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ENVIRONMENTAL, HEALTH, AND SAFETY NEWSLETTER

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ARTICLE:

Why Look for Environmental Violations?

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Clients often look askance when I suggest an environmental audit program, “why deliberately look for environmental problems?” But an environmental auditing has many benefits.

The Environmental Protection Agency (EPA) has the “Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations” program. Otherwise known as the EPA Audit Program, it provides major incentives for regulated entities to voluntarily come into compliance with federal environmental laws and regulations. The benefits include reductions in civil penalties, determinations not to recommend criminal penalties, and no routine requests for the audit.

Conditions

An Environmental Audit is defined by EPA as a “systematic, documented, periodic, and objective review by regulated entities of facility operations and practices related to meeting environmental requirements.” To take advantage of the environmental audit incentives, regulated entities must voluntarily discover, promptly disclose to EPA, expeditiously correct, and prevent recurrence of future environmental violations. There are nine requirements:

- 1) The discovery of the violation must be through a systematic environmental audit or compliance management system.
- 2) The voluntary discovery must not result from legally required monitoring, sampling, or auditing procedures.
- 3) The violation must be disclosed in writing to EPA within 21 days or shorter if required by law. Discovery occurs when an officer, director, employee, or agent has an objectively reasonable basis for believing a violation has occurred.
- 4) There must be independent discovery and disclosure before EPA or another regulator identifies the violation through its own investigation or on information provided by a third-party.

- 5) The violation must be corrected and remediated within 60 calendar days, in most cases, from the date of discovery.
- 6) Take actions to prevent recurrences of the violation.
- 7) Repeat violations within a certain period of time are ineligible.

8) Violations that result in serious actual harm, present an imminent and substantial endangerment, or violate the terms of an administrative or judicial order or consent agreement are ineligible.

9) The disclosing entity must cooperate with EPA.

Benefits are Significant

The benefits of environmental auditing are notable. EPA will significantly reduce the civil penalties otherwise due. Civil penalties under the environmental laws generally have two components: an amount assessed based upon the severity or “gravity” of the violation; and the amount of economic benefit a violator received from noncompliance.

No gravity-based penalties will be assessed if all nine of the policy conditions are met. However, EPA retains discretion to collect any economic benefits that may have been realized. Reduction of gravity-based penalties by 75% is also available where the disclosing entity meets all of the policy conditions except detection of the violation through a systematic discovery process.

EPA will make no recommendation for criminal prosecution for entities that disclose criminal violations if all of the applicable conditions are met. “Systematic discovery” is not a requirement for eligibility for this incentive, although the entity must be acting in good faith and adopt a systematic approach to preventing recurring violations.

*******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 Sea Grant Legal Program releases September Louisiana Coastal Law E-mail Update

The Louisiana Sea Grant Program provides an e-mail update service that covers court decisions that concern the coastal environmental issues. The latest edition can be found at <http://www.lsu.edu/sglegal/pdfs/update23.pdf>



UPDATES:

INTERNATIONAL AGENCIES

United Nations Environmental Programme (UNEP) report cite rising levels of sewage harming ocean
A rising tide of sewage is threatening the health and wealth of far too many of the world's seas and oceans, a new report by the United Nations Environment Programme (UNEP) says. In many developing countries between 80 per cent and nearly 90 per cent of sewage entering the coastal zones is estimated to be raw and untreated. For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=486&ArticleID=5364&l=en> and <http://www.gpa.unep.org/bin/php/igr/igr2/supporting.php>

United Nations Environmental Programme (UNEP) report on sustainability reporting

The harmonization of voluntary standards and mandatory regulation will lead to higher quality and more useful corporate sustainability reporting, according to new research released. “Carrots and Sticks for Starters,” a joint report from the UNEP and KPMG’s Global Sustainability Services, gives an overview and analysis of current trends and approaches in mandatory and voluntary standards for sustainability reporting and corporate responsibility. For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=486&ArticleID=5365&l=en> and <http://www.unep.fr/outreach/reporting/docs/Public-UNEP-KPMG-Report-FIN.pdf>

United Nations Environmental Programme (UNEP) awards combatants of global desertification with key environmental prize

The daily struggle of billions of people living in the world's drylands is being recognized through the awarding of a key environment prize to two grassroots initiatives. The United Nations Environment Programme (UNEP) announced that Rodrigo Vivas Rosas of Colombia and the Tenadi Cooperative Group of Mauritania will be the recipients of the 2006 UNEP Sasakawa Prize. The co-winners are being honored for their achievements in combating desertification and land degradation---a major local and global problem that threatens the lives and livelihoods of two billion people inhabiting the planet's dry and arid areas. For more information see

<http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=487&ArticleID=5361&l=en> and <http://www.unep.org/Sasakawa/Winners/2006/rosas.asp> and <http://www.unep.org/Sasakawa/PhotoGalleries/2006/rosas/>

Organization for Economic Cooperation and Development (OECD) expresses concern over Korean environment

Korea should use energy more efficiently and control green house gas emissions more effectively, according to a new OECD report. While the OECD welcomes Korea's significant progress in tackling environmental challenges over the past decade, it notes that further steps are needed in the interests both of international environmental cooperation and Korea's economic development. For more information see

http://www.oecd.org/document/44/0,2340,en_2649_201185_37435692_1_1_1,100.html and http://www.oecd.org/document/27/0,2340,en_2649_34307_37435483_1_1_1,100.html

UPDATES CONTINUED:

INTERNATIONAL AGENCIES CONTINUED:

United Nations (UN) Food and Agriculture Organization (FAO) announces Liberian forestry sector emerges after 14 years of conflict and mismanagement

Liberia passed a new forestry law opening a new era for the Liberian forestry sector after a long period of mismanagement and exploitation of forest resources to fuel conflict. The new legislation will allow the implementation of Liberia's first-ever forestry policy, which FAO helped develop with numerous international partners through the Liberia Forest Initiative. For more information see <http://www.fao.org/newsroom/en/news/2006/1000415/index.html>

Truth divorced from experience
Will always dwell in the realms of doubt.

-Henry Drause

United Nations (UN) backed treaty suspends ivory exports due to deficient monitoring of poaching

The UN Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the body overseeing trade in endangered species, suspended the export of 60 tonnes of ivory from Botswana, Namibia and South Africa because of shortcomings in the system to monitor elephant populations and poaching. For more information see <http://www.un.org/apps/news/story.asp?NewsID=20144&Cr=trade&Cr1=>

United Nations (UN) World Health Organization (WHO) proposes dramatic cut in air pollution

With air pollution estimated to cause some 2 million premature deaths around the world each year from respiratory infections, heart disease, and lung cancer, the UN WHO called for dramatically lower standards for levels of pollutants in cities that are far tougher than many national limits currently applied. Reducing levels of one particular type of pollutant known as PM10, produced mainly by burning fossil and other types of fuel, from 70 to 20 micrograms per cubic metre, could cut deaths in polluted cities by up to 15 per cent every year WHO said in releasing its new Air Quality Guidelines. For more information see <http://www.un.org/apps/news/story.asp?NewsID=20142&Cr=air&Cr1=> and http://www.who.int/phe/health_topics/outdoorair_aqg/en/index.html and <http://www.who.int/entity/phe/air/aqg2006execsum.pdf>

Environmental Protection Agency (EPA) appoints Mary Gade as Region 5 Administrator

Mary Gade was a partner in a Chicago law firm. Gade also served as the director of Illinois EPA under Governor Jim Edgar. During her eight years there, she was a co-founder of the National Environmental Council of States. Before her state tenure, Gade enjoyed a dynamic career at EPA with senior management positions in key environmental areas such as emergency response, Superfund cleanup and pollution prevention. For more information see <http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/665be5a797dcb3a4852571f100719130!OpenDocument>

FEDERAL EXECUTIVE AGENCIES

Environmental Protection Agency (EPA) announces new Particulate Matter standards

EPA announced new National Ambient Air Quality Standards (NAAQS) to address fine and coarse particle pollution, also known as particulate matter (PM). For more information see <http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/92771013f7dda087852571f00067873d!OpenDocument> and <http://epa.gov/pm/naaqsrev2006.html>

Occupational Safety and Health Administration (OSHA) launched new page on Web site aimed at demonstrating investment in workplace safety and health makes good business sense

Making the Business Case for Safety and Health, a new Safety and Health Topic, is a product of several Alliances with OSHA, including the American Industrial Hygiene Association, American Society of Safety Engineers, National Federation of Independent Business, among others. Information on the page focuses on how a comprehensive safety program can help an employer save money and improve business. OSHA's Web site includes approximately 200 Safety and Health Topics pages on various workplace issues—from accident investigation to workplace violence. The subjects of the pages include specific workplace hazards, as well as individual industries, and provide assistance for complying with OSHA standards. For more information see http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=12720 and <http://www.osha.gov/dcsa/products/topics/businesscase/index.html>

Army Corps of Engineers (COE) seeking comments on nationwide and general permits

The COE issued a notice stating that it is soliciting comments on the reissuance of existing nationwide permits, general conditions, and definitions with regard to certain activities regulated by section 404(e) of the Federal Water Pollution Control Act (FWPCA). Nationwide permits involve activities such as aids to navigation, scientific measurement devices, mooring buoys, and oil spill response. Comments should be submitted by November 27, 2006. For more information see <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/06-7986.pdf>

Maritime Administration (MARAD) and Coast Guard issue environmental assessment of Main Pass Energy Hub LNG facility

The Maritime Administration (MARAD) and Coast Guard issued a notice announcing the availability of the environmental assessment and the draft finding of no significant impact (FONSI) on the Main Pass Energy Hub liquefied natural gas (LNG) deepwater port (DWP) amended license application. The proposal calls for construction and operation of an LNG DWP in the Gulf of Mexico approximately 16 miles southeast of Venice, Louisiana. Written comments must be submitted by November 6, 2006. For more information see <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/E6-15756.pdf>

UPDATES CONTINUED:

FEDERAL EXECUTIVE AGENCIES CONTINUED:

Environmental Protection Agency (EPA) to expand list of non-ozone depleting refrigerants

EPA is proposing to expand the list of choices car manufacturers have when choosing non ozone-depleting refrigerants for use in vehicle air conditioning systems. The action proposes to list HFC-152a and CO₂ as acceptable alternatives for ozone depleting substances (ODS) in new motor vehicle air conditioning systems under the Significant New Alternatives Policy (SNAP) program. When used with proper risk mitigation measures, HFC-152a and CO₂ can reduce the environmental impact of motor vehicle air conditioners. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/fd24ceee9a3be50c852571ee00574746!OpenDocument> and

<http://www.epa.gov/ozone/snap/regulations.html> and http://www.epa.gov/ozone/snap/refrigerants/SNAP_MVAC_Proposal2.pdf and http://www.epa.gov/ozone/snap/refrigerants/SNAP_MVAC_Factsheet.html

Environmental Protection Agency (EPA) seeks better use of millions of tons of wasted sand

EPA released a guide to help states get more productive use out of millions of tons of sand discarded by the foundry industry. The State Toolkit for Developing Beneficial Reuse Programs for Foundry Sand is designed to significantly increase the volume of sand that is reused from foundry operations, saving landfill capacity and protecting natural resources. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/b874d64908f8df25852571ed005ea0a3!OpenDocument> and <http://www.epa.gov/sectors/metalcasting/foundry.html> and <http://www.epa.gov/sectors/metalcasting/toolkit.pdf> and http://www.epa.gov/sectors/metalcasting/toolkit_bw.pdf

Environmental Protection Agency (EPA) proposing improvements to the New Source Review (NSR) permitting program

EPA is proposing improvements to three specific areas (debottlenecking, aggregation, and project netting) 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 dependence on foreign oil

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. 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.htm> and <http://www.epa.gov/otaq/renewablefuels/renewablefuel-nprm.pdf>

General Accounting Office (GAO) issues reports:

***Climate Change: Federal Agencies Should Do More to Make Funding Reports Clearer and Encourage Progress on Two Voluntary Programs (GAO-06-1126T, September 27, 2006). For more information see

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-1126T> and <http://www.gao.gov/highlights/d061126thigh.pdf> and <http://www.gao.gov/new.items/d061126t.pdf> and <http://www.gao.gov/htext/d061126t.html>

***Climate Change: Greater Clarity and Consistency Are Needed in Reporting Federal Climate Change Funding (GAO-06-1122T, September 21, 2006). For more information see <http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-1122T> and <http://www.gao.gov/highlights/d061122thigh.pdf> and <http://www.gao.gov/new.items/d061122t.pdf> and <http://www.gao.gov/htext/d061122T.html>

***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/docsearch/abstract.php?rptno=GAO-06-730> and <http://www.gao.gov/highlights/d06730high.pdf> and <http://www.gao.gov/new.items/d06730.pdf>

***Interior's Land Appraisal Services: Actions Needed to Improve Compliance with Appraisal Standards, Increase Efficiency, and Broaden Oversight (GAO-06-1050, September 28, 2006). For more information see

<http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-1050> and <http://www.gao.gov/highlights/d061050high.pdf> and <http://www.gao.gov/new.items/d061050.pdf> and <http://www.gao.gov/htext/d061050.html>

***Hurricane Katrina: Strategic Planning Needed to Guide Future Enhancements Beyond Interim Levee Repairs (GAO-06-934, September 6, 2006). For more information see <http://www.gao.gov/docsearch/abstract.php?rptno=GAO-06-934> and <http://www.gao.gov/highlights/d06934high.pdf> and <http://www.gao.gov/new.items/d06934.pdf> and <http://www.gao.gov/htext/d06934.html>

A great many people think they are thinking,
When they are really just
Rearranging their prejudices and superstitions.

-Edward R. Murrow

UPDATES CONTINUED:

FEDERAL EXECUTIVE AGENCIES CONTINUED:

National Oceanic and Atmospheric Administration (NOAA) planning National System of Marine Protected Areas

NOAA is seeking public comment on Draft Framework for Developing the National System of Marine Protected Areas. The document, developed jointly with the Department of the Interior, provides overarching guidance for collaborative efforts to identify ecosystem-based gaps in the protection of significant natural and cultural marine resources. Comments should be submitted by February 14, 2007.

For more information see

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/06-8077.pdf>

When I hear somebody sigh,
“Life is hard,”
I am always tempted to ask,
“Compared to what?”

-Sydney J. Harris

Environmental Protection Agency (EPA) Inspector General Reports:

***EPA's Oversight of the Vehicle Inspection and Maintenance Program Needs Improvement, Report No. 2007-P-00001.
For more information see http://www.epa.gov/oig/reports/2007/20061005-2007-P-00001_glance.pdf and <http://www.epa.gov/oig/reports/2007/20061005-2007-P-00001.pdf>

***Progress Report on EPA's Nonroad Mobile Source Emissions Reduction Strategies, Report No. 2006-P-00039. For more information see http://www.epa.gov/oig/reports/2006/20060927-2006-P-00039_glance.pdf and <http://www.epa.gov/oig/reports/2006/20060927-2006-P-00039.pdf>

***Promising Techniques Identified to Improve Drinking Water Laboratory Integrity and Reduce Public Health Risks, Report No. 2006-P-00036. For more information see http://www.epa.gov/oig/reports/2006/20060921-2006-P-00036_glance.pdf and <http://www.epa.gov/oig/reports/2006/20061005-2006-P-00036A.pdf>

***Lessons Learned: EPA's Response to Hurricane Katrina, Report No. 2006-P-00033. For more information see http://www.epa.gov/oig/reports/2006/20060914-2006-P-00033_glance.pdf and <http://www.epa.gov/oig/reports/2006/20060914-2006-P-00033.pdf>

***EPA Grants to the National Rural Water Association, Report No. 2006-S-00005. For more information see http://www.epa.gov/oig/reports/2006/20060912-2006-S-00005_glance.pdf and <http://www.epa.gov/oig/reports/2006/20060912-2006-S-00005.pdf>

***EPA Needs to Emphasize Management of Earmark Grants, Report No. 2006-P-00037. For more information see http://www.epa.gov/oig/reports/2006/20060926-2006-P-00037_glance.pdf and <http://www.epa.gov/oig/reports/2006/20060926-2006-P-00037.pdf>

***EPA Needs to Conduct Environmental Justice Reviews of Its Programs, Policies, and Activities, Report No. 2006-P-00034. For more information see http://www.epa.gov/oig/reports/2006/20060918-2006-P-00034_glance.pdf and <http://www.epa.gov/oig/reports/2006/20060918-2006-P-00034.pdf>

***Existing Contracts Enabled EPA to Quickly Respond to Hurricane Katrina; Future Improvement Opportunities Exist, Report No. 2006-P-00038. For more information see http://www.epa.gov/oig/reports/2006/20060927-2006-P-00038_glance.pdf and <http://www.epa.gov/oig/reports/2006/20060927-2006-P-00038.pdf>

***Assessing EPA's Efforts to Protect Sensitive Information, Report No. 2006-S-00006. For more information see <http://www.epa.gov/oig/reports/2006/20060919-2006-S-00006.pdf>

Department of Justice Enforcement Actions:

***Settlement Between United States, Delaware, DuPont and Ciba Restores Wetlands Habitat in Delaware's Mispillion River Ecosystem. The federal government and the Delaware Department of Natural Resources and Environmental Control reached an agreement with chemical companies DuPont and Ciba to resolve claims relating to the release of hazardous substances from the DuPont Newport Superfund Site, which contaminated wetlands in and around the Christina River ecosystem. For more information see http://www.usdoj.gov/opa/pr/2006/September/06_enrd_664.html

***Government Reaches Settlements with Seaboard Foods and PIC USA. Under two related settlements, Seaboard Foods LP and PIC USA Inc., will take significant steps at many of their facilities to ensure future compliance with environmental laws and to resolve allegations that the companies contaminated groundwater and surface waters near several of their facilities, the Justice Department and the Environmental Protection Agency (EPA) announced. For more information see http://www.usdoj.gov/opa/pr/2006/September/06_crm_625.html

***City of Indianapolis Agrees to Make \$1.86 Billion in Improvements to Sewer System. The city of Indianapolis has agreed to make an estimated \$1.86 billion worth of improvements to resolve longstanding problems with overflows from its sewer system, the Justice Department and Environmental Protection Agency (EPA) announced. For more information see http://www.usdoj.gov/opa/pr/2006/October/06_enrd_676.html

UPDATES CONTINUED:

FEDERAL EXECUTIVE AGENCIES CONTINUED:

National Science and Technology Council (NSTC) launches new biometrics website

Biometrics.gov is the central source of information on biometrics-related activities of the Federal government.

Two sister sites provide a repository of biometrics-related public information (www.biometricscatalog.org) and opportunities for discussion (www.biometrics.org). These websites, working together, were developed to encourage greater collaboration and sharing of information on biometric activities among government departments and agencies; commercial entities; state, regional, and international organizations; and the general public. For more information see <http://www.biometrics.gov/> and http://www.ostp.gov/html/pr_2006_biometrics.pdf

A thought which does not result in an action

Is nothing much,

And an action which does not proceed from a thought

Is nothing at all.

-- Georges Bernanos

STATE EXECUTIVE AGENCIES

Louisiana Department of Environmental Quality (LDEQ) is increasing its air-monitoring capabilities

LDEQ is increasing its air-monitoring capabilities with a new, high-tech mobile laboratory. The Mobile Air Monitoring Laboratory has advanced air-monitoring equipment that will provide the department with instant data wherever the MAML is located. For more information see <http://www.deq.louisiana.gov/portal/portals/0/news/pdf/MAMLpressrelease.pdf>

Louisiana Department of Environmental Quality (LDEQ) announces Agency for Toxic Substances and Disease Registry (ATSDR) responds on New Orleans environmental conditions

ATSDR has answered numerous questions by the Natural Resources Defense Council (NRDC) regarding the environmental conditions of New Orleans area soil and sediment. For more information see

<http://www.deq.louisiana.gov/portal/portals/0/news/pdf/ATSDRlettertoNRDC-080206.pdf>
<http://www.deq.louisiana.gov/portal/portals/0/news/pdf/NRDC-Letter.pdf>

Texas Commission on Environmental Quality (TCEQ) publishes Guide to Public Participation in Permitting

In an effort to provide additional public assistance with its environmental permitting procedures, the TCEQ announced the publication of its Guide to Public Participation in Permitting brochure. For more information see

http://www.tceq.state.tx.us/comm_exec/communication/media/10-06brochure.html
http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/gi/gi-233.html

Alabama Department of Environmental Management (ADEM) appoints Environmental Justice Ombudsman

ADEM has appointed long time employee Elvin D. Lang as Environmental Justice Ombudsman and Coordinator. For more information see <http://www.adem.state.al.us/PressReleases/2006/10New%20EJ%20Coordinator.pdf>

California enacts ballast water regulations

More on California's ballast water regulations. California Governor Schwarzenegger signed into law the Coastal Ecosystems Protection Act (SB 497). This legislation requires the State Lands Commission (SLC) to adopt, by January 1, 2008, regulations that require an owner or operator of a vessel carrying, or capable of carrying, ballast water that operates in state waters to implement certain performance standards for the discharge of ballast water. This legislation includes a goal of zero detectable marine organisms in discharged ballast water by 2020. For more information see

http://www.leginfo.ca.gov/pub/bill/sen/sb_0451-0500/sb_497_bill_20060918_chaptered.pdf and
http://www.slc.ca.gov/Division_Pages/MFD/MFD_Programs/Ballast_Water/Documents/CSLCPerformanceStndRpt_FINAL_FINISHED_MF.pdf

Nevada battles the Environmental Protection Agency over delegated programs

The Nevada Division of Environmental Protection backs changing a law opposed by environmentalists.

Federal concerns about a 2005 law limiting public involvement in many state licensing hearings have prompted the agency to say the law should be revised. The federal Environmental Protection Agency advised that the law "could cause problems" for the state's delegated authority to oversee federal anti-pollution programs. For more information see

<http://www.lasvegassun.com/sunbin/stories/nevada/2006/sep/11/091110920.html>

UPDATES CONTINUED:

PRIVATE ENTITIES

OMB Watch claims that criticism of the Draft Risk Assessment Bulletin may delay its implementation

Criticism from federal agency officials could prevent the Office of Management and Budget from finalizing a bulletin on risk assessments. On Jan. 9, 2006, the OMB released a draft bulletin governing how agencies perform risk assessments. If enacted, the new standards would create a one-size-fits-all standard, requiring more information and analysis before agencies could act to protect the public. For more information see <http://www.ombwatch.org/article/articleview/3577/1/4?TopicID=>

Advice is what we ask for
When we already know the answer,
But wish we didn't.

—Unknown

Environmental Working Group (EWG) says Center for Disease Control (CDC) study raises concerns over toxic rocket fuel

EWG states that a new study by the CDC says minute traces of a toxic rocket fuel chemical found in milk, fruit vegetables and drinking water supplies nationwide lowers essential thyroid hormones in women. An EWG analysis finds that 44 million American women who are pregnant, thyroid deficient or have low iodine levels are at heightened risk from exposure to the chemical. For more information see <http://www.ewg.org/issues/perchlorate/20061004/release.php> and <http://www.ewg.org/issues/perchlorate/20061004/index.php> and http://www.ewg.org/issues/perchlorate/20061004/pdf/CDC_study.pdf

U.S. Public Interest Research Group (USPIRG) issues two reports:

*** “A New Energy Future: The Benefits of Energy Efficiency and Renewable Energy for Cutting America’s Use of Fossil Fuels.” According to USPIRG, America has the technological know-how and the resources to move away from dependence on oil and other fossil fuels and toward a cleaner, more secure New Energy Future. For more information see <http://uspirg.org/uspirgnewsroom.asp?id2=27662> and <http://uspirg.org/uspirg.asp?id2=27583#1> and <http://uspirg.org/reports/Future.pdf>

***Feeling the Heat: Global Warming and Rising Temperatures in the United States. According to USPIRG, Americans from coast to coast experienced a sweltering heat wave that broke more than 2,300 daily temperature records in July alone. This record warmth, however, was not an anomaly; rather, it is indicative of a broader trend toward increasing temperatures and extreme weather resulting from global warming. For more information see <http://uspirg.org/uspirgnewsroom.asp?id2=26512> and <http://uspirg.org/uspirgnewsroom.asp?id2=26387#1> and <http://uspirg.org/reports/Heat.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. Rutherford (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>

UPDATES CONTINUED:

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>

We don't stop having fun when we're old;
We're old when we stop having fun.

-Unknown

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/RDpcT3BpbNcT1BOXDA0LTUzMzctY3Zfb3BuLnBkZg==/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>

Oregon Natural Desert Association v. United States Forest Service (U.S. 9th Circuit Court of Appeals)

The United States Forest Service's issuance of annual operating instructions (AOIs) to permittees who graze livestock on national forest land constitutes final agency action for purposes of judicial review under the Administrative Procedure Act (APA). For more information see

[http://www.ca9.uscourts.gov/coa/newopinions.nsf/EACAF3B8C835893B882571EF0077EB84/\\$file/0535637.pdf?openelement](http://www.ca9.uscourts.gov/coa/newopinions.nsf/EACAF3B8C835893B882571EF0077EB84/$file/0535637.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0535637p.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>

**A man may be so much of everything,
That he is nothing of anything.**

– Dr. Samuel Johnson

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>

UPDATES CONTINUED:

FEDERAL COURT DECISIONS CONTINUED:

Ilio‘ulaokalani Coalition v. Rumsfeld (U.S. 9th Circuit Court of Appeals)

In a suit challenging the Army's proposal to transform the 2nd Brigade stationed in Hawaii into a quick-response unit on the grounds that the Army failed to meet NEPA requirements, summary judgment for the Army is reversed in part where the plaintiffs did not waive their right to challenge the sufficiency of the Army's consideration of reasonable alternatives, and the Army's consideration of alternatives was in fact deficient. The case is remanded to require the Army to produce a supplemental analysis of alternative locations in a supplemental Site-specific Environmental Impact Statement. For more information see <http://www.ca9.uscourts.gov/ca9/newopinions.nsf/Opinions+by+date?OpenView&Start=1&Count=100&Expand=1.1> and <http://caselaw.lp.findlaw.com/data2/circs/9th/0515915p.pdf>

Know it -- in your head;
Stow it -- in your heart;
Sow it -- in the world;
Show it -- in your life.

-The Bible

Northwest Environmental Advocates v. US Environmental Protection Agency, No. C 03-05760 SI (N.D. Cal., September 18, 2006)

A federal district court has ordered EPA to rescind its regulation exempting ballast water discharges from requirements of the National Pollution Discharge Elimination System (NPDES). The agency is directed to rescind the exemption not later than September 30, 2008 and implement ballast water discharge regulations consistent with the NPDES. The decision largely discounts the specific ballast water discharge measures adopted by the US Congress, the US Coast Guard, and the IMO. An appeal of this decision is expected. For more information see

http://www.tradewinds.no/multimedia/archive/00080/US_court_order_on_ba_80245a.pdf

Utah Shared Access Alliance v. Carpenter (U.S. 10th Circuit Court of Appeals)

In a motorized access advocacy organization's challenge to restrictions on off-road vehicle use in certain parts of Utah, a judgment in favor of the Bureau of Land Management (BLM) is affirmed where: 1) the BLM complied with required procedures under FLPMA and NEPA when it enacted certain restrictions; 2) its decision to close various public lands to ORV use was supported by substantial evidence, and its reasoning for doing so was not implausible; 3) plaintiff lacked standing for its NDAA challenge or for a challenge to the posting of signs encouraging ORV use only on particular trails. For more information see <http://www.ca10.uscourts.gov/opinions/05/05-4009.pdf> and <http://laws.lp.findlaw.com/10th/054009.html>

United States v. Gerke Excavating, Inc. (U.S. 7th Circuit Court of Appeals)

Summary judgment for the government in a suit alleging violation of the Clean Water Act through the discharge of dredge or fill material is remanded where the new standard for federal jurisdiction over wetlands outlined by Justice Kennedy in *Rapanos v. US*, 126 S. Ct. 2208 (2006) required factfinding not yet undertaken by the district court. For more information see <http://www.ca7.uscourts.gov/tmp/WX0Q6139.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/7th/043941p.pdf>

WORLD ELECTRONIC NEWS BRIEFS:

World Bank report warns of environmental risks to poor countries

The World Bank has warned of grave risks to poor countries long-term economic growth and poverty reduction efforts if environmental concerns are not taken care of. A new report titled: "Managing Climate Risk-Integrating Adaptation into World Bank Group Operations," paints a dark picture of the future of poor countries that degrade their environment, apparently in pursuit of economic prosperity. For more information see <http://allafrica.com/stories/200609080838.html>

Australian Environmental Protection Authority warn new port could kill marine life

West Australia's environmental watchdog has cast serious doubts over the State Government plan to build a \$1.3 billion island port in Cockburn Sound, warning it could pollute the water that will supply the nearby desalination plant and put more pressure on the area's marine life. The report by the Environmental Protection Authority prompted the Planning and Infrastructure Minister to admit the port might not be viable. For more information see

<http://www.thewest.com.au/default.aspx?MenuID=77&ContentID=7887>

Chinese chemical leak cuts water to thousands

A spill of turpentine from a plant in the eastern province of Anhui contaminated the Jindong River on Thursday. Authorities warned residents not to use water from the river and sent fire engines to distribute water. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/38229/story.htm>

Germany expects smooth passage for its Carbon Plan

German proposals for future limits on its greenhouse gas emissions should clear bureaucratic hurdles quickly in the coming months and undergo discussion in parliament from November. For more information see

<http://www.planetark.com/dailynewsstory.cfm/newsid/38245/story.htm>

Long Sentences possible for Ivorian waste crimes

Suspects charged in connection with the dumping of toxic waste in Ivory Coast, which killed seven people and made thousands ill, could face up to 20 years in jail if convicted. For more information see

<http://www.planetark.com/dailynewsstory.cfm/newsid/38244/story.htm>

European Union (EU) global warming target difficult

A European Union threshold to avoid dangerous climate change is proving a more difficult goal to achieve than anticipated, according to the British foreign secretary. For more information see

<http://www.planetark.com/dailynewsstory.cfm/newsid/38235/story.htm>

UPCOMING EVENTS:



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/>

A mind stretched to a new idea,
Never goes back to its original dimensions.

-Oliver Wendell Holmes

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>

American Petroleum Institute (API) Fall Refining and Equipment Standards Meeting and Operating Practices Symposium (October 31-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://www.api.org/meetings/topics/refining/index.cfm> and <http://www.api.org/meetings/topics/refining/operating-practices.cfm>

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>

North Texas Plant Engineering and Facilities Maintenance Exposition (October 31 - November 1, 2006)

At the Dallas Market Hall in Dallas, Texas. For more information contact Bryan Fernandez at (800) 548-1407 or see <http://www.facilitiesexpo.com/fex/fetx/index.po>

National Safety Council (NSC) Congress and Exposition (November 3-8, 2006)

At the San Diego Conference Center in San Diego, California. For more information contact Amanda Krotz at (800) 621-7619 or see <http://www.eshow2000.com/nscc/home.cfm>

American Association of Equipment Manufacturers (AEM) Annual Meeting (November 5-7, 2006)

At the Boca Raton Resort and Club in Boca Raton, Florida. For more information contact Al Cervero at (414) 298-4125 or see <http://www.aem.org/Education/Annual/index.asp>

National Oil Recyclers Association (NORA) Association of Responsible Recyclers Annual Conference (November 8-10, 2006)

At the Ritz-Carlton in Maui, Hawaii. For more information contact Casey Parker at (703) 753-4277 or see http://www.noranews.org/2006_conference_page.htm

American Institute of Chemical Engineers (AIChE) Annual Meeting (November 12-17, 2006)

At the San Francisco Hilton in San Francisco, California. For more information contact Jeff Wood at (212) 591-7450 or see <http://www.aiche.org/Conferences/AnnualMeeting/index.aspx>

Deep Offshore Technology Conference (November 28-30, 2006)

At the George R. Brown Conference Center in Houston, Texas. For more information contact Jennifer Lindsey (918) 835-3161 or see <http://dot06.events.pennnet.com/fl/home.cfm?Language=>

Power-Gen International (November 28-30, 2006)

At the Orange County Convention Center in Orlando, Florida. For more information contact Judy Tarpley (918) 831-9560 or see <http://pgi06.events.pennnet.com/fl/index.cfm>

International WorkBoat Show (November 29-December 1, 2006)

At the Morial Convention Center in New Orleans, Louisiana. For more information see <http://www.workboatshow.com/06/public/enter.aspx>

Engineer's Energy Toolbox: Practices, Technologies and Management (December 6-7, 2006)

At the Galveston Island Convention Center in Galveston, Texas. For more information contact Kathey Ferland at (512) 232-4823 or see <http://www.showcasetexas.org/>

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/

Everybody thinks of changing humanity,
And nobody thinks of changing himself.

—Leo Tolstoy

Industrial Project Manager

Company is in need of a candidate with 5+ years in project Management. Candidate must be willing to work out in the field and be able to travel. Territory will be in the Mid-Atlantic area. Salary D.O.E.

Director of Technology

High-pressure, high volume hydroblasting company is in need of a Director of technology for the Houston area. Candidate must have 3+ years experience in this industry. Ideal candidate would have a background in sales, willing to travel, familiar with the latest technology in the industry and be able to demonstrate when needed. Salary \$85K-\$95K.

Project Coordinator/Field Engineer

North America's largest supplier of materials, engineering and advanced NDT service company, providing integrity management solutions from 60 locations nationwide is in need of a Project Coordinator. Ideal candidate would have 2-3 years experience working in a process plant environment, knowledge of distillation/fractionation, willing to travel and not be afraid of working in high environments. Salary \$60K-\$70K.

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.

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.

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:



United Nations Environment Programme Partners with Google Earth on Environmental Website

“Flying” around a virtual planet earth, zooming in on environmental hotspots and comparing today’s crisis zones with yesterday’s areas of natural beauty: All this has become a reality thanks to a partnership between the United Nations Environment Programme (UNEP) and Google Earth. Images of retreating glaciers and melting ice in polar and mountain areas, explosive growth of cities such as Las Vegas, forest loss in the Amazon, rapid oil and gas development in Wyoming and Canada, forest fires across sub-Saharan Africa and the decline of the Aral Sea in Central Asia and Lake Chad in Africa: this and much more is being presented in a series of ‘before and after’ satellite images of our changing environment to over 100 million Google Earth users worldwide. For more information see

<http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=487&ArticleID=5350&l=en> and
<http://www.na.unep.net/OnePlanetManyPeople/index.php>

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