

# Scientists: Water list was chosen poorly

By H. Josef Hebert  
Associated Press

WASHINGTON | The Clinton administration told states to clean up thousands of lakes and rivers without enough evidence to assure the right bodies of water were being targeted, a panel of scientists said Friday.

The National Academy of Sciences

panel agreed water pollution remains a serious problem across the country. But its report is expected to provide support for the Bush administration and some in Congress who want to overhaul the regulation that requires states to develop broad plans to reduce runoff that is polluting lakes and streams.

In October, Congress suspended implementation of the regulation, which

had been questioned by many states and strongly opposed by farming and business interests.

The federally required state cleanup plans, issued earlier last year, would cover about 21,000 bodies of water — from lakes and ponds to segments of streams and major rivers — that were determined to be too polluted for fishing and swimming because of stormwater and agricultural runoff.

States would have eight to 13 years to develop the plans and start cleanup and water quality restoration programs.

But a report issued Friday by an eight-member panel of scientists of the Academy's National Research Council said that the program needs to be re-examined with an eye toward improving the way impaired water bodies are selected.

The scientists concluded that many of the waterways were targeted without adequate information about water quality or enough scientific review, while still other waters in need of protection may not have made the list.

"Considerable uncertainty exists about whether some of these waters violate (pollution) standards," said the panel in a statement accompanying the report.

The report urges the Environmental Protection Agency to revamp the program, possibly requiring new legislation from Congress, and develop "a more science-based approach" to determine where state efforts should be placed.

It also criticized the program's use of a broad criterion — one based on whether

## LOCAL WATERS

North Carolina had problems with the rule last year when the EPA resisted the state's attempt to delete more than 700 miles of streams and Greenfield Lake from the clean-up list. About 6 percent of the state's 40,000 miles of streams, including 555 miles in the Cape Fear River basin, were on last year's proposed list of "impaired" waters.

# EPA is slammed on dirty water

## Agency, states fail to track many pollution sources, inspector says

By Traci Watson  
USA TODAY

WASHINGTON — The Environmental Protection Agency and the states fail to track hundreds of thousands of sources of pollution contaminating the nation's rivers, lakes and streams and do a poor job of policing many of the polluters they do know about, the agency's own investigator reported Wednesday.

In all but six states, the EPA leaves it to state agencies to issue and enforce water-pollution permits, which are required before any pollutants can be discharged into bodies of water by industry or governments. In all states, the EPA provides money and guidance.

But the EPA's inspector general, in a scorching report, said the system isn't working.

Among the findings:

► The EPA's system for tracking pollution permits and compliance is "incomplete, inaccurate and obsolete." The system hasn't had a major overhaul since 1982. It doesn't monitor hundreds of thousands of major pollution sources such as large hog farms and sewers that overflow during storms. The EPA doesn't require the states to track those sources, and the states don't want to do more data entry anyway.

► Regulators know that dirty runoff from farms, storms and roads is a major source of water pollution. Yet state agencies and the EPA continue to focus on pollution from large facilities, such as factories and sewage-treatment plants, that are more visible and easier to police.

► When states do find a company that's violating clean-water laws, they often fine the company too little and sometimes never collect. States frequently acted against a polluter more than a year after noticing a violation. "This may have contributed to a large number of recurring violations." Some states reported that more than half the facilities that broke pollution laws in 1999 did so again in 2000.

The report said the EPA's enforcement office is balking at change, even though "the current way of conducting business was marginally effective."

"Environmental protection is primarily delivered by the states," said Nikki Tinsley, EPA inspector general. "We found many times that a program isn't working as designed."

Nearly all the information for the report was collected during the Clinton administration. Even so, it comes at an awkward time for EPA chief Christie Whitman, who has proposed cutting the staff in the EPA's enforcement office and giving more enforcement dollars to the states.

Environmental groups were quick to cite the new report as proof that Whitman's recommendations would lead to more violations of pollution laws.

"Their approach is based on the idea that if you give the states the flexibility to enforce environmental laws, they will," said Mike Casey of the Environmental Working Group. "What (this report is) saying is, they're not."

The EPA is working to fix the problems, spokeswoman Tina Kreisher said. As for sending more money to the states, "We believe this is exactly what the states need" to improve enforcement, she said.

The report notes that some states have designed new programs that improve water quality.

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## Nationline

# Report: White House wants clean-water rule put on hold

A rule aimed at reducing storm-water and agriculture pollution of about 21,000 lakes and streams across the USA may be put on hold, the Associated Press reported Monday. The Bush administration wants to re-examine a Clinton-era program spelling out federally required state cleanup plans for thousands of lakes and rivers around the nation, AP reported, citing administration officials.

The Environmental Protection Agency was expected to ask a federal appeals court late Monday to suspend a program that would require states to issue cleanup plans for the rivers and lakes, AP reported. The National Academy of Sciences said last month that the Clinton administration had put the program into place without ensuring that the right bodies of water were being targeted. The rules target sediment and chemical pollution from farm, street and construction site runoff.

When the rule was proposed, then-EPA administrator Carol Browner called it the most important water-pollution rule in a generation. However, the EPA asked a court to delay ruling on a challenge to the program and to suspend it for 18 months. The lawsuit challenging the program was brought by the American Farm Bureau, one of the trade groups, businesses and members of Congress who said the rule was unnecessary and overstepped the EPA's authority. Environmentalists disagree. "They're going to try to roll back this entire program," said Joan Mulhern, an environmental lawyer.

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# Big farms may get biggest subsidies

## Critics call bills 'welfare for rich'

By John Lancaster  
The Washington Post

**FLAT BRANCH** | Here amid the rolling green hills of North Carolina's central plateau, on the edge of hog farm country, there's a strong whiff of prosperity in the air.

Embraced by politicians and business leaders as an alternative to tobacco and all its uncertainties, large factory-style hog farms — some housing 10,000 or more animals — have brought jobs and wealth to depressed rural communities and generated fat profits for the handful of big companies that dominate the industry.

But prosperity has an unpleasant byproduct. Besides the stench that sometimes wafts into neighboring subdivisions, the untreated waste that hog farmers store in open lagoons and spray onto their fields has sparked broad concern about threats to streams and drinking water.

Now, with the Environmental Protection Agency contemplating costly regulations governing livestock waste, lobbyists for the pork, cattle and poultry industries have proposed that taxpayers help foot the bill. And Congress, it seems, is poised to go along with the idea as it considers legislation that will chart a course for farm policy over 10 years.

Already, the notion of using taxpayer dollars to help livestock producers pay for environmental damage caused by their operations is being labeled corporate welfare, and it echoes a larger debate over farm subsidies.

Rooted in the New Deal, such crop payments are intended to protect farmers from market fluctuations and ensure an affordable and steady supply of food. But many lawmakers — especially those from more urban states — have grown skeptical of the programs, which increasingly benefit the wealthiest growers as the



STAR NEWS FILE

**Piglets are corralled from floodwaters on a Pender County farm in this file photo.**

number of small family farms continues to decline.

### Supporters

To L.D. Black, the support seems only fair. A burly, third-generation farmer who wears Reeboks and a look of perpetual amusement, Mr. Black, 40, switched from tobacco to hogs in 1993 and raises nearly 6,000 of them under contract with Prestage Farms Inc., one of the state's largest producers of pork and poultry. "In my view, we're feeding the country," he said. "If they want to eat cheap, someone's got to pay the costs."

The measure that Mr. Black and other N.C. hog producers see as their salvation was approved by the House Agriculture Committee. It would lift the cap on the size of livestock operations eligible for a U.S. Department of Agriculture program that helps both crop and livestock producers pay for environmental projects. Administered by the department's conservation service, the Environmental Quality Incentives Program, or EQIP, until now has restricted its livestock assistance to smaller producers — in the case of hog farms, those with

2,500 or fewer animals.

If approved by the Senate and signed into law, it will mean that any livestock producer — including the largest and most profitable ones — will be eligible for up to \$50,000 in assistance a year, or \$200,000 over 10 years.

Supporters of the change say it merely recognizes the obvious — namely, that the scale of livestock operations has grown rapidly in recent years and that helping the industry improve its waste management practices is an undeniable public good. The measure — initiated by Rep. Frank Lucas, R-Okla., chairman of the agriculture panel's conservation subcommittee — would increase the overall size of the EQIP program from \$200 million to \$1.2 billion per year.

### Opponents

Environmental groups and advocates for small-farm owners call the measure a clear case of corporate welfare and one that highlights the enduring clout of agribusiness on Capitol Hill. They say that because the EQIP program gives priority to livestock operators facing the biggest environmental challenges, lifting the size cap will divert resources from small operations to large ones, hastening the demise of the family farm.

"The bigger guys ... can afford to do it themselves," said Susanne Fleek, director of government affairs for the Environmental Working Group, a Washington-based research and advocacy organization.

"I'm not saying that you won't still get a public benefit. The question is, will you get a public benefit you would have gotten

anyway? ... I don't think we're paying DuPont to meet the Clean Water Act," she said.

Timothy Searchinger, an attorney with Environmental Defense in Washington, said the environmental measure in the bill underscores what critics say is the larger problem with the crop subsidy program. "The amount of money being shoveled out is incredible, and the fact is that it's having no effect on keeping average farmers in business," he said.

A study published in June by the General Accounting Office, the investigative arm of Congress, supports his point: In 1999, farms of 1,000 or more acres received 52 percent of farm payments even though they make up just 8 percent of the nation's farms.

Lawmakers have grappled with these matters before. In 1996, the last time the farm bill was up for consideration, Congress passed the Freedom to Farm Act, which was supposed to phase out many farm subsidies by 2002. Since then, however, subsidies have increased to record levels — \$20 billion last year — as Congress has doled out "emergency" payments aimed at helping farmers through rough economic times.

This year, the House and Senate have already approved a \$5.5 billion emergency aid package that administration officials say President Bush is prepared to sign. Rep. Lucas, the subcommittee chairman, said critics of crop payment programs often overlook the benefits they provide to consumers, to say nothing of faltering rural economies.

"Farm bills have been very successful since 1933," Rep. Lucas said. "We eat cheaper than anyone else in the world."

10/22/01  
Morning Star 9/22/01

# Bad feelings dredged up along with river silt

No one wants toxins in N.Y. waterway, but the government's solution — scraping the river bottom — isn't popular either

By Traci Watson  
USA TODAY

MASSENA, N.Y. — Along nearly a mile of the deep-blue St. Lawrence River here, workers scoop toxins from the riverbed — and scrape the nerves of local residents.

The lessons — good and bad — learned here are likely to be re-enacted many times over if the Environmental Protection Agency pursues controversial plans to dredge pollutants from 40 miles of the Hudson River.

Last month, EPA chief Christie Whitman decided to rid the Hudson of cancer-causing polychlorinated biphenyls, or PCBs. The chemicals came from nearby General Electric plants that used them as insulation because they don't burn easily.

The EPA wants GE to pay for the cleanup, which calls for removing 2.65 million cubic yards of sediment at an estimated cost of \$500 million.

The St. Lawrence project also aims to remove PCBs. But it will remove only 77,000 cubic yards of sediment — enough to fill 20 Olympic-sized swimming pools. Alcoa, which recently bought the factory responsible for the pollution, will pay \$47 million. In a similar cleanup in 1995, General Motors dredged 18,000 cubic yards of PCB-laced sediment from the St. Lawrence at a cost of \$14 million.

The St. Lawrence projects did not cause the kind of outrage being expressed in towns along the Hudson. Nor did they prompt opposition like the multimillion-dollar campaign GE has mounted against dredging the Hudson.

But a lack of outrage doesn't mean everyone along the St. Lawrence is happy. Among the lessons learned:

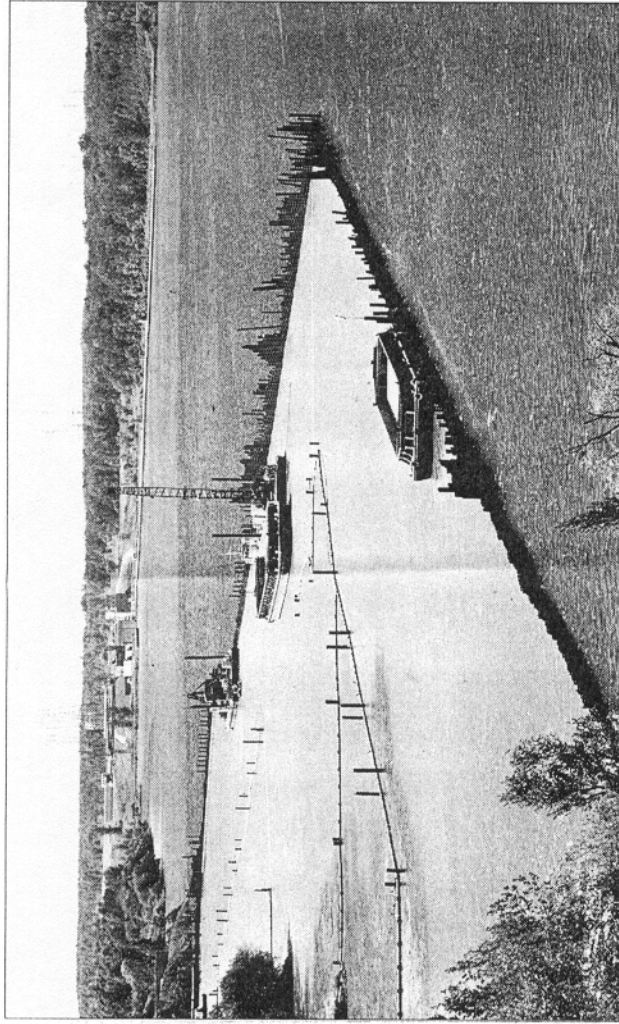
► It can be very difficult to determine whether dredging reduces contaminants in fish, which is often a key goal of such projects.

► No matter how carefully and meticulously the EPA does its work, the people who live nearby aren't likely to be pleased.

► It'll be impossible to placate all the residents because they'll have different reasons for dissatisfaction.

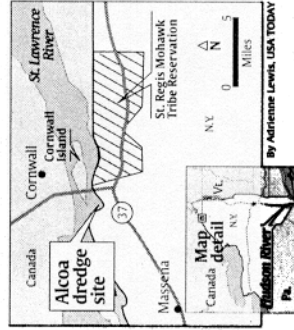
"It'd be the first to say (the river) needs to be cleaned up," says Massena resident Ken Cornell, a dry cleaner. But "I was always told the best thing to do with PCBs is just leave them there."

"They want to clean up?" says activist and housewife Dana Leigh Thompson of



**\$47 million operation:** A slice of the St. Lawrence River is blocked off to contain toxins from sediment dredged from the bottom.

Photos by Peter Huopli for USA TODAY

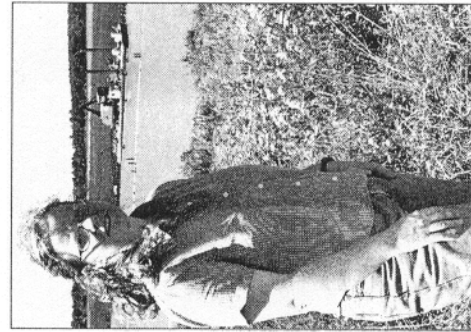


the nearby St. Regis Mohawk Tribe Reservation, her voice heavy with anger. "They're doing a bargain-store cleanup and at our expense."

## What it takes

Here's what it takes to dig toxins from nearly a mile of the St. Lawrence:

- Three dredging barges, each bearing a derrick with a dredging bucket as big as a child's playhouse.
- Five more barges to get the dredged-up mud ashore and three tugboats to push the barges.
- A half-dozen excavators to claw boulders from the muck and load and unload the barges.
- Fourteen six-wheeled dump trucks to haul sediment.



**Kelly:** "We haven't found any problems," EPA manager says of St. Lawrence site.

- One hundred thirty people working 10-hour shifts around the clock.
- And that's not all. "There is a myriad of small boats. There are sampling barges. It goes on and on," says Rick Esterline, Alcoa's remediation project director on site.
- The dredging may be dirty work, but it's dirty work via the information Age. Sen-

lion (ppm), the equivalent of 1 ounce in 31 tons. Everyone hopes that standard will lower PCB levels in the river's bass, muskie, walleye and other fish. Women of child-bearing age and children are advised not to eat those fish at all. And the state warns everyone to limit consumption of certain kinds of fish to one meal a month.

## Questionable success

What even many locals don't realize is that the St. Lawrence has already been dredged with questionable success.

In 1995, General Motors spent 6 months excavating PCBs from the riverbed less than a mile downstream from Alcoa's dredge site. The toxins came from a river-side GM factory, which used them for more than a decade.

Despite its work, GM failed to cut the entire site's PCB levels to 1 ppm — a fact noted on a GE Web site, along with descriptions of other problem-plagued dredging projects. "If dredging has failed to achieve the low PCB concentrations required by regulators, why would anyone inflict a long-term, large-scale dredging project on the Upper Hudson River?" the company says on [www.hudsonvoice.com](http://www.hudsonvoice.com).

Contractors eventually put a cap of sand, gravel and stone on top of the most stubbornly contaminated section of the GM site. Nearly 6 years later, studies have yet to show a definitive drop in fish PCB levels — the data are too sketchy. Nevertheless, EPA and GM officials argue that the dredging was a success.

"To remove over 99% of contamination from the river, when it's in contact with fish — to me, that's a great success," Kelly says.

But others besides GE disagree, although for different reasons.

"It was a disaster," Thompson says. "When they took that stuff out of (the St. Lawrence), they just piled it on the side of the river and left it for 2 or 3 years. It leached right back into the river."

Kelly says GM placed the river sediment in well-protected storage areas.

"They were covered. They were lined. They did not leach into the St. Lawrence," Kelly says.

Thompson is no happier with this summer's Alcoa dredging, which she says is shoddy.

"If it's safe, let's build homes there, and we'll have all the people who work in the factory all the executives, live there," she says. "And that's when I'll think it's safe."

Kelly says the EPA's cleanup plans rely on standard techniques that are known to prevent further pollution.

At least Thompson thinks dredging is necessary. Many Massena residents disagree. "They're stirring up more contamination by dredging," says Jason Chilton, who works in the Alcoa plant. "They just want to put on a good show for the community and the Indians."

# GE might get bill for Hudson River cleanup

## EPA supports plan to dredge up chemicals

By Traci Watson  
USA TODAY

General Electric, put on notice this week that it'll probably have to pay \$500 million to clean up the Hudson River, may also have to pay millions of dollars for damage its toxins caused to fish, animals and the boating industry.

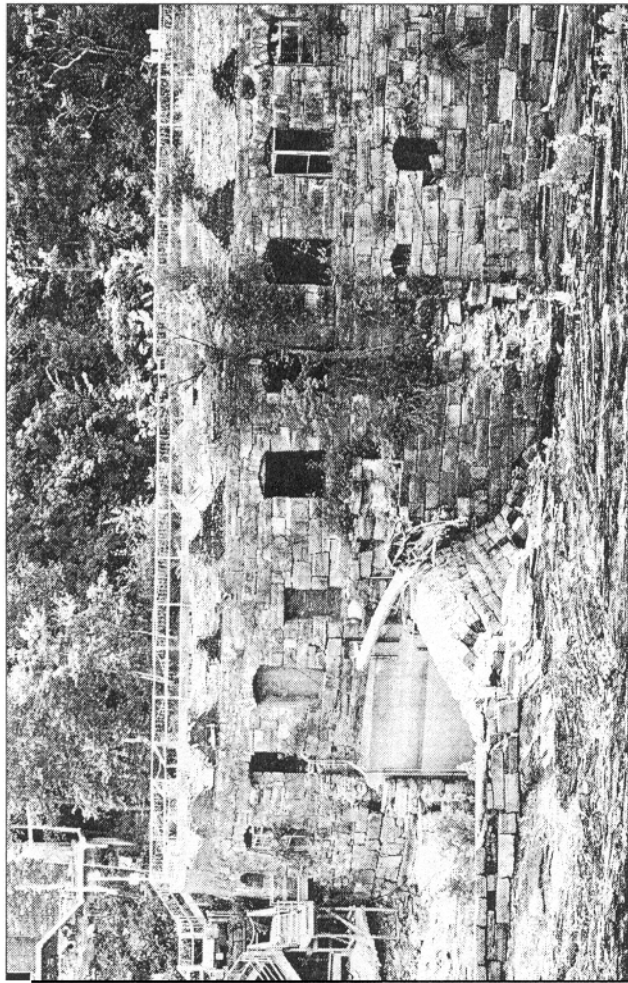
Officials at the Environmental Protection Agency confirmed Wednesday that they will move forward with a plan to dredge toxic chemicals from the bottom of the Hudson, one of the largest cleanup projects ever conceived.

The EPA hopes the dredging purges the Hudson of PCBs, toxic chemicals GE once used to make electrical equipment in two factories in Fort Edward and Hudson Falls. The company dumped more than a million pounds of PCBs in the river from the 1940s to 1977, when the chemical was banned.

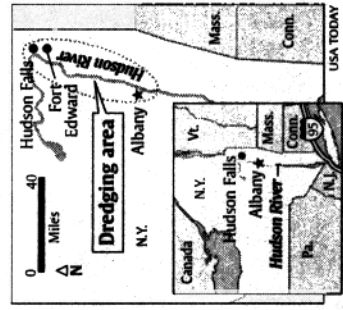
In addition to the cleanup cost, the government will soon be able to ask GE to fork over cash in the form of compensation for the damage PCBs did to the river's natural resources. Laws governing Superfund sites such as the Hudson say the government can file a damage claim after finalizing cleanup plans. EPA officials say they'll probably do so in September. The Superfund is a federal pool of money designated for cleanup of the country's most polluted sites.

Among the possible compensation claims:

- Damage to the Hudson's rich commercial and recreational fishery. The PCB levels in fish in the river are so high that only catch-and-



By Jim McKnight, AP  
GE-owned facility: This structure in Hudson Falls, N.Y., has been blamed for PCBs in the Hudson River.



release fishing is allowed in the Hudson's upper stretches, and there are limits on consumption of fish from the lower stretches.

- Damage to boat traffic on the river. Authorities have cut back on dredging the Hudson because of

## The possible dangers of PCBs

**Q: What are PCBs?**

**A:** Polychlorinated biphenyls are odorless and tasteless synthetic chemicals that were used as coolants and lubricants in transformers and other electrical equipment. Their manufacture in the USA was stopped in 1977 because of environmental concerns.

**Q: How can someone be exposed to these chemicals?**

**A:** Small amounts of PCBs can be found in almost all outdoor and indoor air, soil, sediments and surface water.

PCBs can enter the body through the air, food or skin contact. They can enter the air by evaporation from both soil and water, and sediment that contains PCBs can also release the chemicals into surrounding water.

**Q: What happens if you're exposed to high levels of PCBs?**

The Environmental Protection Agency has determined that PCBs can probably cause cancer in humans. Studies also suggest that exposure to PCBs can cause rashes and acne, irritation of the nose and lungs and changes in the blood and liver.

**Q: How do you know whether you've been exposed?**

**A:** All people in industrial countries have some PCBs in their bodies. There are tests for blood, body fat, and breast milk. But the tests don't predict whether there will be harmful health effects.

Source: Agency for Toxic Substances and Disease Registry

compensation claims would face "very significant scientific obstacles" because the river boasts thriving fish populations.

The cleanup would involve some 2.6 million cubic yards of contaminated sediment being scooped from the riverbed and deposited in a dump. That's enough to pack more than 200 four-bedroom houses from floor to ceiling.

It's still unclear whether GE would do the cleanup or leave it to

the EPA, which would ask the company to foot the expenses. GE opposes the dredging. It says the work will flush more PCBs into the river and destroy aquatic habitat.

Last year, GE filed suit in district court in Washington over a provision of Superfund law that gives the EPA authority to tell polluters to clean up contaminated sites. Some legal experts say the company has a good case. "The stakes are very, very high," says Michael

Steinberg, a Superfund expert at the Morgan Lewis law firm who filed an amicus brief for the American Chemistry Council siding with GE. "It has the potential to go all the way to the Supreme Court."

Analysts doubt the EPA's decision will harm GE's stock, which closed Wednesday down 70 cents at \$42.80.

Contributing: Greg Farrell in New York

# Feds, farmers may be at odds over handling of livestock, pig waste

By John Lancaster  
*The Washington Post*

**FLAT BRANCH** | Livestock waste is a particular concern among environmentalists. This is due largely to the trend toward big "confined animal feeding operations," or CAFOs, in which animals spend their lives in metal sheds. An abundance of such operations, the Agriculture Department's Economic Research Service reported in June, "can overwhelm the ability of a watershed to assimilate the nutrients contained in (livestock) waste and maintain water quality."

But if lawmakers generally agree on the problem, the solution — making financial assistance available to large as well as small operations — is not entirely settled. "I'm concerned about creating a program that would unfairly subsidize large livestock operations," Senate Agriculture Chairman Tom Harkin, D-Iowa, said at a hearing last month.

He added: "We've seen how farm programs have inadvertently (helped big farms) get bigger . . . On the other hand, we want the larger operations to be environmentally sound, so I'm on the horns of a dilemma. . ."

Nowhere, perhaps, is that dilemma illustrated more starkly than in North Carolina, the nation's second-largest hog producer after Iowa.

The state is home to about 10 million hogs, each of which produces two to four times the waste of an average human. More than 96 percent are housed in confinement operations of 2,000 animals or more, according to the N.C. Department of Agriculture. The waste is typically stored in lagoons, then sprayed onto fields, where its nutrient load of nitrogen and phosphorus is supposed to be absorbed by plants.

State officials initially welcomed the hog industry, accepting its assurances that hog waste posed little hazard to the environment. Attitudes changed, however, after several large-scale fish kills linked to spilled waste and warnings from scientists about potential — if still largely theoretical — threats to underground water supplies. The state slapped a moratorium on new hog operations in 1997.

Since the mid-1990s, North Carolina regulators have begun to toughen their oversight, requiring, for example, that farmers with more than 250 hogs develop formal waste-management plans and apply for special

permits.

The Environmental Protection Agency, meanwhile, has been developing rules that essentially would relegate agricultural runoff to the same category as pollution from concentrated sources such as factories and sewage plants.

Although President Bush has delayed implementation of the rules, livestock producers are bracing for mandates that they say would cost them \$1.2 billion yearly over 10 years.

Like many people in his business, L.D. Black thinks he already does plenty to protect the environment.

His immaculately kept 130-acre farm, about 60 miles south of Raleigh, is something of a showplace, having recently been cited by the EPA for exemplary waste-management practices. Mr. Black and his wife, Debra, flush out their hog buildings with recycled water, store the waste in clay-lined lagoons and spray it onto their fields at rates established by state regulators.

Mr. Black fears, however, that he may face a new and onerous set of restrictions, including a requirement that he greatly expand the area over which he sprays the waste from his barns. The aim would be to dilute the amount of phosphorus that enters the environment.

But because his acreage is limited, Mr. Black said, he would have no choice but to pump the waste into a "honey wagon" and truck it elsewhere at prohibitively high cost.

"They say it's going to take about four times the land," Mr. Black said.

In many respects, Mr. Black is precisely the type of family farmer whom lawmakers are forever saying they want to help. He grew up on his farm, where his grandfather and father are buried beneath a stand of loblolly pines.

Mr. Black hopes that his 19-year-old son, who installs security systems, will someday join him in the family business.

For now, Mr. Black is comfortable: Last year, he said, his hog operation earned him a profit of about \$50,000 (he also raises chickens).

What makes the situation more complicated, however, is that Mr. Black does not own the pigs he keeps.

They belong to Prestage Farms, a privately held company with 1,000 employees that pays him to tend the animals while covering the cost of feed and veterinary services.