



EYE ON

WASHINGTON

by Dennis Schvejda,
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THE BUSH ENVIRONMENTAL LEGACY UNFOLDS

RUNNING THE GOVERNMENT AS IF THE ENVIRONMENT DIDN'T MATTER

SNOW JOB - The Park Service received more public comments on the Yellowstone snowmobile issue than any other in the agency's history. More than 360,000 e-mails and letters were received during five public comment periods, and 80% supported a ban on snowmobiles in Yellowstone National Park. An Occupational Safety and Health Administration study found that park rangers are exposed to unacceptable amounts of engine emissions and noise from snowmobiles. The EPA's regional office recommended last April that snowmobiles not be allowed in the park. A study released in May by the California Air Resources Board and commissioned by the Park Service showed park workers were exposed to hydrocarbons in concentrations 10 times higher than measured along Los Angeles freeways. So what's the Bush administration to do? How about allowing a 35% INCREASE in snowmobiles! "This plan says that Yellowstone can be managed by politics on behalf of special interests, and that science and the law protecting places like this can be set aside," said Jon Catton of the Greater Yellowstone Coalition, an environmental group based in Bozeman, Mont.

POLLUTERS HOLIDAY - Polluters have paid 64% less in fines for breaking federal environmental rules under the Bush administration than they did in the final two years of the Clinton administration. A Knight Ridder analysis found that during the first 20 months of the Bush administration, civil penalties averaged \$3.8 million per month. During the last 28 months of the Clinton administration, civil penalties for the same types of violations averaged \$10.6 million a month. According to Senator James Jeffords, chairman of the Senate Environment and Public Works Committee, "This administration is sending a message to polluters that if you break our environmental laws, you'll get a slap on the wrist rather than the full force of the law. Our laws are meaningless if they are not enforced."

SUPERFUND FAILING - The Inspector General of the U.S. Environmental Protection Agency has found that, under President Bush's leadership, the EPA failed to provide a single dollar for toxic waste cleanups at 32 Superfund sites, including ones where toxic waste is polluting water and risking families' health. Presidents Reagan, Bush Sr., and Clinton all supported the principle of "polluter pays." But this tax on chemical and oil companies expired in 1995, and Congress has refused to renew it. In 1996, the Superfund trust fund had a balance of \$3.8 billion collected from polluters for cleanups; next year, it's projected to have only \$28 million, thus shifting the clean-up burden to taxpayers. "Families shouldn't have to worry about toxic waste festering near their homes, said Ed Hopkins, Director of the Sierra Club Environmental Quality Program. "American families are paying a terrible price for the Bush Administration's decision to turn its back on the sensible, obvious solution: Make the polluters pay."

A BIRDER'S BEST FRIEND - Birders enjoy seeing rare birds and often go to great trouble and expense to do so. A Bush administration lawyer argued that bird-lovers benefit when the military kills birds because "bird watchers get more

enjoyment spotting a rare bird than they do spotting a common one." The Bush administration has succeeded in passing legislation granting the Defense Department a broad exemption from the 1918 Migratory Bird Treaty Act, which protects 850 species of birds from harmful practices. "The provision, which was inserted at the Bush administration's request, will effectively give the Defense Department license to bomb and destroy the natural habitats of migratory birds, endangering more than a million birds and curtailing the enjoyment of more than 50 million bird enthusiasts in this country," said Rep. John D. Dingell (D-MI). We made it through two World Wars, Korea, Vietnam and the Gulf War without this legislation, but birds are now threatening America's ability to defend itself, so it's bye-bye birdie.

BUSH CELEBRATES CLEAN WATER ACT'S 30TH ANNIVERSARY - CALLS BACK THE "GOOD OLD DAYS"

BACKWARDS ON CLEAN WATER - We are now moving backwards in terms of water quality. EPA's newest data shows that 45% of US waters do NOT meet water quality standards - two years ago that number was 40%.

BURY STREAMS WITH MINING AND OTHER WASTE - On May 3, 2002, the Bush administration made key changes to a Clean Water Act rule legalizing the burying of streams with waste from mountaintop coal strip-mines. Under the new rule, mining companies can legally dump waste produced from the destruction of hillsides and peaks into surrounding waters.

STOPPING RULES TO REDUCE OVERFLOWS OF RAW SEWAGE - Since January 2001, the Bush administration has held up a proposed Clinton administration rule that would have required municipalities to control releases of raw sewage and warn health authorities when they occur. The Centers for Disease Control estimate that nearly one million people become sick and 900 die each year from diseases like cholera, hepatitis and meningitis that are carried in waters polluted by sewage overflows.

EXPEDITING PERMITS FOR WETLANDS DESTRUCTION - The US Army Corps of Engineers implemented a new Nationwide Permit (NWP) system under the Clean Water Act on January 15, 2002. The Corps' new permit system weakens reforms the Clinton administration made in 2000, which included restricting wetland and stream destruction in floodplains and limiting the size of wetlands destroying development.

ABANDONING THE 'NO-NET-LOSS' WETLANDS POLICY - For the first time in a decade, the US Army Corps of Engineers unilaterally decided to abandon a 'no-net-loss' policy for wetlands protection. The US Fish and Wildlife Service estimates that nearly 58,500 acres of wetlands are destroyed annually.

THREATENING TO ELIMINATE ALL FEDERAL PROTECTION FOR MANY STREAMS AND WETLANDS - On September 19, 2002, Bush administration officials told a congressional subcommittee that the administration would propose new regulations redefining which waterways the Clean Water Act covers. Based on this testimony, periodically dry streams found in the upper reaches of

headwaters, as well as non-navigable tributaries and wetlands adjacent to tributary streams, might lose protection that the Clean Water Act currently provides.

DELAYING THE CLEANUP OF DIRTY WATERS - The EPA is designing weaker rules to implement the Clean Water Act's Total Maximum Daily Load (TMDL) program. Part of the original Clean Water Act, the TMDL program requires states and the EPA to identify polluted waterways, prioritize them for cleanup, and

develop pollution control limits for more than 20,000 rivers, lakes and estuaries. The EPA's new proposal attempts to weaken the federal government's mandate to issue cleanup plans when states fail to do so. It allows increased discharges from factories and sewage treatment plants based on speculative and unenforceable reductions in runoff pollution. It also creates new ways for states to take water-bodies off the cleanup list without reducing pollution. ☞

STATE-WIDE WRAPUP
DIRECTOR'S REPORT

by Jeff Tittel, Chapter Director



THE NEW GOVERNOR'S FIRST YEAR

Under previous Governor Whitman the environmental community complained about the lack of enforcement, the weakening of regulations and the lack of access to the DEP and to the Governor and her staff. We have seen in the first year of the McGreevey Administration a 180-degree turnaround in the approach to the environment and the environmental community. DEP Commissioner Brad Campbell has quarterly meetings with the environmental community, as well as regular meetings on specific issues. We have seen many of the promises that were made to the Sierra Club during the campaign kept.

First and most importantly we have seen environmental enforcement increase under this Administration, whether it is raiding polluters in Camden, going after garbage trucks that are breaking the law, citing power companies for clean air violations, citing golf courses for operating without water allocation permits or citing a college for wetlands violations. This change in the philosophy at DEP means that there will be fewer environmental violations. This will lead to a cleaner and safer environment.

Governor McGreevey has reorganized the Pinelands Commission and appointed former Governor Jim Florio, who sponsored the original federal Pinelands Act, as its new Chair. Ed Lloyd, head of Columbia University's Environmental Law Clinic, was also appointed, as was Betty Wilson, a former Assistant Commissioner of DEP, and Candace Ashmun was reappointed. These new appointments will add strong environmental voices to a Commission that really needs them. The Governor also announced a moratorium in the growth areas in Atlantic County to help protect an area of the Pinelands that was being over-developed.

On Earth Day Governor McGreevey announced a program to upgrade protections to New Jersey's major drinking water sources. The first round of upgrades has reached the New Jersey Register. Under the old rules, a reservoir had no more protection than a mud puddle in a parking lot. These new protections call for no "measurable" change in water quality for water sources that serve close to four million people in the State of New Jersey. We continue to work with the DEP to outline even more streams and reservoirs for protection. The Governor also signed legislation to target Green Acres monies to protect water supplies.

Commissioner Campbell has also undone some of the worst proposals of the Whitman Administration, including deepening the Delaware River, the DeMarco cranberry permits and the Open Market Emissions Trading (OMET) program. The Delaware deepening would have had tremendous environmental impacts on southern New Jersey: by dumping contaminated mud on more than a dozen sites, and blasting the river bed, a critical aquifer for the southern part of the state could have been threat-



ened. Cranberry grower Garfield DeMarco, after he was caught violating the NJ Wetlands Act by destroying 22 acres of wetlands in the Pinelands was given his permits after the fact. Not only did Campbell cancel his permits; DeMarco is now ordered to restore those wetlands that he destroyed. The Sierra Club filed a complaint with the Inspector General of the EPA over an air pollution-trading scheme, OMET, proposed by the Whitman Administration. This scheme not only would have allowed for increased pollution in some of the most polluted parts of New Jersey, but there would have been no real reductions anywhere else.

Now, for the first time in a years, the word regulation is not dirty. The DEP has developed a new policy banning off-road vehicles in New Jersey's state parks and forests. Commissioner Campbell has proposed tightening the standard for phosphorus in discharge from sewer plants, the leading cause of water pollution in the State of New Jersey. New regulations are being proposed on storm water, which call for the recharge of ground water, as well as the cleaning up of non-point pollution. The rule also calls for stream buffers for high quality waterways, that could be as wide as 300 feet. New regulations to protect ground water are also being worked on, as well as regulations for endangered species. There is a proposal for a large rule package tied to a growth and non-growth map of the State that is also being prepared. This rule will deal with issues like septic, sewer service areas, water allocation permits and a whole range of other issues, to try to bring smart growth to the DEP's permitting process.

During the Fall, Governor McGreevey held a Sprawl Summit, where he brought together people from many different backgrounds to discuss the issues of sprawl. He outlined an ambitious agenda that called for redeveloping the cities, especially brownfields, limiting new highways and protecting our water. Because of this and his proposal to upgrade protections of our drinking waters, we are starting to see the impact on some of the sprawl projects in New Jersey. Proposals such as the luxury citizen development at the Delbarton Abbey may not get sewers. New sewer plants for Windy Acres and Milligan Farms in Hunterdon County may not get approval. The re-rating of the sewer plant for Powder Hollow in Wanaque may not

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