

December 2009



Vol. 48, No. 5

Lake Michigan States Section Air & Waste Management Association Newsletter[®]

Greenhouse Gas Edition

In this issue you will find three distinct opinions on recent developments regarding Greenhouse Gas and the Copenhagen Climate Change Conference. We are pleased to be able to offer opposing opinions. LM-A&WMA strives to fulfill one of our core purposes; that of improving environmental knowledge and decisions by providing a neutral forum for exchanging information. Please note that the views and opinions expressed in this newsletters are those of the article authors and not necessarily those of the editor, the Lake Michigan States Section or Air & Waste Management Association.

EPA Announces Greenhouse Gas Endangerment Finding as United Nations Climate Talks Open in Copenhagen

By: Patricia Sharkey

On December 7, 2009 EPA announced its expected, yet controversial action finalizing its Greenhouse Gas (GHG) Endangerment Finding.

Citing the Supreme Court in *Massachusetts v. EPA* for the “precautionary” proposition that “the Clean Air Act and common sense . . . demand regulatory action to prevent harm, even if the regulator is less than certain that harm is otherwise inevitable,” EPA concludes that

Continued on page 5.

A Sustainable Environment, Our Obligation to Protect God’s Gift

By George Nassos

How Important is the Copenhagen Climate Change Conference?

This month, 193 national delegations are gathering in Copenhagen for the U.N. Climate Change Conference. This is a follow-up to the 1997 meeting in Kyoto where the protocol by the same name was adopted and is set to expire in 2012. Continuing a worldwide effort to reduce carbon dioxide and other green house gas (GHG) emissions is extremely critical if we are to reduce global warming.

Continued on page 7.

USEPA’s Endangerment Finding - Endangered

By: William Graham

Recent events suggest that USEPA’s endangerment finding for greenhouse gases, is itself endangered and may be remanded or reversed in future court cases. The finding’s fatal flaw is that the USEPA admits it relied heavily on findings of the United Nation’s Intergovernmental Panel on Climate Change (IPCC), which itself relied heavily on research promoted by the Climate Research Unit (CRU). The Director of the CRU, Dr. Phil Jones, issued numerous emails clearly documenting fraudulent activity in creating a false temperature record, destruction of records, and refusal to disclose

Continued on page 8.

2009 Air Quality Management Conference

On November 12, 2009, the Lake Michigan States Section of the Air & Waste Management Association held its annual Air Quality Conference in Downers Grove, Illinois. It was a great success both in terms of the record attendance (140) for recent seminars and in terms of the presentations. All of the PowerPoint presentations and written materials are now available for review on the Sections website at <http://www.lmawma.org>. That is the best place to review the totality of the information presented. This article will only touch on some of the high points.

Mary Pat Tyson, Branch Chief, Air & Radiation Division, United States Environmental Protection Agency, Region V, was the lead off speaker. She emphasized the new ambient air quality standards that have been or soon will be promulgated. The 8-hour Ozone Standard is under reconsideration with a proposed rule expected in December, 2009 and a final rule in August of 2010. New non-attainment areas will be designated and states will have until December of 2013 to promulgate state implementation plans (SIPs). USEPA is strengthening the NO_x standard. It proposed a new one hour standard of 80-100 ppb in June of 2009 but is taking comments on a standard as low as 65 and as high as 150 ppb. The annual standard is expected to stay the same. USEPA promulgated a new lead standard in October 15, 2008 of 0.15ug/m³. Illinois has a non-attainment area in the Metro-East Area and Indiana has one in

Eastern Indiana. Additional lead monitoring will also be added. A new SO₂ standard is to be proposed by November 16 and made final by June 2, 2010. She also discussed the status of the CAIR rule, Residual Risk, MACT Standards, the Midwest Clean Diesel Initiative and Enforcement.

The second panel represented the four Lake Michigan States Air Directors. It included Matt Stuckey, filling in for Dan Murray from the Indiana Department of Environmental Management, Laurel Kroack, Bureau Chief, Bureau of Air, Illinois Environmental Protection Agency, Larry Bruss, Section Chief, Regional Pollutant and Mobile Source Section, Bureau of Air Management, Wisconsin Department of Natural Resources, and Lynn Fiedler, Assistant Division Chief, Air Quality Section, Michigan Department of Environmental Quality. Mr. Stuckey stressed the reorganization of the Indiana Department of Environmental Management and its ability to track permit applications and issue permits without the use of outside consultants. He also discussed Indiana's improved air quality, and the impact and uncertainty of proposed or upcoming federal rules.

Laurel Kroack talked about current attainment with the ozone rule, the current daily PM_{2.5} regulation, the redesignation request for the 8-hour ozone standard in the Chicago Metropolitan Area, and the hope to submit a redesignation request for Metro-East once the final RACT

rules are in place. She indicated the final impact of proposed rules for NO_x and PM_{2.5} cannot be known until it is published, with the possibility that Cook County will be non-attainment for NO_x, with one station having the highest readings in the nation. She also commented about the lack of funds and staff severely undermining her bureau. It takes 400 days for a PSD permit to be processed. She has little staff or facilities for FOIA requests and no ability to hire new personnel because of the State's budget crisis.

Larry Bruss for the Wisconsin Department of Natural Resources reviewed the status of the State Air Program and concentrated on the State's efforts in the global warming area.

Lynn Fiedler from Michigan discussed her Agency's efforts to keep up with current challenges and the lack of resources to take on the new challenges which will come with the regulation of "greenhouse" gases.

The next panel dealt with permitting. Genevieve Damico from USEPA discussed the USEPA's proposals that will result in imposing Title V and PSD permitting requirements on emitters of greenhouse gases, specifically carbon dioxide, methane, nitrous dioxide, and hydro-fluorocarbons, perfluorocarbons, and sulfur hexafluoride. This new program is to be driven by a USEPA revised endangerment assessment

Continued on page 3.

2009 Air Conference Agenda

and the new limits on emissions of greenhouse gases from light duty trucks are expected to be finalized in March 1, 2010 which will make these gases regulated under the Clean Air Act for the first time. The New Tailoring Rule, 74 F.R. 555292 (Oct. 27, 2009), will specify the cut-offs for major sources under PSD and Title V at 25,000 tons per CO₂ or equivalents rather than current cut-offs. Without the Tailoring Rule sources, such as small apartment buildings, etc. would be thrown into the Title V permitting arena. Chris Romaine from Illinois gave a status report on Illinois permitting efforts as outlined in his materials, including an excellent discussion of the impacts of new USEPA rules and interpretations on New Source Permitting. I recommend his written material as the best summary of his presentation.

Bharat Mathur, Acting Regional Administrator of Region V, was the luncheon speaker. He gave an overview of the Region's activities and what he sees coming out of headquarters. He predicted a much greater emphasis on toxic pollutants.

The first afternoon panel was to feature Doug Scott, Director of the Illinois EPA. He was unable to attend because of a cabinet meeting with the Governor. In his place was Steve Frenkel, Chief Policy Advisor, IEPA, who spoke concerning the efforts of Illinois to work with other states on global warming issues. He was followed by Melissa Hulting, Regional Climate Change Coordinator, who spoke on the Greenhouse Gas Reporting Rule, the Tailoring Rule, legislative developments, and regional activities. Her PowerPoint presentation deserves particular attention.

The last panel of the day dealt with enforcement and compliance. Ferdinand Alido, Manager of Environmental Affairs at Navistar, Inc., stressed the role and value of environmental auditing in achieving compliance. Rebecca Burlingham, Supervising Attorney, Illinois Attorney General's Environmental Bureau, gave an overview of the Attorney General's enforcement activities and priorities as outlined in her PowerPoint presentation. The final member of the panel was James T. Harrington, a retired environmental attorney most recently associated with McGuireWoods LLP. He gave a brief presentation on some lessons learned from forty years of environmental practice. That presentation is also on the website.

Check out www.LMAWMA.org to view the complete conference handbook.



Editors Note: This is my last issue as editor. I am moving on to the Vice Chair position where I will have responsibility for programs. Debra Jacobson is the new Section Secretary and news lettered editor. Thanks to all those who have contributed during my tenure and please continue to support Debra as we go forward.

Educational Outreach Committee Call for Active Involvement

Starting in 2010, the Lake Michigan States Section will re-initiate "teacher training" efforts through the newly formed Educational Outreach Committee. The Committee's mission is to promote better understanding of environmental issues confronting our society through interactions with educators, students, and the general public within the geographic area of the Section. While our specific goals and activities for 2010 and beyond are still being contemplated, they will involve providing educational resources and guidance to educators and mentoring/counseling high school and university students about environmental careers.

Interested? If you or someone you know would like to actively participate in Educational Outreach Committee activities, send an e-mail to Chris Blume at cblume@gaiatech.com. Help us help make a difference.

YOUNG PROFESSIONALS

BOWLING NIGHT



February 3rd

5:30 - 8:30 PM

Diversey River Bowl

2211 W. Diversey Blvd

Members: \$25 Non Members: \$30

Shoes and Pizza included

Free parking!

Space is limited, so sign up today!

Contact Erin: egalbraith2@hotmail.com

Payment due by January 3rd

Make Checks payable to Erin Galbraith



AIR & WASTE MANAGEMENT
ASSOCIATION
♦
Lake Michigan States Section

EPA Announces Greenhouse Gas Endangerment Finding as United Nations Climate Talks Open in Copenhagen

By: Patricia Sharkey

GHGs, including carbon dioxide, “endanger” public health and the environment. Specifically, the Agency found that six greenhouse gases—carbon dioxide, methane, nitrous oxide, hydro-fluorocarbons, perfluorocarbons, and sulfur hexafluoride—taken in combination endanger both the public health and the public welfare of current and future generations, and that the combined emissions of these greenhouse gases from new motor vehicles and engines contribute to the greenhouse gas air pollution that endangers public health and welfare. The Finding was published in the Federal Register on December 15, 2009 (74 FR 66495).

EPA chose to announce its Endangerment Finding on the opening day of the United Nations Climate Change Conference in Copenhagen. With U.S. climate change legislation stalled in the Senate, U.S. representatives to Copenhagen undoubtedly wanted to provide reassurance of the United States’ commitment to leadership on climate change. On the world stage, EPA’s positive Endangerment Finding for GHGs distinguishes the Obama Administration’s position from that of the prior U.S. administration.

The Finding triggers a CAA requirement for EPA regulation of GHGs as “air pollutants.” Unlike the pending “cap-and-trade” legislative proposals, CAA regulation of GHGs

is anticipated to take the form of less flexible “command and control” style performance standards. While EPA Administrator Jackson reiterated in her announcement that the Obama Administration would prefer to address GHG emissions under comprehensive cap-and-trade legislation, she also noted that EPA was required to undertake the Endangerment Finding process by the Supreme Court in the *Massachusetts* case. The positive Finding creates a CAA mandate for regulation and an increasingly loud drumbeat for legislative action - which as of this date has been drowned out by the national healthcare debate.

EPA has already issued regulations requiring GHG emission monitoring and reporting for most major sources to commence in 2010. See 74 FR 56260 (Oct. 30, 2009). But, once the Finding is published in the Federal Register, the pathway will be clear for EPA to issue regulations that *actually control* GHG emissions. The task of regulating this new set of pollutants is potentially enormous since the CAA prescribes no “significance” thresholds for GHGs and they are emitted by almost every sector of the U.S. economy. Many state permitting agencies have expressed concern about being overwhelmed with GHG permitting and enforcement obligations.

In response to this dilemma, EPA has already proposed regulations to limit

the scope of facilities that would be subject to GHG regulation. In what is known as the “Tailoring Rule,” proposed Sept. 30, 2009, EPA proposed 25,000 tons per year (TPY) of carbon dioxide equivalent emissions as the threshold level of emissions which would subject a facility to GHG regulation. See 74 FR 55292 (Oct.27, 2009). However, EPA’s authority to prescribe by regulation “major source” and “new source review” thresholds that differ from those stated in the CAA is questionable, and many predict the Tailoring Rule will not withstand appeal.

In the preamble to the Tailoring Rule proposal, EPA provides a “roadmap” for when and how GHGs will be deemed “subject to regulation” under the CAA. The first regulation to actually require control of GHGs is expected to be the New Light-Duty Vehicle GHG Regulation proposed Sept. 28, 2009, (74 FR 49454) and expected to be finalized in March 2010.

Once that rule has been finalized, published and cleared under the Congressional Review Act, sometime in May 2010, EPA will consider GHGs to be “subject to regulation” under the CAA for all categories of new emissions sources - even without further regulation. This means that all CAA permits for new facilities or modifications that result in 25,000

Continued on page 6.

EPA Announces Greenhouse Gas Endangerment Finding as United Nations Climate Talks Open in Copenhagen

By: *Patricia Sharkey*

TPY of CO₂ equivalent emissions will be required to install “best available control technology” to reduce emissions.

What these control technologies will be is an open question. Unlike conventional pollutants such as particulate matter or sulfur dioxide, there are no commercially demonstrated means for reducing CO₂ emissions other than by reducing the production of CO₂ in the first place - e.g., through reduced use of CO₂ generating materials and processes or more efficient combustion of fossil fuels. Furthermore, geologic sequestration of CO₂ gas, known as “carbon capture and sequestration” (CCS), is still in the pilot testing stage, albeit with millions of dollars in Department of Energy funding committed to promoting CCS research.

Facing this dilemma, most industry observers consider switching to cleaner fuels and “energy efficiency” projects to be the “low-hanging fruit.” Indeed, the threat of GHG regulation has spurred a worldwide race to discover and bring to market energy-efficiency technologies and scientific breakthroughs that will either sequester CO₂ or reduce its production.

Another open question is the impact the Endangerment Finding and coming EPA regulations or legislation

will have on pending and future climate change litigation matters. The 2nd and 5th Circuit Courts of Appeal have recently rejected defense arguments that climate change is a non-justiciable political question - freeing the way for nuisance cases, such as those claiming Hurricane Katrina was exacerbated by man-made GHG emissions.

Appeals of those matters could reach the Supreme Court. Moreover, now that EPA is poised to regulate GHGs, violations of such regulations may turn nuisance cases into per se liability matters, in which damages are the only consideration for the fact finder.

EPA received an astounding 380,000 public comments on its proposed Finding - a majority of which were identical “mass mail comments,” but including 11,000 individual comments raising scientific, technical, legal and procedural issues. Rejecting “climategate” critics who have claimed bias in the science, EPA’s press release is subtitled the “Science overwhelmingly shows greenhouse gas concentrations at unprecedented levels due to human activity.”

EPA expressly rejects the U.S. Chamber of Commerce’s petition for an APA “on the record” hearing, and staunchly defends its process as consistent with Clean Air Act (CAA) requirements and defends its Finding as based on a thorough

public process, comprehensive scientific assessments, and “robust synthesis reports,” synthesizing thousands of individual studies that were subjected to a “rigorous and exacting standard of peer review by the expert community.”

In recognition of the serious and momentous nature of this Finding, and undoubtedly in anticipation of an appeal, EPA’s pre-publication draft spends more than 280 pages explaining its process and conclusions - and another 190 pages responding to specific comments. At least one group has already threatened to appeal the Finding. However, it is unlikely that the Appellate Court will be willing to step into this public policy debate or to substitute its judgment for that of EPA on the scientific issues involved.

Patricia Sharkey is a Partner with McGuireWoods LLP. McGuireWoods LLP is a full service law firm with focused practices in the Clean Air Act, Energy and Climate Change, and Environmental Litigation.

A SUSTAINABLE ENVIRONMENT, OUR OBLIGATION TO PROTECT GOD'S GIFT (CON'T.)

By: George Nassos

Usually, we think of global warming as having an impact on our weather by generating more storms, on melting ice caps, or drying of agricultural land. Last month, I had the opportunity to participate in a roundtable discussion with Lester Brown, founder of the World Watch Institute and the founder and president of the Earth Policy Institute. During his presentation, he related that the demise of earlier civilizations like the Mayan or Minoan were primarily due to the loss of food. Brown discussed how global warming can have a similar effect on our food production. Unless we have a dramatic reduction in carbon dioxide emissions, the melting of the Greenland and West Antarctic ice sheets will cause a six foot rise in the sea level by the end of this century. This would cause many countries, or parts of countries, to be submerged under water, and this would include New Orleans and most of Florida. We have had 18 consecutive years of melting glaciers, something that will have a major impact on food.

China is currently the leading producer of wheat in the world followed by India and the United States. Wheat production in China and India is irrigated in contrast to U.S. production. The disappearance of glaciers in the Himalayas and on the Tibetan Plateau are of concern because their ice melt sustains the flow of the major rivers of India and China, and these rivers sustain the

irrigation systems. A leading scientist in China predicts that two-thirds of China's glaciers would be gone by 2050, and thus dramatically reducing wheat production. This would place a greater demand for U.S. exports and increase food prices in the U.S. dramatically. Brown indicated that we live in an integrated world food economy, one where harvest shortfalls anywhere can drive up food prices everywhere.

In a study published by the U.S. National Academy of Sciences, an international team of scientists confirmed that for each one degree Celsius rise in temperature above the norm during the growing season, a ten percent decline in wheat and rice yields is expected. In a world with limited grain stocks, and being only one poor harvest away from chaos in grain markets, such a heat wave could lead to politically destabilizing food shortages.

Food production is just one of the critical dependents on the climate and its potential change. As I indicated in my July/August 2009 article, the Waxman-Markey bill, which was passed by the House of Representatives, is very weak and will not have much of an impact in controlling climate change. While it proposes to reduce our emissions by 2020 to levels 20% below 2005 levels, that is the same as reducing emissions by only 4% below 1990 levels – that proposed by the Kyoto Protocol.

The Senate has not passed its version of a cap-and-trade bill, and as a result, the U.S. will be at the Copenhagen meeting without any program to reduce emissions. When the world's second largest emitter of GHG cannot adopt an emission reduction program, a timely international agreement is unlikely. It has already been predicted that this Copenhagen meeting will defer any international agreements until sometime in 2010, or possibly even later.

Some people feel that international agreements are obsolete in that no country wants to give in to a policy dictated by others. Also, ratification of international agreements can take up to five years, or even longer. For example, the Kyoto Protocol, passed in 1997, was still being ratified ten years later. If the Copenhagen agreement takes that long, we will already be in 2020 with, perhaps, little having been accomplished. Each country must take the position that it will assume its responsibility to curtail carbon emissions as quickly as possible and to levels that will have a positive impact on climate change. Only then will we have food security. Doing it later is too late!

USEPA's Endangerment Finding - Endangered?

By: William Graham

information that would have enabled peers to evaluate research results. He has since stepped down; the entire CRU is under investigation.

Senator Inhofe, R-OK, has promised Congressional hearings on the alleged fraud at CRU and the involvement of United States researchers, Universities and government sponsors. He wrote to key individuals notifying them to not destroy any records. The US Department of Energy notified thousands of employees to secure any records related to CRU and related initiatives. Other legal initiatives are very likely, considering the large amounts of funding that may have been fraudulently obtained.

Here is part of the announcement from the USEPA web page:

On December 7, 2009, the Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

Endangerment Finding: *The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases—carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)—in the atmosphere threaten the public health and welfare of current and future generations.*

Cause or Contribute Finding: *The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new*

motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action is a prerequisite to finalizing the EPA's proposed greenhouse gas emission standards for light-duty vehicles (<http://www.epa.gov/oms/climate/regulations.htm>), which were jointly proposed by EPA and the Department of Transportation's National Highway Safety Administration on September 15, 2009.

On April 2, 2007, in Massachusetts v. EPA, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act. The Court held that the Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the Administrator is required to follow the language of section 202(a) of the Clean Air Act. The Supreme Court decision resulted from a petition for rulemaking under section 202(a) filed by more than a dozen environmental, renewable energy, and other organizations.

On April 17, 2009, the Administrator signed proposed endangerment and cause or contribute findings for greenhouse gases under Section 202(a) of the Clean Air Act. EPA held a 60-day public comment period, which ended June 23, 2009, and received over 380,000 public comments. These included both written comments as well as testimony at two public hearings in Arlington, Virginia and Seattle, Washington. EPA

carefully reviewed, considered, and incorporated public comments and has now issued these final Findings.

What is the Administration's Intent?

Shortly after the EPA's announcement, the White House fired a warning shot at Congress, where opposition to Cap and Trade legislation has been growing.

"The Obama administration is warning Congress that if it doesn't move to regulate greenhouse gases, the Environmental Protection Agency will take a "command-and-control" role over the process in a way that could hurt business. The warning, from a top White House economic official who spoke Tuesday on condition of anonymity, came on the eve of EPA Administrator Lisa Jackson's address to the international conference on climate change in Copenhagen, Denmark. Jackson, however, tried to strike a tone of cooperation in her address Wednesday, explaining that the EPA's new powers to regulate greenhouse gases will be used to complement legislation pending in Congress, not replace it." FOX News-Politics 12/09/2009

This remark suggests intent more indicative of the pursuit of power and control, as opposed to the pursuit of environmental improvements we have expected of USEPA since its founding in the 1970's. However,

Continued on page 9.

USEPA's Endangerment Finding - Endangered?

By: William Graham

just this week, moderate Democrats taking beatings on the home front over the controversial government takeover of health care, banded together to warn the Administration they cannot be counted on to support Cap and Trade legislative efforts in 2010.

USEPA's Response to Public Comments

Few of us have the time to read all the documents generated under this action. A glimpse into some of these will be illustrative on why the CRU situation and IPCC reports are foundational to the Endangerment Finding.

Part of USEPA's response to 380,000 comments is summarized in Volume 3, Attribution of Observed Climate Change (53p). Comments are grouped among 57 comments with responses. The comments include most major objections to the theory of anthropogenic global warming (AGW), ranging from its scientific and thermodynamic impossibility, to global temperatures best correlating with solar activity and ocean temperature. USEPA rejects each comment with authority as *not peer reviewed, unproven, wrong, or inconsistent with the bulk of scientific literature*. Where EPA acknowledges some ambiguity they cite studies favorable to their finding and make minor clarifications to the Technical Support Document (TSD). Two thirds of the responses

reference various IPCC reports with some mention of the closely affiliated US Climate Change Science Program (CCSP) and the US Global Change Research Program (USGCRP). USEPA, like the Supreme Court, leaned heavily on the work of the IPCC. In past USEPA rulings and regulations, it was more normal to rely on US based research on human health effects, modeling, air quality data, etc. Lacking the IPCC reports, USEPA would have been forced to take the other path the Supreme Court gave it, i.e. *the science is too uncertain to make a reasoned decision*.

<http://epa.gov/climatechange/endangerment.html#comments>

The potential consequences of the endangerment finding could be far-reaching. Consider that 380,000 comments were submitted; not everyone cares that much about light duty trucks! For example, the Clean Air Act requires regulation as a Major Source any facility with the potential to emit more than 250 tons per year of a pollutant. Congress did not give USEPA the discretion to waive this requirement, or raise the threshold to 25,000 tons per year, as USEPA has proposed in the GHG reporting regulation in effect for 2010. USEPA can be sued to enforce the 250 tpy threshold. According to USEPA calculations, this 250 tpy threshold for carbon dioxide can be exceeded by a facility that has the capability to combust fuel oil in the amount of 2.5 gallons per hour (0.35

mmbtu/hr). This would bring under Federal regulation as a major source virtually all locations except single family residences and small commercial operations. Command and control on this level would cause Environmental programs to dwarf every other aspect of government oversight of our society, including the IRS and proposed Universal Health care. Some observers say this could dramatically accelerate the decline of the US economy.

<http://www.epa.gov/RDEE/energy-resources/refs.html#oil>

For an opinion on the EPA ruling by Chicago attorney Harvey Sheldon, see http://www.americanthinker.com/2009/12/clearing_the_air_on_the_clean.html

Key findings of IPCC reports have been based on research and publications orchestrated by the Climate Research Center (CRU) at the University of East Anglia in the UK; CCSP and USGCRP march in lock-step with IPCC and CRU. The CRU, its findings and practices are now under investigation. An increasing number of voices in the scientific community have asked for full disclosure of communications, data, models and studies that have been closely held; more information has been released and is being evaluated. Where these have been revealed, they raise additional questions of propriety that demand answers and accountability. At this point, some cling to the view than

Continued on page 10.

USEPA's Endangerment Finding - Endangered?

By: William Graham

recent revelations do not undercut the findings of the IPCC. Others predict that revelation of more damaging information will put the IPCC findings and entire scientific record at risk. No doubt promised investigations will yield more damaging information. This in turn may be used to prove that the 2007 ruling of the US Supreme Court, and the 2009 USEPA endangerment finding, do not rest on a solid foundation of science, or law. Several parties have already made it clear that there will be significant legal action regarding the endangerment finding. The confirmation of fraud in the creation of CRU research results and IPCC findings that relied on them would mean the endangerment finding, and even the Supreme Court ruling, will be reversed.

Events are unfolding rapidly; challenging interested parties to keep up. The stories overwhelm the capacity of traditional print and media resources. Internet news sources provide more timely and thorough information. Given the speed and ease at which stories can be confirmed or denied, the stigma the internet had for unreliability seems to be fading. Even the traditional media outlets have substantial commitments to the internet.

Members interested in these events might check on the most active internet sites with a focus on the issues of climate change. Anyone of these has links to many other informative sites. Try Heartland Institute, ICECAP, Climate Depot, Pielke Climate Science and Watts

Up with That. Also check on Oklahoma Senator Inhofe's web. He is leading Congressional efforts for accountability and rationality in regulating green house gases. We may all count on truth prevailing eventually; no one knows when that might happen. But another ten years of cooling like we have just experienced may have us all concerned with more pressing issues than the theory of global warming: issues like malnutrition, famine, exposure and disease that really affect people's daily lives.

Latest Developments

Reports from Copenhagen, suggest that countries had trouble reaching agreement on the amount and timing of the infusion of capital from the developed countries to those just developing. Some are suggesting a time-out of 5-6 years or so to see if a consensus can evolve. The US led an effort for developed countries to commit up to \$100 billion/year to transfer to developing countries; but it is unclear Congress will back up this promise. While the US insists on verification of emissions; China calmly resists such intrusions. China appears to have become the major player in these debates; and they are not interested in arbitrary limits on their economic growth. An accord was finally brokered that suggested voluntary efforts to keep the global temperature from increasing more than 2 degrees C. This accord was heavily criticized as useless and toothless. Within a week of the end of the Copenhagen conference, it

was roundly criticized by almost all interested parties and governments; few defended that any real progress had been made.

Apparently, developments from CRU were on the minds of many at Copenhagen. Saudi Arabia called for an independent audit of all climate records and refused to endorse any agreement until these data confirm a positive correlation between elevated CO₂ and temperature. China appears privately to question the theory or need for reductions. Since global temperatures have been declining for nearly 15 years, while CO₂ concentrations have been steadily increasing, this challenge is not an easy one.

Recent events have forced media outlets to acknowledge and report on points of view contrary to climate alarmism, something they have stoutly resisted for many years. Several mainstream media outlets including Fox News, the WSJ and the Chicago Tribune, have at last presented stories giving voice to those who question climate is changed by man. Momentum has shifted and it is not at all apparent what forces exist to reverse this.

Those supporting a centrally controlled world economy and who felt climate alarmism was the vehicle to accomplish this are disappointed, even angry. Regardless of the accord reached, the hopes of prior years for a firm, quantified commitment for

Continued on page 11.



ST. PATRICK'S DAY YOUNG PROFESSIONALS NETWORKING EVENT

It's that time of year again when the Irish celebrate their heritage and everyone else does too!

Take the opportunity to get to know other professionals in environmental fields, learn about the Air and Waste Management Association or just come out to socialize.

Appetizers on Lake Michigan - AWMA and Drinks on You!



AIR & WASTE MANAGEMENT
ASSOCIATION
Lake Michigan States Section

Where: Fadó - 100 West Grand (Clark and Grand), Chicago IL

When: March 11, 2010
5:30-9pm

All are welcome (21 and up)

Please RSVP by March 1st:
Meredith Cywinski-
mcywinski@setenv.com

USEPA's Endangerment Finding - Endangered?

By: William Graham

reductions, and clear transfer of wealth from developed countries have been dashed.

Those who cherish sound and open science and rational, risk based approaches to policy may be encouraged. They feel precious resources deserve to be invested in higher priority ventures. In five or so years as the globe further cools and investigations mature, there may be no natural, and little

political constituency, for controlling carbon to destroy the world's economy and restrict the freedoms of its citizens.

Invitation:

Members of A&WMA have dedicated their education and careers to protecting the environment, but also to truth and sound science. Each of us needs to be aware of the abuse of science and

be in a position to counsel others who rely on our training and experience. I encourage all members to consider the facts and develop their own assessment of what is the truth. As for me, I believe our environmental movement, and science itself, have been hijacked and discredited. I am embarrassed and disappointed.

William K. Graham, P.E.
Past Chair LM-AWMA
billgrahamPE@aol.com

STEPHEN H. ROTHBLATT SCHOLARSHIP

The Lake Michigan States Section of AWMA has established a new graduate student scholarship in memory of Mr. Stephen H. Rothblatt. Mr. Rothblatt was a long time supporter and contributor to the LM-AWMA, including serving as Chairman of the Board from 1987-1988. In his professional capacity Mr. Rothblatt was the Director, Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, headquartered in Chicago, Illinois.

We are soliciting donations from our members and friends for the new scholarship fund. The scholarship recipients will be outstanding graduate students studying in the environmental field.

As a Section, we feel that scholarship programs are a vital function and provide needed support to the future environmental professionals within the territory of the Lake Michigan State Section. Ideally, we will be able to provide several generous scholarships to reflect the strength of our membership. The fund amount each year will be dependent upon annual donations and/or the interest generated from the investment fund.

Since the scholarship program will be funded strictly through the generosity of our members and supporting businesses, the Section's Board of Directors is hopeful that you will give serious consideration to making a tax-deductible donation in support of this program.

Please consider making a donation today! Make your check payable to LM-AWMA Scholarship Fund and mail it to LM-A&WMA, 11 W. Pleasant Hill Blvd., Palatine, IL 60067.

Any donation amount will be graciously accepted. Thank you very much for your consideration and continued support.



Current Contributors:

Al Gans

Donna M. Kenski

Dennis A. Lawler

Mary T. McAuliffe

Scott J. Mermel

Mark J. Rood

Robin M. Rotman

Mr. & Mrs. Carlos A. Rotman

John Summerhays

Mary Pat Tyson



Air & Waste Management Association's 103rd Annual Conference & Exhibition June 22-25, 2010 • Calgary, Alberta, Canada

Mark your calendars now and plan to join us in Calgary for the Air & Waste Management's 103rd Annual Conference & Exhibition (ACE)!

ACE 2010 will feature a technical program boasting over 500 speakers, hundreds of exhibitors displaying the latest in environmental technology and innovation, fun social and networking events, and professional development courses taught by industry leading instructors.

Building on the conference theme of "Energy and Environment" the technical program will explore a range of related issues, including the future of fossil fuels, alternative energy solutions, and greenhouse gas emissions management, innovation, and technology.

Reaching Out EOC Helps Out with Lycée First Annual Career Day

On November 21st, Chris Blume, the Section's Educational Outreach Committee Chair, represented sustainable energy/environmental engineering careers at the First Annual Career Day at the *Lycée Français de Chicago*. This unique event provided a bilingual forum in which high school students from the *Lycée* and the *Ecole Franco-Américaine de Chicago* at Lincoln Park High School could ask questions and advice regarding university studies and real world aspects of life after school to representatives of over 50 professions and trades.

MEMBER NEWS

New Staff Joins FTC&H Lansing Office

Fishbeck, Thompson, Carr & Huber, Inc. Engineers is pleased to announce the addition of **Mr. David A. Ferrier, P.E.** to our Lansing office. Mr. Ferrier joins FTC&H as a Senior Environmental Engineer in the firm's Environmental Services Department. He is a graduate of the University of Michigan where he earned his Bachelor of Science degree in Engineering Mechanics. He is a Professional Engineer and has worked in the environmental field for 35 years.

Mr. Ferrier has diverse air quality regulatory experience, and is considered an expert on state and federal air pollution control regulations. For 27 years, he worked for the Michigan Department of Environmental Quality (MDEQ), Air Quality Division, reviewing and approving air use permits for a wide variety of sources. Mr. Ferrier has assisted clients with a variety of tasks related to compliance with state and federal air pollution regulations, including air use installation permitting, environmental air audits, Clean Air Act Title V processes, and Michigan's air emissions inventory reporting. In addition, he has performed air audits for facilities to determine compliance with state and federal air pollution control requirements.



New & Rejoining Members

Raymond Akers
Cook County Environmental

Dean Apostolopoulos
Clean Air Engineering

Randall Boisvert
Lehigh Hanson

Jennifer Buzecky
Whyte Hirschboeck Dudek, S.C.

Charlie Byers
USG Corporation

Yanju Chen
Univ of IL at Urbana-Champaign

Michelle Chillson
Environmental Information Logistics

Jay Corgiat
Environmental Information Logistics, LLC

Amy Dean
Fishbeck, Thompson, Carr & Huber

Kate Delahunt
Partners for Clean Choice

Jessica DeMonte
Squire Sanders & Dempsey

Lawrence Dorr
DTE Energy

Paul Doskey
Michigan Technological University

Matthew Eugster
Varnum Riddering Schmidt & Howlett LLP

Jon Faletto
Hinshaw & Culbertson, LLP

Cynthia Faur
Quarles & Brady LLP

Doug Fisher
Civil & Env. Consultants, Inc.

Bill Forcade
Jenner & Block

Randy Frank
Veolia ES Solid Waste Inc.

John Franke

Amelia Gooding Cheek
United Airlines

Kelly Gossiaux
DTE Energy

Christopher Greco
ENVIRON International Corp.

Bruce Greer
SPL Inc.

Joe Griffiths
Capital Power Corporation

Marc Groenleer
Groenleer Consulting, Inc.

Jeffrey Jaeckels
Alliant Energy

Continued on page 10.

MEMBER NEWS

Doug Fisher joins CEC, Chicago Office

Civil & Environmental Consultants, Inc. is pleased to announce the addition of **Mr. Doug Fisher** as Principal and Environmental Practice Lead in the Chicago office. He joined CEC in February of 2009 with the goal of building the office's environmental practice specifically by contributing his "above surface" experience in areas such as multimedia permitting, due diligence auditing, and compliance to the already established sub-surface environmental services being offered. The ultimate goal: to provide a comprehensive suite of services to existing CEC clients.

With more than 30 years of experience in the environmental compliance business — both as a consultant and client — Mr. Fisher is able to bring a well-rounded client's perspective to CEC projects. His expertise include industrial and municipal wastewater treatment design; air permitting and pollution control design and startup; water treatment design and startup; hazardous waste management; strategic sourcing; compliance auditing and due diligence management.

Doug is a member of A&WMA, the National Association of Environmental Managers (NAEM) and U.S. Green Building Council (USGBC).

Doug Fisher can be contacted in Chicago by phone (630) 963-6026 or via email: DFisher@cecinc.com.



New & Rejoining Members

Jay Jagodinski
Green Bay Packaging Inc.

John Karrow
Environment, Inc.

Michael Kemme
USA ERDC/CERL

Arezoo Khodayari
UIUC

Judi Kinch
Environmental Info. Logistics

Gregory Kinser
United States Gypsum Company

Christina Landgraf
Barnes & Thornburg LLP

Justin Lindenberg
UMN

C. David Livengood

Robert Lopez
WDNR

Nathan Miller
Self-employed

Mike Niemann
Environmental Info. Logistics

Kevin O'Brient
True Value Manufacturing

Timothy Peterkoski
Squire Sanders & Dempsey

Patricia Peterson
ENSR / AECOM

Karen Prena
Law Offices of Karen Lee Prena P.C.

Andrew Querio
Environmental Info. Logistics

Kathy Rollins
Stepan Company

Patricia Rykowski
Industrial Container Services, LLC.

Diane Sackmann
Silgan Containers

Robert Safe
Safe Technology, Inc.

Kristen Schneider
Environmental Info. Logistics

Mark Steinberg
SC Johnson & Son, Inc.

Joseph Suchecki
Engine Manufacturers Association

Daniel Taylor
Archer Daniels Midland Company

Les Young
Cook County Environmental

Steven Youngblut
IL EPA

Guo Yu
Univ of IL at Urbana-Champaign

Welcome to the 2010 LM-A&WMA Board of Directors. The new Board will take their seats effective January 1, 2010. They will be meeting in January to determine conference/seminar offerings for 2010. If there is a topic you would like to see offered, are willing to help organize an event or just want to see what the Section is doing; consider attending the January 20, 2010 (tentative date) Board of Directors meeting. If you are interested in attending, let Robin Pelsis (robin@LMAWMA.org) know and she will keep you updated on the date, time and location.



LM-A&WMA 2010 OFFICERS & DIRECTORS

Chair: **Christopher Perzan**
Navistar, Inc.
chris.perzan@navistar.com

Treasurer: **William Seith**
Total Environmental Solutions, P.C.
wdseith@tespc.com

Vice-Chair: **James Harrington**
McGuireWoods LLP, Retired
jharrington@mcguirewoods.com

Membership: **Laura Mammoser**
laura_mammoser@yahoo.com

Secretary: **Debra Jacobson**
Illinois Sustainable Technology Center
University of Illinois
djacobson@istc.illinois.edu

**Outgoing
Chair:** **Ferdinand Alido**
Navistar, Inc.
ferdinand.alido@navistar.com

Directors: **Dean Apostolopoulos**
Clean Air Engineering
da Apostolopoulos@cleanair.com

Dale Kalina
Environmental Partners
dale.kalina@enviro-partners.com

Christopher Blume
GaiaTech, Inc.
cblume@gaiatech.com

George Nassos
IIT Stuart School of Business
george.nassos@iit.edu

Teri Dykhuis
Fermilab
dykhuis@fnal.gov

Chris Newcomb
CITGO Petroleum
cnewco1@citgo.com

James Heine
Argonne National Laboratory
jheine@anl.gov

David Ozawa
Platt Environmental Services, Inc.
dozawa@plattenv.com

