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EDITORIAL/COMMENTARY/OP ED/LETTERS

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Finally, targeted federal action on Gulf of Mexico's dead zone (*The Times-Picayune*)

By Editorial page staff, The Times-Picayune

September 29, 2009, 6:12AM

Reducing agricultural runoff that flows into the Mississippi River and eventually the Gulf of Mexico is crucial to shrinking the annual dead zone that forms off Louisiana's coast, but those efforts need to target farms that produce the most pollution.

is the point of a new U.S. Department of Agriculture program. The agency will spend $320 million over four years for projects to reduce runoff in a dozen states that drain into the Mississippi and Ohio rivers. The USDA will identify specific farms along streams and tributaries that carry the highest amounts of nutrient pollution -- a first.

That's likely to be more effective than broad conservation initiatives that are available to all farmers, and it's encouraging to see a federal agency taking a more targeted approach to reducing runoff.

Nitrogen and phosphorus that make crops thrive have the same effect on algae in the Gulf. When bumper crops of algae die, their decomposition sucks oxygen out of the water. The resulting oxygen-poor water kills bottom-dwelling organisms and chases away fish in an area that's typically the size of Connecticut. Researchers warn that the ecological changes in the Gulf could become permanent.

The USDA program is a start in addressing this serious environmental problem, but only a start. Efforts to curb nutrient pollution have lacked urgency, relying on voluntary measures taken by states with no federal funding and no one in charge. State and federal agencies set a 2015 deadline for reducing the dead zone to a quarter of its historic size. But states don't even have to come up with plans until 2013, and there's no federal agency enforcing the deadline.

Last month, the EPA's Office of Inspector General urged that agency to set enforceable limits on nutrient pollutants in rivers and streams. The report said that the agency needs to set standards for nationally significant waters, specifically the Mississippi River and Gulf of Mexico, in order to meet the requirements of the Clean Water Act.

The USDA program is a welcome step, but the EPA and USDA both need to show greater leadership in attacking this national issue.

AIR

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EPA Releases Study on Carbon Dioxide Toxicity Inside Vehicles (*Courthouse News Service*)

Tuesday, September 29, 2009

WASHINGTON (CN) - The Environmental Protection Agency has released a report on the effects that short-term exposure to carbon dioxide may have on car passengers and drivers, indicating that a ceiling of 40,000 parts per million is the limit for human safety.

The report, by Eastern Research Group, Inc. was commissioned by the EPA as part of its investigation into the proposed use of carbon dioxide as a replacement refrigerant for the hydrofluorocarbon CFC-12 in motor vehicle air conditioning systems. The report contains data from a range of studies that show that exposure to carbon dioxide in concentrations as low as 30,000 parts per million may cause headaches and dizziness which could impair a driver's ability to concentrate.

Although carbon dioxide is a greenhouse gas, its global warming potential is 1,400 times lower than CFC-12's, and in its liquid form, as a refrigerant, it is said to have no ozone depletion potential. Use of carbon dioxide in vehicle air conditioning systems would require the use of parts capable of dealing with the high pressure at which carbon dioxide circulates.

Senate votes to prevent "cow tax" (*Oneonta Daily Star*)

By Mark Boshnack
Staff Writer

One worry for area farmers was laid to rest Thursday with the passage of the Senate's Interior Appropriations bill. It included a proposal _ introduced in March by Sen. Charles Schumer and others _ to prevent a "cow tax, " according to a spokesman for Schumer.

This came in response to a discussion last year by the Environmental Protection Agency to require dairy farmers to purchase expensive permits for beef and dairy cows because they emit methane, a greenhouse gas, said Schumer.

"I'm really glad," said Bloomville dairy farmer Barbara Hanselman when she heard the news. With farmers having to deal with low milk prices, "there are so many bigger fish to fry," she said.

Farmers were paid about $12.45 for one hundred pounds of milk in August. This was more than $7 less than a year ago.

"It's a relief" that it is gone, said Franklin dairy farmer Dan Buel. It was one of the "stupidest" ideas he had heard of and he still has trouble believing anybody was "foolish enough to consider it," he said.

The bill passed the House in June and is expected to be signed by President Barack Obama shortly.

Elis protest coal industry, Schwarzman ’69 (*Yale Daily News*)

By Camille Lawhead
Contributing Reporter
Published: Monday, September 28, 2009

Dozens of students gathered outside Phelps Gate on Saturday afternoon to spell out their protests against coal industry expansion.
Passersby and student environmental activists stood in a formation of the words “No New Coal” in order to express their disapproval of the new coal-based power plants planned for three states across the United States. The message was directed toward Blackstone Group CEO Stephen Schwarzman ’69, a former adjunct professor at the Yale School of Management, whose company backs the expansion project.
“Yale is a meaningful place for him, and for him to hear Yale voices in protest might be enough to change his mind and invest in cleaner energy,” explained Rachel Payne ’12, a member of the Yale Student Environmental Coalition and one of the demonstration’s organizers. “We want to influence him because he does have the power.”
Blackstone Group, a major private equity firm, owns 80 percent of Sithe Global Power, an energy company which aims to construct three new coal facilities in Pennsylvania and Nevada as well as on New Mexican Navajo territory.

Many residents of the areas surrounding the proposed plants have collaborated with grassroots organizations, such as the Sierra Club, to voice their opposition to these plants' construction. No Blackstone Coal, an online campaign organized by environmental activists, is collecting photos of people holding signs which ask Schwarzman to redirect Blackstone funds toward cleaner energy.

"We hope it will alert Schwarzman that they [the plants] are not economically viable investments," Payne said.

Apparently these cries have been heard: On Friday, the Environmental Protection Agency revoked an air permit allowing the construction of the Desert Rock Plant in New Mexico. According to the Center for Biological Diversity, the environmental implications for endangered species in the area "puts the plant's future in doubt."

According to the Sierra Club, which has played a major role in advocating against the power plants, coal is one of the dirtiest sources of energy in use and provides over 30 percent of the United States' global warming emissions.

"There are better options," Brian Tang '12, who learned of the event through Facebook, said of coal energy. "It's ridiculous. The only reasons [for its use] are political."

Claire Henly '12, who proposed the idea of the human sign, said she hoped the use of visual protest along with eventual petitions would encourage University President Richard Levin, as well as Schwarzman's other former Yale colleagues, to send the former professor letters expressing their dissatisfaction.

In addition to "No New Coal," students formed the number 350, signifying 350 parts per million — the maximum safe atmospheric carbon dioxide level, according to the Intergovernmental Panel on Climate Change. This photo is part of a campaign sponsored by 350, a global movement aimed at drawing attention to the urgency of the climate crisis.

The demonstration against Blackstone concluded the two-day College Environmental Activist Leadership Conference, a gathering of student environmental groups from colleges throughout the Northeast. The event featured workshops, panels and speakers, including Yale dropout and environmental proponent Billy Parish. Kara Kaufman, a Brown University sophomore who attended the conference with several other Brown students, said it was "inspiring to connect with other students" over environmental concerns.

Krista Dressler, a speaker who lead a workshop on the Student Public Interest Research Groups, said regardless of Schwarzman's response, the "No New Coal" demonstration will raise awareness somewhere.

"Even if it misses one target," she said, "it'll hit another."

Ark. plant construction allowed to continue *(Greenwire)*

09/28/2009

Arkansas officials on Friday ruled that construction of a coal-fired power plant in the state's southwest can continue while appeals involving the Public Service Commission's approval of the plant are considered.

The state's Pollution Control and Ecology Commission rejected a petition by the Sierra Club and the National Audubon Society to halt construction of the $1.6 billion John W. Turk Power Plant being built by Shreveport, La.-based Southwestern Electric Power Co.

The environmental groups argued last week that the PCEC should reinstate a previous order blocking construction after a state Court of Appeals ruling in June overturned PSC's decision to grant SWEPCO a permit for the plant.

The petitioners also argued that a U.S. EPA order issued in August, concerning a coal plant in Kentucky, defined requirements under the federal Clean Air Act that SWEPCO has not met.

SWEPCO attorney Kelly McQueen said claims that the utility failed to follow the Clean Air Act are unfounded and were not raised in a timely manner (John Lyon, *Southwest [Ark.] Times Record*, Sept. 25). – **PT**

CLIMATE CHANGE/GLOBAL WARMING

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Utility Quits U.S. Chamber Over Rift on Climate Bill (*Wall Street Journal*)

SEPTEMBER 29, 2009

By CASSANDRA SWEET

Exelon Corp. on Monday became the third big utility in the past week to quit the U.S. Chamber of Commerce over the influential business group's stance against federal climate-change legislation.

The decision by Exelon, one of the nation's biggest nuclear power-plant operators, to quit the Chamber follows similar moves by PG&E Corp. and PNM Resources Inc. and highlights a growing rift between the nation's power sector and other industries over climate policy.

Chicago-based Exelon said the U.S. government needs to set climate-change policy promptly, in part to allow energy markets to attach a price to cutting a ton of carbon-dioxide emissions. The House in June passed a bill that would require the U.S. to cut greenhouse-gas emissions 17% from 2005 levels by 2020, and create a market-based program called "cap and trade" in which companies could buy and sell the right to emit carbon dioxide.

"The carbon-based free lunch is over," Exelon Chairman and Chief Executive John W. Rowe said in a statement. "But while we can't fix our climate problems for free, the price signal sent through a cap-and-trade system will drive low-carbon investments in the most inexpensive and efficient way possible."

Exelon, PG&E and PNM all operate nuclear power plants and emit far less carbon dioxide than some of their peers, particularly companies that operate large fleets of coal-fired power plants. Coal plants produce roughly twice the greenhouse-gas emissions of similarly sized natural-gas-fired plants. Nuclear power plants emit almost no greenhouse-gas emissions, and so stand to benefit from legislation that would cap emissions.

The companies' departures are unlikely to change the Chamber's position on climate-change policy, said David Chavern, the group's chief operating officer. He added that although the Chamber opposed a House bill to cap greenhouse-gas emissions and disagrees with plans by the Environmental Protection Agency to begin regulating emissions, it isn't opposed to some form of U.S. climate-change legislation.

"Congress should do everything it can to promote and incentivize technology development and other policies that allow us to control carbon in ways that don't trash the economy," Mr. Chavern said.

The climate debate was overshadowed in Washington most of the summer by the battle over proposals to overhaul the health-care system. But later this week, the chairwoman of the Senate Committee on Environment and Public Works, Barbara Boxer (D., Calif.), is expected to introduce a Senate proposal to reduce U.S. greenhouse-gas emissions. Whether the Senate will act on a proposal before an international climate summit in Copenhagen in December is unclear.

Despite their differences, U.S. power companies, represented by the lobbying group Edison Electric Institute, have banded together in support of the climate-change legislation that passed the House.

The U.S. Chamber opposed that bill, by Reps. Henry Waxman (D., Calif.) and Edward Markey (D., Mass.). And it recently suggested that the U.S. come up with a forum to debate evidence that climate change is man-made, in response to a proposed finding by the EPA that global warming poses a danger to public health.

"We are not debating the science behind global warming," William Kovacs, the chamber's senior vice president for environment, technology and regulatory affairs, said at the time. "We are unconvinced that EPA has demonstrated, as a matter of law, that greenhouse-gas emissions from motor vehicles in the U.S. endanger public health or welfare."

Write to Cassandra Sweet at cassandra.sweet@dowjones.com

Exelon Quits Chamber Over Climate Change (*Associated Press*) This story also appeared: *Washington Post*

Tuesday, September 29, 2009

Power generator Exelon became the latest utility to drop its membership in the U.S. Chamber of Commerce because of the group's opposition to legislation that would limit emissions of greenhouse gases.

"Inaction on climate is not an option," John Rowe, Exelon's chairman and chief executive, said in a speech at an energy-efficiency conference. "If Congress does not act, the EPA will, and the result will be more arbitrary, more expensive and more uncertain for investors and the industry than a reasonable, market-based legislative solution."

Exelon, the nation's largest generator of nuclear power, joined the Public Service Company of New Mexico, the state's largest utility, and California's largest utility, Pacific Gas and Electric, in quitting the chamber.

A chamber spokesman, Eric Wohlschlegel, said that the chamber's message has become muddled and that it does not question the science behind climate change, but rather the science that the Environmental Protection Agency is using to regulate emissions.

-- *Associated Press*

Exelon to Quit Chamber Over Climate Bill (*New York Times*)

By CLIFFORD KRAUSS and KATE GALBRAITH
September 29, 2009

Exelon, one of the country's largest utilities, said Monday that it would quit the United States Chamber of Commerce because of that group's stance on climate change. It was the latest in a string of companies to do so, perhaps a harbinger of how intense the fight over global warming legislation could become.

"The carbon-based free lunch is over," said John W. Rowe, Exelon's chief executive. "Breakthroughs on climate change and improving our society's energy efficiency are within reach."

A wave of departures from the chamber has been building for weeks. It was heralded Monday by some Congressional Democrats and environmentalists as a sign that the business community's opposition to global warming legislation is weakening. In their view, that improves the chances that a global warming bill that narrowly passed the House in June might also pass the Senate.

But others said the resignations were just a sign that businesses will have varied positions depending on whether they will be winners or losers from the legislation. Exelon, a Chicago company that sells electricity and gas in four states, is also the country's largest operator of nuclear power plants. That type of electrical generation emits no greenhouse gases and would gain a financial advantage under the pending bills.

"There will be significant vibrations from this," said Representative Jay Inslee, a Democrat of Washington State on the Energy and Commerce Committee. "It's a bit of an earthquake."

Pacific Gas & Electric, the dominant utility in Northern California, and PNM Resources, a holding company that includes the largest utility in New Mexico, said recently that they would withdraw from the national chamber. Mr. Rowe said Exelon would not renew its membership because of the chamber's "stridency against carbon legislation."

The United States Chamber of Commerce is one of the main business lobbies in Washington, with more than three million members. It says it not opposed in principle to tackling global warming, but is worried about any approach that would raise costs for businesses.

The chamber has been especially vocal recently in opposing a proposal by the Environmental Protection Agency to use an existing law, the Clean Air Act, to set limits on greenhouse gases. The proposal would most likely take effect only if Congress failed to pass climate legislation.

The utilities and other companies that are supporting climate change legislation tend to be those based in more liberal parts of the country and believe that being viewed as environmentally responsible is a good marketing strategy, energy and business analysts said. The utilities tend to be dependent on sources like nuclear power that emit fewer greenhouse gas emissions than their competitors.

Before, "voicing their good fortune among higher-carbon colleagues was seen as impolite," said Paul Bledsoe, director of communications and strategy at the National Commission on Energy

Policy, a bipartisan research organization. "Now that legislation seems imminent, these companies are stepping up to support legislation because it helps their bottom lines."

What appears to have touched off the utilities' withdrawals from the chamber was a recent article in The Los Angeles Times that cited chamber officials who called for a "Scopes monkey trial of the 21st century" about the science of climate change. The Scopes trial was a clash of creationists and evolutionists in the 1920s.

Both PG&E and PNM cited the possibility of such a trial as a major concern.

Don Brown, a PNM spokesman, said in a statement that his company felt compelled to "particularly reject" the chamber's "recent theatrics calling for a 'Scopes monkey trial' to put the science of climate change on trial."

However, David C. Chavern, the chamber's chief operating officer, said there had been a misunderstanding. Chamber officials do not question the overall science of climate change, but rather, the group questions whether that science is enough to support the E.P.A.'s rulemaking under the specific legal requirements of the Clean Air Act.

"We're not looking at the next Scopes monkey trial," he said. "We just think the E.P.A. is the wrong venue to be dealing with climate change issues that will impact the whole country and whole world."

He said another chamber official's reference to the Scopes trial "was wrong, inaccurate and obscured what the chamber is really doing."

Other companies have also expressed differences with the chamber recently. Nike has said in a statement that it "fundamentally disagrees with the U.S. Chamber of Commerce's position on climate change and is concerned and deeply disappointed with the U.S. Chamber's recently filed petition challenging the E.P.A.'s administrative authority and action on this critically important issue."

Johnson & Johnson, the big consumer products company, urged in a letter this spring that the chamber's statements on climate change "reflect the full range of views, especially those of chamber members advocating for Congressional action" on global warming.

Duke Energy, a large Southern utility that supports action against global warming, has so far stayed in the national chamber, but it withdrew from of the National Association of Manufacturers in December, citing climate as a partial factor. The manufacturers' group has also been wary of action by the E.P.A.

In August, Duke Energy also left the American Coalition for Clean Coal Electricity, citing climate policy. "It was clear that many influential members would never support climate legislation in 2009 or 2010 no matter how it was written," Tom Williams, a Duke Energy spokesman, said in an e-mail message. Alcoa, the aluminum company, also pulled out of the coal coalition this summer, with climate policy being one factor, a spokesman said.

"This is an issue that will cleave a lot of companies more than other business policy issues because there are sharper differences in strategies," said Matthew J. Slaughter, associate dean of the Tuck School of Business at Dartmouth College. He noted that a utility that primarily used coal would logically have a different view from one dependent on nuclear power.

Climate change legislation still faces a tough battle in the Senate, where legislators from coal states will seek to protect the coal industry, and where many Republicans are opposed to any action they believe would put American businesses at a disadvantage.

Senator Jeff Bingaman, a New Mexico Democrat and chairman of the Energy and Natural Resources Committee, said he did not know what impact the recent corporate policy announcements would have on individual senators. "But I do think it's a sign at least some in the business community are anxious to see us provide some leadership on climate change," he added.

Experts: Carbon emission limits could present an opportunity (*Muskegon Chronicle - MLive.com*)

Tuesday, September 29, 2009
By Dave Alexander
dalexander@muskegonchronicle.com

MUSKEGON -- With or without a carbon "cap and trade" system being considered by Congress and the president, limits on carbon emissions will surely become a reality.

That was the conclusion of a panel of experts brought to Grand Valley State University's Michigan Alternative and Renewable Energy Center in Muskegon this month to address the issues involving a "carbon-constrained economy."

If federal legislation limiting greenhouse gas emissions now pending in the U.S. Senate fails to become law, the U.S. Environmental Protection Agency already has the authority to regulate those emissions, according to Dan Kuipers of Viability -- a Holland-based environmental consulting firm.

Whether it's energy legislation or EPA regulations, "I am fairly certain something is going to happen," Kuipers said.

Instead of a threat to businesses, the coming policy changes should be seen as an opportunity, said Ward Gahan of Danu Carbon and Energy Solutions LLC of South Haven.

The Obama Adminstration-led EPA concluded earlier this year that greenhouse gases such as carbon dioxide are a danger to human health and can be regulated under the existing federal Clean Air Act. Most greenhouse gases -- blamed by many as the cause of climate change -- are

generated when fossil fuels are burned such as in gasoline engines or coal-fired electrical power plants.

A "cap and trade" system would have the federal government limit the amount of carbon emissions nationwide and allocate emission credits to polluters. Those able to emit less than allocated could sell their credits on an open market to those unable to meet their allocations -- a system already under way in Europe.

Those interested in the business implications of restricting carbon heard the Viability consultants suggest that even under a "cap and trade" system, most West Michigan facilities will not be subject to a carbon cap.

The current energy bill adopted by the House of Representatives would limit carbon output at 13,000 facilities across the nation -- mainly power plants, large farms and landfills, the consultants said.

"But (cap and trade) will affect everybody through higher electrical costs," Kuipers said. "When we pay our electrical bill, it will reflect the true cost of producing that energy."

Business opportunities arise for those able to develop certifiable carbon-reduction projects in their operations, according to Viability's Kyle Denning.

An example is a large West Michigan greenhouse operation moving its heating system from natural gas to waste wood, which is considering a carbon-neutral fuel. Such a change could create carbon credits that could be sold, Kuipers said.

Environmentalist hope that selling carbon credits and creating carbon exchange markets will bolster alternative energy technologies such as wind, solar and biomass and reduce greenhouse gas emissions. In the end, Gahan said such policies and carbon markets could reduce America's dependency on foreign oil.

"If some of our energy dollars in Michigan were spent on renewable energy here, it would create jobs here," Gahan said. "It would slush around in our economy rather than in Saudi Arabia or some other countries we don't see eye-to-eye with."

Third Major Utility Pulls Out of Chamber (*New York Times*)

By Kate Galbraith

September 28, 2009, 2:05 pm
Update | 3:30 p.m., with comment from the chamber.

Exelon, a power company that operates the country's largest fleet of nuclear reactors, announced today that it would withdraw from the United States Chamber of Commerce because of differences with the chamber's climate policy — making it the third major utility to do so in just over a week.

Last week Pacific Gas & Electric announced plans to leave the chamber. PNM Resources, a New Mexico utility holding company, did the same shortly thereafter.

Exelon's move was announced this morning by John W. Rowe, its chairman and chief executive, in a speech this morning at an energy-efficiency conference.

Judith Rader, an Exelon spokeswoman, confirmed that the company would not renew its membership because of the chamber's "opposition to climate legislation."

Draft climate legislation is expected to be unveiled in the Senate this week. A climate bill narrowly passed by the House of Representatives in June.

The chamber has not yet responded to an e-mail message requesting comment. It supports reduction of greenhouse gas emissions in principle, but rejects any approach that it believes would drive up the price of energy and send American jobs overseas. It has vigorously opposed climate legislation. According to The Los Angeles Times, chamber officials have called for a reexamination of the Environmental Protection Agency's global warming findings, as part of a "Scopes monkey trial of the 21st century."

However, Eric Wohlschlegel, a spokesman for the chamber, said that the group's position had been misrepresented in media reports. "We've never questioned the science behind global warming," he said in a telephone interview. Instead, the chamber is questioning the science behind the Environmental Protection Agency's recent finding that greenhouse gases pose a danger to public health and welfare — a finding that triggers a legal requirement for the agency to regulate them.

"The chamber is trying to move forward with solutions on climate change," Mr. Wohlschlegel said.

Other companies have also expressed differences with the chamber. A letter from April posted on the Natural Resources Defense Council's Web site from Clifford E. Holland, a vice president of Johnson & Johnson, to Thomas Donohue, the chamber's chief executive, requested that the chamber's statements on climate change "reflect the full range of views, especially those of chamber members advocating for Congressional action."

The letter's authenticity was confirmed to Green Inc. by Carol Goodrich, a company spokeswoman.

"The U.S. chamber is in real trouble on this. It cannot claim to be the voice of U.S. businesses and oppose reasonable climate policies when its own members are jumping ship and publicly criticizing the course the chamber has chosen," said Pete Altman, the climate campaign director of the N.R.D.C., in an e-mail message.

Leaders warn time running out for climate deal (*Associated Press*) This story also appeared: *USA Today*

By Michael Casey, Associated Press
2009-09-28
BANGKOK — Climate talks kicked off in Bangkok Monday with the U.N. urging nations to break the deadlock over a global warming deal that is supposed to be finalized in just 70 days time, and warning that failure to act would leave future generations fighting for survival.

Negotiations on a new U.N. climate pact have been bogged down by a broad unwillingness to commit to firm emissions targets, and a refusal by developing countries to sign a deal until the West guarantees tens of billions of dollars in financial assistance — something rich countries have so far refused to do.

"Time is not just pressing. It has almost run out," U.N. climate chief Yvo de Boer said, with a clock nearby showing there were 70 days until world leaders are scheduled to meet in Copenhagen to finalize a pact. "If we don't realize Plan A, the future will hold us to account," he said.

The conference is being attended by delegates from 180 nations. Some pointed to the tropical storm that tore through the Philippines over the weekend, leaving scores dead, as a glimpse into the kind of turbulent weather that could be unleashed by global warming.

"We are asking the negotiators to look outside these walls. They should realize that it is the people's lives at stake," said Dinah Fuentesfina, a Philippine activist from the Global Campaign for Climate Action Asia who was in Manila when the storm struck Saturday.

Connie Hedegaard, the Danish minister for climate and energy whose country will host the talks in December, told delegates the world was watching and urged them to build on the momentum that came out of last week's U.N. climate summit where 100 world leaders pledged their support for an agreement.

At the New York summit, President Obama and China's president — whose countries are the world's two biggest emitters, each accounting for about 20% of greenhouse gas pollution — both vowed tough measures to combat climate change.

President Hu Jintao said China would generate 15% of its energy from renewable sources within a decade, and for the first time pledged to reduce the rate by which its carbon emissions rise. He did not give specific targets.

Japan's new prime minister, Yukio Hatoyama, whose nation generates more than 4% of the world's greenhouse gases, pledged to seek a 25% cut in emissions from 1990 levels by 2020.

The United States has offered much lower targets so far, with a House of Representatives bill proposing to reduce emissions by 17% from 2005 levels — or about 4% below 1990 levels — by 2020. The Senate has yet to take up the climate bill.

"Citizens across the world call for action on climate change," Hedegaard said. "We must heed that call. If we fail, we will all face dire consequences."

The two weeks of U.N. climate talks in the Thai capital, the second to last meeting before Copenhagen, are drawing some 1,500 delegates from 180 countries who will be tasked with boiling down an unwieldy, 200-page draft agreement to something more manageable.

Most countries agree that temperature increases should be limited to 3.6 degrees Fahrenheit (2 degrees Celsius) above preindustrial levels of about 150 years ago — a level believed necessary to avoid the worst impacts of climate change. But so far, there is no consensus on how to do that.

Most industrialized nations have offered emissions cuts of 15% to 23% below 1990 levels by 2020, falling short of the 25% to 40% cuts scientists and activists say are needed to keep temperature increases below 3.6 degrees Fahrenheit (2 degrees Celsius).

De Boer insisted a deal could still be reached in Copenhagen but divisions were clear on the first day as poor countries called for even deeper emissions cuts from rich nations.

"Emission reductions of at least 40% or 45% below the 1990 baseline by developed countries are required and must be announced without further delay," the Indian delegation said in a statement.

Sudan's Lumumba Di-Aping, speaking for the Group of 77 developing nations and China, said it was just as important that developed countries financially help poor nations adapt to the impacts of climate change and develop greener economies.

"Finance and technology are central to achieving a just and equitable deal," Di-Aping said. "Without financing, there is no mitigation and no adaptation and therefore there would be no deal. It is as simple as that."

But the United States shot back that developing countries would have to do their part — short of binding targets — to reduce greenhouse gas emissions and for the first time agree to a system that would monitor and verify their promised actions.

Jonathan Pershing, the chief U.S. negotiator at the talks, noted that Brazil talked about actions to reduce deforestation and there have been proposals from China and India on solar power, renewable energy and energy efficiency.

"We expect them to stand behind those actions the way we would stand behind ours and reflect them in this international agreement," he said.

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Associated Press Writer Denis D. Gray contributed to this report.

ENERGY

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Energized by smaller government (*Fairbanks Daily News-Miner*)

Tammie Wilson, Community Perspective

Published Monday, September 28, 2009

Alaska

I'm running for borough mayor because I believe smaller government is the kind that works best.

In just the past year, our budget grew by more than $4 million and basic property rights were subtly pulled away.

While I've been on the Borough Assembly, myriad proposals have been rushed through with either the direct or silent, complicit support of the administration:

• a 5-cent grocery bag tax

• a capitulation to the Environmental Protection Agency that could restrict affordable heating options (such as a ban on wood stoves)

• a payment-in-lieu-of-taxes agreement that provides an unnecessary economic favor to an Outside corporation competing with local businesses

• annexations that place results ahead of due process

• and, to put icing on the cake, upcoming changes to property and zoning — all crammed through in the 11th hour.

Enough is enough!

In both method and substance, borough policymaking is out of control; I am in this race to help regroup and change course.

Based upon the public positions of the field of candidates, we disagree on the fundamentals of what local government ought to do. In my view, innovation in local government shouldn't mean we look for new ways to spend money and disguise it with unspecific (and unaccountable) phrases such as "economic development." Rather, innovation should mean we pursue new ways to improve services, with fewer dollars, and reduce the tax burden.

At the Chamber of Commerce candidate forum, the question was posed: "What's the greatest challenge facing FNSB officials?" I highlighted the problem with government growth and spending. Nearly all others jumped on the energy bandwagon, and all the usual buzz words were present in an alphabet soup of "bullet line," "affordable energy," "natural gas market," "all-Alaska line" and more.

As chief administrator, the borough mayor is responsible for many tasks. Unraveling an energy crisis rooted in a global entanglement is somewhat stretching the mayor's purview. Running a campaign with the promise of solving the energy crisis in a specific time frame is irresponsible.

There is a big difference between a challenge facing all of Interior Alaska (energy), and a challenge facing local officials that officials can actually solve.

That's not to say the borough mayor doesn't have a role, but that role is one of research, collaboration and advocacy. For example: My vision for addressing the high cost of energy is advocating the Alaska Natural Gas Development Authority's proposed natural gas pipeline from the Beluga gas field to the Golden Valley Electric Association power plant.

The pipeline is intended to distribute gas from Cook Inlet and other nearby gas fields. I've appreciated Harold Heinze's work and, after the Alaska Gasline Inducement Act dust finally settled, ANGDA still stands and pursues many worthy ideas. Their recent

short-term promotion of propane distribution from the North Slope also is one worth following since the report by NANA Worley Parsons was published last month.

As mayor, I would advocate these or any other plausible solutions by interfacing with those who actually have the ability and authority to proceed with projects of this magnitude — state officials and the private sector.

Second, I would encourage residents to voluntarily pursue cost-saving measures already available such as energy audits and a long list of ways to improve your home's insulation.

However, the most important thing the mayor can do to offset the high cost of energy is improve local services to a degree that we can craft a lower operating budget and thereby lighten the tax burden on residents so the overall cost of living becomes manageable.

Regarding property rights and particulate matter in the air (PM2.5): I will fight all attempts by the federal government to restrict how you choose to heat your home; I believe it is a fundamental right of every person and family to responsibly heat their home with any natural resource available they can afford. Wood stoves will be protected in my administration.

Wood is not the problem; it's one of the solutions. The EPA acknowledges the value of biomass as a renewable resource in comparison to fossil fuels. If there is a need to address air pollution, we should investigate the sulfates in No. 2 versus No. 1 heating oil and educate residents on the proper way to use their wood stoves. I favor community involvement over government intervention, any day.

In the past eight months, I visited more than 7,000 borough residents (and wore out two pairs of shoes). I know what's on the hearts and minds in our borough. I hear your frustration.

I can only encourage you to channel that frustration into the ballot box. Now is your time to make a difference.

A candidate for borough mayor, Tammie Wilson is an incumbent assembly member, property manager and small business owner. You can learn more about Tammie at www.TammieWilson.org.

The Daily News-Miner will publish community perspectives from each borough mayor candidate prior to the Oct. 6 election. Candidate Hank Bartos' opinion piece appeared

here Aug. 19. The remaining candidates' perspectives will appear on this page this week. Tuesday: William Stodden.

Questions trail G-20 pledge on fossil fuels *(Greenwire)*

Ben Geman, E&E senior reporter

09/28/2009

The pledge by G-20 leaders last week to phase out fossil fuel subsidies in the "medium term" is being cheered by environmentalists, but the vaguely worded pledge has raised a multitude of questions about its scope and implementation.

"How meaningful this will be is very difficult to tell at this time," said David Pumphrey, senior fellow at the Center for Strategic and International Studies, a Washington think thank.

The joint statement from the G-20 Pittsburgh summit cites Organisation for Economic Co-operation and Development (OECD) findings that ending subsidies worldwide could cut global greenhouse gas emissions by 10 percent by 2050.

"Inefficient fossil fuel subsidies encourage wasteful consumption, distort markets, impede investment in clean energy sources and undermine efforts to deal with climate change," the statement says.

The statement also says the nations recognize the importance of subsidies that provide the poor with energy, and U.S. officials, for instance, have said that the Low Income Home Energy Assistance Program is not among the U.S. programs they would seek to end.

The G-20 communiqué also notes, "Many countries are reducing fossil fuel subsidies while preventing adverse impact on the poorest."

The nations jointly said their energy and finance ministers would write implementation plans "based on their national circumstances" and report at the next G-20 summit, which is June in Canada.

Also, they asked several international bodies -- the OECD, the International Energy Agency, the Organization of Petroleum Exporting Countries and the World Bank -- to analyze the scope of subsidies and make suggestions for implementing the initiative.

Activists applauded the pledge as a bright spot after a meeting they hoped would yield specifics on other climate efforts, such as funding to help vulnerable nations prepare for natural disasters, protect forests and take other steps (*ClimateWire*, Sept. 28).

Friends of the Earth President Erich Pica called the fuel commitment an important step but also said countries should adopt an expansive view of the pledge that captures international lending agencies and the Obama administration's domestic proposals.

President Obama's proposed fiscal 2010 budget called for ending roughly $31.5 billion in tax breaks for oil and natural gas producers.

"For the U.S. this requires not only implementing President Obama's February budget outline, but also ending fossil fuel subsidies given through the U.S. Export Import Bank, the Overseas Private Investment Corporation, the U.S. Agency for International Development, and the U.S. contributions to the World Bank and other international financial institutions," Pica said in a statement.

However, oil and gas industry groups say the pledge should not translate domestically into adoption of Obama's request to Congress to repeal U.S. drilling tax breaks.

"Does the president really think it wise to eliminate tax provisions that encourage investment in technology and exploration and development and would likely constrict future energy supplies, raise energy costs and kill jobs?" said Jack Gerard, president of the American Petroleum Institute, in a statement Friday.

Pumphrey at the Center for Strategic and International Studies said there will be several challenges to defining and phasing out subsidies in G-20 countries. He noted that Chinese state-controlled oil companies receive financing on very favorable terms from the government, and he does not expect that to be abandoned.

While U.S. subsidies largely back fossil-energy production, such as waiving royalties for deepwater oil and gas, other nations also have various production and consumer-side subsidies, such as subsidized gasoline in Saudi Arabia.

"I will be very interested when the reports come out as to just what strategies are being put forward. These subsidies are generally in place for important social or political reasons, and I think it is going to be very difficult making much progress in eliminating them, especially the consumption-side subsidies," Pumphrey said.

Pumphrey is the former deputy assistant secretary for international energy cooperation at the Department of Energy.

IEA has estimated that energy subsidies -- spanning oil, gas, coal and electricity -- in the 20 largest non-OECD countries reached $310 billion in 2007. The countries with the largest combined subsidies were Iran, Russia, China, Saudi Arabia and India.

FUEL

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EPA Told Changes to RFS Could Affect Ag Prices (*Wisconsin Ag Connection*)

USAgNet - 09/28/2009

Comments submitted on Friday to the Environmental Protection Agency by the American Meat Institute, National Turkey Federation, National Chicken Council and FarmEcon LLC sharply criticized EPA's proposed changes to the Renewable Fuel Standard, citing inadequate analysis of the proposed rule's impact on agricultural commodity prices.

The groups noted that EPA's proposed regulations have not considered the risks associated with variability of grain crop or other biomass production, which would have serious consequences on food and fuel production costs in years of reduced crop production.

"Increasing the level of biofuel production in the current RFS has already resulted in a strong link between energy prices and agriculture prices," the comments noted. "Energy prices are highly volatile, and the link between that volatility and increased volatility of agriculture commodity prices has become a major issue facing commodity producers and users."

The comments note that volatility has very real consequences for food producers that go beyond the increased cost levels already seen. Furthermore, they explain that until EPA performs a risk assessment that takes into account not only average prices, but also variations around average prices, the real costs of the RFS are unknown.

AMI's President and CEO J. Patrick Boyle noted that increasing the RFS would divert even more animal feed into this nation's fuel tanks and put continued upward pressure on corn prices.

GRANTS

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Group receives $1,000 for Rouge Education Project (*Oakland Press*)

Published: Tuesday, September 29, 2009

By JERRY WOLFFE
Of The Oakland Press

Friends of the Rouge recently received $1,000 from Henniges Automotive for support of the Rouge Education Project.

Project officials are hoping other businesses will follow the lead of Henniges Automotive.

"This project is a great opportunity for a business or organization to get involved in a local environmental education initiative," said Emily Hughes, program manager for the Rouge Education Project.

Last year, 10 sponsors helped to support the 2008-2009 Rouge Education Project through the Adopt-a-School campaign.

The campaign has attracted more than $50,000 in sponsorships, which supports 23 of the 53 participating schools. Contributions assist with school program registrations, water quality testing equipment, workshop participation and program T-shirts, as well as the program administration.

Henniges Automotive is in Farmington Hills and is committed to supporting the community in which it does business.

"We are more than happy to support the community and students with hands-on learning," Robert DePierre, CEO of Henniges, said. "Hopefully, the Rouge Education Project will be the start of a lifelong appreciation of our natural resources for many of the participating young adults."

Friends of the Rouge hope to have all of the schools in the project supported by local sponsors. Many schools are supported in part by the U.S. Environmental Protection Agency's Rouge River National Wet Weather Demonstration Project grant.

The mission of the Rouge Education Project is to promote awareness and stewardship of the Rouge River watershed through school-based water quality monitoring, investigation and problem-solving.

Established in 1986, Friends of the Rouge is a nonprofit organization dedicated to promoting restoration and stewardship of the Rouge River ecosystem through education, citizen

involvement and other collaborative efforts for the purpose of improving the quality of life for the people, plants and animals of the watershed.

The Rouge watershed is about 466 square miles in area.

All or parts of 48 communities are in the Rouge watershed.

The Rouge empties into the Detroit River, which is a major source of drinking water for many southeastern Michigan residents.

HAZARDOUS WASTES

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Waste shipments to repository approved (*Associated*) This story also appeared: *Seattle Times*

Soil contaminated by mining in the Silver Valley will be shipped to a new repository starting immediately, a top official for the U.S. Environmental Protection Agency said Monday.

By NICHOLAS K. GERANIOS
Associated Press Writer

Originally published Monday, September 28, 2009 at 1:33 PM

SPOKANE, Wash. —

Soil contaminated by mining in the Silver Valley will be shipped to a new repository starting immediately, a top official for the U.S. Environmental Protection Agency said Monday.

The East Mission Flats repository, near Cataldo, Idaho, opened for business on Monday. The landfill is next to Interstate 90, near the historic Cataldo Mission.

The Idaho Department of Environmental Quality intends to dump more than 40,000 truckloads of Superfund waste at the repository. The material is metals-laced dirt removed from residential yards in the Kellogg, Idaho, area that were polluted by decades of silver mining in the valley.

"There will be an aggressive monitoring program," to spot any leaks from the site, said Mathy Stanislaus, the Obama administration's top appointee on Superfund issues, in a conference call with reporters.

Stanislaus visited the Silver Valley in August, at the request of U.S. Rep. Walt Minnick, R-Idaho.

He decided that additional monitoring wells will be installed at the repository, including an "early warning system" that will alert officials if metals are migrating into the groundwater.

That early warning system will be installed by next spring, in time for the typical spring flooding in the area, the EPA said.

The repository started taking contaminated material from Superfund cleanups in other parts of the Silver Valley on Monday, said Angela Chung, EPA's Bunker Hill Superfund team leader.

The repository is located across I-90 from Old Mission State Park on ground that is already contaminated with mine tailings. The park contains Cataldo Mission, a Catholic church that is Idaho's oldest building.

The contaminated soil will be covered in a way to prevent erosion of pollutants into nearby waterways. Eventually, the pile of contaminated soil will rise 32 feet high, the EPA said.

A citizens group, the Silver Valley Community Resource Center, and the Coeur d'Alene Tribe have raised concerns about putting a repository in the floodplain.

Dow, environment agencies could sign Saginaw, Tittabawassee river clean-up plan in October (*The Saginaw News - MLive.com*)

By Justin L. Engel

September 29, 2009, 6:32AM

State and federal environment officials say they've concluded dioxin clean-up negotiations with Midland's Dow Chemical and a proposal could come in less than a month.

U.S. Environmental Protection Agency and state Department of Environmental Quality representatives say the talks, which wrapped up Friday, "will likely result in a proposed agreement on an administrative order on consent to comprehensively address dioxin and other Dow Chemical contamination along the Tittabawassee River and Saginaw River and Bay."

Officials say they could sign an agreement by Thursday, Oct. 15.

The news follows months of delays.

Talks with the Midland chemical giant were to conclude Aug. 25, but negotiators decided to extend them through Sept. 25. The entities suspended dialogue in March and resumed in May under the federal Superfund process.

Officials say the public will have an opportunity to chime in on any agreement.

"In June, EPA outlined our non-negotiables to the community at a public meeting and we have held firm," said Bharat Mathur, acting regional administrator with the EPA's Region 5 office in Chicago. "EPA listened to the community before the negotiations began and we won't sign off on any cleanup agreement before public concerns have been discussed and considered."

DEQ Director Steven E. Chester said cleaning up the Great Lakes Bay Region's river system "is crucial."

"We are looking forward to hearing from the public during the upcoming comment period and getting their insights and opinions on this proposed agreement," he said.

If Dow signs an agreement, the environmental organizations will make it publicly available, followed by a public participation process which includes a 30-day comment period and a public meeting, officials say.

Then the EPA and DEQ will have the option to sign the pact or make changes.

Details on the topics that have been negotiated are contained in a June 2009 EPA fact sheet posted online at www.epa.gov/region5/sites/dowchemical/pdfs/down-negotiation-fs-200906.pdf.

A Public Health Consultation on the cleanup, "Dioxin Contamination on Residential Property in the Tittabawassee River Floodplain Saginaw County, Michigan" is available at www.michigan.gov/mdch-toxics.

The Saginaw News could not contact Dow officials late Monday.

Mich. trucking company to pay for hazardous violations (*Waste & Recycling News*)

Sept. 28 -- MBH Trucking LLC, in Webberville, Mich., will pay a $42,137 civil penalty as part of a settlement with the EPA involving hazardous chemical release and inventory reporting violations.

The company also will spend $22,500 providing chemical release reporting training to the trucking and agricultural industries in Michigan, according to the EPA.

An MBH truck driver failed to provide immediate notification to the National Response Center and state and local emergency response commissions of a 920-pound release of anhydrous ammonia while making a delivery to a farm, according to the EPA. MBH also failed to provide state and local authorities with chemical information about the diesel fuel that was on-site at the company´s transport facility. The diesel fuel has been removed from the site.

Releases of anhydrous ammonia, commonly used in commercial refrigeration systems and as fertilizer, must be reported if greater than 100 pounds. The chemical causes burns to the skin and irritation to the eyes, nose and throat and may be fatal if inhaled for long periods of time.

Contact Waste & Recycling News senior reporter Bruce Geiselman at 330-865-6172 or bgeiselman@crain.com

EPA fines Ill. company for hazardous chemical release (*Waste & Recycling News*)

Sept. 28 -- EMCO Chemical Distributors Inc., of North Chicago, Ill., will pay an $82,661 penalty for hazardous chemical release reporting violations, according to the U.S. EPA.

The company was cited for failure to promptly report two hazardous chemical releases to the National Response Center, according to the EPA, which reached a settlement agreement with the company. EMCO failed to report a 603-pound release of trichloroethylene in July 2007 and a 5,224-pound release of tert-butyl acetate in August 2007, according to the EPA. The company also failed to notify state and local response agencies in a timely manner, agency spokesmen said.

Federal law requires that federal, state and local authorities be notified of a hazardous chemical release because responders need to know what they are dealing with so they can take steps to protect people living or working in the area.

Contact Waste & Recycling News senior reporter Bruce Geiselman at 330-865-6172 or bgeiselman@crain.com

EPA Lawyers Stymie State, Industry Bid For 'Solid' Waste Coal Ash Rules (*Inside EPA*)

Monday, September 28, 2009

WHITEFISH, MT -- EPA lawyers have determined that solid waste rules for coal ash would be unenforceable at the federal level and create major permitting uncertainty, a key EPA official says, bolstering activists' long-running assertion that the agency's pending first-time waste rules for coal ash should regulate it more stringently as a hazardous waste.

At the Environmental Council of the States' (ECOS) annual meeting here Sept. 22, Matt Hale, director of the Office of Resource Conservation & Recovery, said the agency would be legally barred from using the existing Resource Conservation & Recovery Act (RCRA) subtitle D process to develop a solid waste program for coal combustion waste. States and industry generally would prefer that EPA's proposed rules -- due by December -- regulate coal ash as a solid waste.

Hale said that while he believes subtitle D solid waste rules would be sufficiently protective of safety and the environment, EPA would have no authority under federal law to enforce such requirements.

In a presentation at the meeting Hale said that solid waste rules could be modeled on the existing subtitle D regulations for municipal solid waste, under which states issue permits and inspect solid waste landfills. But while this approach would be protective, "unfortunately our lawyers are telling us that under the statute we don't have the authority to write a subtitle D program that looks like the national solid waste program," he added.

Hale said that any agency attempt to regulate coal waste under subtitle D other than including it in the municipal solid waste program would be fraught with problems in enforceability and permitting. And the municipal waste program is designed to handle household garbage, not coal waste from power plants, meaning it would be unlikely for EPA to simply include coal waste in the existing municipal waste program.

In contrast, if EPA develops more stringent hazardous waste rules for coal ash under subtitle C, states would be obliged to apply for federally enforceable permits from EPA. The agency would inspect the landfills, which activists say is vital to ensure a nationally consistent level of protection at coal ash disposal sites. EPA is slated to send its proposed RCRA rules for coal waste to the White House for review in the coming weeks.

One environmentalist says Hale's comments support their claims that subtitle D rules would fail to address contamination from coal ash sites because it would leave inspection and permitting to states, which could result in inconsistent approaches to regulating coal ash, and make it impossible for EPA to enforce the rules.

But one electric utility source says Hale's comments echo industry's claims that subtitle D rules would be sufficiently protective to manage coal ash as a solid waste. The source adds that RCRA

allows the agency to take emergency actions against any subtitle D site if it poses an "imminent and substantial endangerment" (ISE) to the environment or population, which could serve as a mechanism to enforce such regulations.

However, an attorney who works on RCRA issues rejects the industry argument, countering that the enforcement clause is used to force offenders into court but is not a regulatory enforcement tool like the authority EPA would have under subtitle C to override states and enforce hazardous waste rules. "[The ISE clause] allows EPA to issue orders or go to court . . . but it's not a regulatory thing," the source says. "It's like night and day," the attorney says.

The environmentalist agrees and says the ISE clause is for emergencies whereas subtitle C enforcement authority is designed to prevent such emergencies from occurring. RCRA is "meant to be a preventative statute. You don't want inspections only to be done when EPA has reason to believe there's a threat of ISE," the source says.

Agency ISE actions are also taken very sparingly, the source says, and given the extent of the potential problem posed by coal waste pollution nationwide, it would be a poor substitute for national subtitle C regulations. "I don't think [EPA has] ever brought an action for coal ash contamination and they have probably brought actions very few times for solid waste problems entirely," the source says. "It is just not a workable suggestion."

Hale has previously floated the idea of a "hybrid" approach to coal waste rules that would regulate it as a RCRA subtitle D solid waste with less stringent guidelines, but if those guidelines are not followed then stricter subtitle C hazardous waste rules would apply. However, activists and industry strongly criticized that idea as legally dubious, difficult to implement and hard to enforce (*see related story*).

Environmentalists who support hazardous waste rules for coal waste say that the agency could craft subtitle C rules that may be more similar to the level of control expected from a subtitle D regulation, but with the added benefit of having the enforcement mechanism available to EPA under the hazardous waste designation.

Under subtitle D, landfills that handle municipal solid waste -- household garbage -- are subject to provisions to protect groundwater, air and surrounding communities, including liners to prevent leaching, location restrictions, closure and post-closure requirements, financial assurance rules and operating guidelines. RCRA lets states choose to follow EPA's guidelines or "equivalent state guidelines," according to the agency's Web site.

Subtitle C requires hazardous waste landfills to install a "double liner; double leachate collection and removal systems; leak detection system; run on, runoff, and wind dispersal controls; [and a] construction quality assurance program" -- provisions that are considerably more expensive to industry than a solid waste landfill would be.

Coal waste is exempted from subtitle C under the 1980 so-called Bevill exclusion to RCRA, which exempts "solid waste from the extraction, beneficiation, and processing of ores and minerals" from subtitle C designation pending a determination by the EPA administrator on the properties of each. The substances that were subject to the Bevill exclusion -- including coal combustion waste, coal slurry, cement kiln dust, and others -- can be afforded a certain flexibility in their disposal requirements, sources say, if EPA chooses to issue such parameters.

The environmentalist says that the agency can tailor its rules to a particular waste, and therefore requirements under subtitle C for a coal ash landfill might resemble subtitle D provisions for a solid

waste landfill in practice, save for the inspection and permitting authority granted the agency under the hazardous waste provision of RCRA.

"EPA can develop a scheme under subtitle C that looks a lot like subtitle D, but has federal enforcement ability and requires consistent rules nationwide," the source says. Nevertheless, the source adds, "I think [activists and industry] are pretty close in what we believe is necessary for engineering a safe landfill."

Industry and state officials continue to resist regulation of coal waste as hazardous, with the industry source warning it could make it impossible for utilities to sell the ash for beneficial reuse -- for example as a component in cement and landscaping fill -- because of the stigma of a hazardous waste designation.

"There are some state regulations that prohibit the beneficial reuse of materials that otherwise would be considered a hazardous waste," the source says. "And there are alternatives to choose from. The stigma is real, and those state regulations on beneficial reuse are real. Adverse impacts are what you'll be getting with subtitle C" designation, the source says, adding that it would increase overall levels of waste nationwide.

State officials are also mounting resistance to a subtitle C listing, with Peggy Harris, president of the Association of State & Territorial Solid Waste Management Officials (ASTSWMO), telling members at the ECOS meeting that hazardous waste rules could cost states millions of dollars due to increased personnel necessary to manage the landfills. She also said 96 percent of states surveyed by ASTSWMO do not have enough landfill capacity for handling coal combustion waste if it were classified as hazardous waste, and 86 percent of states surveyed were already issuing permits for the disposal of coal combustion waste.

The industry source says Harris' statistics point to another problem with managing coal waste as hazardous, which is that the states -- who would have to do the majority of enforcement of the rules -- would be faced with the added financial burden to meet that duty, making the regulation effectively an unfunded mandate.

But the environmentalist says EPA can be flexible in its landfill requirements for coal waste so the capacity for disposal is likely considerably larger than ASTSWMO's figures suggest. -- *John Heltman & Jonathan Strong*

SOLID WASTES

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Agency Plan To Define Biosolids As Solid Waste Draws New POTW Protest (*Inside EPA*)

Monday, September 28, 2009

Wastewater utilities are reiterating their longstanding concern that EPA is moving closer to classifying biosolids as a solid waste, a move they say will result in a parallel first-time requirement subjecting biosolid incinerators to strict air toxics requirements and complicate water act rules governing land-application of the waste.

The National Association of Clean Water Agencies (NACWA), which represents publicly owned treatment works (POTWs), sent a Sept. 9 letter to EPA water chief Peter Silva, air chief Gina McCarthy, and waste chief Mathy Stanislaus, laying out its legal and regulatory arguments for not including biosolids within the definition of non-hazardous waste, arguing that it will subject biosolid incineration units to strict new air quality requirements that conflict within existing regulatory framework.

"Defining solid waste to include sewage sludge will create enormous uncertainty regarding the recycling and disposal programs that fully operate in compliance with [Clean Water Act rules allowing land disposal of sewage sludge] that are protective of human health and the environment," the letter states.

One POTW source says about 17-20 percent of biosolids are incinerated, largely in cases where it can not be land applied. In some areas, such as the northeast United States where the ground is hard in winter, land application is not an option for POTWs, the source says.

But subjecting biosolid incinerators to strict new air quality requirements will upend this balance, the source says, because those POTWs subject to the requirements will face costly upgrade mandates.

An EPA spokeswoman says the agency is developing air act emissions standards for sewage sludge and is currently in the early stages of collecting information to establish the standards.

Over the last decade, EPA has vacillated on how biosolid incinerators should be regulated under the air act. In 1996, the agency determined they should be regulated under strict provisions of section 129 of the air act, which requires EPA to regulate a defined list of air pollutants, including both air toxics and criteria pollutants.

After appeals from the wastewater industry, EPA reconsidered its stance, announcing in 2005 that the incinerators would instead fall under section 112(k), a less stringent approach than under section 129.

But in 2006, EPA said plans to finalize its decision had to be delayed because it had not been subject to public comment. The agency maintained its decision after the comment period.

Nevertheless, the agency is again reconsidering its stance as a result of long-running litigation in the U.S. Court of Appeals for the District of Columbia Circuit that eventually resulted in a 2007 ruling in *Natural Resources Defense Council v. EPA* vacating the portion of the agency's air toxics rule governing Commercial and Industrial Solid Waste Incineration Units defining facilities according to their function.

The court found the rule violated the air act by allowing incineration units to be regulated under less strict requirements for boilers and furnaces and required that the units, and others burning "solid waste," be regulated under more strict requirements for "solid waste incineration units" under section 129.

EPA said earlier this year that because the court also struck down a separate rule governing boilers that burn solid waste, the agency would work to clarify its definition of what non-hazardous secondary materials constitute "solid waste" to provide clarity about how to regulate various units. "This is necessary because, under the court's decision, any unit combusting any 'solid waste' at all must be regulated as a 'solid waste incineration unit'" EPA said in an advance notice of proposed rulemaking.

Consequently, the EPA air and waste offices are working in tandem to create a new incinerator rule and new solid waste definition, respectively. The agency earlier this year issued a notice of proposed rulemaking to define non-hazardous waste (DNW) under the Resource Conservation & Recovery Act (RCRA).

EPA is currently working to meet an April 15 court-ordered deadline to propose new incinerator regulations. While the agency does not have a court deadline for the waste definition, agency officials wants the two processes to be concluded on the court schedule.

"EPA has informed NACWA that . . . it is considering defining solid waste under RCRA Subtitle D to include municipal sewage sludge (biosolids.) NACWA . . . is very concerned about the negative and unintended impacts such an action would have on the lawful management of sewage sludge, including beneficial reuse via land application, surface disposal and incineration, which together account for the proper management of sludge,"

TOXICS

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EPA Tells Schools to Test Aging Caulk (*Associated Press*) This story also appeared: *Wall Street Journal*

SEPTEMBER 28, 2009, 6:17 P.M. ET

Associated Press

Hundreds of school buildings across the U.S. have caulk around windows and doors containing potentially cancer-causing PCBs, the Environmental Protection Agency said.

The danger to students is uncertain, and EPA doesn't know for sure how many schools could be affected. But the agency is telling schools that they should test old caulk and remove it if PCBs turn up in significant amounts.

EPA Administrator Lisa Jackson said PCBs remain in schools and many other buildings built before the chemicals were banned in the late 1970s.

"We're concerned about the potential risks associated with exposure to these PCBs, and we're recommending practical, common-sense steps to reduce this exposure as we improve our understanding of the science," Ms. Jackson said in a news release. The agency said it would conduct new research into the link between PCBs in caulk and in the air, which it said is not well understood. The agency also will conduct its own tests on PCBs in schools.

EPA now recommends testing for PCBs in peeling, brittle, cracking or deteriorating caulk in schools and other buildings that were built or renovated between 1950 and 1978. The caulk should be removed if PCBs are found at significant levels, the agency said.

Earlier this month, a Bronx, N.Y., mother sued New York City over PCBs in caulk at her daughter's public school. New York City schools spokeswoman Ann Forte declined to comment on the lawsuit, but said the school system is "engaged in positive and productive discussions with EPA to develop and agree on a plan to address PCBs in New York City schools."

Federal officials said the issue was serious but shouldn't be cause for alarm. The agency recommended these steps for buildings of that age:

--Don't sweep with dry brooms or use dusters in places near caulk that might contain PCBs, and clean frequently with a wet or damp cloth.

--Clean air ducts, improve ventilation by opening windows and use exhaust fans and vacuums with high-efficiency air filters.

--Wash hands with soap and water often, especially before eating or drinking, and wash children's toys often.

The agency also set up a PCBs-in-caulk hot line, 1-888-835-5372, and a Web site, www.epa.gov/pcbsincaulk/.

PCBs, known formally as polychlorinated biphenyls, are chemicals that were widely used in construction and electrical materials—they made caulk more flexible—before they were banned 30 years ago. PCBs can hurt the immune, reproductive, nervous and endocrine systems and can cause cancer if they build up in the body over long periods of time.

Hundreds of the 80,000 public-school buildings across the country were built between 1950 and 1978, though it is difficult to say exactly how many.

EPA tells schools to test aging caulk for PCBs (*Associated Press*) This story also appeared: *Washington Post*

By LIBBY QUAID
The Associated Press
Monday, September 28, 2009 4:09 PM

WASHINGTON -- Hundreds of school buildings across the United States have caulk around windows and doors containing potentially cancer-causing PCBs, the Environmental Protection Agency says.

The danger to students is uncertain, and EPA does not know for sure how many schools could be affected. But the agency is telling schools that they should test old caulk and remove it if PCBs turn up in significant amounts.

EPA Administrator Lisa Jackson said PCBs remain in schools and many other buildings built before the chemicals were banned in the late 1970s.

"We're concerned about the potential risks associated with exposure to these PCBs, and we're recommending practical, common sense steps to reduce this exposure as we improve our understanding of the science," Jackson said in a news release issued Friday.

The agency said it would conduct new research into the link between PCBs in caulk and in the air, which it said is not well understood. Studies in European countries have shown that PCBs in caulk contribute to dust and air inside schools and other buildings.

EPA now recommends testing for PCBs in peeling, brittle, cracking or deteriorating caulk in schools and other buildings that were built or renovated between 1950 and 1978. The caulk should be removed if PCBs are found at significant levels, the agency said. The agency also will conduct its own tests on PCBs in schools.

The law already requires that building owners remove caulk if they discover very high levels of PCBs. But proper removal is very expensive.

"It's a huge disincentive for building owners," said Robert Herrick of Harvard's School of Public Health. "If you look for it and find it, you have to report it to the EPA and remove it, so why would you look for it in the first place?"

He said Berkshire Community College in Massachusetts saw an approximately $2 million project for window replacement and renovation increase to $5 million after engineers tested caulk and found PCBs.

Earlier this month, a Bronx, N.Y., mother sued New York City over PCBs in caulk at her daughter's public school.

New York City schools spokeswoman Ann Forte declined to comment on the lawsuit, but said the school system is "engaged in positive and productive discussions with EPA to develop and agree on a plan to address PCBs in New York City schools."

Federal officials said the issue was serious but should not be cause for alarm. The agency recommended these steps for buildings of that age:

-Don't sweep with dry brooms or use dusters in places near caulk that might contain PCBs, and clean frequently with a wet or damp cloth.

-Clean air ducts, improve ventilation by opening windows and use exhaust fans and vacuums with high-efficiency air filters.

-Wash hands with soap and water often, especially before eating or drinking, and wash children's toys often.

The agency also set up a PCBs in caulk hot line, 1-888-835-5372, and Web site,http://www.epa.gov/pcbsincaulk/.

PCBs, known formally as polychlorinated biphenyls, are chemicals that were widely used in construction and electrical materials - they made caulk more flexible - before they were banned 30 years ago. PCBs can hurt the immune, reproductive, nervous and endocrine systems and can cause cancer if they build up in the body over long periods of time.

Hundreds of the 80,000 public school buildings across the country were built between 1950 and 1978, though it is difficult to say exactly how many.

A decade-old Education Department report said the average building was 40 years old, and the Rebuild America's Schools coalition says that two-thirds of schools have an environmental problem such as the presence of cancer-causing asbestos or radon gas, lead in water and paint, leaking underground storage tanks or cancer-causing radon gas.

Silver on the Nano Scale has Unique Properties (*MetalMiner*)

September 29th, 2009 ·

Silver Institute Executive Director Mike DiRienzo is quoted in a Mineweb article this week extolling the virtues of silver nano technology and explaining how the new applications for silver

nano technologies will create a surge of demand for the metal. The basis of his enthusiasm is silver's long acknowledged ability to disrupt the functioning of single cell bacteria now made dramatically more potent by its application on a nano scale. Nano technologies have many almost unique qualities such as invisible dispersion, targeted application and comparatively speaking, low cost. The USA is leading the world in developing new applications for nanosilver every day and clothes are already available that supposedly can be worn day after day without needing to be washed or kitchen appliances like refrigerators that are naturally sanitized. But some of the most exciting applications combine silver's anti microbial qualities with its ability to act as a conductor, meaning it can be used in electric circuits embedded in the body. One application developed by Engineers at the University of California employs nanosilver wires embedded in a new contact lens that can measure changes in pressure across the cornea and via wireless can indicate the early stages of glaucoma, the world's second leading cause of blindness.

What the article doesn't do is explore the environmental concerns around the use of silver and how those concerns are proving a brake on more widespread adoption. The concerns can be highly technical in nature and for anyone keen on a more detailed analysis there is a Friends of the Earth report available running to eight pages. Broadly speaking though the problem seems to be that silver can be toxic to both good and bad bacteria; to quote the report, "the potential for nanosilver to adversely affect beneficial bacteria in the environment, especially in soil and water, is of particular concern. Conversely, there is also a risk that use of nanosilver will lead to the development of antibiotic resistance among harmful bacteria." The industry, of course, vehemently refutes such suggestions and says the metals' ability to reduce the risk of MRSA infections in hospitals (as just one example) vastly outweighs any potential risks. It's probably the growth of silver use in disbursed situations that most bothers some scientists. One big growth area is in clothes where minute silver coated particles are fused with the garment fibers to kill bacteria causing personal hygiene problems. A well documented application is Samsung's washing machine that releases 400 billion silver ion particles in every wash and thereby supposedly sanitizes the wash reducing the temperature and duration required. The worry is when these nanosilver particles are released into the environment will they kill beneficial bacteria required for soil nitrification and water purification? Will they accumulate like heavy metals to levels that become toxic to mammalian liver cells, stem cells and even brain cells?

Although it is entirely appropriate that such concerns are thoroughly researched, it is possible that such fears are over done. The photographic industry was using silver in vast quantities until this decade and the vast majority was simply flushed into the waste water system without any recorded ill effects. No doubt factory outflows were strictly controlled but millions of private developers operated unsupervised for a hundred years or more, using much higher concentrations.

The EPA has been evaluating nanosilver's use as a microbial agent for some two years now and the industry is waiting a decision. Now if I could just find somewhere to buy silver impregnated socks……

–Stuart Burns

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EPA issues new guidelines for addressing PCB-laden caulk in schools, other buildings (*OregonLive.com*)

By Scott Learn, The Oregonian

September 28, 2009, 7:01AM

Polychlorinated biphenyls, an infamous industrial toxic largely banned for three decades, still lurk in some unexpected places, including caulk used in schools and other buildings from 1950 to 1978.

Now the U.S. Environmental Protection Agency has new guidelines on how to deal with PCB-laden caulk.

Schools and buildings constructed or renovated from 1950 to 1978 may have PCBs at high levels in caulk around windows and door frames, behind masonry columns and in other masonry building materials, the EPA says, potentially exposing schoolchildren and workers.

Among the steps EPA recommends:

- Clean air ducts.
- Improve ventilation by opening windows and using or installing exhaust fans where possible.
- Clean frequently to reduce dust and residue inside buildings.
- Use a wet or damp cloth or mop to clean surfaces.
- Don't sweep with dry brooms and minimize use of dusters in areas near potential PCB-containing caulk.
- Use vacuums with high-efficiency particulate air filters.
- Wash hands with soap and water often, particularly before eating and drinking.
- Be especially careful to minimize exposure during renovation projects.

Building owners should also consider testing to determine if PCB levels in the air exceed EPA's suggested public health levels.

The agency also recommends testing peeling, brittle, cracking or deteriorating caulk directly for the presence of PCBs and removing the caulk if PCBs are present at significant levels.

Building owners can also assume the PCBs are present and remove deteriorating caulk.

The agency says it's conducting research to determine the sources and levels of PCBs in buildings and to evaluate different long-term strategies to reduce exposures.

Scott Learn: scottlearn@news.oregonian.com

Ford tells the EPA: We've gotten the lead out! (*USA Today*)

Sep 28, 2009

About two years ahead of schedule, Ford Motor has removed all of the lead weights from its vehicle tires. Drive On's **Sharon Silke Carty** reports:

The Environmental Protection Agency last year lauded a group of retailers, tire makers and auto manufacturers who promised to take those little lead weights off their wheels by the end fo 2011. Ford says they are already gone.

At the end of August, Ford was able to convert the last of its vehicles to lead-free status. In 2008, the automaker used about 1.5 million pounds of lead to balance tires. Now, the tires are weighted with steel weights, which aren't as pliable and are harder to work with.

The EPA says lead tire weights may be the biggest source of lead put into the environment each year. The little gray weights about the size of a pinky finger are used to balance the wheels so they don't vibrate when they rotate and so tires don't wear improperly.

They can fall off wheels, however, and get crunched into dust — floating into the air and washing into the groundwater. Lead is a neurotoxin, meaning it attacks the nervous system. It can cause brain damage and is most harmful to children under age 6.

WATER

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Environmentalists torn up over Compton Creek bulldozing (*Los Angeles Times*)

L.A. County annually clears debris and vegetation along the channel in preparation for flood season, driving out wildlife. Environmentalists seek a less destructive way.

By Louis Sahagun

September 29, 2009

Knee deep in Compton Creek's murky waters, environmentalist James Alamillo scanned the ripples for signs of aquatic life in a stretch edged with cattails and trash, between a Metro Rail station and heavy industry just north of the 710 Freeway.

"What have we here? A crawdad," he said, smiling down on the creature as it scooted backward over his waterproof boots. "We also have a lot of this sort of thing," he grumbled, reaching into the water and yanking out a clump of discarded electrical wiring.

He heaved the garbage onto the riverbank.

Alamillo, a spokesman for the Santa Monica-based conservation group Heal the Bay, had gone out last week to call attention to the plight of the creek's earthen-bottom portion, which meanders for eight miles through some of Southern California's most densely populated and heavily industrialized regions. Decades of illegal dumping and storm drain runoff have loaded the channel with debris and laced its water with industrial waste.

Then there is the annual September bulldozing of debris and creek vegetation -- all impediments that could block the flow of water -- by Los Angeles County flood control crews.

"It's a catastrophe that happens over and over -- and it's happening again," Alamillo said. "Come back in a few days and it'll look like a bomb was dropped on this place."

Environmental groups, including Heal the Bay and Friends of the Los Angeles River, want the county to weigh other, less destructive ways of managing the channel. County authorities, however, insist the operations are needed to protect lives and property during Southern California's storm season.

"There has to be a way to protect property and human lives without destroying all of nature at the same time with heavy machinery," said Mark Gold, president of Heal the Bay. "If that means using labor-intensive hand crews to remove debris and trash and maintain vegetation, then so be it."

Mark Pestrella, deputy director of the Los Angeles County Department of Public Works, said Gold misses the point.

"If we had to clear that channel of debris and vegetation by hand, it would take more than three years," he said. "We use bulldozers because they are an effective way of clearing the channel of debris that could inhibit our ability to provide flood protection."

For the last three decades, Compton Creek stakeholders -- civic leaders, homeowners, regulatory agencies, county engineers, environmentalists, developers -- have tried to find common ground.

Compounding problems, county flood control authorities say, the channel's levee system does not meet federal flood standards. As a result, the system must be upgraded to avoid creating a serious flood risk in Compton, a city of about 93,500 residents, 28% of whom live below the poverty line.

Overall, Compton Creek is about 20 miles long and runs through several cities north and south of Compton en route to the Los Angeles River and then the ocean.

It is cherished by environmentalists as a remnant of wildlife habitat in a sea of asphalt and traffic.

Earlier this year, conservation groups opposed renewal of the five-year permit that allows the Public Works Department to bulldoze the creek and the Long Beach estuary, about 10 miles farther south, pending a review of less destructive alternatives.

Instead, the permit was approved Sept. 3 -- by default.

That is because the permit application was submitted to the California Regional Water Quality Control Board more than a year ago. Under the U.S. Clean Water Act, if the board fails to act on a permit request within a year, it automatically goes into effect.

"Much to my embarrassment, we missed the deadline by about two months," said Tracy Egoscue, the water board's executive officer. "So the county got a de facto approval."

Los Angeles County Supervisor Mark Ridley-Thomas recently joined the Compton Creek controversy with a plan he hopes will bring antagonistic parties together.

In June, the Board of Supervisors approved his motion directing the Public Works Department to work with all jurisdictions within the watershed, including the cities of Compton, Los Angeles and Long Beach, to develop a Compton Creek master plan.

The plan, which will take two to five years to complete, will include strategies for revitalizing as many portions of the creek as possible with bike paths, pocket parks and restored habitat.

Whether the plan will spark a renaissance remains to be seen. After all, the creek is already under review by more than a dozen groups, including the Los Angeles and San Gabriel Rivers Watershed Council, the Rivers and Mountains Conservancy, and the Compton Creek Task Force, led by Compton City Councilwoman Yvonne Arceneaux.

A week ago, community leaders, elected officials and business owners met at a casino in Compton with a goal of identifying opportunities for economic development and habitat restoration.

Alamillo had more immediate concerns during his visit to Compton Creek.

Four bulldozers, two dump trucks and two water tenders were methodically stripping a mile-long stretch of the creek north of Del Amo Boulevard of its greenery.

As the heavy machinery advanced, flocks of startled red-winged blackbirds fluttered out of dense stands of cattails up to 7 feet tall. A rabbit dashed toward higher ground. A heron-like bittern flew out of the path of one bulldozer, then another. Dragonflies and butterflies scattered in all directions.

"There's got to be a better way," Alamillo said, shaking his head.

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EPA seeks to limit plane deicing chemical runoff (*Associated Press*) This story also appeared: *Washington Post*

By MELANIE S. WELTE (AP) – Tuesday, September 29, 2009; 5:55 AM

DES MOINES, Iowa — Every winter, airports across the country spray millions of gallons of deicing chemicals onto airliners and allow the runoff to trickle away. When the chemicals end up in nearby waterways, the deicing fluid can turn streams bright orange and create dead zones for aquatic life.

The practice is legal, but environmental officials want it to stop.

"We normally don't think of airports as one of our major polluting facilities," said Chuck Corell, water quality bureau chief with the Iowa Department of Natural Resources. "I think it's safe to say that for years it was unchecked."

Not every airport lets the chemicals drain off the tarmac uncollected, but those that do range from some of the nation's largest — including John F. Kennedy in New York and Chicago's O'Hare — to small regional airports such as the Eastern Iowa Airport in Cedar Rapids. Both activists and federal environmental officials say the chemicals slowly create waterways that won't support life.

"Here you have millions of gallons a year of this deicing chemical running off untreated directly into that bay," said Larry Levine, an attorney with the Natural Resources Defense Council, which sued New York over deicing chemicals that flow from JFK into the Jamaica Bay Wildlife Refuge. "Anything that can't swim away is going to die."

Proposed U.S. Environmental Protection Agency regulations would require airports to capture at least some of the deicing fluid after it is used to rid planes of ice and snow. The agency says those rules would reduce by 22 percent the discharge of chemicals, which lower oxygen levels in waterways and prevent fish and other aquatic creatures from breathing.

The two main types of deicing fluids — propylene glycol and ethylene glycol — are not generally seen as a threat to human health. Ethylene glycol, which also is used in antifreeze, is generally only toxic in humans if ingested. Propylene glycol is a "generally recognized as safe" additive for foods and medications, according to the U.S. Food and Drug Administration.

Under the EPA's proposed regulations, six of the nation's 14 major airports that are the biggest users of deicing fluid — JKF, O'Hare, Cleveland-Hopkins International, Newark Liberty International in New Jersey, Boston Logan International and LaGuardia Airport in New York — would have to install deicing "pads" or other collection systems to contain 60 percent of fluid sprayed.

The airports would then have to make sure the collected liquid was treated to remove any toxins, the EPA said.

Officials at five of those six airports either said they were meeting all current runoff rules or declined to comment. A spokeswoman for the Cleveland airport said that facility already uses a deicing pad.

Mary Smith, director of engineering and analysis division in the EPA's Office of Water, said the other eight major airports already have deicing pads and probably won't have to make changes to comply with the proposed rules.

About 200 smaller airports would be required to collect 20 percent of the fluid by using technologies such as a glycol recovery vehicle, which is basically a vacuum that sucks up the chemical. Airports with less than 1,000 annual jet departures wouldn't be affected.

Dean Schultz, a spokesman for the American Association of Airport Executives, criticized the proposed rules as unnecessary. He pointed to current regulations in which the EPA or an authorized state agency issues general permits or more detailed individual permits that cover deicing discharges. Schultz said additional rules would be redundant and costly.

"We all don't have the same issues. We all don't dump to the same discharge waters," Schultz said. "It's a bit of a shotgun approach to solving the problem when there's already a mechanism in place to deal with it in a more case-by-case basis."

Under existing rules, adopted in the 1990s, airports are required to minimize contamination of stormwater runoff and must monitor for pollutants, including deicing fluid. Some states have required additional measures when reports showed high levels of the chemicals.

Environmental officials in Iowa discovered the issue after residents complained. At the Eastern Iowa Airport in Cedar Rapids, neighbors living along a creek noticed the water had turned bright

orange. At Des Moines International Airport, neighbors reported water that had a green, cloudy tint with a sweet, chemical odor. A rusty orange fungi was on the creek bed, according to a report by the Iowa Department of Natural Resources.

In both cases, the state Department of Natural Resources ordered fixes. The Cedar Rapids airport, which was told to the fix the problem last January, has appealed. Des Moines in 2000 spent $10 million on a containment system and immediately saw a difference.

"Once the collection system was put in place and operational, I noticed the fish and aquatic life in the creek," said John Wheeler, the airport's environmental manager.

EPA suggests testing for PCBs (*Boston Globe*)

Says schools, other buildings may have issue

By Beth Daley, Globe Staff | September 29, 2009

The US Environmental Protection Agency is recommending that owners of older buildings, including schools, test brittle, aging masonry and window caulking for high levels of chemicals believed to cause cancer.

The recommendation is targeted at thousands of buildings constructed or renovated between 1950 and 1978, when polychlorinated biphenyls, widely known as PCBs, were banned. Several Massachusetts schools and colleges have recently found high levels of PCBs in caulking.

The federal agency said the danger to schoolchildren is unknown, but added that “we’re concerned about the potential risks associated with exposure to these PCBs, and we’re recommending practical, common-sense steps to reduce this exposure as we improve our understanding of the science,’’ said EPA Administrator Lisa P. Jackson.

PCBs gained infamy for their use in electrical transformers that leaked the oily compounds into waterways and soil to pollute industrial sites around the country. They are present at many of the nation’s filthiest industrial sites. But the oily chemicals were also mixed into caulking to make it rubbery when it was applied to interior and exterior windows, doors, and bricks. It was also used in industrial paints and adhesives to glue items including tile flooring and cabinets.

As caulking ages, it can disintegrate into particles and vapors containing small amounts of PCBs, which can fall to the ground, coat windowsills, and infiltrate a building’s ventilation system.

This spring, Berkshire Community College in Pittsfield voluntarily tested its caulking and discovered high levels of PCBs on exterior windows and construction joints of several buildings. A few months later, after finding high levels of PCBs, New Bedford High School removed adhesives, paint, and foam in two classrooms and a teacher’s room, as well as paint on a closet wall.

EPA officials said there was no cause for alarm, yet recommended that building owners test caulking if it is brittle, cracking, or deteriorating or if PCB air levels exceed EPA suggested levels. They also recommended that building owners do the following: Clean air ducts, improve ventilation by opening windows, clean rooms frequently to reduce dust, use vacuums with high efficiency particulate air filters, and wash hands with soap and water often, particularly before eating and drinking.

PCB in caulking is an emerging issue in the country, and few schools or industrial buildings, where the caulking was used the most, have been tested.

While the EPA now recommends testing for PCBs, it is not required.

Yet the agency requires caulking or other material to be removed if it contains levels about 50 parts per million. In Massachusetts, some caulking has been found at 5,000 parts per million or more. In New York, some school caulking was found to contain 200,000 parts per million.

Many school administrators in New England, faced with dwindling budgets, acknowledged privately to the Globe in recent months that they avoid testing because of the financial burden. It can cost hundreds of thousands of dollars, or more, to get rid of PCBs.

"This is a good start,'' said Robert Herrick, senior lecturer at the Harvard School of Public Health. In 2004, he tested 24 buildings in Greater Boston that a bricklayer identified as probable sites of PCB contamination. Eight contained caulking with PCB levels above 50 parts per million.

"But it doesn't deal with the underlying reality that if you follow the guidance and test for it, you have to remove it,'' Herrick said. "School districts are so financially strapped teachers are forced to bring in their own classroom supplies.''

He said one answer would be federal legislation now pending to give school districts low-interest loans and grants to scrub PCBs from their buildings.

The health danger caused by the release of PCBs from caulking remains unclear.

This family of chemicals includes more than 200 compounds, and they vary in how they affect people. ■

EPA orders two Honolulu companies to comply with Clean Water rules (*Bizjournals.com*)

Pacific Business News (Honolulu)

Monday, September 28, 2009, 9:09am HAST

The U.S. Environmental Protection Agency has ordered two Honolulu companies to comply with Clean Water Act requirements.

Hawaii Stevedores Inc. and Honolulu Marine LLC both failed to meet stormwater runoff rules, the EPA said Monday.

Hawaii Stevedores, which operates marine cargo handling facilities at Pier 1 and Pier 35 at Honolulu Harbor, did not have a permit or a stormwater pollution control plan, the EPA said. Pollutants from vehicle repair and maintenance areas were contaminating the stormwater runoff.

The EPA said that Honolulu Marine LLC, which operates a boat building and repair facility on Ahui Street that discharges stormwater into Kewalo Basin, failed to have required stormwater pollution control measures, failed to cover and contain stored materials and barrels and did not meet stormwater control monitoring and reporting requirements as required by its permit.

"Both companies must promptly correct the violations and improve pollution controls at their facilities to protect our harbors and coastal waters," said Alexis Strauss, Water Division director for the EPA's Pacific Southwest region, in a statement. "If not managed and controlled, pollutants can contaminate our coastal waters through stormwater runoff."

Hawaii Stevedores has been ordered to get a stormwater permit, the EPA said. The company has 30 days to contain all pollutants at its location from contaminating runoff. Once that is complete, a report detailing the work must be submitted to the EPA.

The EPA said Honolulu Marine needs to inspect its facility to make sure stormwater is not polluted. The company has 30 days to fix the stormwater control issues. The company has to submit a management plan to the EPA, as well as records and reports required by the discharge permit and a report of the completed work.

Both companies were inspected in December 2008 as part of a regional effort to improve compliance with the Clean Water Act's regulations at ports in California and Hawaii, the EPA said.

Pa. orders halt to fracturing after spills *(Greenwire)*

09/28/2009

Pennsylvania officials ordered Cabot Oil & Gas to stop all hydraulic fracturing in Susquehanna County after three separate spills of a gel-like lubricant at a Dimock Township well polluted wetlands and caused a fish kill in Stevens Creek.

The order, which area residents said is long overdue and the company called needless, comes out of concern that Cabot's fracturing process will continue to harm the county's environment.

"It's a significant enforcement action," said Daniel T. Spadoni, a spokesman for the state Department of Environmental Protection.

The company is permitted to continue drilling at seven other wells in Susquehanna, but must wait before it begins fracturing, or "fracking," a technique that uses liquids to fracture rock and release natural gas.

Cabot spokesman Ken Komoroski said the stoppage order was unnecessary because the company was already taking appropriate action (George Basler, *Binghamton [N.Y.] Press & Sun-Bulletin*, Sept. 25). **-- PT**

San Joaquin River restoration begins this week *(Greenwire)*

09/28/2009

The San Joaquin River restoration project begins this week with test releases to study how the 350-mile river responds.

After that, engineers will widen the riverbed in some places and dig new channels around obstacles.

The restoration project has been the subject of a longstanding water rights dispute that has pit farmers against fishers and environmentalists. Farmers had initially opposed the deal, saying that releasing water into the river would cut irrigation supplies to the region, which employs thousands of people and produce millions of dollars worth of produce. But after it became clear that federal judges presiding over the lawsuit had the right to enact severe water cutbacks, farmers agreed to a settlement that they felt protected their interests (*Greenwire*, March 26).

Farmers remained concerned, however, that the restoration will harm the Valley's renowned farming industry.

Meanwhile, the fishing industry has heralded the project, which aims to restore decimated salmon populations.

"I don't know if we'll ever get 110,000 fish [in the river] like we did before, but I think it will help," said Zeke Grader, executive director of the Pacific Coast Federation of Fisherman's Associations, which was a plaintiff in the 1988 lawsuit.

The full cost of the project remains unclear, but experts estimate it could be as little as $600 million or more than $1 billion depending on whether officials need to purchase private property to widen the river and construct facilities to help replace water lost by farmers (Mark Grossi, *Fresno Bee*, Sept. 26). **-- JK**

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