cleaned up private property, such as underground hotel parking garages or basements. He said crews have been picking up trash – primarily wet cardboard – that businesses left out for collection. Serious flooding occurred at Brighton Suites Hotel on Wilmington Avenue. John Kleitz, general manager, said the hotel's underground parking garage flooded within 20 minutes after the storm began. He said water from Wilmiington Avenue rushed into the garage, flooding it. Close to 30 cars were pulled out of the hotel's underground parking garage, and they will probably be totaled because of flood damage, Kleitz said. The hotel also lost equipment stored in the garage, such as snowblowers, powerwashers, tables and a dance floor, Kleitz said.

WEST VIRGINIA

CHARLESTON DAILY MAIL

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State agency fined over cemetery construction CHARLESTON, W.Va. -- The state Department of Environmental Protection has proposed that the West Virginia Division of Veterans Affairs pay a $14,990 fine for allegedly failing to comply with environmental laws during construction of the Donel Kinnard Memorial State Veterans Cemetery at Institute. The DEP said an Oct. 19, 2010, inspection found that the Division of Veterans Affairs had allegedly failed to display a public notice sign at the entrance to the site. The DEP said the sign was required even though construction had not yet begun. A Feb. 2, 2011, inspection allegedly found that several sediment and erosion control devices were not in place, as detailed in the Division of Veterans Affairs' Storm Water Pollution Prevention Plan. The inspection also allegedly found that there had been open burning of solid waste. Also, the Division of Veterans Affairs allegedly failed to modify the Storm Water Pollution Prevention Plan when there was a change in the project. Additional alleged violations were found during an April 21, 2011, inspection, including allegedly allowing sediment-laden water to leave the site without going through an appropriate device. Inspections on June 22, 2011, and Jan. 18, 2012, also allegedly turned up violations. In a consent order signed Aug. 9 by Larissa Wines, the Division of Veterans Affairs agreed to bring its operations into compliance, submit a corrective action plan, and pay a $14,990 fine. The Department of Environmental Protection calculated a base fine of $18,700, then increased the amount by $30 for public notice costs and reduced the amount by $3,740 for the Division of Veterans Affairs' good faith and for cooperating with the secretary of the DEP. The final settlement is subject to comments received during the period ending Sept. 26. The proposed settlement is posted online at www.dep.wv.gov/pio/Pages/Settlements,Ordersouttopublicnotice.aspx The $14.1 million Donel Kinnard Memorial State Veterans Cemetery was dedicated on Memorial Day.

The farmer makes a run FAIRVIEW, W.Va. - Kent Leonhardt wants you to make him the state's next agriculture commissioner. He promises he'll work hard to improve food safety and increase the number of farms in West Virginia. A career Marine who took up farming following two decades in the military, he also wants to find ways to get returning veterans into the agriculture business. But Leonhardt wants you to know this: Right now, the cows come first. One recent day, the candidate spent his mid-morning mowing hay in a field he leases from a neighbor a few miles from his own farm. This was the second cut of the year, when the hay is protein- and nutrient-rich, so he'll use the resulting bales to feed his sheep and goats this winter. A Ford pickup pulled onto the dirt road running alongside the field. It was Ward Wyatt, a political consultant from Austin, Texas, who moved to West Virginia a few months back to run Leonhardt's campaign.

WHEELING INTELLIGENCER

Wharton: No Specific Plans for Gas Money WHEELING - When the natural gas starts flowing from Marcellus

Shale wells, the Ohio County Commission is among many entities that will cash in on royalty payments. But just how much money will be garnered and what it will be used for remains to be seen. There are two wells that Ohio County can potentially benefit from financially. One already is situated on the private Gantzer property, but it will take gas from beneath The Highlands, located just across Interstate 70. The county owns 300 acres of land at The Highlands, which is mostly owned by the county's development arm, the Ohio County Development Authority. Another well is planned on county property near the Wheeling-Ohio County Airport. The permit for that well recently was approved by the state Department of Environmental Protection. "There will be a well site on county property near the airport, but it's well off the airside property including runways and other airside facilities," said county Administrator Greg Stewart in response to questions about safety at the airport. Airport Manager Tom Tominack said the well site, which underwent much scrutiny by the Federal Aviation Administration, will be located about a mile southeast of the terminal tower.

BLUEFIELD DAILY TELEGRAPH

Manufacturer: EPA against all fossil fuels, not just coal Universal sentiment in West Virginia portrays the federal Environmental Protection Agency as Public Enemy No. 1, directing a "war on coal." Charlie Drevna suggests Mountain State folks aren't giving the EPA sufficient credit. In truth, he says, the Obama administration is engaged in a war against all fossil fuels, not limiting its regulatory artillery to coal alone. Drevna is president of the American Fuel and Petrochemical Manufacturers, which recently lost a court challenge of the EPA's new rule that raises the ceiling on allowable ethanol in a gallon of gasoline to 15 percent, or 50 percent higher than the existing standard. "I firmly believe that this administration, including the EPA, has a very, very robust, anti-fossil fuels agenda," Drevna said in a telephone interview. "You guys in West Virginia should know this as well as anybody else. What is this administration trying to do with coal? Well, they're trying to do the same with oil and other fossil fuels. It's just an anti-fossil fuels agenda. One can argue whether it's noble or not. I don't think it is. Is it detrimental to the consumers? Is it detrimental to the economy and national security? Absolutely." Consumers stand to lose dramatically, whether they are driving a pickup truck or a passenger car, mowing the lawn or steering a motorboat, he said. Six years ago, the EPA said vehicles through 2011 could use the higher ethane level, known simply by its rule, E15. Trouble is, Drevna said, there is no auto manufacturer that will honor a warranty if the owner burns fuel with an ethanol content above 10 percent. "You have the EPA saying, through very limited testing, that this stuff is good and it can be used, and you have every engine manufacturer saying, 'Fine, but we're not going to warranty it' because they know better," Drevna said. "We're right up against the E10 blend wall. We knew that this day was going to come. We didn't know it would come this early. Every year we've had to blend more and more ethanol, and every year we've been using less and less gasoline." Refiners are forced to blend a higher content of ethanol, he said, and therein lies the rub. "One thing we won't do is we won't put the consumer at risk," he said. "In our opinion, the EPA's decision to allow the increase of the amount of ethanol by 50 percent is a bad decision that's going to directly hurt consumers."

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chemicals and ammonium, ammonium nitrate is stored there and ammonia. When you are blasting right behind this school on 2,000 acres of mountain top removal site and you have a 2.8 billion gallon sludge dam the package is here at this school.

West Nile found in Huntington area Mosquitoes recently in the Huntington area have tested positive for the dangerous West Nile virus. Mosquitoes from Wayne County to eastern parts of Cabell County have tested positive for West Nile Virus in the past. The Cabell Huntington Health Department helps to monitor the virus in those regions. The mosquitoes are submitted to the West Virginia Office of Laboratory Services in Charleston for testing. Cabell Huntington Health Department's Public Information Officer Elizabeth Ayers said about 3,000-4,000 mosquitoes have been tested from this region this year. "Throughout the summer we have a specific team here that focuses primarily on setting traps throughout the county and so throughout the summer we have been testing them and it's been coming back recently I would say in the last couple of weeks, that we have seen positive samples of West Nile virus," Ayers said. West Virginia is one of 47 states reporting West Nile virus infections in people, birds or mosquitoes. So far this year, 1,100 cases have been detected in the United States. That's the highest number of cases since West Nile was first recorded in 1999 by the Centers for Disease Control and Prevention.

ASSOCIATED PRESS (W. Va.)

PSC scales back Wheeling water rate increase WHEELING, W.Va. -- West Virginia regulators have scaled back an increase in Wheeling's water rates. The Intelligencer reports that the West Virginia Public Service Commission has approved a rate increase of 53.1 percent. That's lower than the 70 percent increase passed by the City Council last year. The PSC approved the smaller increase after a formal protest from some of Wheeling's water resale customers, including the Ohio County Public Service District, the town of Triadelphia and the village of Valley Grove. The average monthly bill will increase from $19.44 to $29.76. That's $3.29 less than it would have been with the 70 percent increase. City Manager Robert Herron says the city may have to raise rates again if the increase fails to generate enough revenue for a new water treatment plant.

Bicycle trails proposed in New River Gorge GLEN JEAN, W.Va. -- Bicycles would be allowed on new and existing trails in the New River Gorge under a rule proposed by the National Park Service. The rule would authorize bicycle use on five new trails and 19 existing trails and administrative roads. Two of the new trails are stacked loop systems, which have interconnected loops to provide varied routes, distances and destinations. The others would be converted from roads that are no longer used. One track loop trail system has been built. The other new trails have been approved for construction. The deadline for public comments is Oct. 26. Comments can be submitted online at http://www.regulations.gov . Comments also can be submitted by mail to Don Striker, Superintendent, Attention: Bicycle Regulation, New River Gorge National River, P.O. Box 246, Glen Jean, WV 25846-0246.

MARYLAND

BALTIMORE SUN

Blog: Back to school? Try lunching trash-free Tips to packing tasty, healthy & eco-friendly student meals.

Sunday rains were record-setting in Md., but didn't match Isaac Rains across Baltimore and on the Eastern Shore on Sunday were record-setting and the heaviest of the year, but they didn't end up matching Tropical Storm Isaac's moisture, according to observations.

Northern Baltimore County zoning issues split residents County Council vote on dozens of rezoning requests set for Aug. 28. Small purple wildflowers dot sections of northern Baltimore County's rolling roads, where the only sounds

are the chirps of birds and insects. Rows of corn and soybeans grow along other stretches.

SALISBURY DAILY TIMES

Editorial: Storms teach us painful lessons about nature's power A few weeks ago, many Delmarva residents were hoping and praying for rain. Those hopes were fulfilled and prayers answered Saturday and Sunday, but perhaps not in the expected way. It was, rather, a weekend that proved the old adage, "Be careful what you wish for." Delmarva took a pretty good drenching Saturday afternoon and evening, into Sunday morning. Recorded rainfall totals ranged from 5-8 inches across the region, with up to 10 inches in some parts of Sussex County. But that doesn't tell the whole story. Flash flooding in the Berlin area meant that emergency personnel and police officers attempting to rescue stranded motorists were dealing in some cases with up to 5 feet of water in the roadway. But it doesn't stop there, nor does it end with the tragedy of flooded homes and families losing all or most of their worldly belongings. The intense storms that dumped so much water on Delmarva in less than 24 hours also brought lots of intense lightning, which resulted in more than $1.2 million in fire damages to seven homes. And the Berlin Police Department lost a cruiser to damage from the storm. In Oak Orchard, the power company actually had to shut off power because of flooding; residents were evacuated. Across the peninsula, more than 2,500 Delmarva Power customers were without power overnight, mostly in Sussex County, which was one of the harder-hit areas. Accomack County saw its third round of tornado sightings this summer. Although the weekend storms were not a hurricane or organized system like a nor'easter, the damage is severe. The $1.2 million in fire damage does not include the cost to repair or replace flood-damaged homes and vehicles, ruined personal possessions or displaced families.

Turtle time nears for Del. waters September, October best for spotting sea animals as they move in to feed. NASSAU -- The peak season for sea turtle sightings is approaching. According to Suzanne Thurman, executive director of the Marine Education, Research & Rehabilitation Institute, September and October are when the turtles typically appear in Delaware waters because that's the best time of year for feeding. She said she often finds horseshoe crabs in the stomachs of juvenile loggerhead sea turtles that are found dead in the area. "We know it's in their diet for whatever reason at that point," she said. "Prey is what entices an animal to be in our area." A second reason is water temperatures. This is the time of year when temperatures are ideal for the cold-blooded creatures, she said. As temperatures drop in Delaware, the sea turtles will head for warmer waters. "They certainly don't like to be in temperatures below the 60s," she said. "Seventies would be preferable for them." Prior to 2010, Thurman said the area would average about 60 turtle sightings a year. In 2010, cold weather conditions in Florida and the Gulf of Mexico oil spill decreased the marine life population and, as a result, 18 were seen in Delaware that year. Last year, there were 28 sea turtles. This year, there have been 17 strandings, which is an average figure, Thurman said. She guesses that number will double by the end of the year.

Farmer finds nearly 70,000 chickens dead DELMAR -- A Delmar man faces several criminal charges after his alleged actions caused the deaths of almost 70,000 chickens. Joshua D. Shelton, 21, was charged in connection with the incident. Police said Shelton reportedly shut off the power to three chickenhouses. "The theory is that he may have been in there looking for a light switch," said Lt. Tim Robinson of the Wicomico County Sheriff's Office. The value of these chickens, belonging to Mark Shockley of the 32000 block of E. Line Road in Delmar, is reported to be about $20,000, and damage also includes an unknown amount of cleanup costs, according to charging documents. After the incident, only about 100 chickens remained, charging documents state. Shockley found the chickens Saturday morning and the flock, which had been deprived of food, water and cooling fans, was supposed to be delivered on Sunday. "Shockley advised that without power, the chickens will begin to die within 15 minutes," according to charging documents. Shelton was found lying in the power control shed by the circuit breakers, wearing a T-shirt and boxers, the sheriff's office reported. He smelled of alcohol and did not know how he got into the shed or remember touching the breakers, according to charging documents. Shelton is charged with second-and fourth-degree burglary, malicious destruction of property, trespassing on private property and animal cruelty. Shelton was at a gathering outside the home with a few people -- including Shockley's daughter -- according to charging documents. After his daughter told everyone to go home, she thought Shelton had left.

Commentary: 'Clean energy' is Obama for cronyism Breaking news: The Fishwrap of Record has finally discovered that the Obama administration gives its Chicago corporate pals special access to power and regulatory favoritism. On Thursday, The Not-So-New York Times published an A1 story titled "Ties to Obama Aided in Access for Big Utility." Everyone, put on your shocked faces! "With energy an increasingly pivotal issue for the Obama White House," the Times intoned, "a review of Exelon's relationship with the administration shows how familiarity has helped foster access at the upper reaches of government and how, in some cases, the outcome has been favorable for Exelon." You mean Hope and Change was all smoke and mirrors? Well, knock me over with a feather and call me Grandpa Daley! White House press flack Jay Carney played dumb when asked about the report, which detailed "an unusually large number of meetings with top administration officials at key moments in the consideration of environmental regulations that have been drafted in a way that hurt Exelon's competitors." "I'm not sure what the issue is, frankly," Carney told the Beltway press corps. Carney, a former Time magazine journalist who pointedly reminded his former media colleagues that he "was a reporter," apparently forgot all the connect-the-dots training he got at his once-hallowed publication.

VIRGINIA

RICHMOND TIMES-DISPATCH

Foresters seek aid gathering acorns RICHMOND, Va. -- The Virginia Department of Forestry is asking Virginians to help preserve native trees by collecting acorns and seeds from 11 species. Officials say the best time to collect acorns is the last week in September through the first week of October and that lawns or paved areas are ideal collection sites. The most-needed species are: Alleghany chinkapin, Chinese chestnut, hazelnut, black oak, chestnut oak, northern red oak, pin oak, sawtooth oak, white oak, willow oak and black walnut. Nursery forester Josh McLaughlin says those interested in collecting acorns or seeds should not use plastic bags to hold them or combine different species in the same bag. Collectors also should identify the species on non-plastic bags before delivering them to the nearest department office.

NORFOLK VIRGINIAN PILOT

Editorial: Hurting Virginia's clean air efforts Air pollution doesn't stop at state borders. Neither does political spotlight-grabbing. Last week, a divided federal appeals court struck down an Environmental Protection Agency rule designed to limit the kind of particulate matter that can make it hard to breathe in Hampton Roads during the summer. The 2-1 decision in the U.S. Court of Appeals for the District of Columbia circuit struck down EPA efforts to force states to do something about the pollution they send downwind. Virginia and other East Coast states are the biggest victims. They have to live with the pollution - mainly sulfur dioxide and nitrogen oxide - generated by inland coal-fired power plants. The pollution from those plants rises from tall smokestacks that send it far downwind, where it falls on places like Hampton Roads. The same basic mechanism is behind the mercury - a powerful neurotoxin - that contaminates all the region's waterways. Particulate matter does a different kind of damage. The gases combine with other chemicals and help create ground-level smog, which contributes to respiratory and cardiac illnesses, especially among the young, sick and elderly. It makes it more difficult for communities like this one to meet clean air targets. Because of that, for several years now the White House has been trying to come up with a way of forcing states to take responsibility for their own air quality and the pollution they send downwind. The costs are considerable. The 2005 regulations promulgated by President George W. Bush have imposed a $1.6 billion annual cost on power plant operators. The new EPA regulations would have added another $800 million. For that reason, much of the opposition to the EPA regulations has come from power and coal companies and from their friends in the political sphere. Friends like Virginia Attorney General Ken Cuccinelli, who has received more than $440,000 from power and mining interests since 2001. Cuccinelli's ongoing crusade against the EPA would simply be a curious distraction from his real duties if it weren't for the harm he is helping to heap on Virginians. If the EPA regulations were in place, Virginia would have been the

beneficiary of pollution reductions to our west while being required to do little to reduce our own pollution, much of which flows over the Atlantic Ocean. Despite that, Cuccinelli interceded in the case on the side of the states that pollute Virginia's air, and on behalf of the big utilities. To provide some idea of how poorly reasoned the resulting decision was, the judges on the D.C. panel also bought the argument that the EPA should have given states an opportunity to come up with their own plans for downstream pollution. That's a laughable misunderstanding both of the nature of pollution and of interstate negotiations. Until the EPA stepped in forcefully and under a court's order, efforts to manage water pollution that flows into the Chesapeake Bay floundered for nearly three decades, the result of obstruction and reluctance by a handful of states. The EPA air pollution rules covered more than half the country. The court panel's bizarre decision was also at odds with a ruling by another panel from the same court, which upheld the first regulations designed to limit greenhouse gas emissions, which affect not just downwind states but the entire planet.

NEWPORT NEWS DAILY PRESS

Lower James closed to shellfish harvesting The Virginia Health Department has closed a portion of the lower James River to the harvesting of shellfish without a permit after the area was contaminated by sewage spills. According to a statement Monday from the Division of Shellfish Sanitation, the emergency closure was issued because the section "has been subjected to sewage spills likely containing pathogenic bacteria and viruses." The closure affects the area from Mulberry Point south to the Monitor-Merrimac Bridge Tunnel, extending from Newport News into the river. The ban will be in effect from Monday through Sept. 15.

LYNCHBURG NEWS AND ADVANCE

Project aims to bring more fish to Smith Mountain Lake LYNCHBURG, Va. -- Standing on a bank at Smith Mountain Lake, Michael Forte watched as Appalachian Power workers on a barge lowered what looked like a wooden pyramid the size of a small refrigerator into the lake.

Forte, of Franklin County, designed it himself, and now the invention is part of an assortment of habitat devices that will be used to determine how to entice more fish into coves at the lake. With the help of Internet research, Forte built a similar pyramid habitat and installed it under his boathouse a few years ago. He said it caused a “dramatic difference” in the number of fish swimming in his cove; today, there are dozens and dozens as opposed to very few. “I just wanted to see if I could attract some fish,” he said. “And it worked.” The power company, which uses Smith Mountain and Leesville lakes to produce electricity through a two-reservoir hydroelectric generation dam, hopes to duplicate that kind of success in drawing fish to shallow water areas, said Liz Parcell, a plant manager. Last week, workers lowered about a dozen similar fish habitat devices in areas shallower than 20 feet in the cove below the Discovery Center at Smith Mountain Lake State Park in Bedford County. Some of the habitat designs were natural collections of brush and twigs; others were man-made and included cinder blocks, wood pallets and various pipes. “It’s kind of like a scientific project,” Parcell said. Some designs resembled objects that might be seen in art galleries, but that will change over time, she said. “They’ll get covered in algae; they won’t look like this for long,” Parcell said. The goal is to study what designs work and then share that information with lake homeowners, who in turn could use it to create fish habitats of their own.

ASSOCIATED PRESS (Va.)

Va. uranium panel heads to Virginia Beach VIRGINIA BEACH -- A multi-agency state panel reviewing various aspects of uranium mining in Virginia is heading to Virginia Beach for its fourth public forum. The Uranium Working Group will meet Tuesday at 6 p.m. at the Virginia Beach Convention Center, 1000 19th St., according to the group's website. The discussion will focus on water and air quality monitoring plans. Proposed uranium mining in Southside Virginia has stirred interest in Virginia Beach and Hampton Roads because of concerns that a catastrophic weather event could foul waters that provide public drinking supplies to Virginia Beach, Norfolk and other localities. Virginia has had a 30-year ban on uranium mining, but a mining company wants the ban lifted so it can tap a 119-million-pound deposit in Pittsylvania County. Virginia Uranium Inc. has scheduled a news conference before the 6 p.m. meeting of the working group.

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

Republican Senators Ready to Address Cross-State Air Pollution EPA has failed under both the Obama and Bush administrations to enact legally defensible regulations to reduce interstate pollution from power plants, and some Republican senators are ready to step in with a legislative fix. Sen. Alexander already has called for legislation, and other Republicans may back a legislative solution, according to congressional aides. The shape of such legislation—and its chances of being passed and signed into law—will depend largely on the outcome of the November elections, congressional sources and other observers say. EPA's latest effort—the Cross-State Air Pollution Rule—was struck down by the U.S. Court of Appeals for the District of Columbia Circuit.

Schumer Asks OMB to Let EPA Propose Rule on Chemicals of Concern Sen. Schumer asks the White House Office of Management and Budget to allow EPA to issue a proposed rule to establish a chemicals of concern list, a rulemaking that was sent to the White House for review more than 27 months ago. EPA's proposed rule, sent for OMB review in May 2010, would include a category of eight phthalates, a category of polybrominated diphenyl ethers, and bisphenol A in the proposed list, according to a description of the proposal in the federal regulatory agenda. “I wish to convey my deep concern that this proposal has been under review by your office for over two years without action,” Schumer says in a letter to OMB Acting Director Jeffrey Zients.

D.C. Circuit Severs Portion of Case Challenging Power Plant Mercury Rule A federal appeals court further divides challenges to EPA's mercury and air toxics standards for power plants, this time separating arguments over the new source performance standards set by the agency from other challenges to the regulation. The cases are separated by the U.S. Court of Appeals for the District of Columbia Circuit after the Utility Air Regulatory Group, a power plant trade association, had asked the court to sever its legal challenges to the rule. The utility group has raised several legal concerns with the new source performance standards portion of the rule that it said were separate from the larger issues under consideration by the court. Earlier, the court separated issues related to new power plants.

EPA Asked to Report on Assessment of Pesticides' Impact on Honeybees Rep. Markey requests that EPA Administrator Jackson provide information on the agency's progress in assessing the impact of certain pesticides on honeybees and other pollinators. In a letter, Markey questions what steps the agency is taking to ensure a “sufficient scientific understanding” of how a class of pesticides known as neonicotinoids impacts pollinators. He asks that Jackson share any conclusions that EPA has made on the impacts of neonicotinoids on pollinators, as well as an update on the registration review of seven neonicotinoids, including clothianidin and imidacloprid

ASSOCIATED PRESS

A glance at key items in GOP platform Some key elements of the Republican platform, which is to be approved Tuesday at the party’s national convention in Tampa, Fla.: ... ENERGY: The party is committed to domestic energy independence and an “all-of-the-above” energy policy, backing the exploration and development of the Outer Continental Shelf and the Arctic National Wildlife Refuge and the construction of the Keystone XL pipeline. It criticizes the Obama administration for picking winners and losers in the energy sector and expresses support for new coal-fired plants that will be low-cost, environmentally responsible and efficient. It adds: “We will end the EPA’s war on coal and encourage the increased safe development in all regions of the nation’s coal resources.” It calls on Congress to prohibit the EPA from moving forward with new greenhouse gas regulations “that will harm the nation’s economy and threaten millions of jobs over the next quarter century.”

FOX NEWS

Blog: Fox's fracking propaganda doesn't compare to reality The most infamous case of supposed water contamination from hydraulic fracturing (aka fracking) happened three years ago in a tiny hamlet called Dimock, Pennsylvania and if you want to know how ugly and sordid the whole affair got, just read Andrew Maykuth's

Inquirer story. As Maykuth writes, the natural gas drilling fight tore apart neighbors with every resident either for fracking or against it. "One family who cooperated with the gas company to fix their water supply erected a tarp to block out their neighbors, who had sued the drillers and accused their neighbors of selling out. The family that sued posted signs around its modest ranch house: "For Sale: $5,000,000," Maykuth reports. In the end, a community was roiled and may not recover, the drilling is resuming, the oil and gas industry has a black eye, the state has new, safer rules for fracking but also the federal government had to admit it couldn't find a direct link between the drilling and the water contamination. Never mind all of that, however. As dramatic, important, complicated and compelling as the reality may be, nothing can overcome the power of propaganda. And so, what people know of Dimock if they know anything at all is Josh Fox's Oscar nominated agit-prop film called "Gasland." That Fox's movie has been debunked of much of its most controversial claims is unimportant to HBO which is going to promote and show Fox's planned sequel. And this in the face of even bolder and more inaccurate claims in Fox's rebuttal to the criticisms of Gasland, an 18-minute short film called "The Sky is Pink," which at its core claims (without a shred of evidence) that fracking causes breast cancer. In an effort to help Fox produce more of a documentary follow-up to Gasland rather than another screed, the group Energy In Depth has written Fox to suggest ways to improve "Gasland 2," by including some facts.As EID's letter suggests, an update on Dimock would be a good place to start. "In the original Gasland, Dimock, Pa., was portrayed as a town irrevocably harmed by natural gas development. In particular, your film sought to convince viewers that hydraulic fracturing had contaminated water.....we recommend including in Gasland 2 the conclusions released earlier this year by the U.S. Environmental Protection Agency, which completed four rounds of extensive sampling of water wells in the area.... [As the EPA concluded] 'The sampling and an evaluation of the particular circumstances at each home did not indicate levels of contaminants that would give EPA reason to take further action. Throughout EPA's work in Dimock, the Agency has used the best available scientific data to provide clarity to Dimock residents and address their concerns about the safety of their drinking water.'"