U. S. Environmental Protection Agency
Blog Round-up
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ROUND-UP OF MAJOR BLOGS

AIR

Lieberman: Utilities Want A 'Breather' From Letting People Breathe (Wonk Room)

As negotiations on a stripped-down bill to limit global warming pollution from coal-fired power plants reach the final hour, Sen. Joe Lieberman (I-CT) is sympathizing with the utility industry's attempt to suspend Clean Air Act rules on pollutants that kill tens of thousands of Americans a year. At a meeting with environmentalists, Duke Energy CEO Jim Rogers "led the call for regulatory relief on a number of existing Clean Air Act programs dealing with sulfur dioxide, nitrogen oxide and mercury, including a new EPA rule proposed last week that deals with interstate pollution." However, thirty-one environmental and health organizations sent a letter to senators last week calling such rollbacks "simply unacceptable." Center for American Progress senior fellow Van Jones called it a "literal poison pill." Today, Lieberman made the ironic claim that polluters "just want a breather" from clean air rules:

That's a tough one. They frame it in a different way. They just want a breather. And not an eternal pre-emption. These are all topics of negotiation. That's what we're supposed to be doing here.

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Sen. John Kerry (D-MA), Lieberman's partner in developing a Senate climate bill, last Thursday said there was a little room for negotiation, but opposed any "rollback." "If we put those requirements into a different form so that we are still adhering to them, that is a different issue and those are two different choices," Kerry said. "But there is not going to be a rollback of current requirements."

Other Democrats don't find this one of the acceptable "topics of negotiation." "I'd not want to see any weakening of the authority they have today," Sen. Ben Cardin (D-MD) said last week. "It's been a major tool for cleaning up our air."

The environmental and public health community — including NAACP and Green For All, Public Citizen and the American Lung Association, the Environmental Defense Fund and Environment America, the Natural Resources Defense Council and the Union of Concerned Scientists — are united in their opposition, saying that "delaying the cleanup of these plants threatens the health of millions of Americans." "I'm sure people throw everything on the table," said League of Conservation Voters President Gene Karpinski. "But we've made it damn clear … that there are no trade-offs of any regulation of any [conventional] pollutants."

FUEL

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EPA: Keystone XL impact statement needs revising (*Huffington Post*)

MARIA SUDEKUM FISHER | July 21, 2010 03:12 PM EST

KANSAS CITY, Mo. — The Environmental Protection Agency said the draft environmental impact study for TransCanada Corp.'s proposed oil pipeline from Canada to the Gulf of Mexico is inadequate and should be revised.

Keystone XL would move oil from Alberta, Canada, down through Montana, South Dakota, Nebraska in the upper Great Plains. It would then merge with a pipeline under construction in Kansas before breaking off again to pass through Oklahoma, to Texas and to the Gulf of Mexico.

Environmental groups have raised concerns that the pipeline could pollute air and water supplies and harm migratory birds and other wildlife. They have also speculated about what they consider inadequate pipeline safety and emergency spill response.

In a letter to the State Department, EPA's assistant administrator for enforcement and compliance assurance, Cynthia Giles, said the draft environmental impact statement failed to adequately address those concerns.

The impact from "air emissions from refineries and the potential contamination of drinking water supplies from an oil spill have not been fully evaluated," Giles said in the letter dated July 16.

She also said the study also does not evaluate "evaluate the environmental justice issues associated with potential impacts to communities in Port Arthur, Texas, where numerous industrial facilities, including chemical plants and a hazardous waste incinerator, are contributing to the residents' overall exposure to contaminants."

The agency said the State Department should revise the study and open it up for more public comment.

TransCanada spokesman Terry Cunha said the company disagrees and that the State Department "did a thorough and complete job in preparing the Draft EIS."

He said TransCanada looked "forward to the environmental review process continuing through DOS's review of comments and preparation of the Final EIS."

The EPA sent its report to the State Department, which has to approve the pipeline because it crosses an international border.

The department was reviewing comments from eight agencies on the draft environmental report. The public comment period on the current draft document ended July 2.

"The State Department seriously considers all public comments received as part of the public comment process. However, we will not have a detailed response until we complete the review process," State Department spokeswoman Jill W. Dietrich said in an e-mail.

Keystone XL would move oil from Alberta, Canada, down through Montana, South Dakota, Nebraska in the upper Great Plains, and then from Oklahoma to Texas and into the Gulf of Mexico. Under its planned route, the pipeline would cross several rivers and aquifers, including the Ogallala aquifer which supplies water to several Midwestern states.

TransCanada has said the pipeline would provide a reliable source of oil to the U.S. from a stable trading partner and would not adversely affect the environment.

Cunha has said construction of Keystone XL should provide more than $20 billion in new spending to the U.S. economy and more than $585 million in state and local taxes in states along the pipeline route.

Susan Casey-Lefkowitz, director of international programs for the National Resources Defense Council, said the environmental advocacy group was "happy to see how seriously EPA was taking the environmental and public health concerns around the pipeline," and said other pipelines have not undergone such scrutiny.

Keystone has already won approval for pipelines that move oil from Canada through the Dakotas, Nebraska and Missouri to Illinois, as well as the section being built in Kansas.

"But of course ... the first Keystone was under the Bush administration, and the goal of the Bush administration was to push it through as quickly as possible," she said.

She said NRDC has asked the State Department to release correspondence from other federal agencies that have responded to the Keystone XL proposal but had not seen any of those.

WATER

'Fracking': EPA Takes New Look At Natural Gas Drilling And Possible Water Contamination (Huffington Post)

HARRISBURG, Pa. — So vast is the wealth of natural gas locked into dense rock deep beneath Pennsylvania, New York, West Virginia and Ohio that some geologists estimate it's enough to supply the entire East Coast for 50 years.

But freeing it requires a powerful drilling process called hydraulic fracturing, or "fracking," using millions of gallons of water brewed with toxic chemicals, that some fear could pollute water above and below ground and deplete aquifers.

As gas drillers swarm to this lucrative Marcellus Shale region and blast into other shale reserves around the country, the U.S. Environmental Protection Agency is taking a new look at the controversial fracking technique, currently exempt from federal regulation. The $1.9 million study comes as the nation reels from the Deepwater Horizon environmental and economic disaster playing out in the Gulf of Mexico.

The oil and gas industry steadfastly defends the process as having been proven safe over many years as well as necessary to keep the nation on a path to energy independence.

Studies have "consistently shown that the risks are managed, it's safe, it's a technology that's essential ... it's also a technology that's well-regulated," said Lee Fuller, director of the industry coalition Energy In Depth.

"A fair study," Fuller added, "will show that the procedures that are there now are highly effective and do not need to be altered – the federal government does not need to be there."

But because of the oil spill, conservation groups say the drilling industry has lost it credibility and the rapid expansion of shale drilling needs to be scrutinized.

"People no longer trust the oil and gas industry to say, 'Trust us, we're not cutting corners,' " said Cathy Carlson, a policy adviser for Earthworks, which supports federal regulation and a moratorium on fracking in the Marcellus Shale.

Just six years ago, an EPA study declared the fracking process posed "little or no threat to underground sources of drinking water" and with that blessing, Congress a year later exempted hydraulic fracturing from federal regulation.

Now the agency, prodded by Congress even before the Gulf disaster and stung by criticism that its 2004 study was scientifically flawed and maybe politically tainted, will bring the issues to the heart of the land lease rush in the Marcellus Shale: Canonsburg, Pa., on Thursday and Binghamton, N.Y., on Aug. 12.

EPA hearings earlier this month in Fort Worth, Texas, and Denver focused on issues including drilling in the Barnett Shale of Texas, and in Colorado and Wyoming, which have experienced similar natural gas booms. Natural gas is also being recovered from the Haynesville Shale in north Louisiana, the Fayetteville Shale in northern Arkansas and Woodford Shale in southern Oklahoma.

In Texas, where drillers have sunk more than 13,000 wells into the Barnett Shale in the past decade, fear of the cancer-causing chemical benzene in the air above gas fields from processing plants and equipment has spurred tests by environmental regulators and criticism of the state's safeguards. In Colorado, numerous residents contend gas drilling has spoiled their water wells.

Advancements in horizontal drilling and hydraulic fracturing technology in the late 1990s significantly increased the yield and economic viability of tapping shale gas wells and led to the current natural gas boom, starting in Texas with the Barnett Shale. Fracking is now considered the key to unlocking huge, untapped natural gas reserves across the United States at a time when natural gas is emerging as a greener energy alternative to coal or oil.

The Marcellus Shale is 10 times the size of the Barnett, spanning 50,000 square miles compared with the 5,000-square-mile Barnett. It is also three times thicker than the Barnett at up to 900 feet and is estimated to have a potential yield of 10 times as much gas (500 trillion cubic feet versus 50 trillion cubic feet).

At stake in the debate over how best to manage and regulate this enormous new natural resource is not just the safety of water supplies but also thousands of jobs, profits for the gas drilling and delivery industry and a bonanza of royalties for landowners.

"We've got to get it right," said Sen. Bob Casey, D-Pa., a sponsor of the so-called FRAC Act, which would repeal the 2005 exemption and require regulation of fracking by the EPA under the federal Safe Drinking Water Act.

"We allowed coal over many, many decades to be an industry that was so unregulated that it was allowed to do virtually whatever it wanted, and now we have numerous environmentally adverse impacts," he said.

Though the drilling rush into Pennsylvania is barely two years old, more than 3,500 permits have been issued and about 1,500 wells drilled, with thousands more expected. Environmental problems are already bubbling up: methane leaks contaminating private water wells, major spillage of diesel and fracking chemicals above ground, and fish kill in a creek.

A well blowout in north-central Pennsylvania last month spewed natural gas and toxic fracking water out of control for 16 hours. State regulators found EOG Resources Inc. of Houston had failed to install a proper blowout prevention system – taking cost shortcuts. The state fined EOG Resources and a contractor more than $400,000.

A wary New York state has had a virtual moratorium on drilling permits for the Marcellus Shale region for two years while it completes an environmental review.

Fear of water pollution is so high that a sweet spot of the Marcellus Shale – the Delaware River watershed in southern New York and northeastern Pennsylvania that provides drinking water for 17 million people from Philadelphia to New York City – is virtually off-limits to drilling for now.

The industry says there is no evidence that fracking chemicals – some of them suspected human carcinogens – contaminate drinking water, wells or aquifers once blasted deep underground.

EPA summarized numerous reports of "water quality incidents" in residential wells, homes, or streams in Alabama, Colorado, Montana, New Mexico, Virginia, West Virginia and Wyoming but said there was inconclusive evidence linking the incidents to fracking.

Hydraulic fracturing, first used commercially in 1949 by petroleum services giant Halliburton Co. of Houston, was developed to eke gas and oil from impermeable rock. Water mixed with chemicals and sand is injected at high pressure to fracture shale, the sand holding fractures open so gas can flow up the well.

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Each frack job uses an average of 4 million gallons of water, delivered to a well site by hundreds of tanker trucks. Some of the "produced" wastewater remains in the well – estimates range from 20 percent to 90 percent. What comes back up the well – briny, chemical-laden and possibly radioactive from exposure to naturally existing radon underground – is usually stored in open pits until it's trucked to treatment plants or underground injection wells.

In the northeastern Pennsylvania town of Dimock, state regulators have repeatedly penalized Houston-based Cabot Oil & Gas Corp. for contaminating the drinking water wells of 14 homes with leaking methane and for numerous spills of diesel and chemical drilling additives, including one that contaminated a wetland and killed fish.

Even as Pennsylvania officials work to improve their regulation of drilling, the state's environmental protection secretary does not want to cede authority.

"I'm not ready to turn Pennsylvania's resources over to the federal government," said John Hanger. "Right now, Pennsylvania has just about the very best drilling oversight in the country and we continue to keep working at it every day."

Hanger is quick to criticize the regulatory debacle of the federal Minerals Management Service and its cozy relationship with oil and gas corporations before the Deepwater Horizon explosion on April 20.

"That agency was captured by the drilling industry," he said.

The industry says it believes state oversight is sufficient and worries the new EPA study will lead to new and costly safety and environmental rules that would rob them of decades of profits.

In West Virginia, however, state officials concede they're overwhelmed trying to regulate the Marcellus juggernaut that has added hundreds of Marcellus wells to tens of thousands of traditional, shallow gas wells.

If passed, the FRAC Act would remove what's widely known as the "Halliburton loophole" – which exempted fracking from the Safe Drinking Water Act when the 2005 energy bill was passed.

The EPA, in a statement to The Associated Press, did not criticize its previous study. But given the rapid expansion of the industry and "serious concerns" about the impact of hydraulic fracturing, the agency said it concluded it was necessary to conduct a peer-reviewed study that draws upon best available science, independent experts and the public.

Online:
EPA's hydraulic fracturing website: http://www.epa.gov/safewater/uic/wells_hydrofrac.html
More on Energy

Hidden LA River Tour With Jenny Price (*Huffington Post*)

First Posted: 07-21-10 01:48 PM | Updated: 07-21-10 11:16 PM
Around Town, La River, Los Angeles River, Slidepollajax, Los Angeles News
UPDATE: Below, we had originally quoted Jenny Price as saying Los Angeles spends $200 billion a year for 1 billion gallons of water. In fact, the figure is reversed: Los Angeles spends $1 billion a year for 200 billion gallons of water.

Jenny Price, environmental writer and LA river tour guide, is on a mission to let Angelenos know one thing: "Los Angeles is not a desert!" It's easy to make that assumption because of the hot, arid weather and city-wide mandates to conserve water. But in fact, Los Angeles was built on a basin of rivers and streams that stretch 51 miles from the Valley to Long Beach, and it's undergoing a 20-year revitalization effort to get green, clean, and pretty for all Angelenos to enjoy. Earlier this month, the LA River was declared "navigable" by the EPA (Environmental Protection Agency) and thus subject to the Clean Water Act Protections for the first time. This can only help the revitalization effort, and to get the word out about it, Jenny Price has teamed up with Hidden LA to give river tours that provide historical and political context on the struggle to reclaim the space.

When Hidden LA's Lynn Garrett started organizing the tours through her site, she came across a fair amount of cynicism from hardened Angelenos. "It was a tough sell at first... Lots of 'Why would anyone want to tour a dry ditch filled with dead bodies and shell casings?' type of comments. People have NO CLUE about it," Lynn wrote. But Facebook comments like "LOL LA river that's a joke!" and "River? It's a drainage ditch. Let's call it what it is" were

quickly transformed in tone after Lynn posted an album of the event over the weekend: "Great pictures! When's the next tour???" and "Beautiful pictures! Never realized there was foliage and birds!" You can sign up now for the next guided tours on August 22 and 29.

Below is a short interview with tour guide Jenny Price.

1: Why do you think Angelenos don't know about the revitalization efforts?

I think that part of it is that the LA River has been a joke for so many decades that it goes a little bit in one ear and out the other when they read about it in the papers. A lot of people still don't really know that the river is here, and I think the closer you live to the river, the more likely you are to know that something is going on. My experience is that folks on the Westside are probably the least-educated about it - I live in Venice, by the way. When I talk to people from Venice, Santa Monica, Culver City, the Palisades, and Malibu, they usually are almost entirely clueless. Whereas if you live in Silver Lake or Echo Park, you'd know.
2: How would Angelenos' daily lives be changed if the revitalization efforts (clean, green, and get rid of some concrete) actually happened?

A lot of ways. If we're relying more on local water supplies, our water is going to be a lot cheaper. We wouldn't drink water directly out of the river, but we'd be able to rely more on our own stuff. Right now, we're moving most of our storm water to the ocean. If we capture that storm water and it goes down to the aquifer, then we have the option of pulling it back up and cleaning it. This is a lot cheaper than bringing it 450 miles from the Delta. Just the city of LA pays $1 billion a year to import 200 billion gallons of water, and that's 20% of the energy use for the city.
The river could also be the backbone for a county-wide network of green space. So if you think about LA right now, it's a very concrete city in a lot of ways. Literally you can walk for one, two, or three miles and not see any green space or public park. So what we're envisioning now is using the river as backbone to green up the city and give neighborhoods public space. LA has always been very dysfunctional. There's a lot of private green space, but only in certain neighborhoods. Everybody has a right to green space and clean air, and this is going to help with that a lot.

Another thing is that if you can clean up the rivers, you can clean up the beaches and the ocean. One of the biggest reasons for beach closures is that you have storm water. Everybody says, "don't go into an ocean after a rain." That's because we're using our river channels to run all of our pollution into the ocean.

3: Who are the leaders and groups that Angelenos can support in the revitalization movement?

Right now [the movement] is a big, huge coalition of public and private interests. Pretty much every public agency that you could name is involved. The City of Los Angeles, the City of Burbank, the City of Maywood, the California State Parks, Santa Monica Conservancy, and the feds are involved. Non-profits - in terms of doing something, you can go on to the Friends of the Los Angeles River website and join a clean up or come on a tour. There's the Watershed Council, there's the Trust for Public Land, there's Northeast Trees... there's a lot of environmental justice groups like the City Project and Tree People, so there's a ton of stuff going on.
Price finished our talk by summing up the goals of the revitalization movement: "We're not trying to return the river to its past; we're not trying to make it look like it did in 1730. We're trying to create a healthy, urban sustainable river" for Los Angeles.