

NEB said in a Dec. 16 news release: “We looked at how the project would contribute to sustainability in the way it would affect the people, the land where they live, and the economy, now and in the future. We recognize that the Mackenzie Gas Project would have much larger and more far-reaching effects than previous developments in the North.”

Proponents would be required to obtain various permits and authorizations from other boards and government agencies before construction could commence, NEB said.

Decision in 2013 at Earliest. According to the report, the developers have indicated they would not decide whether to proceed with the project until the end of 2013 at the earliest, subject to regulatory approval and receipt of required permits.

Should the project proceed as proposed, the detailed design and construction phases of the pipeline and related facilities would begin by 2014 and continue into 2018, the report said.

Most of the land along the pipeline route is flat and covered with muskeg, or peat bog, except for a few areas with rolling hills and other features, the report said. The pipeline would cross more than 600 watercourses that vary from small, seasonal streams to large rivers.

Vegetation along the route changes from the treeless tundra in the Mackenzie Delta to the boreal forest in Alberta province. Rare plants and uncommon vegetation types are found throughout the region. Some plants are used for traditional purposes, such as food, medicine, ceremonies, or materials.

The region supports 41 species of fish, including Arctic grayling, northern pike, longnose sucker, slimy sculpin, and lake chub, the report said. Wildlife populations found in the project area include grizzly bear, polar bear, barren-ground and woodland caribou, moose, marten, lynx, beaver, beluga whale, bowhead whale, ringed seal, and many bird species. On the northeast tip of the Mackenzie Delta is Kendall Island Bird Sanctuary, home to more than 90 species of birds, including the lesser snow geese, the tundra swan, and other migratory birds.

By JEREMY HAINSWORTH

Full text of the Canadian National Energy Board report, Mackenzie Gas Project—Reasons for Decision, is available at <http://www.neb-one.gc.ca/clf-nsi/rthnb/pplctnsbfrthnb/mcknzgsprjct/rfd/rfd-eng.html>.

Climate Change

Rockefeller Says Republicans Pull Support For Bill to Delay EPA Greenhouse Gas Rules

Republicans have pulled support for a bill (S. 3072) that would delay the Environmental Protection Agency’s implementation of greenhouse gas emissions limits for coal-fired power plants and other stationary sources, Sen. Jay Rockefeller (D-W.Va.) said Dec. 17.

“I have been reliably informed that longtime Republican proponents of my bill to suspend EPA regulations on greenhouse gas emissions have pulled their support for this year—so that they can gain some political advantage trying to take over this issue in 2011,” Rock-

efeller said. “Momentum has been building on the Democratic side for my EPA delay bill, but this is of necessity a bipartisan proposal and it cannot proceed without strong Republican support and effort.”

Rockefeller said he will “be back fighting hard for my two-year bill as my first order of business in the new Congress.”

The Rockefeller bill would suspend for two years EPA authority to require new and modified sources of greenhouse gas emissions to get permits for those emissions under prevention of significant deterioration (PSD) provisions of the Clean Air Act. Those requirements are set to take effect Jan. 2 (237 DEN A-13, 12/13/10).

The bill also would suspend EPA authority to issue new source performance standards with greenhouse gas emissions limits. EPA is scheduled to propose revisions to new source performance standards for power plants and other source categories in 2011, and it may propose greenhouse gas emissions controls.

However, the bill would allow EPA to proceed with greenhouse gas emissions limits for cars and light trucks.

EPA ‘Unelected.’ Rockefeller’s statement came a day after he said he would seek a vote on the bill before the end of the year, and that he might seek floor consideration of the bill as an amendment to omnibus appropriations legislation for fiscal year 2011 (241 DEN A-11, 12/17/10).

However, Senate Majority Leader Harry Reid (D-Nev.) announced Dec. 16 that the Senate will not consider the spending bill due to Republican opposition.

“I have long maintained that the Congress, the elected voice of the people—and not the unelected EPA—must decide major economic and energy policy,” Rockefeller said. “The EPA simply doesn’t have the right tools or bureaucratic instinct to prevent economic harm in West Virginia and protect our nation’s jobs. The EPA regulations that take effect starting in January offer questionable greenhouse gas reductions at the expense of business certainty and economic growth—and I know we can do better.”

He thanked Sen. Lisa Murkowski (R-Alaska), ranking Republican on the Senate Energy and Natural Resources Committee, for supporting the bill. Murkowski sponsored a resolution (S.J. Res. 26) that would have rescinded the scientific finding that underlays all of EPA’s subsequent greenhouse gas regulations. Democrats defeated the resolution in June, but only after Sen. Jim Webb (D-Va.) and other coal state Democrats were assured by Reid of a vote on Rockefeller’s alternative.

By STEVEN D. COOK

Superfund

Second Phase of Hudson PCB Cleanup Will Have New Capping, Resuspension Standards

ALBANY, N.Y.—The Environmental Protection Agency released a plan Dec. 17 for Phase 2 of the project to dredge polychlorinated biphenyls from the upper Hudson River, including new standards for the capping of sediments and the resuspension of PCBs into the river.

General Electric Co., which is responsible for the remediation project, has until Jan. 14 to notify EPA whether it will accept the plan and proceed with the project.

Judith Enck, the EPA Region 2 administrator, said if GE balks, the agency would use its legal and enforcement authority to compel the company to perform the dredging work or reimburse the federal government under the Comprehensive Environmental Response, Compensation, and Liability Act.

"I very much hope that they will opt in," Enck told reporters in a conference call to announce the plan. "This project is going forward either way. It's a lot easier to go forward with GE cooperating."

GE Evaluating Phase 2 Plan. GE, which is the sole responsible party for the cleanup under CERCLA, issued a statement saying "it will carefully evaluate EPA's plan."

"If we determine that the plan is consistent with our technical discussions with EPA, that it is based on sound science, and that it is feasible to achieve, we expect to move forward with Phase 2."

"Earlier this week, GE told securities analysts it would review the details of EPA's decision and adjust its reserves as appropriate in 2010. As stated to analysts, this is expected to take the matter of Hudson dredging costs off the table as an issue for investors."

In September, GE proposed a plan to conduct another season of dredging, as an interim step between phase one and phase two of the project. The results of the additional dredging would have been used to set the standards and scope for the second and final phase of the project (176 DEN A-5, 9/14/10).

EPA seeks to proceed directly to Phase 2 in the spring of 2011, however.

Phase 1 of the dredging project ended in November 2009 and involved about 10 percent of the total dredging. The second phase of the project is scheduled to begin in May 2011, last five to seven years, and is expected to remove most of the remaining PCBs.

EPA's new standards for Phase 2 include a limit on the total area that may be capped after dredging. Under the new standards, no more than 11 percent of the total project area may be capped, in addition to any areas where physical barriers make capping the only engineering option. The new standards are based on the recommendations of a peer review panel (157 DEN A-5, 8/17/10).

Fewer, Deeper Dredging Passes. In addition, the new standards require that dredging equipment dig deeper and make fewer so-called dredging passes. The standards require that no more than two dredging passes be used for most of the project, which involves a 40-mile stretch of the Hudson River north of Albany.

EPA expects to limit the resuspension of PCBs into the river by reducing the number of dredging passes used throughout the project.

The new standards include resuspension limits that, if exceeded, would slow or temporarily halt the project. If PCBs exceed 500 parts per trillion at designated sampling stations for five out of seven days, then the project may be slowed or temporarily halted.

In addition, the amount of PCBs that are allowed to travel down river may not exceed 2 percent of the total amount of PCBs excavated from the river bottom.

According to Enck, EPA expects that 95 percent of all the PCBs in the 40-mile stretch of river will be removed by the end of the project. Enck declined to estimate the cost of the cleanup. Previous estimates have put the total cost at about \$700 million.

Rebecca Troutman, senior counsel for the environmental group Riverkeeper, told BNA that "Riverkeeper views EPA's terms for Phase 2 as a compromise solution that will provide critical benefits for the Hudson River." She said "GE clearly has no excuse not to opt in—particularly given their technological might and the necessity of the cleanup."

BY GERALD B. SILVERMAN

Further information is available at <http://www.epa.gov/hudson>.

Science Policy

White House Memo Requires Agencies To Draft Policies on Scientific Integrity

The director of the White House Office of Science and Technology Policy directed federal agencies Dec. 17 to report within 120 day on measures to ensure scientific integrity in their decisions and activities.

John Holdren, director of the science and technology office, said in a memorandum that federal departments and agencies should take steps to improve scientific integrity, encourage professional development of federal scientists and engineers, guide federal advisory committees, and improve communication with the public on scientific matters.

"Successful application of science in public policy depends on the integrity of the scientific process both to ensure the validity of the information itself and to engender public trust in the government," Holdren said in the memo.

The memo advises federal agencies and departments to develop policies that keep scientific findings free from political influence; foster independent peer review; foster open communication of findings, uncertainties, and underlying assumptions when doing research; ensure advisory committees are free of conflicts of interest and can operate without political influence; and allow federal scientists and engineers to publish their findings in peer-reviewed, professional, or scholarly journals.

The memo provides federal agencies with guidance on implementing a March 9, 2009, memo from President Obama on promoting scientific integrity (44 DEN A-8, 3/10/09).

In the memo, Holdren said the Office of Management and Budget will draft its own guidance for reviewing executive branch scientific testimony for Congress.

The Department of the Interior proposed a rule Aug. 31 that would set agency policy for maintaining scientific integrity and establish a code of scientific conduct; establish ethical standards for agency employees who conduct, supervise, or compile data on scientific activity; and establish a procedure for handling violations of the integrity code (75 Fed. Reg. 53,325; 168 DEN A-10, 9/1/10).

BY ANDREW CHILDERS