Message

From: Washburn, Ben [washburn.ben@epa.gov]
Sent: 1/20/2015 10:41:44 PM
To: R7 Daily Digest Group [R7_Daily_Digest_Group@epa.gov]
Subject: Daily Digest 1/20/15

OPA Daily Digest for 1/20/15

Congressional Inquiries:

Sen. Claire McCaskill (Mo.) – Email – 1/20/15: Requests status update on permit application for an ethanol refinery in Mead, Neb. Due: 1/22/15. Contact: LaTonya Sanders, 7555 (open)

Sen. Roy Blunt (Mo.) – Email – 1/20/15: Questions about EPA's lead remediation of residential yards in St. Francois County. Due: 1/22/15. Contact: LaTonya Sanders, 7555 (closed)

State Government Inquiries:

None

Press Inquiries:

KSN-TV (Wichita, Kan.) – Brittany Glas – 1/13/15: Requesting on-camera interviews regarding the three Wichita Superfund sites. Contact: Ben Washburn, 7364 (closed)

KMUW Public Radio, Wichita – Sean Sandefur – 1/14/15: Questions about status of EPA's cleanup of Integrated Plastics Solutions in El Dorado, Kan. Contact: Chris Whitley, 7394 (closed)

Freelancer - Jack Suntrup – 1/15/15: Update on Coastal Energy case. Contact: David Bryan, 7433 (closed)

KWIX-AM (Lebanon, Mo.) – Kyle Hill – 1/15/15: Request Region 7 radon expert to be interviewed. Bob Dye set for interview on Tuesday, Jan. 20. Contact: David Bryan, 7433 (closed)

Kansas City Star – Jim Fussell – 1/16/15: Looking for a cost comparison for LED versus CFL bulbs. Contact: David Bryan, 7433 (closed)

St. Louis Post-Dispatch - Jacob Barker – 1/20/15: Questions regarding sulfate monitoring data from West Lake landfill off-site monitoring system. Contact: Ben Washburn, 7364 (open)

Environmental Stories:

KMOX Radio St. Louis - EPA Claims Air Safe to Breathe Near Burning Bridgeton Landfill - 1/20/15 - The EPA is out with a new study claiming the air around the burning Bridgeton landfill is safe to breathe. EPA Region Administrator Karl Brooks says the seven-month study last year from May through December found no harmful levels of alpha, beta or gamma radiation. http://stlouis.cbslocal.com/2015/01/20/epa-claims-air-safe-to-breath-near-west-lake-landfill/

Associated Press - EPA: No air quality problems at Bridgeton landfill - 1/20/15 - No matter how bad the smell, the air quality around a troubled St. Louis-area landfill is similar to the rest of the region, officials with the Environmental Protection Agency said Tuesday. http://www.chron.com/news/science/article/EPA-No-air-quality-problems-at-Bridgeton-landfill-6027702.php

Waste360 - Examining the Legal Issues Surrounding the Bridgeton Landfill - 1/20/15 - Missouri Attorney General Chris Koster and Republic Services reached a partial resolution to an ongoing dispute earlier this month over the Bridgeton Landfill. But contentions remain between the state and the company. http://waste360.com/operations/examining-legal-issues-surrounding-bridgeton-landfill

St. Louis Post-Dispatch - Letter: Science and the law at work on West Lake Landfill - 1/17/15 - Using sound science and risk-based criteria makes sure EPA decisions at West Lake protect human health and the environment. http://www.stltoday.com/news/opinion/mailbag/science-and-the-law-at-work-on-west-lake-landfill/article_9dad090c-6198-51e4-a551-db824ce67b48.html

St. Louis Post-Dispatch - Ameren Letter: Ameren's landfill plan at Labadie is an environmentally sound solution - 1/19/15 - There are a number of factual errors in the editorial "Peace with nature awaits" (Jan. 9). What's most important for readers to know is that after extensive analysis and evaluation, the Missouri Department of Natural Resources affirmed that Ameren Missouri's state-of-the-art landfill at Labadie Energy Center is an environmentally sound solution to store this nonhazardous material. http://www.stltoday.com/news/opinion/mailbag/ameren-s-landfill-plan-at-labadie-is-an-environmentally-sound/article_fe3e3b7c-4c7f-54b8-becc-b53c26d7b8dc.html

John Jason Fallows (blog) - Brooks: Common Ground for Soybean Farming and Clean Water - 1/19/15 - Water quality and environmental issues can have tremendous impacts on soybean farming. With so many issues involving the intersection of agriculture, public policy, and environmental concerns these days, it's absolutely essential that we all gain a better understanding of our common ground. http://www.johnjasonfallows.com/common-ground-for-soybean-farming-and-clean-water/

Des Moines Register - Vilsack: Biofuel production unfazed by federal delays - 1/20/15 - The next generation of biofuel production didn't take the hit industry leaders predicted with the delay of a federal mandate requiring ethanol and biodiesel to be blended into the nation's fuel supply, U.S. Agriculture Secretary Tom Vilsack told The Des Moines Register's editorial board Monday. http://www.desmoinesregister.com/story/money/agriculture/2015/01/19/vilsack-fields-questions-rfs-water-quality/22024599/
NOTE: Paywall issues may keep you from seeing this article. Full text is included at the end of this email.

Des Moines Register - Will Des Moines water lawsuit change farming rules? - 1/19/15 - A Des Moines utility's plan to sue three northwest counties for polluting central Iowa's drinking water supply may have broad ramifications for state and U.S. farmers, who environmentalists complain have been too slow to embrace meaningful conservation practices. http://www.desmoinesregister.com/story/money/agriculture/2015/01/18/water-pollution-lawsuit/21929897/
NOTE: Paywall issues may keep you from seeing this article. Full text is included at the end of this email.

Des Moines Register - Vilsack doubts lawsuit will speed water-pollution cleanup - 1/19/15 - A "holistic" conservation approach to curbing fertilizer runoff polluting Iowa and U.S. streams will work quicker than litigation, U.S. Agriculture Secretary Tom Vilsack told The Des Moines Register's editorial board Monday.
http://www.desmoinesregister.com/story/money/agriculture/2015/01/19/water-pollution-lawsuit-vilsack/22025015/
NOTE: Paywall issues may keep you from seeing this article. Full text is included at the end of this email.

Des Moines Register - Column/Iowa Soybean Association: Cooperation, not regulation, presents superior approach - 1/18/15 - Long before water was a topic of daily discourse, the Iowa Soybean Association was investing significant resources to improve land use management while monitoring thousands of water samples annually in our in-office water testing lab. http://www.desmoinesregister.com/story/opinion/columnists/2015/01/18/cooperation-regulation-presents-superior-approach/21948443/
NOTE: Paywall issues may keep you from seeing this article. Full text is included at the end of this email.

Des Moines Register - Column: Sic the lawyers on them - 1/18/15 - Well, that's pretty much what (Bill Northey) said in a written statement related to developing a solution to pollution in Iowa's waterways.
http://www.desmoinesregister.com/story/opinion/columnists/2015/01/18/sic-lawyers/21948459/
NOTE: Paywall issues may keep you from seeing this article. Full text is included at the end of this email.

KMA Radio, Shenandoah, Iowa - ISA supports water quality initiatives - 1/19/15 - Expanding water quality initiatives on Iowa's farms and improving transportation infrastructure top the Iowa Soybean Association's 2015 state legislative agenda. http://www.kmaland.com/ag/isa-supports-water-quality-initiatives/article_92d250cc-a01a-11e4-b2a3-3f4d2119e361.html

Agriculture.com - Technology – Not Regulation – Is Answer to Water Quality - "In Iowa we say this is voluntary, but it's not optional," says Northey. "Find your place to get involved. Figure out what works for you. We need everybody involved, but it shouldn't be a regulatory approach." http://www.agriculture.com/news/policy/technology-not-regulation-is-swer-to_4-ar47089

Sioux City Journal - Siouxland meetings on farm runoff lawsuit planned - 1/19/15 - Iowa Secretary of Agriculture Bill Northey is holding meetings in three Siouxland counties that are subject to a lawsuit by Des Moines Water Works. The utility is suing Sac, Buena Vista and Calhoun counties over high nitrate levels in the Raccoon River. http://siouxcityjournal.com/business/agriculture/siouxland-meetings-on-farm-runoff-lawsuit-planned/article_711db1f6-d5a9-51c6-8db8-54f6473f485c.html

Associated Press - Tyson Foods to pay $539,000 for spill in southwest Missouri - 1/20/15 - Tyson Foods Inc. will pay more than $530,000 for a chemical spill that killed more than 100,000 fish and caused a southwest Missouri town's wastewater treatment system to fail, Missouri Attorney General Chris Koster announced Tuesday. http://www.stltoday.com/business/local/tyson-foods-to-pay-for-spill-in-southwest-missouri/article_f0c1af7a-d669-5834-8ea9-ba47ced4d1a2.html

Centerville Daily Iowegian - Firm with Centerville facility agrees to settle EPA violations - 1/19/15 - Houston, Texas-based Inhance Technologies, LLC, formerly known as Fluoro-Seal International, which has a facility in Centerville, has agreed to pay civil penalties and invest in systems to recycle gas to reduce air pollution. http://www.dailyiowegian.com/news/local_news/firm-with-centerville-facility-agrees-to-settle-epa-violations/article_9b9fce63-6052-59c7-b937-1b3f996f9207.html

Wichita Business Journal - If the oil industry plays a role in earthquakes, who pays? - 1/20/15 - Some activists and Kansans who have experienced earthquake damage have questioned whether the oil and gas industry should pay for some of the damage. http://www.bizjournals.com/wichita/morning_call/2015/01/if-the-oil-industry-plays-a-role-in-earthquakes.html

Lawrence Journal-World (Kan.) - Kansas quakes likely caused by oil and gas fracking process - 1/17/15 - Kansas officials have been reluctant to link the mysterious earthquakes in south central Kansas to fracking, but last week they said for the first time the temblors are likely caused by disposal of the waste water that is a byproduct of the oil and gas extraction process. http://www2.ljworld.com/news/2015/jan/17/kansas-earthquakes-likely-caused-oil-and-gas-frack/

Kansas City Business Journal - KC Chamber is ready to help businesses go green - 1/20/15 - Area businesses will have the opportunity to learn about maximizing energy efficiency during a Wednesday roundtable. http://www.bizjournals.com/kansascity/news/2015/01/20/kc-chamber-is-ready-to-help-businesses-go-green.html

Lincoln Journal-Star - BNSF adds oil trains, changes route in Nebraska - 1/17/15 - BNSF Railway more than tripled the number of trains it moved through Nebraska with a million gallons of oil or more aboard late last year and has changed its route to bypass Lincoln, at least for some trains. http://journalstar.com/business/local/bnsf-adds-oil-trains-changes-route-in-nebraska/article_83361b32-92dd-504b-849a-2ef62d421a8b.html

Reuters - Nebraska landowners sue Keystone XL developer - 1/17/15 - Seven Nebraska landowners on Friday filed suits against the company behind the Keystone XL pipeline, alleging that a state law that cleared the way for the massive project violates the state's constitution. http://mobile.reuters.com/article/idUSKBN0KQ07W20150117

E&E News PM - EPA still analyzing pipeline-related emissions -- McCarthy - 1/16/15 - U.S. EPA will likely weigh in on a pivotal question of whether the proposed Keystone XL pipeline would spur the production of high-emitting crude, Administrator Gina McCarthy said today. http://www.eenews.net/eenewspm/stories/1060011840/

Reuters - Farms Can Be Held Liable for Pollution From Manure: U.S. Court - 1/16/15 - A U.S. federal court has ruled for the first time that manure from livestock facilities can be regulated as solid waste, a decision hailed by environmentalists as opening the door to potential legal challenges against facilities across the country. http://mobile.reuters.com/article/idUSKBN0KQ00F20150117

The News-Leader, Springfield, Mo. - Suit says CU owes $1.7 million in wind energy deal - 1/19/15 - A company that owns a wind farm in Kansas is suing City Utilities, saying CU bought $1.7 million less in energy than they agreed to. http://www.news-leader.com/story/news/local/ozarks/2015/01/19/suit-says-cu-owes-million-wind-energy-deal/22015985/

AgriNews - Agriculture groups and urban water works collaborate on key project - 1/19/15 - An innovative partnership was established Jan. 15 between Cedar Rapids and multiple agriculture commodity groups when $2 million in Natural Resources Conservation Service funding was approved for water quality improvement projects in the Middle Cedar River. http://www.agrinews.com/news/iowa_news/agriculture-groups-and-urban-water-works-collaborate-on-key-project/article_35a74266-1ef6-5735-9582-9a8fc238fbbf.html

Iowa City Press-Citizen - Ecopolis Iowa City works to educate, engage public - 1/18/15 - A group of developers, sustainability experts and other residents are putting their heads together to come up with ways that Iowa City can be more sustainable and energy-efficient. http://www.press-citizen.com/story/news/local/2015/01/18/ecopolis-iowa-city/21972629/

The Missouri Times (Jefferson City) - Farmington Republicans speak out against remediation attempts - 1/19/15 - Within the next 60 days, Sen. Gary Romine (R-Farmington) says the Environmental Protection Agency (EPA) will making a decision that will greatly impact St. Francois County. "They want to remediate 4,000 yards," said the senator, shaking his head. "This would disrupt the county." http://themissouritimes.com/15981/farmington-republicans-speak-remediation-attempts/

Billings Gazette (Montana) - Crews to clean up oil spilled into Yellowstone River from Montana pipeline – 1/19/15 At least 42,000 gallons of oil has leaked into the Yellowstone River from a broken pipeline, leaving the Glendive city water supply smelling and tasting like petroleum. http://billingsgazette.com/news/state-and-regional/montana/crews-to-clean-up-oil-spilled-into-yellowstone-river-from/article_89bcd50d-60ed-5a98-9a3d-4cecffa020e4.html

St. Louis Post-Dispatch - Peabody Energy says it's ready for coal market to turn - 1/18/15 - The coal industry has spent three years waiting for the market to turn. It may still be waiting through the new year, as one of the industry's worst downturns continues to drag on. http://www.stltoday.com/business/local/peabody-energy-says-it-s-ready-for-coal-market-to/article_0c45034d-0647-5f28-8407-061220dcc82a.html

St. Louis Post-Dispatch - Pope's statement on climate change: 5 things to know - 1/19/15 - Pope Francis, who pledged on the day of his installation as pontiff to make the environment a priority, is drafting a highly anticipated encyclical on ecology and climate change. http://www.stltoday.com/business/national-and-international/pope-s-statement-on-climate-change-things-to-know/article_6ff8ca63-e917-5b6c-85ca-6a01e39522bc.html

Associated Press - Pope's climate-change stand deepens conservatives' distrust - 1/19/15 - Conservative distrust of Pope Francis, which has been building in the U.S. throughout his pontificate, is reaching a boiling point over his plan to urge action on climate change — and to do so through a document traditionally used for the most important papal teachings. http://www.stltoday.com/business/national-and-international/pope-s-climate-change-stand-deepens-conservatives-distrust/article_18206614-a471-5286-b76e-eb5ee5b2ca89.html

Reuters - Big city life may not be a key asthma risk: U.S. study - 1/20/15 - The simple fact of growing up in a big city may not be a major factor in whether a child develops asthma, according to a new study that contradicts decades of public health assumptions about the so-called inner city asthma epidemic. http://www.reuters.com/article/2015/01/20/us-usa-asthma-risk-idUSKBN0KT17H20150120

Climate Central - Study Downgrades Climate Impact of Wood Burning - 1/20/14 - Surprising new research has sharply downgraded the perceived climate impacts of the gathering and burning of wood by residents of poor and developing countries who rely on the fuel to keep warm and cook food. http://www.climatecentral.org/news/study-downgrades-climate-impact-of-wood-burning-18560

The Hill - House bill aims to streamline environmental permitting process - 01/19/15 - The Chamber of Commerce is pushing Congress to pass legislation that streamlines the permitting process for energy and infrastructure projects. http://thehill.com/regulation/229928-house-bill-aims-to-streamline-environmental-permitting-process

TIME - A Bad Day for Climate Change Deniers ... and the Planet - 1/16/15 - It's not often that the climate change deniers get clobbered three times in just two days. But that's what happened with the release of a trio of new studies that ought to serve as solid body blows to the fading but persistent fiction that human-mediated warming is somehow a hoax. http://time.com/3672276/climate-change-oceans/

Associated Press - The heat is on; NOAA, NASA say 2014 warmest year on record - 1/16/15 - For the third time in a decade, the globe sizzled to the hottest year on record, federal scientists announced Friday. http://news.yahoo.com/heat-noaa-nasa-2014-warmest-record-153323365.html

Washington Times - The myth of the methane menace | New rules aren't to clean the air but to save the renewable energy industry - 1/20/14 - How much of a menace is methane from the oil and gas industry? The amount of leakage into the atmosphere is minuscule, says Dan Kish of the Energy Research Institute. "Cows emit more methane when they pass gas than the natural gas industry," he notes. Look for the EPA to start regulating cattle. http://www.washingtontimes.com/news/2015/jan/18/stephen-moore-the-myth-of-the-methane-menace/

Gristmill - Why Obama should crack down on gassy cows - 1/20/15 - Methane is a big driver of global warming, second only to carbon dioxide. But the thing is, in the short term — and when talking about climate change, the short term is increasingly important as we blow through the carbon budget — methane is vastly more efficient at warming the planet. http://theoldreader.com/folders/51af41e7d1716ccdfc0086fe

National Law Review - EPA's Strategy for Reducing Methane and Ozone-Forming Pollution from Oil and Natural Gas Industry - 1/19/15 - As part of the Obama Administration's commitment to addressing climate change, the U.S. Environmental Protection Agency (EPA) has outlined a series of steps it plans to take to address methane and smog-forming VOC emissions from the oil and gas industry. http://www.natlawreview.com/article/epa-s-strategy-reducing-methane-and-ozone-forming-pollution-oil-and-natural-gas-indu

NPR - U.S. Solar Industry Sees Growth, But Also Some Uncertainty (AUDIO) - 1/19/15 - The solar energy business is growing fast, thanks in part to a steep drop in panel prices. The Solar Energy Industries Association reports that prices dropped by more than half since 2010. But the industry's future looks a little hazy. http://www.npr.org/2015/01/19/377719667/u-s-solar-industry-sees-growth-but-also-some-uncertainty

WaterWorld - EPA inspection makes way for safer work practices at Iowa water treatment plant - 1/19/15 - The Environmental Protection Agency (EPA) recently announced that the city of Fort Dodge, Iowa, has agreed to implement safer work practices at its John T. Pray Water Treatment Plant in an effort to resolve alleged violations of the Chemical Accident Prevention (CAP) regulations under the federal Clean Air Act (CAA). http://www.waterworld.com/articles/2015/01/epa-inspection-leads-to-safer-work-practices-at-fort-dodge-iowa-water-treatment-plant.html

Press Releases:

Link to all R7 press releases: http://go.usa.gov/Qx5

EPA Says Air Quality near West Lake Landfill Consistent with Greater St. Louis and Other Midwest Cities – 1/20/15 – Contact: Ben Washburn, 7364

Fact Sheets:
Link to all R7 fact sheets: http://www.epa.gov/region7/factsheets

None

Upcoming Administrator/RA Events:
* New additions noted with an asterisk

2/3/15 – Air and Waste Management Association – 23rd Annual Environmental Conference, Overland Park, Kan. Contact: Becky Weber, 7487

2/17/14 – Agriculture Future of America's On Tap Webinar Series, Regional Office. Contact: Katie Howard, 7861

2/18/15 – Regional Tribal Operations Committee (RTOC) Meeting, Lawrence, Kan. Contact: Patrick Bustos, 7969

2/24-27/15 – Regional Administrator/Deputy Regional Administrator Meetings, San Francisco, Calif. Contact: Julia Cacho, 7071

3/19/14 – American Society of Environmental Historians Annual Conference, Washington D.C. Contact: Julia Cacho, 7071

4/15/15 – Dole Institute of Politics – Public Service and Policy Session, Lawrence, Kan. Contact: David Bryan, 7433

DRA:

2/18/15 – Regional Tribal Operations Committee (RTOC) Meeting, Lawrence, Kan. Contact: Patrick Bustos, 7969

2/24-27/15 – Regional Administrator/Deputy Regional Administrator Meetings, San Francisco, Calif. Contact: Julia Cacho, 7071

RA/Immediate Office

None

Other Events

AWMD

1/14-16/2015– Participating in Corrective Action Lean Workshop, Dallas, Texas. Contact: Becky Weber, 7487.

CNSL

None

ECO/EJ

None

ENSV

None

PLMG

None

RA/OPA

None

SUPR

1/21/2015 – Kansas Pipeline Association meeting – Pipeline Safety Program for Emergency Response, Paola, Ks. Contact: Megan Schuette, 7630

WWPD

1/13-15/15 – National EPA Water Division Directors Meeting, Atlanta, Ga. Contact: Karen Flournoy, 7782

1/26-29/15 – National Enforcement Case Development Training, Denver, Colo. Contact: Maria Morey, 7079

1/28/15 – EPA Region 7 discussion with KDHE regarding new or revised water quality standards, Topeka, Kan. Contacts: Karen Flournoy, 7782, John DeLashmit, 7821, Amy Shields, 7396

2/3-5/15 – 2014 State Revolving Fund Annual Review with Kansas Department of Health and Environment, Topeka, Kan. Contacts: Sabre Germano, 7026, Chris Simmons, 7237

2/4-6/15 – Visit water utility operator from Blair, Nebraska to work on Climate Ready Evaluation Assessment Tool Model, Omaha, Neb. Contact: Ken Deason, 7585

2/8-11/15 – 2015 Groundwater Protection Council and Underground Injection Control Conference, Austin, Tex. Contacts: David Garrett, 7159, Kurt Hildebrandt, 7413

2/10-11/15 – Drinking Water Program Coordination Meeting with Iowa Department of Natural Resources, Des Moines, Iowa. Contact: Neftali Hernandez-Santiago, 7036

Des Moines Register

Vilsack: Biofuel production unfazed by federal delays

By Donnelle Eller, deller@dmreg.com 6:48 a.m. CST January 20, 2015

The next generation of biofuel production didn't take the hit industry leaders predicted with the delay of a federal mandate requiring ethanol and biodiesel to be blended into the nation's fuel supply, U.S. Agriculture Secretary Tom Vilsack told The Des Moines Register's editorial board Monday.

"I'm not sure that it has been a significant hindrance on investment," Vilsack told the board. "I'm not saying there hasn't been some" impact "but it hasn't been significant."

The ag secretary said he's optimistic about the future of renewable fuels, pointing to record U.S. ethanol production last year, developing export, military and aviation markets, and strong interest in building advanced biofuel plants.

Renewable fuels is an important industry in Iowa, the nation's leading producer of ethanol and biodiesel. Iowa also is home to the next-generation of ethanol plants, using new technology to make the fuel from corn kernels, and corn cobs and other residue to make ethanol.

Iowa's former governor said research continues to make ethanol more environmentally friendly, building on improvements that have been made in recent years.

He expects the U.S. Environmental Protection Agency to set Renewable Fuel Standards in the first half of the year, confirming amounts used last year and setting new standards for 2015 and 2016. EPA announced in November it would not set fuel standards for 2014, after receiving widespread opposition from Midwest leaders and residents to plans to reduce the federal limits.

"I think the industry will have a certain level of predictability for a couple of years, which will be helpful," he said.

Despite strength, the renewable fuels industry still faces significant challenges.

"There's no question Big Oil is interested in limiting the choices," Vilsack said. "Especially as gas prices are as low as they are, they will increase their efforts."

Des Moines Register

Vilsack doubts lawsuit will speed water-pollution cleanup

By Donnelle Eller
7:04 p.m. CST January 19, 2015

A "holistic" conservation approach to curbing fertilizer runoff polluting Iowa and U.S. streams will work quicker than litigation, U.S. Agriculture Secretary Tom Vilsack told The Des Moines Register's editorial board Monday.

Vilsack fielded questions about Des Moines Water Works' decision this month to notify three rural counties that it plans to sue them. The utility charges that drainage districts in northwest Iowa are contributing to high levels of nitrates in Raccoon River, one of the metro area's sources for drinking water.

The Des Moines utility has said it expects to file a lawsuit within 60 days, unless an agreement is reached. Experts say the Water Works lawsuit could have broad ramifications for farmers, who use drainage tiles to help raise corn, soybeans and other crops.

Vilsack said a faster and better solution to reducing nutrient loss in U.S. waterways is a "holistic approach" that he predicted will have "a profound impact" on water quality, although he cautioned that it could take five to 10 years to see measurable improvements.

Still, he said those efforts will move the issue farther than the "three, five, seven, nine, 10 years" it will for Water Works' lawsuit to be litigated.

Vilsack said Iowa and U.S. farmers are adopting conservation practices that help reduce the nitrogen and phosphorous runoff blamed for polluting Iowa waterways, as well as contributing to the dead zone in the Gulf of Mexico that each summer is unable to support aquatic life.

Iowa has adopted a plan to reduce by 45 percent the nitrogen and phosphorous entering state waterways. But the strategy has been criticized by environmentalists because it's voluntary and has no deadline to hit its goals.

Vilsack said he sees Iowa farmers building conservation practices, with more than 20,000 farmers and landowners putting four million acres in federal conservation programs. Since 2009, he said, the agency has invested $1.7 billion in Iowa conservation.

Vilsack said the federal agency is funding research that provides more insight "about the biology and biochemistry of nutrient application, runoff and water quality." It will help farmers and officials to "better measure what's happening in the soil" and craft better responses.

"It's all extraordinarily complex," he said.

Among the technology being developed is "time-released" nutrients, so they're available longer for corn and soybean plants to use.

"The fact that one-half to one-third of what we do apply on land is not ultimately used by plants ... strongly suggests we need to figure out ways in which we can create more efficient fertilizers," Vilsack said.

Des Moines Regster

Will Des Moines water lawsuit change farming rules?

By Donnelle Eller, deller@dmreg.com 9:33 a.m. CST January 19, 2015

A Des Moines utility's plan to sue three northwest counties for polluting central Iowa's drinking water supply may have broad ramifications for state and U.S. farmers, who environmentalists complain have been too slow to embrace meaningful conservation practices.

It's too soon to say exactly how Des Moines Water Works' threatened lawsuit could play out in farm fields across Iowa and the nation.

But agriculture experts and environmentalists are closely watching the case, which they say could bring to a head a decades-long national fight over who is responsible for water pollution that originates from cropland that often is hundreds of miles away.

They say the outcome could, for the first time, indirectly require farmers to meet federal clean-water regulations that limit nutrients such as nitrates and phosphorus that enter U.S. waterways.

"The ruling, however it comes down, could be precedent-setting," said Neil Hamilton, an agricultural law professor at Drake University.

The federal government now considers water from farmlands as surface runoff and exempts it from oversight.

But the Des Moines agency contends the underground tiling widely used by farmers bypasses the natural filtering soil provides, acting as "a continuous mechanism for transporting nitrates to streams."

The utility is targeting drainage districts in Sac, Calhoun and Buena Vista counties, saying the tiles siphon groundwater laden with nitrates into the Raccoon River, a source of drinking water for central Iowa, along with the Des Moines River.

Testing since March shows nitrate levels in one drainage district were nearly four times the amount the federal government says is safe for drinking water. Infants younger than 6 months are particularly at risk with high nitrate levels, potentially becoming seriously ill without treatment.

The high levels have forced the Des Moines utility to treat the water to reach acceptable nitrate levels, a cost that approached $1 million in 2013.

The utility argues that drainage districts, and ultimately farmers, should be responsible for curbing nitrate pollution. It contends that districts should be required to obtain permits under the federal Clean Water Act, which would bring to bear limits on nutrients such as nitrogen and phosphorous.

"It's bigger than three boards of supervisors and seven drainage districts," said Bill Stowe, CEO of Des Moines Water Works, which has announced plans to sue the counties within 60 days. "The ultimate issue is to treat drainage districts as point-source polluters that are regulated and permitted."

But agriculture leaders say a lawsuit would be costly and burdensome — and won't necessarily fix Iowa's water-quality problems. They also say it deflects from work currently underway that is reducing pollutants, such as building wetlands, terraces and buffer strips.

Farm leaders, along with Republican leaders such as Gov. Terry Branstad and U.S. Sen. Joni Ernst, say that voluntary compliance is a much better solution than more rules and regulations on agriculture.

"It would be a real challenge to get it right in a regulatory environment," said Bill Northey, Iowa's secretary of agriculture, who is also a Republican.

While utility and county leaders could work out an agreement before the lawsuit is filed, an ensuing legal battle is likely to be long and expensive, with more than a dozen state and national agriculture and environmental groups joining it, say experts.

Already battle lines are being drawn. Branstad said last week that "Des Moines has declared war on rural Iowa." And the Iowa chapter of the Sierra Club and other environmental groups are interested in joining the utility's fight.

"The fact that the governor, Farm Bureau and everyone else is up in arms means we could get somewhere" with a lawsuit, said Wally Taylor, Iowa's Sierra Club attorney.

The danger of nitrates

Environmentalists say state and federal leaders have lacked the political muscle needed to push farmers in Iowa and elsewhere to reduce nitrogen and phosphorous pollution that contribute to drinking water problems in many cities, just like in Des Moines.

It's a sizable problem. The federal government estimates it costs the nation $4.8 billion annually to remove nitrates from drinking water.

In Des Moines, central Iowa consumers paid $900,000 in 2013 to run the nation's largest nitrate-removal facility. In December, it began using the plant again, at a cost of $4,000 to $7,000 daily, to clean the water to acceptable levels.

"The agricultural industry is causing a huge, multibillion-dollar problem, and Des Moines is a victim of that problem," said Ann Alexander, a senior attorney for the Natural Resources Defense Council who is based in Chicago. "There's no reason in the world why Des Moines should have to pay to fix a problem it did not cause."

The state has embraced a voluntary plan for farmers that seeks to cut by 45 percent both nitrogen and phosphorous entering Iowa waterways.

The Environmental Protection Agency's regional office has declined to comment on the Des Moines litigation, saying instead that it continues to support Iowa's nutrient-reduction strategy.

Difficulty of regulation

Even if the waterworks is successful in its lawsuit, agricultural leaders say any resulting regulations may be impossible to enforce.

The state's 3,000 drainage districts cover 9 million acres, they say, about a quarter of Iowa's 36 million acres.

"Imagine trying to test every tile line out there, and follow around every farmer" to ensure compliance, said Northey, the state's ag secretary.

Northey and others question whether regulations would improve water quality, since droughts, flooding and other weather events are uncontrollable, yet dramatically affect runoff.

Fixes outlined in state strategy to reduce the loss of nitrogen and phosphorous depend on most of Iowa's nearly 90,000 farmers to adopt multiple conservation practices, said John Lawrence, an assistant dean in ISU's College of Agriculture.

"It's a pretty tall hill to climb," Lawrence said. "If it were easy, we would be further along."

Iowa State University estimates it could cost up to $1.2 billion annually over five decades to reach the nutrient-reduction goals, which should result in major improvements in water quality across the state.

Stowe calls the state's current approach a failure, as evidenced by Des Moines Water Works' repeated need for nitrate filtering.

But farm groups say the efforts, just 18 months old, are gaining support with farmers and already showing results.

The Iowa Soybean Association says its analysis shows nitrate concentrations in the Raccoon River watershed have fallen because of farming efforts such as conservation tillage, high-tech fertilizer applications and added conservation practices such as cover crops.

Northey said farmers, along with the state and federal governments, are spending "tens of millions" of dollars annually to better hold nutrients on their farmland. Last week, Iowa and Cedar Rapids won nearly $6 million in federal grants for water-quality projects that will be matched by $9 million from farmers, agribusinesses and state government.

Heavy investment

Stowe, the utility's CEO, discounts the ag group's contention that runoff is improving.

"We have to deliver water within the safe drinking water requirements on a daily basis," he said. "It's costing our customers a lot of money, and it's putting us in a position where we have to plan to build more of those plants to keep up with the numbers that we're seeing."

Stowe said the utility faces investing $100 million or more to handle the high nitrate levels. The current facility is more than 20 years old, and a new plant would have technology that would avoid returning part of the nitrates removed from the water back into the river.

The agency has been heavily criticized for the action by farm groups, but Stowe has said officials have no other option, since the resulting nitrate slurry generated by the plant can't be applied to land. "Our ratepayers face investing X number of dollars in a suit ... or investing $100 million-plus in construction," he said, adding that the utility doesn't have

an estimate on the legal expense. "It was a pretty easy answer for my board to answer. We're not looking at $100 million in litigation costs."

Public meetings

Iowa Agriculture Secretary Bill Northey plans community meetings in the three northwest Iowa counties targeted for a lawsuit by Des Moines Water Works.

- Calhoun County: 2 p.m. Tuesday, Expo Building, Rockwell City.
- Sac County: 4 p.m. Tuesday, Conservation Center, Sac City.
- Buena Vista County: 8 a.m. Wednesday, King's Pointe Resort, Storm Lake.

Surface water vs. groundwater

The Environmental Protection Agency long has exempted farmland runoff from federal regulation.

But Des Moines Water Works argues that water captured in drainage tile, buried 3- to 4-feet deep, is groundwater, not surface water, and therefore is not exempt from federal clean-water regulations.

Its proposed litigation contends that "these elaborately engineered government drainage systems consist of pipes and conduits that have been overlooked as point sources" under the federal Clean Water Act. "But they transport high concentrations of nitrate and are the main source of pollution" in the Raccoon and Des Moines rivers, the sources of drinking water for 500,000 residents in central Iowa, the utility wrote in its notice to sue Sac, Calhoun and Buena Vista counties.

The utility argues that the drainage districts, which fall under the jurisdiction of county supervisors, should be required to obtain permits under the federal Clean Water Act, action that could bring with them limits on nutrients such as nitrogen and phosphorous.

The federal government has exempted runoff from nonpoint sources because of the difficulty in determining where contaminants are coming from as water moves over or through the ground.

Bill Northey, the state's ag secretary, said the lawsuit could force rural counties to become municipal water-treatment facilities.

"The districts aren't designed to produce treatment plant-quality water," he said.

And, Northey said, the lawsuit could result in more Iowa cities being required to meet clean water requirements for urban stormwater runoff. About 40 cities in Iowa now follow federal regulations on stormwater runoff.

"A pipe is a pipe," Northey said.

The state has 3,000 drainage districts that cover about 9 million acres, or a quarter of the state. The districts fall under the jurisdiction of the state's 99 county boards of supervisors.

Nitrogen fertilizer use in U.S. agriculture

Fertilizer use across the nation has more than quadrupled in the past 50 years. During the same time, corn prodution has tripled to 12.3 billion bushels and the nation has added 12.5 million acres of farmland.

YEAR/TONS

1960 - 2.7
1970 - 7.5
1980 - 11.4
1990 - 11.1
2000 - 12.3
2010 - 12.3
2011 - 12.8

Source: Economic Research Service, U.S. Department of Agriculture

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The dead zone

The problem of fertilizer runoff has cropped up around the United States.

Farm fertilizers have been blamed for the Gulf of Mexico's infamous dead zone, where nitrogen and phosphorus runoff ignite algae blooms that deplete the gulf of oxygen. Those same fertilizers are being cited for contributing to a toxic algae bloom last summer that left 500,000 people in the Toledo, Ohio, region without water for two days.

The federal government estimates that agriculture in the Midwest is responsible for 71 percent of the nitrogen and 80 percent of the phosphorous contributing to the Gulf of Mexico's dead zone. The rest comes from cities — sewage treatment plants, fertilizer from golf courses and city yards — and other sources.

Iowa, the nation's leading corn producer, is among a dozen states that the U.S. Environmental Protection Agency is pushing to reduce nutrients that contribute to the dead zone, which last summer was about the size of Connecticut.

Des Moines Register

Iowa Soybean Association Column: Cooperation, not regulation, presents superior approach

By Tom Oswald 12:22 a.m. CST January 18, 2015

Water is essential for life. On this we all agree. Where opinions differ is how best to protect and improve the quality of this precious resource.

Some contend a one-size-fits-all regulatory scheme accompanied by arbitrary goals and time tables for improvement holds the most promise.

The Iowa Soybean Association joins those who advocate a pragmatic approach — one that empowers those who work the land to select and use practices proven to have a quantifiable impact on environmental performance.

That's because the use of cover crops, bioreactors, buffer strips and better nutrient and drainage management have improved the quality of water coming from the agricultural landscape.

There is no such proof for a regulatory scheme.

We don't make this assessment lightly. As farmers, we have a direct and significant stake in this discussion. We also know that agricultural productivity and environmental stewardship go hand in hand.

But it's sometimes easier said than done.

Diverse and ever-changing biological systems and Mother Nature don't react to threats of litigation. Unlike water utilities and sewage treatment facilities, agriculture is not a closed system. Extreme weather events combined with tremendous variability in soil types, hydrology and geology create a unique and unprecedented mix of factors that must be managed.

And nowhere more than in Iowa. For example, millions of acres comprise the Des Moines Lobe (nestled just north and west of Des Moines) and hold tremendous natural fertility extremely suitable for agriculture. It's a system brimming with energy. Farmers work carefully to transfer that energy into calories to power life. Liberating that energy while, at the same time, completely confining it to the crops grown on the land is an enormous challenge. Because we struggle with this challenge at times, however, does not imply malice, negligence, ignorance or malfeasance.

Quite the contrary. Over the past 20 years, no- and reduced tillage have become the preferred practice. Manure from livestock is no longer referred to as "waste" but is a valuable fertilizer used in a way that optimizes plant uptake and reduces nutrient transport.

Farmers also are increasing their use of conservation practices. A survey of more than 350 Iowa farmers just conducted by the Iowa Soybean Association finds 90 percent have installed grass waterways, 70 percent use some form of conservation tillage, 60 percent have constructed terraces and one in five plant cover crops.

In addition, nearly 2,400 farmers and land owners invested $22.5 million on conservation practices last year to prevent soil erosion and improve water quality. Of that total, $13 million came out of farmers' own pockets.

Data indicate these land use and cropping system refinements have played a role in overall decreases in annual nitrate levels in monitored water systems. An analysis of nearly 5,600 water samples from 41 sampling locations in the Raccoon River watershed from 1999-2014 found nitrate concentrations significantly decreased during the study period by an average of nearly 25 percent.

While improvements are being made, more can be done.

To help, the Iowa Nutrient Reduction Strategy was launched in 2013. It's a first-of-its-kind framework for reducing nutrient loads discharged from the state's largest wastewater treatment facilities in combination with targeted practices to reduce loads from nonpoint sources, including agriculture. The plan establishes a goal of a minimum 45 percent reduction for both nitrogen and phosphorous loadings.

In addition, the Iowa Soybean Association, Iowa Corn Growers Association and Iowa Pork Producers Association created the Iowa Agriculture Water Alliance. This initiative will secure significant funding from public and private sources and inform and involve more farmers in the conversation to advance the scale of effective conservation practices.

Long before water was a topic of daily discourse, the Iowa Soybean Association was investing significant resources to improve land use management while monitoring thousands of water samples annually in our in-office water testing lab. Nearly a decade later, this work combined with the cooperation and collaboration of many stakeholders has created management practices relevant for on-farm application proven to improve water quality.

We remain committed to this effort because it's the best approach for Iowa and a model for the nation, today and for generations to come.

TOM OSWALD of Cleghorn is president of the Iowa Soybean Association. This column was also signed by the board of directors executive team: Wayne Fredericks of Osage, vice president; Rolland Schnell of Newton, secretary; Jeff Jorgenson of Sidney, treasurer; and Benjamin Schmidt of Iowa City, at-large.

Des Moines Register

Sic the lawyers on them

By Tom Porter
12:20 a.m. CST January 18, 2015

Imagine how the cleanup of 210 million gallons of oil in the Gulf of Mexico would have gone if BP was asked to voluntarily cleanup its mess. Do you think they would have at their own discretion created a $20 billion fund to help victims affected by the Deep Water Horizon spill? Would they have willingly agreed to pay the U.S. government $4.5 billion in fines and settlement costs? How long do you think they would have waited before their first attempts at cleaning up their mess?

How do you think the coastal residents of Texas, Louisiana, Mississippi, Alabama and Florida would have responded if their elected officials and petroleum industry spokespeople told them to be patient and give the Voluntary Cleanup Effort Strategy time to work?

Back in 2010 following the spill, do you think if Bill Northey (current Iowa secretary of agriculture) was secretary of agriculture in one of the coastal states affected by the spill, he would have said: "Threat of litigation is the wrong approach to address the important issue of improving water quality. Working with petroleum executives and investing in additional safety practices are what is needed."

Well, that's pretty much what he said in a written statement related to developing a solution to pollution in Iowa's waterways. (For the record, he said: "Threat of litigation is the wrong approach to address the important issue of improving water quality. Working with farmers and investing in additional conservation practices are what is needed.")

In my opinion, polluting Iowa's rivers with excess levels of nitrogen and phosphorus is a disaster equivalent to an oil spill. High levels of nitrates in drinking water have been linked to blue baby syndrome, as well as to various cancers and miscarriages, according to the EPA. The problem needs to be addressed immediately.

Voluntary efforts to reduce pollution in Iowa's surface water have not worked. If threat of litigation is what is required to reduce nutrients in rivers and streams and get the problem solved in a timely manner, then I agree with the Des Moines Water Works Board of Trustees: Sic the lawyers on the polluters.

TOM PORTER of West Des Moines is an author, speaker and entrepreneur. Contact: tporter1493@msn.com

Benjamin M. Washburn
Public Affairs Specialist
EPA Region 7
(913) 551-7364