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EDITORIAL / OP-ED / COMMENTARY / LETTERS

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June 18, 2010

Clean the Gulf, Clean House, Clean Their Clock (*New York Times*)

By FRANK RICH

PRESIDENT Obama is not known for wild pronouncements, so it was startling to hear him liken the gulf oil spill to 9/11. Alas, this bold analogy, made in an interview with Roger Simon of Politico, proved a misleading trailer for the main event. In the president's prime-time address a few days later, there was still talk of war, but the ammunition was sanded down to bullet points: "a clean energy future," "a long-term gulf coast restoration plan" and, that most dreaded of perennials, "a national commission." Such generic placeholders, unanimated by details or deadlines, are Washingtonese for "The buck stops elsewhere."

The speech's pans were inevitable, but in truth it was doomed no matter what the words or how cool or faux angry the performance. The president had it right the first time — this is a 9/11 crisis — and only action will do. The sole sentence that really counted on Tuesday night was his prediction that "in the coming weeks and days, these efforts should capture up to 90 percent of the oil leaking out of the well." He will be judged on whether that's true. The sole event that mattered last week was his jawboning of BP for a $20 billion down payment of blood money — to be overseen, appropriately enough, by Kenneth Feinberg of the September 11th Victim Compensation Fund.

That action could be a turning point for Obama if he builds on it. And he must. In this 9/11, it's not just the future of the gulf coast, energy policy or his presidency that's in jeopardy. What's also being tarred daily by the gushing oil is the very notion that government can accomplish anything. The current crisis in that faith predates this disaster. In the short history of the Obama White House, two of its most urgent projects, reducing unemployment and pacifying Afghanistan, have yet to yield persuasive results. The dividends on the third, health care reform, won't be in the mail for years.

Given that record of incompletes, the government's failure to police BP and the administration's seeming impotence once disaster struck couldn't have been more ill-timed. And there's no miracle fix. Obama can't play Aquaman in the gulf, he can't coax a new jobs program out of a deficit-fixated Congress, and he can't quit Hamid Karzai. Indeed, if the president had actually outlined new energy policies Tuesday night, they would have been dismissed as more empty promises from a government that can't even measure the extent of the spill.

While Obama ended his speech with an exhortation for prayer, hope for divine intervention is no substitute for his own intercession. He could start running his administration with a 9/11 sense of urgency. And he could explain to the country exactly what the other side is offering as an alternative to his governance — non-governance

that gives even more clout to irresponsible corporate giants like BP. As our most popular national politician, Obama still has power, within his White House and with the public, to effect change — should he exercise it.

Some exposure to the voluminous investigative reporting incited by this crisis might move him to step up his game. After all, the muckraking of McClure's magazine a century ago, some of it aimed at Standard Oil, helped fuel Teddy Roosevelt's activism. T.R. called it "torrential journalism," and a particularly torrential contemporary example is a scathing account of Obama's own Interior Department by Tim Dickinson in Rolling Stone, a publication often friendly to this president. Dickinson's findings will liberate Obama from any illusions that the systemic failure to crack down on BP was the unavoidable legacy of the derelict Minerals Management Service he inherited from Bush-Cheney.

In Rolling Stone's account, the current interior secretary, Ken Salazar, left too many "long-serving lackeys of the oil industry in charge" at M.M.S. even as he added to their responsibilities by raising offshore drilling to record levels. One of those Bush holdovers was tainted by a scandal that will cost taxpayers as much as $53 billion in uncollected drilling fees from the oil giants — or more than twice what Obama has extracted from BP for its sins so far.

Dickinson reports that Salazar and M.M.S. continued to give BP free rein well after Obama took office — despite the company's horrific record of having been "implicated in each of the worst oil disasters in American history, dating back to the Exxon Valdez in 1989." Even as the interior secretary hyped himself as "a new sheriff in town," BP was given a green light to drill in the gulf without a comprehensive environmental review. Obama has said he would have fired Tony Hayward, BP's chief executive, but his own managers have not been held so accountable. The new director of M.M.S. installed by Salazar 10 months ago has now walked the plank, but she doesn't appear to have been a major player in lapses that were all but ordained by policy imperatives from above.

The president has still neither explained nor apologized for his own assertion in early April that "oil rigs today generally don't cause spills" — a statement that is simply impossible to square with Salazar's claim that the administration's new offshore drilling policy, supposedly the product of a year's study, was "based on sound information and sound science."

The president must come clean and clean house not just because it's right. He must rebuild confidence in his government for that inevitable day when the next crisis hits the fan. That would be Afghanistan, and the day is rapidly arriving. Already Obama's chosen executive there, Gen. Stanley McChrystal, is calling the much-heralded test case for administration counterinsurgency policy — the de-Talibanization and stabilization of the Marja district — "a bleeding ulcer." And that, relatively speaking, is the good news from this war.

The president's shake-up of his own governance can't wait, as tradition often has it, until after the next election. The Tea Party is at the barricades. When Obama said yet again on Tuesday that he would be "happy to look at other ideas and approaches from either party," you wanted to shout back, Enough already! His energy would be far better spent calling out in no uncertain terms what the other party's "ideas and approaches" are. The more the Fox-Palin right has strengthened its hold on the G.O.P. during primary season, the sharper and more risky its ideology has become.

When Rand Paul defended BP against Salazar's (empty) threat to keep a boot on the company's neck, he was not speaking as some oddball libertarian outlier. His views are mainstream in his conservative cohort. Traditional Republican calls for limited government have given way to radical cries for abolishing many of modern government's essential tasks. Paul has called for the elimination of the Department of Education, the Federal Reserve and the Americans with Disabilities Act. The newest G.O.P. star — Sharron Angle, the victor in this month's Republican senatorial primary in Nevada — has also marked the Energy Department, the Environmental Protection Agency, the Department of Veterans Affairs, Social Security and Medicare for either demolition or privatization.

Pertinently enough, Angle has also called for processing highly radioactive nuclear waste at Nevada's Yucca Mountain. If Americans abhor poorly regulated deepwater oil drilling, wait until they get a load of nuclear waste on land with no regulatory agency in charge at all. The choice between inept government and no government is no choice at all, of course. But there would be a clear alternative if the president could persuade the country that Washington, or at least its executive branch, can be reformed — a process that demands him to own up fully to his own mistakes and decisively correct them.

While the greatest environmental disaster in our history is a trying juncture for Obama, it also provides him with a nearly unparalleled opening to make his and government's case. The spill's sole positive benefit has been to unambiguously expose the hard right, for all its populist pandering to the Tea Partiers, as a stalking horse for its most rapacious corporate patrons. If this president can speak lucidly of race to America, he can certainly explain how the antigovernment crusaders are often the paid toadies of bad actors like BP. Such big corporations are only too glad to replace big government with governance of their own, by their own, and for their own profit — while the "small people" are left to eat cake at their tea parties.

When Joe Barton, the ranking Republican on the House Energy and Commerce Committee, revived Rand Paul's defense of BP last week by apologizing on camera to Hayward for the "tragedy" of the White House's "$20 billion shakedown," the G.O.P. establishment had to shut him down because he was revealing the party's true loyalties, not because it disagreed with him. Barton was merely echoing Michele Bachmann, who labeled the $20 billion for gulf victims a "redistribution-of-wealth fund," and the 100-plus other House members whose Republican Study Committee had labeled the $20 billion a "Chicago-style shakedown" only a day before Barton did.

These tribunes of the antigovernment right and their Tea Party auxiliaries are clamoring for a new revolution to "take back America" — after which, we now can see, they would hand over America to the likes of BP. Let Deepwater Horizon be ground zero for a 9/11 showdown over the role of government. There couldn't be a riper moment for Obama, as a man once said, to bring it on.

Carroll: An imperial EPA (*Denver Post*)

By Vincent Carroll
Posted: 06/19/2010 01:00:00 AM MDT

Coloradans may be worried about public debt and the burden of government on the economy. They may be anxious about their jobs and their long-term financial security. And U.S. companies may meanwhile be "holding more cash in the bank than at any point on record," according to The Wall Street Journal, because of fears over another recessionary dip.
No matter. Our two U.S. senators, bless their buoyant hearts, apparently believe that the private sector can withstand a lot more uncertainty and stress. So Michael Bennet and Mark Udall voted the other day to protect what is likely to become the most costly, comprehensive regulatory initiative in history.

They gave their blessing to the Environmental Protection Agency's intention to set climate policy for the nation, with no input from Congress, which happens to exist in order to rule on such momentous matters.

By the time the EPA is through, it is likely to impose new regulations not only on such major emitters of greenhouse gases as utilities but also on millions of small businesses, apartment buildings, hotels, schools and farms. The agency will have little choice given the path it has chosen.

Last December it issued an official finding that greenhouse gases endanger public health and welfare under the Clean Air Act, and now that law's extraordinary provisions kick in. They require permits for any facility that emits 100 tons of pollutants per year — which is a decent threshold, say, for chemicals that cause ozone but a low threshold for carbon dioxide.

Enter the so-called Murkowski Resolution, which basically would have vetoed the EPA ruling and put the authority for climate policy back in the hands of Congress where it belongs. Yet 53 senators, including Bennet and Udall, voted it down.

Bennet issued a peculiar statement in which he acknowledged the primacy of Congress — "The best way to limit carbon pollution is for Congress to pass a comprehensive climate and energy bill" — but went on to allege that the "resolution would leave the government powerless to move forward, even if Congress doesn't act."

In short, Congress should act, but if it doesn't then Bennet wants to have his way through bureaucratic fiat. The senator also said the resolution "would gut the Clean Air Act."

Yet how would the assertion of congressional authority to regulate an area of air quality that has never been addressed before "gut" that act? To the contrary, the Clean Air Act is far more likely to be discredited by the EPA's attempt to use it to address greenhouse emissions.

Why? Because Congress never contemplated that law covering anything as common as greenhouse emissions. And if the EPA followed the act to the letter, it would wreak havoc on the economy, as the agency admits. Permits alone would cost tens of thousands of dollars each. So the agency has basically decided to rewrite the act on its own.

In a "tailoring rule," the agency said it would exclude smaller sources from permitting requirements until at least 2016 because to do otherwise would impose "undue costs" on them.

However, as the Legal Times' blog pointed out, "The key question is whether the agency has the authority to make such a change to the statute." Is the law simply whatever the EPA says?

Activists will seek to force the EPA to speed up the timetable for cracking down on the millions of smaller- scale carbon emitters. If they succeed, the compliance costs will be horrendous. If they fail, it's probably still only a matter of time before this federal bureaucracy ends up micromanaging carbon emissions across the full economy, without any direction from our elected representatives.

And that, incredibly, is just fine with Colorado's senators.

E-mail Vincent Carroll at vcarroll@denverpost.com.

AIR

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Green Power, Spare That Tree (*New York Times*)

June 19, 2010 Saturday
Late Edition - Final
Section B; Column 0; Business/Financial Desk; Pg. 1
By TOM ZELLER Jr.
GREENFIELD, Mass. -- Matthew Wolfe, an energy developer with plans to turn tree branches and other woody debris into electric power, sees himself as a positive force in the effort to wean his state off of planet-warming fossil fuels.

"It's way better than coal," Mr. Wolfe said, "if you look at it over its life cycle."

Not everyone agrees, as evidenced by lawn signs in this northwestern Massachusetts town reading "Biomass? No Thanks."

In fact, power generated by burning wood, plants and other organic material, which makes up 50 percent of all renewable energy produced in the United States, according to federal statistics, is facing increased scrutiny and opposition.

That, critics say, is because it is not as climate-friendly as once thought, and the pollution it causes in the short run may outweigh its long-term benefits.

The opposition to biomass power threatens its viability as a renewable energy source

when the country is looking to diversify its energy portfolio, urged on by President Obama in an address to the nation Tuesday. It also underscores the difficult and complex choices state and local governments face in pursuing clean-energy goals.

Biomass proponents say it is a simple and proved renewable technology based on natural cycles. They acknowledge that burning wood and other organic matter releases carbon dioxide into the atmosphere just as coal does, but point out that trees and plants also absorb the gas. If done carefully, and without overharvesting, they say, the damage to the climate can be offset.

But opponents say achieving that sort of balance is almost impossible, and carbon-absorbing forests will ultimately be destroyed to feed a voracious biomass industry fueled inappropriately by clean-energy subsidies. They also argue that, like any incinerating operation, biomass plants generate all sorts of other pollution, including particulate matter. State and federal regulators are now puzzling over these arguments.

Last month, in outlining its plans to regulate greenhouse gases, the **Environmental Protection Agency** declined to exempt emissions from "biogenic" sources like biomass power plants. That dismayed the biomass and forest products industries, which typically describe biomass as "carbon neutral."

The agency said more deliberation was needed.

Meanwhile, plans for several biomass plants around the country have been dropped because of stiff community opposition.

In March, a $250 million biomass power project planned for Gretna, Fla., was abandoned after residents complained that it threatened air quality. Two planned plants in Indiana have faced similar grass-roots opposition.

In April, an association of family physicians in North Carolina told state regulators that biomass power plants there, like other plants and factories that pollute the air, could "increase the risk of premature death, asthma, chronic bronchitis and heart disease."

In Massachusetts, fierce opposition to a handful of projects in the western part of the state, including Mr. Wolfe's, prompted officials to order a moratorium on new permits last December, and to commission a scientific review of the environmental credentials of biomass power.

That study, released last week, concluded that, at least in Massachusetts, power plants using woody material as fuel would probably prove worse for the climate than existing coal plants over the next several decades. Plants that generate both heat and power, displacing not just coal but also oil and gas, could yield dividends faster, the report said. But in every case, the study found, much depends on what is burned, how it is burned, how forests are managed and how the industry is regulated.

Ian A. Bowles, the secretary of the Massachusetts Office of Energy and Environmental Affairs, said that biomass power and sustainable forest management were not mutually exclusive. But he also said that the logical conclusion from the study was that biomass plants that generated electricity alone probably should not be eligible for incentives for renewable energy.

"That would represent a significant change in policy," Mr. Bowles said.

The biomass industry argues that studies like the one in Massachusetts do not make a clear distinction between wood harvested specifically for energy production and the more common, and desirable, practice of burning wood and plant scraps left from agriculture and logging operations.

The Biomass Power Association, a trade group based in Maine, said in a statement last week that it was "not aware of any facilities that use whole trees for energy."

During a recent visit to an old gravel pit outside of town where he hopes to build his 47-megawatt Pioneer Renewable Energy project, Mr. Wolfe said the plant would be capable of generating heat and power, and would use only woody residues as a feedstock. "It's really frustrating," he said. "There's a tremendous deficit of trust that is really inhibiting things."

In the United States, biomass power plants burn a variety of feedstocks, including rice hulls in Louisiana and sugar cane residues, called bagasse, in parts of Florida and Hawaii. A vast majority, though, some 90 percent, use woody residue as a feedstock, according to the Biomass Power Association. About 75 percent of biomass electricity comes from the paper and pulp companies, which collect their residues and burn them to generate power for themselves.

But more than 80 operations in 20 states are grid-connected and generate power for sale to local utilities and distribution to residential and commercial customers, a $1 billion industry, according to the association. The increasing availability of subsidies and tax incentives has put dozens of new projects in the development pipeline.

The problem with all this biomass, critics argue, is that wood can actually churn out more greenhouse gases than coal. New trees might well cancel that out, but they do not grow overnight. That means the low-carbon attributes of biomass are often realized too slowly to be particularly useful for combating **climate change.**

Supporters of the technology say those limitations can be overcome with tight regulation of what materials are burned and how they are harvested. "The key question is the rate of use," said Ben Larson of the Union of Concerned Scientists, an environmental group based in Cambridge, Mass., that supports the sensible use of biomass power. "We need to consider which sources are used, and how the land is taken care of over the long haul."

But critics maintain that "sustainable" biomass power is an oxymoron, and that nowhere near enough residual material exists to feed a large-scale industry. Plant owners, they say, will inevitably be forced to seek out less beneficial fuels, including whole trees harvested from tracts of land that never would have been logged otherwise. Those trees, critics say, would do far more to absorb planet-warming gases if they were simply let alone.

"The fact is, you might get six or seven megawatts of power from residues in Massachusetts," said Chris Matera, the founder of Massachusetts Forest Watch. "They're planning on building about 200 megawatts. So it's a red herring. It's not about burning waste wood. This is about burning trees."

Whether or not that is true, biomass power is also coming under attack simply for the ordinary air pollution it produces. Web sites like No Biomass Burn, based in the Pacific Northwest, liken biomass emissions to cigarette smoke. Duff Badgley, the coordinator of the site, says a proposed plant in Mason County, Washington, would "rain toxic pollutants" on residents there. And the American Lung Association has asked Congress to exclude subsidies for biomass from any new energy bill, citing potentially "severe impacts" on health.

Nathaniel Greene, the director of renewable energy policy for the Natural Resources Defense Council, said that while such concerns were not unfounded, air pollution could be controlled. "It involves technology that we're really good at," Mr. Greene said. For opponents like Mr. Matera, the tradeoffs are not worth it.

"We've got huge problems," Mr. Matera said. "And there's no easy answer. But biomass doesn't do it. It's a false solution that has enormous impacts."

Mr. Wolfe says that is shortsighted. Wind power and solar power are not ready to scale up technologically and economically, he said, particularly in this corner of Massachusetts. Biomass, by contrast, is proven and available, and while it is far from perfect, he argued, it can play a small part in reducing reliance on fossil fuels.

"Is it carbon-neutral? Is it low-carbon? There's some variety of opinion," Mr. Wolfe said. "But that's missing the forest for the trees. The question I ask is, What's the alternative?"

BP SPILL

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Look at members of Obama's oil spill commission (*Associated Press*)

Story also appeared: *Washington Post*

By The Associated Press
The Associated Press
Sunday, June 20, 2010; 12:02 AM
-- Members of the presidential commission investigating the Gulf of Mexico oil spill.

-Co-chairman: Former Democratic Sen. and Gov. Bob Graham of Florida. He often has pushed for a drilling ban off the Florida coast.

-Co-chairman: William K. Reilly, Environmental Protection Agency administrator under President George H.W. Bush and during the Exxon Valdez spill in Alaska in 1989.

-Frances Beinecke, president of the Natural Resources Defense Council.

-Donald Boesch, president of the University of Maryland's Center for Environmental Science.

-Terry Garcia, a National Geographic Society executive and former chief lawyer at the National Oceanic and Atmospheric Administration under President Bill Clinton.

-Cherry Murray, dean of Harvard's engineering school and former president of the American Physical Society.

-Frances Ulmer, chancellor of the University of Alaska, Anchorage, and former Democratic lieutenant governor of Alaska.

Online:

White House announcement on commissioners:http://tinyurl.com/25g39t4

June 19, 2010

Cleanups of Spill and an Agency Test Salazar (*New York Times*)

By JOHN M. BRODER and GARDINER HARRIS
WASHINGTON — When President Obama boasted in his televised address on Tuesday about his team of leaders fighting the oil spill in the Gulf of Mexico, he spoke glowingly of his energy secretary, his Coast Guard commander, even his Navy secretary.

Then he turned to Ken Salazar, his interior secretary. "When Ken Salazar became my secretary of the interior, one of his very first acts was to clean up the worst of the corruption at this agency," Mr. Obama said, referring to Mr. Salazar's oversight of the Minerals Management Service, the agency responsible for regulating offshore drilling. "But it's now clear that the problem there ran much deeper, and the pace of reform was just too slow."

Shortly before the speech, the White House announced that Mr. Salazar would be getting a powerful new deputy, Michael R. Bromwich, a veteran investigator and former prosecutor, to supervise the remaking of the minerals service. What was not mentioned was that Mr. Salazar had appointed two aides to do the same job just a month before, and that Mr. Bromwich's new assignment essentially reversed not only that move but also perhaps Mr. Salazar's entire overhaul plan for the minerals service.

Mr. Salazar's job is not in immediate jeopardy, and the president values the work he has done and will continue to do at the Interior Department, said Robert Gibbs, the White House press secretary.

But a senior administration official, who spoke of a delicate personnel matter only on the condition of anonymity said, "The president and the White House are watching very, very closely the pace of reform at Interior to see that progress is being made that truly cleans it up."

Mr. Salazar is a core member of what some environmentalists called a "green dream team" of environmental advisers appointed by Mr. Obama shortly after his inauguration. Others include Steven Chu, the energy secretary; Lisa P. Jackson, the Environmental Protection Agency administrator; and Carol M. Browner, a White House adviser.

But the Deepwater Horizon disaster and its fallout appear to have shifted the roles of the team members. Mr. Salazar, who started his job billing himself as the "new sheriff in town," has become noticeably less visible since the minerals agency's regulatory laxity came under attack, while Dr. Chu and Ms. Browner have moved to the fore. Ms. Jackson has focused closely on issues of air and water quality relating to the spill and has remained largely out of the limelight.

In the first weeks after the oil rig exploded on April 20, Mr. Salazar was one of the administration's chief spokesmen on the disaster. On May 2, he sat for interviews with four Sunday morning TV talk shows. For weeks, he appeared routinely at hearings on Capitol Hill, often saying of BP that "we have our boot on their neck to make sure they get the job done."

But in a May 27 news conference, Mr. Obama scolded Mr. Salazar for his cowboy rhetoric and acknowledged his impatience with the pace of change at the minerals service. In his address last week, Mr. Obama singled out Dr. Chu for praise, pointing out that he was a Nobel Prize winner leading a team of scientists and engineers working on the leak.

Meanwhile, criticism of the interior secretary by some environmental advocates has mounted since the spill. A group of scientists and conservation organizations wrote to Mr. Obama last week demanding Mr. Salazar's resignation, citing what they called his "flawed record on natural resources issues," including oil drilling, endangered species and coal leasing decisions.

Even former Interior Secretary Bruce Babbitt, who described himself as a friend of Mr. Salazar, said in an interview that the administration's response to the disaster had been slow and that its reform proposals too tepid.
"The administration took way too long getting its act together and in mounting a coordinated, aggressive response to the spill," Mr. Babbitt said.
In an interview Wednesday, Mr. Salazar defended his actions and said he continued to have Mr. Obama's support.
"I feel good about what I'm doing," he said, "and I'm very confident and I'm very resolute in our ability to get the job done, and I feel very good about my relationship with President Obama."
Mr. Salazar said that Mr. Bromwich was his choice for the job to overhaul the minerals service, although he said that Mr. Bromwich's name along with nine others had been given to him by the White House. "It was my decision and my offer," Mr. Salazar said.
And while he acknowledged that his overhaul of the service had been too slow, he said quicker moves would not have changed the outcome of the spill. "BP is the culprit here," he said.
Perhaps in response to the criticism, a posse of senators rode to Mr. Salazar's defense last week in a rescue operation coordinated by the administration.
Senator Richard J. Durbin, a powerful Illinois Democrat, noted in an interview that the president and Mr. Salazar had joined the Senate at the same time.
"There is a special bond there when you come in new to the Senate," Mr. Durbin said. "You're making the same mistakes and asking the same naïve questions. They went through that together. They trust one another and like one another."
The Senate majority leader, Harry Reid of Nevada, said Mr. Salazar was invaluable in lobbying senators during the health care debate and continued to have great support in the Senate.
"I don't think Ken Salazar has been taken to the woodshed or reprimanded," Mr. Reid said. "Salazar is someone who is held in high esteem by the White House."
Several officials painted Mr. Salazar as a tireless worker operating behind the scenes to stop the leaking oil well. "He's a workhorse," said Kendra Barkoff, the Interior Department press secretary. "Just because he's not out there doing TV doesn't mean he's not working his tail off."
Among the defenders was Mr. Salazar's older brother, Representative. John Salazar, Democrat of Colorado, who said the two of them had been visiting their ailing mother when the rig exploded.
"Ken was on his way back to D.C. the following morning to meet with BP and the other oil companies," Mr. Salazar said. "That night I called him at 10 and he was still working with them trying to figure out a strategy to best fix this situation."
He added, "He's actually enjoying the fight."

Spill and Government Agency Cleanup Test Salazar on the Job (*New York Times*)

June 20, 2010 Sunday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 20
Spill and Government Agency Cleanup Test Salazar on the Job
By JOHN M. BRODER and GARDINER HARRIS
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Mr. Salazar said that Mr. Bromwich was his choice for the job to overhaul the minerals service, although he said that Mr. Bromwich's name along with nine others had been given to him by the White House. "It was my decision and my offer," Mr. Salazar said.

And while he acknowledged that his overhaul of the service had been too slow, he said quicker moves would not have changed the outcome of the spill. "BP is the culprit here," he said.

Perhaps in response to the criticism, a posse of senators rode to Mr. Salazar's defense last week in a rescue operation coordinated by the administration.

Senator Richard J. Durbin, a powerful Illinois Democrat, noted in an interview that the president and Mr. Salazar had joined the Senate at the same time.

"There is a special bond there when you come in new to the Senate," Mr. Durbin said. "You're making the same mistakes and asking the same naive questions. They went through that together. They trust one another and like one another."

The Senate majority leader, Harry Reid of Nevada, said Mr. Salazar was invaluable in lobbying senators during the health care debate and continued to have great support in the Senate.

"I don't think Ken Salazar has been taken to the woodshed or reprimanded," Mr. Reid said. "Salazar is someone who is held in high esteem by the White House."

Several officials painted Mr. Salazar as a tireless worker operating behind the scenes to stop the leaking oil well. "He's a workhorse," said Kendra Barkoff, the Interior Department press secretary. "Just because he's not out there doing TV doesn't mean he's not working his tail off."

Among the defenders was Mr. Salazar's older brother, Representative. John Salazar, Democrat of Colorado, who said the two of them had been visiting their ailing mother when the rig exploded.

"Ken was on his way back to D.C. the following morning to meet with BP and the other oil companies," Mr. Salazar said. "That night I called him at 10 and he was still working with them trying to figure out a strategy to best fix this situation."

He added, "He's actually enjoying the fight."

ENERGY

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Push for energy policy (*Atlanta Journal-Constitution*)

June 20, 2010 Sunday
Main Edition
NEWS; Pg. 6A
Push for energy policy;
Addressing the nation last week on the Gulf oil spill, President Barack Obama urged legislation to reduce America's dependence on fossil fuels. The push to pass such a bill is expected to begin in earnest this week as Obama meets with Republicans on the issue.

By Bill Steiden; Staff
The situation

Obama came into office last year promising to address climate change and reduce the use of fossil fuels. The House passed a bill a year ago that would establish a cap on carbon emissions, but the idea has run into strong opposition in the Senate.

Cap and trade

The primary Senate bill is sponsored by Sens. John Kerry (D-Mass.) and Joe Lieberman, an independent from Connecticut. Among its main features are:

Cap and trade. Corporations that produce significant amounts of carbon emissions would have to buy permits at quarterly government-run auctions. An example: big utilities such as Atlanta-based Southern Co. Any carbon capacity unused under a company's permit could be could banked or sold. The cap would take effect in 2013, initially applying to utilities and oil companies, and later to manufacturers. Permitted amounts of greenhouse gas emissions would be drop to 0.75 percent below 2005 levels by 2013; 17 percent by 2020; 42 percent by 2030; and 83 percent by 2050.

Reports have suggested that permits might initially be given away to limit consumer costs.

Offsets. A portion of cap requirements could be met through carbon offsets, such as employing emissions-reducing technologies or planting specified numbers of trees.

Rebates. A proportion of the proceeds from the auctions would go to a fund that would provide energy cost rebates to taxpayers. The rebates would be intended to offset the increased cost of energy under the cap system. Beginning in 2026, a quarter of the revenues would go to deficit reduction.

Subsidies. The bill would provide tens of billions of dollars in subsidies over 10 years for developing clean transportation, alternative energy, nuclear power and technologies to reduce the pollution from fossil fuels such as coal and oil.

Offshore drilling regulations. The bill would allow any state to prohibit drilling less than 75 miles off its coast and stop the use of any rig it determines is unsafe. But it would also provide incentives for states to consent to drilling by allowing them to share in the revenues.

Alternatives

Though Obama encouraged action on the Kerry-Lieberman bill in his Tuesday speech, he made no specific mention of cap-and-trade. Many observers interpreted it as a sign he would be open to a bill that would dump the carbon cap but still promote alternative power sources and energy efficiency.

Senate Democratic leaders late last week met behind closed doors to begin discussing

alternatives, including whether such measures could be incorporated into an expected July bill aimed at preventing a repeat of the BP oil spill.

Among them, according to Bloomberg Business Week, are:

A proposal by Sen. Richard Lugar (R-Ind.) that would skip cap-and-trade and instead concentrate on encouraging faster development of lower-emissions energy sources. It would provide funding and incentives not only for alternative sources, such as wind and solar, but for nuclear power and technologies that limit carbon emissions by capturing and storing pollutants released by burning coal.

A plan by Sen. Jeff Bingaman (D-N.M.), chairman of the Senate Energy and Natural Resources Committee, that likewise would forgo direct regulation of greenhouse gases in favor of a requirement that utilities obtain 15 percent of their power from renewable sources by 2021.

Objections

Sen. Lindsey Graham (R-S.C.) was working on the bill with Kerry and Lieberman until shortly before its May introduction. Over time, however, the GOP has soured on cap and trade, labeling it a "job-killing tax" --- a charge Senate Minority Leader Mitch McConnell reiterated after Obama's speech last week, accusing the administration of "holding the Gulf hostage to a national energy tax."

The **Environmental Protection Agency** estimates the greenhouse gas cap would cost $79 to $146 per year per household, but Republicans insist the cost would be much higher. They also contend that the bill would do little to cut greenhouse gas emissions, citing Europe's experience with similar regulations.

Without at least one Republican vote, the legislation can be blocked with a filibuster. And some Democrats, such as Louisiana's Mary Landrieu, have also voiced reservations.

Prospects

After so much rancor, can Democrats and Republicans work together on an energy bill? Perhaps, if Democrats succeed in moving beyond cap and trade --- a difficult prospect, given the strong support it has on the left wing of their party --- and can couple it with popular measures to deal with the oil spill.

Sources: Bloomberg Business Week, Associated Press, Washington Post, POLITICO, National Journal

FUEL

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Neb. leaders criticize ethanol decision delay (*Associated Press*)

Story also appeared: *KCAUTV, ABC 9 News*

Associated Press - June 19, 2010 11:05 AM ET
OMAHA, Neb. (AP) - Members of Nebraska's congressional delegation are criticizing the federal Environmental Protection Agency's postponing a decision on whether U.S. cars can handle higher concentrations of ethanol in gasoline.
The agency had been expected to decide by this month whether to increase the maximum blend from 10 to 15%. It has put off that decision until the end of September.

Both U.S. Sens. Ben Nelson and Mike Johanns of Nebraska, as well as Rep. Adrian Smith from Nebraska's 3rd District, expressed disappointment over the delay.

Johanns says the delay will "mean even more uncertainty for our farmers and ethanol producers."

Nelson says the EPA's delay, among other things, puts jobs in Nebraska and elsewhere at risk and prevents compliance with the federal Renewable Fuel Standard.

TROUBLED PROMISE: Little oversight, looming problems for Pa. gas industry (*Times Tribune*)

by laura legere (staff writer)
Published: June 20, 2010
As the nation remains riveted by the deadly explosion and ongoing environmental catastrophe of a deep-water oil rig accident in the Gulf of Mexico, the need for oversight, public information and disaster-response plans in efforts to extract the Earth's fuel resources has come into sharp focus.

In Pennsylvania, the troubled promise is in the Marcellus Shale, a natural gas-rich geological formation below three-fifths of the state that holds enough recoverable gas to satisfy all of America's gas needs for more than a decade.

A six-month investigation by The Times-Tribune, including a review of thousands of pages of Department of Environmental Protection documents made available through a Right-to-Know request and interviews with regulators, citizens and scientists, shows the limits of the current regulatory environment to prevent contamination of the state's land and water during deep gas drilling in the shale.

It reveals costly environmental and safety errors made by a growing industry that has become the state's economic hope, and details the often frustrated efforts of regulators to police it using outdated laws and incomplete information.

The investigation found:

- There have been hundreds of spills at natural gas well sites in the commonwealth over the last five years, the vast majority of which have never been publicized by the DEP.

- The massive effort to exploit the shale has left an indelible mark on the landscape and communities in the state's Northern Tier and southwestern region, bearing both economic benefits and environmental costs. Experiences in those regions offer a preview of gas development in the seven counties of Northeast Pennsylvania, where a dozen Marcellus Shale operators hold leases to drill.

- Despite industry claims that it discloses all of the chemicals it uses in the gas extraction process, DEP documents from a series of spills in Susquehanna County show that the industry's disclosure is incomplete and insufficient for determining contamination in soil and water.

- A growing chorus of scientists is arguing that not enough is known about the effect widespread gas drilling will have on water supplies, air quality and human health to justify the intensive development of the resource already taking place.

"There's a massive industrialization experiment happening in West Virginia and Pennsylvania right now," said Anthony Ingraffea, a Cornell University engineering professor who has studied rock fractures in oil and gas wells for two decades.

"It might sound cruel to say this, but people in New York are very happy to see that West Virginia and Pennsylvania jumped in with both feet, eyes closed, as quickly as they could.

"We're learning from your mistakes. You're the guinea pigs."

Two goals

Among the six states underlain with Marcellus Shale, Pennsylvania has the largest portion of the gas-bearing rock and the most current wells. It will be wedded to the industry for the century and the 380,000 to 760,000 wells the industry estimates it may take to drain the shale's promised reserves.

The state has already benefited from a tremendous investment, including $1.8 billion in up-front lease bonuses paid to property owners in 2009 alone in exchange for the right to prospect below their land.

But Pennsylvania has never performed a comprehensive study of the accumulated impacts of drilling on a community or a watershed.

It has never declared a high-value watershed - like those around the reservoirs that feed Syracuse and New York City - off limits to gas extraction, as New York State has effectively done.

And Pennsylvania has never attempted to stop or slow the deep drilling since the first Marcellus well was sunk six years ago, unlike New York, which has imposed a moratorium on Marcellus Shale drilling as the state crafts an environmental impact statement, and unlike the interstate commission that regulates water quality in the Delaware River Basin.

Calls for caution have increased after a Marcellus Shale well in Clearfield County blew gas and waste fluids uncontrollably for 16 hours on June 3. State Sen. Jim Ferlo, D-38, Allegheny County, introduced legislation last week to pause drilling on both private and public lands in the state for a year.

Industry groups say calls for a moratorium are misguided. They emphasize that the gas companies' economic interests are naturally aligned with environmental interests.

"The only thing that differentiates you as a corporation is your image, your reputation, your costs and workforce, and innovation," Kathryn Klaber, the head of the Marcellus Shale Coalition, said. "Environmental compliance is a much bigger part of who you are."

Matt Pitzarella, a spokesman for Range Resources, one of the largest Marcellus Shale leaseholders in the state, simplified the equation: "We will make more money if we do it the right way," he said.

But last week, at a hearing about the Clearfield County well accident, DEP Secretary John Hanger said he is "not pleased" with the industry's environmental performance and that his own agency is not yet up to his highest standards.

"This industry's got to be better," he said. "There's too many leaks, there's too many spills, there's too many incidents of gas migrating."

He has a goal for the industry and his regulatory agency to be world class, he added. "We're not there."

The commonwealth's environmental regulator must balance simultaneous aims: "to produce the gas and protect the environment as we do that," Mr. Hanger often repeats.

In the field, those directives can become more complicated.

In early 2009, after witnessing a string of diesel spills at Cabot Oil and Gas Corp. drilling sites in her small Susquehanna County township, resident Victoria Switzer appealed to

one of the state's environmental regulators to impose stiff fines and stop the accidents before they worsened.

At the time, there were two inspectors to police the proliferating wells being drilled in Northeast Pennsylvania counties. Then as now, drillers were expected to report any spills to DEP, as required by law.

But as he stood near her home in Dimock Twp. the regulator told Mrs. Switzer that the agency had to moderate its penalties or risk being sued by the gas companies - taking inspectors out of the field and into courtrooms to defend their decisions.

Worse, he said, the agency feared that if it was too hard on the gas companies, they might stop reporting their spills.

'We could stand to catch our breath'

Difficult decisions about how and when to curb an industry that is acclimating to the state's current and changing laws have become commonplace for the state's environmental oversight agency.

According to Scott Perry, head of DEP's Bureau of Oil and Gas Management, the regulatory agency does not have the legal right to hit the brakes on the whole industry the way New York has done.

Instead, the agency can restrict individual companies that have committed particularly severe violations after the fact - a tool it infrequently uses.

In April 2010, the department selectively halted drilling operations by Cabot in a 9-square-mile area, and stopped issuing permits for it to drill elsewhere, after it found the company failed to correct problems with its wells that caused methane to seep into residents' drinking water in Dimock.

In his testimony last week, Mr. Hanger asked legislators to craft a law with "crystal clear language" giving DEP the authority to withhold permits from operators with unsafe practices, since its current authority could be open to challenge by companies.

Even without a law, "we don't hesitate to take those actions when they are required," he said.

But last fall, legal hurdles apparently contributed to DEP officials' decision to reject the most stringent options for stopping Cabot's operations, even as the company experienced its 19th, 20th and 21st spills at its drilling sites in the rural township in less than two years.

Over two days in September, pipes and hoses carrying a water and chemical mixture across a steep hayfield breached three times, dumping about 8,400 gallons of the fluid

around a Cabot well site and allowing up to 1,900 gallons of it to leak into a wetland and creek.

In internal e-mails in the days after the spills, Jennifer Means, the oil and gas program manager in DEP's Williamsport office, wrote that she "wholeheartedly endorsed" either revoking drilling permits the company was already issued or halting pending permits "to slow down their future activity."

It "would go a long way with the public" whose "biggest frustration... is the rate at which they are allowed to continue given all these incidents," she wrote.

"Also - we could certainly stand to catch our breath."

But after the agency's top attorney warned about procedural hurdles to suspending permits under state law, the department decided not to take that step.

It opted instead to issue a narrower order that curtailed - but did not halt - the company's operations, and allowed Cabot to resume full development after three weeks.

'Self regulation doesn't work'

Like the offshore oil rigs that have come under national scrutiny, Marcellus Shale drilling operations are regulated by laws and agencies that rely heavily on the industry's cooperation in policing itself.

In Pennsylvania, Marcellus Shale gas producers are responsible not only for reporting their own spills, but for leading their clean-up operations and, with guidance from state regulators, for assessing the damage done by their mistakes.

At the Marcellus Shale Policy Conference in Pittsburgh last month, Mr. Hanger called for stronger rules to help prevent drilling from polluting the state's streams and air. "Self-regulation doesn't work," he said.

But even proposed rules to improve the requirements of the cement and steel casing that protects an aquifer from a natural gas well will still rely on the companies to perform their own quarterly inspections of the integrity of their wells.

Shortly before those new regulations were prepared for public comment, Mr. Hanger said a mixture of company reporting and department inspection is appropriate.

"We make it very clear to companies that hold permits that filing misinformation or wrong information or deliberately inaccurate information is a very serious matter," he said. "Any company that is sloppy or, even worse, deliberately false, is almost surely going to get itself into very deep and hot water. They don't want to go there."

'We're changing lives'

Marcellus Shale gas operators, many of which have national or international operations and are publicly traded companies, frequently surpass the state's safety and environmental requirements - a fact state regulators often mention to calm public concern about the safety of the process.

At twilight on a May evening, George Stark stood wearing a hard hat and safety glasses at the foot of a state-of-the-art drilling rig ablaze with stadium light in a Dimock field.

Cabot's newly hired public relations manager pointed out the safety features on the rig, contracted from Patterson-UTI Drilling Company, including a system of tanks and filtration devices, called a "closed-loop" system, that makes it so used fluids and mud can be reused on-site without ever flowing into a lined earthen pit.

The pits are prone to leak, like the one at a Cabot site in the same township that DEP found contaminating groundwater weeks earlier. Pits at 29 of the 364 Marcellus wells drilled in the state this year were improperly constructed or maintained, according to DEP records.

Cabot has been operating in Dimock since 2006, but the series of wells being drilled with the Patterson rig are the first the company developed using a closed-loop system - a best practice that is not required by Pennsylvania law.

Beneath the rig, workers placed a giant mat of black, heavy plastic on the acres of flat earth - a guarantee that most anything spilled on site would not hit the ground. The company had been using that best practice for about eight months.

Earlier in the evening, on a tour of a reclaimed well site where deer nibbled on clover near tanks and a metering station hooked up to a completed well, Mr. Stark listed highlights of the investment Cabot has made in Susquehanna County: The company has leased more than a third of the county's total acreage. It paid property owners $75 million in 2009 alone to acquire the right to drill on their land. Between 2006 and 2009, the company spent $500 million on its operations in the county. In 2010, it expects to spend $400 million more.

"We're changing lives," he said, "in a positive way."

Tough love and tough rules

Not everyone agrees with Mr. Stark.

After speaking with Dimock residents who have experienced water contamination from Cabot's drilling, Robert F. Kennedy Jr. drove through the township's winding roads to a barbecue stand in a trailer parked on the side of Route 29 - one of the businesses in the township that has been born or altered to cater to the industry workers.

Mr. Kennedy, president of Waterkeeper Alliance and a professor at Pace University School of Law's Environmental Litigation Clinic in New York state, drew a comparison between the confused and apparently insufficient regulation of offshore oil drilling, with the regulation of onshore energy extraction, like Marcellus Shale production.

Unfortunately, he said, "I think that's a template for what's happening all across the country."

The best technologies and enforcement practices necessary to minimize mistakes by natural gas drillers are well known, he said, but they are rarely adopted by governments and imposed on the industry.

"What they need is tough love from the regulators and from themselves," he said as he drove.

"They need restraint. They need tough rules that allow them to make money, and big money, but force them to do it in a way that's not going to penalize the public."

Mr. Kennedy said the gas industry's record of mistakes is contributing to a growing public reaction against gas extraction in Pennsylvania and drilling regions across the country. That is unfortunate, he said, because natural gas is a cleaner-burning alternative to traditional fossil fuels and will play a critical role in leading the country away from oil and coal and toward green energy solutions.

"Nobody's going to believe that about them when they're doing these kind of shenanigans," he said.

"Nobody's going to believe that they're good guys when they're blowing up people's houses and poisoning their wells."

Contact the writer: llegere@timesshamrock.com

HAZARDOUS WASTE

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AZ utilities opposing proposed US coal-ash rule (*Arizona Daily Star*)

David Wichner Arizona Daily Star | Posted: Sunday, June 20, 2010 12:00 am
Tucson Electric Power Co. and other coal-burning Arizona utilities are opposing proposed federal rules that would designate coal ash as a hazardous waste, calling them costly and unnecessary.
Spurred by the disastrous failure of a dam holding back millions of cubic yards of wet coal ash in Tennessee in 2008, the U.S. Environmental Protection Agency announced

last month it was proposing for public comment two plans for regulating coal ash storage and disposal.
One set of proposed rules would designate coal ash as "special waste" and bring ash impoundments at coal-fired power plants under federal regulations governing hazardous waste.

Another option would keep coal ash regulated by state authorities, while adding national minimum standards for coal-ash storage and disposal, including mandatory lining of storage impoundments and groundwater monitoring.

Environmental groups say the hazardous-waste treatment of coal ash is long overdue, citing the risk of cancer and other health problems related to toxins in the coal waste. Coal ash contains toxic substances including mercury, cadmium and arsenic.

"It needs to be dealt with for what it is, a toxic substance and not something you can throw in your back yard and not worry about," said Rob Smith, Phoenix-based senior organizing manager for the Sierra Club.

But Arizona utilities say their facilities are safe and have opposed a move to label coal ash as hazardous.

Coal-ash storage ponds at two Arizona power plants - Arizona Public Service Co.'s Cholla Power Plant near Holbrook and Arizona Electric Power Cooperative's Apache plant near Willcox - are on an EPA list of sites with "high hazard" potential because of their proximity to populated areas and the attendant risk to human health.

But the utilities say current state regulation - which involves groundwater permits and monitoring and dam-safety inspections - is adequate, and classifying coal ash as hazardous could end or sharply curtail recycling of ash for use in making cement for concrete.

REGS could add to costs

Regulating coal ash as a hazardous waste would add significant costs that ultimately would be borne by ratepayers, utility officials say.

The proposal to regulate coal ash as hazardous waste - including converting to dry storage - would cost utilities an estimated $20 billion, the EPA says.

The exact cost to each utility is unknown.

"Our concern is the cost of compliance and a reduction in the market for recycling ash, because it really is a good system we have in place now," TEP spokesman Joe Salkowski said.

TEP generates about 1.3 million tons of coal ash annually at its Springerville Generating Station in eastern Arizona. It also generates about 30,000 tons per year in Tucson at the Sundt Generating Station, near East Irvington Road and Interstate 10.

Most of the ash generated at Sundt is hauled away for recycling, depending on demand for the material, Salkowski said. Ash from Sundt that is not recycled is transported for long-term storage in a dry landfill at Springerville.

All the ash from Springerville is stored in the on-site landfill, for lack of a market for ash from the relatively remote plant, Salkowski said.

The Springerville landfill is not considered a significant or high hazard by the EPA. Dry landfills are considered less of a risk than wet storage, and TEP regularly monitors groundwater at the landfill for contamination under its state aquifer permit, Salkowski noted.

no violations IN STATE

Arizona Electric Power Cooperative (AEPCO), which provides power to member co-ops including the Trico Electric Cooperative in the Tucson area, has seven lined ponds at its Apache plant that fall under the EPA's "high hazard" designation.

The impoundments have never had a major release or been found in violation of groundwater-protection rules, said Jim Andrew, AEPCO's manager of planning and regulatory affairs.

The "high hazard" designation comes from the fact that two homes are located downstream from the containment ponds, AEPCO noted. The EPA also cited the possible impact of a spill on nearby U.S. Highway 191.

AEPCO regularly monitors and inspects its ponds for leakage and is subject to inspection by the Arizona Department of Environmental Quality, Andrew noted.

"We feel this facility is being run in a way that protects human health," he said.

The Department of Environmental Quality has not officially cited AEPCO for violations of the aquifer permit rules, but in December 2008 the agency issued the utility a "notice of opportunity to correct deficiencies" following a November inspection.

Inspectors found waste in one area piled higher than allowed, a leaky pump and improperly kept inspection records. The ADEQ closed the matter in June 2009, finding AEPCO in "substantial compliance" after correcting the problems.

Based on an EPA structural inspection of the Apache ponds in September, the facility earned a "satisfactory" rating, though the agency recommended improvements including repairs to several embankments, the addition of automatic pump controls and additional water-level sensors.

STATE opposes new reGS

The power co-op also is concerned about its ability to recycle coal ash under a hazardous-waste designation.

AEPCO recycles 85 to 100 percent of its coal ash through an on-site marketer who sends it via truck or rail to cement plants, Andrew said.

Arizona Public Service also is opposed to the hazardous-waste designation, which it fears could curtail ash recycling, spokesman Damon Gross said.

APS - which also got a "satisfactory" rating from the EPA after a structural inspection in September - recycles about 50 percent of the coal ash from its Cholla plant, Gross said.

State regulators also have weighed in to oppose new federal regulation of coal ash. "We don't see this as an issue in search of a national solution by designating coal ash as hazardous waste," ADEQ Director Ben Grumbles said.

Current state regulation is working well, he said.

Undercutting the market for recycling coal ash could do more harm than good, Grumbles said. "It's important we look at ways to reduce pollution, and continue to use coal ash in a beneficial ways," he said.

Besides ADEQ's oversight under aquifer-protection permits, the state Department of Water Resources regulates some dams used to contain coal-ash slurry in ponds.

The water agency - which regulates dams 25 feet tall or higher or that hold 50 acre-feet of water or more - has not cited any ash-pond operators for violations, said Mike Johnson, its assistant director and chief engineer.

However, Johnson said the agency conducts regular inspections and has prompted dam operators to beef up maintenance and monitoring in some cases.

Sierra Club concerned

The Sierra Club's Smith said he's less confident in state regulation, contending that states are typically more lax on environmental regulation than federal regulators. The absence of major coal-ash spills in Arizona is no reason for complacency, he added.

"Just because not much has happened doesn't mean it's not going to happen - the Gulf oil spill is a good example of that," Smith said.

WHAT'S NEXT

The EPA's proposed rules, announced last month, are expected to be published in the Federal Register next week, kicking off a 90-day public-comment period after which EPA Administrator Lisa Jackson will make a final decision.

WHY NOW?

In its notice of proposed rulemaking, the EPA specifically cited the December 2008 failure of a coal-ash impoundment dam at the Tennessee Valley Authority's Kingston, Tenn., power plant that left 300 acres covered in sooty coal-ash muck.

Contact Assistant Business Editor David Wichner at dwichner@azstarnet.com or 573-4181.

PESTICIDES

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June 18, 2010

Dispute Over Pesticide for California Strawberries Has Implications Beyond State (*New York Times*)

By MALIA WOLLAN

SACRAMENTO — Even as the sweet strawberry harvest reaches its peak here, a bitter disagreement has erupted between the State Department of Pesticide Regulation and a scientific review committee over the approval of a new chemical, the outcome of which could affect farmers across the country.

In a report and in public testimony Thursday before the State Senate Food and Agriculture Committee, members of the review committee said the state's decision to approve the new pesticide, methyl iodide, was made using inadequate, flawed and improperly conducted scientific research.

"I'm not in blanket opposition to the use of pesticides, but methyl iodide alarms me," said Theodore A. Slotkin, a professor of pharmacology and cancer biology at Duke University Medical Center and a member of the scientific review committee. "When we come across a compound that is known to be neurotoxic, as well as developmentally toxic and an endocrine disruptor, it would seem prudent to err on the side of caution, demanding that the appropriate scientific testing be done on animals instead of going ahead and putting it into use, in which case the test animals will be the children of the state of California."

But farmers here — who grow nearly 90 percent of the nation's strawberries, a $2 billion a year industry — say the state's proposed regulations would far exceed those set by the federal government for the chemical, which they argue would be deployed safely and only when needed.

"The 500-plus growers of strawberries in the state are largely family farmers who live where they grow," said Carolyn O'Donnell, spokeswoman for the California Strawberry Commission. "When they make decisions about how and where they farm, they make those decisions with the health and safety of workers and the community in mind."

For decades, farmers injected another chemical, methyl bromide, into the soil before planting strawberries. Then the Montreal Protocol international climate treaty banned methyl bromide, saying it had been found to deplete ozone. That sent regulators, farmers and the chemical industry scrambling for an alternative.

They found methyl iodide, a chemical less harmful to the ozone, but with more potential hazards to human health. In 2007 the chemical was approved by federal environmental regulators to the chagrin of many scientists. More than 50 chemists and physicians, including members of the National Academy of Sciences and Nobel laureates, had asked the federal Environmental Protection Agency not to approve the chemical.

Despite federal approval, California requires that new pesticides go through a second review, a process that federal regulators have said they are watching closely and that could lead to a re-evaluation by the Obama administration.

California has provisionally approved methyl iodide and will issue a final decision after the public comment period ends June 29.

During Thursday's hearing, pesticide regulators voiced confidence in the scientific basis for their decision.

"The review associated with this material is the most robust and extensive in the history of the department," said Mary-Ann Warmerdam, director of the state regulatory agency.

Ms. Warmerdam said that based on the available data, the chemical could be used safely with precautions like respirators, impermeable tarps and extra restrictions on use around schools, businesses and homes.

The scientific review committee, which was commissioned by the regulatory agency, vehemently disagreed.

"This is without question one of the most toxic chemicals on earth," said John Froines, professor of environmental health sciences at the University of California, Los Angeles. "You don't register a chemical when you don't have the necessary information you need."

Once out in the environment, neurotoxic chemicals like methyl iodide contribute to neurodevelopment disorders including learning disabilities, conduct disorders, autism spectrum disorders and attention-deficit hyperactivity disorder, said Dr. Slotkin, who called such health disorders a "silent pandemic."

State Senator Dean Florez, a Democrat who leads the Food and Agriculture Committee, said, "If we're going to have to make the decision about using a toxic chemical like this, I'd like elected officials in the state of California to make this decision, not a non-elected agency and an outgoing Republican administration."

SUPERFUND

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Cleanup at base a focus of meeting (*Boston Globe*)

June 20, 2010 Sunday

REGIONAL; South; Pg. 1
By Emily Sweeney, Globe Staff
The former South Weymouth Naval Air Station - home to the proposed mixed-use development SouthField - is a Superfund site that has contaminated areas that need to be cleaned up and doesn't have enough water to serve the thousands of homes to be built there.

Those are two of the major issues that will be discussed June 30 at an informational meeting hosted by the Advocates for Rockland, Abington, Weymouth, and Hingham, a volunteer watchdog group that has been closely following redevelopment of the shuttered military base.

Federal environmental officials say the land where the mixed-use development would go is fine and ready for construction. But the Advocates citizens group won a $50,000 technical assistance grant last year from the US **Environmental Protection Agency,** and enlisted consultants to review the environmental cleanup efforts and the plans to build 2,855 homes and 2 million square feet of commercial space on the old base, which closed 13 years ago.

The two consulting firms - E{+2} Inc. and Cambridge Environmental Inc. - have looked at several issues that need to be addressed before the new ``smart growth'' community of SouthField can be built. Mary Parsons, a former Rockland selectwoman and founding member of the Advocates group, said the goal of the June 30 meeting is to ``enlighten folks about what's going on over there.''

Parsons, who lives near the base, said: ``People should care. At some point people are going to be living or working on that base. They should know what's there.''

One issue of concern is water. The developers' original plan was to build a 6-mile pipeline connecting SouthField with the Massachusetts Water Resources Authority system, but according to E{+2} Inc.'s report, the pipeline has not been designed or funded. For now, the developers plan to use water from Weymouth's system to supply the first 500 homes.

Another issue is waste water. The Advocates have asked consultants to look at the proposed on-site sewage treatment plant, and examine what effect that could have on French's Stream, which runs through part of the base.

The group is also concerned about the financial impact SouthField could have on surrounding towns, and how municipal services - schools, police, fire protection - will be provided.

The South Shore Tri-Town Development Corporation, which acts as the municipal government of the base, is a temporary entity that's set to dissolve by 2053. After that, according to E{+2} Inc., ``Surrounding towns may, in the future, shoulder the financial burden of providing municipal services to the SouthField community."

The master developer, LNR Property Corp., disagrees. The Miami Beach-based company says surrounding towns will not be hit with the tab for municipal services because South Shore Tri-Town is now in the position to collect tax revenues to cover such costs.

There are also environmental issues still to be resolved.

The Navy has been leading cleanup efforts on the base, but much work remains.

``We've got a number of big sites that still need a remedy. It's going to take a couple more years before those get in place," said Kymberlee Keckler, a remedial project manager with the **EPA**, the lead regulatory agency overseeing the Navy's cleanup.

Keckler said the land owned by the LNR Property Corp. is fine, and ready to be built upon. The contaminated areas scattered across the 1,400-acre property don't pose a danger, she said, because ``there's really no one on the base right now. It's limited access. A lot of it is ground-water contamination, too, and that's not something you'd be exposed to, even if you were trespassing."

Cambridge Environmental Inc. recommended that additional ground-water testing samples be collected at Hangar One, since the last ones were collected in 2002. The June 30 meeting is expected to focus on the consultant's report on contamination at Hangar One and on E{+2} Inc.'s preliminary report on the water and sewer situation at the former base. According to the Advocates group, copies of both reports will be available at the meeting, which starts at 7 p.m. in the Jones Room of the Tufts Library, at 46 Broad St. in Weymouth. Residents of Abington, Rockland, Weymouth, and Hingham are invited to attend.

Redevelopment of the former base has been in the works for years.

The watchdog group says SouthField, on the drawing board since 2002, is a complex project that has been tedious to follow, even for its members.

``We were just people going to the meetings, asking questions," said Dominic J. Galluzzo, a Weymouth resident and outspoken critic of the project.

Area residents may be out of the loop because of the nature of the project and the length of time it's taken, he said.

``It's become so drawn out, and there's been so many twists and turns in the road," said Galluzzo. ``We want to make sure this project will not hurt the surrounding

communities."

Keckler said the **EPA** is trying to keep the community engaged in the process.

``We oversee everything the Navy's doing. In general they're doing a pretty good job," said Keckler. ``There is oversight."

Emily Sweeney can be reached at esweeney@globe.com Follow her on Twitter @emilysweeney.

TOXICS

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Planning to Repaint? Read This First (*New York Times*)

June 20, 2010 Sunday
Late Edition - Final
Section RE; Column 0; Real Estate Desk; Pg. 1
By MARC SANTORA
HOMEOWNERS and contractors considering renovation projects are grappling with the impact of a new Environmental Protection Agency regulation designed to shield children from exposure to lead paint.

Since April 22, all professional renovation projects in apartments and homes built before 1978 -- the year the use of lead in paint was banned -- that test positive for lead has had to meet federal guidelines and be performed by workers certified in lead-safe practices. Many older apartments in New York, remodeled more than once over the years, have long since been divested of their lead paint. But in a number of cases, contractors said, complying with the new rules could more than double the cost of renovations.

New York City already has some of the country's strictest lead-paint laws, but the new regulation is being met with concern among contractors and building managers. The main difference for homeowners in New York is that guidelines regulating work in common spaces will be extended to individual apartments. Any area greater than six square feet that tests positive for lead paint is included.

The possibility of higher renovation costs could be a factor in the decision to buy an older apartment, brokers said. Already, co-op boards have reported tensions with new residents who bought apartments before the rule went into effect and were surprised at the added costs that would now come with any remodeling.

"Potentially, this could have very big consequences," said Nicholas Ricci, the owner of Professional Services Inc., a construction and remodeling company in New York.

"Everyone is still trying to figure out what it is exactly that the law requires."

Although the E.P.A. says more than 25,000 professional contractors and other workers in New York have received the required certification, many condominiums and co-ops rely on handymen and superintendents to do work like painting and plaster repair inside apartments -- especially when the jobs are small.

For bigger projects, said Stuart M. Saft, the chairman of the Council of New York Cooperatives and Condominiums, "in the past the supers and the building staff have been very careful not to get involved in lead paint removal. When they realized there is a lead-paint situation, they called in outside experts."

But as the new regulation governs areas as small as six square feet, a super contemplating a minor repair job in a building would now need to be trained to work safely in the presence of lead.

Even for the simplest job there will be a higher price tag, according to contractors. For instance, because of the precautions, the repainting of a room that would have cost $500 could now cost more than $1,000.

To start with, furniture and equipment has to be wrapped in plastic at least 6 mils thick (a typical kitchen trash bag is around 1 mil). Similarly, floors, doorways and windows have to be lined with plastic and workers must wear protective gear.

There are also special vacuums needed for cleanup, costing as much as $850. Training and certification classes cost roughly $180 to $250 per student, and a business would have to pay an additional $300 to register as certified.

Todd Recknagel, the chief executive of Mr. Handyman, a national home service and repair company, said most consumers were unaware of the new regulation and the added cost.

"I would safely say most people are surprised by it," he said. "We are educating the consumer on it out in the field."

On national industry Web sites, which provide the cover of anonymity, the tone of contractors has been apocalyptic.

"All contractors should just continue as usual," posted a man named Frank on a message board on the Home Construction and Improvement Web site. "If everybody refuses to do this what are they going to do, put us all in jail?"

Many people expressed concern that, with the real estate market still fragile, the regulation would both stifle construction spending and hurt the value of older homes. There were similar concerns expressed in New York City after a local law went into effect in 2004 -- but the new E.P.A. regulations are more sweeping.

The battle over the new regulation has been long and contentious. It was in 1992 that Congress passed legislation directing the E.P.A. to write the regulation. But, because of fierce opposition from the construction industry, it was not completed until 2008, under pressure from environmental and public health advocates. And it did not take effect until this spring.

"Almost a million children have elevated blood-lead levels as a result of exposure to lead hazards," said Steve Owens, the assistant administrator of Office of Chemical Safety and Pollution Prevention at the E.P.A., "and one key source of exposure is improperly performed renovation, repair and painting work.

"Young children are most at risk of harmful health effects, including lower intelligence, learning disabilities and behavior issues," he added. "Using lead-safe work practices during renovations is a safe, reliable and effective way to minimize lead-paint dust exposure to children and other residents."

While one might assume that older cities like New York, which has millions of apartments built before 1978, would be the most widely affected, Daniel Kozlov, the project manager for New York Modern Interiors, which specializes in renovations, says that over the years many apartments have already been renovated and are likely to be free of lead.

If lead is present, people can choose to do the work themselves and avoid any E.P.A. regulations, since the law applies only to professionals.

Mr. Kozlov, who is certified in lead-safe practices, said he expected some contractors to try and skirt the rules and undercut competitors. "But in the near future," he said, "I am sure you will hear about someone not using safe practices and being fined, and that will get people in line."

The fines for noncompliance are up to $37,500 per violation -- for example, not taking proper precautions to contain and clean up dust.

Enforcement will largely be up to contractors and residents, who could report suspected violations to the E.P.A. or the city.

Contractors and handymen are required to keep detailed records of the work they do when lead is present, including photos, which could be reviewed by inspectors if a complaint was made.

Given the hurdles that already exist to undertaking construction in the city, it is unclear what the effect of the regulation will be on professionals and homeowners.

"It is really too early to say something definitively," said Clifford D. Siegel, a contractor and treasurer of the Building Industry Association of New York City. He said the

association was urging its members to get the added training and comply with the new regulation.

"In the scheme of doing business in New York City," Mr. Siegel said, "this is just one of many things you have to deal with."

EPA's solution on reservoir mercury? Bury it in sand (*MetroWest Daily News*)

By David Riley/Daily News staff
The MetroWest Daily News
Posted Jun 20, 2010 @ 12:30 AM

Environmental regulators want to cover about 84 acres of the bottom of a reservoir on the Sudbury River in Framingham with a six-inch layer of sand to further bury mercury that renders the waterway's fish too dangerous to eat.

The targeted section of Reservoir No. 2 is north of the Fountain Street bridge near the Ashland town line. Fish in that section of the river, or "reach," pose the greatest health risk if eaten, according to the U.S. Environmental Protection Agency.

In a proposal the EPA will begin laying out for residents in public meetings this week, the agency wants to let much of the rest of the river recover naturally. It proposes monitoring to make sure nature is taking its course, with some particular attention to Great Meadows National Wildlife Refuge in Sudbury.

The EPA says the project would cost an estimated $8.5 million and take about two years to complete.

Regulators hope that capping the reservoir's base will cut mercury concentrations in fish to edible levels decades sooner than if the waterway is left to recover at its own pace there.

"Our goal would be to effectively cap and reduce the availability of mercury in that reach, such that fishing in that reach over a more reasonable timeframe - instead of 70 years, more likely between 10 and 30 years - would be suitable for consumption," said Dan Keefe, project manager for the EPA.

The work would affect most of the reservoir, which is about 110 acres, Keefe said.

The agency hopes to set up a staging area on about 2<+>1<+>/<->2<-> acres owned by the state Department of Conservation and Recreation in Framingham along the reservoir, near the Fountain Street bridge.

The EPA would ship sand there by truck or train - there is a rail spur on the site - and use a conveyor system to stockpile it either on a dock or stationary barge.

A mobile barge would venture out onto the reservoir and apply the sand to the bottom, using a machine to spread the sand over the surface or a pipe to apply it to the bottom, mixed with water.

Keefe said the property is not bordered by any homes, but its exact location wasn't available Friday.

The EPA established in previous health studies that there is no risk from living near the river, boating in it or coming in incidental contact with it. Mercury only poses a risk to those who eat the Sudbury's fish; it can damage the nervous system, brain, kidney, liver and immune system.

Much of the pollution in the Sudbury came from the former Nyanza dye company site in Ashland, although conservation groups say emissions from Midwestern power plants have also deposited the metal in the river. Regulators estimate textile dye-makers dumped 45 to 57 metric tons of mercury into the river from Nyanza until the 1970s.

In gauging levels of risk, regulators considered the exposure that recreational fishermen, both adults and children, would face from eating about 50 fish meals a year, half of them from the Sudbury. In most areas of the river that exceed the risk level, it's by a marginal amount, Keefe said.

However, only by eating fish from Reservoir No. 2 would both children and adults be exposed to potentially harmful levels of mercury, says the EPA's proposal.

The agency considered 11 cleanup options, from doing nothing, to laying down sand or a more restrictive type of barrier on highly contaminated areas, to dredging problem areas.

The EPA spent about two or three years developing and calibrating a computer model of the river, from its chemical makeup to its flow, to test each option, Keefe said.

"That's been really the lion's share of the work for the past year," he said.

Simulations showed that dredging would stir up enough mercury in the water to increase mercury levels in fish, Keefe said. In most parts of the river beyond the Framingham reservoir, the EPA expects mercury levels to decrease in fish to safer levels in less than 30 years.

The agency proposes testing fish throughout the waterway to make sure the assumption bears out. In Great Meadows, mercury levels may remain high because of the way extensive wetlands process the metal, Keefe said.

The EPA also plans to keep up advisories and public education against eating fish from the river.

The agency plans to have its proposal posted on its website by tomorrow. To view it, visit www.epa.gov, type "Nyanza" into the search box at the top of the home page and check for the document under "Reports and Studies." Also posted is a feasibility study on different cleanup options.

The EPA will be explaining its proposal throughout this week. A formal public hearing period opens June 25 and runs until July 25. The agency will then review all comments and make a final decision on a cleanup plan before seeking federal funding to design it.

Meetings on the cleanup proposal will be held:

Monday, June 21, 7 p.m., Great Meadows National Wildlife Refuge headquarters, 73 Weir Hill Road, Sudbury.

Tuesday, June 22, 7 p.m., Framingham Public Library, 49 Lexington St.

Thursday, June 24, 7 p.m., Great Meadows National Wildlife Refuge. This "supplemental" session will focus on computer modeling used to evaluate cleanup options.

A formal public hearing will be held July 19, 7 p.m., at the Framingham library.

During the comment period, written comments can be sent to:

Daniel Keefe, Project Manager

U.S. EPA New England

5 Post Office Square, Suite 100

Mail code: OSRR07-1

Boston, MA 02109

keefe.daniel@epa.gov

Fax: 617-918-0327

(David Riley can be reached at 508-626-3919 or driley@cnc.com.)

WATER

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O.C. seeking faster water testing results (*Los Angeles Times*)

June 19, 2010 Saturday
Home Edition
MAIN NEWS; Metro Desk; Part A; Pg. 1;
An experiment at nine popular beaches will give same-day alerts.
By Tony Barboza
In an age of instant gratification, testing the health of beach water remains painfully slow.

By the time lab work and calculations are complete -- up to four days after samples are taken -- sewage and runoff-fouled water may already have exposed swimmers and surfers to pathogens that can cause gastrointestinal viruses, ear and eye infections, skin rashes and other ailments.

That is to change this summer, with plans to make Southern California the first place in the nation to issue health advisories using a rapid testing method that dramatically reduces the time it takes to detect ocean water contamination.

The new process probes beach water for the DNA of bacteria that indicate the presence of human waste. Health agencies can determine results within two hours and warn the public the same day to stay out of the water.

Nine heavily used Orange County beaches are to be monitored with the same-day testing methods this summer under a demonstration project planned by the Southern California Coastal Water Research Project, a Costa Mesa-based research institute.

The test to be run during the height of the summer beach season is intended to offer an early look at technology likely to be adopted nationwide. Federal environmental regulators are expected to endorse a rapid testing method by 2012.

Coastal communities around the country are watching closely to see if Orange County succeeds in getting a quick read of the health of its beaches.

"It's been a big hole in efforts to monitor the beaches, because it's always been retrospective, and you find out too late," said Dr. Jack Skinner, a semi-retired internal medicine physician and longtime Newport Beach surfer who said he has contracted eye infections from ocean water numerous times.

Two sanitation districts and Orange County's Health Care Agency will administer the new test five times a week in July and August at nine sites in Huntington Beach, Newport Beach and Dana Point once final approval is given later this month. They are to use the new method side by side with the standard 24-hour method as a fallback.

The locations, which include often-contaminated waters near the Santa Ana River mouth, Newport Beach Pier and Doheny State Beach, were chosen because they typically fail health standards at least 5% of the time.

Health experts have known for decades that swimming in foul water can have serious, even fatal consequences.

Laguna Beach native James Pribram, 39, said he has contracted staph infections three times from unknowingly swimming in pathogen-laden water, most recently in September. While surfing in Laguna Beach in 2005, he said, his toes became so infected they ballooned up like hot dogs.

His worst experience was on a sunny August day in 1997 when he was giving a surf lesson near a creek outfall at Doheny State Beach. There was no reason to think the water was unsafe.

"I had a tiny little scratch on my wrist, and within two, maybe three hours, I had this huge red swelling. I couldn't believe what I was looking at," said Pribram, owner of the Aloha School of Surfing.

He went to the emergency room, where he was treated for a severe staph infection and told that if he hadn't sought help, it could have killed him.

A more timely health advisory, he said, might have kept him out of the water.

"If they were testing in real time, I think it would change a lot of people's minds to take ocean pollution seriously," he said.

In late April at Huntington State Beach, for instance, there were unsafe levels of indicator bacteria in the ocean, a clear warning that beachgoers should stay out of the water. But the samples taken that morning didn't spur action until the next afternoon, when lifeguards were told to post warning signs along a 1,000-foot stretch of sand.

"We could have posted the day the samples were taken instead of 24 hours later," if the new procedure had been in use, said Larry Honeybourne, who manages the testing program for the county Health Care Agency.

Researchers have been working on ways to offer same-day test results for about a decade, and the State Water Resources Control Board has spent $7.8 million in grants to develop methods that will inform beachgoers about water quality "in a near-real-time manner," according to spokesman William L. Rukeyser.

The process being used during the Orange County pilot program employs a method developed by researchers at the University of North Carolina.

In conjunction with the project, Miocean, an Irvine nonprofit organization, will install waterproof flat-screen monitors at three of the test beaches to display the same-day closure and advisory data transmitted wirelessly from the county's health agency, with the hope of giving beachgoers an idea of how safe the water is before they dip their toes in the surf.

And just as swifter testing will help close dirty beaches more promptly, officials also hope it will let them reopen them more quickly.

The Environmental Protection Agency is required to announce its new water quality criteria and publish its rapid testing methods by October 2012 under a federal consent decree and legal settlement with the Natural Resources Defense Council.

In California, funds for state-mandated beach testing are set to run out at the end of the year, so the hope is that new technology will at least make the tests that are performed more effective at protecting beachgoers.

The EPA is in its fourth year of testing beaches in New Jersey using rapid testing, but authorities have not employed the new method for health advisories in that state.

And in Marin, Sonoma and San Francisco counties, researchers are conducting a study using a handheld device called a PhyloChip to quickly test ocean water for thousands of microbes. But that effort too is still in the research phase.

So for now, beach communities on both coasts have their eyes on Orange County.

"The holy grail would be a probe you could stick into the water that gives you an instant result," said Rick Wilson, coastal management coordinator for the Surfrider Foundation. "But this is the best we've got for now."

tony.barboza@latimes.com

Anxiety rises over costs of river cleanup (*Boston Globe*)

By Leah Burrows, Globe Correspondent June 20, 2010
One little letter on the periodic table is causing a world of trouble for three towns at the head of the Charles River: P, for phosphorus.

In the right quantities, phosphorus is a relatively innocuous element. Along with nitrogen and sunlight, phosphorus helps plants grow strong and healthy. Too much, however,

and it can destroy entire ecosystems by nurturing plant growth until it chokes out all other life.

It's happening in the Charles River, according to the US Environmental Protection Agency, which wants Bellingham, Franklin and Milford to start a cleanup targeting storm-water runoff that could cost the towns and local businesses hundreds of millions of dollars.

It's a cost that many in the area say they are unwilling to pay.

"If the EPA moves forward with this plan, it will devastate the businesses in Milford, Franklin and Bellingham," said Jack Lank, president of the United Regional Chamber of Commerce, which includes Franklin and Bellingham. "The cost is going to kill small businesses."

The EPA is calling for local businesses to cut the levels of phosphorus in runoff by 65 percent in five years.

The agency is holding a public hearing on its proposal Tuesday at the Tri-County Regional Vocational Technical School in Franklin. Officials will summarize the program from 6 to 7 p.m., and at 7:30 p.m. will take testimony from audience members, according to an EPA announcement.

There are many sources of excess phosphorus in the environment, including car exhaust, dead leaves, grass clippings, and fertilizers. It accumulates on roads and roofs and parking lots until it's washed away by rain. Phosphorus can be safely absorbed in soil, but the residue on pavement often is washed into storm-water drains, and storm-water drains in the target communities often send the overflow into the Charles River.

The EPA's requirement calls for businesses in the three towns with more than 2 acres of impervious surface — rooftops or pavement — to divert the runoff and filter it in the ground.

The cost per acre for the businesses could be anywhere from $6,000 to $120,000, according to Bill Walsh-Rogalski, in the EPA's New England office. "It's not going to be free but there are ways to minimize the cost," he said.

Walsh-Rogalski said reducing phosphorus in runoff could be as simple as changing the type of fertilizer used in landscaping or farming, or moving drainage pipes a few feet from pavement to soil.

But for many in the business community, even the lowest estimates are still too much.

"Small businesses have a hard enough time making ends meet," said Bob Kilroy, chairman of the Milford Chamber of Commerce. "You add thousands of dollars to that and they just can't make it."

Community and business officials are also worried that the costs of retrofitting buildings with new drainage systems would discourage new companies from moving into town.

“This timing could not be worse,” said Barry Feingold, the Milford chamber’s president. “Things were starting to turn in the economy and now you have this looming over your head. We are trying to promote development and we’re going to be hard pressed to get new people to set up businesses if they have to pay thousands of more dollars.”

The municipalities also have to comply with the new storm-water regulations, although they have 10 years to reduce the levels of phosphorus in runoff by 52 to 57 percent.

Milford Selectman Bill Buckley, the board’s chairman, estimated it would cost Milford up to $50 million to retrofit the town’s roads and buildings with new drainage systems — a lot for a community with a $77 million annual budget.

The towns and their business communities are asking federal officials to intercede with the EPA to reduce the cost or stop the project entirely. The towns have until June 30 to submit public comments, and then the EPA will determine the steps to take next, according to Mark Voorhees, an environmental engineer with the agency.

There are federal grants to help with the cost of the project but the money just isn’t enough, according to town and state officials.

“It’s a small carrot insignificant to carrying the cost of the work,” said state Representative John Fernandes, a Milford Democrat.

Moreover, Fernandes said, the towns don’t have proof that the project will work.

“The EPA is experimenting not at their expense but at the expense of the taxpayers and the towns,” Fernandes said.

The EPA has used these techniques to reduce phosphorus levels before, but not on the scale of the project proposed for the Charles River. Voorhees and Walsh-Rogalski said they are confident, however, that the program will work.

“This has all been tested and we’ve seen results in other communities,” Walsh-Rogalski said.

Sal Perla, a vice president at Milford Regional Medical Center, said he will attend Tuesday’s meeting in Tri-County’s auditorium to learn more about the regulations.

The medical center, one of Milford’s largest employers, has a 15-acre campus, 80 percent of which is impervious services.

“There is a big difference between $6,000 per acre and $120,000 per acre,’’ Perla said. “We need more information to know how to proceed.’’

Perla, like many in the communities, acknowledged the importance of protecting the environment, but wants the federal agency to consider the cost.

“Milford is very responsible when it comes to the environment,’’ Perla said. “But this is a major financial concern.’’

EPA to hold hearing on fracking in Cecil (*Associated Press*)

Story also appeared: *Pittsburgh Post Gazette*

Friday, June 18, 2010
The Associated Press
WASHINGTON -- The Environmental Protection Agency is planning a series of public meetings to collect information on fracking, a process used to increase the flow of oil and gas from underground.
One of them has been set for July 22 at the Hilton Garden Inn at Southpointe in Cecil.
Fracking, or hydraulic fracturing, uses injections of water and chemicals to break up underground shale formations so oil and gas can be more easily recovered.
However, the practice has drawn criticism because of concerns it could affect supplies of drinking water.
The other meetings will be held in Fort Worth, Texas, Denver, and Binghamton, N.Y.

Dairy farmers push EPA on spilled milk (*Watertown Daily Times*)

NOT LIKE OIL: Bulk tank exemption pressed for in new rules
By MARC HELLER
TIMES WASHINGTON CORRESPONDENT
SUNDAY, JUNE 20, 2010
WASHINGTON — Dairy farmers are gearing up for the U.S. Environmental Protection Agency's latest round of regulations to protect waterways from spills. But it's not oil the dairy lobby is fretting about — it's milk.

Under pressure from the main lobbying group for dairy producers, the EPA is working out an exemption for dairy farms so their bulk milk tanks do not fall under the Spill Prevention, Control and Countermeasure rules the agency has been drafting.

Otherwise, the National Milk Producers Federation reported, the butterfat in milk would be considered oil under the Clean Water Act and farmers will have to create spill-response plans in case of accidents.

"Milk should not fit in the same category as oil and fuels," said Jamie S. Jonker, the NMPF's vice president for scientific and regulatory affairs.
The NMPF, which represents farmers' bargaining cooperatives, wrote to the EPA earlier this month to reiterate its view that bulk milk tanks should be exempt and to praise the EPA for working toward that goal.

Final regulations should be ready early next year, the EPA reported. In addition to the bulk milk tank exemption, the agency agreed to extend until next year a deadline for farms to comply with provisions in the law that apply to fuel and oil.

"EPA is moving forward to take final action on that proposed rulemaking as expeditiously as possible and we hope to have that process completed by early 2011," EPA Assistant Administrator Mathy Stanislaus wrote June 9 to the NMPF.

The law applies to farms with at least 1,320 gallons of oil-product storage, with single tanks of 55 gallons or more. A typical north country dairy farm stores a day or two's worth of milk in bulk tanks, easily meeting that threshold.

Farms that fall under the law must have a spill prevention plan, and farms with 10,000 gallons or more of total storage and single tanks with 5,000 gallons or more — a much larger farm by Northern New York standards — must have a plan certified by a professional engineer.

The prospect of regulating milk as an environmental danger brought outcries from lawmakers and farm groups, but in large enough amounts, milk can threaten aquatic wildlife. A news report in England in 2002 cited a crashed milk truck as a serious threat to a stream and lake in Staffordshire because milk was pouring into the water.

Thousands of fish were at risk, environmental officials said, because milk is a "highly polluting substance" that robs oxygen from the water, an environmental official said at the time.

Legislation to force the EPA to exempt milk is pending in Congress and would require the agency to do so within 30 days of the legislation's enactment. Rep. Candice Miller, R-Mich., is the main sponsor.

"We see on television every day the devastation being wrought in the Gulf of Mexico by the ongoing oil spill. It is simply ridiculous for the EPA to suggest that milk presents the same danger to our environment as oil," Ms. Miller said in a news release.

Her legislation has 14 cosponsors, but none from New York. No companion bill has been introduced in the Senate.

Although the EPA has faced criticism for classifying milk as oil, the NMPF noted that the agency first proposed exempting bulk milk tanks in January 2009.

Outcry from farmers over spilled milk rule (*Holland Sentinel*)

'Over-regulation by the government just lacking any common sense,' experts say
By PETER DAINING
The Holland Sentinel
Posted Jun 19, 2010 @ 05:30 AM
Ottawa County, MI —

Milk does a body good, but what does it do to a river?
New Environmental Protection Agency regulations treat spilled milk like oil, requiring farmers to build extra storage tanks and form emergency spill plans.
Local farming advocates says it's ridiculous to regulate a liquid with a small percentage of butter fat the same way as the now-infamous BP oil spill.
"It's just another, unnecessary over-regulation by the government just lacking any common sense," said Bill Robb, dairy educator for Michigan State University Extension. "But milk actually has a lot of nutrients. If it spills, all the animals and the critters would have an extra dose of nutrients."
The EPA regulations state that "milk typically contains a percentage of animal fat, which is a non-petroleum oil. Thus, containers storing milk are subject to the Oil Spill Prevention, Control and Countermeasure Program rule when they meet the applicability criteria ..."
Michigan lawmakers have picked up on the sour scent of the regulations — state Sen. Wayne Kuipers on the state level and U.S. Rep. Candice Miller in Washington.
"The EPA has an important job, and it should properly place its focus where it belongs — on spilled oil, not spilled milk," Miller said.
Michael Geerlings, a dairy farmer with farms in Allegan and Kent counties, said 2009 was the worst for the dairy industry in 80 years.

Will 2010 be as bad?
"I hope not, because I don't know if I'll stay in business if it is," he said.
And adding extra regulations won't help that already sinking bottom line, said Ottawa County MSU-E Director Adam Kantrovich.
"If they follow through with this, it will become detrimental, and I can easily see some of the smaller producers going out of business because of the cost," he said.
Already, the EPA is responding to the backlash from lawmakers and farmers.
In response to a letter from the National Milk Producers Federation, EPA officials are extending implementation dates until the EPA decides whether or not to include milk storage facilities with the new rules.
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