



Fw: Early Morning Clips
Valencia Johnson to: Elias Rodriguez

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----- Forwarded by Valencia Johnson/R2/USEPA/US on 04/28/2011 12:20 PM -----

From: Elias Rodriguez/R2/USEPA/US
To: rodriguez.elias@epa.gov
Cc: R2 News Clips Subscribers
Date: 04/27/2011 09:18 AM
Subject: Early Morning Clips

El Nuevo Dia (Google assisted Translation)
26 Abril 2011
Army Corps Surprised with EPA decision
ACOE (calls) EPA's support of the pipeline premature

"Very surprised."

So said the U.S. Army Corps of Engineers (ACOE) with conditional endorsement given by the federal Environmental Protection Agency (EPA) to the pipeline.

In what would be the first clash between two federal agencies regarding the project, the head of the Division of Regulation of ACOE in Jacksonville, Florida, Donald W. Kinard, wrote to the director of the EPA in Puerto Rico and the Caribbean, Carl Soderberg, indicating that that endorsement is premature.

"We were very surprised with the conclusions made by the agency and believe that much of the information on this project is yet to come," reads the terse three-paragraph letter signed by Kinard on 13 April.

The EPA made its support for the Autoridad de Energía Eléctrica (AEE) to submit and approve a mitigation plan to address environmental impacts to wetlands, as well as a detailed explanation of the easement project, and to guarantee the presence of an independent professional and qualified for the directional bore work.

The EPA also suggested that the ACOE complete its evaluation process by asking the AEE a federal environmental impact statement (EIS) or a determination of no significant impact (FONSI), to consider mitigating conditions under the federal Clean Water Section 404 (b) (1).

"It appears that the EPA received privileged information from the AEE. I am concerned that the Corps did not participate in any exchange of information and / or meeting that took place between the applicant and their agency, and that the Corps has the primary authority on pipeline permit application," said Kinard.

"The applicant has not provided all information required to adequately address the analysis of alternatives, prevent and minimize (impacts), compensatory mitigation, the public interest, endangered species, historic sites and impacts to other projects federal,

"the official added.

Yesterday, Soderberg, although muted in his expressions, confirmed it had received the letter and, in response, requested a meeting with the ACOE to let them have "all information" that was provided by AEE to EPA.

"We reiterate our conditional endorsement on the project," he said.

Meanwhile, AEE's external consultant, Daniel Pagan, said the public corporation has sent to the ACOE copy of all information which has also received the EPA.

"This is routine, not a blow to the project. When there is doubt among agencies, we exchange correspondence for clarification," said the manager of the pipeline, Francisco López.

Carl Soderberg said the EPA participated in a videoconference that AEE meeting held in the U.S. on the pipeline. (File / Ramon "Tonite" Zayas) By Gerardo E. Alvarado León / galvarado@elnuevodia.com

El Nuevo Dia (Google assisted Translation)
26 Abril 2011

**Fortuño does not respond to a dispute between federal agencies
Affirms that all information on the pipeline was delivered to the authorities**

By Daniel Rivera Vargas / drivera2@elnuevodia.com

Governor Luis Fortuño said today that it has supplied all relevant information to federal authorities about the pipeline project and characterized the dispute between the EPA and the Corps of Engineers as "jurisdictional."

Asked by reporters Fortuño rejected the idea that he must give an instruction for the release of information about the pipeline to the agencies concerned.

"No such instruction needs to be given (because) that instruction has been given (for) all the information that has been requested (we) have been delivering," said the Governor.

A letter from the director of the Corps of Engineers released yesterday suggests that the director of the EPA on the island, Carl Soderberg, might have privileged information and that for that reason he given conditional support to the Via Verde pipeline.

Fortuño would not discuss the difference between the agencies.

"I will not go into that because that is an 'issue' federal jurisdiction. That is a jurisdictional issue between two federal agencies, we have no jurisdiction," said the executive official.

The president made the remarks during a press conference to give details about the "Puerto Rico Verde, a group of initiatives of this administration to generate energy savings.

El Nuevo Dia (Google assisted Translation)
26 Abril 2011

In the hands of Gutierrez pipeline records Corps of Engineers turned over hundreds of pages to Boricua Congressman

By Joseph A. Delgado / jdelgado@elnuevodia.com

Washington – Boricua U.S. Rep. Luis Gutierrez received at the hands of the Corps of Engineers U.S. Army a first archive with hundreds of pages of documents relating to controversial pipeline project.

The documentation came a few days at the office of Gutierrez, Democrat of Illinois, including petitions made to the Corps of Engineers for and against the initiative promoted by the government of Luis Fortuño.

Gutierrez - after a message that offered on the floor of the House of Representatives of the United States against the pipeline - had asked the Corps of Engineers and other agencies all information related to the pipeline that had in its files.

Beyond the official documents - which have previously been made public - Gutierrez now has in hand testimony from citizens and organizations that have raised their voice to try to stop the main power project of the current administration of government in Puerto Rico.

In a letter from Adjuntas, Norma Rivera, writes as "wife, mother and grandmother" who "cares about the health and safety of my family living in this town."

"I oppose the pipeline, or poorly known as Greenway, that really has nothing. I do not want my family, including my mom of 99 years, to live in insecurity that some accident will happen because of that death pipe," Rivera said in his letter.

Delia Gonzalez, in another letter of his own handwriting dated December 19, 2010, only wrote one paragraph: "I, Mrs. Delia Gonzalez, acknowledge this letter by my opposition to the pipeline project, to understand (that) is very dangerous to the various Puerto Rican communities. "

"I want to ask the Army Corps of Engineers to hold public hearings on this issue," said Roxanna Vasquez, a resident of San Juan, one of the many letters from citizens who were sent through the Sierra Club and the federal agency gave them Gutierrez.

"It has affected the security and peace of the residents with threats of displacement and have not yet placed a piece of pipe," he says, in another letter, Ricardo Laureano, Vegabajeño Group Promoting Sustainable Environmental Development (VIDA).

Another of the letters sent to the Corps of Engineers is Fernando Lloveras San Miguel, executive director of the Conservation Trust of Puerto Rico, who drew attention to the potential environmental damage to the natural reserve of Hacienda La Esperanza, in Manati.

Lloveras San Miguel, in a letter dated December 17, 2010, told the Corps that the pipeline project should not only be redirected, not to affect the area of the Hacienda La Esperanza, but must be evaluated "under the highest standards "due to" high risk "to human life posed by natural gas pipelines.

For the chemical engineer Ernie Xavier Perez Almodovar, a doctoral student at the University of Virginia, "a project as big as this should bring to the table are all experts from government, scientific community or the general population can make an informed decision, so it's time for the Government to defend their points to the scientific community and the population in a real debate and facing an independent and prestigious as it is our Corps. "

"I as a chemical engineer with expertise and finishing my Ph.D. I am surprised to see how we want to move from dependence on oil to reliance on natural gas, another fossil fuel which although less expensive at the moment there is no guarantee of the increase in the coming years "Perez said Almodovar, in his letter of Dec. 2.

The information provided by the Corps includes the original plan of the AEE on the pipeline and preliminary assessments of federal agencies that have raised questions about the project.

The documents he reached Gutierrez in a compact disc, as a first installment of the Corps of Engineers, said Enrique Fernández Toledo, congressional aides.

Gutierrez, who will fly on Sunday morning from Los Angeles to attend the rally to be held in Adjuntas against the pipeline, has also requested information from the federal Environmental Protection Agency (EPA) and the Fish and Wild Life- Department of Interior United States.

Army Corps, EPA spar over Via Verde

04/26/2011

Caribbean Business Online

The U.S. Army Corps of Engineers is questioning the federal Environmental Protection Agency (EPA) provisional endorsement of the Puerto Rico Electric Power Authority (Prepa) Vía Verde natural-gas pipeline project.

The Army Corps has informed the EPA that it is not in agreement with the latter's decision to grant conditional endorsement of the 91-mile natural-gas pipeline, citing a lack of documentation for the Prepa project.

The EPA sent the Army Corps word on April 1 saying it would grant conditional endorsement of the project after closely reviewing additional information provided by Prepa and after several meetings with officials of the public corporation.

Donald W. Kinard, chief of the Regulatory Division of the U.S. Army Corps of Engineers Jacksonville District, fired off a critical response to EPA Caribbean region director Carl Axel Soderberg.

We are extremely surprised with your agency's conclusions taking into consideration

how much information has yet to be submitted on this project, Kinard wrote in a letter to Soderberg dated April 13. We take exception to the content of the April 1 letter, the analysis it contains and its conclusions.

Kinard questioned whether the EPA had access to privileged information that has not been shared with the Army Corps, which has chief jurisdiction and the final say over whether such projects can be built.

Kinard said it is very premature to make a determination on whether Via Verde complies with the National Environmental Policy Act and other processes.

It is also too early to imply that the project could be approved, Kinard wrote.

Kinard's letter is dated a day before U.S. Rep. Luis Gutiérrez took to the floor of the U.S. House of Representatives blasting the Via Verde project. The Chicago Democrat ripped the Fortuño administration and called on the Army Corps to block the pipeline project pending a full review of all information.

In a radio interview, Soderberg reiterated the EPA's provisional endorsement Tuesday.

Prepa consultant Daniel Pagán Rosa, who is heading the project, said Kinard did not send a copy of the letter to the public utility.

Pagán anticipated that the EPA and the Army Corps would meet to try to iron out differences. He said Prepa has provided information to all agencies and notified them of any meetings.

Our only comment regarding the letter is that all of the information we have given to the EPA has been given to the Army Corps as per that agency's instructions, Pagán said.

He said the most recent meeting between Prepa representatives and federal agencies including the Army Corps was on March 2. All data was delivered during that meeting, he said.

In its April 1 communication with the Army Corps, the EPA conditioned its approval of the project on the submission of an environmental-mitigation plan to address the temporary and permanent impact of the project on wetlands, a detailed explanation of the project's easements, and the presence of a qualified, independent professional during work involving the use of directional drilling technology.

The EPA suggested that the Army Corps, as part of its evaluation process with respect to Via Verde, could develop an environmental evaluation, together with a finding of no significant impact (FONSI), which would consider the conditions of mitigation, as required by the federal Clean Water Act, Section 404 (b)(1).

The EPA said that Prepa responded satisfactorily to most of EPA's original concerns regarding Via Verde.

Prepa has won approval for Via Verde from local regulatory agencies including the Planning Board and the Environmental Quality Board, but is still working to get the

go-ahead from the Army Corps to start construction.

Vía Verde is the cornerstone of the Prepas strategy to decrease the islands oil dependence to 12 percent of power generation by 2012, while boosting natural gas usage to 71 percent from its current 15 percent. Renewable sources would be boosted to 10 percent and coal lowered to 7 percent by 2014 under the plan.

Opponents express concerns over safety and environmental issues, but supporters say the risks posed by the pipeline were far lower than those posed by the necessity of shipping imported oil here to fuel existing oil-fired plants. Critics also say investment should go toward renewable energy, rather than a cheaper fossil fuel.

High electricity prices put the pinch on local consumers and drive up business costs, hurting the islands competitiveness in landing investment.

Prepa and Fortuño administration officials say the Vía Verde project will save \$1 billion in annual energy costs and cut pollution from island power plants by 64 percent when it is fully operational.

The Vía Verde pipeline would run from Peñuelas to Arecibo, and then to San Juan. The 91-mile-long pipeline would run four feet underground along PR-10 from Ponce to Arecibo, and along PR-22 from Arecibo to San Juan, where it would be sunk some 60-feet underground. It is expected to create between 4,000 and 5,000 jobs during its construction phase.

The project also includes the conversion of several Prepa oil-fired plants to natural gas.

Officials say conversion of oil-fired plants to natural gas is the quickest way to make electricity more affordable.

Prepa and the Fortuño administration have consistently defended Vía Verde as the best short-term solution to the islands energy issues, while still pushing ahead on the alternative energy front.

Currently, the island produces about 70 percent of its power from imported oil, with the rest split evenly between natural gas and coal.

Law clinics find fault with Vía Verde

04/26/2011

Caribbean Business Online

The environmental law faculties at three law schools are urging the U.S. Army Corps of Engineers to block the Vía Verde natural gas pipeline project.

The environmental law clinics at Inter Americana University, the University of Puerto Rico and the University of Vermont conducted a study that determined the proposed pipeline does not meet federal guidelines.

The Puerto Rico Electric Power Authority (Prepa) has won approval for Vía Verde from local regulatory agencies including the Planning Board and the Environmental Quality

Board. The public utility has gotten the nod from the federal Environmental Protection Agency and is still working to get the go-ahead from the Army Corps of Engineers to start construction.

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Governor: 3,000 families benefit from \$64 million energy-efficiency program

04/26/2011

Caribbean Business Online

Gov. Luis Fortuño said Tuesday that thanks to an investment of \$64 million, 3,000 Puerto Rican families have benefited from the installation of new equipment classified as energy efficient.

Fortuño said the families whose homes have been fitted with the equipment are starting to enjoy savings on their electricity bills.

The governor, while taking part in Making Puerto Rico Green, a fair sponsored by the Energy Affairs Administration (AAE by its Spanish acronym) that gathered environmental agencies, said the investment is part of one of most important energy-efficiency programs in the U.S. and the island.

He highlighted the success of the Home Weatherization Program (WAP), through which the 3,000 families are reducing their energy consumption and electricity costs.

Fortuño said this achievement motivates his administration to realize the goal of 10,000 energy-efficient homes throughout the island by March 2012.

The governor reiterated his administrations accomplishments in the process of achieving a green Puerto Rico.

For his part, AEE Executive Director Luis Bernal, whose agency administers the WAP program in conjunction with the Infrastructure Finance Authority, said the programs results demonstrate the value of policies that promote efficiency in the use of energy, while positively impacting the lives of citizens.

Evidence shows families participating in this program have reduced their energy consumption by nearly 40 percent, which represents up to \$50 in savings per month, Bernal said.

Wall Street Journal
APRIL 27, 2011
Shale Drilling Faces Crackdown
By RYAN TRACY

The Environmental Protection Agency will more closely regulate the use of diesel fuel in a drilling process used to recover natural gas, Administrator Lisa Jackson said Tuesday.

The EPA until recently hasn't moved to regulate hydraulic fracturing, a process that involves injecting various types of drilling fluids into wells to free oil and natural gas trapped in shale formations deep underground.

Instead, the EPA relied on state regulators, in part because Congress in 2005 exempted hydraulic fracturing from regulation under the federal Safe Drinking Water Act.

But the EPA still has authority to regulate the injection of diesel fuel into underground wells. In January, House Democrats released the results of an inquiry that found companies had used 32 million gallons of fracturing fluids containing diesel fuel from 2005 to 2009. The inquiry found that the companies had not sought and the EPA had not issued permits to use diesel, an apparent violation of the Safe Drinking Water Act.

House Democrats also issued a report earlier this month showing that between 2005 and 2009, 29 known or possible carcinogens were present in fracturing fluids used by oil and gas service companies. The report was based on data provided by 14 companies.

Ms. Jackson said Tuesday the agency was consulting with the oil and gas industry,

states and other federal agencies as it considers guidance for companies who seek permits for injecting fracturing fluids underground.

"In general, we would prefer to allow the states to be the first level of response," Ms. Jackson said. But she also said the agency was looking "to find those places where EPA needs to provide, if not guidance, some direction as far as injection of fracking fluids. The place where we do have a gap right now is on diesel injection."

Some oil and gas companies say they no longer use diesel in fracturing fluid, which is made up largely of water and sand. Industry groups also have sued the EPA to stop it from moving forward with the permitting guidelines, saying that the agency has not gone through a proper rulemaking process to develop them.

"We recognize they have the authority under the law to regulate the use of diesel fuel in the hydraulic fracturing process," said Lee Fuller, vice president of government relations for the Independent Petroleum Association of America, one of the plaintiffs in the suit. "Our challenge is principally that they didn't develop the regulations under the federal administrative procedures law."

[View Full Image / Associated Press/](#) Workers move a section of casing into place at a natural-gas well near Burlington, Pa., earlier this month.

Public schools get creative too

04/27/2011

Home News Tribune

Every school in the East Brunswick school district now has a small worm composter in its science lab as well as a larger outdoor composter to help students learn about waste management and environmental issues.

The learning tools were recently made available through the cooperation of the school district, the Friends of the East Brunswick Environmental Commission and the Middlesex County Division of Solid Waste Management.

That's not going to generate much excitement beyond those science labs or even in them, at least for many students. But this is the kind of quiet, collaborative educational effort that deserves to be applauded, because it is an example of the kinds of day-to-day innovations taking place in our public school system all the time, yet going largely unnoticed.

They deserve more attention, especially these days as we hear so often of the failings of public schools. Proponents of charter-school alternatives often promote the opportunity they provide different, innovative learning methods. They're right, to a point. But public schools also offer innovations that are, in fact, simply a part of their everyday operations. The difference is, the traditional public schools are rarely praised for their routine, creative approaches to hands-on education because they are considered a part of what they're supposed to be doing.

Consider, for instance, that some charter schools tout an emphasis on a particular foreign language as one of their core innovations. That may be important to certain

students and families. But it shouldn't overshadow the fact that public schools have been providing early childhood foreign language instruction for years.

Some charter schools also trumpet their system of having students and their parents direct their curriculum. That's admirable, but traditional public schools can rightly argue that they've been producing similar effects for years through tracking systems, honors courses and seminar options.

And then there are the charter schools that claim innovation through teaching students ecological sustainability and putting an emphasis on strong science instruction and related extracurricular activities. Sounds like one of the instructional activities to be found at those schools would be much like what is going on in East Brunswick now through the use of composters.

That all strikes us as creative and different characteristics that are supposed to distinguish charter schools from their more traditional colleagues. That's no knock on the charters, which, in the right places and with the right leadership, can offer desperately needed quality choices for students otherwise stuck in deficient educational environments.

But let's not lose sight of the innovations that are constantly helping to shape and reshape educational methods in our traditional public school systems as well. Charter schools benefit from being less restricted by state mandates. But that doesn't mean they've cornered the market on creativity.

Pa. governor tells gas drillers he opposes 'forced pooling'

04/27/2011

Star-Gazette

PITTSBURGH -- Gov. Tom Corbett told a crowd from the region's booming natural gas industry Tuesday that Pennsylvania needs its help to climb out of the recession, but he also warned that he would aggressively enforce environmental laws and that he opposes a controversial change in law sought by drilling companies.

"Forced pooling" is tantamount to private eminent domain, and he doesn't agree with it, Corbett told the seminar crowd in suburban Pittsburgh, which is fast becoming a hub for multinational energy companies exploring the Marcellus and Utica shales beneath Pennsylvania, Ohio and West Virginia.

"I'm sure there's many here, many here that would like to see" forced pooling for Marcellus Shale gas, he said. And then he told what he called "maybe a dirty little secret" about companies that say they would be willing to pay a severance tax that is the subject of much debate in the state Legislature.

"They never add the caveat that I know that many of the companies that have gone to Harrisburg have said, 'Yeah, we'll take the tax if we get certain things in regulation, including the forced pooling,'" Corbett said.

Forced pooling is on the books in some other states and can be used to force holdout landowners to lease their below-ground gas rights under certain conditions.

The issue, at the top of the industry's wish list since at least last year, has gained little traction in the Legislature. Companies say it would help limit the number of roads and wells built to extract gas.

Corbett also opposes a severance tax on gas extracted from the Marcellus Shale, the nation's largest-known gas reservoir.

On Tuesday, he reiterated his stance against it, and tried to underscore the urgency of competing for the industry's money and equipment. The Marcellus Shale beneath Pennsylvania is one of six natural gas deposits vying to offer the best return on investment for energy companies, he said.

"I need, we need, Pennsylvania needs the jobs today to get out of this recession," he said.

Pennsylvania is the nation's largest natural-gas producing state that does not tax the activity.

Corbett, who said the media would call Tuesday's crowd of several hundred a "friendly audience," accepted nearly \$1 million in donations to his gubernatorial campaign from people in the natural gas industry.

However, he closed his 35-minute speech by promising to vigorously enforce environmental laws and saying he will use his power to grant drilling permits to punish companies, if necessary.

"I know how to get the attention of your CEOs, whether they be here in Pennsylvania or in Oklahoma or in Texas or in Louisiana, and that's through the permit," Corbett said.

He spoke a week after he asked natural gas drillers to stop one of their most troubling environmental practices: taking polluted wastewater from gas wells to riverside treatment plants that aren't equipped to remove all the contaminants.

The daylong seminar -- one of many energy-related conferences sprouting in Pittsburgh recently -- was sponsored by law and lobbying firm K&L Gates.

The audience heard numerous warnings about losing the public relations battle over the industry's environmental record and the possibility of stronger regulations, both on the federal level and in states from Texas to West Virginia.

Drawing gas from shale deep underground is being touted by the industry as a major new source of cheap, homegrown energy, thanks to the recent combination high-volume hydraulic fracturing and the new technique of horizontal drilling. Nearly 3,000 wells have been drilled in Pennsylvania's Marcellus Shale.

However, hydraulic fracturing, or fracking, has sparked concern from some environmental groups and public officials, particularly as people in drilling communities in Texas, Pennsylvania and elsewhere come forward with tales of contaminated air and well water. It also has drawn scrutiny from the U.S. Environmental Protection Agency.

In New York, state leaders have stalled high-volume hydraulic fracturing in the Marcellus Shale while regulators decide how best to regulate it.

Pennsylvania's top energy utility regulator told the crowd earlier that he is enthusiastic about the potential of Marcellus Shale exploration, and suggested that critics of the industry's environmental record and practices don't understand them.

"Do you think it's in the corporate ethos of a company, of a shale producer to say, 'I'm coming to Pennsylvania to pollute your environment'? They wouldn't be in business," Public Utility Commission Chairman Robert Powelson said.

In Ohio, Gov. John Kasich views shale exploration, which is just getting under way, as a potential lifeline for the state's struggling economy.

Scott Nally, director of the Ohio Environmental Protection Agency, told the conference that a major element of his work since taking the job in January has been trying to counter negative press about the industry.

"Unfortunately, some of my sister states were getting hammered in the press, so you had a lot of the momentum of disinformation out there," Nally said. "We're trying to get ahead of the curve."

Cleanup at contaminated Friedrichsohn Cooperage site underway (225)

04/26/2011

Record, The

Former site of Friedrichsohn Cooperage on Saratoga Avenue Monday, April 25, 2011 in Waterford. Photo by (J.S. Carras/The Record)

By Danielle Sanzone

The Record

Former site of Friedrichsohn Cooperage on Saratoga Avenue Monday, April 25, 2011 in Waterford. Photo by (J.S. Carras/The Record)

WATERFORD — A contentious and concerning issue in the town for well over a decade, the contaminant cleanup of the old Friedrichsohn Cooperage is underway.

The state's Department of Environmental Conservation approved a mitigation decision for the half-acre site along Saratoga Avenue which has been found to have unhealthy levels of 15 chemicals in the sediment, not including toxins like PCBs in the groundwater, and arsenic and lead in the subsurface soil.

The property was once a barrel-making facility and a business that stored drums of chemicals. The Friedrichsohn Cooperage, according to the DEC, operated from 1817 to 1991. It is said to be where Sam Wilson, or Uncle Sam, obtained some of his famous barrels.

After considering five options, the DEC has decided to excavate the contaminated sediments in the canal and source area onsite. The \$7.3 million in work is expected to begin this coming winter but that depends on when a design for the project is made and when funding is established, said Project Manager Daniel Eaton.

Town Board member Laurie Marble has lived at 152 Saratoga Ave., across the street from the current fenced-off site, for some 26 years. The property where she resides was once used to store the toxin-carrying barrels and she believes that is at least part of the reason for some health issues she and her neighbors have faced. Marble had three surgeries to remove tumors, both of her neighbors have died from cancer, and she believes the untimely death of her dog recently might have been connected with the animal using the possibly contaminated lawn.

Inspection and examination of the cooperage in 1994 found thousands of metal drums, some leaking, and the buildings themselves unstable and in poor condition, states the 50-page record of decision signed March 31. The DEC asked the federal Environmental Protection Agency to proceed with emergency removal action that same year and it lasted until 1996. This included the off-site disposal of 322.5 tons of contaminated sludge and soil, 9,000 gallons of liquid waste, and 3,767 drums.

"I am glad the state is dealing with this and providing a comprehensive, long-term solution," said Supervisor Jack Lawler. "It is important that the property be restored to an uncontaminated state due to proximity to the canal system and the Hudson River."

There was also some cleanup in the 1980s and the DEC built wells to follow up on the work in 2000. There was an eight-year delay since officials thought the majority of the toxins had been removed but this was not the case.

Some Potentially Responsible Parties have contacted the DEC to negotiate doing the work, Eaton added but would not give the companies' names. Some of the PRPs listed for the site were General Electric, Agway, Mohawk Paper Mills, Schenectady International, and the estate of Mary Sausville, who was listed as the owner at the close of the cooperage. About a dozen PRP companies reimbursed the EPA for costs from 1994 to 1996.

Other options for remediation included the restoration to pre-disposal or unrestricted conditions at a \$14 million cost, or capping contamination on the site and the canal for \$1.3 million. The DEC took cost, land use, community acceptance, and protection of human health and environment in mind when making the decision. Continued...

The document, available online at the dec.ny.gov site or at the town hall, followed the research and findings of the site since the DEC starting testing the property in the spring of 2008. This included geophysical survey to determine the lateral extent of the wastes, test pits, soil borings, monitoring well installations, and a myriad of samplings. All in all, testing was conducted for the air, groundwater, surface water, soil, sediment, soil vapor, and some neighbor's indoor air.

Contaminant findings were of PCBs, phenol, barium, and vinyl chloride, a highly toxic chemical known to cause cancer.

In December 2008, the site adjacent to the old Champlain Canal was listed as a Class 2 on the state's Registry of Inactive Hazardous Waste Disposal sites. Out of five classes, a Class 2 is the second highest. Officials have said the state has never dealt with a Class 1.

The DEC said testing was recently done at Marble's property and it has not yet been determined if more testing is needed. The Northeast Health Center across the street, on a property where barrels were also stored, was found to have high levels of contaminants in the soil vapor. The business is currently using a machine to blow out the tainted vapor to above building level.

Marble said she was concerned with the toxins possibly going airborne during the remediation, especially since she now is a main caregiver for her 7-month-old grandson. But Eaton said the DEC will use a community air monitoring plan.

"I've been a wreck about this for two years," Marble said. She does not plan to open her windows during the entirety of the project which could last for two winter seasons.

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Gonzalez Heralds Victory on Waste Management Fight

04/26/2011

Brooklyn Daily Eagle, The

SUNSET PARK — As budget negotiator for Brooklyn, Councilwoman Sara González (D-Sunset Park/Red Hook) had serious concerns when she discovered that the mayor's budget called for a delay in construction of four marine transfer stations, including three in Manhattan, by pushing funding for the projects to fiscal year 2019.

The administration's proposal stood in direct contradiction to the landmark 2006 Solid Waste Management Plan (SWMP), which called for equitable distribution of these facilities.

"During the initial SWMP negotiations, I was told that Brooklyn — and my district in particular — needed to do its fair share to ensure our city could handle its waste into the future. Before considering the plan, I asked the administration to show me where the new transfer stations would be. Once I saw three stations in Mayor Michael Bloomberg's home borough, I agreed to support those planned for mine.

"Now, years after that plan was approved, the preliminary sanitation budget showed the administration had reneged on past commitments and unjustly laid the burden of managing the city's waste on less affluent outer-borough neighborhoods once again," the councilwoman said.

González joined the New York City Environmental Justice Alliance, urban planners and many of her colleagues to protest the administration's retreat from that agreement as evidenced in the preliminary budget.

The council was able to negotiate a significant reversal to proposed budget changes

relating to the SWMP. Funding will not be delayed, and the projects will move forward as planned.

Anti-fracking advocates drop off student petition

04/26/2011

Times Union

Gov. Andrew Cuomo is downstate, but when he returns to Albany he'll find a stack of petitions with the signatures of some 10,000 New Yorkers opposed to hydrofracking in the state (or elsewhere). That tally is according to New York Public Interest Research group, which on Tuesday brought a group of college students and advocates to the Capitol for the dropoff.

Their pitch hasn't changed since the state Department of Environmental Conservation rolled out the current phase of research on the Supplemental Generic Environmental Impact Statement that will guide the use of hydraulic fracturing in New York: Advocates argue that the DEC needs to broaden the scope of the SGEIS to look at all the potential effects of the technique, and take more time to make sure the new permit process is comprehensive.

NYPIRG's hydrofracking campaign organizer Brendan Woodruff said DEC's first pass at the draft permit was insufficient. "In their last attempt, they failed," he said.

Woodruff stopped short on the question of whether the technique would ever be safe enough to satisfy advocates. "I'll have to get back to you on that," he said.

Jim Smith, spokesman for the state Independent Oil & Gas Association, reiterated the industry's argument that hydrofracking is safe. "A lot of the things they're asking for are things the industry wants," he said, noting that accidents such as the recent release of fracking fluid in Pennsylvania wouldn't pose nearly as great a threat under the draft regs being crafted for New York.

Smith said the idea of a "cumulative impact" study for hydrofracking would treat the oil and gas industry differently from other operations. "You're not doing cumulative impact studies on how much trucking pollutes," he noted.

The NYPIRG advocates, many of them college students, began chanting "No fracking way!" as they strode from the LOB through the tunnel to the Capitol — a cheer briefly taken up by a class of middle-school students headed the other way.

Here's NYPIRG's news release:

College students and advocates with the New York Public Interest Research Group (NYPIRG) presented New York State Governor Andrew Cuomo with a petition signed by over 10,000 New Yorkers. The petitioners urge the Governor to protect drinking water in New York from the gas drilling method known as hydrofracking in the Marcellus Shale, a deep rock formation under the earth's surface stretching through West Virginia, Ohio, Pennsylvania and New York State, which has been an increasingly dangerous source of gas for the last several years.

New York State is poised to allow drilling for natural gas in the Marcellus Shale and other low-permeability gas reservoirs such as the Utica Shale formation using a drilling method known as hydrofracking. However, this drilling method is fraught with problems that the state did not address during its first draft environmental plan –the Supplemental Generic Environmental Impact Statement (SGEIS). Through Executive Order, the public is getting another chance to comment on the proposed drilling guidelines and this time, NYPIRG is urging the Governor to carefully consider all of the risks associated with this natural gas extraction method and not allow hydrofracking to be permitted in New York State unless and until it is proven to be safe.

"New York must not allow the same shoddy level of water quality protection that Pennsylvania has," said Brendan Woodruff, NYPIRG's hydrofracking campaign organizer. "The supposed drilling boom in Pennsylvania is looking more like a boondoggle and the students and citizens who signed these petitions call upon Governor Cuomo to ensure that lax regulations and limited enforcement are not permitted in New York."

NYPIRG urged Governor Cuomo to learn from the mistakes happening to our neighbors in Pennsylvania, which experienced yet another environmental disaster last week when a drilling well blew out during a hydrofracking operation sending thousands of gallons of chemical-laced water into nearby waterways. This comes on top of the recent scathing articles on hydrofracking in the New York Times; especially the one that revealed that Environmental Protection Agency documents showed the levels of radiation in drinking water due to drilling for natural gas in some places in PA were significantly higher than previously recognized.

According to Laura Haight, NYPIRG's Senior Environmental Associate, "The state has the opportunity to address inadequacies in the SGEIS and this time they must thoroughly assess the potential impacts hydrofracking can have on our environment and broaden the scope of the study to include additional concerns, especially how to handle all of the toxic wastewater that is generated from hydrofracking."

NYPIRG's petition also calls for the state's environmental review to allow the public sufficient time to review the revised plan. In addition, NYPIRG calls upon the plan to address the cumulative impacts of hydrofracking; to ensure that everyone's groundwater and surface water is protected so that New Yorkers do not meet the same fate as their neighbors in PA; to adequately address where the millions of gallons of water will come from, and to require that gas companies fully disclose all chemicals.

New York has a de facto moratorium on hydrofracking in place while the environmental review process is underway. NYPIRG calls upon Governor Cuomo to put good science ahead of profit.

The New York Public Interest Research Group (NYPIRG) is a statewide, nonpartisan, not-for-profit research and advocacy organization. College and university students elected from NYPIRG's 20 campus chapters direct NYPIRG. NYPIRG areas of concern include; government reform, environmental preservation, consumer protection, fiscal responsibility, health care and higher education issues.

Firm says gas well head replaced after Pa. spill

04/26/2011
Times Union

CANTON, Pa. (AP) — Workers replaced a damaged portion of a natural gas well Monday night that had spilled thousands of gallons of chemical-laced water into fields and a stream last week, the well's owner said, and officials said early tests show the spill had little effect on the environment but an investigation is continuing.

Also Monday, the U.S. Environmental Protection Agency announced that it has directed the well owner, Chesapeake Energy Corp., to give information by Tuesday about the discharge, including details on the fluids used in the drilling process, as well as the effects on water, land and air, and any soil sampling data collected in the area before and after the spill.

Such requests are a common fact-finding tool, an EPA spokesman told the Patriot-News of Harrisburg, but this is apparently the first time the agency has made them for the Marcellus Shale, the newspaper reported.

By May 9, federal officials said, they also want to know about the history of drilling at the site, any permits or standards that may have been violated, and whether the well generated any radiological compounds.

"We want a complete accounting of operations at the site to determine our next steps in this incident and to help prevent future releases of this kind," EPA Regional Administrator Shawn M. Garvin said in a statement.

State officials are leading the investigation into what caused Tuesday's equipment failure and the resulting two-day spill.

Chesapeake, which was drilling the Marcellus Shale well in Leroy Township, said in a statement that specialists replaced the damaged wellhead, thus bringing the well under control.

Brian Grove, senior director of corporate development for Chesapeake, told the Patriot-News that a full investigation would be done "to determine the root cause of the failure, evaluate best management practices and make any and all necessary corrections before returning to normal operations."

Results of tests on water samples taken by the state environmental protection department are expected this week, but an agency spokesman said last week that field checks found no cause for concern.

The Marcellus Shale formation lies primarily beneath Pennsylvania, New York, West Virginia and Ohio, with Pennsylvania as the center of activity. More than 2,000 wells were drilled in the state in the past three years and many thousands more are planned.

Drilling a Marcellus Shale well involves pumping millions of gallons of water and sand laced with chemicals down the well bore at high pressure to break up the dense shale rock more than a mile beneath the surface and release the gas trapped inside. The process is known as hydraulic fracturing. Some of that chemical-laced water returns to

the surface as a briny stew carrying sulfates, chlorides, metals and naturally occurring radioactivity that the wastewater picks up deep underground.

DEP spokesman Dan Spadoni said last week that the agency had taken water samples from Towanda Creek and a tributary to screen for chlorides, sulfates, arsenic, barium, iron, magnesium and strontium. The DEP also took samples from seven nearby private wells and from the Susquehanna River where Towanda Creek empties into it, about 16 miles from the wells, he said.

CWM handling of PCBs cited

04/25/2011

Buffalo News

The recent handling of PCBs at Chemical Waste Management was questioned by a concerned citizen at a Town Board meeting Monday night.

Amy H. Witryol presented board members manifest documents from December showing that CWM was taking hazardous-waste sediment -- containing polychlorinated biphenyls -- from General Electric's Hudson River cleanup.

Witryol, a former member of the CWM Citizen Advisory Committee, said CWM swore during hearings that it was not going to take the controversial waste from the Hudson.

"It's just a small amount of sediment, but it's troubling that CWM either didn't know it was taking the waste or lied and didn't tell us," Witryol said.

CWM does a very dangerous job, Witryol said, and she finds it troubling that something such as this would "slip through the cracks."

Witryol called the two December shipments, totaling 27 tons, "small" in the overall cleanup of 190,000 tons that have been shipped elsewhere.

Supervisor Steven L. Reiter directed Deputy Supervisor Gary W. Catlin, who heads the CWM Citizen Advisory Committee, to look into the matter.
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Sewage ban plan for sound

04/25/2011

Newsday

A proposal to ban boats from dumping sewage into Long Island Sound moved forward yesterday, as federal officials signaled their intent to approve a "no-discharge" zone requested by New York State last year.

The Environmental Protection Agency announced its tentative determination yesterday, saying that the action would reduce pollution from pathogens and chemicals in the sewage. The ban would require boats to dispose of effluent at special pump-out facilities

instead of discharging it into Long Island Sound. Such a ban is in place in some North Shore waters.

The EPA was charged with determining whether 68 pump-out stations were adequate to service an estimated 12,000 recreational boats and small commercial vessels that ply Sound waters, according to the federal register. Most facilities offer the service for free or charge \$5, it said.

The proposed zone encompasses about 760 square miles, including waters from Hell Gate Bridge in the western Sound to the northern bounds of Block Island Sound. The public comment period ends May 11.

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Troubled waters

04/25/2011

Newsday

Proposed cuts to the Nassau Police Marine Bureau would place a heavier burden on towns' largely unarmed bay constables, raising concerns about water safety as the summer boating season nears.

The bureau, which patrols 225 square miles of waterways along both shores 24 hours a day, seven days a week, is one of several special police units targeted for reduction in County Executive Edward Mangano's plan to eliminate a \$176-million budget deficit.

Redeploying those officers - as well as some in the K-9 squad, highway patrol, gang education unit and more - could save \$11.5 million in overtime and through attrition, Mangano said in a March letter to the Nassau Interim Finance Authority, the state watchdog that has taken over control of the county's finances.

But Nassau Police Benevolent Association president James Carver said the roughly 45-officer Marine Bureau is already spread thin. The three boats it once commanded off each shore during busy summer months are now typically two. Reducing that to one presents problems, he said, especially since only Hempstead allows bay constables to carry firearms.

"That would be putting public safety on the waterways into jeopardy," Carver said.

Bay constables and harbormasters (used by the cities of Glen Cove and Long Beach) are state-certified peace officers with arrest and citation power. They also aid in search and rescue, cleanups, and hunting and commercial fishing compliance.

A Marine Bureau redeployment "definitely would affect us," North Hempstead spokesman Collin Nash said. He cited the extra time it would take to transport a boating-while-intoxicated suspect to a police patrol car, rather than a nearby Nassau vessel, for processing.

"The bottom line is we're backup for" police, Nash said of the town's two full-time and five part-time constables.

Acting Nassau Police Commissioner Thomas Krumpter couldn't specify how many officers would return to patrol under Mangano's plan.

"We're very careful in any kind of reductions," he said. "And as with anything we do, it's our objective to provide the same level of service that the people in Nassau County expect."

In 2010, Nassau marine officers issued 604 tickets and answered 135 distress calls. They did not make any boating-while-intoxicated arrests.

In Oyster Bay, town bay constables issued about 300 tickets last year, and made two boating-while-intoxicated arrests.

Constables there and in Hempstead are unlikely to expand duties if the police presence is reduced.

"They would be hard-pressed to assume any additional duties," Hempstead spokeswoman Michele Sparaccio said of the town's eight full-time and eight part-time constables.

Oyster Bay, with two shores to patrol, has the most bay constables in Nassau, with about 25 full- and part-timers. Supervisor John Venditto has opposed arming them, and a town spokesman said last week the proposed Marine Bureau reductions haven't changed that.

But Nick DiBari, president of the New York State Harbormaster and Bay Constable Association, said that it's an issue of safety and credibility.

"If they look like a police officer, and are given the powers to do the job, I believe they should be armed," said DiBari, a Southampton bay constable.

He said Nassau's potential Marine Bureau cuts would mean "more of a workload and less manpower on the water."

The agencies that share jurisdiction in Long Island's waters, including the Coast Guard, Environmental Protection Agency and several volunteer groups, said they would continue to work together.

Larry Weiss, a boating safety advocate often on the waters off Oyster Bay, called the town constables "phenomenal" but acknowledged cuts to police marine officers would be felt.

"I see that police boat and I feel good. I feel safer," said Weiss, a Plainview resident active with the United States Power Squadrons, a boating safety nonprofit. "To see less of them would make me uncomfortable."

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Wall Street Journal

April 26, 2011

Culture of Complicity Tied to Stricken Nuclear Plant

By NORIMITSU ONISHI and KEN BELSON

TOKYO — Given the fierce insularity of Japan's nuclear industry, it was perhaps fitting that an outsider exposed the most serious safety cover-up in the history of Japanese nuclear power. It took place at Fukushima Daiichi, the plant that Japan has been struggling to get under control since last month's earthquake and tsunami.

In 2000, Kei Sugaoka, a Japanese-American nuclear inspector who had done work for General Electric at Daiichi, told Japan's main nuclear regulator about a cracked steam dryer that he believed was being concealed. If exposed, the revelations could have forced the operator, Tokyo Electric Power, to do what utilities least want to do: undertake costly repairs.

What happened next was an example, critics have since said, of the collusive ties that bind the nation's nuclear power companies, regulators and politicians.

Despite a new law shielding whistle-blowers, the regulator, the Nuclear and Industrial Safety Agency, divulged Mr. Sugaoka's identity to Tokyo Electric, effectively blackballing him from the industry. Instead of immediately deploying its own investigators to Daiichi, the agency instructed the company to inspect its own reactors. Regulators allowed the company to keep operating its reactors for the next two years even though, an investigation ultimately revealed, its executives had actually hidden other, far more serious problems, including cracks in the shrouds that cover reactor cores.

Investigators may take months or years to decide to what extent safety problems or weak regulation contributed to the disaster at Daiichi, the worst of its kind since Chernobyl. But as troubles at the plant and fears over radiation continue to rattle the nation, the Japanese are increasingly raising the possibility that a culture of complicity made the plant especially vulnerable to the natural disaster that struck the country on March 11.

Already, many Japanese and Western experts argue that inconsistent, nonexistent or unenforced regulations played a role in the accident — especially the low seawalls that failed to protect the plant against the tsunami and the decision to place backup diesel generators that power the reactors' cooling system at ground level, which made them highly susceptible to flooding.

A 10-year extension for the oldest of Daiichi's reactors suggests that the regulatory system was allowed to remain lax by politicians, bureaucrats and industry executives single-mindedly focused on expanding nuclear power. Regulators approved the extension beyond the reactor's 40-year statutory limit just weeks before the tsunami despite warnings about its safety and subsequent admissions by Tokyo Electric, often called Tepco, that it had failed to carry out proper inspections of critical equipment.

The mild punishment meted out for past safety infractions has reinforced the belief that nuclear power's main players are more interested in protecting their interests than increasing safety. In 2002, after Tepco's cover-ups finally became public, its chairman and president resigned, only to be given advisory posts at the company. Other

executives were demoted, but later took jobs at companies that do business with Tepco. Still others received tiny pay cuts for their role in the cover-up. And after a temporary shutdown and repairs at Daiichi, Tepco resumed operating the plant.

In a telephone interview from his home in the San Francisco Bay Area, Mr. Sugaoka said, "I support nuclear power, but I want to see complete transparency."

Revolving Door

In Japan, the web of connections between the nuclear industry and government officials is now popularly referred to as the "nuclear power village." The expression connotes the nontransparent, collusive interests that underlie the establishment's push to increase nuclear power despite the discovery of active fault lines under plants, new projections about the size of tsunamis and a long history of cover-ups of safety problems.

Just as in any Japanese village, the like-minded — nuclear industry officials, bureaucrats, politicians and scientists — have prospered by rewarding one another with construction projects, lucrative positions, and political, financial and regulatory support. The few openly skeptical of nuclear power's safety become village outcasts, losing out on promotions and backing.

Until recently, it had been considered political suicide to even discuss the need to reform an industry that appeared less concerned with safety than maximizing profits, said Kusuo Oshima, one of the few governing Democratic Party lawmakers who have long been critical of the nuclear industry.

"Everyone considered that a taboo, so nobody wanted to touch it," said Mr. Oshima, adding that he could speak freely because he was backed not by a nuclear-affiliated group, but by Rissho Kosei-Kai, one of Japan's largest lay Buddhist movements.

"It's all about money," he added.

At Fukushima Daiichi and elsewhere, critics say that safety problems have stemmed from a common source: a watchdog that is a member of the nuclear power village.

Though it is charged with oversight, the Nuclear and Industrial Safety Agency is part of the Ministry of Trade, Economy and Industry, the bureaucracy charged with promoting the use of nuclear power. Over a long career, officials are often transferred repeatedly between oversight and promotion divisions, blurring the lines between supporting and policing the industry.

Influential bureaucrats tend to side with the nuclear industry — and the promotion of it — because of a practice known as amakudari, or descent from heaven. Widely practiced in Japan's main industries, amakudari allows senior bureaucrats, usually in their 50s, to land cushy jobs at the companies they once oversaw.

According to data compiled by the Communist Party, one of the fiercest critics of the nuclear industry, generations of high-ranking officials from the ministry have landed senior positions at the country's 10 utilities since Japan's first nuclear plants were designed in the 1960s. In a pattern reflective of the clear hierarchy in Japan's ministries

and utilities, the ministry's most senior officials went to work at Tepco, while those of lower ranks ended up at smaller utilities.

At Tepco, from 1959 to 2010, four former top-ranking ministry officials successively served as vice presidents at the company. When one retired from Tepco, his junior from the ministry took over what is known as the ministry's "reserved seat" of vice president at the company.

In the most recent case, a director general of the ministry's Natural Resources and Energy Agency, Toru Ishida, left the ministry last year and joined Tepco early this year as an adviser. Prime Minister Naoto Kan's government initially defended the appointment but reversed itself after the Communist Party publicized the extent of amakudari appointments since the 1960s. Mr. Ishida, who would have normally become vice president later this year, was forced to step down last week.

Kazuhiro Hasegawa, a spokesman for Tepco, denied that it was an amakudari appointment, adding that the company simply hired the best people. The company declined to make an executive available for an interview about the company's links with bureaucrats and politicians.

Lower-ranking officials also end up at similar, though less lucrative, jobs at the countless companies affiliated with the power companies, as well as advisory bodies with close links to the ministry and utilities.

"Because of this collusion, the Nuclear and Industrial Safety Agency ends up becoming a member of the community seeking profits from nuclear power," said Hidekatsu Yoshii, a Communist Party lawmaker and nuclear engineer who has long followed the nuclear industry.

Collusion flows the other way, too, in a lesser-known practice known as amaagari, or ascent to heaven. Because the regulatory panels meant to backstop the Nuclear and Industrial Safety Agency lack full-time technical experts, they depend largely on retired or active engineers from nuclear-industry-related companies. They are unlikely to criticize the companies that employ them.

Even academics who challenge the industry may find themselves shunned. As Japan has begun looking into the problems surrounding collusion since March 11, the Japanese news media has highlighted the discrimination faced by academics who raised questions about the safety of nuclear power.

In Japan, research into nuclear power is financed by the government or nuclear power-related companies. Unable to conduct research, skeptics, especially a group of six at Kyoto University, languished for decades as assistant professors.

One, Hiroaki Koide, a nuclear reactor expert who has held a position equivalent to assistant professor for 37 years at Kyoto University, said he applied unsuccessfully for research funds when he was younger.

"They're not handed out to outsiders like me," he said.

In the United States, the Nuclear Regulatory Commission, the main regulatory agency for the nuclear power industry, can choose from a pool of engineers unaffiliated with a utility or manufacturer, including those who learned their trade in the Navy or at research institutes like Brookhaven or Oak Ridge.

As a result, the N.R.C. does not rely on the industry itself to develop proposals and rules. In Japan, however, the Nuclear and Industrial Safety Agency lacks the technical firepower to draw up comprehensive regulations and tends to turn to industry experts to provide that expertise.

The agency "has the legal authority to regulate the utilities, but significantly lacks the technical capability to independently evaluate what they propose," said Satoshi Sato, who has nearly 30 years' experience working in the nuclear industry in the United States and Japan. "Naturally, the regulators tend to avoid any risk by proposing their own ideas."

Inspections are not rigorous, Mr. Sato said, because agency inspectors are not trained thoroughly, and safety standards are watered down to meet levels that the utilities can financially bear, he and others said.

Dominion in Parliament

The political establishment, one of the great beneficiaries of the nuclear power industry, has shown little interest in bolstering safety. In fact, critics say, lax oversight serves their interests. Costly renovations get in the way of building new plants, which create construction projects, jobs and generous subsidies to host communities.

The Liberal Democrats, who governed Japan nearly without interruption from 1955 to 2009, have close ties to the management of nuclear-industry-related companies. The Democratic Party, which has governed since, is backed by labor unions, which, in Japan, tend to be close to management.

"Both parties are captive to the power companies, and they follow what the power companies want to do," said Taro Kono, a Liberal Democratic lawmaker with a reputation as a reformer.

Under Japan's electoral system, in which a significant percentage of legislators is chosen indirectly, parties reward institutional backers with seats in Parliament. In 1998, the Liberal Democrats selected Tokio Kano, a former vice president at Tepco, for one of these seats.

Backed by Keidanren — Japan's biggest business lobby, of which Tepco is one of the biggest members — Mr. Kano served two six-year terms in the upper house of Parliament until 2010. In a move that has raised eyebrows even in a world of cross-fertilizing interests, he has returned to Tepco as an adviser.

While in office, Mr. Kano led a campaign to reshape the country's energy policy by putting nuclear power at its center. He held leadership positions on energy committees that recommended policies long sought by the nuclear industry, like the use of a fuel called mixed oxide, or mox, in fast-breeder reactors. He also opposed the deregulation

of the power industry.

In 1999, Mr. Kano even complained in Parliament that nuclear power was portrayed unfairly in government-endorsed school textbooks. "Everything written about solar energy is positive, but only negative things are written about nuclear power," he said, according to parliamentary records.

Most important, in 2003, on the strength of Mr. Kano's leadership, Japan adopted a national basic energy plan calling for the growth of nuclear energy as a way to achieve greater energy independence and to reduce Japan's emission of greenhouses gases. The plan and subsequent versions mentioned only in broad terms the importance of safety at the nation's nuclear plants despite the 2002 disclosure of cover-ups at Fukushima Daiichi and a 1999 accident at a plant northeast of Tokyo in which high levels of radiation were spewed into the air.

Mr. Kano's legislative activities drew criticism even from some members of his own party.

"He rewrote everything in favor of the power companies," Mr. Kono said.

In an interview at a Tepco office here, accompanied by a company spokesman, Mr. Kano said he had served in Parliament out of "conviction."

"It's disgusting to be thought of as a politician who was a company errand boy just because I was supported by a power company and the business community," Mr. Kano said.

Taking on a Leviathan

So entrenched is the nuclear power village that it easily survived postwar Japan's biggest political shake-up. When the Democratic Party came to power 20 months ago, it pledged to reform the nuclear industry and strengthen the Nuclear and Industrial Safety Agency.

Hearings on reforming the agency were held starting in 2009 at the Ministry of Economy, Trade and Industry, said Yosuke Kondo, a lawmaker of the governing Democratic Party who was the ministry's deputy minister at the time. But they fizzled out, he said, after a new minister was appointed in September 2010.

The new minister, Akihiro Ohata, was a former engineer at Hitachi's nuclear division and one of the most influential advocates of nuclear power in the Democratic Party. He had successfully lobbied his party to change its official designation of nuclear power from a "transitional" to "main" source of energy. An aide to Mr. Ohata, who became Minister of Land, Infrastructure, Transport and Tourism in January, said he was unavailable for an interview.

As moves to strengthen oversight were put on the back burner, the new government dusted off the energy plan designed by Mr. Kano, the Tepco adviser and former lawmaker. It added fresh details, including plans to build 14 new reactors by 2030 and raise the share of electricity generated by nuclear power and minor sources of clean

energy to 70 percent from 34 percent.

What is more, Japan would make the sale of nuclear reactors and technology the central component of a long-term export strategy to energy-hungry developing nations. A new company, the International Nuclear Energy Development of Japan, was created to do just that. Its shareholders were made up of the country's nine main nuclear plant operators, three manufacturers of nuclear reactors and the government itself.

The nuclear power village was going global with the new company. The government took a 10 percent stake. Tepco took the biggest, with 20 percent, and one of its top executives was named the company's first president.

Wall Street Journal
APRIL 27, 2011

Play Ball—Get Permit Later

Mets, Yankees Swing Away in New Stadiums Without Certificates of Occupancy

By MICHAEL HOWARD SAUL

The cash-strapped New York Mets have failed to occupy more than 20,000 square feet of retail space as the team begins its third season in its \$800 million Citi Field stadium, the primary reason the Queens stadium has failed to receive a final sign-off from the city.

A city official confirmed late Tuesday that the Mets have yet to receive a final certificate of occupancy for the stadium because a significant portion of the facility is empty. "We don't give the final certificate to vacant areas," the official said. "It has to be occupied."

The Mets' cross-town rivals, the New York Yankees, also have failed to receive a final certificate of occupancy for the team's new \$1.5 billion stadium in the Bronx, but for entirely different reasons.

In the Yankees' case, officials at City Hall confirmed the team neither sought nor received final approval from the Public Design Commission, a little-known city agency that was established in 1898 and is charged with ensuring that the design of all art, exterior architecture, street furniture and landscaping meet public standards.

But some city officials acknowledge the Bloomberg Administration hasn't been pressing the Yankees to comply with the commission.

An official with the Mets said the team is actively trying to fill the vacant space, which it estimated at closer to 15,000 square feet of the 1.2 million-square-foot facility. A spokeswoman for the Yankees denied that the team flouted city rules and promised to seek final approval "shortly."

Both teams have been getting temporary certificates of occupancy from the Department of Buildings, which means officials believe both facilities are safe to occupy.

Getty Images / Yankee Stadium, shown above during opening day March 31, hasn't received final approval from the Public Design Commission.

[View Full Image / Associated Press](#) A crane hoists stonework bearing the Yankee Stadium sign into position on Jan. 15, 2008.

In a statement, the Mets said it is "common practice" for buildings to operate with a temporary certificate until "occupancy has been established in the entire property."

"We currently use a small portion of our ground floor space for various temporary purposes, including events," the team's statement said.

A team official acknowledged that executives have been actively trying to fill the space but have been hampered by the fact that the property faces "the auto repair and junk yards across the street." The Bloomberg administration has been trying to clean up the heavily industrial Willets Point section of Queens, but the city's efforts have been long delayed.

According to the Buildings Department, there are 23 issues that are preventing Yankees Stadium from receiving its final certificate of occupancy. They include minor electrical and plumbing issues and some problems with signs, as well as the team's failure to get approval from the Design Commission.

Alice McGillion, a spokeswoman for the team, said, "There were minor signage issues that we are planning to clear up." Ms. McGillion said "we expect" the panel's "final approval will be forthcoming when that is done."

On Tuesday, an aide to City Comptroller John Liu confirmed that Mr. Liu's office has launched a formal audit of the Design Commission. The official declined to specify the scope of the audit or say when it's expected to be complete.

The design commission reviews hundreds of projects each year—many of which are valued at millions of dollars, such as new parks and esplanades along the East River.

[View Full Image / Getty Images / Citi Field during the Mets' home opener April 8.](#)

In 2006, the Yankees successfully received preliminary approval from the commission. At that meeting, according to an audio tape of the proceedings, Joyce Menschel, the panel's president at the time, told the Yankees, "You have to come back for final" approval. The team never did, and the stadium officially opened in 2009.

To prevent projects from bypassing the commission, the panel in 2007 worked closely with the city Department of Buildings to incorporate commission approval on the department's list of required items for city-owned property.

Now, the Buildings Department "will not authorize a construction permit unless a project on or over city-owned property has a certificate of final approval from the Design Commission," said Andrew Brent, a spokesman for Mayor Michael Bloomberg.

One member of the Design Commission said there's been a problem with people "getting around" the commission. "Some people do it intentionally, I think, and some people do it unintentionally," the member said.

The commission member said the Bloomberg administration should take action to force the Yankees to return to the commission.

"City Hall should do something about it because City Hall brought it to us in the first place," the member said. "They said it was a very high priority of the administration and that we're to act expeditiously in our review, which we did."

The commission's president, James Stuckey, and its executive director, Jackie Snyder, declined requests for interviews.

Commission Member Otis Pratt Pearsall walked away when asked about the situation with the Yankees. "That's a problem for the Yankees," he said.

When told the team doesn't have a final certificate of occupancy, Mr. Pearsall, said, "They should probably talk to the Buildings Department."

Write to Michael Howard Saul at michael.saul@wsj.com

FEMA releases funds to lift Little Falls houses above flood waters.

Wednesday, April 27, 2011

BY CAROL LAWRENCE

The Record

LITTLE FALLS — Dozens more houses could be raised up and out of the way of floodwaters if the federal government funds a \$7 million grant.

Joanne Bergin, grant writer and FEMA program coordinator for Little Falls, said 33 homeowners — out of 68 who are eligible — applied for grant money to raise their houses to avoid future flooding. The grant would include funds to acquire and demolish houses that can't be raised.

The Federal Emergency Management Agency notified her two weeks ago that it needed the applications filed before Easter. She hand-delivered FEMA's letters and met with residents every day to meet the deadline.

Houses are eligible for elevation when flood insurance claims paid to the homeowners categorize them as being repeatedly and severally damaged by flooding.

A mid-March rainstorm flooded 500 homes and sent several families to shelters. FEMA's notification invited more homeowners to apply for the structural project and couldn't have come at a better time.

"We are really making a dent in it but there's still a need out there," said Bergin.

Most of the 33 homeowners live on William and Louis streets, Riverview Circle and Zeliff Avenue in the Singac neighborhood, one of the most flood-prone areas. A peninsula, it's surrounded by the Passaic River.

Bergin said FEMA will most likely notify the township before June as to whether it will fund the project. The township plans to have an architect lined up to do the work by then, she said.

Securing the grant would bring the total of township houses scheduled for elevating to 72 through more than \$13 million in federal funding. Homeowners complain their properties have suffered serious damage from spring flooding in 2005, 2007, 2010 and this year.

Bergin, who coordinated a similar FEMA project in which about 25 dwellings were raised in Yardley, Pa., said elevating houses to prevent floodwaters from reaching living areas "is an effective, and one of the most common, mitigation methods."

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