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Wednesday, April 10, 2019

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1 – Report on Louisiana cancer rates finds 'results are mixed' on link between industry and cancer, New Orleans Times-Picayune, 4/9/19
https://www.nola.com/environment/2019/04/report-on-louisiana-cancer-rates-finds-results-are-mixed-on-link-between-industry-and-cancer.html
A recently released Louisiana Tumor Registry report found "results are mixed" on the rate of cancer in communities in the area dubbed "Cancer Alley" by some environmentalists and residents for their proximity to chemical plants running along the Mississippi River from Baton Rouge past New Orleans

2 – Chevron Phillips to report plastic pellet spills, shareholder says, Houston Chronicle, 4/9/19
https://www.chron.com/business/energy/article/Chevron-Phillips-to-report-plastic-pellet-spills-13753606.php
Less than two weeks after Exxon Mobil became the first major oil company to agree to report plastic pellet pollution to investors, another major petrochemical company has followed suit under pressure from activist shareholders.

3 – Trump to issue executive orders seeking to speed up oil and gas projects, Washington Post, 4/9/19
https://wapo.st/2GdDOyK
President Trump is planning to issue a pair of executive orders on Wednesday to "help American energy companies avoid unnecessary red tape" by making it easier for firms to build oil and gas pipelines and harder for state agencies to intervene, according to the White House.

4 – EPA says Sunday's storms helped with ITC Deer Park cleanup, KHOU, 4/9/19
https://www.khou.com/article/news/epa-says-sundays-storms-helped-with-itc-deer-park-cleanup/285-764ba526-7167-4067-8fdb-b3974358750d
Members of New Mexico's congressional delegation on Tuesday announced legislation preventing the sale of oil and gas leases on federally owned lands in a 10-mile radius surrounding Chaco Culture National Historical Park.

5 – Delegation moves to create buffer around Chaco, Albuquerque Journal, 4/9/19
https://www.abqjournal.com/1301337/delegation-moves-to-create-buffer-around-chaco.html
In 2005, a private company called Port Arthur Steam Energy began taking exhaust heat from one nearby plant and converting it into steam, which it sold to another plant to use in refinery processes.

6 — EDITORIAL: Protecting Chaco Canyon matters to all New Mexico, Santa Fe New Mexican, 4/9/19
https://www.santafenewmexican.com/opinion/editorials/protecting-chaco-canyon-matters-to-all-new-mexico/article_f22c9175-3966-5735-bb5b-ba1cb98aeca9.html
Efforts by New Mexico's congressional delegation to create a buffer zone around Chaco Canyon to protect the landmark are essential to safeguard this sacred place.

7 – OPINION: Clean Water rollback a nightmare for Rio Grande, Albuquerque Journal, 4/10/19
https://www.abqjournal.com/1301493/clean-water-rollback-a-nightmare-for-rio-grande.html

Several decades ago, the Santa Fe River was more like a dry arroyo than a river, more a place where La Llorona roamed, crying in search of her dead children. As arroyo-haunting goes, the Santa Fe River was fair game.

8 – OPINION: Our coast isn't disappearing or vanishing; it's being violently destroyed, New Orleans Times-Picayune, 4/8/19
https://www.nola.com/opinions/2019/04/our-coast-isnt-disappearing-or-vanishing-its-being-violently-destroyed.html
Today's tip for Louisiana's coastal survival: Ban the terms "vanishing" and "disappearing" from being used in connection with the words "Louisiana coast."

9 – EPA to List Nonstick Toxics as Hazardous Substances This Year, Bloomberg, 4/9/19
https://news.bloombergenvironment.com/environment-and-energy/epa-to-list-nonstick-toxics-as-hazardous-substances-this-year-1
The EPA for the first time plans to list ubiquitous nonstick chemicals as hazardous substances under the nation's Superfund law by year's end, the agency's top drinking water official said April 9.

10 – 'Astonishing' delay 30 years after first climate hearing, E&E News, 4/10/19
https://www.eenews.net/climatewire/2019/04/10/stories/1060151849
Participants from Congress' first-ever climate hearing returned yesterday to Capitol Hill, and it wasn't for a victory lap. Former Colorado Sen. Tim Wirth and Princeton University scientist Michael Oppenheimer said the harm they talked about 30 years ago is already happening, but the political system seems even less capable of addressing it.

11 – Contractors: KMCO knew of valve leak before Texas plant fire, E&E News, 4/9/19
https://www.eenews.net/greenwire/2019/04/09/stories/1060150885
Three contractors who worked at a Houston-area chemical plant say in a lawsuit that the company knew a flammable gas was leaking before a deadly fire erupted but did not order an evacuation.

12 – Global warming shrinking glaciers faster than thought, study finds, New Orleans Times-Picayune, 4/9/19
https://www.nola.com/environment/2019/04/global-warming-shrinking-glaciers-faster-than-thought-study-finds.html
Earth's glaciers are melting much faster than scientists thought. A new study shows they are losing 369 billion tons of snow and ice each year, more than half of that in North America.

13 – Court tosses challenge to Obama rule, E&E News, 4/10/19
https://www.eenews.net/energywire/2019/04/10/stories/1060151197
A federal appellate court yesterday closed out an industry lawsuit against the Obama administration's original rule for emissions from oil and gas development on public lands. President Trump's Bureau of Land Management last year finalized a revised regulation, which gutted the Obama-era standards.

14 – HFD: Cleanup of overturned tanker truck in Heights could take hours, Houston Chronicle, 4/10/19
https://www.chron.com/news/houston-texas/houston/article/Overturned-tanker-truck-causes-evacuation-of-13753086.php
The Houston Fire Department reports its HazMat team is in the process of off-loading the product from the overturned tanker trunk at W. 6th St. and Rutland in the Heights.

Chevron Phillips to report plastic pellet spills, shareholder says

By Marissa Luck **Updated 1:31 pm CDT, Tuesday, April 9, 2019**

Plastic resin pellets are a key part of Houston's trade and enable the production of thousands of consumer goods. But spills of plastic pellets during transportation is a leading cause of ocean pollution and shareholders of some of the biggest plastic manufacturers are pressuring companies to start reporting when those spills occur.

Less than two weeks after Exxon Mobil became the first major oil company to agree to report plastic pellet pollution to investors, another major petrochemical company has followed suit under pressure from activist shareholders.

After initial push back from its owners, The Woodlands-based Chevron Phillips Chemical has agreed to start reporting plastic pellet spill in annual sustainability report out in June, according to the shareholder group As You Sow. The move comes as the petrochemical industry is under pressure from growing public outcry over millions of tons of plastic waste clogging waterways and oceans.

Chevron Phillips Chemical – owned jointly by Houston-based Phillips 66 and Chevron Corp. – has 30 petrochemical facilities that produce plastic resin or nurdles that are used to produce thousands of

Recommended Video

consumer goods.

the second largest contributor to plastic
the size of fish eggs, can be swept into
much as 260 species.

As You Sow filed a proposed shareholder resolution in January with several major petrochemical producers, including Exxon Mobil, Dow Chemical, Phillips 66 and Chevron, asking for annual reporting on spills and measures taken to prevent and clean up spills. **Exxon was the first to agree to the proposal in late March**.

Both Chevron and Phillips 66 initially petitioned against As You Sow's proposal, arguing to the SEC that they did not have the power or authority to compel their joint venture to report plastic pellet spills. The SEC disagreed with those arguments in mid-March, according to SEC documents.

Now under a deal with As You Sow, Chevron Phillips Chemical has agreed to share information on whether and when accidental pellet spills occur, how much material was recovered and how it is working to prevent pellet losses outside of its facility. The company also said it use a third party to audit and verify its findings. As You Sow is withdrawing its shareholder proposals in recognition of the agreement.

RELATED: Can chemistry fix the plastic waste problem?

"We are pleased to see Chevron Phillips follow Exxon Mobil and agree to public reporting on plastic pellet spills and management," said Conrad MacKerron, senior vice president of As You Sow in a statement. "Such basic transparency is essential to enable policy makers and other stakeholders to assess the scope of this growing problem."

Separately, Chevron Phillips Chemical said late last week it is joining an industry effort to provide more reporting on plastic pellet pollution called Operation Clean Sweep Blue – a program jointly administered by the industry group American Chemistry Council and Plastic Industry Association.

Operation Clean Sweep Blue is a more rigorous program on pellet loss reduction than the chemical industry program Operation Clean Sweep, which Chevron Phillips has belonged to since 2000. Operation Clean Sweep previously has been criticized for not requiring members to publicly report spills.

EARLIER: **Chevron Phillips CEO on the need for a "bold solution" to plastic waste**

Chevron Phillips Chemical also said its 2018 sustainability report will include information on spills that previously was only provided to regulatory agencies.

"Simply put, plastics should not end up in unintended places in our environment. We are very proud of our track record and commitment to sustainability programs," said Jim Becker, vice president of polymers and sustainability in a statement about Operation Clean Sweep Blue. "We are always seeking ways to improve our results and joining Operation Clean Sweep Blue is yet another significant step as our company and our industry work to eliminate plastic waste from finding its way into unintended places," .

"We are pleased that the procedures and safeguards we have put into place at all facilities are working effectively to minimize and eliminate pellet spills and are confident that the numbers reported in our sustainability report will confirm the success of these initiatives," Becker added.

Chevron Phillips Chemical is one of dozens of petrochemical companies behind a new industry effort, the **Alliance to End Plastic Waste**, meant to curb plastic pollution through initiatives to advance recycling technology, waste management and education, among other measures.

The Washington Post

Trump to issue executive orders seeking to speed up oil and gas projects

By Steven Mufson and
Toluse Olorunnipa
April 9 at 8:25 PM

President Trump is planning to issue a pair of executive orders on Wednesday to “help American energy companies avoid unnecessary red tape” by making it easier for firms to build oil and gas pipelines and harder for state agencies to intervene, according to the White House.

The executive action seeks to rein in states’ power by changing the implementation instructions issued by federal agencies and changing the deadlines for state action, according to a former Trump administration official who spoke on the condition of anonymity to protect his relationships. The order would alter Transportation Department rules to allow the shipment of liquefied natural gas by rail and tanker truck, he said. And it would seek to limit shareholder ballot initiatives designed to alter companies’ policies on environmental and social issues.

A second order, focused on cross-border energy projects, would clarify that the president is solely responsible for approving or denying pipelines and other infrastructure that cross international boundaries. The secretary of state has previously played that role.

Critics said that the president’s orders would trample on authority delegated to the states under Section 401 of the Clean Water Act and other congressional legislation. That authority has been upheld twice by the Supreme Court. Trump’s move would benefit, among others, Energy Transfer Partners, whose chief executive, Kelcy Warren, was a major contributor to Trump’s campaign.

The orders are a response to the oil and gas industry, which has complained that pipeline delays have slowed expanded production. Shale gas in Pennsylvania’s giant Marcellus formation has been unable to reach New England markets, and TransCanada has been unable to persuade the Nebraska Public Service Commission or federal courts to allow the completion of the Keystone XL pipeline, which would carry low-quality crude oil produced in Canada’s tar sands region.

“These two executive orders will promote the development of new energy infrastructure, create jobs and provide more affordable, reliable energy,” said a senior administration official, who briefed reporters on the condition of anonymity to discuss the orders before they are signed.

The construction of oil and gas pipelines has become a flash point for the environmental movement, which has launched high-profile protests and court battles to block pipelines not only for concerns about local pollution but

also as part of a strategy to keep oil and gas fossil fuels in the ground.

Burning those fossil fuels contributes to climate change, and climatologists say that the administration should be discouraging, not encouraging, more widespread use of them. The scientific consensus is that global carbon dioxide emissions must be cut in half by 2030 to avoid severe global warming.

In Michigan, Gov. Gretchen Whitmer (D) halted work on a pipeline project by the Canadian company Enbridge, while the state attorney general said a law enabling it was unconstitutional. Separately, Enbridge is expected to go to court in Minnesota to restart another line.

In Virginia, the Southern Environmental Law Center has won a string of legal victories that have disrupted work on the $7 billion, 600-mile gas pipeline.

Moreover, state leaders have urged Trump not to try to override state agencies. Doing so, said a letter from the Western Governors Association, "would inflict serious harm to the division of state and federal authorities established by Congress." The group said that the states had "exercised their authority . . . efficiently, effectively and equitably."

"This is a disastrous idea, one that exposes the hypocrisy of the Trump administration and threatens to undercut the ability of state leaders to determine how best to protect their rivers, lakes, streams and wetlands," the Natural Resources Defense Council said in a statement Tuesday.

The NRDC said that "when it comes to weakening protections in any number of areas, Republicans in Washington often use the excuse that state leaders should have the broadest authority possible. However, once states take action to protect their environment, these so-called federalists balk."

The executive order Trump will sign will require the secretary of transportation to submit reports to the president assessing the economic effect of the inability to transport natural gas and other domestic energy to New England and to the West Coast, a senior administration official said.

Trump will speak Wednesday in oil- and gas-rich Texas at the International Union of Operating Engineers (IUOE) International Training and Education Center in Crosby, Tex. He is expected to repeat themes he's sounded before, including U.S. "energy dominance," infrastructure and economic growth. And he is expected to claim credit for the expansion of U.S. oil and gas production, saying that tax cuts and streamlined permitting have spurred investment.

One of the nation's biggest pipeline companies is Energy Transfer Partners, developer of the controversial Dakota Access and Rover gas pipelines. Both lines were ultimately completed.

But not without a fight. Protests along the Dakota Access route lasted for weeks. And the Rover pipeline triggered a fight with Ohio's Environmental Protection Agency. The company reported 18 leaks and twice spilled large quantities of drilling fluids in two pristine Ohio wetlands while constructing a $4.2 billion natural gas pipeline. The drilling fluid — a mudlike substance used to lubricate and cool equipment — is not toxic. But the

state EPA and environmental groups were worried that the two spills, which covered a vast area the size of 8½ football fields, could smother aquatic life in the wetlands.

The Federal Energy Regulatory Commission stopped work on the pipeline for a time but later let it proceed.

Energy Transfer Partners chief executive Warren gave $100,000 to Trump's campaign and $250,000 to his inaugural committee. Earlier, he had given $5 million to Rick Perry's political action committee. Perry, then a presidential candidate, is now energy secretary.

While in Texas, Trump will also visit San Antonio and Houston for political fundraisers.

Steven Mufson
Steven Mufson covers the business of climate change. Since joining The Washington Post in 1989, he has covered economic policy, China, diplomacy, energy and the White House. Earlier he worked for The Wall Street Journal in New York, London and Johannesburg. Follow

Toluse Olorunnipa
Toluse "Tolu" Olorunnipa is a White House reporter for The Washington Post. He joined The Post in 2019, after five years at Bloomberg News, where he reported on politics and policy from Washington and Florida. Follow

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EPA says Sunday's storms helped with ITC Deer Park cleanup

EPA says a total 53 animals have died as a result of the ITC tank fire.

DEER PARK, Texas — The U.S. Coast Guard officials say Sunday's storms had little to no impact on their recovery efforts in the Ship Channel following the tank fire at the Intercontinental Terminals Co. Deer Park facility.

In a Tuesday morning press briefing, the USCG says the area was secured Sunday morning prior to the line of storms moving in.

The Environmental Protection Agency said the storms actually helped the cleanup efforts.

Adam Adams, with the EPA, says the storm flushed the drainage pathway and any product into their recovery locations. It also suppressed vapors.

Adams says that if foam used to combat the fire blew into your yard, it is believed to be non-toxic.

He added that residents should call the ITC Cares Hotline if they have foam in their yard, and they will come out to assess the situation.

Harris County and federal investigators will be entering the tank farm at the ITC Deer Park facility for the first time on Tuesday.

Investigation

The Harris County Fire Marshal's Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives will enter the site.

"Investigators will conduct an initial scene examination," Harris County Fire Marshal Laurie L. Christensen said in a statement released Tuesday morning. "Investigators will make entry into the tank farm with the appropriate level of person protective equipment (PPE), which will include HAZMAT suits and air purifying respirators."

Investigative activities have been ongoing since the initial fire on March 17.

The fire marshal's office and ATF said they will work to determine the origin and cause of the fire utilizing the methodologies described in the National Fire Protection Association 921 Guide for Fire and Explosion Investigations.

The EPA says cleanup crews have recovered “quite a bit of oil product” from the area waterways. They continue to monitor the air quality in the area.

Adams added that they have not had air quality measurements that warranted a shelter-in-place or evacuation.

Wildlife Impact

Adams also gave an updated on the wildlife impacted by the incident:

- 25 animals recovered from impacted area and entered rehabilitation (four turtles, 21 birds)
- Of the 21 birds recovered, five died during rehab
- Of the 16 that were cleaned, 11 are ready to be released.

Not all of the impacted wildlife entered rehab. Adams said 48 animals died, including five turtles, six possums, 15 birds and 21 fish.

Adams said none of the animals impacted were endangered species.

Houston Ship Channel

The Coast Guard said none of the inbound ships from last week were required to undergo decontamination. The daylight restrictions on inbound traffic in the Ship Channel were lifted on Friday.

The Ship Channel is now acting at near capacity to traffic, USCG said.

The USCG says they have recovered to date near 120,000 barrels of contaminated water.

Air Quality Monitoring

The Texas Commission on Environmental Quality says they continue to take daily water samples from the Ship Channel and Galveston Bay. Teams are collecting from 13 sites and continue to access data.

TCEQ says they are conducting 24-hour real-time air monitoring and samples remain below action levels.

ITC officials say the bulk of the liquid has been removed from the tanks at the Deer Park site and that the cleanup is in the final stages.

Delegation moves to create buffer around Chaco

By Scott Turner / Journal Staff Writer

Published: Tuesday, April 9th, 2019 at 2:48pm
Updated: Tuesday, April 9th, 2019 at 6:58pm

Fajada Butte, situated just south of the visitor's center at Chaco Canyon. (Roberto E. Rosales/Albuquerque Journal)

Members of New Mexico's congressional delegation on Tuesday announced legislation preventing the sale of oil and gas leases on federally owned lands in a 10-mile radius surrounding Chaco Culture National Historical Park.

U.S. Sens. Tom Udall, D-N.M., Martin Heinrich, D-N.M., and U.S. Reps. Ben Ray Luján, D-N.M., Xochitl Torres Small, D-N.M., and Deb Haaland, D-N.M., reintroduced the Chaco Cultural Heritage Area Protection Act, a bill they feel will protect archeological and cultural heritage sites that are considered sacred by Native Americans.

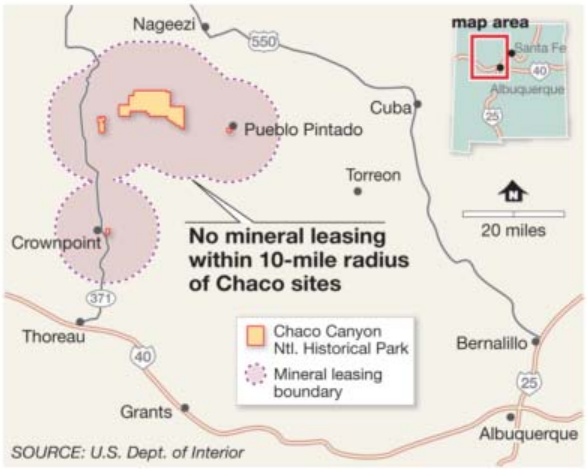
The bill withdraws 316,076 acres of minerals from the 909,000 acres of the Proposed Chaco Protection Zone of oil, natural gas, coal, gold, silver and other minerals owned by the federal government.

Udall said the Trump administration has attempted to sell leases a couple of times in the area but later withdrew the efforts because of push-back from the community — including the Navajo Nation and area Pueblo communities.

He said the area "should not be under constant threat."

"This bill defends the cultural heart of the Chacoan people," Udall said.

"Chaco is a sacred landscape, revered by many, many New Mexicans," said Heinrich, who noted that Chaco is a UNESCO Heritage site. "It's one of the most important cultural sites on the face of the earth."



C. CUNNINGHAM/JOURNAL

Heinrich called for collaboration among the tribal communities, the Bureau of Land Management and the Bureau of Indian Affairs on future development in the San Juan Basin.

“We have to be vigilant in defending Chaco throughout the whole process,” Heinrich said.

Haaland — who called Chaco her ancestral home — said tribal communities had input on the legislation. She said they backed the 10-mile buffer around the park.

“The tribes worked hard to make sure this bill would pass,” Haaland said.

She said she was aware others would prefer a larger buffer.

“But we wanted to be realistic on what could be protected,” Haaland said.

Members of the Navajo Nation and the All Pueblo Council of Governments voiced support for the bill.

“We don’t want our lands to be exploited by outside interests,” Navajo Nation President Jonathan Nez said.

New Mexico Oil and Gas Association communication director Robert McEntyre said the industry supports the protection of archeological and cultural sites but questions what the 10-mile buffer would accomplish.

“No one can tell you what a buffer zone would actually provide,” McEntyre said. “It’s really irresponsible. There are landowners who own mineral rights in that area. … We’re talking about taking huge swaths of land off the table.”

He said there is a process through the National Environmental Policy Act that the industry must go through before it can drill.

McEntyre said if any archeological or cultural artifacts are found, drilling is forbidden.

He did say there were a few legacy oil and gas wells in operation within the proposed buffer zone.

When asked if the bill would affect any water and electrical-service projects for tribal communities in the area, Udall said the bill did not affect the use of mineral rights in tribal owned areas.

He also said the bill would protect some culturally important areas beyond the 10-mile buffer.

New Mexico State Land Commissioner Stephanie Garcia Richard also announced an executive order placing a moratorium on oil and gas drilling on state trust land in the area. She called the area surrounding Chaco a “checkerboard” of state trust, tribal and BLM lands.

Udall acknowledged the bill would have an easier path in the U.S. House, where Democrats hold the majority.

But he and Luján said they planned to educate their Republican and Democratic colleagues about the bill, and believed the bill would eventually have broad support.

Haaland and Luján will be part of a congressional field hearing that will include a tour of Chaco Culture National Historic Park on Sunday and a hearing at the Roundhouse on Monday about the impact of oil and gas drilling near sacred sites.

Contact the writer.

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OUR VIEW

Protecting Chaco Canyon matters to all New Mexico

The New Mexican 10 hrs ago

Efforts by New Mexico's congressional delegation to create a buffer zone around Chaco Canyon to protect the landmark are essential to safeguard this sacred place.

U.S. Sens. Tom Udall and Martin Heinrich and U.S. Reps. Deb Haaland and Ben Ray Luján have introduced legislation that would withdraw federal lands around Chaco Canyon from further mineral development by the federal government by creating a 10-mile buffer zone. That, in turn, would protect both the Chaco ruins and the greater landscape around the Chaco Culture National Historical Park.

If the act becomes law, there would be no future leasing or development of minerals owned by the U.S. government inside the zone — most of all, no more watching and waiting to see if the government would decide approve potentially damaging lease sales. Additionally, State Land Commissioner Stephanie Garcia Richard will be instituting reforms of her own, ensuring that state trust lands inside the area are off-limits to future oil and gas exploration.

Taken together, these actions would mean the legacy of Chaco Canyon and the lessons this place still has for our generation would be safeguarded. As a World Heritage Site, the protection of Chaco Canyon matters to all people on the planet.

Locally, Chaco Canyon is a homeland for many tribal peoples in the Southwest; it is where they came from, the place where they still return. As Haaland said in a news release about the Chaco Cultural Heritage Area Protection Act: “By introducing these protections we’re going beyond protecting a beautiful piece of New Mexico, we’re recognizing the significance Chaco holds for the Native American community and to all New Mexicans. By keeping Chaco from being destroyed by the fossil fuel industry, future generations will have access to this special place.” She is chairwoman of the House Subcommittee on National Parks, Forests and Public Lands.

There is knowledge to be gained from artifacts and structures still at Chaco; the sorts of disturbances that follow as drilling for oil and gas starts up could damage both the ruins and lead to the destruction of artifacts that will tell us more about the people who lived at Chaco — the center of a culture that spread through and dominated the Four Corners area during the ninth, 10th and 11th centuries.

This is not about opposing oil and gas development. This is about developing resources responsibly while protecting other treasures too precious to lose.

In recent years, the booming energy industry in the San Juan Basin has concerned area tribes — activity has moved ever closer to Chaco itself. Tribes and New Mexico’s senators, among others, had asked the federal government to stop the issuing of new oil and gas leases and permits until new protections could be adopted. That should be happening through the Bureau of Land Management’s

land-use-planning process. However, the Trump administration had announced new leases would be issued — this legislation, if somehow passed through both the House and Senate and signed by the president, would protect Chaco Canyon without having to depend on the whims of an elected official.

Working with the Navajo Nation, the All Pueblo Council of Governors, the National Congress of American Indians and others, New Mexico's representatives to Congress are doing their best to protect the past. This is important, necessary legislation to preserve our collective heritage for people yet to be born.

Guest Columns

Clean Water rollback a nightmare for Rio Grande

By Jen Pelz / Rio Grande Waterkeeper, Wild Rivers Program Director, Wildearth Guardians

Wednesday, April 10th, 2019 at 12:02am

Several decades ago, the Santa Fe River was more like a dry arroyo than a river, more a place where La Llorona roamed, crying in search of her dead children. As arroyo-haunting goes, the Santa Fe River was fair game.

At the heart of my desert community, the river was not lost, just forgotten. Love, outrage and compassion of visionary citizens restored the Santa Fe River from dust to a small but important corridor of life.

Tireless volunteers planted cottonwoods and willows along its banks; in response, birds, wildlife and people returned. In 2013, the city passed a living river ordinance to ensure flows can persist even in the flow-challenged reaches through town.

While additional work is needed to realize this vision of a living Santa Fe River, a new, much more insidious threat looms over my hometown waterways.

The Trump administration's proposal to roll back Clean Water Act protections is a real nightmare for the Santa Fe River and waterways throughout New Mexico.

The rule eliminates categories of currently protected waters, including ephemeral and intermittent streams that only flow in direct response to precipitation; closed-basin lakes and watersheds; interstate waters; and most wetlands. Over 90 percent of waterways in New Mexico fall into these categories and would lose vital federal protections.

The Santa Fe River, as it flows through the city, would likely fall within one of these categories of unprotected waterways. Even worse, however, its upstream headwater streams could also lose critical protections.

The Santa Fe River is just one of thousands of typically dry – but sometimes raging – washes, arroyos, creeks and streams that contribute significant flows to the Rio Grande. Stripping Clean Water Act protections from these diffuse sources of water will impact the 6 million people who rely on the Rio Grande watershed for drinking water and irrigation.

These waterways also create terrestrial and migratory corridors from the mountaintops to the floodplains. It's along ephemeral waterways that mountain lions, black bears and bobcats roam. As these waterways merge along the central flyway into the Rio Grande, tens of thousands of sandhill cranes, geese, crows and other incredible birds bring beauty and birders to bolster the local recreational economy.

New Mexico waterways are especially vulnerable to the loss of federal clean water protections because the state doesn't have authority under the Clean Water Act to regulate point-source dischargers. If precipitation-fed waterways were to lose protection, Los Alamos National Laboratory, which sits along a precipitation-fed stream, could be free to discharge directly upstream from Santa Fe's drinking water intake at the Buckman direct diversion. In addition, the lab's legacy of pollutants, now closely regulated, could destroy the water quality of thousands of miles of river and its many communities downstream.

Water is scarce in New Mexico, we need every last drop protected.

On March 27, the city of Santa Fe passed Resolution 2019-5 opposing this proposed rule and raising its voice for clean water. Individuals and groups with expertise in the field of clean water in New Mexico are speaking out and providing talking points for other concerned citizens.

We at Rio Grande Waterkeeper and WildEarth Guardians strongly oppose the proposal to gut the Clean Water Act. We implore everyone – individually and collectively – who cares about clean water to drink, safe water to swim in, and healthy water for fish and ecosystems, to stand with us and speak out.

You don't have to be a scientist, lawyer or water policy specialist to speak for clean water. Please consider submitting a comment letter to the federal agencies behind this rule and calling your local, state, and federal representatives to express your opposition to the proposed rule.

This rule threatens the very soul of this arid region. We need your voice to resist yet another way the Trump administration threatens clean and healthy waterways in New Mexico.

Jen Pelz is an attorney, activist and biologist working to safeguard flows and clean water in our western rivers.

Comments due
Comments to the federal agencies involved in the rollback of the Clean Water Act are due April 15

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Kyle Busch beats brother to grab 8th Bristol win

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Bloomberg Environment

Environment & Energy Report

EPA to List Nonstick Toxics as Hazardous Substances This Year (1)

By Amena H. Saiyid

Posted April 9, 2019, 12:04 PM

- EPA responding to demands to list chemical contaminants as hazardous
- Listing would give states power to recover cleanup costs

The EPA for the first time plans to list ubiquitous nonstick chemicals as hazardous substances under the nation's Superfund law by year's end, the agency's top drinking water official said April 9.

The agency will issue a proposal to list perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA), on the agency's list of hazardous substances, Jennifer McLain, acting director for the Environmental Protection Agency Office of Groundwater and Drinking Water, told participants gathered at the Environmental Council of States (ECOS) spring meeting April 9.

The EPA's move leapfrogs possible congressional action, as dozens of lawmakers have sought to compel the agency to list the chemicals. A listing would give the agency power to force companies to clean up any sites where the chemicals are found.

The PFAS family includes thousands of chemicals, including PFOA and PFOS. They have been used to manufacture nonstick and stain-resistant coatings in clothing, fast-food wrappers, carpets, and other consumer and industrial products.

State Recovery

U.S. companies stopped making the two compounds several years ago, but multiple sites still contain the chemicals and some imports continue.

Should the proposal be finalized—a move backed by states and several members of Congress—states would also be able to recover cleanup costs from companies that manufactured the chemicals or spilled them at sites.

Congress already has companion bills in both chambers (H.R. 535 and S. 638) that direct the EPA to complete the hazardous substance listing within one year.

The EPA is also looking to set drinking water standards for PFOA and PFOS, but that process is still in the early stages.

Some States Seek Faster Action

Every state comes with its “pressure points,” with some seeking faster action, while others want to wait and see if the EPA has a plan for cleanup, Becky Keogh, director of Arkansas Department of Environmental Quality and current president of ECOS, told Bloomberg Environment.

But, “we have encouraged him to make sure that timeliness is a priority for EPA,” she said about EPA’s Wheeler, as some states face immediate needs on the issue.

New Jersey is one such state that isn’t waiting for the EPA to act. It has already set a drinking water standard of 13 parts per trillion for perfluorononanoic acid (PFNA), and has just proposed drinking water standards of 13 parts per trillion for PFOS and 14 parts per trillion for PFOA, Catherine McCabe, commissioner of New Jersey Department of Environmental Protection, said in an interview.

Regarding the EPA’s plan to list these two chemicals as hazardous substances, McCabe said, it would help EPA in cleaning up contaminated sites, but it would not necessarily trigger any regulations under other laws.

But without a national drinking water standard, cleanup of water will revert to state standards, she said. New Jersey’s interim standard for PFOA- or PFOS-laced groundwater found at Superfund sites is 10 parts per trillion.

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'Astonishing' delay 30 years after first climate hearing

Adam Aton, E&E News reporter
Published: Wednesday, April 10, 2019

Former Colorado Sen. Tim Wirth (D) is seen at a 2015 breakfast in Paris focused on oceans amid the international climate negotiations that led to the Paris Agreement. U.S. State Department

Participants from Congress' first-ever climate hearing returned yesterday to Capitol Hill, and it wasn't for a victory lap.

Former Colorado Sen. Tim Wirth and Princeton University scientist Michael Oppenheimer said the harm they talked about 30 years ago is already happening, but the political system seems even less capable of addressing it.

Blame industry for that, they told lawmakers at a House Oversight and Reform subcommittee hearing.

Wirth, a Democrat, chaired the 1988 Energy and Natural Resources Committee hearing where NASA scientist Jim Hansen first raised the alarm about global warming. Oppenheimer, formerly of the Environmental Defense Fund, testified alongside Hansen about the greenhouse effect.

Back then, Wirth said, scientists and lawmakers recognized this would be an intergenerational struggle, but they didn't expect such a fight from industry — or Republicans, who had been eager partners in other landmark environmental issues.

Wirth traced the problem to the 1988 Montreal Protocol, which aimed to phase out chemicals harmful to the ozone layer.

Industry got spooked by how rapidly Congress ratified the treaty, according to Wirth. It worried what might happen if Congress acted the same way with greenhouse gases, Wirth said, and their fears redoubled after both parties worked cooperatively and quickly to strengthen the Clean Air Act in 1990.

So industry organized against climate policy before environmentalists realized what they were up against, he said.

Over the course of the George H.W. Bush administration, Republicans went from co-sponsoring climate legislation to bottling it up (***Climatewire***, Dec. 5, 2018).

Wirth, who also served in President Clinton's State Department, recalled a major international climate summit where automobile, oil and other industry representatives sat in three chairs "right outside of the negotiation room."

"They were clearly trying to bully delegates coming in and out, grab them as they come out — it was astonishing to me," he said. "I'll never forget it."

Wirth said he'd gotten to know the lobbyists, and he asked what they were doing there: "They'd sort of laugh, then kinda buttonhole someone again. ... [Their power] was very real."

Oppenheimer said he'd seen the same thing at climate summits.

"These people would sit in the meetings, send hand signals sometimes to delegates, and essentially seemed to be instructing, I remember, the delegation from Saudi Arabia," he said in a back-and-forth with Rep. Alexandria Ocasio-Cortez (D-N.Y.), who likened it to a catcher signaling to the pitcher.

Wirth said industry has backed away from those tactics, and he singled out Royal Dutch Shell PLC's board chairman, Charles Holliday, as someone trying to pull the sector into climate action.

Some Republicans also sought to moderate their party's recent hardline stance on climate.

"I don't think anyone on our side denies climate change. We just basically had questions about how we're going to pay for [the Green New Deal]," said subcommittee ranking member James Comer (R-Ky.), referring to the full panel's climate hearing earlier that day (***see related story***).

Wirth praised the Green New Deal, which calls for a government-led jobs program to combat climate change, as matching the scale of the problem while focusing on the most vulnerable people, even if it was a "not particularly well-drafted prose document."

The Green New Deal was one of the few fresh topics at a hearing that more often focused on what has not changed in the last three decades.

Research on the greenhouse effect reaches back into the 1800s. By the 1970s government and oil industry scientists concluded that doubling the amount of carbon in the atmosphere would raise temperatures about 3 degrees Celsius, Oppenheimer said.

By the time Congress turned its attention to climate science in the late 1980s, researchers also knew that average temperatures had already risen 0.4 degrees, sea levels were beginning to creep up, and more emissions would raise 21st-century temperatures above any point in human civilization.

Scientists expected those changes to hurt coral reefs, scramble precipitation patterns, lower crop yields and harm ecosystems, Oppenheimer said.

"Today, most of these impacts have already been detected," he said.

"In other words," Oppenheimer said, "the broad outlines of a problem bearing high risk for humans and society were already clear, even if many important details remained to be fleshed out — they were already clear 30 years ago."

Contractors: KMCO knew of valve leak before Texas plant fire

Published: Tuesday, April 9, 2019

Three contractors who worked at a Houston-area chemical plant say in a lawsuit that the company knew a flammable gas was leaking before a deadly fire erupted but did not order an evacuation.

The *Houston Chronicle* **reports** the lawsuit was filed yesterday by the contractors, who were injured when the fire began April 2 at the plant operated by KMCO LLC in Crosby.

They contend that KMCO officials were aware of a leaking valve on a high-pressure line that allowed the gas to escape and set off the fire at the chemical storage facility. One worker was killed, and several others were hurt (***E&E News PM***, April 2).

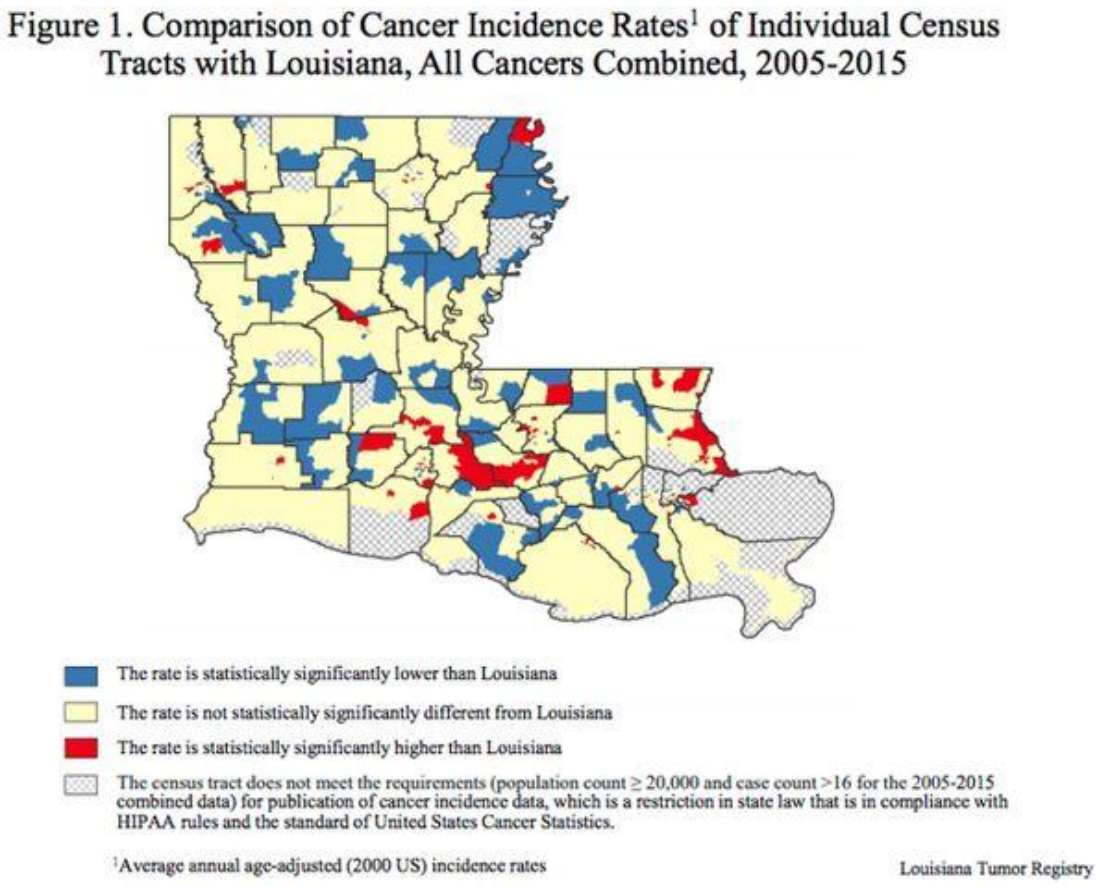
Yesterday's lawsuit is at least the third filed against KMCO.

KMCO President and CEO John Foley said in a statement that the fire remains under investigation and any legal complaints at this point should be considered "unverified." — *Associated Press*

ENVIRONMENT

Report on Louisiana cancer rates finds ‘results are mixed’ on link between industry and cancer

Posted Apr 9, 2:26 PM



Comparison of cancer incidence rates of individual census tracts with Louisiana overall for all cancers combined. (Image courtesy of Louisiana Tumor Registry.)

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By Sara Sneath, NOLA.com | The Times-Picayune

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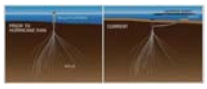
environmentalists and residents for their proximity to chemical plants running along the Mississippi River from Baton Rouge past New Orleans

The new report, published last Monday (April 1), shows combined cancer statistics from 2005 to 2015. Previously, the agency was prohibited by law from releasing cancer data beyond the parish level. But legislation passed in 2017 expanded that to the census tract level and mandated an annual report. Environmentalists pushed for the law to get a more accurate picture of cancer clusters in the state.

In 2015, the Environmental Protection Agency published its fifth National Air Toxics Assessment, which found that the five census tracts with the highest estimated cancer risk nationally were in Louisiana in the area surrounding Denka Performance Elastomer, a neoprene manufacturing facility in St. John the Baptist Parish. Residents in the this area face an elevated risk of cancer because of the plant's chloroprene emissions, according to the federal agency. The federal study looked at air emissions in the area and their potential to cause cancer, rather than reports of actual cancer cases.



Environmental group seeks to intervene in lawsuit over Taylor Energy spill

More than 3,500 people have filed suit against Denka in an effort to decrease the plant's chloroprene emissions and for compensation for health problems they say are a result of emissions. Those who live in the area can see the elevated rate of cancer for themselves, said Robert Taylor, the founder of Concerned Citizens of St. John and a

“We can see. The people who are in the community, we can see,” he said. “We know our neighborhood and we know the closer you are to that plant the higher your chances of getting cancer are.”

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Cornerstone sues Jefferson Parish after its cyanide plant permit is pulled

But the Louisiana Tumor Registry found that the census tract where Denka is located did not have a significantly higher rate of cancer than the state overall for all cancers combined from 2005 to 2015, according to a news release about the new report. A spokesman for Denka Performance Elastomer said that this is not the first report to show that there is no evidence of elevated risk of cancer in the area around the plant.

“The Louisiana Tumor Registry’s March 2019 report on cancer incidence by census tract confirms what has been reported in historical data," Jim Harris, a spokesman for Denka Performance Elastomer, wrote in an email. “There is no widespread increase in cancer in St. John the Baptist Parish, near the Denka Performance Elastomer Neoprene facility or otherwise.”

The Denka Performance Elastomer has installed over $35 million worth of equipment designed to reduce its emissions in 2016 and 2017. “Since then, the company has seer dramatic reductions in both its emissions and ambient air concentrations of chemicals

Last year's report used cancer incidence data from a two-year shorter period, from 2006 to 2014.

LSU Health Sciences Center spokeswoman Leslie Capo said that both reports are accurate. But with two additional diagnosis years, the new report "yields a larger amount of data, which increases statistical power."

Scientists release video of deep-sea bugs gorging on gator

An expert who was not involved with the report said the researchers were thorough in their efforts to ensure a complete case population, geocode the residences and calculate cancer incidence rates in small geographic areas. Jaymie Meliker, PhD, has expertise in exposure science, environmental epidemiology and health geography. He is a professor with the Program in Public Health Department of Family, Population and Preventive Medicine at Stony Brook University.

Meliker reviewed the Louisiana Tumor Registry report for NOLA.com | The Times-Picayune and said the reason for the different results is that there was a lower average cancer rate in the census tract where Denka is located in 2005 and 2015, the two years added to the new report. At the same time, the overall rate of cancer in the state slightly increased.

"The goal of this work is to find strong signals of areas that consistently have elevated

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slightly elevated in this census tract, and the elevated rates were actually not as elevated as in many other census tracts in Louisiana."

How a Facebook group stopped a cyanide plant

Still, Meliker pointed out there is potential for errors in the data because the incidents are tracked by where they lived at the time when they were diagnosed. Many types of cancer have long latency, he said. Therefore, it would be better to track locations many years prior to diagnosis. "If past residences were taken into consideration then perhaps the patterns they identify could be markedly different." he wrote in an email. "But of course those data are difficult to come by."

There are also areas without chemical plants or refineries that have a statistically higher cancer incidence rate, like the Central Business District in New Orleans. The CBD is the census tract with the highest cancer rate in the state, according to the most recent report. From 2005 to 2015, the cancer rate there was 782 per 100,000 residents. That's compared to the state average of 489.1 cases per 100,000 residents.

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Court tosses challenge to Obama rule

Pamela King, E&E News reporter
Published: Wednesday, April 10, 2019

A federal appeals court has closed out an industry lawsuit against an Obama-era rule on emissions from oil and gas. Roy Luck/Flickr

A federal appellate court yesterday closed out an industry lawsuit against the Obama administration's original rule for emissions from oil and gas development on public lands.

President Trump's Bureau of Land Management last year finalized a revised regulation, which gutted the Obama-era standards.

"Any decision we might issue in these interlocutory appeals would have no real-world effect because the rules the district court enjoined have been replaced," a panel of judges for the 10th U.S. Circuit Court of Appeals wrote in their **order**.

The Western Energy Alliance, the Independent Petroleum Association of America and a group of energy-producing states filed their original challenge in 2016 in the U.S. District Court for the District of Wyoming.

After BLM issued its proposed revision rule, the district court blocked parts of the Obama rule.

California, New Mexico and a long list of environmental groups appealed the case to the 10th Circuit, which declined to lift the district court's stay. The appellate court continued to consider arguments while the Trump administration prepared its final requirements.

The states are also at the forefront of a separate lawsuit targeting Trump's revision rule (***Energywire***, Sept. 19, 2018).

HFD: Cleanup of overturned tanker truck in Heights could take hours

Danny Hermosillo **Updated 2:43 pm CDT, Tuesday, April 9, 2019**

IMAGE 1 OF 4

Members of the Houston Hazardous Materials Response team try to contain a spill from a big rig that flipped over on its side, at 6th and Rutland, in the Hieghts, Tuesday, April 9, 2019, in Houston. The wreck ... more

UPDATE:

The Houston Fire Department reports its HazMat team is in the process of off-loading the product from the overturned tanker trunk at W. 6th St. and Rutland in the Heights.

"The scene should be cleared in a few hours. There has been no release of any substance," HFD tweeted.

It added that approximately 30 residents were evacuated and will be able to return once the scene is cleared.

ORIGINAL STORY:

Several homes in the Heights were evacuated early Tuesday after a tanker truck overturned.

The accident occurred just before 6 a.m. at W. 6th street near Rutland.

The Houston Fire Department dispatched hazardous material units to the scene. An HFD spokesperson reports that residents from nearby homes were evacuated to 7th street for the cleanup.

ABC 13 Houston reported that the truck was reportedly leaking its contents.

KHOU 11 News Houston quoted the EPA as saying the bulk of the liquid was removed from the tank, and the cleanup was in its final stages.

pill, or given details on the truck's content.

This ad will end in 3

Global warming shrinking glaciers faster than thought, study finds

Posted Apr 9, 10:11 AM

AP

In this Feb. 7, 2016, file photo, tourists walk past waterfalls at the Franz Josef Glacier in New Zealand. The Fox and Franz Josef glaciers have been melting at such a rapid rate that it has become too dangerous for tourists to hike onto them from the valley floor, ending a

tradition that dates back a century. (AP Photo/Nick Perry)

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By The Associated Press

WASHINGTON — Earth's glaciers are melting much faster than scientists thought. A new study shows they are losing 369 billion tons of snow and ice each year, more than half of that in North America.

The most comprehensive measurement of glaciers worldwide found that thousands of inland masses of snow compressed into ice are shrinking 18 percent faster than an international panel of scientists calculated in 2013.

The world’s glaciers are shrinking five times faster now than they were in the 1960s. Their melt is accelerating due to global warming, and adding more water to already rising seas, the study found.

"Over 30 years suddenly almost all regions started losing mass at the same time," said lead author Michael Zemp, director of the World Glacier Monitoring Service at the University of Zurich. "That's clearly climate change if you look at the global picture."

The glaciers shrinking fastest are in central Europe, the Caucasus region, western Canada, the U.S. Lower 48 states, New Zealand and near the tropics. Glaciers in these places on average are losing more than 1 percent of their mass each year, according to a study in Monday’s journal Nature.

"In these regions, at the current glacier loss rate, the glaciers will not survive the century," Zemp said.

Zemp's team used ground and satellite measurements to look at 19,000 glaciers, far more than previous studies. They determined that southwestern Asia is the only region of 19 where glaciers are not shrinking, which Zemp said is due to local climate conditions.

Since 1961, the world has lost 10.6 trillion tons of ice and snow (9.6 trillion metric tons), the study found. That's enough to cover the lower 48 U.S. states in about 4 feet of ice.

Scientists have known for a long time that global warming caused by human activities like burning coal, gasoline and diesel for electricity and transportation is making Earth lose its ice. They have been especially concerned with the large ice sheets covering Greenland and Antarctica.

This study “is telling us there’s much more to the story,” said Mark Serreze, director of the National Snow and Ice Data Center in Boulder, Colorado, who wasn’t part of the study. “The influence of glaciers on sea level is bigger than we thought.”

A number of factors are making sea levels rise. The biggest cause is that oceans are getting warmer, which makes water expand. The new figures show glacier melt is a bigger

contributor than thought, responsible for about 25% to 30% of the yearly rise in oceans, Zemp said.

Rising seas threaten coastal cities around the world and put more people at risk of flooding during storms.

Glaciers grow in winter and shrink in summer, but as the Earth has warmed, they are growing less and shrinking more. Zemp said warmer summer temperatures are the main reason glaciers are shrinking faster.

While people think of glaciers as polar issues, shrinking mountain glaciers closer to the equator can cause serious problems for people who depend on them, said Twila Moon, a snow and ice data center scientist who also wasn't part of the study. She said people in the Andes, for example, rely on the glaciers for drinking and irrigation water each summer.

A separate study Monday in Environmental Research Letters confirmed faster melting and other changes in the

Arctic. It found that in winter, the Arctic is warming 2.8 times faster than the rest of the Northern Hemisphere. Overall, the region is getting more humid, cloudier and wetter.

“It’s on steroids, it’s hyperactive,” said lead author Jason Box, a scientist for the Danish Meteorological Institute.

By SETH BORENSTEIN, AP Science Writer