

**Internet Matters #14**  
**by Dan Wilkowsky**

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**Climate Change**

While writing this column, representatives from more than 200 countries have convened in Copenhagen for the 10 day summit on Climate Change. Will the conference create a positive roadmap for the future, improving on the recommendations of the Kyoto conference in 1997? Can world leaders from dramatically differing regions reach an accord with conditions that are both effective, enforceable, and acceptable to the electorate back home? Perhaps the delegates can find a way to reduce emissions of carbon dioxide and other Green House Gases (GHG) while encouraging the development technology to fuel an economic recovery. There are links at the end of this column presenting several world views.

*Obama Administration and the US EPA Position*

President Obama will visit the Copenhagen conference and will announce a mid-term US position - a GHG reduction target of 17 percent below 2005 levels by 2020. Earlier in May, the administration announced improved automobile fuel efficiency standards increasing about 5 percent each year to 35.5 miles per gallon in 2016 coupled with tailpipe emission reductions of 30 percent.

In 2007 U.S. Supreme Court decision that GHGs fit within the Clean Air Act definition of air pollutants. The EPA has found that GHG threaten public health and that motor vehicles contribute to the harm. Six GHGs are included in the EPA finding: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

Last July the EPA granted California's waiver request. The state will now be able to enforce its greenhouse gas (GHG) emissions standards for new motor vehicles, beginning with the current model year. It is likely that 13 states and the District of Columbia will follow California's lead.

## Internet Technology to Help Us?

The US EPA has announced a new, Web-based tool that provides the vehicle to submit discharge monitoring reports on-line. (*Has anyone tried this?*) It's called NetDMR is expected to reduce the regulatory burden and improve data quality. Not all states are eligible; New Mexico, Utah and Massachusetts have federal access. *Does it work? Has anyone tried this?* Let me know and I'll put your comments in the next column and maybe throw in a tee-shirt, too.

## Toxic Substances

### *Prop. 65 Chemicals Remain Workplace Standards*

In a ruling by the Alameda County Superior Court (*Sierra Club v. Schwarzenegger*, Cal. Super. Ct., No. RG 07-356881, 4/24/09), 30 new chemicals identified in worker safety standards as carcinogens and reproductive toxicants must be listed under California's Proposition 65 without further scientific review. This is the state's current practice. Portions of the ruling (styrene, vinyl acetate) were challenged and recently enjoined by a Sacramento court. A final ruling is forthcoming

### *Federal Electronics Hazardous Waste Bill*

A House of Representatives bill introduced by Rep. Michael C. Burgess (R-Texas) in May 14, 2009, called the "Environmental Design of Electrical Equipment Act (EDEE) Act" would amend TSCA to restrict the use of substances, including cadmium, hexavalent chromium, lead, and mercury, in "electroindustry" products. (New terminology from Texas?) If passed, the bill would restrict the manufacture of electrical products and equipment after July 1, 2010, containing a concentration value greater than 0.1 percent by weight of hexavalent chromium, lead, mercury, polybrominated biphenyls (PBB), and polybrominated diphenyl ethers (PBDE), or a concentration value greater than 0.01 percent of cadmium. The bill would have provisions similar to those adopted by the EU. Let's watch this one.

### *Dump Light Bulbs Here*

The State of Maine will be the first in the US to require the recycling of fluorescent bulbs containing mercury. Beginning Jan. 1, 2011, manufacturers must have programs for recycling at convenient locations. This is all to be done without cost to the consumers. Manufacturers that fail to comply would be prohibited from selling or distributing mercury-added lamps in the state. The bill also would require all manufacturers to meet California mercury standards for lamps by Jan. 1, 2012.

## SPCC Regulation Update

The US EPA has amended the dates by which facilities and farms must prepare or amend their Spill Prevention, Control, and Countermeasure (SPCC) Plans, and implement such plans. The rule goes into effect on January 14, 2010, and with a compliance date of November 10, 2010, a seven-month extension. From the EPA presentation:

A facility starting operation...	Must...
On or before August 16, 2002	<ul style="list-style-type: none"> <li>• Maintain its existing SPCC Plan</li> <li>• Amend and implement the SPCC Plan no later than <b>Nov. 10, 2010.</b></li> </ul>
After August 16, 2002 through <b>Nov. 10, 2010</b>	<ul style="list-style-type: none"> <li>• Prepare and implement the SPCC Plan no later than <b>Nov. 10, 2010.</b></li> </ul>
After <b>Nov. 10, 2010</b>	<ul style="list-style-type: none"> <li>• Prepare and implement a SPCC Plan <b>before beginning operations.</b>*</li> </ul> <p>* Owners or operators of new oil production facilities must prepare and implement an SPCC Plan six months after the start of operations.</p>

There are several clarifications to definitions (facility and qualified facility) and other specific provisions (fixed tank, security, and containment requirements). It appears that it is time to dust-off your facility's previous version of the plan and review it against the new regulations.

## Newcomers to Internet Matters

When we started this column in print form for the Journal, the internet was just getting underway. Now we wonder how we ever got along without email, text messages, access to regulatory websites, and now video. So if you've finished watching the latest downloaded editions of "Desperate Housewives" (Bree's lawyer may have been killed), I've listed a couple of You Tube videos for your viewing pleasure. Enjoy the performances.

## WEB SITE LINKS

### *Global Warming*

UN Climate Change Conference  
<http://en.cop15.dk/>

SESHA Journal, Spring 2010  
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Obama Sets GHG Reduction Targets

<http://www.washingtonpost.com/wp-dyn/content/article/2009/05/19/AR2009051901683.html>

US EPA Greenhouse Gases Threaten Public Health and the Environment

<http://yosemite.epa.gov/opa/admpress.nsf/0/08D11A451131BCA585257685005BF252>

<http://www.epa.gov/climatechange/endangerment.html>

Global Warming: Why Public Concerns Declines – CS Monitor

<http://www.csmonitor.com/2009/1206/p25s01-wogi.html>

The Earth Is Crying Out for Help – NY Times

<http://www.nytimes.com/2009/12/09/opinion/09iht-edlovejoy.html>

California GHG Waiver Approved by EPA

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceeac8525735900400c27/5e448236de5fb369852575e500568e1b!OpenDocument>

#### **Others**

Discharge Monitoring Reports

<http://www.epa.gov/netdmr/report/index.html>

Getting Started With NetDMR

[https://netdmr.epa.gov/netdmr/public/getting\\_started.htm](https://netdmr.epa.gov/netdmr/public/getting_started.htm)

New Prop 65 Chemical Litigation

[http://www.martindale.com/environmental-law/article\\_Keller-Heckman-LLP\\_790562.htm](http://www.martindale.com/environmental-law/article_Keller-Heckman-LLP_790562.htm)

HR 2420 Toxics in Electronics (type in bill number)

[http://thomas.loc.gov/home/bills\\_res.html](http://thomas.loc.gov/home/bills_res.html)

Maine Light Bulb Bill Signed

<http://www.environmentalleader.com/2009/06/24/bulb-makers-to-pay-for-recycling-in-maine/>

<http://pressherald.maintoday.com/story.php?id=259073&ac=PHbiz>

EPA SPCC Rules

<http://www.epa.gov/OEM/content/spcc/index.htm>

EPA PowerPoint SPCC Presentation

[http://www.epa.gov/OEM/docs/oil/spcc/spcc\\_rule\\_amendments\\_nov09.ppt](http://www.epa.gov/OEM/docs/oil/spcc/spcc_rule_amendments_nov09.ppt)

**Videos**

Global Warming Message

<http://www.youtube.com/watch?v=zA10n3Mdwcs>

Glaciers Melting

<http://www.youtube.com/watch?v=vQtg8KmpZLQ>