Message

From: Seneca, Roy [Seneca.Roy@epa.gov]
Sent: 5/27/2016 1:32:54 PM
To: Garvin, Shawn [garvin.shawn@epa.gov]; Ryan, Daniel [Ryan.Daniel@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Searfoss, Renee [searfoss.renee@epa.gov]; D'Andrea, Michael [DANDREA.MICHAEL@EPA.GOV]; White, Terri-A [White.Terri-A@epa.gov]; schafer, joan [schafer.joan@epa.gov]; Seneca, Roy [Seneca.Roy@epa.gov]; Sternberg, David [Sternberg.David@epa.gov]; Smith, Bonnie [smith.bonnie@epa.gov]; Miller, Linda [miller.linda@epa.gov]; Colip, Matthew [colip.matthew@epa.gov]; Ferrell, Mark [Ferrell.Mark@epa.gov]; Brown, Kinshasa [Brown.Kinshasa@epa.gov]; Hamilton, Brian [Hamilton.Brian@epa.gov]; Tate, Rita [Tate.Rita@epa.gov]; graves, john [graves.john@epa.gov]
Subject: Headlines Highlights for RA's Tablet - FRIDAY, May 27, 2016

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New York Times Magazine

The Story Behind the EPA's Contaminated Water Revelation

By Nathaniel Rich
May 27, 2016

Last week 5.2 million Americans learned that their drinking water is contaminated with man-made chemicals linked to cancer. The Environmental Protection Agency issued a health advisory for two compounds: perfluorooctanoic acid (PFOA), which is used in the manufacture of Teflon and other nonstick substances, and the related perfluorooctane sulfonic acid (PFOS). An E.P.A. health advisory is not a regulation; it is nonbinding and nonenforceable. It does, however, require a public water system to notify its customers of the presence of the chemical and the dangers it poses. As a result, the E.P.A.'s announcement had immediate effects. Within hours, public wells were shut down in Horsham, Pa., and Maricopa County, Ariz. West Virginia's Bureau for Public Health ordered a "do not drink" advisory for the water in three communities: Parkersburg, the site of a Teflon factory that until recently was operated by DuPont; the adjacent town of Vienna; and Martinsburg, four hours east, near the Maryland border. The West Virginia National Guard sent convoys of tankers containing drinking water to Vienna.

Rob Bilott, a lawyer at the Cincinnati firm of Taft, Stettinius and Hollister, has demanded that the E.P.A. take action on PFOA since 2001. (See "The Lawyer Who Became DuPont's Worst Nightmare.") By that point, Bilott had read more than 110,000 pages of internal corporate documents related to PFOA. He had learned that DuPont, despite knowledge that the chemical was linked to increased rates of cancer and other horrific health conditions in animals and human beings, had dumped mountains of the stuff into the local water supply for decades. It was even known in 2001 that perfluorinated chemicals had been detected nationwide in nearly every

sample tested at blood banks. At least once a year since then, Bilott has written to the E.P.A. to renew his request.

Anyone who wants to understand how seriously the United States government considers its duty to protect the health of its citizens need only review the history of the correspondence between Bilott and the agency. It is a one-sided correspondence. In his annual letters, Bilott attaches previous correspondence, new scientific findings about the dangers of PFOA and disclosures from the legal cases he has waged continuously against DuPont since 1998. The E.P.A.'s responses are curt, usually less than a single page. In recent years the E.P.A. has claimed to be close to issuing a health advisory. But it did not do so until last Thursday.

Who has been drinking this poisoned water? More than five million American citizens, according to the Environmental Working Group, which analyzes data released publicly by the E.P.A. It has been found in dangerous concentrations in 52 public water systems across 19 states and two Pacific island territories. But Bilott said that the new E.P.A. advisory — warning against long-term exposure to drinking water with a concentration of PFOA or PFOS higher than 0.07 parts per billion — is too conservative. "It needs to be much, much lower," he told me this week. "Even at the lowest detectable levels, it still builds up in the blood over time." The Environmental Working Group has proposed a limit of 0.001 parts per billion, though Bilott suspects that anything above zero may be dangerous, because of PFOA's extraordinary "bio-persistence" in the blood. Once it enters your body, it stays there.

It is relatively easy to remove perfluorinated chemicals from drinking water. All that is required is the installation of a carbon-filtration system, not a particularly expensive endeavor. For more than 10 years Bilott has asked DuPont to install a filtration system in Parkersburg without success. After Vienna tested positive for high concentrations of PFOA last year, Bilott requested that Chemours, the DuPont spinoff company that now runs the local factory, provide a filtration system for that community. Chemours declined. But on Sunday it announced that it would install one.

The company's supporters tried to allay public anxiety. The Parkersburg News and Sentinel, which for the last 10 years has largely managed to avoid covering the class-action lawsuit facing the city's main employer — a suit in which a high percentage of its readers are plaintiffs — published an editorial in response to the E.P.A. advisory titled "Don't Panic." It accused the E.P.A. of changing its mind about PFOA "overnight." The editors noted that water in the area had tested at these levels for "decades," as if this was cause for reassurance.

The Parkersburg News and Sentinel accused the E.P.A. of succumbing to "political pressure." This point has some merit. In the last four and a half months, the E.P.A. has received letters demanding action on PFOA from Senator Joe Manchin of West Virginia, and from the three governors and six senators of New York, Vermont and New Hampshire, all states dealing with their own PFOA crises. Chris Gibson, a Republican congressmen from upstate New York, requested a congressional investigation after high levels of PFOA were found in the drinking water of Hoosick Falls, N.Y.

"It's frustrating to see that it takes this kind of effort to get the agency to move on a chemical like this," Bilott told me. "It shouldn't take the public having to force the issue. It says a lot about our current regulatory system."

Bilott learned of the E.P.A. news through a Google alert. The agency did not bother to notify him directly. "There's frankly no reason why this couldn't have been done over a decade ago," he says. "People should not have been drinking this for the last 15 years."

In the last week Bilott said he has received phone calls from frightened residents in Pennsylvania, West Virginia, New Jersey, New York, New Hampshire, Vermont, Colorado and California. Most of the callers had never heard of PFOA until Thursday, when they were told it was in their water. They wanted information. They wanted to protect their health and the health of their families. They wanted help. Nobody seemed to be offering

it, so they called Bilott.

Charleston Gazette-Mail

Water company could have closed intake, court filing argues

By Ken Ward Jr.
May 26, 2016

West Virginia American Water Co. could have avoided the depletion of its treated water reserves during a cold spell in January 2014, a move that would have allowed the company to close its Elk River drinking water intake to allow chemicals from the Freedom Industries spill to pass the plant that serves hundreds of thousands of people across the region, lawyers for residents and businesses argue in newly unsealed court filings in a lawsuit against the water company.

Operators at West Virginia American's plant could have increased the amount of water the facility treated and stored in response to higher demand, as the cold weather — with residents letting faucets drip to avoid frozen pipes — continued in the region in the days prior to the Jan. 9, 2014 spill of crude MCHM and other chemicals from Freedom's facility just 1.5 miles upstream from the water company's intake near downtown Charleston, the filings argue.

The ability to produce and store more drinking water, lawyers for the residents and businesses argue, undercuts West Virginia American's public argument and legal defense that depleted water reserves caused by the cold weather left the company with no way to shut down its intake pump and keep contaminated water from the Elk from entering its plant and being distributed through the regional system to homes and businesses.

"WVAW has offered no evidence that the depletion of its storage reserves in response to the cold weather event preceding the January 9, 2014, spill was unavoidable," the lawyers for residents and businesses argue in their filing. "The undisputed evidence is that it simply was not producing as much water as it could have been producing while its treated water reserves were dropping steadily over the days before the spill."

Lawyers for residents and businesses outline their new arguments in a motion and a legal brief, along with hundreds of pages of new documents and testimony, that were made public Thursday in U.S. District Court in Charleston.

The motion, the legal brief and about 400 pages of exhibits were originally filed under seal two weeks ago. The Charleston Gazette-Mail sent U.S. District Judge John T. Copenhaver a letter objecting to the secrecy, and on Thursday, plaintiffs' lawyer Kevin Thompson withdrew the sealed filing and submitted new public versions, with some material redacted.

Laura Jordan, a spokeswoman for West Virginia American, said Thursday that the water company "disagrees with the characterization of the events and the law in the filings by the plaintiffs' attorneys." Jordan said that the company's lawyers would respond to the filing consistent with the court's schedule. That schedule calls for responses to be filed by June 3.

Copenhaver is presiding over a class-action suit in which residents, businesses and wage earners in the area affected by the spill allege the water company did not properly prepare for such a spill or respond appropriately to the incident. The case also targets Eastman Chemical, which made Freedom's MCHM, alleging the company

violated chemical safety laws by not disclosing information about the chemical's health effects and its potential to corrode Freedom's storage tanks.

A July trial has been delayed, but no new date has been scheduled yet.

On the day of the spill, at about 5 p.m., state officials and the water company advised everyone served by West Virginia American's Elk River plant not to drink, cook with or bathe in their tap water. That "do not use" order remained in effect for some areas for up to a week, until officials said that the distribution system had been adequately flushed of any contamination.

Among other things, the case against West Virginia American argues the company breached its contractual duty to provide customers with a reliable supply of potable water after the chemical spill.

Water company critics have argued since the incident that West Virginia American should have turned off its intake pumps to allow the chemicals to pass the facility. Water company President Jeff McIntyre has responded that doing so would have quickly depleted the water needed for firefighting and sanitation, and required a month or more to get the entire system back up and running.

But in the new court filings, lawyers for the plaintiff class argue that ratepayer-funded improvements to the water plant increased its production capacity, allowing, for example, for more water to be treated and stored during times of heavy demand. Despite heavy demand in the days before the chemical spill, though, the plant operators continued to produce drinking water at below the facility's new capacity, the court filings argue.

The new filings also argue that West Virginia American has shut down its intake pumps during other chemical spills, and that a shutdown for a few hours — the time needed for the worst of the contamination to pass the facility — "is very far from an unforeseen or unforeseeable event." The facility's pumps also are closed during power outages, the legal filings say.

"When storage levels have not been depleted, customers never even know a four-hour shutdown happened," the court filings argue.

The court filings also reveal that a water company expert witness was unable to say if the plant could have produced water with safe levels of MCHM if it had shut down intake pumps for a brief period on Jan. 9. The expert said he lacked the evidence needed to make such a conclusion "because of the absence of samples" collected by the water company intake tap in the hours immediately following the spill, the filings said.

The court filings reveal that West Virginia American did not collect — or at least did not "acknowledge collecting" — a single sample from its raw water tap or treated water tap at the plant until 5 p.m. on Jan. 9, after learning of the spill at about noon. The company did not collect a second sample until 10:25 p.m., and no other raw water samples were collected on Jan. 9, the court filings said.

BNA Daily Environment Report

Trump Plan Would Cut Climate Accord, Air, Water Rules

By Rachel Leven
May 26, 2016

Donald Trump would dismantle key parts of President Barack Obama's environmental legacy within his first 100 days as president, the presumptive Republican presidential nominee said May 26 in his most detailed energy policy comments to date.

Trump would cancel the Paris climate agreement, eliminate blockbuster climate and water regulations and stop sending funds to the United Nations global warming programs, while making it easier to produce oil and gas and boosting the coal industry, he said in Bismarck, N.D. He framed the general election as a choice between wealth and poverty.

"It's a choice between sharing in this great energy wealth or sharing in the poverty promised by Hillary Clinton," Trump said at the Williston Basin Petroleum Conference, referring to the Democratic party's presumptive presidential nominee. "If Hillary can shut down all of the [coal] mines, she can really shut down the entire country."

Trump's energy speech and pre-speech comments puts him in line with much of the Republican establishment. He made these comments the same day he topped the delegate count needed to win the Republican party nomination (99 DEN A-2, 5/23/16).

Energy Independence

In general, a President Trump would be working to make the U.S. energy independent and an energy exporter, he said. His focus would be on ensuring regulatory certainty, offering transparency in policy and harnessing natural resources, he said.

Trump would specifically work to remove regulations in President Barack Obama's Climate Action Plan as well as the Clean Water Rule and only implement new rules if they are good for workers, he said.

Trump would request TransCanada reapply for a Keystone XL pipeline permit, and would negotiate a "better deal" that would give the public a larger share of the profits from the project. When asked about whether he would approve a separate pipeline project, Trump said "my bias would be to approve" pipelines.

He also didn't discount wind and solar energy, although Trump added that this type of energy was expensive, required subsidies and—for wind—kills eagles. But Trump maintained that he is committed to addressing "real environment challenges," adding "from an environmental standpoint my priorities are very simple: clean air and clean water."

Reactions from Both Sides

Environmental groups expressed alarm at Trump's comments. Michael Brune, the Sierra Club's executive director, in a statement called Trump's plan "an unmitigated disaster" that is "disconnected from economic realities and our moral imperative to transition to clean energy."

Meanwhile, the American Petroleum Institute released a comment from its executive vice president Louis Finkel supporting a 2016 national energy discussion. Finkel's statement, which doesn't mention Trump by name, says the U.S. is the top oil and natural gas producer in the world and a leader in carbon emissions reductions.

"We need energy policies that do not stifle innovation, investment, the development of new technologies or weaken our national security," Finkel said.

Pittsburgh Tribune-Review

Rachel Carson board aims to make homestead sustainable

By Brian C. Rittmeyer
May 26, 2016

A little girl's love of nature started with the things she saw outside her bedroom window.

From there, Rachel Carson would go on to become a world-renowned marine biologist, conservationist and author. But it was in Springdale that her life began, raised in a humble home that still stands on Marion Avenue.

"It's where she was born. No one else can claim that," said the Rev. David L.H. Carlisle, president of the Rachel Carson Homestead Association board. "This is her birthplace."

Having weathered changes among its members and how the homestead is presented, the association's reconstituted 12-member board wants to stabilize the facility, hire a staff and expand its programs.

"By returning to the original mission, we have clear goals," said Jeanne Cecil of Springdale, the association's volunteer executive director. "The big word is 'sustainability' — to make the homestead sustainable financially and program-wise."

Most of the board's members have joined in the past 18 months, said Carlisle of Penn Hills, pastor of Springdale United Presbyterian Church.

The previous board wanted to empty the house of anything that wasn't Carson's. Antiques were sold, leaving only a piece of her fan coral.

The idea was to make the house a "neutral box," with empty rooms and visitors relying on guides and their imaginations to picture what it was like when Carson lived there.

"We've changed that to go back to what it was before, to try to re-create the environment like it was in the homestead when Rachel was living there," Carlisle said. "The board's emphasis now is on restoring the homestead and continuing her legacy."

With no original belongings, the association is slowly refurnishing the house with period-appropriate items, including an old stove and a piano. That's because Rachel's mother taught piano.

"Every room has some furniture in it," Carlisle said. "It feels like a house that almost could be lived in now."

The house dates to circa 1860. Carson lived there from her 1907 birth until 1929. It is listed on the National Register of Historic Places, and the Pittsburgh History & Landmarks Foundation declared it an historic landmark.

It was originally just four rooms, with a full-length porch and a lean-to kitchen on the back.

"Rachel was born in a humble home and grew up in a relatively poor standard," Cecil said. Yet, "she managed to have worldwide influence. That's part of her story. The more you know about her story, the more impressive she is."

The porch was removed long ago. Later owners put on additions in the '30s and '40s. The association was to rebuild the porch and remove the additions.

But the association is searching for grants, work that has lagged without paid staff. It has applied for gaming funds for the first time since 2010 through the Community Infrastructure and Tourism Fund.

“We are now developing our fund-raising strategy,” Cecil said. “It includes re-building prior foundation relationships and exploring work with a grant writer.”

Volunteers needed

With tremendous, worldwide interest in the homestead, the association struggles to accomodate it.

“People come from all over the world to this homestead,” Carlisle said. “They've come from Japan and Europe just to be in this house, which is something that people in town don't realize.”

“Rachel Carson had a worldwide stature even before she wrote ‘Silent Spring,'” Cecil said. “It's surprising because, in her backyard, you don't have that perspective of how important it is.”

Carlisle said the association's financial condition is improving, but funds remain very limited.

“We're not in a position to hire staff right now,” he said. “We have enough money for keeping the homestead going and keeping the programs going.”

The association provides training to volunteers to serve as tour guides, and also needs help maintaining the house and grounds.

“We are volunteers dependent upon volunteers,” Cecil said. “We need to find more of them.”

Cecil said the association wants to offer free programs for children and adults, clubs and libraries.

Revamping the association's website is critical, both for fundraising and building membership, currently fewer than 100.

“Nobody has been keeping in touch with them,” Carlisle said. “Nothing was going out. There hasn't been a newsletter for years.”

In addition to the annual birthday celebration Saturday and the holiday open house in December, the association is planning a membership drive in October and an annual dinner.

Cecil said she and the board see great potential in the homestead.

“Rachel Carson's legacy is known worldwide, and the place she was ‘born and raised' is a source of inspiration to be stewarded and shared.”

WHYY Newsworks

Heated debate for candidates for mayor of Wilmington

By Zoe Read
May 27, 2016

Candidates for Mayor of Wilmington debated policing strategies and other public safety issues during their debate Thursday night.

Seven of the eight candidates— all Democrats— attended the debate at Wilmington's Grand Opera House. Incumbent Mayor Dennis Williams did not attend.

The debate was the second in a series of four meetings hosted by WHYY and the News Journal.

Candidates said how they would prevent and reduce crime in the city if they get through the September 13 primary and are elected into office in November's general election.

The Democrats also addressed the deaths of two Howard High School of Technology students. Amy Joyner Francis, 15, was killed after a bathroom fight last month, and Brandon Wingo, 15, was shot and killed while walking home from school last week.

"It's a tragedy we've had two young people killed in the city," said City Council President Theo Gregory. "What the city has to do is put together prevention programs, and intervention programs, and law enforcement programs and reentry programs as we start to bow our way out of the situation we've got ourselves in."

City Councilwoman Maria Cabrera said she spoke with many Howard High students who feel their voices aren't being heard by the administration.

"I spoke directly to those children….[They said] 'We need someone to talk with, because you don't know what it's like out here. We go to our teachers and administrators, we get bullied and still nothing gets done,'" she said. "Should parents be in fear? Yes, they should. We need to hold people accountable for what happens.

The candidates also discussed ways to improve the police force, and how to implement public safety improvement recommendations issued by the Department of Justice's Violence Reduction Network.

Cabrera said she would advocate for more community policing, and would have officers stationed in specific locations so residents could form relationships with them. "I believe when we get our officers on the street engaging in the community we see the best come out of both," she said. "We have to keep the same officers in the neighborhood. We can't keep switching the officers up."

Former City Councilman Kevin Kelley said he believes the Wilmington Police Department should work collaboratively with other agencies to share information. However, he said there needs to be an attitude change within the department.

"The police department needs to change from being active to proactive," Kelley said.

Former City Councilman Norm Griffiths said not only does the police department have a responsibility to improve public safety and community relations, but the mayor also should be a voice for the people.

"You have to represent the people of Wilmington, and you have to advocate however strong you have to advocate to protect our children," he said.

Mike Purzycki, executive director of the Riverfront Development Corporation, said the City needs to address the root causes of crime, such as poverty. "No one is talking about a vision for how we strengthen neighborhoods, strengthen jobs, step up the economic vitality that would make this issue go away," he said.

State. Sen. Robert Marshall said he believes creating job opportunities for Wilmington residents would prevent crime in the future. Last year he began work on a Work-a-Day, Earn-a-Pay program which would create public works projects for at-risk men and women to work on and earn a decent living. Marshall said he also would secure funding for other programs that create opportunities for residents.

"I believe one clear direction would be to create a Wilmington trades school that would offer short term skills training in home remodeling and construction, and opportunities like that, with our nearly 1,700 vacant homes boarded up that could be turned into classrooms," he said.

The debate became heated when candidates were asked why they were more qualified than the other candidates at the table.

Cabrera received a loud applause from the audience when she said, "If you want some change its time to elect a woman with some common sense."

Gregory cited his years of experience in local government, and attacked non-profit leader Eugene Young for his lack of experience and relatively young age. "You can't run the city from reading a book," he said.

Young said he has fresh ideas to bring to the table that would bring the community together and provide resources for those in need.

"We have neighborhoods that have been neglected for years. We have kids who are suffering and hurting and this didn't just happen yesterday," he said. "We have to have a larger vision and we have to understand that it doesn't matter about ones age to the impact they can create."