Message

From: Gromer, David [Gromer.David@epa.gov]
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REGION 2 NEWS

The Buffalo News: Cuomo wants more state control of solar, wind energy permits

Large-scale solar and wind projects would be subject to a dramatically new permitting process controlled only by the Cuomo administration – a plan developers say would cut by years the time to it takes for large renewable energy facilities to be approved in New York.

New Jersey Spotlight: Environmental-Justice Bill Would Curb Pollution in 'Burdened Communities'

For decades, environmental-justice communities burdened with power plants, trash incinerators and sewage-treatment plants within their borders have all but begged policymakers to prevent new facilities from being built that would worsen pollution problems there.

New Jersey Spotlight: Enviros Welcome Federal Plan to Study Natural Resources Impact of Passaic River Pollution

Environmentalists welcomed new federal plans to study how birds, fish and other creatures have been affected by decades of pollution in the lower Passaic River at Newark, saying the assessment will make it easier to spread the cost of cleaning the river among corporate polluters.

El Nuevo Dia (via google translate): Business mind in the environmental sector

Efficiently operating projects aimed at preventing pollution and protecting public health requires an obstacle-free track. To achieve this, we must know what the frequent barriers are.

Virgin Islands Daily News: Water line break leads to early school dismissals

The Virgin Islands Water and Power Authority is blaming an "aged pipeline" for an early morning water line break that left many on St. Thomas with low water pressure, and three schools forced to dismiss early.

Newsday: Supervisor says 'pressure is on' to negotiate deal to clean up Bethpage plume

Federal and local elected officials on Monday said the cleanup of toxic pollution from Grumman's former Bethpage operations had a new sense of urgency following a Newsday investigation that found the company long withheld information that could have helped stem the environmental crisis.

Newsday: National Grid offers options to meet projected gas supply constraints

Options to meet long-term natural gas supply constraints for the downstate region include a deep-water liquefied natural gas port for the waters off Long Island, two barges that could deliver liquefied gas during peak demand times and a pipeline that National Grid has long proposed, according to a company report.

National Resources Defense Council: New Jersey Moves Toward Restricting Bee-toxic Neonics

Overuse of neonicotinoid insecticides, or neonics, is a nationwide problem. But with EPA unwilling to act—despite its own assessments showing harms to pollinators, birds, and entire ecosystems—states have to step up to protect their wildlife from these neurotoxins. New Jersey has a chance to do just that by passing S.1016, a bill that would ban use of neonics on lawns, golf courses, and other non-agricultural settings in New Jersey.

Patch: Solar Panels Possible For Former Contamination Site In Moorestown

A piece of property in Moorestown that was the site of groundwater contamination for several years may soon be converted to a solar field that could be a two-fold income generator for the township.

Brooklyn Eagle: Was the Gowanus Canal a dumping ground for mafia victims?

A number of strange things have been found in the Gowanus Canal over the years. Banjos, cars and that one intrepid swimmer come to mind. Not to mention Sludgie the Whale and Swamp Trump.

Press of Atlantic City (AP): Costs, delays scuttle 124-mile Constitution Pipeline project

The nearly $1 billion Constitution Pipeline project, which had been designed to take natural gas from Pennsylvania's shale gas fields to metropolitan New York and New England, has been abandoned after years of legal regulatory challenges made it economically unfeasible, a spokeswoman for project partner Duke Energy said Monday.

Newsday: Oyster Bay law would require permits, restrict sites for clothing donation bins

Dropoff bins for used clothing in Oyster Bay would require town permits and be restricted to charitable organizations and certain areas under a proposed local law.

Daily Gazette: Plastic bag ban draws near, and state begins to educate public

A week shy of the start of New York state's plastic bag ban, business and government leaders gathered at Crossgates Mall on Friday to remind shoppers it's coming.

NorthJersey.com: Ramsey to swap parkland at wells to make way for water treatment units

The borough will hold a public hearing Monday on a proposal to divert parkland totaling 0.14 acres at three well sites to make way for installation of arsenic treatment equipment later this year.

Bklyner: The Battle For Prospect Heights: Humans Against Rats

Carol Morrison remembers exactly when she decided enough was enough with the rats.

Hudson County View: Hoboken adding two new buses to their free HOP service during peak commuter hours

Starting next month, the City of Hoboken is adding two new buses to their free HOP service during peak commuter hours in the morning and evening.

PUERTO RICO EARTHQUAKE NEWS

VOX NEWS: The continuing disaster aid crisis in Puerto Rico, explained

GUÁNICA, Puerto Rico — Puerto Ricans are still living in tents more than a month after earthquakes hit the southern part of the island on January 7, damaging more than 800 homes.

NATIONAL

Administration:

ABC News: As plastic bag bans go into effect, some question the unintended consequences

E&E Daily: Wheeler, Brouillette to headline budget hearings

Greenwire: EPA advisory panel to Wheeler: Allow experts to talk

Chemicals and Pesticides:

Bloomberg Environment: Tesla, GM Could Share EPA Chemical Fee With Iowa Egg Farm

Chicago Tribune:Toxic 'forever chemicals' from Scott Air Force Base in southern Illinois may have polluted local water, Illinois EPA report says

Greenwire: Revamped lead rule ignores concerns raised in EPA memo

IEG Policy: EPA asked to rein in emergency pesticide use

Legal:

Bloomberg Environment: Conservationists Opposing Myrtle Beach Highway Get Discovery Win

Bloomberg Environment: Top Court Seems Ready to Back Atlantic Coast Pipeline Permit (2)

Capital Press: Washington dairy industry takes EPA to court

Houston Chronical: Harris County sues EPA to stop chemical safety

Yale Daily News: CT joins another air pollution lawsuit against EPA

Tri-City Herald: Tri-Cities company pays $100,000 to settle EPA concerns about toxic chemical safety

Opinion:

Washington Post: Why EPA employees in the Trump era say they need a worker's bill of rights

Water:

Boston Globe: A mile-wide toxic waste site sits on the ocean floor near Stellwagen Bank

Utility Dive:Final EPA coal ash proposal could allow some ponds to go unlined, despite DC Circuit ruling

FULL ARTICLES

REGION 2

The Buffalo News

https://buffalonews.com/2020/02/25/cuomo-looks-to-reduce-local-government-role-in-siting-of-solar-wind-energy-projects/

Cuomo wants more state control of solar, wind energy permits

By Tom Precious

Large-scale solar and wind projects would be subject to a dramatically new permitting process controlled only by the Cuomo administration – a plan developers say would cut by years the time to it takes for large renewable energy facilities to be approved in New York.

Local government officials, however, say it will sharply reduce the role communities now play in the process for siting larger energy projects.

"What little opportunity we have to have any say in the matter is completely taken away," said Wright Ellis, supervisor of the Town of Cambria, where a solar project on 900 acres called Bear Ridge has been a controversial fight for nearly two years.

"I'm very concerned because, traditionally, land use has been the province of the local government. … This just cancels that out completely," Ellis said.

Gov. Andrew M. Cuomo wants his economic development agency to create a new Office of Renewable Energy Permitting to handle permitting procedures for big solar and wind projects, though there appears to be

opportunities for some smaller projects, such as those known as “community solar," to bypass local government oversight and go directly to Albany for needed approvals.

The stated goal of the governor, in new amendments released Friday to his 2020 state budget plan, is to streamline the siting process and encourage more utility-size solar and wind developments in order for the state to meet self-imposed greenhouse gas emission decreases in the coming decades.

Industry executives believe the Cuomo administration – by tapping its economic development agency instead of others that already have energy-related portfolios – is signaling an interest in building mega-solar facilities on state-owned land that could be operated by private companies.

“We think it’s a boon to the industry and a boon to upstate New York," said Jack Honor, project development manager at EDF Renewables, a subsidiary of a French company that is seeking to build the state’s largest solar project – across 2,500 acres – in Sardinia and Concord. It also has a solar project planned in Niagara County.

The solar executive said “it’s a likely scenario" that EDF would pursue a single state approval – if Cuomo’s plan is approved in the budget in March – instead of the current local process. It’s a path that could reduce the permitting process for such projects from about three years to a mandatory one-year period under the Cuomo proposal. Projects not getting an answer in 365 days by the state would become automatically approved.

Local government officials across the state are fuming that Cuomo wants to undercut their authority over energy projects that occur in cities, towns and villages. Localities now decide smaller energy-producing solar and wind development plans. Large energy projects that generate 25 megawatts or more are considered by a panel composed of five state and two local government officials, though officials in Albany are known for delaying selection of those local appointees. All local say on those larger projects would cease under the new Cuomo plan.

"You're basically saying local laws don't matter. Local zoning doesn't matter. There is no local input and the state is going to decide where these projects to me. It's incredible to me. ... This is just the definition of big government and what's wrong with one-party rule in this state," State Sen. Rob Ortt, a North Tonawanda Republican, said of the Cuomo plan.

Gerry Geist, executive director of the Association of Towns of the State of New York, said local governments were taken by surprise that Cuomo would insert such a major energy policy change into a set of budget amendments instead of the main fiscal plan that was unveiled in January. Legislative hearings that would have taken testimony on the idea have ended and Cuomo and lawmakers are now entering the closed-door negotiation part of budget talks.

“Towns have always supported clean energy and efforts to bring new types of renewable energy sources to our communities. But we’re also very conscious of our duty to protect the public health and safety and we must be full participants in that process," he said.

Geist said the Cuomo administration provided no information about why the current process is not working and drafted what he called an “intentionally vague” new way to site such renewable energy facilities.

“We feel that this is a real broadside against local governments," he said.

The new Cuomo proposal is based on what the administration says is a need to update the current siting process used for electricity generating facilities. It creates a new permitting process office within the Department of Economic Development to ensure that permitting decisions “are predictable, responsible and delivered on pace” to help the state meet its long-term reduction of fossil-fuel produced energy, according to the Cuomo administration. Localities will have what the administration says is “an opportunity to advise” the new state office.

The new plan, contained in budget amendments released last Friday afternoon by Cuomo, say that “general” opposition to placement of solar and wind facilities in a community will not be considered but that “substantive and significant” issues that require adjudication will be subject to a public hearing.

Honor, the solar company executive, said the siting process would be more standardized for renewable energy firms and localities in a host of areas, including how payment in lieu of taxes arrangements are made for such energy projects. "It's an improvement on the process," he said.

In documents promoting the initiative, the Cuomo administration uses the term "accelerates" to describe the impact on future approvals for renewable energy facilities. It calls the plan the Accelerated Renewable Energy Growth and Community Benefit Act. Cuomo has a plan to have a zero-carbon emissions electricity sector by 2040.

Some environmental groups are still studying the new siting proposal.

One environmentalist, Walter Huang, an Ithaca resident who was a leader in the effort that led to a state ban on fracking in 2014, is trying to build support for a fledgling plan to have the state spend $2 billion on retrofitting public and private buildings to make them more energy efficient; in a recent video, Huang said only 4% of New York's energy comes from solar and wind after decades of state investments and that climate change activists need a "Plan B" to more immediately reduce the state's reliance on fossil fuels that don't undermine future development of wind and solar.

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New Jersey Spotlight

https://www.njspotlight.com/2020/02/environmental-justice-bill-would-curb-pollution-in-burdened-communities/

Environmental-Justice Bill Would Curb Pollution in 'Burdened Communities'

Before new facilities could be built that add to toxic stress on a community, cumulative impacts of pollution would have to be determined

By Tom Johnson

February 25, 2020

For decades, environmental-justice communities burdened with power plants, trash incinerators and sewage-treatment plants within their borders have all but begged policymakers to prevent new facilities from being built that would worsen pollution problems there.

Now, a bill moving through the Legislature may give local officials and communities the tools they need to win those fights. The legislation (S-232), approved by a Senate committee yesterday, would allow the state Department of Environmental Protection to assess the cumulative impacts on a community and public health if a new or expanded facility is permitted.

"The color of one's skin or the thickness of your wallet should not determine your ability to breathe clean air,'' said Sen. Troy Singleton (D-Burlington), the sponsor of the bill, which has been debated by lawmakers for a couple years.

"This bill is better than the last time it came before your committee,'' Singleton said, an assessment backed by both environmental groups and at least one business group.

A continuing concern

The whole issue of environmental-justice communities — those burdened with power plants, garbage incinerators and waste-transfer stations — has long been voiced by local communities, arguing pollution burdens should be reduced, without much success.

Many environmental groups, and one prominent business organization (the Chemical Industry Council of New Jersey), praised the bill as a good first step to addressing those concerns, raising the bar for adding to the pollution in those communities, typically homes to low- and moderate-income residents.

"This legislation has lingered for far too long,'' said Lee Clark, of the New Jersey League of Conservation Voters.

Defining burdened communities

The legislation directs the DEP to compile a list of "burdened communities,'' most recently determined by being ranked in the bottom 33% for median-income households and being home to a power plants, trash incinerator, sludge combustor or incinerator, sewage-treatment plant, transfer or recycling station, landfill or major source of air pollution as defined by the federal Clean Air Act.

The bill provides for more public hearings on such facilities and a requirement the DEP assess the environmental affect on the community of absorbing cumulative impacts.

But several business organizations argued against the measure, including the New Jersey Business & Industry Association. Ray Cantor, vice president of governmental affairs, expressed concerns about the definition of "burdened communities'' and how cumulative impacts would be determined by state regulators.

"If environmental justice, by itself, could be subjected to an easy solution, it would have been solved decades ago,'' Cantor said.

But Jeff Tittel, director of the New Jersey Sierra Club, had a different perspective: "If they were trying to build an incinerator or power plant in Rumson, Upper Montclair, Alpine or Haddonfield, they would take a careful look at permitting the impacts of pollution. Of course, no would consider putting those facilities in those areas,'' he said.

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New Jersey Spotlight

https://www.njspotlight.com/2020/02/enviros-welcome-federal-plan-to-study-natural-resources-impact-of-passaic-river-pollution/

Enviros Welcome Federal Plan to Study Natural Resources Impact of Passaic River Pollution

Advocates say analysis will make it easier to spread cleanup cost to corporations

By Jon Hurdle

February 25, 2020

Environmentalists welcomed new federal plans to study how birds, fish and other creatures have been affected by decades of pollution in the lower Passaic River at Newark, saying the assessment will make it easier to spread the cost of cleaning the river among corporate polluters.

The U.S. Fish & Wildlife Service (USFWS) and the National Oceanographic and Atmospheric Administration (NOAA) said last month they will soon start to study the impact on natural resources from the severe

contamination of a 17-mile stretch of the river by pollutants including dioxin, an extremely toxic byproduct of Agent Orange, a defoliant the U.S. military used during the Vietnam War.

The agencies plan to assess how the pollution has impacted the natural resources; seek to recover damages from the responsible parties, and work to restore the environment. They will invite corporations that may have contributed to the contamination to cooperate in the assessment, which they said can speed restoration and reduce costs.

The assessment of natural resource damages (NRD) — which is separate from the U.S. Environmental Protection Agency's planned cleanup — represents a step forward in the long-running saga over how to clean the heavily polluted river, and who should pay for it, environmental advocates said.

"The analysis of the NRD damage was desperately needed so that we can hold the polluters accountable for the full environmental damages," said Doug O'Malley, director of Environment New Jersey. "Accurate data on the damages helps to strengthen the case to get all accountable parties to pay up."

Without the NRD assessment, it's easier for polluters to avoid paying for the cleanup, he said.

Corporate responsibility

The tidal lower section of the river from the Dundee Dam to its confluence with the Hackensack River is part of a Superfund site named after Diamond Alkali, the company that made Agent Orange at Lister Avenue in Newark in the 1950s and '60s. The site has been on the EPA's National Priorities list for Superfund sites since 1984.

One of the polluters, Occidental Chemical Corp., which took over Diamond Alkali, agreed to pay $165 million toward the cleanup in a 2016 agreement with the EPA. But that's just a fraction of the $1.4 billion that the agency has calculated as the cost of its plan to contain polluted sediment in the river bed with a layer of mesh weighted down by rocks. The EPA is expected to begin its work next year.

Jeff Tittel, director of the New Jersey Sierra Club, welcomed the assessment as a "good start" that would help build the NRD case by federal and state governments. He predicted the study will show that the EPA should do a full cleanup of the river by removing polluted sediment rather than capping it, as planned.

The river has been off-limits to swimmers and boaters for decades, and state and federal agencies have warned the public not to eat fish and shellfish caught there. The contaminants, which also include mercury and PCBs, or polychlorinated biphenyls, can have long-lasting effects on human health, are especially harmful to women of child-bearing age, and can cause developmental problems in children, according to the EPA.

Meagan Racey, a spokeswoman for USFWS, said officials will begin this spring to look at losses to specific resources such as birds and fish to determine what's needed to restore those populations, at no cost to taxpayers. She declined to say how long the process would take.

Assessing damage 'can take years'

"Natural resource damage assessment for sites as large and complex as the Diamond Alkali Superfund Site can take years to complete," Racey said in a statement. "The ultimate goal of this assessment process is to restore natural resources impacted by the releases of hazardous substances, and to replace natural resource services that were lost while the natural resources were impaired."

Racey said there are more than 100 potentially responsible parties (PRPs).

The study is authorized under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which requires the cleanup of hazardous substances such as those at the Diamond Alkali site, and allows the two agencies to act on behalf of the public to recover damages to the natural resources.

The EPA and the state of New Jersey are continuing to assess the extent of contamination in the river, but their efforts are focused on protecting human health by cleaning up the river, rather than the damage to natural resources, she said.

The PRPs include 67 companies that formed the Cooperating Parties Group, which in 2014 condemned the EPA's cleanup plan as "massive, impractical and disruptive." The group did not respond to a request for comment on the natural resource assessment.

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El Nuevo Dia (via google translate)

https://www.elnuevodia.com/opinion/columnas/menteempresarialenelsectorambiental-columna-2548823/

Business mind in the environmental sector

By Brenda Torres Barreto

February 25, 2020

Efficiently operating projects aimed at preventing pollution and protecting public health requires an obstacle-free track. To achieve this, we must know what the frequent barriers are.

I list three: local politics, extreme weather events and threats of federal budget cuts to these projects. Each impacts the execution results carried out by nonprofit organizations. For each one, there must be a plan and strategy that mitigates its impact.

At the local level, public policy tends to move based on political interests. Its north is not always the interest of the environment. Therefore, it is necessary to inquire into the decisions that politicians take and publicly supervise the legislative measures approved. We must publicly recognize those who work well, as well as hold those who drag their feet to handle this evil that afflicts the country.

On the other hand, extreme weather events delay our agendas and threaten the progress of communities. This climatic reality has to be recognized in our work plans, budget and infrastructure. Immediately, contingency and mitigation plans should be incorporated into our strategies, as well as operating from resilient spaces and with an electrical system that operates through renewable sources.

The recent budget proposal by the White House to cut 26% of the budget of the Environmental Protection Agency is the headache of every year. In fortunate cases, Congress manages to restore them without increase and in most cases the budget decreases.

Being at the mercy of decisions at the federal level keeps those who run environmental programs on alert, as it threatens our fiscal stability. Managing it requires a business mindset; one that places the fiscal health of the entity at the same level as the health of the environment. Achieving the latter is impossible if we cannot sustain our corporations financially. The Estuary explored its offerings in the Guayacán Group accelerator and developed opportunities to generate revenue to continue its mission while maintaining its operations. Many nonprofit organizations have taken this step after realizing that we cannot rely on federal grants and that our services are as marketable as the services offered by corporations for profit.

Another component that would further mitigate the threat of federal cuts is the union of related entities. Here we have Philanthropy PR, formerly Foundations Network, which has launched a campaign towards equity and social justice. Its programs seek both social and environmental issues. There can be no social justice if we do not breathe clean air and if the rivers, lagoons and beaches are contaminated with water. We also have the

Puerto Rico Community Foundation, which should continue to direct its efforts towards the development of institutional capacity and support a healthy administration of community corporation projects.

Puerto Rico also has the good will of philanthropic groups in the United States to which we must educate about our needs. Platforms such as the Clinton Global Initiative have proven to provide a national and international forum for local projects. Likewise, we have the Environmental Grantmakers Association, a group of 200 donors interested in supporting local efforts. Your visit next week should be used to actively educate and present our projects.

In short, the race to achieve our respective missions aimed at environmental conservation should not stumble upon predictable barriers. We can wear the hat of social entrepreneurs and direct plans, establish responsibilities and create local alliances and with foreign entities that shout with enthusiasm their interest in helping us.

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Virgin Islands Daily News

http://www.virginislandsdailynews.com/news/water-line-break-leads-to-early-school-dismissals/article_31e0d1f9-4226-5a79-b18e-95997869c0c5.html

Water line break leads to early school dismissals

By AJ Rao

February 25, 2020

The Virgin Islands Water and Power Authority is blaming an "aged pipeline" for an early morning water line break that left many on St. Thomas with low water pressure, and three schools forced to dismiss early.

WAPA spokesman Jean Greaux Jr. said a break in the 24-inch potable water transmission line that runs along the St. Thomas waterfront occurred around 1:30 a.m.

Affected areas included Emancipation Garden and the bottom of Raphune Hill to include Berg's Home, Paul M. Pearson Gardens housing community and the Oswald Harris Court housing community, according to Greaux.

Charlotte Amalie High School, Lockhart Elementary School and Jane E. Tuitt Elementary School were all forced to dismiss at 11 a.m. due to the water service interruption.

The V.I. Finance Department also announced that it closed its St. Thomas office, located at 2314 Kronprindsens Gade, at noon Monday.

WAPA crews were seen fixing the broken line across from First Bank in downtown Charlotte Amalie.

Greaux said water was moving through the system around 5 p.m., and reaching customers as pressure restored.

The Education Department said it will post updates on the status of schools on Facebook and through media outlets.

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Newsday

https://www.newsday.com/long-island/investigations/grumman-plume-cleanup-1.42162735

Supervisor says 'pressure is on' to negotiate deal to clean up Bethpage plume

By Paul LaRocco and David M. Schwartz

February 24, 2020

Federal and local elected officials on Monday said the cleanup of toxic pollution from Grumman's former Bethpage operations had a new sense of urgency following a Newsday investigation that found the company long withheld information that could have helped stem the environmental crisis.

"I think today has been a turning point," Town of Oyster Bay Supervisor Joseph Saladino said following a closed-door meeting between polluters and regulators at a town public works building in Syosset. "Newsday's exposé has made a big impact. And we're beginning to see the results of that, because the responsible parties are more amenable to negotiation. So the pressure is on."

Grumman's successor, Northrop Grumman, and the U.S. Navy — which owned a sixth of the once-600-acre Grumman facility — are responsible for cleaning the area's contaminated soil and groundwater. The parties agreed Monday to advance some aspects of the remediation that had been signed off on years ago under state Department of Environmental Conservation plans, but not completed.

They include treatment systems for areas of the now 4.3-mile-long, 2.1-mile-wide groundwater contamination plume with the highest concentrations of toxic chemicals, as well as for contaminated soil at Bethpage Community Park's long-closed ballfield. The plans have been delayed over issues such as easements, permits and additional testing.

Not yet resolved is who will pay for the state's $585 million plan to fully contain and clean up the plume.

Still, Rep. Tom Suozzi (D-Glen Cove) said the Newsday series "helped to accelerate, I think, and made the parties want to negotiate in goodwill."

Rep. Peter King (R-Seaford), who also attended the meeting, added, "There was definitely a sense of urgency in the room."

The meeting, which already had been scheduled, put Navy and Northrop Grumman representatives together with state officials overseeing the cleanup and town officials.

Northrop Grumman spokesman Tim Paynter said in a statement Monday: “Northrop Grumman takes its responsibility to the environment and communities in which we operate very seriously. Today we participated in another productive meeting with Representatives Suozzi and King, the Town of Oyster Bay, the New York State Department of Environmental Conservation [NYSDEC] and the Navy, aimed at expediting access to implement state-approved remediation projects.

“We will continue to work constructively with elected officials, the NYSDEC, the Navy, and other stakeholders to help protect public health and the environment.”

A Navy representative confirmed the meeting, but did not immediately offer further comment.

As a result of the meeting, Saladino said the town board will consider emergency approval Tuesday to provide the Navy access to additional land — including a storm basin and utility right of way for piping — for its system to treat a "hot spot" of highly contaminated groundwater.

The negotiations also made progress on implementing other parts of the cleanup, including using a right of way at a King Kullen parking lot to pipe water from a Northrop Grumman hot spot treatment system; expediting the community park ballfield cleanup; and possibly using one of Bethpage Water District's plants, inside the plume, as part of the overall cleanup.

The state also told the elected officials that talks are ongoing with Northrop Grumman and the Navy over the state's latest cleanup plan, which marks the first time regulators are seeking a comprehensive plume containment.

"We were assured that that plan is not losing momentum," Saladino said.

State Department of Environmental Conservation Deputy Commissioner Martin Brand, who also attended the meeting, said in a statement that the state is overseeing cleanup and holding the Navy and Northrop Grumman "accountable for the mess they left behind. DEC continues to work with our local, state, and federal partners to expedite this cleanup using the best available science and data and we're not leaving until the job is done."

Northrop Grumman didn't directly address Newsday's investigation in the Monday meeting, the elected officials said. But in a statement sent early Monday to at least one other state representative, the company said "we reject allegations that Northrop Grumman's predecessor, Grumman Corporation, regulators and other officials somehow attempted to cover up environmental impacts."

Newsday did not allege that the company and regulators engaged in an active cover-up. Rather, the investigation found that Grumman, over the course of decades, made numerous public statements that did not fully match — or in some cases directly contrasted — information it held privately about the severity of the pollution and its own role in it. Coupled with regulators who long downplayed the pollution and falsely blamed another manufacturer, these actions contributed to the problem's worsening at a time when local water providers believed it could have been addressed more aggressively.

The Northrop Grumman statement added that Grumman "was at the forefront" of environmental awareness when it opened its first system to treat its wastewaters for chromium contamination in the late 1940s and that it was the company that first alerted regulators to the groundwater contamination at its site in the 1970s. These points were both noted in Newsday's investigation.

The Bethpage Water District, which for decades has pushed for a more aggressive cleanup, said it was hopeful after Monday's report from King, Suozzi and Saladino — but would wait to see if the words turn into action.

"Once again, the water district is going to continue doing what we're doing. And when we see it, we'll finally believe it," Bethpage district superintendent Michael Boufis said. "Do I think there was a little bit of fire lit under them? Yes. Do they follow through with it? That would be the best thing for Bethpage residents and the Bethpage Water District."

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Newsday

https://www.newsday.com/long-island/politics/national-grid-supply-proposals-1.42156914

National Grid offers options to meet projected gas supply constraints

By Mark Harrington

February 24, 2020

Options to meet long-term natural gas supply constraints for the downstate region include a deep-water liquefied natural gas port for the waters off Long Island, two barges that could deliver liquefied gas during peak demand times and a pipeline that National Grid has long proposed, according to a company report.

The report was released Monday in response to a state settlement last year over its controversial moratorium on new gas hookups, In it, National Grid laid out the pros and cons of seven different large-scale and so-called distributed solutions to its gas supply constraints, along with green-energy options to help further curtail use.

Growth in natural gas usage across the downstate region is expected to increase in coming years, the company said, but at a slower rate than the historic annual jump of 2.4%. The company cited growth in electrification and the anticipated jump in electric heat pumps, along with efficiency measures, efficient appliances and demand-reducing programs, in projecting that demand could slow to 0.8% to 1.1% per year through 2035.

But National Grid said increased demand continues to strain the system. To handle short-term supply worries, National Grid had 42 trucks last winter and 108 this winter at the ready to deliver compressed national gas into the system, when needed, on peak demand days. Earlier this year the company had said warming weather meant the company didn't need to deploy those planned short-term measures this year. The company also said it spent $8 million to increase efficiency measures and cut use on peak days.

In the next 15 years, the company said, "continued growth in natural gas demand — even after factoring in incremental energy efficiency and electrification under recently proposed and agreed to programs — creates a supply vs. demand gap which must be anticipated and resolved."

Among three large-scale infrastructure options to meet the increased demand is an offshore LNG deep-water port for the waters off New York that would take six to eight years to complete, the company said. "There is a potential location in Long Island Sound that would enable delivery of up to 400 million dekatherms per day to Commack, NY, or Hunts Point, NY," the report says. "An alternative location exists off the South Shore in the Atlantic Ocean" with an underwater connection to an existing subsea pipeline.

If chosen, the facility would be a "highly reliable source of supply," National Grid said. But it was found to be the most expensive in both low- and high-demand scenarios.

Long Islanders and lawmakers have rejected new liquefied natural gas terminals, including one called Broadwater proposed for Long Island Sound.

National Grid also proposed a new land-based LNG import terminal that would take five to six years to complete on a site that has yet to be identified.

The third large-scale project is the company's already proposed Northeast Supply Enhancement project, or NESE, by Williams Co. The 23.5-mile, $1 billion pipeline beneath New York and New Jersey waterways could be completed in under two years, National Grid said. The project, which have yet to receive needed environmental permits from New York and New Jersey, was the subject of a moratorium by National Grid last year that evoked Cuomo's ire and led to a settlement in which the utility was required to pay $36 million in shareholder funds and provide gas service to those affected.

Critics of National Grid's efforts to increase gas capacity to the region were quick to pounce.

"National Grid is peddling the same old dirty energy solutions: more fracked gas delivered by dangerous means, whether it's pipelines, barges, or trucks," said Laura Shindell, an organizer for activist group Food & Water Action.

Among the "distributed options," the company proposed a peak liquid natural gas facility that would require changes to laws that limit land storage of the fuel to 70,000 gallons, among other requirements.

It also proposed LNG barges that would need new dock facilities and interconnecting gas systems. They also could require further state and federal approvals. The barge proposal would take five to six years to complete.

And the company said it could undertake a project of gas compression on an existing pipeline to Long Island called the Iroquois Gas Transmission system. The project would require new federal and state approvals and take around three years to complete, the company said. It would be among the least costly options if lower demand scenarios prove correct.

On the green-energy front, National Grid could boost measures to make customer gas usage more efficient, but that would require new policies and a greater-than-threefold increase in customer participation as a percentage of total natural gas sales by 2025. "Success will require an incremental 20,000 to 40,000 customers per year starting in 2021 to complete energy efficiency programs," the company said.

To reduce demand, the company would need to retain all current customers who've agreed to curtail usage during peak times as part of a program, then increase the program to "reach roughly half of all residential customers" over the next five years. National Grid has 1.9 million downstate customers, including around 600,000 on Long Island, 93% of which are residential.

The company said that while large-scale solutions could over time resolve the longer-term supply constraints, the utility would rely on efficiency and demand response over the shorter term. The plans such as barges or a new liquefied gas terminal may have to be combined with other measures, such as efficiency and demand response, to meet goals.

The company will hold six "information sessions" about the options beginning in early March.

Public meetings:

National Grid will hold six meetings, all from 6-8 p.m., to review the proposals and seek public input.

- March 9: Hicksville Community Center, 28 W. Carl St., Hicksville
- March 12: YMCA, 89-25 Parsons Blvd., Jamaica
- March 23: Brentwood Public Library, 34 Second Ave., Brentwood
- March 24: Brooklyn Borough Hall, 209 Joralemon St., Brooklyn
- March 25: Kingsborough Community College, 2001 Oriental Blvd., Brooklyn
- March 31: Fire Department, 540 Roanoke Ave., Riverhead

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National Resources Defense Council

https://www.nrdc.org/experts/lucas-rhoads/new-jersey-moves-toward-restricting-bee-toxic-neonics

New Jersey Moves Toward Restricting Bee-toxic Neonics

By Lucas Rhoads

February 24, 2020

Overuse of neonicotinoid insecticides, or neonics, is a nationwide problem. But with EPA unwilling to act—despite its own assessments showing harms to pollinators, birds, and entire ecosystems—states have to step up to protect their wildlife from these neurotoxins. New Jersey has a chance to do just that by passing S.1016, a bill that would ban use of neonics on lawns, golf courses, and other non-agricultural settings in New Jersey.

The neonic problem in New Jersey is somewhat unique. Unlike heavy agricultural states in the Midwest, the bulk of neonics that enter the environment come from non-agricultural uses, like lawns and golf courses. In fact, landscapers in New Jersey used over thirty thousand pounds of imidacloprid—the most common neonic in residential settings—on lawns and golf courses in 2016. Keep in mind that just 1.25mg of imidacloprid can kill upwards of a quarter million bees!

While the primary neonic uses in New Jersey are unique, the result of their use is the same: widespread contamination of soils and surface waters. Just a few years ago, the U.S. Geological Survey conducted surface water sampling in New Jersey and detected imidacloprid in about 90% of samples. Last year, the N.J. Department of Environmental Protection began testing surface waters throughout the state for neonics. They found imidacloprid in about 43% of samples. Even worse, the pesticide is routinely detected at levels that EPA predicts cause chronic harm to aquatic invertebrates.

Decimating aquatic invertebrate populations has ripple effects on entire ecosystems, as many species, from fish to birds to other wildlife, depend on those invertebrates for food. For example, researchers recently found that neonic contamination in Japan caused the collapse of a fishery in just a single year by killing off zooplankton vital to the fish's survival.

To address these harms, as well as the well-established impacts of neonics on bees and other pollinators, Senator Bob Smith introduced S.1016 in January of this year. The bill bans non-agricultural uses of neonics outdoors, thereby addressing the largest contributor of neonic contamination in New Jersey. Just this week, the Senate Environment and Energy Committee passed the bill out of committee, setting up a floor vote on the measure.

By passing this bill, New Jersey can be a leader in addressing the pervasive threat of neonic overuse. The bill would be the strongest to date, and a model for other heavily urban and suburban states. Check back for updates on the bill's progress and for information about how to get involved.

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Patch

https://patch.com/new-jersey/moorestown/solar-panels-possible-former-contamination-site-moorestown

Solar Panels Possible For Former Contamination Site In Moorestown

Sustainable Moorestown made a pitch for putting a solar field on a formerly contaminated site in Moorestown at the Feb. 10 council meeting.

By Anthony Bellano

February 24, 2020

A piece of property in Moorestown that was the site of groundwater contamination for several years may soon be converted to a solar field that could be a two-fold income generator for the township.

Representatives from Sustainable Moorestown made the pitch to council at its Feb. 10 meeting to foreclose on a Brownfield site on New Albany Road and develop it as a solar farm.

Ken Elwell, the retired deputy Attorney General for the state who worked primarily on cases with the Department of Environmental Protection, joined Sustainable Moorestown Chair Wolf Skacel to make the presentation.

The site was owned by Pulverizing Services PPG, and was used for pulverizing services from 1935 to 1979. During this time, the soil became contaminated by inorganic and organic pesticides. In 2007, more than 113,000 cubic yards of contaminated soils were removed.

A 2013 Remedial Investigation Report concluded that there is no unacceptable risk related to the inhalation of volatile contaminants from sediment or surface water.

However, it remains restricted to commercial or recreational use due to Environmental Protection Agency (EPA) regulations, according to Moorestown Mayor Nicole Gillespie. Homes are not permitted to be built on the properties.

The township has not collected taxes on the properties for a long time. The township can foreclose on the site as the first step toward the township taking ownership, Gillespie said. It could then lease the property to a developer, who could transform the land into a solar field.

In that case, the property would become a tax ratable for the township, and the township would be able to collect income on the energy generated by the solar panels, Gillespie said.

The township could lease the property for $200,000 a year, and could collect as much as $32,000 in property taxes annually, according to the presentation. The township could expect to collect between $450,000 and $500,000 annually, and up to $10 million in the first 25 years.
Elwell projects that the township could save residents about $250,000 a year.

"The lease is typically fixed," Elwell said. "It's guaranteed money, regardless of what's happening in the energy markets."

The lessee would be responsible for all development costs, Elwell said.The previous owner would be responsible for correcting any existing issues on the property after the township purchases it. Elwell said.

The property owner would be all maintenance of the site, and monitoring of the wells can still be maintained. The town wouldn't be held responsible financially if the deal doesn't come to fruition. Elwell believes his plan can only help the township in the long run on a property it would probably foreclose on regardless.

"It was an excellent presentation," Gillespie said. "There's not a lot we can do with the site because of EPA restrictions."

The presentation was made during the workshop portion of the Feb. 10 council meeting, and no official action has been taken.

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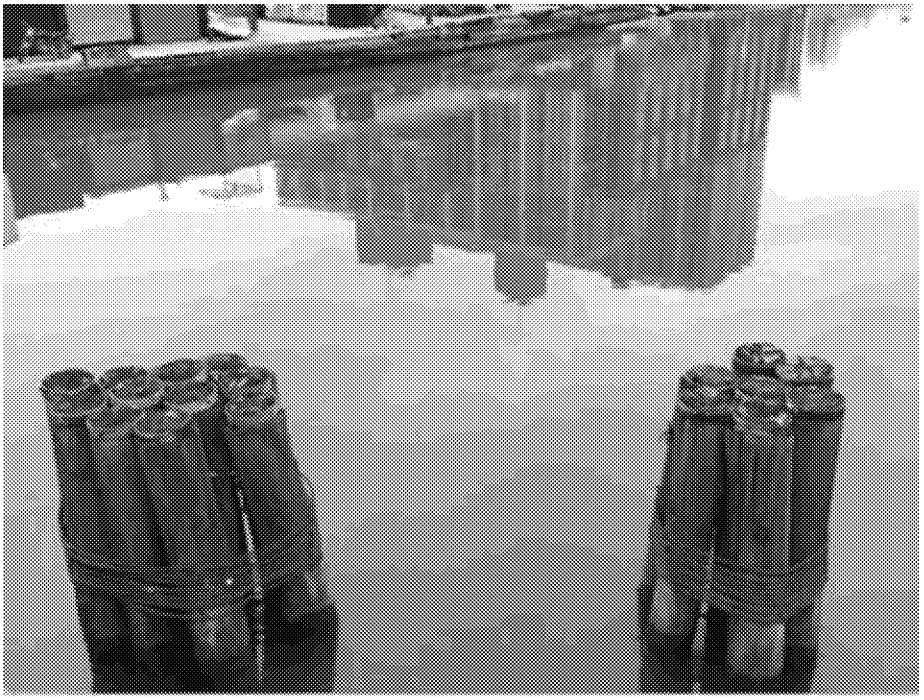
Brooklyn Eagle

https://brooklyneagle.com/articles/2020/02/24/was-the-gowanus-canal-a-dumping-ground-for-mafia-victims/

Was the Gowanus Canal a dumping ground for mafia victims?

By Scott Enman

February 24, 2020



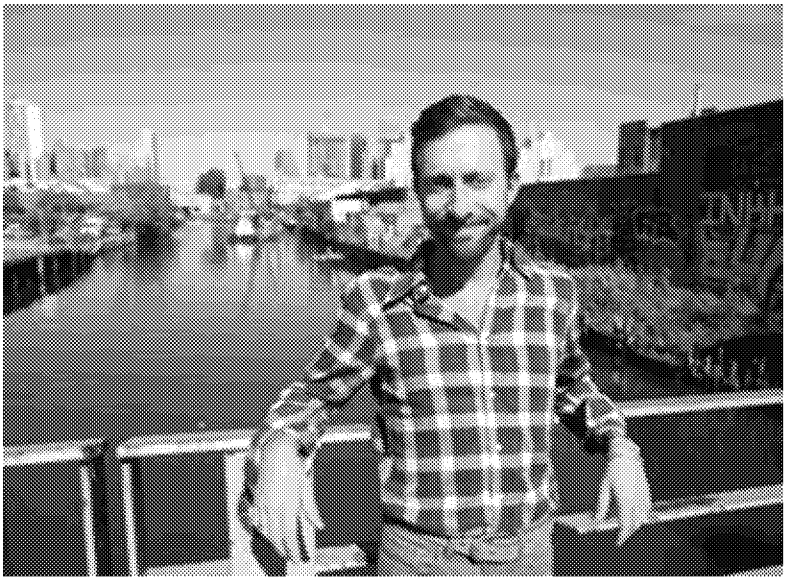
A number of strange things have been found in the Gowanus Canal over the years. Banjos, cars and that one intrepid swimmer come to mind. Not to mention Sludgie the Whale and Swamp Trump.

But what about bodies? Whenever dredging in the canal is written about, readers inevitably ask whether any corpses have been dug up. Over the years, there have been stories of the waterway being used as a dumping ground for the mob, but is there any truth behind that myth?

Though some human remains were dumped in and around the canal, according to Joseph Alexiou, a journalist, historian and author of "Gowanus: Brooklyn's Curious Canal," the practice wasn't as rampant as legend suggests.

"There was a time where if you drove your barge into the canal, the barnacles on the bottom of the boat would all die, rot and fall off the bottom of the boat because the water was so toxic," Alexiou said. "So it is possible that certainly people got tossed into the canal and their bodies kind of decomposed and were later found. That for sure happened.

"Was it the sole dumping ground of mafia bodies? Absolutely not. There were plenty of other places where you could go to drop off a body. There are often stories of dead bodies washing up in the canal — people falling and dying — so there is this gruesome association with it that is not untrue."



Joseph Alexiou. Courtesy of Joseph Alexiou

Alexiou said there have certainly been cases of bodies being found in the canal, but they were usually a result of public drunkenness or accidents.

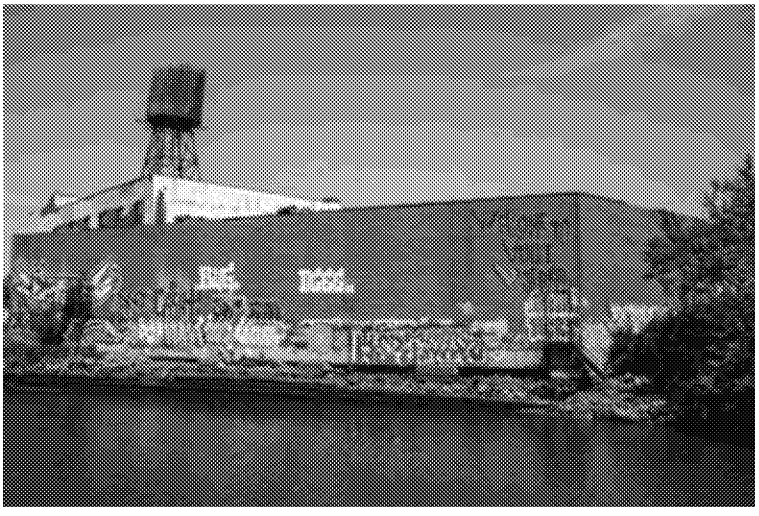
In one incident in 1920, police officer Daniel Grennan was believed to have been dumped into the canal by the "White Hand Gang," according to the New York Evening Telegram.

The canal has appeared in crime related pop culture. For example, it made several cameos in "Law and Order," and observant viewers may have also noticed those unmistakable green waters in "The Irishman" when Robert Deniro's character Frank Sheeran disposed of a gun used in a crime in the canal. (Though it wasn't supposed to be in Brooklyn.)

Gowanus's reputation as a dangerous neighborhood may have also strengthened the myth of the waterway being used as a dumping ground, according to Alexiou.

"The people who lived in Gowanus — we're talking about the city of Brooklyn in the 1830s — would have always been of a lower income group and that association plus the eventual pollution that built up during the 1850s to the '70s, that would have made the neighborhood even more associated with industry, dirty things, crime, pollution. It's all kind of degradation," he said.

"That combined story is what gave the canal its reputation as a seedy place to be and any waterfront at all in the city of New York at one point or another — docks — would be considered seedy, dangerous and places where people of ill repute hung out."



The Gowanus Canal. Photo: Paul Frangipane/Brooklyn Eagle

More recent examples

The myth of the waterway being used as a final resting place isn't entirely false. In recent years, several cadavers have been found floating along the fetid waters of Brooklyn's infamous canal.

Mark Phillips, a Brooklyn-based photographer, came across a body floating near the Carroll Street Bridge in 1999.

"I focused the length of the shape and realized the heels of shoes breaking the surface of the water were definitely attached to the feet of a body," Phillips wrote on his website. "As the realization hit us, I remembered the neighborhood legends of how the Gowanus was the dumping ground of mob hitmen for generations."

That incident was later ruled a murder, though the police never solved the crime.

Related: 'A danger for young children.' Residents say this Gowanus Canal bridge isn't safe.

More recently, a man's body was found floating in the canal with duct tape around his mouth in April 2018. Police ruled the crime a homicide that June.

In December 2017, a woman's body was removed from the toxic waters of the canal behind the Hamilton Avenue Home Depot.

A man named Howard Frank, who was known to beg outside of synagogues throughout Brooklyn, was found face down in the canal in June 2012.

As to whether cleanup crews will find bodies in the canal's muck during the federal Superfund remediation, Alexiou would not rule anything out.

"Who knows what kind of evidence of that is still under the ground there," he said. "If we stir it up, we might find something very interesting."

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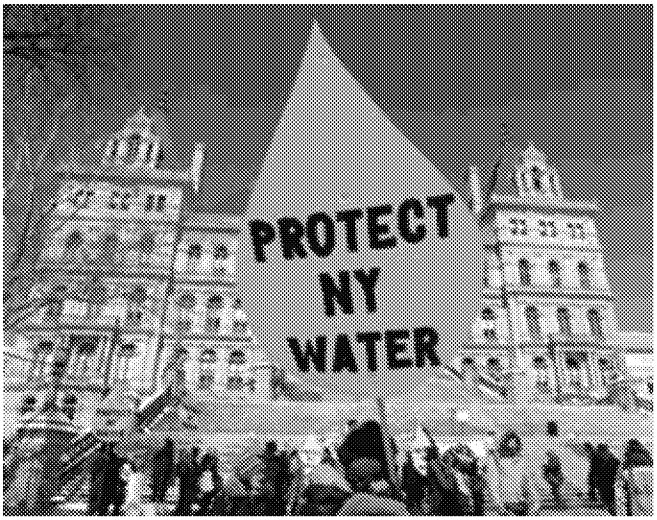
Press of Atlantic City (AP)

https://www.pressofatlanticcity.com/business/ap/costs-delays-scuttle--mile-constitution-pipeline-project/article_1980938f-9e44-5819-8f3f-94ddb3581ceb.html

Costs, delays scuttle 124-mile Constitution Pipeline project

My Mary Esch

February 24, 2020



ALBANY, N.Y. (AP) — The nearly $1 billion Constitution Pipeline project, which had been designed to take natural gas from Pennsylvania's shale gas fields to metropolitan New York and New England, has been abandoned after years of legal regulatory challenges made it economically unfeasible, a spokeswoman for project partner Duke Energy said Monday.

“Although Constitution did receive positive outcomes in recent court proceedings and permit applications, the economics associated with this greenfield project have since changed in such a way that they no longer justify investment,” Duke spokeswoman Tammie McGee said by email.

Duke is one of four project partners. The principal partner is The Williams Cos., based in Tulsa, Oklahoma. Others are Houston-based Cabot Oil and Gas and Calgary, Alberta-based Alta Gas.

Williams, which has a 41% stake, said in its annual report last week that the Constitution project would suffer a 2019 loss of $354 million.

Since it was proposed in 2013 at a projected cost under $700 million, delays and legal challenges have driven the costs up by nearly 40%. After the project won Federal Energy Regulatory Commission approval in 2014, New York regulators refused to issue critical water quality permits, citing concerns about danger to wetlands and stream crossings.

“This pipeline would have carried fracked natural gas across 251 water bodies, including 89 trout spawning streams, and through many unique and sensitive ecological areas such as old-growth forest and undisturbed springs, which provide vital habitat and are key to local ecosystems,” Richard Webster, director of legal programs for the environmental group Riverkeeper, said in a statement. Riverkeeper and other environmental groups have fought the project in courts.

“Constitution’s investors just confirmed what we have been saying for the past eight years — there is no need for this project,” said Anne Marie Garti, an environmental attorney and founding member of Stop the Pipeline. Landowners will now seek to reverse the eminent domain that the regulatory commission had imposed to take property for the pipeline, Garti said.

“At this critical moment for our climate, we cannot afford unnecessary fossil fuel projects that will lead to more fracking and exacerbate our climate crisis," Earthjustice lawyer Moneen Nasmith said in a written statement.

The Williams Cos. said in a statement that its existing pipeline network and planned expansions offer a much better investment return than new projects like Constitution that are impacted by an uncertain regulatory framework.

“Natural gas remains a critical part of our country’s clean energy future, and Williams is well-positioned to take advantage of the growing demand for natural gas as a reliable, low cost and clean alternative for power generation fuel, heating oil and diesel,” the pipeline giant said.

Environmental activists continue to fight another nearly $1 billion Williams project, the Northeast Supply Enhancement Project, which would extend an existing pipeline to carry natural gas from Pennsylvania through New Jersey to New York City and Long Island. New York and New Jersey regulators have previously denied permits but allowed Williams to reapply.

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Newsday

https://www.newsday.com/long-island/nassau/bins-donated-clothing-law-big-brothers-big-sisters-1.42038399

Oyster Bay law would require permits, restrict sites for clothing donation bins

By Ted Phillips

February 24, 2020

Dropoff bins for used clothing in Oyster Bay would require town permits and be restricted to charitable organizations and certain areas under a proposed local law.

The town's proposal would restrict areas where the bins could be placed to those zoned "Light Industry," "General Business" or on property owned by a nonprofit regardless of zoning. A hearing on the law is scheduled for Feb. 25 at 10 a.m. at Town Hall.

While one local charity said the proposed ordinance would help eliminate confusion caused by rogue operators, a national textile recycling trade group opposes it, arguing it could reduce an already low rate of recycling.

Islandia-based Big Brothers Big Sisters of Long Island relies on donated clothing — some of which was collected recently by driver Anthony Garrett — to fund programs that serve more than 500 children, said Helen Liriano, the nonprofit's chief financial officer. Credit: Linda Rosier

Americans recycled 2.57 million tons of textiles in 2017 while 11.15 million tons ended up in landfills, according to the U.S. Environmental Protection Agency.

Islandia-based Big Brothers Big Sisters of Long Island relies on donated clothing to fund programs that serve more than 500 children, said Helen Liriano, the nonprofit's chief financial officer.

"The clothing business represents anywhere from 60 to 70 percent [of BBBSLI's revenue]," Liriano said. "It's a big chunk for us."

The organization collected more than 14 million pounds of clothes in 2019, Liriano said. It sells the collected clothing to another company and uses the proceeds for its programs. One online exchange, recycle.net, lists per pound prices for used clothing from 4 cents to $1.50.

Maryland-based Secondary Materials and Recycled Textiles Association, an industry group representing for-profit companies, estimates that 45 percent of collected clothing is resold, 30 percent is cut into rags used for industrial purposes, 20 percent is shredded and turned into padding or insulation and 5 percent is unusable.

Liriano said the proposed law would cut back on bad operators.

"People have been burned by bins that are just popping up," Liriano said. "People are trying to make money and advertising them as donations going somewhere, when it isn't."

Jackie King, executive director of Secondary Materials and Recycled Textiles Association, said Oyster Bay's proposed law would be "detrimental from an environmental perspective."

"To just limit collections to charities defeats the whole purpose of trying to keep this stuff out of the landfill," King said. "The more points you have for people to take their clothing to be reused or recycled, the less that's going to end up in a landfill."

In a Feb. 19 letter, King urged the town board to revise the proposal.

New York State law requires clothing collection bins to be labeled with the owner's name, address and phone number and must identify whether the donated materials will go to charitable purposes or for-profit.

The proposed restriction on locations appears to prohibit two of Big Brothers Big Sisters of Long Island's six collection bins in unincorporated parts of Oyster Bay because they are in areas zoned for "Neighborhood Business."

In an email, Liriano wrote that, "We would hope the town considers allowing nonprofits to place bins with business partners in all zones."

In response to the issues raised by King and Liriano, town spokesman Brian Nevin wrote in an email Wednesday: "This law was drafted to protect neighborhoods from blight, stop the proliferation of unlicensed collection bins, and protect our suburban quality of life."

OYSTER BAY PROPOSED CLOTHING BIN LAW

1. Requires a town permit for all bins.

2. Only charitable organizations would be eligible for permits.

3. Bins could only be placed on property zoned "Light Industrial," "General Business" or on property owned by nonprofits.

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Daily Gazette

https://dailygazette.com/article/2020/02/22/plastic-bag-ban-draws-near-and-state-begins-to-educate-public

Plastic bag ban draws near, and state begins to educate public

By John Cropley

February 23, 2020

A week shy of the start of New York state's plastic bag ban, business and government leaders gathered at Crossgates Mall on Friday to remind shoppers it's coming.

Implementation of state rules surrounding the ban has been slow and late, and public education efforts have been sporadic, leading some to worry that rollout of the ban — already a stressful proposition — will be more disruptive than it need be.

They also noted that while attention has been focused on the largest users of plastic bags, such as supermarkets and big-box discount retailers, specialty retailers like the dozens at Crossgates Mall also can't give out plastic bags starting March 1.

Mall manager Michael Gately said the mall is posting signs at all entrances reminding shoppers to bring their own bags.

Assemblywoman Patricia Fahy, D-Albany, a longtime advocate of reusable bags whose district includes the mall, said:

"This is more than grocery stores. All the retailers here, I hope, will be fully cooperating. We're also trying to avoid any backlash."

Ted Potrikus, president and CEO of the Retail Council of New York State, said his organization supports the bag ban. "It's a bit of a lift but we can do it."

He compared it to the bottle deposit law, which was predicted to be a problem for retailers and turned out to be manageable.

"It's doable and it's the right thing to do," he said.

Potrikus said the ban is good for the environment and good for retailers, who will no longer have to buy bags. However, he said, the Retail Council was particularly supportive because the state ban superseded all the local bans, thus eliminating a patchwork of regulations, each a little different from the next.

His only criticism? The late arrival of state regulations.

Fahy echoed Potrikus' point: Rulemaking has been too slow and public education has been too little, she said: "I think we should have had more time. We needed more time."

This past Monday, 13 days before the ban takes effect, the state Department of Environmental Conservation finalized the regulations for critical details such as the characteristics of reusable bags. It was very short notice for retailers who had hoped for more time to stock supplies and make preparations.

There have been some consumer education efforts by the state, such as a January video on DEC's YouTube channel that has been viewed 361,000 times.

But it was not until Thursday, 10 days before the ban takes effect, that Gov. Andrew Cuomo's office announced the start of a statewide public outreach and education campaign.

The late start led Fahy to organize Friday's news conference.

She has reviewed other city and state bans, and found that the shopping public has been unhappy as each one started. "The backlash is usually temporary but it's pretty fierce," she said.

A little more notice to the public likely would have helped make the transition smoother and quicker in New York, Fahy said.

ENVIRONMENTAL IMPACT

The reason for the ban is straightforward: State officials estimate 23 billion petroleum-based thin plastic bags have been handed out per year in New York state to shoppers who use them for an average of just 12 minutes. Some are recycled and many are dumped in landfills where they'll sit for centuries. But some wind up as litter as they gradually shred into tatters, cluttering roadsides, trees, fences, sewers and the digestive systems of marine life.

The plastic bags themselves seem to have few defenders outside the bag-manufacturing industry.

Some members of the public reflexively attack a new regulation or restriction in a state that already has so many, others are annoyed at being told they won't be given free throwaway bags at the checkout line.

But no one stands up for plastic bags the way dog lovers might advocate for pit bulls when a city talks about banning the breed.

People do appreciate the convenience of throwaway bags, however.

Impulse shoppers rely on them, as do those who forget to bring their collection of reusable bags to the store, and those who just don't want to pay for or lug around reusable bags.

Convincing this last group to change their ways is the focus of the 11th-hour education efforts. The state campaign is dubbed Bring Your Own Bag New York — #BYOBagNY.

Throwaway bags still will be available at many cash registers come March 1: The state has not banned paper bags, but it is giving counties the option of imposing a 5-cent per bag fee on paper bags. So far in the Capital Region, only Albany County has opted in to the fee, but implementation is being delayed indefinitely over technical issues.

Some retailers such as Price Chopper and Hannaford are going a step further, imposing a 5-cent fee on each paper bag at the register to get shoppers out of the habit of relying on the retailer to provide one-use bags.

THE RULES

On March 1, any New York retailer that collects sales tax may no longer provide film plastic carryout bags to shoppers. But the new rule falls well short of a full ban on single-use plastic bags. Exempted from the ban is any bag that is:

- Used to contain or wrap uncooked meat, seafood or other unwrapped food items;
- Used by a customer to package material from bulk bins;
- Used for newspaper delivery;
- Used as a garment bag, such as from a dry cleaner;
- Sold in bulk for trash disposal or food storage;
- Provided by a restaurant for carryout or delivered food;
- Provided by a pharmacy for prescription drugs;
- The goal is to move New Yorkers toward durable reusable bags, which are defined as:
- Specifically designed and manufactured to be used repeatedly;
- Machine-washable;
- Able to carry at least 22 pounds at least 175 feet;
- Having a minimum lifespan of 125 uses;
- Having at least one strap or handle that does not stretch;
- Having a minimum fabric weight of 80 grams per square meter.

The new state rules do allow use of plastic bags that are at least 10 mils thick, which has led environmental activists to criticize it as an incomplete ban. For sake of comparison, a thin-film plastic grocery store bag is 0.5 mil thick. A credit card is about 30 mils thick, a dime about 50 mils thick.

Reusable bags start at 49 cents, and numerous retailers across the Capital Region have racks for sale in the front end of their stores. There are also bargains to be had here and there, particularly with promotional giveaways. Crossgates management, for example, has a large stash in the mall office and is giving them to shoppers while supplies last. Stop & Shop is giving away bags at its 106 New York grocery stores. On a wider scale, the state DEC is handing out 270,000 reusable bags, and is targeting low- to moderate-income communities by giving them away at food banks.

Other retailers are helping consumers buy the bags: Price Chopper/Market 32 shoppers can use their AdvantEdge points to earn free bags, for example. And Target gives a 5-cent discount for each reusable bag used at checkout. At that rate, a 99-cent bag would pay for itself in 20 trips.

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NorthJersey.com

https://www.northjersey.com/story/news/bergen/ramsey/2020/02/21/ramsey-nj-water-treatment-units-require-parkland-shifts/4822466002/

Ramsey to swap parkland at wells to make way for water treatment units

By Marsha A. Stoltz

February 23, 2020

The borough will hold a public hearing Monday on a proposal to divert parkland totaling 0.14 acres at three well sites to make way for installation of arsenic treatment equipment later this year.

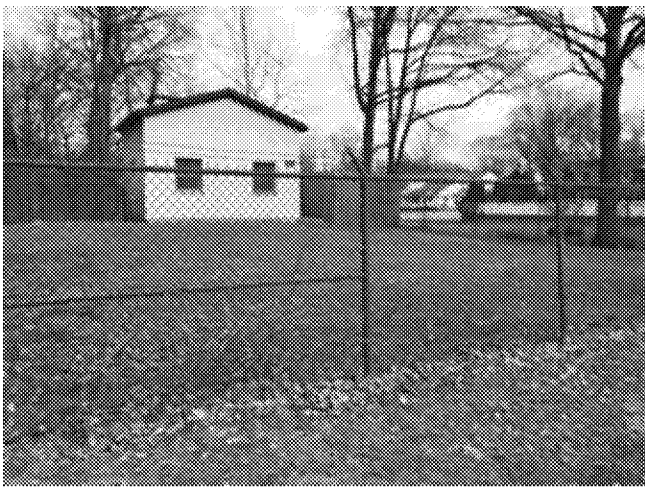
The equipment will be housed in prefabricated treatment units 42 to 50 feet long on all six borough well sites, requiring "minor diversion" of parklands at three of the locations.

The parcels to be taken for the wells are:

- 0.0395 acres at East Oak Street;
- 0.0668 acres at Orchard Place; and
- 0.0365 acres at Martis Avenue.

The total land to be diverted constitutes less than 1% of the total parkland for the three sites, the borough's website shows.

The borough will dedicate 0.45 acres at Manor Drive and Grove Street to compensate for open space diverted at the three well sites.



A 50-foot-long prefabricated water treatment unit will replace the current fenced-in well structure at the Martis Well next to a park near the intersection of Elizabeth Avenue as part of a borough-wide upgrade of water treatments at its six wells. (Photo: Marsha A. Stoltz)

Wells are also located at North Central Avenue, Arrow Road and Spring Street, but do not require land diversions.

Mayor Deirdre Dillon emphasized that Monday's hearing is only about the property exchange, not about the installations themselves.

"We are having another information meeting with the residents on March 12 that will be a continuation of the meeting we had last Thursday [Feb. 13]," Dillon said via email.

Dillon estimates the Martis Avenue unit would be installed between March and May.

History

The borough's well system is getting an overhaul because the company providing the filter cartridge system used to treat arsenic announced a year ago that it was closing the business, Borough Administrator Bruce Vozeh said.

The borough's Board of Public Works has recommended a replacement water treatment system approved by the state Department of Environmental Protection that Vozeh estimates will provide $630,000 in annual savings. By installing treatment units on Spring Street and Orchard Place wells that have been inactive for 10 years, Vozeh estimates the borough will increase its water supply capacity by 600,000 gallons a day.

The borough currently buys 50% of its water from Suez, Vozeh said, and the increased well capacity would allow the borough to reduce purchases from outside sources.

The units will be equipped to treat not only arsenic, but also perfluorinated compounds at sites such as Martis Avenue, where samples indicate the perfluorooctanoic acid levels to be at or near prospective future levels anticipated by the DEP.

Because the Martis Avenue unit will contain both kinds of treatment, it will measure 50 feet long by 8 feet wide and 9.5 feet high.

The prefabricated treatment units must be placed at well sites "so that water pumped from the aquifer may be treated and brought to NJDEP standards prior to going out into the water distribution system for consumption," Vozeh said.

The Martis Avenue treatment unit will be the most visible of the six wells, at Martis and Elizabeth avenues in a residential neighborhood next to a park. Equipment there now is in a 20-foot well house surrounded by green chain-link fencing. The new unit will be installed on the same site with fencing adjustments.

"Ramsey is looking at additional aesthetic options on the exterior of the treatment unit to better incorporate it into the existing well house location and surrounding neighborhood," Vozeh said.

The meeting Monday is at 7 p.m.

Written comments about the land exchange aspect of the installation are due no later than March 9, sent to Vozeh at Borough Hall, 33 North Central Ave., Ramsey, NJ 07446, with a copy to the NJDEP Green Acres Program, Bureau of Legal Series and Stewardship, Mail Code 501-01, 501 E State St., P.O. Box 420, Trenton, NJ 08625-0420.

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Bklyner

https://bklyner.com/the-battle-for-prospect-heights-humans-against-rats/

The Battle For Prospect Heights: Humans Against Rats

By Peter Senzamici

February 20, 2020

Brooklyn Rat 2019, Peter Senzamici/Bklyner

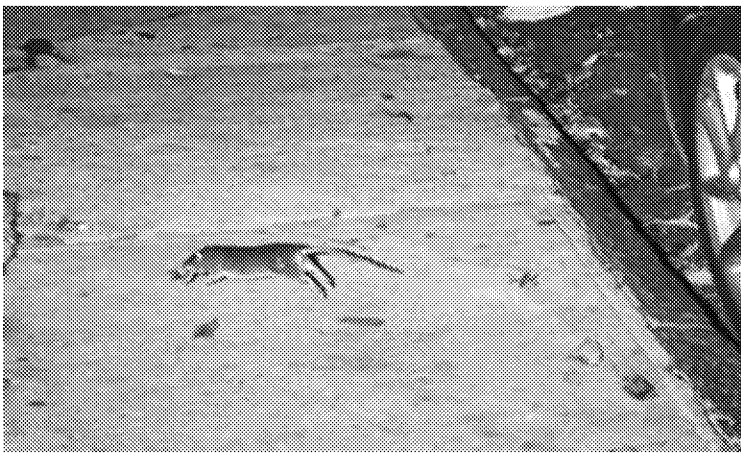
Carol Morrison remembers exactly when she decided enough was enough with the rats.

She was walking toward her home in Prospect Heights on Lincoln Place between Washington and Underhill avenues. There were so many rats on both sidewalks, she had to walk in the street.

Suddenly, she stepped over five dead ones, flattened by cars.

"At that moment, I said to myself: This is so unacceptable," said Morrison. "It was like they were now the community."

Morrison made it her mission to try and take back the streets. She became the engine behind the Prospect Heights Rat Task Force, a community organization that fights rats and connects the neighbors dealing with them.



Rat in Prospect Heights, 2019, Peter Senzamici/Bklyner

Rats In Brooklyn

Rat complaints in the city peaked in 2017 at 35,075 – attributed by the officials warmer winters that extend the rat breeding season – and have declined by almost 10% to 31,645 last year, according to NYC Open Data. In Brooklyn, 311 complaints dropped by a little more than 7%. But not in Prospect Heights.

Since 2017, Prospect Heights has had the most rat-related 311 rat complaints in all of New York City, putting the 11238 ZIP code with 887 complaints in the lead, over 200 more complaints than the next Brooklyn ZIP code, 11221 – that covers parts of Bed-Stuy and Bushwick, in 2019.

St. John's Place residents report the rat problems have gotten worse, despite the efforts to combat them. Some residents won't let their young children play outside. Cars have had their wires damaged from the rat's razor-sharp teeth and in one case, a fan belt broke while a resident was driving down the block.

Despite its numbers, Prospect Heights was excluded from the $32 million rat mitigation zone program in 2017. The city targeted three zones declared the most problematic for concentrated rat-management – along the Grand Concourse in the Bronx, Chinatown and the Lower East Side in Manhattan, and parts of Bedford-Stuyvesant and Bushwick in Brooklyn. Even the worst blocks of the Upper West Side, which received $750k in rat-mitigation funding in 2017, did not have as many rat complaints.

Department of Health (DOH) touts the program a success, saying it has reduced rat sightings by at least 60% so far, according to a DOH source. But not much has improved in Prospect Heights.

Carol Morrison is taping up yet another Rat flier. Peter Senzamici /Bklyner

Neighbors Fight A Losing Battle

"We're on the verge of a public health crisis," Morrison said. "I'm not sure how much worse it needs to get for the city to do something," she said, citing the 2017 death of a Bronx resident from leptospirosis, a rare disease spread through rodent urine.

The 64-year-old social worker and artist has lived in Prospect Heights for more than 20 years, and started the community group in May of 2019. She has organized her neighbors, attracted the attention of local lawmakers and city agencies and even motivated some landlords to clean up their acts.

Her first move was to put up signs around the neighborhood: "RATS" in huge letters, imploring residents to report sightings and offenses like poorly managed trash to the city.

The next sign advertised a meeting in the lobby of her co-op building.

Gatherings of the task force soon grew from a few residents on Morrison's block to include neighbors from the surrounding blocks of St. John's Place, Eastern Parkway and Park Place. "Suddenly, the Lincoln Place Rat Task Force became the Prospect Heights Rat Task Force," Morrison said.

Rat Sign. Peter Senzamici/Bklyner

Where did all the rats suddenly come from? Some residents say three construction projects on the neighborhood's commercial artery, Washington Avenue, could be the culprit, although 311 and city inspection data do not indicate similarly increased rat activity adjacent to the work.

Others point to a building on nearby Eastern Parkway that, according to local lore, kept years of trash in its basement, allowing the rats to develop burrows all over the neighborhood.

Morrison has held more than 12 meetings since May of last year and counts over 100 residents as members. She knocks on doors and makes calls to organize residents and landlords alike. The office of the local council member, Laurie Cumbo (D-Brooklyn), has worked with Morrison to organize two interagency rodent meeting between the city health and sanitation departments. (A spokesperson for Cumbo declined to comment for this story.)

Last summer, residents and the city cleaned up a building thought to be a major source of the rat population. Finally, Morrison thought, the rodents are done.

Never Ending Story

Unfortunately, success on one property has only moved the rats farther down the block. Once one property is cleaned up, the rats can easily move between backyards on St. John's and Lincoln place.

Caroline Bragdon, director of neighborhood interventions for pest control services at the DOH, has been working with residents of these rat-laden Prospect Heights blocks.

"Definitely their activism helped get my team involved," she said of the task force. Since the summer, Bragdon has instructed an inspector from a nearby rat mitigation zone to also do increased inspections on three blocks in Prospect Heights and issue fines to offending properties.

While the origin story of the rats remains elusive, why they have been able to persist is quite clear. Warmer winters have extended rodent breeding cycles. And too many buildings have too few garbage cans for their size. "You have a lot of really big buildings that have inadequate garbage storage," Bragdon said.

Some owners have been responsive and fixed conditions, but many "continue to either not respond at all or respond inadequately," said Bragdon. "What we need is for those residents to help us reach out to their owners and managers, and really demand action."

Morrison aims to do just that. Meanwhile, she'd like to see the City Council create a stronger enforcement mechanism. One building on Lincoln Place racked up 17 violations in 2019, totaling $8,300 in fines. "From the vantage point of the monthly income of these buildings," Morrison said, "it's a ridiculous pittance."

Robert Corrigan, a renowned urban rodentologist and a former rodent-control research scientist at the city health department, says Morrison is doing exactly what New Yorkers need to do.

Community-led efforts, he wrote in an email, can accomplish more than a city agency, with a level of motivation and commitment embodying "the true spirit of 'neighborhood.'"

Christopher Jacobs, 52, who has lived on St. John's Place for his whole life, said he's never seen so many rats. As an owner of a small building on the block, he says "I gotta psych myself up. I cannot be scared of them because I gotta deal with them."

Denise Dixon, 64, a St. John's Place resident for 35 years, saw Morrison putting up flyers on her block. Rats had somehow gotten into her car to enjoy a meal of trashed chicken and left the bones behind. "That's when we started the conversation," she said.

Dixon says the rat problem is serious, but still has a sense of humor with her choice of Halloween decorations. Peter Senzamici/Bklyner

Dixon's neighbor across the street, Suzanne Chipkin, 31, a non-profit professional and resident of six years, can't take the rats anymore, either. One night last summer, a rat ran over her husband's foot on the street. "He was wearing flip flops," she said.

Chipkin, who saw a task force flyer in July, said she was empowered by seeing that others in the community were taking action. She started calling 311 and elected officials. Still, the lack of noticeable change has Chipkin feeling deflated. "In the scope of problems facing New York City, I do not think this problem is particularly complicated, or particularly expensive," she said.

Morrison says she'll keep at it until the rats are gone. "I will send out emails, I will go out today and I will post more posters. I will talk to people and I will further organize my community. And at some point, we will get this addressed."

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Hudson County View

https://hudsoncountyview.com/hoboken-adding-two-new-buses-to-their-free-hop-service-during-peak-commuter-hours/

Hudson County View: Hoboken adding two new buses to their free HOP service during peak commuter hours

Starting next month, the City of Hoboken is adding two new buses to their free HOP service during peak commuter hours in the morning and evening.

By John Heinis

February 23, 2020

Starting next month, the City of Hoboken is adding two new buses to their free HOP service during peak commuter hours in the morning and evening.

During the first phase beginning on March 2nd, the blue HOP will have a second bus on weekdays between 7 a.m. and 10 a.m.

In the coming weeks, the second phase will also includes an additional bus on the Green HOP during the evenings between 6 p.m. and 8 p.m.

The new HOP buses will be added to the routes displayed in the new mobile application, "Passio Go," which shows the locations of each bus and the routes in real time on a map.

In 2019, the HOP bus service had record ridership with over 223,000 trips taken compared to 173,000 from a year before, reflecting nearly a 30 percent increase.

This came after Hoboken began using parking revenues to make all HOP rides free of charge to the public, starting in March 2019, to encourage the use of the shared mobility option.

"Our HOP bus service provides a critical first-mile, last-mile transportation option for our residents, and I'm very pleased that we are expanding the service during peak periods," Mayor Ravi Bhalla said in a statement.

"More residents utilizing the HOP provides an additional convenience, cost savings for those who need it, improves access and mobility in areas least served by public transit, and reduces our city's carbon emissions. I encourage everyone to utilize this free option to connect to transit hubs, visit our local businesses, and travel around our city."

Expanding alternative and shared transportation options is a component of Hoboken's Climate Action Plan to reduce carbon emissions and exceed the goals of the Paris Agreement by 2050.

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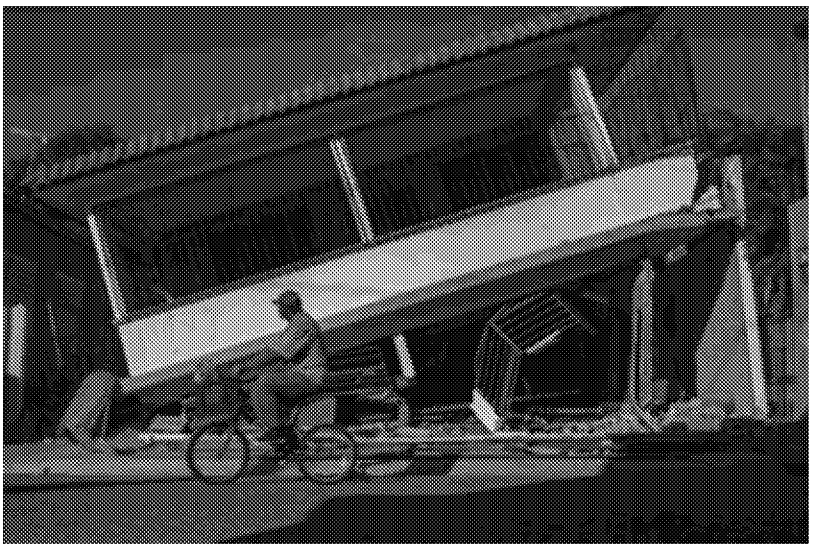
VOX NEWS

https://www.vox.com/policy-and-politics/2020/2/24/21148670/puerto-rico-earthquake-disaster-aid-crisis-congress

The continuing disaster aid crisis in Puerto Rico, explained

By Catherine Kim

February 24, 2020



GUÁNICA, Puerto Rico — Puerto Ricans are still living in tents more than a month after earthquakes hit the southern part of the island on January 7, damaging more than 800 homes.

The earthquakes were devastating for an island still working to rebuild from the damage caused when Hurricane Maria hit in 2017. Earthquake recovery efforts have been slow, frustrating many. To try to speed things up, the House of Representatives passed an emergency aid bill in early February — a bill the Senate does not seem likely to take up.

In part, the bill provides block grants dedicated to reconstruction; without these funds, the southern part of the island faces major delays in long-term recovery. Homes that have crumbled from the quakes will remain piles of debris, and Puerto Ricans will be forced to remain in tent shelters with minimal resources and access to health care.

These tent shelters, which were intended to be temporary, were set up by the Puerto Rican government after a 6.4 magnitude earthquake hit the island, an earthquake that was followed by a series of aftershocks — including a 5.9 magnitude quake just four days after. And the shelters, and those who live in them, remain at the mercy of more difficult to predict quakes: Even now, earthquakes of at least a 3 magnitude continue to shake the shorelines of Puerto Rico daily.

The situation is untenable, which is why the House bill was initially a source of hope for those looking to the federal government for aid. But it now appears no such aid is immediately forthcoming, and Puerto Ricans affected by the earthquakes — lacking a say in federal policy as residents of a US territory — find themselves with little recourse.

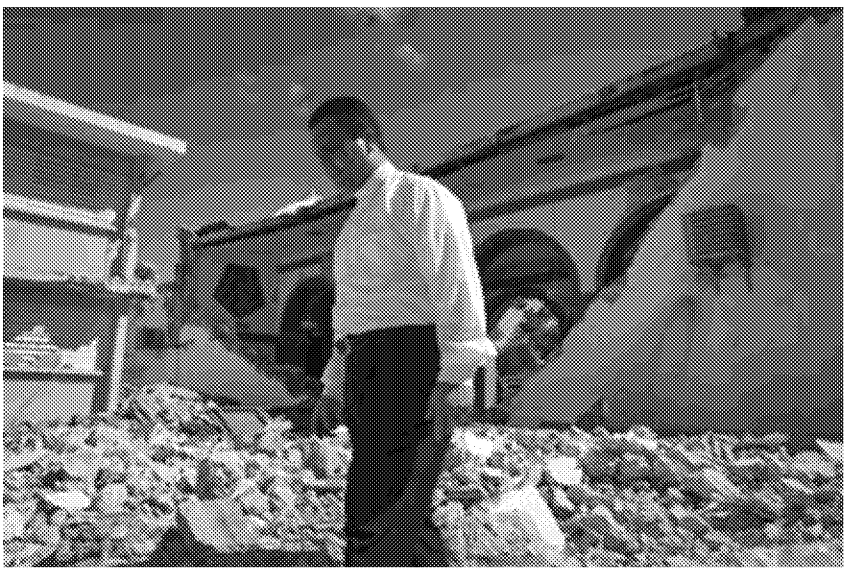
Why the House's Puerto Rico aid bill has stalled in the Senate, briefly explained

The House bill, which passed 237-161 on February 7, allocates $4.7 billion for disaster recovery: $3.26 billion would go toward community development block grants to help long-term reconstruction; $1.25 billion to restore

infrastructure; $100 million to restart school operations; $40 million to disaster nutrition assistance; and about $20 million to assist with energy needs. The bill also contains tax breaks to help the island that is struggling with more than $70 billion in debt.

These are all hefty financial promises, considering that only about $1.5 billion of the $20 billion in aid for Hurricane Maria had been released by the end of 2019.

"Our fellow Americans in Puerto Rico need our help," said House Appropriations Committee Chair Nita Lowey ahead of a vote on the bill. "Unless we step up to the plate right now, we further jeopardize their safety and security. With this bill, we can provide families and communities swift relief and put Puerto Rico on the path to long-term recovery."



Father Melvin Diaz Aponte inspects the damage to his church in Guayanilla, Puerto Rico, following January's 6.4 magnitude earthquake. Eric Rojas/Getty Images

Despite the bill's passage in the House, it's unlikely the Senate will take it up, several senators told Vox.

Many cite concerns about Puerto Rico that mirror those held by the White House, namely, that Puerto Rico has a history of corruption and mismanagement. And while the fairness of that characterization is easily debatable, it is true that some of the island's officials have been accused of mismanaging resources: Several cabinet members, for example, were fired by the governor after a warehouse full of supplies for Hurricane Maria was found untouched in January.

"Puerto Rico has a long history of inadequate financial controls over regular government operations, which forced the Congress to appoint a financial control board in 2016," a spokesperson for the White House Office of Management and Budget said in early February. "Multiple high-profile cases of corruption have marred distribution of aid already appropriated and have led to ongoing political instability on the island."

This stance led the White House to say President Donald Trump would veto the House bill if it were to pass in the Senate.

Despite this, there are some senators who have signaled a willingness to pass aid legislation. Most recently, Sen. Marco Rubio (R-FL) announced he'd spearhead a new, bipartisan aid bill — although it remains unclear what it will look like or how it will be different from the House version.

"I hope the Senate will do its own disaster relief for Puerto Rico," Rubio wrote in a statement to Vox. "I've already talked with Chairman Shelby, who is the chairman of the spending committee. He agrees we want to do something here. We're going to be working on coming up with a spending plan for Puerto Rico aid that can pass the House, pass the Senate, and the President will sign."

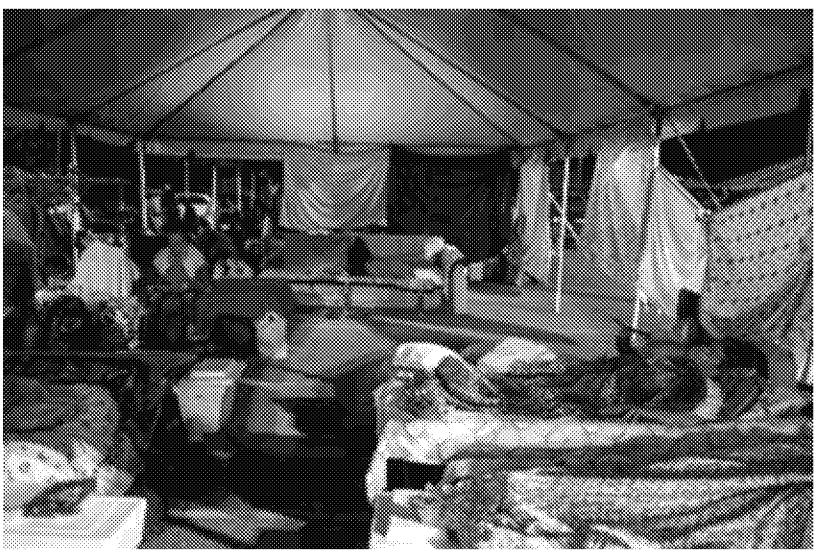
The question, however, is whether there is any bill the president would sign.

Earthquake victims' quality of life is harmed by the aid delay

Another White House criticism of the House legislation is that it was passed too quickly. The reality, however, is that the people affected by the earthquakes have already been waiting too long for adequate aid, Helga Maldonado, regional director of Escape — a nonprofit organization that works to prevent child and domestic abuse in Puerto Rico — told Vox.

Maldonado and Escape have been working on the ground to provide food, sanitary supplies, and psychological support to earthquake areas. Increasingly, the burden of recovery has fallen on the shoulders of citizens like Maldonado as Puerto Ricans wait for more substantial federal aid than they have received so far.

Here in the city of Guánica, the epicenter of the earthquakes, at least 350 people have been living in tents provided by the government for the past month. Inside the white tents that flap in the wind, people sleep on cots and store their few belongings in plastic boxes. A single medical tent is stationed at the entrance of the shelter, with a handful of quarantine tents lined up next to it. Religious groups and nonprofits regularly set up tents on the edge of the encampment, providing over-the-counter medicine, sanitary products, water, and other necessities.



Puerto Ricans rest in a tent shelter in a baseball stadium parking lot in Yauco, Puerto Rico, waiting on aid after a powerful earthquake hit the island. Ricardo Arduengo/AFP/Getty Images

FEMA has provided some aid to those affected by the earthquakes: As of January 16, the agency granted 7,573 applications and approved about $17 million for individual and household assistance programs. In a statement to Vox, FEMA also noted that each individual received an average amount of about $2,290.

Maldonado, however, tells a different story. So far, she said she's seen most FEMA grant recipients receive between $500 to $600 — nowhere near enough money to rebuild a house. Those who feel they should have received more can file an appeal, but to do so, they have to pay a structural engineer out-of-pocket to check the state of their homes — a service that could cost up to $1,500.

And while Congress delays on providing additional aid to Puerto Rico, the people in these shelters simply spend their time waiting, including 49-year-old fisher Marcos A. Villa Lassala.

He's said he's trying to be patient, but he never anticipated living in a tent for this long. He wears a wristband that indicates his house has experienced some damage (green means little to no damage, yellow means mild damage, and red means unlivable conditions), and says the walls in his house are cracked and the balcony fell. Engineers sent by the government told him that his house was safe to live in, but given the structural damage the building suffered, he strongly doubts the evaluation.

"I thought I was going to receive help a lot quicker," he said. "And even when I do receive any sort of financial help, I have to be slow to rebuild because I have to make sure that all the quakes are over and done with because there's no point in building a home if it's just going to come right back down."

Though he finished filing paperwork right after the first waves of earthquakes, he's yet to receive money from FEMA — and anticipates that a $500 check won't be nearly enough to begin repairs. Although he understands bureaucracy is delaying the government's response, he said he wished the aid process "was based on the people and what the people need."

When the government fails, it's the community that has to step up

The people of Puerto Rico are no strangers to the government's delay in helping post-natural disasters. Following Hurricane Maria, some communities were left without electricity for almost a year because a long-neglected power grid took a particularly hard blow.

And the island has only recently received more than a small fraction of the $20 billion approved by Congress for long-term Maria recovery. (The Department of Housing and Urban Development finally lifted an $8 billion hold on disaster aid last month.)

That delay has meant delays in rebuilding. For instance, more than 850,000 households experienced damage to their home structure due to Maria — and about 30,000 families still live under makeshift blue tarp roofs two years after the hurricane.

The delays in Hurricane Maria aid meant community organizers knew that they had to prepare for future disasters, Maldonado said. Escape was ready when the earthquakes hit: following Hurricane Maria, the organization steadily began to collect canned goods in a warehouse, preparing a makeshift food pantry.

Preparations like these meant that when the earthquakes came, those in need could immediately receive the sort of aid seen in the viral videos of ordinary Puerto Ricans driving to the southern part of the island to deliver supplies such as food and water.

But while the people may have learned from the tragedies of 2017, Maldonado said the government has failed to learn from its mistakes.

"It's frustrating because the response didn't change," she said. "You think that it's the logical [response] to start preparing themselves for something else seeing that they weren't able to respond to Maria, but it's really sad to see that the government has been benefiting from this state of emergency. They're filling up their pockets and in a way dancing on the pain of other people."

The unity among Puerto Ricans is inspiring — but equally frustrating — because this responsibility shouldn't lie on the shoulders of ordinary citizens, according to Patricia Matos López, a community organizer with the group Bici-Caño.

"The government always tells the people 'We are going to help you, give you the funds,' but it never comes," she said. "You need to move, contact organizations and get the help to the people. Be real — not for the money, not for the votes. Be real and give us the help we need."

A man in Guánica crosses a field of rubble created by a building torn apart by January's 6.4 magnitude earthquake. Alejandro Granadillo/Anadolu Agency/Getty Images

Internal reports from FEMA reveal that the agency acknowledges it failed the people of Puerto Rico, especially after Hurricane Maria. According to one report, FEMA emergency-supply warehouses around the island were nearly empty prior to the hurricane, and the agency had not held a disaster planning assessment since 2012.

This time around, FEMA has said it has learned from the mistakes of the past and "remains committed to supporting the government of Puerto Rico with its ongoing recovery efforts from Hurricanes Irma and Maria and to helping people before, during and after disasters."

Activists, however, say that more needs to be done — especially because an unfair mental burden falls upon organizers, who are often also victims of the natural disasters, when the agency fails.

Maldonado said she's personally had to deal with the layers of trauma caused by both being victim and a caretaker of others. Although her house survived the earthquake, she said she was disheartened to see the destroyed buildings in her town of Yauco. She told Vox she hasn't been able to personally visit the tent shelters in Yauco yet because she's not mentally or physically ready, but she's taking "baby steps" to prepare herself.

Maldonado, however, said she and other community organizers will continue their work because the government has given her no other choice, adding that Hurricane Maria and the recent earthquakes have made it clear that people in the community can only count on each other.

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NATIONAL

ABC News

As plastic bag bans go into effect, some question the unintended consequences

https://abcnews.go.com/US/plastic-bag-bans-helping-environment-results/story?id=68459500

By: Isabelle Phillipe 2/23/2020

Bans on single-use plastic bags -- one of the most pervasive sources of pollution -- are taking effect in cities and states across the U.S. as efforts to combat global plastic production pick up.

But while the moves are being lauded by environmentalists and the local governments that support them, some are questioning whether the move will be effective, primarily because of the unintended environmental consequences associated with replacement materials such as paper, thick plastic and reusable bags.

Plastic bags were widely introduced to American consumers in 1979 and were marketed as preferable to paper because they are durable, waterproof and have many functions, according to the United Nations Environment Programme.

Until the early '80s, paper bags were standard for carrying groceries. With the adoption of plastic bags by grocery chains Safeway and Kroger in 1982, plastic bags soon dominated supermarkets and convenience stores across the U.S. by the end of the decade, the UNEP states.

In the U.S., 380 billion plastic bags and wraps are used every year, requiring 12 million barrels of oil to create, according to the Environmental Protection Agency. Low-density polyethylene, the material from which plastic bags are made, is produced from crude oil or natural gas, making the petroleum-based plastic bags non-biodegradable.

While many plastic bags are recyclable and large retailers in some areas are required to accept them for reprocessing, many wind up tangled in trees and littering streets.

Plastic pollution costs some communities $1 million in annual fees to remove waste mostly made up of grocery bags, according to the EPA.

A worldwide effort

Across the globe, countries have increased their efforts to limit plastic bags and other plastic materials from being produced, distributed and ultimately released into the environment.

In the U.S., statewide bans against plastic bags are being put into place. Eight states have passed legislation banning single-use plastic bags, with three -- California, Hawaii, and Oregon -- currently in effect. Bans in New York, Maine and Vermont are scheduled as early as next month, while in several cities, restrictions have been implemented without the adoption of state-led legislation.

California became the first to introduce regulations banning single-use plastic bags in August 2014. Proposition 67, also known as SB270, officially passed in November 2016, prohibits plastic bags at groceries, chain pharmacies, and other stores.

Since the policy took effect, Californians Against Waste (CAW), a nonprofit organization that sponsored the bill, has reported a substantial reduction in plastic bag litter in the state's rivers, beaches and landscapes.

During a 2010 annual beach cleanup, crews from CAW reported that 65,000 grocery bags were scattered along water bodies, a number that CAW says decreased by 72% in 2017. Mark Murray, executive director of the nonprofit, attributed the decrease to the ban.

Retailers in California have been in full compliance with the law, he said, and compared to the 13.8 billion grocery bags that were once distributed in the state each year prior to the policy, none are now distributed. Instead, paper and reusable grocery bags are supplied to customers for a fee.

The organization initially feared that restrictions would prompt a significant uptick in the use of paper bags, but data suggests the 10-cent charge has curbed any growth in paper bag generation.

California's reported success with SB270 has sparked policies in states like New York, which is soon to follow suit on March 1. Similar to upcoming bans in Maine and Vermont, New York stores will be replacing plastic bags with paper bags that customers can purchase for a cost of no less than 5 cents.

Commissioner Basil Seggos of the New York Department of Environmental Conservation (NYSDEC) hopes that the ban will prevent 23 million single-use plastic bags used annually in the state from ending up in the

environment and landfills. He expects the quality of life for New Yorkers to increase when harmful litter becomes eliminated.

Paper has been widely supported by legislators as a less environmentally damaging alternative to plastic bags. Terry Webber, executive director of the American Forest & Paper Association, a paper industry trade association, said paper is a renewable, recyclable and compostable resource that is made with wood fiber from sustainably managed forests.

As opposed to petroleum-based plastic bags, Webber claims two-thirds of the energy used to make paper comes from renewable biomass (residuals such as tree limbs and bark that are used as a renewable energy source to power paper mills). 90% of water used during manufacturing also returns to waterways, he claimed.

What the skeptics say

However, the shift from plastic to reusable and paper bags has been met with skepticism by some consumers, manufacturers and industry experts, who fear banning plastic will result in additional environmental problems and hurt consumers.

A 2017 study conducted by Recyc-Québec, a government recycling agency in Canada, looked at the life cycles of different disposable bags used within the province.

Results indicate that though conventional plastic bags tend to have higher environmental impacts when released into the environment, when compared to alternatives (such as compostable bioplastic, paper, thick plastic, and oxo-degradable plastic bags), they appear to have the least overall environmental impact (except as litter).

“Because of its thinness and lightness, being designed for a single use, its life cycle requires little material and energy,” the report says. “In addition, it avoids the production of garbage bags since it is commonly used for this function as well.”

The study, which looks at human health, quality of ecosystems, use of fossil fuels and abandonment in the environment, indicates that paper was the lowest-performing type of single-use bag with potential environmental impacts ranging 4 to 28 times that of a standard plastic grocery bag.

Also, reusables made from cotton, woven and non-woven polypropylene bags require tens to thousands of uses before they become more environmentally efficient than single-use plastic bags, the study says.

From Recyc-Quebec to the United Kingdom's Environment Agency other studies highlight the necessity of prolonged use when using reusable bags in order for their environmental benefits to exceed that of single-use plastic bags.

Research conducted by Oregon's Department of Environmental Quality (DEQ) suggests compostable materials can often result in greater environmental costs than non-compostable alternatives because of the impacts associated with extracting, processing, and manufacturing raw materials during onset production.

David Allaway, a senior policy analyst at DEQ’s Materials Management Program, said that in the case of 90% of manufactured items, most impact occurs when producing the product rather than when it goes to the landfill or gets recycled.

“The public believes materials come to us free of impact, and all we have to think about is compositing versus landfilling or recycling. In reality, it’s not quite true. By the time we buy this stuff most of the environmental impact has been done.”

Allaway points to the importance of assessing materials based on their intended purpose.

"I don’t think that a clear case can be made that either recycled paper or virgin plastic grocery bags are universally “better” or “worse” for the environment. Most life cycle assessments generally point to plastic grocery bags having fewer impacts than paper, but that isn’t always the case. Depending on which

environmental issue you prioritize - litter, climate change, air toxins, marine debris, water consumption, etc. - you might favor one material over the other. There is no consistent or universal winner."

For Sarah Nichols, sustainable Maine project director at the Natural Resources Council of Maine, the decision to ban single-use plastic bags was one she struggled with for the past six years.

Virgin plastic, she explained, is ultimately a byproduct of the fossil fuel industry and is kept a low-cost material, allowing it to be made abundantly. As fossil fuels are major contributors to climate change, Nicholas says she has come to believe banning plastic bags altogether is the right thing to do. Similar to California and Oregon's bans, she believes people in Maine will not only adhere to the restriction, but reap its benefits.

“Every independent life cycle assessment that has looked at various bagging options has found that the common plastic grocery bag, when disposed of properly, has the least environmental impact," Matt Seaholm, executive director of the American Recyclable Plastic Bag Alliance said. "Paper has its purposes and should be an option that consumers can choose from, but there is no doubt that it takes more material, energy and water to manufacture than plastic, and its weight and bulkiness necessitate seven trucks to transport the same number of bags that can be hauled in just one truck of plastic.”

And Adrian Hong, president of Island Plastic Bags, Inc. in Hawaii, believes grocery bags should be available for a fee rather than ultimately banned because of the impact on manufacturers.

“I don’t think replacing plastic with other materials makes the planet better off,” he said, “You have to look at the life-cycle of the materials to see what’s best.”

Advice for consumers

In Oregon, the Department of Environmental Quality received a steady stream of phone calls in the first few weeks after implementing the ban. As residents grew accustomed to the policy, calls slowly tapered off and officials noted an uptick in use of reusable plastic bags in supermarkets.

When it comes to single-use plastic bag bans, environmental officials advise consumers to make choices that limit the number of any disposable bags they use - whether that is paper or plastic. Recycling paper and properly disposing of plastic bags ensure litter and harmful toxins aren't excessively released into the environment. On the manufacturing end, environmental officials argue that the responsibility to construct products more sustainably must fall on producers to create systemic change.

"The good thing is we're entering a phase where people are starting to think about single-use, recycling, and the climate," Matt Fletcher of the Michigan Department of Environment, Great Lakes, and Energy said. "That in itself is a victory."

The EPA encourages consumers to reduce the number of bags they use, reduce the number of bags they throw away after one use, reuse bags, and recycle bags when they can no longer be used.

"The Agency promotes sustainable materials management (SMM), a holistic, systemic approach to using and reusing materials more productively throughout the life cycle of products and services in the U.S. economy," the agency said in a statement.

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Bloomberg Environment

Conservationists Opposing Myrtle Beach Highway Get Discovery Win

https://news.bloombergenvironment.com/environment-and-energy/conservationists-opposing-myrtle-beach-highway-get-discovery-win?context=search&index=0

By: Maya Earls

The Federal Highway Administration lost its bid to withhold from a conservation group's lawsuit a letter saying a supplemental environmental impact statement wasn't required for a $3.8 billion Myrtle Beach highway project, according to a federal South Carolina ruling.

The agency's response to the South Carolina Coastal Conservation League and the league's original letter requesting the SEIS may show factors the agency should have considered in its decision, the U.S. District Court for the District of South Carolina ruled Feb. 21.

The agency argued the league's letter wasn't part of the record because it was written two months after its decision. FHWA also argued its response to the league was not a final agency action.

The league claims in its lawsuit opposing the highway project from North Carolina to Myrtle Beach in South Carolina will destroy hundreds of acres of wetlands and streams, despite alternatives that are cheaper and more environmentally-friends.

The organization says the FHWA and U.S. Army Corps of Engineers failed to complete proper environmental assessments for the project in violation of the National Environmental Policy Act. The league also says the Environmental Protection Agency failed its duty to oversee Clean Water Act permits.

The court denied the league's motion to include documents explaining why the EPA withdrew its objection to the project, saying the record already shows the agency's "concern that the alternatives analysis was outdated and opinion that an SEIS would likely be needed."

The court also dismissed motions to include emails sent by officials at the South Carolina Department of Natural Resources criticizing the alternatives analysis, saying the league failed to show those emails were considered by EPA decision-makers.

The agency didn't immediately respond to a request for comment on the ruling.

The case is S.C. Coastal Conservation League v. U.S. Army Corps of Eng'rs, D.S.C., No. 2:17-cv-3412, 2/21/20.

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Bloomberg Environment

Tesla, GM Could Share EPA Chemical Fee With Iowa Egg Farm

https://news.bloombergenvironment.com/environment-and-energy/tesla-gm-could-share-epa-chemical-fee-with-iowa-egg-farm-1?context=search&index=1

By: Pat Rizzuto 2/24/20

The eight Iowa farm families that founded Center Fresh Egg Farm say they produce "high quality eggs and egg products," so they were a bit surprised last week to learn that the EPA included them on a list of potential formaldehyde manufacturers.

"This is odd indeed," said company spokeswoman Hinda Mitchell. "Center Fresh is not a manufacturer of formaldehyde, and the company will be submitting a certification to EPA to that effect."

Center Fresh wasn't the only company to be caught off guard.

The Environmental Protection Agency published 20 lists on Jan. 27 identifying more than 800 companies, including American Crystal Sugar Co.; Anheuser-Busch InBev; the General Motors Co.; Illinois Tool Works

Inc.; Perdue Farms Inc.; the Tennessee Farmers Cooperative; and Tesla Inc., as potential manufacturers of formaldehyde and 19 other chemicals used by many industries.

These companies and others could be on the hook to pay the EPA some portion of a total $27 million, $1.35 million for each of 20 chemical risk evaluations the agency launched in December.

The money will help defray EPA's costs to evaluate the potential the 20 chemicals have to unduly injure people or the environment, as authorized by the 2016 Toxic Substances Control Act overhaul.

The notice is the first time companies have gotten a "you may owe" communiqué. The result is a lot of questions, said Robert Helminiak, vice president for legal and government relations at the Society of Chemical Manufacturers and Affiliates.

Lynn Bergeson, managing partner of Bergeson and Campbell P.C., said: "So many people are running around with their hair on fire, because they lack certainty about how this will play out and it's not clear who's in and who's out of the 'soup' that has to pay EPA's tab."

$40,576 Per Day Fine

If a company erroneously is on EPA's list, as Center Fresh Egg Farm said it is, the business must notify the agency by March 27. It must certify that it does not make the listed chemical or chemicals and agree it won't make the chemical for five years.

Companies that aren't on the EPA lists, but qualify as chemical manufacturers under the agency's definition, also must notify the agency by March 27, telling it they do make the chemical, an spokesman said by email.

Companies that fail to notify the EPA when required face a potential fine of up to $40,576 per day for violating TSCA, the spokesman said.

Companies that fail to identify themselves to EPA may find their competitor does so, said Kat Gale, a regulatory and technical affairs manager at the American Chemistry Council.

TRI Database

EPA used two databases to select companies that might be chemical manufactures.

One of those, the Toxics Release Inventory (TRI), includes air emissions, waste generation, recycling, and other information reported by companies in a wide range of industries, including many that aren't chemical manufacturers. Of the 6,200 records EPA released in the public docket, 96% of the information came from TRI reports, a Bloomberg Law analysis found.

Essentially there's a "rebuttable presumption" that if you're reporting under TRI you could be a chemical manufacturer or importer, and thereby responsible for contributing to the fee for EPA to carry out its risk evaluation, Bergeson said during a podcast her law firm hosted on the fee issue.

Several waste management companies were among the top five named "chemical manufacturers," including Clean Harbors, Inc., Veolia North America, and Heritage-Wti Inc.

The second database the EPA used, the Chemical Data Reporting (CDR) rule database, consists of chemical production volume and other information that manufacturers and importers submit. CDR data contributed to large chemical manufacturers like Dow Chemical Co., LANXESS, and Olin Corp., being named.

EPA considered using other information, but concluded other databases might have added too many parties that didn't belong, the agency spokesman said.

"EPA expects to learn from its experiences in developing these first 20 preliminary lists, and from feedback received from the public and regulated community during the comment period, and may choose to evolve/refine the process in the future," he said.

'A Sense of Palpable Injustice'

The second reason the 20 lists include companies that don't think of themselves as chemical manufacturers is that EPA used a broad definition of the term in the TSCA fee rule the EPA published last October, EPA included not just companies that make or import the 20 chemicals as part of their core business, but companies that make other chemicals that have trace amounts—parts per million—of any of the 20 chemicals as impurities or byproducts in the particular chemical they make, said Jamie Conrad, principal of Conrad Law & Policy Counsel in Washington, D.C.

Those companies have "a sense of palpable injustice" that they may have to report—and pay—just like the producers, he said.

Importers of complex manufactured goods, or "articles," such as airplanes, cars, and computers, also are considered by the agency to be chemical manufacturers, said Lawrence E. Culleen, a partner with Arnold & Porter Kaye Scholer LLP. Article importers are included as chemical producers, because some parts in those goods might contain small quantities of any of the 20 chemicals.

That could mean a huge amount of work for companies making such goods, said Culleen, who represents the Chemical Users Coalition, a group of companies such as the Boeing Co., Lockheed Martin Corp., and Intel Corp.

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Bloomberg Environment

Top Court Seems Ready to Back Atlantic Coast Pipeline Permit

https://news.bloombergenvironment.com/environment-and-energy/high-court-seems-poised-to-back-atlantic-coast-pipeline-permit

By: Greg Stohr 2/24/20

A majority of U.S. Supreme Court justices seemed supportive of a crucial permit for Dominion Energy Inc.'s planned $8 billion Atlantic Coast Pipeline, suggesting the Forest Service acted lawfully by clearing the natural-gas line to cross under the Appalachian Trail.

In an hour-long argument in Washington Monday, Chief Justice John Roberts said the position taken by environmental groups opposed to the pipeline would create an "impermeable barrier" along the 2,200-mile (3540-kilometer) trail, separating consumers on the eastern seaboard from inland energy resources.

A ruling in Dominion's favor would eliminate the biggest obstacle to the 600-mile pipeline, which would carry as much as 1.5 billion cubic feet of gas per day from the Marcellus shale basin in West Virginia to customers in North Carolina and Virginia.

Without the permit, "the whole enterprise is done," Justice Department lawyer Anthony Yang told the court Monday. President Donald Trump's administration is backing Dominion, challenging a federal appeals court ruling that tossed out the permit.

Dominion, which is developing the pipeline with Duke Energy Corp., says it expects to begin construction by mid-year and complete it by the end of 2021. The company is still facing a pending administrative review of the impact on endangered species.

The case will also affect EQM Midstream Partners LP's Mountain Valley gas pipeline from West Virginia to Virginia. Mountain Valley told the Supreme Court in December that the appeals court ruling forced a halt to its project, which is 90% complete at a cost of more than $4.3 billion.

The 4th U.S. Circuit Court of Appeals said the Forest Service lacked authority to issue the Atlantic Coast permit because the Appalachian Trail is controlled by the National Park Service. The U.S. Mineral Leasing Act says the Forest Service doesn't have jurisdiction over "lands in the National Park System."

Dominion and the Trump administration contend that while the National Park Service manages the Appalachian Trail, the underlying land is part of a national forest -- putting it within the Forest Service's jurisdiction.

Justice Elena Kagan called that effort to distinguish the trail from the land "a difficult distinction to wrap one's head around."

But other justices, including Roberts and Democratic appointee Stephen Breyer, focused on the proposed placement of the pipeline more than 600 feet below the trail. Roberts likened the trail to an easement, in which one entity owns the underlying land but others have the right to walk along it in certain places.

This "just doesn't strike me as that unusual a concept," the chief justice said.

Michael Kellogg, the lawyer for the environmental groups, said their position was a limited one that would block pipelines only on federal land. "State, local and private lands are unaffected," he said.

Longest Footpath

The trail, completed in 1937, is the world's longest hiking-only footpath, according to the Appalachian Trail Conservancy, which works to protect and maintain it.

Atlantic Coast says more than 50 pipelines already cross the trail, some of them on Forest Service land. But the environmental groups say none of those were authorized under similar circumstances. Some are on state or private land, while others predate the 1968 congressional designation of the Appalachian Trail.

The case is to some degree a proxy for a broader fight over the nation's energy policy. Business groups are backing the pipeline, as are unions that would benefit from the thousands of jobs it would create. Local property owners are joining environmental advocates in seeking to block the project.

The Appalachian region, which includes the Marcellus shale basin, is practically drowning in natural gas. Pipelines like Atlantic Coast have been proposed as a way to shuttle fuel out of gas fields and toward demand centers in the southeastern U.S., where it can be used for heating and cooking as well as to generate electricity.

Opponents question the need for new gas infrastructure, pointing to slowing demand in the years since the project was announced in 2014. Environmental groups say natural gas pipelines further America's dependence on fossil fuels at a time when climate change demands a complete shift to renewable sources of energy.

The cases are United States Forest Service v. Cowpasture River Preservation Association, 18-1584, and Atlantic Coast Pipeline v. Cowpasture River Preservation Association, 18-1587.

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Boston Globe

A mile-wide toxic waste site sits on the ocean floor near Stellwagen Bank

https://www.bostonglobe.com/2020/02/22/metro/mile-wide-toxic-waste-site-sits-ocean-floor-near-stellwagen-bank/

By: David Abel 2/22/2020

About 19 miles east of Boston Harbor, beside a national marine sanctuary that's home to one of the world's richest fishing grounds, lies one of the nation's largest offshore dumping sites of radioactive waste.

In less than 300 feet of water, thousands of barrels litter the seafloor, a mile-wide toxic junkyard that fishermen call "The Foul Area."

It's called that because many have tangled — or fouled — their gear in the barrel field, at times even pulling up containers filled with toxic chemicals. Government reports and congressional testimony over the years have suggested the dumping ground may include plutonium and other highly dangerous materials discarded after the completion of the Manhattan Project during World War II.

Now, the federal government is trying to bury the barrels at least three feet deep with roughly 10 million tons of sediment dredged from a $340 million project to widen shipping channels in Boston Harbor. Capping the toxic material — which includes unexploded munitions — was seen as a safer way of minimizing risks, rather than trying to bring the rusting barrels to the surface.

It's also cheaper. Federal officials say there's effectively no additional cost to the overall dredging project, as the sediment from the harbor would have had to be taken elsewhere anyway.

"I've been watching concerns about this waste site for decades, and this is a really creative solution to a longstanding environmental problem," said Ken Moraff, water division director for the Environmental Protection Agency in New England, which has been working on the capping project with the Army Corps of Engineers since 2018.

But others have raised significant doubts about the project and the impact on the adjacent Stellwagen Bank National Marine Sanctuary, which was founded in 1992 to protect an 842-square-mile underwater plateau that is home to an estimated 130 species, from abundant lobsters to endangered North Atlantic right whales. At its closest point, the dumping ground is less than a quarter mile from Stellwagen.

David Wiley, the sanctuary's research coordinator, led a seminal study of the area in the early 1990s. His report, which found that the federal government kept few records of what was dumped there, estimated that there could be as many as 80,000 barrels of toxic waste, most from hospitals, universities, and companies throughout the region. At least 4,000 of them were thought to contain radioactive waste, from the same sources.

With many of those barrels corroding in the salt water over decades — the federally sanctioned dumping occurred from around 1946 until it was banned in 1977 — Wiley worries about the potential consequences of dropping massive amounts of clay, gravel, rock, and sand on top of them.

"I am concerned about leakage," Wiley said. "They could leak from the initial pressure placed upon them, as they are being covered."

His surveys of the dumping grounds, which included sending down a submersible to record video of the area, found that about half of the identifiable barrels remained intact. The other half had clear signs of openings, some of them from rifle shots fired at them to ensure they sank while being dumped overboard.

Wiley said he isn't reassured by promises from the Army Corps and the Environmental Protection Agency that the area is being monitored for leaks, and will continue to be. Because no one knows exactly what's down there, he said, there's little reason to believe that any testing would be comprehensive.

"I'd call that monitoring plan problematic," he said. "There are so many things that could be escaping that might not be tested for."

Charles McCreery, a oceanographer who retired from the federal Bureau of Ocean Energy Management, has spent years studying the "Foul Area" dump and similar sites around the country, which he said include toxic compounds such as pesticides, PCBs, and DDT. The dump in Massachusetts Bay has the distinction of being in shallower waters and closer to shore than any other such site, he said.

If dropping millions of tons of rock-filled sediment punctures the barrels or moves the other toxic material, it could contaminate many of the crustaceans and other bottom-feeding creatures that inhabit the area, some of which people eat, he said.

“This is a human health and environmental concern,” McCreery said. “The chemicals sequester into the fat of marine organisms and contaminate the food chain.”

There are also concerns about the sediment dredged from Boston Harbor, which until the 1990s was widely considered the nation’s dirtiest harbor, with mounds of raw sewage and a vast range of pollutants submerged in the seafloor.

Angela Sanfilippo, president of the Gloucester Fishermen’s Wives Association, knows of fishermen who became sick after pulling up barrels in their nets.

When she learned that the harbor sediment would be deposited in the area, she called it “a disaster.”

“All that debris could shift in a storm and affect Stellwagen,” she said. “We want clean water and clean fish. This is infuriating and should stop right now.”

Federal officials overseeing the dredging project insisted that the concerns are largely unwarranted.

“The material from Boston Harbor has been evaluated and is suitable for ocean disposal,” said Dave Deegan, a spokesman for the EPA in Boston.

Sediment that has been identified as contaminated won’t be used in the project but rather stored in specially built areas beneath the harbor floor, he said. The dredged material being used to cap the barrel field is mainly Boston blue clay, which the EPA has determined to be safe.

The agency’s monitoring of the area for contamination will “ensure that conditions are appropriate for ocean life in that area," Deegan added.

Steven Wolf, who is managing the capping project for the Army Corps of Engineers, said the sediment is being dumped over the barrel field from split-hull scows that use sophisticated positioning technology to pinpoint where it lands.

The Army Corps is trying to avoid dropping the sediment directly on the barrels, he said. Instead, it is being released in large piles along the perimeter of the field, with the goal that the sediment will gently shift over the barrels.

“It’s going well,” he said, adding that the project should be finished next year.

Wolf also dismissed concerns that any leaked radioactive or other toxic chemicals would pose more of a harm to marine life as a result of the project.

“The critters that dig and burrow only go down a few inches, and this will seal or sequester the waste from the water column,” he said. “Ultimately, this is a way to put these containers out of contact with people — for many, many lifetimes.”

For those who have spent years fighting to clean up Boston Harbor and protect Massachusetts Bay, the potential benefits of the project outweigh the potential harms.

Capping the barrels, they said, is better than just leaving them there to decompose and foul fishing gear.

“I’m fairly convinced that what we’re going to have is a capping, not a crushing of the barrels,” said Bruce Berman, a spokesman for Save the Harbor/Save the Bay, an environmental advocacy group. “Thankfully, we’re past the cowboy days of ocean dumping, and this has been a transparent process.”

Peter Shelley, who spent years waging legal battles to clean up Boston Harbor at the Conservation Law Foundation, said he thought the project would “likely reduce risks.”

“The alternative of cleaning the site up would be really difficult ... to do without spreading the waste everywhere,” he said.

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Capital Press

Washington dairy industry takes EPA to court

https://www.capitalpress.com/ag_sectors/dairy/washington-dairy-industry-takes-epa-to-court/article_deaa37d4-54fc-11ea-8b20-6760b765fc8e.html

By: Don Jenkins 2/24/20

Washington dairies are asking a federal appeals court to strike down a 7-year-old order that has required Lower Yakima Valley dairies to take extra measures to keep manure from polluting groundwater.

The Washington State Dairy Federation and Cow Palace Dairy owner Adam Dolsen are seeking relief from the 9th U.S. Circuit Court of Appeals. Their petition claims the dairies were misled by the Environmental Protection Agency into agreeing to the order in 2013.

The federation's executive director, Dan Wood, said Friday the order has cost dairies millions of dollars and was based on a study that was not adequately reviewed by scientists outside the EPA.

"The science was skewed and perhaps intentionally so," he said. "We're looking for an objective, proper scientific process."

An EPA spokesman said the agency had no comment on the petition.

The EPA has stood by the study, saying subsequent information has confirmed its findings that dairies were likely the source of unsafe levels of nitrates in nearby household wells.

Based on that conclusion, four dairy companies entered into an agreement with the EPA to control groundwater contamination from manure. The dairies admitted no fault, but the agreement was an alternative to lawsuits. Dairies remain under the order's "onerous terms," according to the petition.

U.S. Rep. Dan Newhouse, R-Wash., and dairy groups pressed the Trump EPA last year to reopen the Obama-era study. They claimed the EPA downgraded the significance of the study and misclassified it, shielding it from a higher standard of peer review.

EPA Regional Director Chris Hladick said there was no reason to do a new review and that actions taken by the dairies had begun to reduce nitrate levels in groundwater.

A U.S. Geological Survey chemist and three EPA scientists reviewed the study. A USDA agronomist said he declined to sign off on the final report because the agency provided him with an incomplete preliminary report.

The Natural Resources Conservation Service, Washington State Department of Agriculture and others criticized the EPA for jumping to conclusions. They said the study was incomplete and warned against using it to regulate dairies.

Wood said the order set a bad precedent for dairies elsewhere. "Our cohorts around the nation are saying if it happens to us, we're done," he said.

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Chicago Tribune

Toxic 'forever chemicals' from Scott Air Force Base in southern Illinois may have polluted local water, Illinois EPA report says

https://www.chicagotribune.com/midwest/ct-scott-air-base-belleville-chemicals-pollution-20200222-rzbwats23jflfmuqptk47urrcq-story.html

By: Associated Press 2/22/2020

Cancer-causing chemicals used over the years at Scott Air Force Base in southern Illinois may have leaked into local water supplies, according to a report from the Illinois Environmental Protection Agency.

The state's EPA says an expanded site inspection is set to begin this summer for signs of the class of substances known collectively as PFAS, which are dubbed "forever chemicals" because they take thousands of years to degrade, the Belleville News-Democrat reported. The newspaper obtained the agency's report by requesting records under the Freedom of Information Act.

U.S. Sen. Dick Durbin said the Air Force contacted his office this month with preliminary details on the contamination at the base and his office has reached out to local elected officials to determine next steps.

In recent days, officials started contacting those potentially affected.

There is no reason for concern if a person uses tap water from a municipal supply, according to Col. Joseph R. Meyer, vice commander of the 375th Air Mobility Wing at Scott AFB.

However, people should worry if they live near the base and drink from a private well. The Air Force Civil Engineer Center is locating and contacting anyone who uses a well within one mile southeast of the base. The center's officials have already identified five people who do so.

The Air Force will test well water for PFAS levels, Meyer said. The EPA considers levels below 70 parts per trillion, which equates to roughly a drop of water in an Olympic-sized swimming pool, to be safe for consumption.

If tests of well water reveal PFAS levels above EPA standards, individuals who use those wells should immediately stop drinking the water. High levels can cause cancer and birth defects, among other health problems, the EPA said.

The Air Force will provide free bottles of water as it develops a long-term solution, Meyer said.

Durbin said he will push for federal regulation of PFAS. Scott officials plan to locate and contact individuals with private wells near the base.

The Air Force will send a survey to those individuals to inquire about how they use their wells. Depending on the response, the Air Force could test well water and pay for a permanent solution if it's contaminated.

The base's emergency vehicles are now equipped with a more "environmentally responsible" formula, according to Meyer.

"If we know something, we will say something," Meyer said in a statement. "We owe it to our neighbors and surrounding communities to be open to discussion based on the facts at hand."

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E&E Daily

Wheeler, Brouillette to headline budget hearings

https://www.eenews.net/eedaily/stories/1062432317/search?keyword=EPA

By: Staff

EPA Administrator Andrew Wheeler and Energy Secretary Dan Brouillette are on tap for the first trove of hearings this week following the White House's release of its fiscal 2021 budget plan.

Also on Capitol Hill will be Forest Service Chief Vicki Christiansen and Transportation Secretary Elaine Chao.

Neither the House nor the Senate is expected to vote on a budget resolution this spring; instead, it's anticipated they will adhere to spending levels negotiated last year.

The decision adds importance to the budget hearings, which will offer an early sense of the spending choices Congress will make as it writes its 12 annual appropriations bills.

Lawmakers from both sides of the aisle are likely to reject President Trump's proposal for a 5% cut for domestic discretionary spending for fiscal 2021, including more than 20% in cuts to EPA and the Department of Energy.

House Democratic appropriators sent out a fact sheet warning that the budget calls for "massive cuts and outright elimination" of programs aimed at protecting the environment and combating the climate crisis.

Wheeler is slated to appear Thursday before the House Energy and Commerce Subcommittee on Environment and Climate Change.

Under Trump's budget, EPA would receive close to $6.7 billion — about a 27% cut from its current funding of nearly $9.1 billion (*Greenwire*, Feb. 10).

EPA's categorical grants, which help fund state environment programs, would be cut almost in half, down to $605 million.

Its Superfund program, meant to clean up toxic waste sites, would lose $113 million, leaving it with about $1 billion in funding. And various climate change-related partnership efforts would be eliminated.

Also under the budget request, EPA's overall workforce would fall to 12,610 employees, comparable to Reagan-era levels.

Trump's proposal would fully fund EPA's Great Lakes cleanup effort, which has long held bipartisan support, and the agency's South Florida program, while giving limited funding to the Chesapeake Bay. Other geographic programs would again be zeroed out.

Democrats said they will push Wheeler on contamination by per- and polyfluoroalkyl substances (PFAS), unsafe drinking water and climate change.

"The Trump Administration's proposal to slash EPA's budget by a staggering 27 percent ignores the reality that our climate is in crisis and our communities are at risk from EPA inaction," Energy and Commerce Chairman Frank Pallone (D-N.J.) and Environment and Climate Change Subcommittee Chairman Paul Tonko (D-N.Y.) said in a statement.

"The American people deserve to hear why this Administration is not taking the health and safety of their families and communities seriously."

DOE

Brouillette will appear before the House Appropriations Committee, where Democrats will likely pelt the secretary with criticism over a fourth consecutive year of proposed cuts (*Greenwire*, Feb. 10).

The department's nuclear weapons budget would see a 19% increase as research dollars, but other agency initiatives would decrease by 28.7% — a cut of nearly $6.3 billion — under the proposal put forth Feb. 10.

Proposed cuts include a reduction of the Office of Energy Efficiency and Renewable Energy of about 75%.

Of particular concern to Energy and Water Development Appropriations Subcommittee Chairwoman Marcy Kaptur (D-Ohio) will be the request to eliminate the Weatherization Assistance Program, which provides grants for low-income households to make heating and efficiency improvements to their homes.

But lawmakers are likely to find common ground for the first time on the administration's approach on nuclear waste. DOE has abandoned the pursuit of new money for the Yucca Mountain site in Nevada.

House Democrats took similar steps in the last fiscal cycle, approving $25 million to jump-start an interim storage approach to nuclear waste.

Forest Service

Christiansen, the Forest Service head, will defend trimming discretionary spending overall while boosting accounts related to thinning trees, brush and other hazardous fuels that could feed wildfires.

The administration would set aside $2.4 billion for wildfire mitigation, in addition to $2.25 billion available from a multiyear budget cap adjustment Congress authorized in 2018; the cap adjustment can be tapped when other funds are expended (*Greenwire*, Feb. 10).

Wildfire management and forest management would each constitute 46% of the Forest Service's discretionary budget under the proposal.

While outside groups have praised making more money available to reduce hazardous fuels, they've criticized proposed cuts to state and private forestry, as well as a proposal to eliminate funding for research on wildlife and fish.

The agency also estimated it would raise an additional $193 million through fees, including a new charge related to minerals permitting in national forests.

Christiansen is expected to field questions about the Forest Service's progress combating sexual harassment and misconduct, which she has pledged to address after years of problems at the agency.

She has promised to encourage reporting by targets of such conduct as well as more vigorous training, but she has faced criticism for slow progress.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska), whose committee will hear from Christiansen tomorrow, views the workplace environment, wildfire management and prevention, recreation access, and the maintenance backlog in national forests as high-priority issues, said Grace Jang, a panel spokeswoman.

Transportation

Chao will appear Thursday before the House Transportation, Housing and Urban Development Appropriations Subcommittee.

In his fiscal 2021 budget request, Trump proposed giving the Department of Transportation $21.6 billion in discretionary spending — a 13% cut from current spending levels.

But the president's budget request would provide $87.8 billion for DOT overall, marking a slight increase over current spending (*Greenwire*, Feb. 10).

Border wall spat

Lawmakers are also expected to push back this week on a recent White House decision to move $3.8 billion in fiscal 2020 Pentagon weapon accounts to help construct a wall along the U.S.-Mexico border.

Environmentalists loathe the wall, warning that it would hurt critical habitat and other sensitive areas in the Rio Grande Valley.

While there's been some bipartisan criticism over the shuffling of the dollars, Congress ultimately won't have the votes to block the move, just as it failed to prevent the White House from shifting military construction dollars earlier this year to fund the barrier.

"Time and again, this president has subverted that constitutional authority and bipartisan majorities of Congress to pay for his vanity wall," said Vermont Sen. Patrick Leahy, the chamber's top Democratic appropriator.

Tuesday

Schedule: The Senate Energy and Natural Resources Committee hearing on the Forest Service budget is at 10 a.m. in 366 Dirksen.
Witness: Forest Service Chief Vicki Christiansen.
Schedule: The Senate Appropriations subcommittee hearing on the Homeland Security budget is at 10 a.m. in 138 Dirksen.
Witness: Acting Homeland Security Secretary Chad Wolf.
Schedule: The Senate Appropriations subcommittee hearing on the Health and Human Services budget is at 10:30 a.m. in 124 Dirksen.
Witness: Secretary of Health and Human Services Alex Azar.

Wednesday

Schedule: The House Appropriations subcommittee hearing on the Health and Human Services budget is at 9:30 a.m. in 2358-C Rayburn.
Witness: Secretary of Health and Human Services Alex Azar.
Schedule: The House Armed Services Committee hearing on the Defense Department budget is at 10 a.m. in 2118 Rayburn.
Witnesses:

- Defense Secretary Mark Esper.
- Chairman of the Joint Chiefs of Staff Mark Milley.

Schedule: The House Appropriations subcommittee hearing on the Homeland Security budget is at 10:30 a.m. in 2359 Rayburn.
Witness: Acting Homeland Security Secretary Chad Wolf.
Schedule: The House Appropriations Committee member day hearing on the Homeland Security budget is at 2:30 p.m. in 2008 Rayburn.
Witnesses: Members of Congress.

Thursday

Schedule: The House Appropriations subcommittee hearing on the Customs and Border Protection budget is at 9:30 a.m. in 2008 Rayburn.
Witness: Customs and Border Protection acting Commissioner Mark Morgan.
Schedule: The House Armed Services Committee hearing on the Navy budget is at 10 a.m. in 2118 Rayburn.

Witnesses:

- Acting Navy Secretary Thomas Modly.
- Chief of Naval Operations Michael Gilday.
- Marine Corps Commandant David Berger.

Schedule: The House Science, Space and Technology Committee hearing on the research and development budget is at 10 a.m. in 2318 Rayburn.
Witness: White House Office of Science and Technology Policy Director Kelvin Droegemeier.
Schedule: The Energy and Commerce subcommittee hearing on the EPA budget is at 10 a.m. in 2123 Rayburn.
Witness: EPA Administrator Andrew Wheeler.
Schedule: The House Budget Committee member day hearing is at 10 a.m. in 210 Cannon.
Witnesses: Members of Congress.
Schedule: The House Appropriations subcommittee hearing on the Transportation budget is at 10:30 a.m. in 2358-A Rayburn.
Witnesses: Transportation Secretary Elaine Chao.
Schedule: The Appropriations subcommittee hearing on the Forest Service budget is at 1 p.m. in 2008 Rayburn.
Witness: Forest Service Chief Vicki Christiansen.
Schedule: The House Appropriations Committee member day hearing on the State Department budget is at 2 p.m. in HT-2 Capitol.
Witnesses: Members of Congress.
Schedule: The House Appropriations subcommittee hearing on the Energy Department budget is at 2 p.m. in 2362-B Rayburn.
Witness: Energy Secretary Dan Brouillette.
Schedule: The House Appropriations subcommittee hearing on the Government Accountability Office budget is at 2 p.m. in 2359 Rayburn.
Witness: U.S. Comptroller General Gene Dodaro.

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Greenwire

EPA advisory panel to Wheeler: Allow experts to talk

https://www.eenews.net/greenwire/2020/02/24/stories/1062437939

By: Sean Reilly 2/24/20

An EPA advisory panel is urging the agency against future use of a particularly contested move in its handling of two reviews of national air quality standards for ozone and particulates.

In a new report, the Clean Air Scientific Advisory Committee (CASAC) "strongly recommends" that EPA consider a return to tradition by allowing its seven members to "interact directly" with the auxiliary panels that have been used for decades to provide added expertise to the legally required reviews.

In October 2018, EPA Administrator Andrew Wheeler fired the auxiliary panel that had been helping the appraisal of the particulate limits; he also scrapped plans to form a similar panel to assist the hastily launched review of ozone standards. Wheeler later defended those decisions as steps to streamline the slow-moving reviews. Critics saw them as steps to tilt the outcome by depriving CASAC of input from top researchers.

Under pressure from CASAC members, Wheeler partially backtracked last September by naming a dozen "subject matter experts" to furnish more know-how to both assessments but required all communications to be in writing. That was a change from a tradition that placed members of the committee and the auxiliary panels face-to-face at the same table. As E&E News has previously reported, many of those experts have ties either to

CASAC members or industry groups that have previously opposed stricter air quality standards (Greenwire, Feb. 7).

The report, posted online Friday, is likely to be CASAC's final word in recommending that the current ozone standards to protect public health and the environment both be kept at 70 parts per billion; it follows a committee teleconference earlier this month at which members agreed on a relatively small number of changes to a draft version (Greenwire, Feb. 13). EPA has also posted a companion CASAC review assessing a draft agency roundup of research into ozone's effects.

Wheeler is expected to unveil a formal proposal to maintain the status quo by April. The final version is due by October, according to an EPA schedule.

EPA career staff, working under a unusually tight timetable, had previously concluded that the evidence did not warrant changes to the 70 ppb ozone limit set in 2015. In the new report, however, the committee faulted the agency's work on several of fronts, including "a need for clearer discussion of causality and causal biological mechanisms and relevance to public health of the evidence presented."

That field has been a particular concern to CASAC Chairman Tony Cox, a Denver-based consultant. In the report, the committee also recommends that EPA work with the National Academies of Sciences, Engineering and Medicine "to improve the logical and conceptional foundations for its causal analyses" as well as the clarity with which they are communicated.

Under the Clean Air Act, ozone and particulates are among a half-dozen pollutants subject to National Ambient Air Quality Standards that have to be periodically reviewed and, if needed, revised, based on the latest available research.

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Greenwire

Revamped lead rule ignores concerns raised in EPA memo

https://www.eenews.net/greenwire/2020/02/24/stories/1062437485

By: Ariel Wittenberg 2/24/20

Three years ago, staff in EPA's Midwest office sent a warning to headquarters about regulations to prevent lead in drinking water: Even when followed perfectly, the standards weren't protecting public health.

"Proper implementation and compliance with the [Lead and Copper Rule] may not provide certainty that the public is protected from elevated levels of lead, particularly in communities with lead service lines and particularly with regard to susceptible populations such as young children," then-acting Region 5 Administrator Robert Kaplan wrote in a 2017 memo to then-acting Assistant Administrator for the Office of Water Michael Shapiro.

The memo — sent as EPA was working to revise lead standards — is an effective indictment of the 1991-era regulation, explaining how everything from water sampling procedures to the allowable amounts of lead in water leaves gaping holes in protections that have contributed to public health crises across the Midwest, including in Flint, Mich.

EPA proposed its revamp of the Lead and Copper Rule last fall. That revision addresses many elements of the regulation Kaplan critiqued.

But it does not follow one key recommendation: that the agency establish health-based limits on lead in drinking water.

"It's disappointing because EPA had this memo for two years and it lays out really clearly what is needed for a Lead and Copper Rule that is actually protective and actually can help us address lead exposure," said Mae Wu, food, chemicals and water advocate for the Natural Resources Defense Council, who recently obtained the memo and shared a copy with E&E News.

'Default measure of safety'

At the foundation of the Lead and Copper Rule is its 15-parts-per-billion "lead action level."

Utilities don't violate the rule if lead concentrations in drinking water are higher than that standard. Rather, they only are in violation of the rule if they fail to reassess their corrosion control techniques and begin replacing lead pipes if concentrations of the potent neurotoxin reach 15 ppb for at least 10% of taps tested.

When EPA devised the standard in 1991, it recognized that no amount of lead is safe to ingest and included an unenforceable "goal" of having zero lead in drinking water.

The 15-ppb standard was devised as a compromise with the water utility industry. At the time, the Centers for Disease Control and Prevention had a 10-micrograms-per-deciliter threshold for blood lead levels in children and infants, and EPA calculated that its 15-ppb action level for lead in water would result in less than 5% of children younger than 7 years old with blood lead levels exceeding that threshold.

Thirty years later, a lot has changed. In 2012, for example, CDC lowered its blood lead level threshold to 5 micrograms per deciliter. And public health advocates have long said EPA should reconsider the 15-ppb action level, given new health information about lead and new techniques for preventing lead in drinking water.

Kaplan's memo shows EPA Region 5 staff agreed.

Though it wasn't intended as one, Kaplan wrote, the 15-ppb standard has "been used by many as a default measure of safety."

"However, there is no evidence to support a conclusion that lead levels in drinking water near the 15 ppb are safe, especially for sensitive populations," he said.

Young children, specifically, are especially susceptible to health impacts from lead, Kaplan wrote, "perhaps at levels less than the current rule's action level of 15 ppb."

Accordingly, he told EPA's Office of Water, a "crucial consideration" in any revised lead regulations "is relating the lead action level (and recommended actions/controls) to levels that have a connection to public health."

Kaplan described how the 15-ppb standard "complicates" EPA's ability to tell communities when water is safe to drink, when bottled or filtered water should be used, and when such precautions are no longer necessary.

"We found the absence of a health-based number to be an especially challenging problem that impacted every aspect of the crisis in Flint," Kaplan wrote.

EPA employees, he wrote, are often unsure how to answer even basic questions like "Exactly at what point should the water system be considered unsafe?" and "At what levels or upon what combination of factors may regulators state with a measure of confidence that the water quality has 'returned to normal' or 'safe' levels? For what populations?"

The revamped Lead and Copper Rule that EPA released last October addresses many other aspects of the original regulation Kaplan expressed concern about. For example, it prohibits certain kinds of tap water sampling that Kaplan wrote can underestimate lead concentrations and falsely show utilities as being in compliance with the rule. The rule also no longer allows utilities to count replacing only portions of lead pipes toward lead service line removal requirements.

But the new rule doesn't change the 15-ppb action level. Instead, it adds a new so-called "trigger level," which would require utilities to consult with states once lead levels hit 10 ppb in tests.

Asked why EPA didn't consider lowering the action level or implementing a health-based standard for lead in drinking water, an EPA spokesman defended the agency's proposal, saying it "takes a proactive and holistic approach to improving the current rule."

He acknowledged that "there is no safe level of lead exposure" and that "EPA's action level exceedance is a measure of the effectiveness of the corrosion control treatment and is not a standard for establishing a safe level of lead in a home."

The new trigger level, he said, is meant "to require more water systems to take a progressive set of actions to reduce lead levels at the tap and to be prepared if they exceed the action level in the future."

EPA 'confused the issue even more'

The trigger level has been criticized by public health advocates and water systems alike for creating confusion.

Betsy Southerland, who headed EPA's Office of Water's Office of Science and Technology until retiring in 2017, said EPA should lower the lead action level and jettison the new trigger level concept.

"We at least want them to redo the rule to the point that you are looking at the 10 ppb as the action level, rather than the 15 ppb," said Southerland, who is a member of the Environmental Protection Network of former agency employees. "At a bare minimum, you should stick with a lower, single number."

Wu, who represented Newark residents during a drinking water crisis there, said the lead action level has always been difficult for communities coping with elevated drinking water lead levels to understand.

By instead creating a new trigger level, Wu said, EPA "has just confused the issue even more."

The American Water Works Association, which represents drinking water utilities, also argues that the trigger level will be confusing and noted in comments to EPA that the metric "is not a health-based or feasibility-based standard."

"There is good reason for concern as the proposal sets yet another decision criteria for the public to misconstrue as a level of health concern," the group wrote.

Jeff Cohen, who managed the team that wrote the 1991 Lead and Copper Rule, said the regulation was seen as "progressive" at the time because it required utilities to sample for lead in drinking water at the tap, rather than at treatment plants.

"Because lead was still pervasive in plumbing materials, we required testing at the tap inside homes, which was then a new concept for EPA's drinking water program," he said. "Our approach targeted the highest risks — relatively new lead solder, lead service lines and first-draw water."

Though the 15-ppb standard was seen as protective of human health at the time, Cohen agrees that EPA should have reconsidered the standard this time around.

In particular, he believes EPA should have considered setting not an "action level" but a "maximum contaminant level," meaning utilities exceeding the level would automatically violate the rule.

The "rationale in 1991 for rejecting the option to set a maximum contaminant level at the tap no longer holds today," he wrote in formal comments to EPA.

"As of 2020 it is possible that water systems can be held responsible for the sources of lead contamination in drinking water, specifically corrosive water interacting with lead service lines," he wrote. "The complexity in both the current rule — however necessary at the time — and the recent proposal creates potential for confusion and delays in implementation."

Setting a lower maximum contaminant level would involve reviewing data related to lead control techniques and exposure risks for kids, which could delay a final standard. But Cohen said it would be worth it.

"In deciding the right form for the standard," Cohen said in an interview, "the key issue is the degree to which it can be effectively implemented and enforced. It is important to take the time and get it right."

Kaplan's memo bolsters other criticisms public health advocates have lobbed at EPA over the revised Lead and Copper Rule.

The revamped proposal does address many elements in the rule that Kaplan highlighted as contributing to public health emergencies. For example, it prohibits certain kinds of tap water sampling that Kaplan wrote can underestimate lead concentrations and falsely show utilities as being in compliance with the rule. The rule also no longer allows utilities to count replacing only portions of lead pipes toward lead service line removal requirements.

But the rule does not address every sampling measure Kaplan and others have criticized. For example, it still requires utilities to test the first liter of water that exits a tap when studies have shown that testing the sixth liter of water more accurately determines lead concentrations.

What's more, the Trump administration's proposal decreases the rate at which a utility must replace lead service lines once the lead action level is exceeded — from 7% to 3% annually.

"Over and over again, this memo lays out the ways we are missing where there are really dramatic levels of lead in peoples' homes, and highlights that a lot of things we have been saying, we were right," Wu said. "It's just disappointing that many of these things didn't show up in the new proposal."

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Houston Chronicle

Harris County sues EPA to stop chemical safety rules rollback

https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-sues-EPA-to-stop-chemical-safety-15076741.php

By: Perla Trevizo 2/22/20

Harris County joined 14 attorneys general from across the country who oppose the Trump administration's rollback of chemical safety rules they say will increase the risk of explosions and threaten public safety.

The county attorney's office is asking a federal judge to overturn the Environmental Protection Agency's new rules, reversing amendments that placed stricter requirements on companies over how they deal with chemical emergencies.

"The federal government is failing in its responsibility to protect us from dangerous chemical accidents," County Attorney Vince Ryan said in a written statement Friday. "The EPA's action gutted safety protections for chemical accidents and further endangers our neighborhoods in Harris County."

The lawsuit was approved by Commissioners Court at its Feb. 18 meeting following a number of high-profile chemical plant disasters in Harris County in 2019. According to the Harris County Attorney's Office, it has cases pending related to fires and explosions at Arkema in Crosby, KMCO in Crosby, Exxon Mobil in Baytown, Watson Grinding in the Spring Branch area and ITC in Deer Park. The lawsuits seek to recover expenses and to order the companies to implement procedures to prevent future incidents, county officials say.

In November, the Trump administration announced the reversal of a series of chemical safety regulations, citing potential security risks in disclosing chemical plant inventories and facility locations to the public, the economic cost for companies to follow the rules and the need to reduce "unnecessary regulations."

Under the new rule, companies will not have to complete third-party audits, explore the use of safer technologies or conduct a root-cause analysis after an incident. They also will not have to provide the public information about what type of chemicals are stored in these facilities.

"Accident prevention is a top priority of the EPA, and this rule promotes improved coordination between chemical facilities and emergency responders, reduces unnecessary regulatory burdens and addresses security risks" arising from past changes to risk management rules, EPA Administrator Andrew Wheeler said then.

Under the Clean Air Act, the EPA requires facilities storing specific chemicals above certain amounts to have risk management plans and to develop programs to prevent and mitigate accidents that could release those chemicals into the environment.

In 2017, the Obama administration had introduced rules designed to help prevent and mitigate chemical accidents by requiring more proactive incident prevention efforts, emergency response enhancements and increased public transparency and availability of information, in part as a result of a deadly 2013 explosion in West, Texas. More than 80,000 pounds of ammonium nitrate caught fire at a distribution facility, killing 15 people, injuring 200 and flattening much of the farming community near Waco.

Debbie Berkowitz, safety program director for the National Employment Law Project, has told the Houston Chronicle the rules were "many years in the making."

"The EPA had done this really robust outreach effort to industry, communities and firefighters," said Berkowitz, who served as chief of staff at the Occupational Safety and Health Administration under President Barack Obama. "The rules were designed to protect those who protect us."

In developing the rule, the EPA determined that prior protections failed to prevent more than 2,200 chemical fires, explosions, leaks and similar incidents over a 10-year period, according to Earthjustice, a nonprofit representing 13 groups, including Air Alliance Houston, that have also sued the Trump administration to stop the rollback.

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IEG Policy

EPA asked to rein in emergency pesticide uses

https://iegpolicy.agribusinessintelligence.informa.com/PL223134/EPA-asked-to-rein-in-emergency-pesticide-uses?vid=Agri

By: J.R. Pegg 2/24/20

Environmentalists are calling on EPA to restrict emergency exemptions for unapproved pesticides uses, arguing the existing regime is too lax and needs reform.

The Center for Biological Diversity made its request via a petition filed Thursday (Feb. 20) with EPA, suggesting the agency establish a rule restricting specific pesticide emergency exemptions to no more than two years within any 10-year period.

At issue is a provision of federal pesticide law that allows state and federal agencies to request unregistered uses of pesticides if needed to address a "serious pest problem" that jeopardizes production of agricultural goods or puts public health at risk. The agency can grant such requests under Section 18 of the Federal Insecticide,

Fungicide, and Rodenticide Act (FIFRA) after it confirms the situation meets the statutory definition of "emergency condition" and has completed a risk assessment.

Recent Section 18 exemptions have included use of the insecticide bifenthrin to combat stink bugs on apples, peaches, and nectarines, as well as application of the neonicotinoid insecticide clothianidin on rice and use of the antibiotic oxytetracycline on citrus trees to fight citrus greening disease.

EPA has long faced criticism it is too quick to issue exemptions and is in effect a rubber stamp for requests for predictable and chronic problems that occur over many consecutive years. Critics also worry EPA often fails to provide any public notice or opportunity for input before approving the exemptions and relies largely on the applicants as the primary source of information about the pesticide's risks.

The agency's inspector general in September 2018 issued an assessment that largely echoed that view, finding EPA's framework fails to adequately measure the risks to human health or the environment.

The new petition from the Center for Biological Diversity contends the two-year restriction on granting exemptions is needed to "end ongoing, significant abuses of Section 18," noting that the provision is "not intended to substitute or act as an alternative to a pesticide" going through a full registration review prior to that pesticide being approved for use.

"Yet, despite the clearly limited scope of Section 18, EPA continues to provide emergency exemptions for chronic, long-term uses of pesticide products, and has been doing so since at least the 1970s," according to the petition. "This practice undermines FIFRA's Section 3 new use registration process by allowing for long-term uses without first demonstrating that the use can meet statutory safety standards."

"Further, without having any measures in place to monitor or describe the human health or environmental impacts of its emergency exemptions, EPA cannot be sure that its Section 18 approvals result in minimal negative impact to public health and the environment."

The 262-page petition hones in on EPA's decisions to grant dozens of emergency exemptions over the past decade for sulfoxaflor, a neonicotinoid insecticide that was briefly pulled from the market in 2015 due to its potential to harm pollinators. EPA has issued multi-year exemptions for use of the pesticide on cotton and sorghum despite longstanding concerns about the environmental hazards.

"Given the recent, long-term specific emergency exemptions granted by EPA, it appears that Section 18 currently functions as a means to facilitate the widespread use of pesticides that have not completed the Section 3 registration review," the petitioners argue. "This establishes a system in which pesticides that are 'indefinitely stalled' in the registration process can be sold and distributed freely without any incentive to make progress towards registration."

"By establishing a finite amount of time that Section 18 specific exemptions will be granted, EPA will be giving greater regulatory certainty to growers and state agencies," according to the group. "The agency will also cut down on abuse of the emergency exemption process and ensure a greater number of pesticides are being used in accordance with the safety standards outlined in Section 3 of FIFRA."

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Tri-City Herald

Tri-Cities company pays $100,000 to settle EPA concerns about toxic chemical safety

https://www.tri-cityherald.com/news/local/article240502096.html

By: Annette Cary 2/22/20

A Tri-Cities business has agreed to pay $100,000 to the federal government to settle allegations it did not meet requirements for a risk management program intended to protect the community.

The Environmental Protection Agency said Oxarc at 716 Oregon Ave., Pasco, was required to meet standards for a risk management program set out in the federal Clean Air Act because of the amount of certain chemicals it stored.

Oxarc — which provides industrial, medical and specialty gases, among other products — stored more than 2,500 pounds of chlorine and more than 5,000 pounds of the toxic gas sulfur dioxide in Pasco.

"Anyone who stores large quantities of dangerous chemicals has a duty to obey the laws that are intended to protect such a facility's neighbors," said Ed Kowalski, director of the EPA Region 10 Enforcement and Compliance Assistance Division.

"We are on the lookout for these kinds of violations because they can lead to tragedies when an accident happens," he said.

Risk management plans are required to detect, prevent or minimize accidental releases of toxic chemical and provide quick emergency response.

A good risk management plan also provides valuable information to local fire, police and other emergency response officials to prepare for and respond to emergencies, EPA said.

The deficiencies alleged by EPA have been corrected, according to a settlement agreement signed by Oxarc and EPA. Oxarc neither admitted nor denied the allegations in the agreement.

EPA accused Oxarc of failing to have appropriate mechanisms in place to notify emergency responders in the event of a chemical release and failing to develop an emergency response plan that included all necessary contact information.

Oxarc also had insufficient safety information, including on its chlorine and sulfur dioxide storage equipment, and had not produced an adequate hazard analysis, according to EPA.

Written operating procedures failed to include all needed information for emergency shutdowns and operations, the federal agency said.

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Utility Dive

Final EPA coal ash proposal could allow some ponds to go unlined, despite DC Circuit ruling

https://www.utilitydive.com/news/final-epa-coal-ash-proposal-would-allow-some-ponds-to-go-unlined-despite-d/572763/

By: Catherine Morehouse 2/24/20

Dive Brief:

- The U.S. Environmental Protection Agency is proposing to allow utilities to continue dumping coal ash into ponds that are scheduled for closure, and allow some to remain unlined.
- The proposed changes, filed Wednesday, would exempt some facilities from lining their basins with plastic if they met certain protective standards, despite a D.C. Circuit Court of Appeals ruling in August 2018 that the Obama Administration's rules were not strict enough on liners. EPA made the decision based on industry feedback, according to its proposal, despite concerns from environmental advocates.

- Under the proposal, utilities could also potentially lengthen the closure timeline for a coal ash pond. The proposal is expected to save industry between $41 million and $138 million per year, according to EPA.

Dive Insight:

Wednesday's proposal from the EPA sides with industry on its greatest contention with environmentalists — whether a coal ash pond sufficiently protects groundwater and the environment if it is not composite (plastic) lined.

The debate centers around which engineering methods best prevent the heavy, watered down ash from leaching into surrounding groundwater and in some cases reaching major waterways. Preliminary results from a Duke University study released this fall suggested the potential impacts of contamination exposure may be more severe than previously thought, and suggested monitoring requirements should be heightened.

The D.C. Circuit ruling found that Obama-era coal combustion residual (CCR) rules, established in 2015, did not require sufficient lining protections, saying that clay-lined or unlined basins posed different risks than plastic lined basins. EPA disagreed.

In response to the court's ruling, "EPA received reports from industry groups and individual companies claiming that some surface impoundments that would now be required to retrofit or close have an engineered liner or underlying soils that are equivalent or even superior to the performance of the liners required by the 2015 CCR rule," the agency said in its proposal.

Ultimately, EPA argued, even if the bottom of the pond does allow some of the waste to leach out, the facility is still protective of human health and the environment if the engineering of the basin liner is strong enough that "the volume of leachate that can be transmitted to the underlying aquifer over time is so small that it will not adversely affect ground water."

If these changes go into effect, facilities will be able to submit an alternative liner demonstration to the EPA, proving their engineering is as effective at protecting human health and groundwater than the heavier liners.

"[T]hese common-sense changes will provide the flexibilities owners and operators need to determine the most appropriate way to manage CCR and the closure of units based on site-specific conditions," EPA Administrator Andrew Wheeler said in a statement.

Essentially, what the EPA is doing is providing a record to broaden the definition of what kind of line can be sufficiently protective, Jim Roewer, executive director of the Utility Solid Waste Action Group told Utility Dive.

The D.C. Circuit "ruling basically found the record that they had didn't support defining a liner as two feet of compacted clay. What the agency has done is developed a record upon which a definition of alternative liner systems could be established that looks at the functionality" of the liner and whether it provides the same protections as a plastic liner, said Roewer.

Under the proposed rule, utilities would need to submit an alternative liner demonstration within 13 months of the final rule, with the possibility of extensions. Roewer and the EPA both noted there would likely be few basins able to meet the alternative liner requirements.

But environmentalists said the proposed changes are in direct contradiction to the D.C. Circuit Court of Appeals and will not sufficiently protect groundwater.

"EPA is proposing that there be an alternate liner, but that is really no liner at all," Lisa Evans, senior attorney at Earthjustice, told Utility Dive. "It's weakening the regulation and building this fiction that there is somehow some sort of liner that's really not an engineered, manmade liner." Earthjustice is still determining what specific ponds may be able to apply for this demonstration.

The proposal would also allow utilities to continue disposing ash into some ponds even after the pond has been scheduled for closure. Ponds will still be able to actively take in ash if the ash remains under a certain volume — and this includes ponds located in unstable areas, such as in a seismic zone or within five feet of waterway.

Under a November rule proposed by the EPA, unlined basins will have to close by August of this year, with room for extensions. In an earlier rulemaking, EPA had moved the closure dates from April 2019 to October 2020.

"The agency appropriately recognizes that there needs to be a mechanism for unlined units," said Roewer. "They appreciate the fact that you can only go as as fast as technically feasible and in some cases you're going to have to have the ability to extend the deadline."

But environmentalists say there should be greater urgency in closing unlined ponds.

More than 90% of EPA-monitored coal ash facilities in the U.S. are reporting unsafe levels of one or more pollutant in surrounding groundwater, an Earthjustice and Environmental Integrity Project report found in March of last year.

"Common sense would say the least amount of ash that's in that problematic pit would be the best protection going forward of the environment," said Evans. "But it is convenient and cheaper for utility to fill up that closing pit to the largest extent possible before placing a cap over it."

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Washington Post

Why EPA employees in the Trump era say they need a Workers' Bill of Rights

https://www.washingtonpost.com/politics/why-epa-employees-in-the-trump-era-say-they-need-a-workers-bill-of-rights/2020/02/22/50f2410a-542c-11ea-87b2-101dc5477dd7_story.html

By: Joe Davidson 2/24/2020

Like all Americans, Joyce Howell is already covered by one Bill of Rights. So why does she need another one?

Because she works for the Environmental Protection Agency (EPA), the government body at the epicenter of complaints about improper political interference by the Trump administration.

"In light of the attacks by the Administration, EPA employees around the country are joining together to articulate a bold new vision for an EPA Workers' Bill of Rights that embraces science…," says the preamble to the 10 points issued last month by the American Federation of Government Employees (AFGE). Among the points are the right "to scientific integrity in EPA work" and "to conduct climate change research."

Howell, an EPA attorney speaking as an AFGE official based in Philadelphia, provided personal examples to explain why the union says this bill of rights is necessary.

"I was on a climate change work group that simply disappeared after the new Administration came in without even a note of explanation," she said by email. "The group just stopped meeting."

An AFGE petition complains about Trump policies that "run counter to science" and "the Administration's all-out assault on workers at the EPA. Research has been stymied, EPA staffing has been cut to the lowest level since 1985, and years of scientific advancement to make our environment healthier for all Americans has been swiftly erased."

The controversy surrounding Trump's meddling in the Justice Department case against political operative Roger Stone has dominated headlines recently, but it is the day-to-day experiences of federal employees, particularly in the science agencies, where inappropriate political interference hurts most.

Consider Columbia University's Silencing Science Tracker. It lists hundreds of "government attempts to restrict or prohibit scientific research, education or discussion … since the November 2016 election."

The first dates to one week after the vote — before Trump was inaugurated — when the phrase "climate change" was removed from a Centers for Disease Control and Prevention website. The largest categories of examples are "government censorship" and "bias and misrepresentation." EPA has more instances than any other federal office.

EPA officials scoffed at the criticism from AFGE and the tracker. In a statement, the agency said EPA "has worked to put forward the strongest regulations to protect human health and the environment" leading to air pollution reduction and the cleanup of contaminated sites.

Although his case is not listed, Mike Stoker could fit into the tracker's "personnel changes" category. Stoker is the person often credited with coining the "lock her up!" chant shouted against Hillary Clinton at Trump rallies. He wouldn't seem to be a likely candidate to be dismissed from his politically appointed post as EPA's Western region administrator, based in San Francisco.

But in a message to staffers earlier this month, Stoker said he was told by a headquarters official "that it wasn't going unnoticed how many Democrat members in Congress were commending me for the job I was doing," including Speaker Nancy Pelosi (Calif.). He was fired the morning after Pelosi ripped up Trump's State of the Union address on Feb. 4 and wonders if that was a coincidence.

EPA Spokeswoman Corry Schiermeyer's statement said that Stoker was forced out because "Mike was too interested in travel for the sake of travel and … for severe neglect and incompetent administration of his duties."

Stoker responded sharply, saying he was never reprimanded or even given a reason for his termination. "It's lies. It's 100 percent false, and it's slander," he added by phone. Yet, he still supports Trump.

EPA has a record of trying to discredit former employees who are critical of the agency.

After an August 2017 column I wrote about Elizabeth "Betsy" Southerland, a retired 30-year member of the Senior Executive Service at EPA, the agency peddled false information about the amount of her pension.

"The Trump EPA is devoted to satisfying every demand of the President's political donors, no matter how harmful to the American people," she said in a Thursday email. "The Trump administration's environmental policy is based only on political considerations and has no underlying principles or ideology."

According to a statement by EPA, reports by former officials, current employees and Columbia University researchers are "unsubstantiated claims [that] have no basis in fact. EPA has always and will continue to use the best available science when developing rules, regardless of the claims of outside special interest groups.

"Under President Trump, EPA has made tremendous strides in protecting human health and the environment because we value the input of our career scientists and rely on their groundbreaking research and advice."

But instead of feeling valued, some career scientists, like Southerland, have fled EPA and other agencies because of Trump's policies.

"The Trump Administration is gutting and politicizing the federal science enterprise across the board…," Joel Clement, former director of the office of policy analysis at the Interior Department, said by email. He said other presidents "have gone after science … but never has an Administration so blatantly and comprehensively neglected, marginalized, and ignored the important expertise of their own scientific experts the way that the Trump Administration has."

So where does that leave the scientists who remain?

The "embarrassed" experts, Clement said, "must find ways to do their important work without attracting the attention of the political appointees who are clearly working for their industry patrons rather than the American public."

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Yale Daily News

CT joins another air pollution lawsuit against EPA

https://yaledailynews.com/blog/2020/02/23/ct-joins-another-air-pollution-lawsuit-against-epa/

By: Talia Soglin 2/23/20

Last week, Connecticut joined four other states in filing a new air pollution lawsuit against the Environmental Protection Agency.

The lawsuit — one of a number of similar suits the state has joined over the last year — alleges that the federal agency has violated the Clean Air Act by failing to protect downwind states like Connecticut from air pollution originating in a set of mostly-Midwestern upwind states. It asks the court to set dates for the agency draft and implement stricter standards.

"Connecticut has taken strong action within our borders to protect our air quality, but smog does not stop at the state line," Connecticut Attorney General William Tong said in a press release last week. "EPA must do its job — as the U.S. Court of Appeals ordered — to control cross-state pollution."

Connecticut has until 2021 to show compliance with federal ozone standards that it does not currently meet. Most of the state's ozone levels, however, originate from across state lines. According to Connecticut's Department of Energy and Environmental Protection, pollution originating in other states contributes to more than 90 percent of ozone levels in southwestern Connecticut — the area closest to the New York metro area — and more than 80 percent of ozone levels in other areas of the state.

Last October, a federal Court of Appeals in D.C. ordered the agency to develop stricter standards for upwind states in a similar case filed by the state of New York, which was also joined by Connecticut. The EPA did not seek rehearing in the case — meaning it was required to draft stricter standards under the "Good Neighbor" provision of the Clean Air Act, which the new suit alleges it did not do.

When asked Friday if the agency had begun to draft revised standards, a spokesperson for the EPA said in an email to the News that the agency does not comment on ongoing litigation.

In early January, Connecticut, alongside lead state New Jersey and New York, withdrew a similar lawsuit against the EPA. That lawsuit had alleged failure to regulate cross-state air pollution from Pennsylvania and Virginia, two of the states also named in the suit filed last week. Connecticut Public Radio reported at the time that EPA had cited those two states, resulting in the suit's withdrawal. In mid-January, Connecticut and New York filed another separate air pollution lawsuit against the agency.

The other states to join New Jersey and Connecticut in the most recent lawsuit are New York, Delaware and Massachusetts.

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