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## ENVIRONMENTAL, HEALTH, AND SAFETY NEWSLETTER

VOLUME 3, NUMBER 7 (JULY)

Table of contents (click on topic to jump to section):

- [Articles](#)
- [Additional Articles](#)
- [Updates](#)
- [World News Briefs](#)
- [Upcoming Events](#)
- [Leisure Connections](#)
- [Job Opportunities](#)
- [Websites of Month](#)
- [Contact Us](#)

## Happy Birthday America!



### America the Beautiful

by Katherine Lee Bates

*O beautiful for spacious skies  
For amber waves of grain  
For purple mountain majesties  
Above the fruited plain!  
America! America!  
God shed his grace on thee  
And crown thy good with brotherhood  
From sea to shining sea!*



### ARTICLE:

#### Oilfield Contamination Legislation

By: **William G. Davis**  
Partner, Milling Benson Woodward, LLP  
Reprinted Courtesy of BIC Magazine

Over the past three years in Louisiana, there has been an explosion of litigation by landowners concerning the environmental damage to their property from oil and gas (oilfield) activities that took place decades ago. Encouraged by a multi-million dollar verdict in *Corbello v. Iowa Production* (for damage to property worth considerably less than a million dollars), and with no requirement that the funds awarded actually be used to remediate the property, plaintiff attorneys

have flooded the courts with lawsuits.

#### Louisiana Senate Bill 655

Alarmed by this flood of lawsuits, and in an effort to protect the environment by ensuring that property legitimately contaminated from oilfield activities is properly remediated, the legislature passed Senate Bill 655. The bill is currently awaiting the signature of the

Governor, who said she will sign it.

**T**he bill provides that lawsuits for oilfield environmental damage filed after the date of the Act, or that are filed prior to the effective date of the Act and a trial date not set by March 27, 2006, shall give notice to the Commissioner of Conservation, Louisiana Department of Natural Resources (DNR) and the state Attorney General, who then have the right to intervene in the litigation. The court involved must also order the party responsible for the environmental damage to develop a plan for the evaluation and/or remediation of the property (remediation plan) to applicable standards, presumably standards developed by DNR.

### **Remediation Plan**

**I**n general, the remediation plan must be submitted to DNR for review within 60 days of the court order, and the plaintiffs (or any other interested parties) shall have 30 days to review the plan and submit comments to DNR. They may also submit their own remediation plan. The Act provides for a public hearing on the remediation plan(s) submitted. Within 60 days of the hearing, DNR must approve one of the remediation plans or structure a remediation plan it considers more feasible. The bill provides that the DNR must issue written reasons for the remediation plan it approves.

**T**he remediation approved by DNR must be adopted by the court, unless (by a preponderance of the evidence) the court finds another remediation plan more protective of the environment and public health. If another remediation plan is adopted, the court must enter written reasons for adopting the alternative plan. Upon adoption of a remediation plan, the court must order the party legally responsible for the contamination

to fund its implementation.

### **Registry of the Court**

**U**nlike present law, where money for oilfield environmental damages is paid directly to the landowner (and often not used for remediation), payments awarded for implementation of the remediation plan must be paid into the registry of the court and actually used for remediation. If ultimately the funds are insufficient for the remediation plan, the court must order additional funds be placed into the registry. On the other hand, in the event that there are funds remaining after the remediation plan is completed, then those funds must be returned to the responsible party.

**T**he bill also provides that any party providing evidence upon which a judgment for remediation damages is based, is entitled to recover from the responsible party all costs attributable to producing evidence, including reasonable attorney fees incurred in both the trial court and the DNR proceedings. It also provides that the Attorney General is entitled to recover all costs, including reasonable attorney fees and expert witnesses, incurred in the development of the remediation plan.

**W**hile not perfect, this legislation is a step in the right direction. It provides that money awarded for remediation of property contaminated by oilfield activity is actually used for that purpose. It further recognizes the role of DNR in evaluating and remediating the sites, and it at least begins the process of setting consistent standards for the remediation of oilfield contaminated properties.

**\*\*\*\*\*Note: A URL extending beyond one line may\*\*\*\*\*  
inadvertently add a blank space that must be removed.  
Also, some files are quite long and may take time to open.**

### **ADDITIONAL ARTICLES:**

*Louisiana Coastal Wetlands Conservation and Restoration Task Force issues June edition of WaterMarks*

WaterMarks is published three times a year by the Louisiana Coastal Wetlands Conservation and Restoration Task Force to communicate news and issues of interest related to the Coastal Wetlands Planning, Protection and Restoration Act of 1990. For more information see <http://www.lacoast.gov/watermarks/2006-06/watermarks-2006-06.pdf>

## ***The St. Bernard Parish Government Hurricane Environmental Relief Fund***

**The fund is located at:**

**The Gulf Coast Bank and Trust Company  
8216 W. Judge Perez Drive  
Chalmette, Louisiana 70043  
Contact: Gus Reiss (504-561-1300)  
St. Bernard Parish Tax I.D.: 72-6001193**

**Donations may be made to:**

**Geremie Loupe  
Parish Director of Finance  
St. Bernard Parish Council  
8201 W. Judge Perez Drive  
Chalmett, Louisiana 70043**



## UPDATES:



### INTERNATIONAL AGENCIES

#### ***United Nations Environment Programme (UNEP) Welcomes Achim Steiner as Executive Director***

Achim Steiner assumes his duties as the Executive Director of the United Nations Environment Programme (UNEP). Acting on the nomination of Secretary-General Kofi Annan, the UN General Assembly unanimously elected Mr. Steiner as the new Executive Director of UNEP on 16 March 2006 for a four-year term, effective 15 June 2006. Mr. Steiner becomes the fifth Executive Director in UNEP's history. Before joining UNEP, Mr. Steiner served as Director General of the World Conservation Union (IUCN) from 2001 to 2006. For more information see

<http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=480&ArticleID=5298&l=en>

**I have sworn upon the altar of God, eternal hostility  
Against every form of tyranny over the mind of man.**

**-Thomas Jefferson, 1800**

#### ***United Nations World Health Organization (WHO) report claims over 13 million deaths each year due to preventable environmental causes***

The WHO report shows that as much as 24 per cent of global disease, and 33 per cent of that in children under five, is caused by environmental exposures that can be averted. For more information see

<http://www.un.org/apps/news/story.asp?NewsID=18883&Cr=WHO&Cr1=> and

[http://www.who.int/quantifying\\_ehimpacts/publications/preventingdisease/en/index.html](http://www.who.int/quantifying_ehimpacts/publications/preventingdisease/en/index.html) and

[http://www.who.int/entity/quantifying\\_ehimpacts/publications/preventingdisease.pdf](http://www.who.int/entity/quantifying_ehimpacts/publications/preventingdisease.pdf)

#### ***Council of the Global Environment Facility (GEF) has appointed Monique Barbut Chief Executive Officer and Chairman***

Council of the Global Environment Facility (GEF) has appointed Mrs. Monique Barbut, a French national working for the United Nations Environment Programme (UNEP), to a three-year term as its Chief Executive Officer and Chairman. The GEF is an international financial mechanism with 176 member countries that addresses global environmental issues while supporting national sustainable development initiatives. GEF grants support projects in developing countries in the areas of biodiversity, climate change, international waters, land degradation, the ozone layer and persistent organic pollutants. GEF's implementing agencies—the UN Development Programme (UNDP), the UN Environment Programme (UNEP), and The World Bank—share credit for GEF's measurable on-the-ground achievements. For more information see

<http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=480&ArticleID=5296&l=en>

#### ***United Nations Environment Programme (UNEP) and the World Conservation Union (IUCN) report urges action to avoid deep trouble in the deep seas***

The report, entitled Ecosystems and Biodiversity in Deep Waters and High Seas, argues that the many lessons learnt on conserving coastal waters should be adapted and applied right across the marine realm, including in areas beyond national jurisdiction. That swift and wide ranging actions are needed to conserve the world's entire marine environment amid fears that humankind's exploitation of the deep seas and open oceans is rapidly passing the point of no return. For more information see

<http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=480&ArticleID=5300&l=en> and

[http://www.unep.org/pdf/IUCN\\_Report\\_16June06.pdf](http://www.unep.org/pdf/IUCN_Report_16June06.pdf)

#### ***Organization for Economic Cooperation and Development (OECD) issues Policy Brief on "The Social Dimension of Environmental Policy"***

Is it true that environmental policies hit the pockets of poorer households harder than those of wealthier ones? And that the poor receive less of the benefit of such policies as they are more likely to live closer to industry or hazardous waste treatment plants and further from parks or the countryside? This is a widespread perception, and in many cases one that is supported by the available evidence. For more information see

<http://www.oecd.org/dataoecd/31/0/36958774.pdf>

#### ***Organization for Economic Cooperation and Development (OECD) issues report "The Political Economy of Environmentally Related Taxes"***

Environmentally related taxes are increasingly used in OECD countries, and ample and increasing evidence of their environmental effectiveness is now available. However, there remains a high potential for wider use of these environmental policy instruments, provided that they are well designed and that their potential impact on international competitiveness and income distribution are properly addressed. For more information see

[http://www.oecd.org/document/20/0,2340,en\\_2649\\_37465\\_36815124\\_1\\_1\\_1\\_37465,00.html](http://www.oecd.org/document/20/0,2340,en_2649_37465_36815124_1_1_1_37465,00.html) and

<http://www.oecd.org/dataoecd/27/23/36966499.pdf>

#### ***European Environment Agency (EEA) report says Europe's energy policies must be environmentally sound***

The report, "Energy and environment in the European Union: Tracking progress towards integration," says that Europe's future energy supply should be based on a portfolio of technologies. Reduced consumption must also play a role in securing supply and protecting the environment. For more information see

<http://org.eea.europa.eu/documents/newsreleases/energy2006-en> and [http://reports.eea.europa.eu/eea\\_report\\_2006\\_8/en](http://reports.eea.europa.eu/eea_report_2006_8/en)

#### ***European Environment Agency (EEA) issues report on the state of the environment in the coastal areas***

This report provides information on the state of the environment in the coastal areas of Europe, and provides evidence of the need for a more integrated, long-term approach. For more information see

[http://reports.eea.europa.eu/eea\\_report\\_2006\\_6/en](http://reports.eea.europa.eu/eea_report_2006_6/en) and

[http://reports.eea.europa.eu/eea\\_report\\_2006\\_6/en/eea\\_report\\_6\\_2006.pdf](http://reports.eea.europa.eu/eea_report_2006_6/en/eea_report_6_2006.pdf)

## UPDATES CONTINUED:

### ***European Union (EU) ban on hazardous substances in electrical and electronic products takes effect***

From July 1, 2006, a wide range of electrical and electronic products put on the European Union market may no longer contain certain hazardous substances that can endanger human health and the environment. Four heavy metals and two groups of brominated flame retardants are being banned as they can pose a direct risk to workers' health when waste electrical and electronic equipment is recycled and can be released into the environment when such waste is incinerated or disposed of in landfill dumps. For more information see

<http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/06/903&format=HTML&aged=0&language=EN&guiLanguage=en>

Her mild eyes command...  
Give us your tired, your poor,  
Your huddled masses yearning to be free,  
The wretched refuse of your teeming shores,  
Send these, the homeless, the tempest tossed to me,  
I will lift my lamp beside the golden door.  
-Emma Lazarus, "New Colossus," Statue of Liberty

## FEDERAL EXECUTIVE AGENCIES

### ***Environmental Protection Agency (EPA) provides \$3 million in grants to Gulf Coast***

The EPA Gulf of Mexico program is supporting a healthy and resilient Gulf of Mexico coast by announcing competition for as much as \$3 million in grants. The Gulf of Mexico Alliance Regional Partnership Projects will benefit the health of the Gulf of Mexico by improving water quality and public health, protecting coastal habitat, increasing coastal environmental education, improving habitat data and decision support systems, and reducing nutrients. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/d956c61d373977208525719c005b455f!OpenDocument> and <http://www.epa.gov/gmpo/pubinfo/partn-funding-announcement.html>

### ***Environmental Protection Agency (EPA) releases beach monitoring information***

EPA beach monitoring data on bacteria released indicate that beaches were safe for swimming 96 percent of the time in 2005. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/cdedf90153154385852571960061025a!OpenDocument> and <http://www.epa.gov/waterscience/beaches/> and <http://www.epa.gov/waterscience/beacon/>

### ***Environmental Protection Agency (EPA) issues Final Report on Localized Fuel Blends Known as Boutique Fuels***

EPA released a report by the Boutique Fuels Task Force that fulfilled the President's charge to increase cooperation among the states on fuel supply decisions and analyze the impacts of boutique fuels, or fuel blends, used by states to help meet clean air standards. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/f4914cfd52d5e82285257196006785b9!OpenDocument> and <http://www.epa.gov/otaq/boutique-task-force.htm>

### ***Environmental Protection Agency (EPA) bans on human studies extended to nursing women***

EPA is issuing a direct final rule that bans using nursing women in intentional dosing research for pesticides. The final rule guarantees nursing women are not involved in human studies and provides protection to nursing infants who may also be exposed. EPA will not rely on data from previous studies that included nursing women. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/12b1d3071df3bf8b8525719600688141!OpenDocument> and <http://www.epa.gov/oppfead1/guidance/human-test.htm>

### ***Environmental Protection Agency (EPA) rule proposed to control effluent from large animal feedlots***

Concentrated animal feeding operations (CAFOs), such as large pig, veal and poultry, beef and dairy farms, would continue to be required to properly manage the manure they generate under a rule proposed EPA. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/5b1ea0613dfe298a852571950066b86c!OpenDocument> and <http://www.epa.gov/npdes/afo/revisedrule>

### ***Environmental Protection Agency (EPA) posts hurricane preparedness information in Spanish***

EPA has launched a new hurricane preparedness Web page in Spanish to provide information to Spanish speakers and Hispanic businesses nationwide, including Puerto Rico. Early preparations during hurricane season can minimize injury and property damage. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/bb0a952c4d6304a78525718d006f4015!OpenDocument> and <http://www.epa.gov/espanol/hurricanes.htm>

### ***Environmental Protection Agency (EPA) retrofit guidance will help states calculate air quality benefits***

EPA has issued guidance to states on how retrofit projects can be used in state plans to meet federal air quality standards and conformity determinations. Diesel retrofit technologies can reduce pollution from the existing diesel engine fleet by up to 50 percent for nitrogen oxides and up to 90 percent for both particulate matter and volatile organic compounds. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/bcc849706e8575f48525718c0065e1d3!OpenDocument> and <http://www.epa.gov/otaq/stateresources/transconf/policy.htm>

### ***Environmental Protection Agency (EPA) releases Scrap Tire Cleanup Guidebook***

In an effort to reduce scrap tire piles around the country, EPA and the State of Illinois have created the Scrap Tire Cleanup Guidebook, A Resource for Solid Waste Managers Across the United States. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/a4f49b6c54fbebcd85257187005bb4d6!OpenDocument> and <http://www.epa.gov/reg5rcra/wptdiv/solidwaste/tires/guidance/>

## UPDATES CONTINUED:

### *United States and Louisiana Announce \$15 Million Agreement With Marine Shale, Recycling Park, and Southern Wood Piedmont Resolving Hazardous Waste and Other Violations*

The Department of Justice, EPA, and the Louisiana Department of Environmental Quality

(LDEQ) announced two settlements that will lead to substantial cleanup of hazardous substances at facilities owned by Marine Shale Processors Inc. and Recycling Park Inc. in Amelia, Louisiana. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/82bedcdb90045f47852571870067960a!OpenDocument>

**WE THE GENERAL ASSEMBLY OF VIRGINIA DO ENACT:  
That no man shall be compelled to frequent or support  
Any religious worship, place, or ministry whatsoever,  
Nor shall be enforced, restrained, molested, or burthened in his belly or goods,  
Nor shall otherwise suffer, on account of his religious opinions or belief;  
But that all men shall be free to profess, and by argument to maintain,  
Their opinions in matters of religion, and that the same shall  
In no wise diminish, enlarge, or affect their civil capacities.**

**-Virginia Bill of Religious Freedom, 1799**

### *Environmental Protection Agency (EPA) Storm Water Rule finalized to comply with Energy Policy Act*

EPA has finalized revisions to storm water regulations to advance the comprehensive energy policy enacted by Congress last year. This action, implementing an amendment to the Clean Water Act passed in the Energy Policy Act of 2005, modifies water permitting program regulations to clarify that uncontaminated storm water discharged from oil and gas field activities does not require a National Pollutant Discharge Elimination System permit. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/663144fbf3f7bd2085257186006bc22d!OpenDocument> and <http://cfpub.epa.gov/npdes/stormwater/oilgas.cfm>

### *Environmental Protection Agency (EPA) guidance helps Small Drinking Water Systems identify affordable treatment options*

EPA has released a new guidance document to help small drinking water systems provide safe and affordable drinking water to their customers. Cost can be a serious impediment for very small systems planning to install expensive centralized contaminant removal equipment. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/d51c1b6d262e56ad8525718500635ec1!OpenDocument> and <http://epa.gov/safewater/smallsys/ssinfo.htm#two>

### *Environmental Protection Agency (EPA) provides new rule for oil and gas activities to offer greater protection to marine life*

EPA announced a final rule, established under the Clean Water Act, which will provide increased protection to fish, shellfish and other aquatic life. This action sets standards for cooling water intake structures at new oil and gas extraction facilities either at offshore or coastal locations. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/520c91a1fef1a2e485257181006ae942!OpenDocument> and <http://www.epa.gov/waterscience/316b/ph3.htm>

### *General Accounting Office (GAO) issues reports:*

\*\*\*Environmental Compliance and Enforcement: EPA's Effort to Improve and Make More Consistent Its Compliance and Enforcement Activities (GAO-06-840T, June 28, 2006). For more information see

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-840T> and <http://www.gao.gov/highlights/d06840thigh.pdf> and <http://www.gao.gov/new.items/d06840t.pdf>

\*\*\*Superfund: Better Financial Assurances and More Effective Implementation of Institutional Controls Are Needed to Protect the Public (GAO-06-900T, June 15, 2006). For more information see

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-900T> and <http://www.gao.gov/highlights/d06900thigh.pdf> and <http://www.gao.gov/new.items/d06900t.pdf> and <http://www.gao.gov/htext/d06900t.html>

\*\*\*Environmental Liabilities: Hardrock Mining Cleanup Obligations (GAO-06-884T, June 14, 2006). For more information see

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-884T> and <http://www.gao.gov/highlights/d06884thigh.pdf> and <http://www.gao.gov/new.items/d06884t.pdf> and <http://www.gao.gov/htext/d06884t.html>

\*\*\*Clean Water: How States Allocate Revolving Loan Funds and Measure Their Benefits (GAO-06-579, June 5, 2006). For more information see

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-579> and <http://www.gao.gov/highlights/d06579high.pdf> and <http://www.gao.gov/new.items/d06579.pdf> and <http://www.gao.gov/htext/d06579.html>

\*\*\*Invasive Forest Pests: Recent Infestations and Continued Vulnerabilities at Ports of Entry Place U.S. Forests at Risk (GAO-06-871T, June 21, 2006). For more information see

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-871T> and <http://www.gao.gov/highlights/d06871thigh.pdf> and <http://www.gao.gov/new.items/d06871t.pdf> and <http://www.gao.gov/htext/d06871t.html>

### *Department of Labor (DOL) has re-established the Maritime Advisory Committee for Occupational Safety and Health (MACOSH)*

MACOSH advises the Occupational Safety and Health Administration (OSHA) on matters relevant to the safety and health of workers in the shipbuilding, ship repair, shipbreaking, longshoring, and marine terminal industries. For more information see <http://a257.g.akamai.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/E6-8656.pdf>

***Corps of Engineers (COE) to prepare Draft Environmental Impact Statement (DEIS) on Pascagoula Harbor Project***

The COE issued a Notice stating that it intends to prepare a draft supplement to the environmental impact statement (DEIS) to address the potential impacts associated with construction of authorized improvements

to the Federal Pascagoula Harbor Navigation Project. Elements to be evaluated include widening the Gulf Entrance channel from 450 feet to 550 feet and deepening the Upper Pascagoula channel from 38 feet to 42 feet. For more information see <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/06-5385.pdf>

**Section 1. Importance of Adhering to Rules**

**It is always in the power of the majority, by their numbers,  
To stop any improper measures proposed on the part of their opponents,  
The only weapons by which the minority can defend themselves  
Are the forms and rules of proceeding which have been adopted  
[Only] by strict adherence to which the weaker party can...be protected  
From those irregularities and abuses...which the wantonness of power is  
But too often apt to suggest to large and successful majorities.**

**-Thomas Jefferson (First Rules of the U.S. Senate)**

***Coast Guard announces the Admiral William Benkert Environmental Awards***

The William M. Benkert Award is the premier national award for excellence in marine environmental protection. The award recognizes vessel and facility operators who have implemented marine environmental protection programs that go beyond mere compliance with industrial and regulatory standards. For more information see <https://www.piersystem.com/go/doc/786/120453/>

***Federal Energy Regulatory Commission (FERC) authorized three new liquefied natural gas (LNG) import facilities and the expansion of two existing ones***

The new facilities are Creole Trail in Cameron Parish, Louisiana; Port Arthur near Port Arthur, Texas; and Crown Landing in Logan Township, New Jersey. The facilities authorized to expand are Sabine Pass (approved but not yet in operation) in Cameron Parish, Louisiana and Dominion Cove Point in Calvert County, Maryland. For more information see <http://www.ferc.gov/press-room/press-releases/2006/2006-2/06-15-06-C-4.asp> and <http://www.ferc.gov/press-room/press-releases/2006/2006-2/06-15-06-G-1.asp> and <http://www.ferc.gov/press-room/press-releases/2006/2006-2/06-15-06-C-2.asp>

***Department of Transportation (DOT) appoints Vice Admiral Thomas J. Barrett, USCG (ret) as first Administrator for the Pipeline and Hazardous Materials Safety Administration***

For more information see <http://www.dot.gov/affairs/phmsa0406.htm>

***Coast Guard seeks comments on Draft Programmatic Environmental Impact Statement (PEIS) on proposed Nationwide Automatic Identification System (NAIS) project***

The proposed NAIS involves installing receivers, transmitters, transceivers, repeaters, and other equipment on towers and other structures at up to 450 sites at locations along 95,000 miles of coastline and inland waterways, as well as the use of selected remote platforms. For more information see

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/E6-10256.pdf>

***National Oceanic and Atmospheric Administration (NOAA) issues performance evaluation during Hurricane Katrina***

The NOAA National Weather Service released an internal evaluation of its operations during Hurricane Katrina. Service assessments are done routinely following major weather events and include input from government agencies, emergency managers, media and the public. For more information see <http://www.noaanews.noaa.gov/stories2006/s2656.htm> and <http://www.weather.gov/om/assessments>

***National Research Council issues report on Global Warming***

There is sufficient evidence from tree rings, retreating glaciers, and other "proxies" to say with confidence that the last few decades of the 20th century were warmer than any comparable period in the last 400 years, according to a new National Research Council report. There is less confidence in reconstructions of surface temperatures from 1600 back to A.D. 900, and very little confidence in findings on average temperatures before then. For more information see

<http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=11676> and

<http://fermat.nap.edu/catalog/11676.html> and [http://dels.nas.edu/dels/rpt\\_briefs/Surface\\_Temps\\_final.pdf](http://dels.nas.edu/dels/rpt_briefs/Surface_Temps_final.pdf)

***Bureau of Land Management (BLM) updates Gold Book for oil and gas drilling on public lands***

The BLM and US Forest Service Gold Book had not been updated in over 15 years. The new Gold Book introduces improved practices for expediting the processing of Applications for Permits to Drill (APDs) and environmental Best Management Practices (BMPs) to reduce the environmental effect of energy exploration and production. The revised Gold Book includes updated drawings, photographs, tables, and references to updated policy, Orders, and regulations. For more information see <http://www.blm.gov/bmp/goldbook.htm> and

<http://www.blm.gov/bmp/gold%20book/FinalGoldBook%20-%202006%204th%20Edition.pdf>

***U.S. Chemical Safety Board (CSB) call for new safety regulations on pressure vessels***

In its final investigation report on a December 2004 chemical plant explosion in southwest Houston, the CSB called on the city to adopt new safety regulations governing the construction and modification of pressure vessels - industrial process and storage containers that hold pressurized gases or liquids. The case study report describes the violent explosion of a 50,000-pound steel pressure vessel on the evening of December 3, 2004, at the Marcus Oil and Chemical facility on Minetta Street in southwest Houston. For more information see

[http://www.csb.gov/index.cfm?folder=news\\_releases&page=news&NEWS\\_ID=294](http://www.csb.gov/index.cfm?folder=news_releases&page=news&NEWS_ID=294)

## *STATE EXECUTIVE AGENCIES*

### *Washington State Department of Ecology released proposed Oil Spill Contingency Plan and Oil Transfer Regulations*

The State of Washington tends to lead the nation on oil spill issues. The proposed rules would totally replace the current ones and are intended to ensure that ship owners and operators and oil handling facilities demonstrate they can quickly and effectively respond to oil spills. The proposed rule focuses on early spill response actions, staging response equipment throughout the state, and conducting scheduled and unannounced spill readiness drills. For more information see <http://www.ecy.wa.gov/laws-rules/wac173181/p0003a.pdf> and <http://www.ecy.wa.gov/pubs/0608013.pdf> and [http://www.ecy.wa.gov/laws-rules/wac173180ABCD\\_31740/d0602a.pdf](http://www.ecy.wa.gov/laws-rules/wac173180ABCD_31740/d0602a.pdf) and [http://www.ecy.wa.gov/laws-rules/wac173180ABCD\\_31740/d0206b.pdf](http://www.ecy.wa.gov/laws-rules/wac173180ABCD_31740/d0206b.pdf) and <http://www.ecy.wa.gov/pubs/0608011.pdf>

### *Louisiana Governor opposes Federal offshore oil and gas sale*

Governor Kathleen Babineaux Blanco declared the western gulf oil and gas lease sale inconsistent with the Louisiana Coastal Zone Management Program in a letter to the Minerals Management Service of the U.S. Department of Interior. According to Governor Blanco, "The failure of the Federal Government to take action to protect the precious coastal resources of Louisiana continues to endanger the lives of our people, the future of our economy and the stability of our nation's oil supply." For more information see <http://www.gov.state.la.us/assets/docs/PDFs/MMS LETTER OF DENIAL - JUNE 14 - EXCERPTS.pdf> and <http://gov.louisiana.gov/index.cfm?md=newsroom&tmp=detail&articleID=1960> and <http://www.gov.state.la.us/assets/docs/newsrelated/MMS OCS Lease Sale Letter 06-14-2006.pdf>

### *Louisiana Department of Environmental Quality (LDEQ) releases test results from Chef Menteur Landfill*

Air and water samples taken at the Chef Menteur Landfill have been analyzed and all parameters tested below health-risk levels. The samples were taken by the city in May and June and analyzed by Severn Trent Laboratory in Kenner. For more information see <http://www.deq.louisiana.gov/portal/portals/0/news/pdf/TestResults-ChefMenteurLandfill.pdf> and <http://www.deq.louisiana.gov/portal/portals/0/news/pdf/AirReport.pdf> and <http://www.deq.louisiana.gov/portal/portals/0/news/pdf/WaterReport.pdf> and <http://www.deq.louisiana.gov/portal/portals/0/news/pdf/AirReport.pdf> and <http://www.deq.louisiana.gov/portal/portals/0/news/pdf/WaterReport.pdf>

## *PRIVATE ENTITIES*

### *Environmental Working Group (EWG) issues report on asthma and the automobile*

According to the EWG, summer brings more sun, more driving, and more smog. More smog means more asthma sufferers must reach for their inhalers, stay indoors or go to the emergency room. Asthmatic children, whose lungs are still developing, are harmed most. For more information see <http://www.ewg.org/sites/asthmaindex/about/release.php>

### *U.S. Public Interest Research Group (USPIRG) issues report: The Carbon Boom: National and State Trends in Carbon Dioxide Emissions Since 1960*

According to USPIRG, the early effects of global warming are already evident across the United States and worldwide. The year 2005 was the warmest on record. Left unchecked, temperatures will continue to rise, and the effects of global warming will become more severe. This report examines trends in U.S. global warming pollution nationally and by state and concludes that the failure to limit emissions from burning oil, coal, and natural gas has allowed global warming pollution to grow out of control. For more information see <http://uspirg.org/uspirnnewsroom.asp?id2=24976> and <http://uspirg.org/uspirnnewsroom.asp?id2=24976#1> and <http://uspirg.org/uspirnnewsroom.asp?id2=24977> and <http://uspirg.org/reports/carbonboom06.pdf>

### *GreenBiz announces that Dell Computers will provide world wide recycling of its products*

Dell has announced plans to provide free recycling of any Dell-branded product for consumers around the world as part of its new global recycling policy. For more information see [http://www.greenbiz.com/news/news\\_third.cfm?NewsID=32822](http://www.greenbiz.com/news/news_third.cfm?NewsID=32822)

### *Institute for Energy and Environmental Research (IEER) issues report on the transport of radium and plutonium*

It has been estimated that since the dawn of the nuclear era more than 73 million cubic meters of soils and sediments in the U.S. alone have been contaminated with actinides and fission products by Department of Energy defense nuclear activities. However, with respect to the protection of human health, the most relevant question is not how much radiation is in the ground, but how much radiation will eventually reach people and damage living cells. For more information see <http://www.ieer.org/reports/envtransport/> and <http://www.ieer.org/reports/envtransport/fullrpt.pdf>

### *Environmental Integrity Project (EIP) issues statement on Supreme Court wetlands decision*

According to EIP, the decision in the Rapanos v. United States potentially expose over half of wetlands in the U.S. to development. If the Corps overreacts to the Court's mandate, this decision could significantly extend the five-year-old Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) holding, which removed 'isolated' wetlands from Army Corps jurisdiction and opened over 20,000 wetland acres to development in just the past two years alone. For more information see <http://www.environmentalintegrity.org/pub372.cfm>

## UPDATES CONTINUED:

### FEDERAL COURT DECISIONS

#### ***Center for Biological Diversity v. United States Fish and Wildlife Service (U.S. 9th Circuit Court of Appeals)***

Summary judgment the U.S. Fish and Wildlife Service and a com

pany involved in mining, is affirmed over an environmental organization's claims that: 1) the Service exceeded its statutory authority pursuant to the Endangered Species Act (ESA); 2) a certain critical habitat finding for a species of fish was arbitrary and capricious; and 3) the finding was invalid due to a lack of a notice and comment period. For more information see

[http://www.ca9.uscourts.gov/koa/newopinions.nsf/8F7826839DF24B0F882571840055B8E8/\\$file/0455084.pdf?openelement](http://www.ca9.uscourts.gov/koa/newopinions.nsf/8F7826839DF24B0F882571840055B8E8/$file/0455084.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0455084p.pdf>

#### ***San Luis Obispo Mothers for Peace v. Nuclear Regulatory Commission (U.S. 9th Circuit Court of Appeals)***

A petition for review of the Nuclear Regulatory Commission's (NRC) approval of a proposed spent fuel storage installation is granted in part where the NRC's determination that the National Environmental Policy Act (NEPA) does not require a consideration of the environmental impact of terrorist attacks did not satisfy reasonableness review, and thus, an environmental assessment prepared in reliance on that determination was inadequate and failed to comply with NEPA. For more information

[http://www.ca9.uscourts.gov/koa/newopinions.nsf/2BFBC6088AF13AA98825718000723C79/\\$file/0374628.pdf?openelement](http://www.ca9.uscourts.gov/koa/newopinions.nsf/2BFBC6088AF13AA98825718000723C79/$file/0374628.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0374628p.pdf>

#### ***Gulf Restoration Network v. U.S. Department of Transportation (U.S. 5th Circuit Court of Appeals)***

A petition for review of a decision of the Secretary of the Department of Transportation granting a license for a liquefied natural gas facility in the Gulf of Mexico under the Deepwater Port Act is denied over petitioners claims that: 1) an Environmental Impact Statement required by the National Environmental Policy Act (NEPA) was deficient; and 2) the Secretary violated the Deepwater Port Act by failing to require that the proposed facility use a closed loop system. For more information see

<http://www.ca5.uscourts.gov/opinions/pub/05/05-60321-CV0.wpd.pdf> and

<http://caselaw.lp.findlaw.com/data2/circs/5th/0560321cv0p.pdf>

#### ***Forest Guardians v. Johanns (U.S. 9th Circuit Court of Appeals)***

In a dispute involving the environmental impact of cattle grazing on certain national forest land, a judgment for the U.S. Forest Service is reversed where the Forest Service's failure to re-initiate informal consultation with the U.S. Fish and Wildlife Service on the land at issue violated the Endangered Species Act (ESA). For more information see

[http://www.ca9.uscourts.gov/koa/newopinions.nsf/9D3D2B51595E54BC8825718B007C3BA5/\\$file/0416179.pdf?openelement](http://www.ca9.uscourts.gov/koa/newopinions.nsf/9D3D2B51595E54BC8825718B007C3BA5/$file/0416179.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0416179p.pdf>

#### ***Esso Standard Oil Company v. Rodriguez-Perez (U.S. 1st Circuit Court of Appeals)***

Dismissal of state-law counterclaims in a CERCLA contribution and Solid Waste Disposal Act injunctive relief case is affirmed where the court had subject matter jurisdiction over the counterclaims since the court retained jurisdiction over the request for injunctive relief after the CERCLA case failed. For more information see

<http://www.ca1.uscourts.gov/cgi-bin/getopn.pl?OPINION=05-1722.01A> and <http://laws.lp.findlaw.com/1st/051722.html>

#### ***Tamko Roofing Products, Inc. v. Smith Engineering Company (U.S. 8th Circuit Court of Appeals)***

In an action arising from contracts for the sale and service of certain pollution control devices, a judgment for defendant-corporation on plaintiff's claims for tortious interference and prima facie tort, and a refusal to pierce the corporate veil of defendant's subsidiaries are affirmed where plaintiff failed to establish sufficient evidence as to the claims. For more information see

<http://www.ca8.uscourts.gov/opndir/06/06/043913P.pdf> and

<http://caselaw.lp.findlaw.com/data2/circs/8th/043913p.pdf>

#### ***In re: Special Grand Jury 89-2 (U.S. 8th Circuit Court of Appeals)***

Denial of petitions brought by members of a federal grand jury empaneled to investigate possible environmental crimes at a nuclear weapons plant, seeking the release of certain documents and the lifting of their secrecy obligation under Federal Rule of Criminal Procedure 6(e) is reversed and remanded where: 1) the proceeding below was essentially a civil proceeding, and thus appellants' notices of appeal were timely; 2) the resolution of the case did not call for an advisory opinion; 3) appellants had standing; and 4) claim preclusion and issue preclusion did not apply. For more information see

<http://www.ca10.uscourts.gov/opinions/04/04-1193.pdf> and <http://www.ca10.uscourts.gov/opinions/04/04-2045.pdf> and <http://laws.lp.findlaw.com/10th/041193.html>

#### ***Rapanos v. United States (United States Supreme Court)***

In cases involving certain state wetlands lying near ditches or man-made drains that eventually empty into traditional navigable waters, judgments against petitioners-landowners are vacated and remanded for further proceedings as to whether the specific wetlands at issue possessed a significant nexus with navigable waters for purposes of regulation under the Clean Water Act (CWA). For more information see

<http://supct.law.cornell.edu/supct/search/display.html?terms=04%961034&url=/supct/html/04-1034.ZO.html> and <http://laws.lp.findlaw.com/us/000/041034.html>

We hold these truths to be self-evident, that all men are created equal,  
That they are endowed by their Creator with certain unalienable Rights,  
That among these are Life, Liberty, and the pursuit of Happiness.  
That to secure these rights, Governments are instituted among Men,  
Deriving their just powers from the consent of the governed.

-Declaration of Independence

## **FEDERAL COURT DECISIONS CONTINUED:**

### ***Kern County Farm Bureau v. Allen (U.S. 9th Circuit Court of Appeals)***

Denial of a claim against the U.S. Fish and Wildlife Service (FWS) for listing a type of shrew as an endangered species alleging violation of the Endangered Species Act (ESA) and the Administrative Procedure Act (APA) is affirmed where the FWS adequately complied with its APA and ESA procedural requirements, and the district court correctly determined that no serious or substantial reason existed to negate the listing and provide for a new comment period. For more information see

[http://www.ca9.uscourts.gov/koa/newopinions.nsf/7888B9A3CD03E27A882571920079BAA3/\\$file/0415540.pdf?openelement](http://www.ca9.uscourts.gov/koa/newopinions.nsf/7888B9A3CD03E27A882571920079BAA3/$file/0415540.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0415540p.pdf>

### ***Environmental Protection Information Center v. United States Forest Service (U.S. 9th Circuit Court of Appeals)***

Summary judgment in favor of the U.S. Forest Service in a case involving a vegetation management project is affirmed where an environmental assessment was not inadequate, and a conclusion that the adverse effects of the project would not be “significant” within the meaning of the National Environmental Policy Act (NEPA) was not arbitrary and capricious, and the agency properly concluded that the project complied with the National Forest Management Act (NFMA). For more information see

[http://www.ca9.uscourts.gov/koa/newopinions.nsf/48252CE97425893788257195007D3A4B/\\$file/0415931.pdf?openelement](http://www.ca9.uscourts.gov/koa/newopinions.nsf/48252CE97425893788257195007D3A4B/$file/0415931.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0415931p.pdf>

### ***United States v. Norris (U.S. 11th Circuit Court of Appeals)***

A 17-month sentence imposed after guilty plea to with conspiring to import and importing plant specimens in violation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, implemented by the Endangered Species Act, is affirmed over claims that the district court misinterpreted the term “market value of the plants” in section 2Q2.1, U.S.S.G., and also violated defendant’s Sixth Amendment rights under Booker. For more information see

<http://www.ca11.uscourts.gov/opinions/ops/200415487.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/11th/0415487p.pdf>

### ***Save Our Cumberland Mountains v. Kempthorne (U.S. 6th Circuit Court of Appeals)***

In an action brought by environmental groups challenging an agency’s environmental assessment and decision-making in connection with a coal mining permit, summary judgment for the agency is affirmed over claims that: 1) an environmental assessment was deficient in failing to consider sufficient alternatives to a proposal; 2) the agency acted arbitrarily and capriciously in issuing a finding of no significant impact; and 3) the agency should have made the environmental assessment available for public comment 30 days before its final decision. For more information see

<http://caselaw.lp.findlaw.com/data2/circs/6th/055663p.pdf>

### ***The Ecology Center, Inc. v. United States Forest Service (U.S. 10th Circuit Court of Appeals)***

Dismissal of a complaint, challenging a project which would allow logging in a certain area and claiming that the project’s Record of Decision did not comply with the National Environmental Policy Act (NEPA), the National Forest Management Act, and the APA, is reversed in part as to the National Forest Management Act claim where defendant’s “exclusive application of the 1982 Rules and the failure to consider or mention the ‘best available science’ standard amounted to conduct that is arbitrary and capricious.” For more information see

[http://www.ca10.uscourts.gov/opinions/this\\_week/pdf/05-4101.pdf](http://www.ca10.uscourts.gov/opinions/this_week/pdf/05-4101.pdf) and <http://laws.lp.findlaw.com/10th/054101.html>

### ***Quincy Commerce Center v. Maritime Administration (U.S. 10th Circuit Court of Appeals)***

Quincy Commerce Center filed suit against the Maritime Administration (MARAD) alleging violations of the Merchant Marine Acts (MMA) and the Coastal Zone Management Act for actions associated with the auctioning off of a defunct shipyard. Quincy argued that, in awarding the shipyard’s assets to the highest bidders, MARAD had violated its statutory duty under the MMA to foster a merchant marine since MARAD knew, or should have known, that Quincy intended to use the assets for shipbuilding and repair and the highest bidder did not. The First Circuit held that because Quincy did not inform MARAD that, under the circumstances, the MMA required it to be treated as a preferred bidder, or that the CZMA required a consistency determination, its claims were precluded. The court found that forfeiture of the claims was appropriate because third parties had relied on the presumed legitimacy and finality of the auction. For more information see

<http://www.ca1.uscourts.gov/cgi-bin/getopn.pl?OPINION=05-1527.01A>

### ***Catskill Mountains Chapter of Trout Unlimited, Inc. v. City of New York (U.S. 10th Circuit Court of Appeals)***

The Catskill Mountains Chapter of Trout Unlimited sued the City of New York alleging that the City’s use of the Shandaken Tunnel as part of its water management system for the delivery of drinking water without a permit violated the Clean Water Act. In an October 21, 2001 opinion, the Second Circuit held that the CWA requirements apply to the Tunnel discharges. On remand, the district court assessed a \$5,749,000 civil penalty against the City, which appealed. The Second Circuit affirmed, except as to the total amount of the penalty which was the result of a calculation error. For more information see

[http://www.ca2.uscourts.gov:8080/isysnative/RDpcT3BpbnNcT1BOXDAzLTcyMDNfb3BuLnBkZg==/03-7203\\_opn.pdf#xml=http://10.213.23.111:8080/isysquery/irl1a69/1/hilite](http://www.ca2.uscourts.gov:8080/isysnative/RDpcT3BpbnNcT1BOXDAzLTcyMDNfb3BuLnBkZg==/03-7203_opn.pdf#xml=http://10.213.23.111:8080/isysquery/irl1a69/1/hilite)

## **STATE COURT DECISIONS**

### ***City of Marshall v. City of Uncertain (Supreme Court of Texas)***

While section 11.122(b) of the Texas Water Code significantly restricts the issues that may be reviewed in a contested-case proceeding, it does not altogether preclude a contested-case hearing when a proposed water-rights amendment requests a change in use but does not seek to increase the amount of water appropriated or the rate of diversion. For more information see <http://caselaw.lp.findlaw.com/data2/texasstatecases/sc/031111.pdf>

## WORLD ELECTRONIC NEWS BRIEFS:



### ***World Bank working to help urban environment in Bangladesh***

The World Bank (WB) is working closely with other donors to assist the Government of Bangladesh to provide a better urban environment for its citizens through improved water supply, sanitation and drainage services.

A World Bank mission recently visited Bangladesh to examine preparations for the proposed Dhaka Chittagong Urban Flood Mitigation and Sanitation Improvement Project. It also discussed short term measures to help Dhaka cope with the upcoming monsoons. For more information see [http://nation.ittefaq.com/artman/publish/article\\_28477.shtml](http://nation.ittefaq.com/artman/publish/article_28477.shtml)

Congress shall make no law respecting an establishment of religion,  
Or prohibiting the free exercise thereof;  
Or abridging the freedom of speech, or of the press, or  
The right of the people peaceably to assemble, and  
To petition the Government for a redress of grievances.

-United States Constitution, First Amendment

### ***Czech citizens split on state of environment***

A half of Czechs or 47 percent are not satisfied with the quality of the environment in the Czech Republic, while almost the same share (49 percent) are satisfied with it, according to a poll conducted by the CVVM polling centre. For more information see

[http://www.praguemonitor.com/ctk/?story\\_id=w34486i20060614;story=Half-of-Czechs-criticize-environment-in-CzechRep---poll](http://www.praguemonitor.com/ctk/?story_id=w34486i20060614;story=Half-of-Czechs-criticize-environment-in-CzechRep---poll)

### ***British study finds night aircraft flights more harmful to environment***

A nationwide ban on night flights would significantly reduce the aviation industry's impact on the climate, a new study shows. Scientists have found that the warming effect of aircraft is much greater when they fly in the dark, because of the effects of the condensation trails (contrails) they leave. For more information see

[http://www.guardian.co.uk/uk\\_news/story/0,,1797815,00.html](http://www.guardian.co.uk/uk_news/story/0,,1797815,00.html)

### ***Chile facing environmental battle over dams***

Environmental groups are already lining up against the power project, and the dams look to become the next major environmental battle in one of Latin America's healthiest and most modern countries. For more information see

[http://today.reuters.com/stocks/QuoteCompanyNewsArticle.aspx?view=CN&storyID=2006-06-16T120120Z\\_01\\_N09424101\\_RTRIDST\\_0\\_ENVIRONMENT-CHILE-GENERAL-FEATURE.XML&rpc=66](http://today.reuters.com/stocks/QuoteCompanyNewsArticle.aspx?view=CN&storyID=2006-06-16T120120Z_01_N09424101_RTRIDST_0_ENVIRONMENT-CHILE-GENERAL-FEATURE.XML&rpc=66)

### ***Malaysia wants jail time for environmental violators***

The government will not compromise with those involved in causing environmental degradation, Natural Resources and Environment Minister Datuk Seri Azmi Khalid said. For more information see

<http://www.bernama.com.my/bernama/v3/news.php?id=203756>

### ***Taiwan looking to clean up the seas***

The Taiwan Environmental Protection Administration (EPA) is aiming to integrate the efforts of various government agencies in an effort to more effectively prevent vessels from polluting the ocean. For more information see

<http://www.taipeitimes.com/News/taiwan/archives/2006/06/20/2003314554>

### ***Tibet is asking for volunteers to help Tibet Plateau***

The Tibet Plateau environment is so fragile that the Qinghai-Tibet Railway is taking on volunteers to educate passengers and staff about maintaining the pristine environment and not tossing out their rubbish. For more information see

[http://news.xinhuanet.com/english/2006-06/26/content\\_4748925.htm](http://news.xinhuanet.com/english/2006-06/26/content_4748925.htm)

### ***Argentina names lawyer to be top environmental official***

President Nestor Kirchner named a lawyer who has led Argentina's legal battle against a pulp mill project in neighboring Uruguay as the country's top environmental official, a government spokesman said on Tuesday. Cabinet Chief Alberto Fernandez announced the appointment of Romina Picolotti, a recent winner of a leading environmental prize for her work throughout Latin America to halt environmental degradation. For more information see

<http://www.alertnet.org/thenews/newsdesk/N27298526.htm>

### ***United Kingdom asking for environmental volunteers***

One of the UK's leading volunteering charities has revealed it has teamed up with broadcaster ITV for a bid to get more than 4,000 young people involved in a campaign to clean up the country's communities. Community Service Volunteers (CSV) and ITV are staging the "Big Clean Up" campaign this summer to coincide with the United Nation's "Clean Up The World Day." For more information see <http://www.communitynewswire.press.net/article.jsp?id=434531>

### ***Swedish company helping Britain do away with plastic bags***

Swedish furniture giant IKEA has launched a three-pronged program to cut the number of plastic bags wasted by an estimated 20 million a year. For more information see [http://www.greenbiz.com/news/news\\_third.cfm?NewsID=31512](http://www.greenbiz.com/news/news_third.cfm?NewsID=31512)



## UPCOMING EVENTS:

### ***Southern Gas Association (SGA) Operating Conference with Exhibits (July 18-20, 2006)***

At the Marriott Westchase Hotel in Houston, Texas. For more information contact Pat Downey at (972) 620-4026 or see

<http://www.southerngas.org/EVENTS/SGAocet-conf-0706.html>

### ***Lobos Industrial Trade Show (July 19-20, 2006)***

At the American Bank Center in Corpus Christi, Texas. For more information contact Kirk Carbo at (800) 225-0899 or see <http://www.loboservices.com/cc.asp>

### ***American Society of Mechanical Engineers (ASME) Pressure Vessels and Piping Conference (July 23-27, 2006)***

At the Hyatt Regency in Vancouver, British Columbia. For more information contact Richard Ulvila at (800) 843-2763 or see <http://www.asmeconferences.org/PVP06/>

### ***National Petrochemical and Refiners Association (NPRA) 2006 Cat Cracker Seminar (August 1-2, 2006)***

At the Westin Galleria Hotel in Houston Texas. For more information contact Sarah Day or Lynne Schoenbeck at (202) 457-0480 or see <http://www.npra.org/forms/meeting/MeetingFormPublic/view?id=2080000021>

### ***2006 Southeastern Association of State Highway and Transportation Officials (SASHTO) Conference (August 4-9, 2006)***

At the Omni Hotel at the CNN Center in Atlanta, Georgia. For more information contact (404) 651-8351 or see <http://www.sashto2006.org/>

### ***Southern Gas Association (SGA) Offshore Gas Operations Conference and Exhibit Lessons Learned from the 2005 Hurricane Season (August 9-11, 2006)***

At the J.W. Marriott in Houston, Texas. For more information contact Pat Downey at (972) 620-4026 or see <http://www.southerngas.org/EVENTS/ogoc-conf-0806.html>

### ***Coal Gen 2006 Conference and Exhibition (August 16-18, 2006)***

At the Duke Energy Convention Center in Cincinnati, Ohio. For more information contact Bill Langenheim at (918) 832-9256 or see <http://cg06.events.pennnet.com/fl/index.cfm>

### ***Summer at North American Prospect Exposition (NAPE) (August 23-24, 2006)***

At the George R. Brown Convention Center in Houston, Texas. For more information contact Robin Forte, (817) 847-7700 or see <http://www.napeonline.com/home2.asp>

### ***22nd Annual National Voluntary Protection Programs Participants Association (VPPPA) Conference (August 27-30, 2006)***

At the Orlando World Center Marriott in Orlando, Florida. For more information contact Richelle Kelly (703) 761-1146 or see <http://www.vpppa.org/Conference/index.cfm>

### ***American Chemical Society National Meeting (September 10-14, 2006)***

At the Moscone Center in San Francisco, California. For more information contact Laurie Bentz-Cable at (202) 872-6047 or see <http://acswebcontent.acs.org/nationalmeeting/sf06/home.html>

### ***American Institute of Chemical Engineers (AIChE) 51st Annual Safety in Ammonia Plants and Related Facilities Symposium (September 10-14, 2006)***

At the Hyatt Regency in Vancouver, Canada. For more information contact Jeff Wood at (212) 591-7338 or see <http://www.aiche.org/Conferences/Specialty/Ammonia.aspx>

### ***American Public Works Association (APWA) Best Show in Public Works (September 10 - 13, 2006)***

At the Kansas City Convention Center in Kansas City, Missouri. For more information contact Dana Priddy at 816-595-5241 (phone) or 816-472-1610 (fax) or see <http://www.apwa.net/events/eventdetail.asp?ID=952>

### ***South Texas Industrial and Trade Show (September 12-13, 2006)***

At the Freeman Coliseum in San Antonio, Texas. For more information contact Quincy Barnes at (210) 832-8444, Extension 202 or see [http://www.smc-events.com/st\\_industrial.htm](http://www.smc-events.com/st_industrial.htm)

### ***Association of Water Technologies (AWT) Convention and Exposition (September 13-16, 2006)***

At the Charlotte Convention Center in Charlotte, North Carolina. For more information contact Lesley Hunter at (800) 858-6683 or see <http://www.awt.org/>

Oh! Thus be it ever, when freemen shall stand  
Between their loved homes and the war's desolation!  
Blest with victory and peace, may the heaven-rescued land  
Praise the Power that hath made and preserved us a nation.  
Then conquer we must, for our cause it is just,  
And this be our motto: "In God is our trust."  
And the star-spangled banner forever shall wave  
O'er the land of the free and the home of the brave!

-Last stanza, Star Spangled Banner

## LEISURE CONNECTION:



**NOTE: Many leisure events along the Gulf Coast remain uncertain because of Hurricanes Katrina, Rita, and Wilma. The Leisure Connection section will post events as scheduled---but please check to make sure they are still being held at the times and places indicated. For more information please visit the Leisure Connection website at [www.theleisureconnection.net](http://www.theleisureconnection.net)**

[T]hat we here highly resolve, that these dead shall not have died in vain  
That this nation, under God, shall have a new birth of freedom  
And that government of the people, by the people, for the people,  
Shall not perish from the earth.

-Abraham Lincoln, The Gettysburg Address

### **Rock the Dock Concert Series (July 7, 14, 21, 28; August 4, 11, 18, 25; and September 1, 2006)**

Enjoy a great mix of musical talent at the Kemah Boardwalk in Kemah, Texas. For more information call (281) 334-9880 or see [http://www.kemahboardwalk.com/flash\\_content/flash\\_content.html](http://www.kemahboardwalk.com/flash_content/flash_content.html)

### **HOT Summer Concerts: A Summertime Tradition (July 8, 15, 22, 29, 2006)**

Music fills the streets of Rosenberg as bands and musicians showcase their talents in free concerts in Downtown Park on Avenue G in Historic Downtown Rosenberg, Texas. Enjoy great live sounds from 7-10 p.m. For more information call (832) 595-3520 or see <http://www.rosenbergtourism.com/viewevent.asp?resource=266>

### **Kids Week (July 11, 2006)**

Kids rule the entire week as the Lone Star Flight Museum features children activities such as a color contest, airplane flying contest and learning about airplanes. At the Texas Aviation Hall of Fame in Galveston, Texas. For more information call (409) 740-7722

### **Ringling Brothers and Barnum and Bailey Circus (July 14-23, 2006)**

The Greatest Show on Earth is back with a brand new show. At the Reliant Stadium in Houston, Texas. For more information call (832) 667-1400 or see <http://www.ringling.com/schedule/schedule.aspx?id=94370>

### **National Hot Air Balloon Championships (August 3-7, 2006)**

The Louisiana Ballooning Foundation presents The Advocate NABA National Hot Air Balloon Championships. The event includes hot air balloon competitions in the mornings, balloon liftoffs in the evenings and balloon glows at night. Admission is free and includes a giant children's play area and fireworks on Friday and Saturday night. Pennington Center and BREC's Perkins Road Park, Baton Rouge. For more information call (225) 933-2027 or see <http://www.louisianatravel.com/events/eventresults.cfm?id=6733&rgn=2&cit=18&kw=>

### **Seventh Annual Gulf Coast Ethnic and Heritage Jazz Festival (August 3-6, 2006)**

In Mobile Alabama. The annual festival includes "An Evening of Poetry" at the Museum of Mobile, 111 S. Royal Street., August 4 at 6:30 p.m.; "Jazz Music Workshop" at the Museum of Mobile August 5 at 10 a.m.; "Jazz in Bienville Square featuring Sonny Fortune" on Dauphin Street August 6 from 4-10 p.m.; and the "Jazz Jam Session" August 7 from 6:30-10 p.m (Venue TBA). For more information call (251) 473-5020 or see <http://www.gcehjazzfest.com/index.html>

### **Houston International Jazz Festival (August 4-6, 2006)**

Big names in jazz convene in downtown Houston for some of the hottest music of the summer. For more information contact (713) 839-7000 or see <http://www.jazzeducation.org/html/programs.html>

### **13th Annual RE/MAX Ballunar Liftoff Festival (August 26-28, 2006)**

Sponsored by NASA/Johnson Space Center, Clear Lake Area Chamber of Commerce and Space Center Houston. One of the state's "Largest Hot Air Balloon Events in Texas," featuring more than 80 hot-air balloons. For more information contact (281) 488-7676 or see <http://www.ballunarfestival.com/>

### **Kema Boardwalk Zydeco Festival (September 3-4, 2006)**

Enjoy the best in Cajun food and entertainment at Kemah Boardwalk in Kema, Texas. For more information call (281) 334-9880 or see [http://www.kemahboardwalk.com/flash\\_content/flash\\_content.html](http://www.kemahboardwalk.com/flash_content/flash_content.html)

### **Jubilee Festival (September 9-10, 2006)**

In Daphne, Alabama. 130 fine arts and crafts vendors from all over the Southeast. Live local entertainment and classic festival food. No admission. Shuttle provided. For more information contact (251) 621-8222 or see <http://www.eschamber.com/calendarframe.htm>

### **Biloxi Seafood Festival (September 9-10, 2006)**

For 23 years the Biloxi Seafood Festival in Biloxi, Mississippi has delighted thousands with arts and crafts, special events, vendors, and delicious seafood of every kind. Call (228) 374-2717 to see if this event is still scheduled.

## ***JOB OPPORTUNITIES:***



*To apply for the jobs listed below, please submit your resume to [tbrinsko@bicalliance.com](mailto:tbrinsko@bicalliance.com) or fax the resume to (281) 486-4975. If your company would like more information on BIC's contingent fee recruiting services, please call Thomas Brinsko or Brooke Nelson in Houston, Texas at (281) 486-1500. For more information on job listings see [www.bicalliance.com/indviro/](http://www.bicalliance.com/indviro/)*

**When we let freedom ring,  
When we let it ring from every village and every hamlet,  
From every state and every city,  
We will be able to speed up that day when all of God's children,  
Black men and white men, Jews and Gentiles,  
Protestants and Catholics,  
Will be able to join hands and sing  
In the words of the old Negro spiritual,  
"Free at last! free at last! thank God Almighty, we are free at last!"**

**-Martin Luther King, Jr., I Have A Dream**

### ***Industrial/Marine Contracting Specialist Salesman***

Company in Baton Rouge, Louisiana is in need of a candidate with 5+ years technical experience, sales and marketing for the industrial, refinery/petrochemical and pulp and paper Industries. Ideal candidate would create and develop business accounts and opportunities consistent with corporate goals. Employer seeks individual with knowledge of the Gulf Coast states, strong customer and Interpersonal skills. Salary \$70K+.

### ***Sales Representative***

Rental and sales rigging equipment company is seeking an individual to support existing territory in Houston area. Candidate must have 3+ years of industrial rental/sales experience. This is an outstanding opportunity with a fast growing company. Company offers excellent compensation with base + commission, company vehicle, 401k, health insurance and vacation. Salary D.O.E.

### ***Technical Manager***

Environmental Services Firm seeks full-time Technical Manager to provide technical assistance for three facilities located in Texas, Nevada and Idaho. Based in Corpus Christi, the selected applicant will work directly with the Laboratory Managers at each facility to develop the most cost effective and efficient waste treatment recipes possible, in coordination with the General Managers at each location. Qualified applicants must have a Bachelor's degree in a scientific field and 10 years of experience or equivalent combination of education/training and experience. Salary 65K+ D.O.E.

### ***Industrial Sales***

Company looking for candidate to sell services in refineries, must be mechanically inclined, engineering background helpful but not necessary, gulf coast sales, some activity in north, knowledge of refractory repair helpful. Salary D.O.E.

### ***Project Managers***

Air Stack testing specialist needed in the Houston Area and also in Illinois. Candidates must be familiar with running test using instrumentation and have knowledge of environmental regulations, methods and procedures. Salary 45K+ D.O.E.

### ***Market Analyst***

Provide marketing related data, analysis, and information for strategic planning and tactical execution for use in business planning and budget sessions as well as regional sales plan. Minimum 5 years experience in related field...moderate product/technical knowledge is important. Salary \$55K+.

### ***Junior Project Managers***

In-house position based in Houston Texas requires 5+ years experience on industrial construction/maintenance projects in refining/chemical/pipeline industries. Salary \$60K-\$80K.

### ***Construction Superintendent***

Civil, structural steel, mechanical pipeline work, most of hiring companies projects located in Texas. Degree preferred, not required. Salary \$55K-\$75K.

### ***Site Manager***

Major provider of scaffolding equipment seeks a Site Manager to be responsible for all company operations at a project site located in central Gulf coast region. Will be responsible for the daily activities of 150 - 450 employees depending on the projects being performed. Construction Management degree or equivalent required with 5 years of experience in industrial management. Salary \$100K+. Can also structure pay on an hourly basis if desired.

### ***Sales Manager***

Fast growing specialty contractor is seeking a Gulf coast sales manager. \$80K + bonus. Also needs project managers for Caribbean — 2 year assignment.

### ***Sales Manager***

Sales manager needed for a company on the west coast. Position will report to the CEO. Candidate must have 10 years pump specification and sales management experience. Salary \$95K + bonus.

### ***Outside Sales***

Company that specializes in safety products is looking for a tenacious, assertive outside sales representative. Candidate should be able to generate new sales accounts. Must understand basic business finances of sales, costs, gross profit, gross margin and contribution to operations. Must be effective in verbal communication and have a high degree of organization skills. Salary D.O.E.

## **JOB OPPORTUNITIES CONTINUED:**

### ***Distribution Development Manager***

Ideal candidate will have at least 10 years experience in acquiring new distributors and managing and increasing existing distributor sales volume in fluid process industries such as refining, petrochemical, mining, pulp and paper, power generation and others. Employer seeks motivated individual to help grow its domestic and international business in the pipe materials, pressures and chemical resistance. Salary D.O.E.

### ***Environmental, Health and Safety Manager***

Candidate needed to oversee industrial liquid waste processing and recycling plant. Duties would entail the following: maintain compliance with all environmental regulations, preparing all necessary environmental reports, evaluate and improve plant processes. Candidate should have strong plant operations skills, working knowledge of EHS regulations and procedures with the ability to work with operations and management. Must have 10 years petrochemical or liquid waste industries background. Salary \$75K-\$90K.

## **WEBSITE OF THE MONTH:**



***Environmental Protection Agency initiates new interactive Web Site on radiation at***

***<http://www.epa.gov/radtown>***

Ehe many common sources of radiation. For more information see

***<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/a493d759a8110be1852571610070ec07!OpenDocument>*** and ***<http://www.epa.gov/radtown>***

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**Logo photograph courtesy of the U.S. Army Corps of Engineers**

