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ENVIRONMENTAL, HEALTH, AND SAFETY NEWSLETTER

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Milling Benson Woodward, LLP

is pleased to announce
that
Paul Douglas Stewart, Jr.
and
William S. Robbins
have joined the law firm as partners
with extensive experience in the law of bankruptcy

ARTICLE:

Bankruptcy: New Hope for the Preference Recipient

By: Paul Douglas Stewart, Jr.
Partner, Milling Benson Woodward, LLP
Reprinted Courtesy of BIC Magazine

Milling Benson Woodward is excited to have Doug Stewart and Will Robbins join the law firm with extensive experience in bankruptcy law. They will be developing an electronic newsletter specializing in bankruptcy issues. If you are interested in receiving the newsletter, please e-mail Doug Stewart at dstewart@millinglaw.com. Included in this month's Environmental, Health, and Safety Newsletter is an article Doug wrote for BIC Magazine concerning bankruptcy.

New Hope for the Preference Recipient

On October 17, 2005, most provisions of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA") became effective, heralding the most substantial changes in our consumer bankruptcy law since the announcement of the Bankruptcy Code in 1978. While most of the national attention regarding these changes has been focused on the radical changes in consumer bankruptcy

law, significant changes were made to commercial bankruptcy law as well.

Most businesses are well familiar with the bankruptcy preference action. For the uninitiated, the preference action is that peculiar creature of bankruptcy law that allows a bankruptcy trustee to sue those businesses that received payment from the bankrupt within the ninety (90) days prior to bankruptcy. Recent changes to the Code have made defending the preference action easier and less costly.

The Ordinary Course of Business Defense

Of the many defenses available to the preference actions, the most common is referred to as the “ordinary course of business” defense. The basic gist of this defense is that the initial credit and subsequent repayment were made in the ordinary course of business. Prior to the enactment of BAPCPA, a preference recipient attempting to defend its receipt on the grounds that it was incurred and paid in the ordinary course of business had to prove that the debt and its repayment were ordinary (a) between the parties and (b) in the industry. Even worse, proof that the credit and repayment were ordinary in the industry required expensive expert testimony. The good news for businesses and industry is that BAPCPA changed the “and” to “or”, thereby requiring that a preference

recipient only prove either that the repayment was ordinary between the parties or in the industry. In many cases, expensive expert reports and testimony may no longer be necessary.

Limitation on Nuisance Suits

In addition to expanding the ordinary course of business defense, Congress attempted to limit the institution of small commercial preference actions (nuisance suits). The small preference action is limited in two ways. First, the bankruptcy trustee may not take action against the recipient of a transfer of a non-consumer debt that totals less than \$5,000.00. The second change favoring preference defendants is that BAPCPA requires a Bankruptcy trustee seeking to avoid less than \$10,000.00 of non-consumer debt against non-insiders file the action in the District in which the defendant resides, even if the bankruptcy is pending in another District. While there may be some problems with the language Congress used to make this change, hopefully this provision will be useful in curbing small preference cases filed in Delaware, for example, against Texas creditors.

While the preference action will no doubt continue as the bane of business and industry existence, Congress has afforded important protection through these amendments.

*******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:



Taking on the Pentagon from Rachel's Democracy & Health News

In Alabama, Arkansas, Oregon and Utah, the U.S. Army is preparing to spend a decade incinerating 12,000 tons of leftover “mustard agent” -- a chemical weapon intended to immobilize enemy soldiers by producing painful, debilitating blisters on skin and lungs. But a coalition of citizens issued a sophisticated engineering report arguing that there’s a third alternative besides “do nothing” and incineration: chemical neutralization. The Chemical Weapons Working Group (CWWG) in Berea, Kentucky concluded that it seems feasible for the Army to neutralize mustard agent using warm water. For more information see http://www.precaution.org/lib/06/prn_cwwg_report.060831.htm and http://www.cwwg.org/pr_08.31.06fa.html

**How do you tell a communist?
Well, it's someone who reads Marx and Lenin.
And how do you tell an anti-Communist?
It's someone who understands Marx and Lenin.**

-Ronald Reagan

UPDATES:



INTERNATIONAL AGENCIES

United Nations Environmental Programme (UNEP) investigating hazardous waste dumped in Côte d'Ivoire

At the request of the Government of Côte d'Ivoire, the Secretariat of the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal, administered by the UNEP, is investigating whether the wastes dumped in the densely populated city of Abidjan are linked to illegal exports from Europe. For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=487&ArticleID=5347&l=en> and <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=487&ArticleID=5346&l=en>

It's tough being a politician.
Half your reputation is ruined by lies.
The other half is ruined by the truth.

-Joe Hickman

United Nations Environmental Programme launches "Project Sky Hole Patching"

A project to curb illegal trade in ozone depleting substances (ODS) and dangerous waste in the Asia Pacific region went into operation. "Project Sky Hole Patching" is designed to monitor the movement of suspicious shipments of ozone depleting chemicals and dangerous commodities across several customs territories in the region. For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=487&ArticleID=5344&l=en>

United Nations Environmental Programme (UNEP) and World Meteorological Organization (WMO) report indicates ozone recovery will be slower

The Executive Summary of a new scientific assessment, released by the WMO and the UNEP and based on a full report prepared by over 250 international scientists, concludes among its findings that the stratospheric ozone layer that protects life on earth from excessive solar radiation will recover five to 15 years later than previously expected. For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=484&ArticleID=5335&l=en> and http://www.wmo.int/web/arep/gaw/gaw_home.html and http://www.wmo.int/web/arep/reports/ozone_2006/exec_sum_18aug.pdf

United Nations (UN) appoints Yvo de Boer new Executive Secretary of the UN Climate Change Secretariat

UN Secretary-General Kofi Annan appointed Yvo de Boer as the new Executive Secretary of the United Nations Climate Change Secretariat based in Bonn, Germany. The 52 year old national of the Netherlands is currently Director for International Affairs at the Dutch Ministry of Housing, Spatial Planning and the Environment (VROM). For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=484&ArticleID=5332&l=en>

United Nations (UN) Food and Agriculture Organization (FAO) concerned that deforestation causes global warming

Most people assume that global warming is caused by burning oil and gas. But in fact between 25 and 30 percent of the greenhouse gases released into the atmosphere each year – 1.6 billion tonnes – is caused by deforestation. For more information see <http://www.fao.org/newsroom/en/news/2006/1000385/index.html>

FEDERAL EXECUTIVE AGENCIES

Environmental Protection Agency (EPA) proposes steps to improve New Source Review

EPA is proposing improvements to three specific areas of its New Source Review (NSR) permitting program. These improvements will simplify the process facility owners and operators must follow in determining whether plans to modify their facility would trigger NSR requirements. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/674450d6221951d1852571e300522424!OpenDocument> and <http://epa.gov/nsr/actions.html#sep06> and http://epa.gov/nsr/documents/dapn_frn_9-8-06.pdf and http://epa.gov/nsr/documents/dapn_analysis_9-8-06.pdf and http://epa.gov/nsr/documents/dapn_frn_fs_9-8-06.pdf

Environmental Protection Agency (EPA) proposes strategy to reduce foreign oil dependency

Projecting annual cuts up to 3.9 billion gallons in petroleum use and 14 million tons in greenhouse gas emissions, EPA proposed a Renewable Fuels Standard (RFS) Program designed to reduce the nation's dependence on foreign oil by doubling the use of renewable fuels such as ethanol and biodiesel. The program, authorized by the Energy Policy Act of 2005, will promote use of fuels largely produced by American crops. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/852b069b559027ca852571e2004cb354!OpenDocument> and <http://www.epa.gov/otaq/renewablefuels/> and <http://www.epa.gov/otaq/renewablefuels/420f06060.pdf> and <http://www.epa.gov/otaq/renewablefuels/renewablefuel-nprm.pdf> and <http://www.epa.gov/otaq/renewablefuels/420d06008.pdf> and

Environmental Protection Agency (EPA) requires new manifest form for all Hazardous Waste Handlers

On September 5, 2006, all hazardous waste generators and treatment, storage, and disposal facilities must use EPA's standardized hazardous waste manifest form. The standardized form that is being implemented will save waste handlers and regulators time and money while guaranteeing the continued, safe management of hazardous waste. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/1d8ea23103ba1857852571e0005bc5ee!OpenDocument> and <http://www.epa.gov/epaoswer/hazwaste/gener/manifest/>

UPDATES CONTINUED:

FEDERAL EXECUTIVE AGENCIES CONTINUED:

He who has injured thee was either stronger or weaker than thee,
If weaker, spare him; if stronger, spare thyself.

-William Shakespeare

Environmental Protection Agency (EPA) is requesting comments on portions of Maximum Achievable Control Technology (MACT) rule

EPA is requesting comments on some aspects of the national emission standards for hazardous air pollutants (NESHAPs) for new and existing hazardous waste combustors, which were published Oct. 12, 2005. The final technology-based standards that were issued in 2005 reduce emissions of hazardous pollutants, including lead, mercury, arsenic, dioxin and furans, and hydrogen chloride and chlorine gas. EPA estimates about 145 facilities operate 265 devices that burn hazardous waste.

Comments will be accepted for 45 days following publication in the Federal Register. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/5d2e0fa4e4217276852571d40061e22e!OpenDocument> and <http://www.epa.gov/epaoswer/hazwaste/combust/finalmact/index.htm> and <http://www.epa.gov/epaoswer/hazwaste/combust/finalmact/fnl-fs3.pdf> and <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-06/a7251.htm> and <http://www.epa.gov/fedrgstr/EPA-AIR/2006/September/Day-06/a7251.pdf>

Environmental Protection Agency (EPA) releases Guidance to Reduce Mechanics Exposure to Asbestos

EPA is updating its guidance to protect the health of auto mechanics with the release of a draft brochure entitled, Current Best Practices for Preventing Asbestos Exposure Among Brake and Clutch Repair Workers. The brochure contains information for both automotive professionals and home mechanics. EPA is providing the public 60 days to comment on the brochure.

For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/ed6c01547da8e2b4852571d3004d63a0!OpenDocument> and <http://www.epa.gov/asbestos/pubs/goldbook.html>

Environmental Protection Agency (EPA) takes step in controlling air pollution from farm country Animal Feeding Operations (AFOs)

EPA is taking the next important step to gather air emissions data from agricultural animal feeding operations (AFOs) and to ensure compliance with environmental laws. The step consists of certain AFOs voluntarily taking part in a nationwide monitoring study to evaluate their air emissions. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/a3b628e23af32f68852571d200618474!OpenDocument> and <http://www.epa.gov/compliance/resources/agreements/caa/cafo-agr-0604.html>

Environmental Protection Agency (EPA) posts summary of final sediment sample results taken in Hurricane Katrina response

EPA released the final summary of sediment sampling conducted in response to Hurricanes Katrina and Rita. In total, EPA and the Louisiana Department of Environmental Quality collected approximately 1,800 sediment and sediment/soil samples since the hurricane flooded New Orleans and the surrounding parishes. Most of these samples were analyzed for over 200 metals and organic chemicals. The results indicate that, in general, the sediments left behind by the flooding from the hurricanes are not expected to cause adverse health impacts to individuals returning to New Orleans. A few localized areas were re-assessed due to elevated levels of arsenic, lead, benzo(a)pyrene, and diesel and oil range organic petroleum chemicals. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/77b84148c0d18039852571cd00616cb3!OpenDocument> and <http://www.epa.gov/katrina/testresults/sediments/summary.html> and <http://www.epa.gov/katrina/testresults>

Environmental Protection Agency (EPA) proposes to cut air toxics emissions from degreasers

EPA is proposing options to reduce air toxics emissions by up to 70 percent from halogenated solvent cleaning operations. Halogenated solvents, also known as degreasers, are used to remove soils such as grease, oils, waxes, carbon deposits and tars from metal, plastic, fiberglass and other surfaces. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/3b8b258b07991979852571c6005c6b3c!OpenDocument> and http://www.epa.gov/ttn/oarpg/t3/fact_sheets/degreasproposalfs2006.html

General Accounting Office (GAO) issues reports:

***Endangered Species: Many Factors Affect the Length of Time to Recover Select Species (GAO-06-730, September 6, 2006). For more information see <http://www.gao.gov/new.items/d06730.pdf> and

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-730> and <http://www.gao.gov/highlights/d06730high.pdf>

***Nuclear Waste: DOE's Efforts to Protect the Columbia River from Contamination Could Be Further Strengthened (GAO-06-1018, August 28, 2006). For more information see <http://www.gao.gov/new.items/d061018.pdf> and

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-1018> and <http://www.gao.gov/highlights/d061018high.pdf> and <http://www.gao.gov/htext/d061018.html>

***Chemical Regulation: Actions are Needed to Improve the Effectiveness of EPA's Chemical Review Program (GAO-06-1032T, August 2, 2006). For more information see <http://www.gao.gov/new.items/d061032t.pdf> and

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-1032T> and <http://www.gao.gov/highlights/d061032thigh.pdf> and <http://www.gao.gov/htext/d061032t.html>

Department of Commerce (DOC) announces grants to help fisheries harmed

DOC Secretary Carlos M. Gutierrez announced the award of \$128 million for the five Gulf Coast States to respond to the devastation of Hurricanes Katrina and Rita. Specifically. These funds will be used by the states to assist in the restoration of oyster beds and shrimp grounds rehabilitation as well as monitoring the recovery of the Gulf fisheries. For more information see <http://www.publicaffairs.noaa.gov/releases2006/aug06/noaa06-r120.html>

UPDATES CONTINUED:

FEDERAL EXECUTIVE AGENCIES CONTINUED:

National Oceanic and Atmospheric Administration (NOAA) names new Sea Grant Director

Leon Cammen of Silver Spring, Maryland was named as the director of NOAA's National Sea Grant College Program. NOAA's National Sea Grant College Program works closely with the 30 state Sea Grant programs located in every coastal and Great Lakes state and Puerto Rico, in addition to international programs in Indonesia, Korea, and South America. For more information see <http://www.publicaffairs.noaa.gov/releases2006/aug06/noaa06-r914.html>

It is the mark of an educated mind to be able to entertain a thought without accepting it.

-Aristotle

US Geological Survey (USGS) and Michigan State University (MSU) report peatland contributing to mercury in environment

For millennia, the boggy and cold peatlands of Alaska and northern Canada have acted as atmospheric sponges, beneficially absorbing carbon and mercury from the atmosphere. Now, as peatlands become drier and burn more often, toxic mercury is spewing back into the atmosphere, making its way to the land and waters of the northern hemisphere, according to a study just published by the USGS and MSU. For more information see <http://www.usgs.gov/newsroom/article.asp?ID=1550>

US Geological Survey (USGS) reports on domestic water wells

USGS scientists evaluated a range of inorganic and organic contaminants in domestic wells from every state and Puerto Rico. Inorganic compounds arsenic (11 percent) and nitrate (8 percent) exceeded the U.S. Environmental Protection Agency drinking water standards in well water most often while uranium, mercury, and fluoride also exceeded standards at a smaller percentage. For more information see <http://www.usgs.gov/newsroom/article.asp?ID=1540> and http://health.usgs.gov/dw_contaminants/domestic_wells/ and http://health.usgs.gov/dw_contaminants/domestic_wells/focazio_and_others_2006.pdf and http://health.usgs.gov/dw_contaminants/domestic_wells/DomesticWell_WQ_DATA.xls

US Chemical Safety and Hazard Investigation Board (CSB) released its draft strategic plan

The plan emphasizes conducting CSB Safety Studies that include significant safety recommendations. The Board also plans to focus on broadly disseminating report findings, lessons, and recommendations through agency outreach efforts. The full text of the draft is available from the Board's website and available for public comment until September 29, 2006. The CSB will also host an open forum discussion of the strategic plan draft on October 11, 2006 from 10:00 a.m.-12:00 p.m. at 2175 K St., NW Ste. 400 in Washington, D.C. For more information see http://www.csb.gov/index.cfm?folder=news_releases&page=news&NEWS_ID=307 and http://www.csb.gov/news_releases/docs/2007StrategicPlanDraft.pdf

The Bureau of Land Management (BLM) publishes Advance Notice of Proposed Rulemaking (ANPR) for leasing of oil shale on public lands

BLM published an ANPR to support preparation of a future proposed rule supporting a commercial leasing program for oil shale resources on public lands. Congress directed the BLM to establish a commercial leasing program for oil shale in Section 369 of the Energy Policy Act of 2005. For more information see http://www.blm.gov/nhp/news/releases/pages/2006/pr060825_anpr.htm and <http://ostseis.anl.gov/>

Occupational Safety and Health Administration (OSHA) will publish an Advance Notice of Proposed Rulemaking (ANPR) on the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS)

OSHA will publish in the Federal Register on September 12, 2006, an ANPR seeking public comment on the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Adoption of the GHS by OSHA will require OSHA to propose changes to the Agency's Hazard Communication Standard (HCS). The GHS is a system for standardizing and harmonizing the classification and labeling of chemicals by providing a comprehensive approach to defining the health and physical hazards of chemicals, creating classification processes, and communicating hazard information through uniform labels and safety data sheets. For more information see http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=12417 and <http://www.osha.gov/dsg/hazcom/ghs.html>

Department of Justice Enforcement Actions:

***Federal Government Reaches Settlement with Pipeline Companies Regarding Crude Oil Spills). The federal government reached a settlement with Mid-Valley Pipeline Company (Mid-Valley) and pipeline operator Sunoco Pipeline L.P. (SPLP), requiring the companies to pay a \$2.57 million penalty relating to a January 2005 spill that dumped more than 260,000 gallons of crude oil into the Kentucky and Ohio Rivers. For more information see http://www.usdoj.gov/opa/pr/2006/August/06_enrd_534.html

***Citgo Petroleum and Environmental Manager Indicted for Environmental Crimes. A federal grand jury in Corpus Christi, Texas, returned a 10-count indictment charging Citgo Petroleum Corporation, its subsidiary, Citgo Refining and Chemicals Co., and the environmental manager at its Corpus Christi East Plant Refinery with criminal violations of the Clean Air Act (CAA) and the Migratory Bird Treaty Act (MBTA). For more information see http://www.usdoj.gov/opa/pr/201906/August/06_enrd_519.html

***Government Settlements Ensure Cleanup of Contaminated Sites in New Jersey. The Department of Justice and the Environmental Protection Agency (EPA) announced that they have reached separate agreements with NCH Corporation (NCH) and FMC Corporation (FMC) to resolve claims against them relating to the costs of cleanup at the Higgins Farm and Higgins Disposal Superfund sites in Somerset County, N.J. For more information see http://www.usdoj.gov/opa/pr/201906/August/06_enrd_519.html

***Florida Charter Boat Captain Pleads Guilty to Shooting at Dolphins. A charter boat captain from Panama City, Fla. pleaded guilty today to one misdemeanor count of violating the federal Marine Mammal Protection Act (MMPA). For more information see http://www.usdoj.gov/opa/pr/2006/August/06_enrd_513.html

UPDATES CONTINUED:

FEDERAL EXECUTIVE AGENCIES CONTINUED:

Maritime Administration (MARAD) and Coast Guard receive application amendment for LNG facility

Marad and the Coast Guard issued a notice stating that they have received an application amendment for licensing of the Main Pass Energy Hub liquefied natural gas (LNG) deepwater port (DWP). The amendment would change the project from an open-loop vaporization system to a closed-loop system. The facility would be built in the Gulf of Mexico approximately 16 miles southeast of Venice, Louisiana. For more information see <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/E6-13097.pdf>

Mankind censure injustice---
fearing that they may be the victims of it,
and not because they shrink from committing it.

-Plato, *The Republic*

Coast Guard announces recent changes in oil liability limits

The Coast Guard issued a notice announcing that recent legislation has increased the limits on liability for discharges and substantial threats of discharge of oil from vessels into waters of the United States. The existing Coast Guard regulations relating to the certificate of financial responsibility (COFR) will remain in effect until amended through rulemaking. For more information see <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/E6-12936.pdf>

Pipeline and Hazardous Materials Safety Administration (PHMSA) to make miscellaneous changes to the hazardous materials regulations

The proposed PHMSA amendments are intended to clarify certain regulatory requirements specific to bulk and non-bulk packaging, as well as certain marking requirements. Comments on the proposal should be submitted by November 30, 2006. For more information see <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/06-7360.pdf>

National Oceanic and Atmospheric Administration (NOAA) initiating review of management plan for Flower Garden Banks National Marine Sanctuary in the Gulf of Mexico.

Public scoping meetings will be held in Webster, Texas (October 17); Corpus Christi, Texas (October 19); and New Orleans, Louisiana (October 24). Written comments may also be submitted. For more information see <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/06-7481.pdf>

STATE EXECUTIVE AGENCIES

California Office of Spill Prevention and Response (OSPR)

California tends to be a precursor of things to come on environmental matters. The California Office of Spill Prevention and Response (OSPR) has regulations under review that may result in significant changes to oil spill contingency planning for vessels calling at ports in California and waterfront facilities. The Notice of Proposed Rulemaking states that the proposed changes would implement a new approach in determining the required shoreline protection resources that must be available. For more information see <http://www.dfg.ca.gov/ospr/organizational/legal/regulations/regsunderreview.htm> and <http://www.dfg.ca.gov/ospr/organizational/legal/regulations/proposedregs/8-2-06/C-plan Notice.pdf>

Mississippi Commission on Environmental Quality (MCEQ) elects Chairman and Vice Chairman

The Commission on Environmental Quality elected Billy Van Devender of Jackson to be Chairman and Dick Flowers of Tunica to be Vice Chairman. For more information see

<http://www.deq.state.ms.us/newweb/MDEQPres.nsf/28ce80ddea27fe0886256b28006d8a70/8bf1b3ba1adc1f63862571d40063a02d?OpenDocument>

Florida breaks ground on Everglades reservoir

Governor Jeb Bush joined local, state and federal leaders to break ground on one of the most expansive reservoirs in the world as part of the massive effort to restore America's Everglades. When complete, the first component of the Everglades Agricultural Area Reservoir will cover 25 square miles and provide 190,000 acre-feet of water storage to better manage water released from Lake Okeechobee and to improve the timing and quality of water delivered to the famed *River of Grass*. For more information see http://www.dep.state.fl.us/secretary/news/2006/08/0802_01.htm

Louisiana Department of Environmental Quality (LDEQ) issues Administrative Order on Gentilly Landfill

LDEQ has issued a 256 page Administrative Order to the City of New Orleans concerning the Gentilly Landfill. For more information see <http://www.deq.louisiana.gov/portal/portals/0/news/pdf/GentillyBOD.pdf>

Louisiana Department of Environmental Quality (LDEQ) issues revised Comprehensive Plan for Disaster Cleanup and Debris Management

The purpose of the Comprehensive Plan for Disaster Clean-up and Debris Management is to establish a framework to facilitate the proper management of debris generated by natural disasters within the state. The goal is to facilitate a reasonable, efficient and prompt recovery from such disasters and be protective of human health and the environment. For more information see <http://www.deq.louisiana.gov/portal/portals/0/news/pdf/DEQDebrisPlan-8-25-FINAL.pdf>

UPDATES CONTINUED:

PRIVATE ENTITIES

The National Pollution Prevention Roundtable (NPPR) issues report on state pollution prevention results

NPPR has issued a report entitled “Pollution Prevention Produces Results: Waste Reductions, Resource Conservation, and Cost Savings.” The report is a collection and evaluation of the pollution prevention (P2) efforts of 29 state, regional and local governments in the United States from 2001 to 2003. The documented achievements for those three years include: over 6 billion pounds of air and water pollution as well as hazardous and solid waste that are no longer being released into the environment; a reduction in energy usage by 1.2 billion kilowatt hours; and conservation of potable water of over 44 billion gallons. The resultant cost savings and economic benefit add up to more than \$500 million. This is about 5 times the total budget for these P2 programs for the corresponding time period, and more than 25 times the federal investment. For more information see <http://www.p2.org/assets/pdf/P2ProducesResults.pdf>

US Public Interest Research Group (USPIRG) issues report on Global Warming

Just weeks after the strongest global warming legislation in U.S. history was introduced in Congress, a new report released by USPIRG shows how the U.S. can meet – and even exceed – the legislation’s near-term goals. The report finds that the U.S. can reduce its global warming emissions by nearly 20 percent within the next 15 years by boosting energy efficiency and renewable energy. For more information see <http://uspig.org/uspignewsroom.asp?id2=26150> and <http://uspig.org/uspig.asp?id2=26147>

Science and Democratic Action (SDA) newsletter discusses whether nuclear energy can solve Global Warming

In its report, the SDA “Insurmountable Risks Can Nuclear Power Solve the Global Warming Problem?” writes, while there are significant uncertainties, the possible outcomes of global warming are so varied and potentially so severe in their ecological and human impacts that immediate precautionary action is called for. Compared to fossil fuels, nuclear power emits far lower levels of greenhouse gases even when mining, enrichment, and fuel fabrication are taken into consideration. As a result, some have come to believe that nuclear power should play a role in reducing greenhouse gas emissions. The most important practical consideration, rarely addressed in the debate, is this: how many nuclear power plants will it take to significantly impact future carbon dioxide emissions from fossil fuel power plants? For more information see <http://www.ieer.org/sdfiles/14-2.pdf>

FEDERAL COURT DECISIONS

Noe v. Henderson (U.S. 8th Circuit Court of Appeals)

The federal Migratory Bird Treaty Act (MBTA) and federal regulations promulgated thereunder, do not preempt Arkansas regulations governing activities involving captive-reared mallard ducks. For more information see <http://www.ca8.uscourts.gov/opndir/06/08/053244P.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/8th/053244p.pdf>

Sarei v. Rio Tinto, PLC (U.S. 9th Circuit Court of Appeals)

Dismissal of an Alien Tort Claims Act (ATCA) action brought by plaintiffs, residents of Papua New Guinea, against defendant-mining corporation claiming numerous violations of international law is reversed in part where the district court erred in dismissing all of the plaintiffs’ claims as presenting nonjusticiable political questions, and in dismissing the plaintiffs’ racial discrimination claim under the act of state doctrine. For more information see

[http://www.ca9.uscourts.gov/coa/newopinions.nsf/921500E7C5A64E0A882571C30048F0C9/\\$file/0256256.pdf?openelement](http://www.ca9.uscourts.gov/coa/newopinions.nsf/921500E7C5A64E0A882571C30048F0C9/$file/0256256.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0256256p.pdf>

State of Nevada v. Department of Energy (U.S. Circuit Court of Appeals for the District of Columbia)

Nevada’s petition for review of a Final Environmental Impact Statement (FEIS) for a repository for nuclear waste and a portion of the Record of Decision (ROD) the Department of Energy issued governing the transportation of nuclear waste from the production sources to the repository location is denied where some of the state’s claims were unripe for review and the remaining claims were without merit. For more information see

<http://www.cadc.uscourts.gov/bin/scripts/isysweb/isyswebext.dll?op=get&uri=/isysquery/irl2405/1/doc> and <http://caselaw.lp.findlaw.com/data2/circs/dc/041309a.pdf>

Atlantic Research Corporation v. United States (U.S. 8th Circuit Court of Appeals)

A private party which voluntarily undertakes a cleanup for which it may be held liable, thus barring it from contribution under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 113, may pursue an action for direct recovery or contribution under section 107, against another liable party. For more information see

<http://www.ca8.uscourts.gov/opndir/06/08/053152P.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/8th/053152p.pdf>

Earth Island Institute v. Ruthenbeck (U.S. 9th Circuit Court of Appeals)

In an appeal arising from a judgment enjoining Forest Service regulations governing review of decisions implementing forest plans, the district court’s invalidation of 36 C.F.R. section 215.12(f) and a nationwide injunction against its enforcement is affirmed, but the judgment and injunction is remanded to be vacated with respect to the remaining regulations for lack of a controversy ripe for review. For more information see

[http://www.ca9.uscourts.gov/coa/newopinions.nsf/597156B35555B768882571C600522C7A/\\$file/0516975.pdf?openelement](http://www.ca9.uscourts.gov/coa/newopinions.nsf/597156B35555B768882571C600522C7A/$file/0516975.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0516975p.pdf>

It seems the world was divided into good and bad people.
The good ones slept better...
but the bad ones
seemed to enjoy the waking hours much more.

-Woody Allen

UPDATES CONTINUED:

The nine most terrifying words in the English language---
“I’m from the government and I’m here to help.”

-Ronald Reagan

FEDERAL COURT DECISIONS CONTINUED:

Fund for Animals Incorporated v. United State Bureau of Land Management (U.S. Circuit Court of Appeals for the District of Columbia)

Dismissal, for lack of subject matter jurisdiction, of action challenging defendant’s strategy to achieve an “appropriate management level” for national wild horse and burro populations, and finding that challenges to policy for removal of wild horses were moot, is affirmed as plaintiff does not challenge any justiciable agency action. For more information see <http://www.cadc.uscourts.gov/bin/scripts/isysweb/isyswebext.dll?op=get&uri=/isysquery/irl240d/1/doc> and <http://caselaw.lp.findlaw.com/data2/circs/dc/045359a.pdf>

Natural Resources Defense Council v. Johnson (U.S. 2nd Circuit Court of Appeals)

Dismissal of complaint for lack of subject matter jurisdiction is affirmed over claim that 21 U.S.C. section 346a(h)(5) governs judicial review only of EPA decisions to establish, modify, or revoke tolerances and that decisions to leave tolerances in effect are reviewable in the district courts pursuant to the Administrative Procedure Act. For more information see http://www.ca2.uscourts.gov:8080/isysnative/RDpcT3BpbnNcT1BOXDA0LTUzMzctY3Zfb3BuLnBkZg==/04-5337-cv_opn.pdf#xml=http://10.213.23.111:8080/isysquery/irl54cd/1/hilite and <http://caselaw.lp.findlaw.com/data2/circs/2nd/045337p.pdf>

City of Tacoma, Washington v. Federal Energy Regulatory Commission (U.S. Circuit Court of Appeals for the District of Columbia)

Petitions for review of orders granting a conditional license to city to operate a hydroelectric project on the Skokomish River in the State of Washington are granted in part, without vacating the license, where FERC exceeded its statutory authority by placing a strict time restriction on responsibilities Congress delegated to other federal agencies. For more information see <http://www.cadc.uscourts.gov/bin/scripts/isysweb/isyswebext.dll?op=get&uri=/isysquery/irl2417/1/doc> and <http://caselaw.lp.findlaw.com/data2/circs/dc/051054a.pdf>

Broudy. v. Mather (U.S. Circuit Court of Appeals for the District of Columbia)

Dismissal of plaintiffs’ claims, regarding exposure of dangerous levels of atomic radiation as members of the U.S. armed forces and alleged denial of meaningful access to administrative proceedings before the V.A., is affirmed as plaintiffs cannot prove any set of facts consistent with the allegations of their complaint that will demonstrate that the defendants denied them a meaningful opportunity to pursue their claims for compensation. For more information see <http://www.cadc.uscourts.gov/bin/scripts/isysweb/isyswebext.dll?op=get&uri=/isysquery/irl241a/1/doc> and <http://caselaw.lp.findlaw.com/data2/circs/dc/05-5085a.pdf>

Morton International, Incorporated v. A.E. Stanley Manufacturing Company (U.S. 3rd Circuit Court of Appeals)

In a contribution action succeeding a state court proceeding in which plaintiff and various other entities were found to be jointly and severally liable for certain mercury contamination, an appeal from dismissal of plaintiff’s contribution claim against defendant for want of personal jurisdiction is dismissed where the court lacked jurisdiction over the premature appeal. For more information see <http://www.ca3.uscourts.gov/opinarch/043936p.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/3rd/043936p.pdf>

Natural Resources Defense Council v. Environmental Protection Agency (U.S. Circuit Court of Appeals for the District of Columbia)

Petition to review defendant’s proposed rule to implement critical use exemption for methyl bromide, after party nations to the Montreal Protocol on Substances that Deplete the Ozone Layer decided to allow the U.S. to produce a level of methyl bromide necessary to satisfy critical uses, is denied where, although plaintiff has standing to pursue a claim, post-ratification agreements of the parties are not binding law, and defendant’s rule is not in violation of any domestic law within the meaning of the Clean Air Act. For more information see <http://pacer.cadc.uscourts.gov/docs/common/opinions/200608/04-1438b.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/dc/041438b.pdf>

United States v. Cinergy Corp. (U.S. 7th Circuit Court of Appeals)

Judgment for the EPA in a suit over modifications to coal energy plants is affirmed where plants must obtain a permit from the EPA to make modifications that will increase annual emissions, even if the modifications do not increase hourly emissions. For more information see <http://www.ca7.uscourts.gov/fdocs/docs.fwx?caseno=06-1224&submit=showdkt&yr=06&num=1224> and <http://caselaw.lp.findlaw.com/data2/circs/7th/061224p.pdf>

Regional Airport Authority of Louisville and Jefferson County v. LFG, LLC (U.S. 6th Circuit Court of Appeals)

Federal Rule of Civil Procedure 26 creates a bright-line rule mandating disclosure of all documents, including attorney opinion work product, given to testifying experts. For more information see <http://www.ca6.uscourts.gov/opinions.pdf/06a0302p-06.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/6th/055754p.pdf>

UPDATES CONTINUED:

FEDERAL COURT DECISIONS CONTINUED:

E.I. Dupont de Nemours and Company v. United States (U.S. 3rd Circuit Court of Appeals)

In an action brought by owners and operators of industrial facilities contaminated with hazardous waste seeking a ruling that the government must contribute a share of cleanup costs under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the court finds pursuant to controlling precedent that, because the owners/operators were themselves partly responsible for the contamination at the subject sites, and their cleanups were voluntary, they may not seek contribution from other potentially responsible parties including the government.

<http://www.ca3.uscourts.gov/opinarch/042096p.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/3rd/042096p.pdf>

Ouachita Watch League v. Jacobs (U.S. 11th Circuit Court of Appeals)

Holding that majority of plaintiffs' claims, that U.S. Forest Service's changes to certain forest plans failed to comply with the National Environmental Policy Act, were not ripe for review is reversed as construction of ripeness doctrine used does not apply in NEPA suits. For more information see

<http://www.ca11.uscourts.gov/opinions/ops/200514461.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/11th/0514461p.pdf>

Atlanta Gas Light Co. v. UGI Utilities, Inc. (U.S. 11th Circuit Court of Appeals)

Summary judgment in favor of defendants, in case involving attempt to seek contribution for environmental cleanup costs from parent corporations of previous owners of a pollution-causing facility, and attempt to prove coverage under three insurance policies, is affirmed where: 1) the court has jurisdiction; 2) a reasonable jury could not find that either of two defendants managed, directed or conducted operations of the facility specifically related to pollution, leakage, or disposal of hazardous waste; and 3) for purposes of insurance coverage, plaintiff has pointed to no evidence that the owners of the facility were unaware of the leakage problem during the early 1940s, and plaintiff has clearly failed to prove that such leakages were unexpected. For more information see

<http://www.ca11.uscourts.gov/opinions/ops/200512204.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/11th/0512204p.pdf>

Alabama Federal District Court rules company complied with Clean Air Rules

Alabama Power Company did not violate the law when it upgraded four old, coal-fired power plants, a federal judge ruled. The U.S. Environmental Protection Agency sued Alabama Power over five plants in 1999, accusing the utility of illegally expanding and upgrading the plants without adding modern pollution controls. U.S. District Judge Virginia Hopkins rule the company had complied with the Clean Air Act. She said the EPA had a history of air pollution rules that aren't legally enforceable. For more information see

<http://www.al.com/news/birminghamnews/index.ssf?/base/news/1155720505212580.xml&coll=2>

Fitzgerald Living Trust v. United State (U.S. 9th Circuit Court of Appeals)

In a dispute over property owners' right of access over a national forest road and a proposed statutory easement by the Forest Service providing them with access over the road, summary judgment for the Forest Service is affirmed as the Federal Land Policy Management Act (FLPMA) vests the Secretary of Agriculture with the authority to regulate access over a national forest, and the FLPMA easement offered to plaintiffs, who hold no common law easements over the forest service land, was a reasonable exercise of that authority. For more information see

[http://www.ca9.uscourts.gov/coa/newopinions.nsf/757EDEC843604EBA882571D900811E23/\\$file/0416149.pdf?openelement](http://www.ca9.uscourts.gov/coa/newopinions.nsf/757EDEC843604EBA882571D900811E23/$file/0416149.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0416149p.pdf>

Louisiana Crawfish Producers Ass'n - West v. Rowan (U.S. 5th Circuit Court of Appeals)

Summary judgment for the United States Army Corps of Engineers on claims arising from a non-profit organization of commercial crawfishermen's challenge under the National Environmental Policy Act (NEPA) to the Corps' Environmental Assessment (EA) of a flood control area in Louisiana is affirmed where: 1) the Corps was not arbitrary and capricious in choosing to reject the non-profit's proposed alternative; and 2) the Corps' Finding of No Significant Impact (FONSI) was not arbitrary or capricious. For more information see

<http://www.ca5.uscourts.gov/opinions/pub/05/05-30956-CV0.wpd.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/5th/0530956cv0p.pdf>

Northwest Environmental Advocates v. National Marine Fisheries Service (U.S. 9th Circuit Court of Appeals)

In a National Environmental Policy Act (NEPA) challenge to a feasibility report and environmental impact statement prepared by the United States Army Corps of Engineers in connection with a project to deepen the Columbia River navigation channel and to propose new sites for disposal of dredged materials, a judgment rejecting the challenge is affirmed where the Corps took the requisite "hard look" at the particular environmental and economic factors at issue. For more information see

[http://www.ca9.uscourts.gov/coa/newopinions.nsf/A0FE639D42C945A5882571D300492BCF/\\$file/0535806.pdf?openelement](http://www.ca9.uscourts.gov/coa/newopinions.nsf/A0FE639D42C945A5882571D300492BCF/$file/0535806.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0535806p.pdf>

Hale v. Norton (U.S. 9th Circuit Court of Appeals)

A district court had jurisdiction to consider plaintiffs' challenge to the incorporation of the National Environmental Policy Act (NEPA) into the Alaska National Interest Lands Conservation Act's (ANILCA) permitting process, and conducting a NEPA analysis was consistent with the "adequate and feasible access" right of ANILCA. (Substituted opinion). For more information see

[http://www.ca9.uscourts.gov/coa/newopinions.nsf/022BA75CDA1B2534882571D5000049F6/\\$file/0336032.pdf?openelement](http://www.ca9.uscourts.gov/coa/newopinions.nsf/022BA75CDA1B2534882571D5000049F6/$file/0336032.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0336032pv2.pdf>

Morality-like art-means drawing a line someplace.

-Oscar Wilde



Russia's natural resources watchdog want court to review Sakhalin II energy project

Russia's watchdog for natural resources demanded that a court annul a positive decision of the state environmental inspectorate on the development of two sectors of the Sakhalin II project in the country's Far East. According to Oleg Mitvol, a deputy head of Russia's watchdog in the field, about 20 kilometers (12.4 miles) are under threat from floodwaters, which could endanger human lives as well as lead to an environmental disaster. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/37114/story.htm>

Injustice is relatively easy to bear;
what stings is justice.

-H. L. Mencken

Greens claim Poland not protecting rare habitats

According environmentalists and the European Commission, Poland is shirking its European Union commitments to protect natural habitats, putting more than 100 endangered animals in jeopardy. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/37616/story.htm>

Mongolia's Miners Wreaking Environmental Havoc

Gold miners are putting an environmental impact on Mongolia's fragile grasslands that is putting them in direct conflict with herders, who rely on the pastureland to graze their animals and for whom the country's rivers are an essential source of sustenance. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/37618/story>.

Indonesia accepts plan to direct hot mud into sea

A dam at Siring broke sending a flood of mud that forced 5680 people to escape. The environmental ministry has accepted a plan to allow it to flow into the sea after being processed with water. For more information see <http://www.antara.co.id/en/seenws/?id=18201>

Philippine city environment agency sues eight men for cutting trees

The City Environment and Natural Resources Office (Cenro) filed charges against eight people for allegedly cutting down 23 gimelina trees, 108 ipil-ipil trees, and seven mahogany trees. For more information see <http://www.sunstar.com.ph/static/dav/2006/08/17/news/environment.agency.sues.8.men.for.cutting.trees.html>

Environmental journalists condemn plan to destroy Zambian park

The African Network for Environment Journalists (ANEJ) condemned the Zambian government's plan to destroy the Musiotunya National Park on that country's border with Zimbabwe, to build luxury hotels and a golf course. For more information see <http://www.angolapress-angop.ao/noticia-e.asp?ID=465288>

Environment to star as election issue in Canada: poll

The environment will be one of the biggest issues in the upcoming territorial election, shows a recent opinion poll conducted on behalf of the Yukon chapter of the Canadian Parks and Wilderness Society (CPAWS). For more information see <http://www.whitehorsestar.com/auth.php?r=43964>

Environment minister in trouble in Republic of the Congo

Environment Minister Anselme Enerunga has allegedly being illegally trading exotic birds for weapons to arm renegades in the volatile east of the country, according to allegations passed onto Business Day by intelligence sources. For more information see <http://www.businessday.co.za/articles/topstories.aspx?ID=BD4A254192>

Taiwan to Clean 20 Years Of Hi-Tech Waste from River

Environmental authorities will clean up several thousand tonnes of computer boards illegally dumped along a river since the early days of Taiwan's high-tech industry and put them in a museum. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/37847/story.htm>

China Shuts Factory, Detains Seven for Chemical Spill

Chinese authorities have closed a factory and detained a manager and seven others following a chemical spill on a tributary to the Songhua River, which was poisoned by a huge benzene spill late last year. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/37915/story.htm>

Brazil Proposes Fund to Stem Rainforest Cutting

Brazil proposed a fund to compensate developing countries that slow the destruction of their rainforests, a move that could help lower emissions of gases blamed for rising world temperatures. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/37904/story.htm>

Argentina Moves to Clean Up its Dirtiest River

A government cleanup scheme has inspired new hope for the 5 million people living in Argentina's Matanza-Riachuelo river basin, where raw sewage, industrial waste and empty promises have created a toxic cesspool. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/37851/story>.

Philippines Battles Major Oil Spill, Fishermen Suffer

Rescue workers battled on Wednesday to stop a huge oil spill from further polluting the central Philippine coastline as fishermen, smeared in the foul-smelling sludge, returned to shore with empty nets. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/37694/story.htm>

UPCOMING EVENTS:



South Texas Industrial and Construction Show (September 12-13, 2006)

At the Freeman Coliseum in San Antonio, Texas. For more information contact Ralph Romine at (800) 532-3976 or see http://www.smc-events.com/st_industrial.htm

Well, if crime fighters fight crime
and fire fighters fight fire,
what do freedom fighters fight?
They never mention that part to us, do they?

-George Carlin

Association of Energy Engineers (AEE) World Energy Engineering Congress (September 13-14, 2006)

At the Washington Convention Center in Washington, D.C. For more information contact Ted Kurklis at (770) 271-7869 or see <http://www.aeecenter.org/weec/>

Association of Water Technologies (AWT) Annual Water Technology 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/>

International Association of Fire Chiefs (IAFC) Fire Rescue International (September 14-16, 2006)

At the Dallas Convention Center in Dallas, Texas. For more information contact Michelle Biersner at (703) 273-0911 or see <http://www.iafc.org/displaycommon.cfm?an=1&subarticlenbr=356>

U.S. Maritime Security Exhibition (September 19-20, 2006)

At the Jacob Javits Convention Center in New York, New York. For more information contact Kelly Walsh at (301) 493-5500 or see <http://www.maritimesecurityexpo.com/>

Solid Waste Association of North America (SWANA) Wastecon 2006 (September 19-21, 2006)

At the Charlotte Convention Center in Charlotte, North Carolina. For more information contact Kimerbly Baca at (800) 467-9262 or see http://216.69.164.134/pdf/swana_pdf_426.pdf

International Association of Drilling Contractors (IADC) Exhibition (September 20-22, 2006)

At the Hyatt Regency in San Antonio, Texas. For more information contact Leesa Teal at (713) 292-1945 or see http://www.iadc.org/conferences/AM6_Program.html

Society of Petroleum Engineers (SPE) Technical Conference and Exhibition (September 24-27, 2006)

At the Henry B. Gonzalez Convention Center in San Antonio, Texas. For more information contact Jim Klingele at (800) 456-6863 or see http://www.spe.org/spe/jsp/meeting/0,2460,1104_1535_4387915,00.html

Turbomachinery Symposium (September 25-28, 2006)

At the George R. Brown Convention Center in Houston, Texas. For more information contact Brandy Doiron at (979) 845-8943 or see <http://turbolab.tamu.edu/turboshow/turbo.html>

Center For The Advancement Of Process Technology (CAPTECH) Training And Development Pre-Conference (October 4-6, 2006)

At the South Shore Harbor Resort in Houston, Texas. For more information contact Debi Shoots at (409) 938-1211 or see <http://www.captech.org/cibp2006/index.htm>

Instrument Society of America (ISA) Automation Conference, Exhibition, and Training (October 17-19, 2006)

At the Reliance Center in Houston, Texas. For more information contact Tracey Berrett at (919) 990-9251 or see <http://www.isa.org/expo/>

Clean Gulf Conference: Weathering the Storm (October 17-19, 2006)

At the Morial Convention Center in New Orleans, Louisiana. For more information contact Christy Williams at (832) 242-1969 or see <http://www.cleangulf.org/>

Louisiana Chemical Association (LCA) Annual Meeting (October 18-20, 2006)

For more information contact Lisa Granata at (225) 376-7670 or see <http://www.lca.org/>

Water Environment Federation Annual Technical Exhibition and Conference (WEFTECH) (October 21-25, 2006)

At the Dallas Convention Center in Dallas, Texas. For more information contact Nannette Tucker at (703) 684-2443 or see <http://www.weftec.org/home.htm>

UPCOMING EVENTS CONTINUED:

American Petroleum Institute (API) 2006 Fall Refining and Equipment Standards Meeting (October 30 - November 1, 2006)

At the Renaissance Parc 55 in San Francisco, California. For more information contact Arnetta Smith at (202) 682-8149 or see

http://api-ep.api.org/training/index.cfm?objectid=BAA24C2C-9307-4508-8B9980C77A83605B&method=display_body&er=1&bitmask=08D3CA1E-4E5D-42C5-8CDC593AFEC12F63

Society of Manufacturing Engineers (SME) FABTECH International and AWS Welding Show 2006 (October 31 - November 2, 2006)

At the Georgia World Congress Center in Atlanta, Georgia. For more information contact John Catalano at (313) 271-1500 or see <http://www.sme.org/cgi-bin/get-event.pl?--001637-000007-020004--SME-&id=HOMEPAGE>

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

Village Bluegrass Festival (September 9-10, 2006)

Traders Village in Houston, Texas has set its lineup of performers for the 6th Annual Village Bluegrass Festival. For more information contact 281-890-5500 or see <http://www.tradersvillage.com/events/hn/06-villagebluegrass.html>

Jubilee Festival (September 10-11, 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. Daphne. For more information contact (251) 621-8222 or see

<http://main.siteonestudio.com/cgi-bin/cals/webevent.pl?cmd=showevent&ncmd=calmonth&cal=cal9&y=2006&m=09&d=9&id=1128099085-1696-1&token=&sb=0&cf=cal&lc=calmonth&swe=1&set=1&sa=0&sort=e,m,t&ws=0&sib=0&de=1&tf=0>

Biloxi Seafood Festival (September 16-17, 2006)

Point Cadet Plaza in Biloxi, Mississippi. For 23 years the Biloxi Seafood Festival has delighted thousands with arts and crafts, special events, vendors, and delicious seafood of every kind. Lots of fun overlooking the beautiful waters of the Mississippi Sound. For more information contact (228) 374-2717 or see www.biloxi.org

Fall Kid's Festival (September 17-18, 2006)

At the Kemah Boardwalk in Kemah, Texas. Two fun-filled days of activities. Ice cream making, face painting, hands-on education, clowns, magic shows, live music, mad scientist, the Backyard Circus, street performers and more. For more information contact (281) 334-9880 or see http://www.kemahboardwalk.com/flash_content/flash_content.html

10th Metro Go Texan Regional Cook-Off (September 17-18, 2006)

At Tradersvillage in Houston, Texas. The Houston Metro Go Texan Regional Cookoff is celebrating its 10th annual event to benefit the Houston Livestock Show and Rodeo Educational Fund. The cookoff committee expects about 75 teams. Competition will include brisket, ribs, chicken, gumbo and showmanship, plus a cake auction. For more information contact (281) 890-5500

Birmingham Southern Women's Show (October 05-08, 2006)

At the Birmingham-Jefferson Civic Center in Birmingham, Alabama. All about women: fashion, beauty, health, career, cooking, travel, etc. For more information call (800) 849-0248 or see <http://www.southernshows.com/wbi/>

Katy Rice Harvest Festival Historic Downtown (October 7-8, 2006)

In historic downtown Katy, Texas. Annual Rice Harvest Festival. Celebrate Katy's agricultural heritage with arts and crafts, food, a carnival, photo contest, rice cooking contest and continuous live entertainment on three stages. For more information call (281) 828-1100 or see http://www.katy-chamber.com/2005_RHF/

Buckler's Holiday Craft Fair/Lakeland (October 7-8, 2006)

At the Lakeland Center in Lakeland, Florida. Professional award winning craftspeople from across the nation will display and sell handcrafted original items. For more information call (386) 860-0092 or see <http://www.bpcraftfairs.com/lake.html>

French Quarter Secret Garden Tour (October 7-8, 2006)

In the historic French Quarter in New Orleans, Louisiana. Take a step back in time and into some of the most beautiful private courtyard gardens of the historic French Quarter. Patio Planters of the Vieux Carre will be conducting its annual Secret Garden Tour from noon till 4 P.M., featuring a unique variety of courtyards each tour day. Self-guided maps, histories and refreshments will be included for the purchase price of \$10 per day. Tickets will be available beginning September 5 at Creole Delicacies (533 St. Ann Street) and New Orleans Gem & Lapidary (527 St. Philip Street). Proceeds benefit Candlelight Caroling in Jackson Square. For more information call (504) 319-6226, (504) 722-3595 or see http://www.patioplanter.org/msfe/default.asp?GOTO=1550|CONTNT_1551

I have always found that mercy
bears richer fruits than strict justice.

-Abraham Lincoln

JOB OPPORTUNITIES:



To apply for the jobs listed below, please submit your resume to 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/

**Life is full of misery, loneliness, and suffering---
and it's all over much too soon.**

-Woody Allen

Environmental Health and Safety (EHS) 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.

Operations Manager

Chemical Cleaning company based in New Jersey is looking for an Operations Manager. Perfect candidate to fill this job would need to have knowledge of safety regulations, chemicals, and tank cleaning industry. Salary D.O.E.

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+.

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.

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.

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.

WEBSITE OF THE MONTH:



The European Environment Agency unveils a new-look website offering users better functionality and improved accessibility. The EEA aims to provide timely, information to a wide range of target groups. The re-launched website will help achieve this goal by offering a better quality service to more people. For example, the website is now compatible with “screen readers” used by people with visual disabilities. Text sizes can be also be enlarged manually to enhance readability. The new-look website is also accessible from mobile devices, such as mobile phones and PDAs (Personal Digital Assistants). Designed in line with EU guidelines on eAccessibility, the EEA website is one of the first from an EU body that complies with international accessibility standards. For more information see <http://www.eea.europa.eu/highlights/eea-website-meets-international-standards>

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