

## IN AND OUT OF THE NEWS

### August 2010 Issue Supplement

This page provides additional news items beyond the August 2010 issue (Issue #54) of *Virginia Water Central*. The items below are based on information in the source(s) indicated in parentheses at the end of each item. Most of the items were reported in news media or by governmental agencies between June 1 and September 8, 2010. Except as otherwise noted, all localities mentioned are in Virginia and all dates are in 2009. All Web sites listed were functional as of September 8, 2010. Frequently used abbreviations: DEQ = Virginia Department of Environmental Quality; DCR = Virginia Department of Conservation and Recreation; EPA = U.S. Environmental Protection Agency; SWCB = Virginia State Water Control Board; VMRC = Virginia Marine Resources Commission.

### Aquatic Systems, Water Quality, and Restoration (including Chesapeake Bay)

•On June 3, in Baltimore, the **Chesapeake Executive Council held its annual meeting** to discuss progress by the states and federal government toward restoring the Bay. The Executive Council includes the chief executives from Virginia, Maryland, Pennsylvania, Delaware, New York, West Virginia, the District of Columbia, the Chesapeake Bay Commission, the U.S. EPA, and the U.S. Department of Agriculture. On June 2, the executives received a letter signed by 56 Bay-area politicians, scientists, and environmental organizations. The letter asserted that “after 26 years of effort, the formal Bay Program and the restoration efforts under the voluntary, collaborative approach currently in place have not worked and current efforts have been insufficient and are failing.” (*Bay Daily*, 6/2/10; and *Washington Post*, 6/4/10. For a previous *Water Central* on the 2009 Executive Council meeting: Aug. 2009, p.5.)

•In a July 20 letter to Virginia Secretary of Natural Resources Douglas Domenech, the Chesapeake Bay Foundation (CBF) presented an **analysis of Virginia’s progress towards meeting the two-year “milestones” for Bay-restoration actions** that were established for each Bay state at the May 2009 Bay Executive Council meeting. The 15-page CBF document (available online at <http://www.cbf.org/Document.Doc?id=536>), asserts that “CBF observed a mixed record of Virginia’s progress toward meeting its milestone goals, with successes as well as failures...[and that CBF’s analysis] found no evidence of an overall acceleration of Bay cleanup as the jurisdictions had pledged in May 2009.” Virginia Department of Environmental Quality Director David Paylor responded to CBF’s letter by saying that while he did not dispute the findings, he believed the analysis was unfair in not considering “the bottom line” of conditions in the Bay.

Here are the eight milestone goals analyzed in the CBF report and the group’s assessment of percentages accomplished:

Practice	Milestone Goal Set in May 2009	Percent Accomplished
Cover Crops	119,000 annual acres by 2011	65%
Continuous No-till Cultivation	81,000 annual acres by 2011	96%
Stream Fencing	89,500 new acres in three years	13%
Grass Buffers	2,000 new acres in three years	21%
Forest Buffers	10,000 new acres in three years	34%
Agricultural Nutrient Management	258,000 new acres in three years	No data presented
Wastewater Treatment Plant Upgrades	Reduce nitrogen by 233,000 pounds Reduce phosphorus 126,000 pounds	100% (projected)
Urban Nutrient Management	Management plans for 133,000 acres in three years	16%

(Other sources: *Bay Daily*, 7/23/10, and *Daily Press*, 7/31/10. For a previous *Water Central* on the Bay restoration milestones: August 2009, p.5.)

•On August 5, the **National Fish and Wildlife Foundation announced grants totaling \$5.8 million to 11 pollution-reduction projects in the Chesapeake Bay watershed**. The funds come from the U.S. EPA’s Chesapeake Bay Program and are administered by the Foundation as part of its Innovative Nutrient and Sediment Reduction Grant Program. The 11 projects receiving funds this year include four in Virginia, six in

Maryland, and one in Pennsylvania. According to the Foundation's news release on the grants, the Virginia recipients and projects are as follows:

- 1) Shenandoah Resource Conservation and Development Council (headquartered in Verona in Augusta County): To facilitate "a culture of conservation from farm to table" and to reduce nutrients and sediments in agricultural production regionally;
- 2) Virginia Tech: To reduce ammonia emissions and runoff from poultry litter on two Shenandoah Valley farm and two Virginia Eastern Shore farms;
- 3) Potomac Conservancy (headquartered in Silver Spring, Md., with an office in Winchester): To promote Low Impact Development (LID) through an assessment of 37 Virginia localities in the Bay watershed; and
- 4) Chesapeake Bay Foundation: To create and implement the Onancock Watershed Restoration Project.

In addition, a grant to the Maryland Department of Agriculture to conduct remote sensing of winter cover crops will involve Virginia through a partnership with the Shenandoah Valley Soil and Water Conservation District (-). More information on the Foundation's grant programs is available online at [www.nfwf.org/AM/Template.cfm?Section=GrantPrograms](http://www.nfwf.org/AM/Template.cfm?Section=GrantPrograms). (National Fish and Wildlife Foundation News Release, 8/5/10; and *American Agriculturist*, 8/11/10)

•In mid-August, several media outlets reported **blooms in Chesapeake Bay waters of the reddish-colored algal species *Cochlodinium polykrikoides*, which forms the so-called "mahogany tide."** Hot temperatures combined with heavy rainstorms—which wash nutrients into Bay waters—created good algal growth conditions in summer 2010. Blooms were observed from Mathews County to Norfolk in the Chesapeake; in or at the mouth of the Elizabeth, James, Nansemond, Poquoson, and York rivers; and in Mobjack Bay. Meanwhile, taste and odor problems caused by algae blooms in the Appomattox and James rivers led the president of Virginia American Water to write an August 29 public letter to the company's Hopewell customers assuring them that their water met standards, despite unusual tastes and odors. *Petersburg Progress-Index*, 8/29/10; *Daily Press*, 8/15/10; and *Virginian-Pilot*, 8/12/10. For a previous *Water Central* item on summer algal blooms: Sept. 2007, p.19.)

•As of mid-July, work had begun on a project to **remove contaminated sediments from a Portsmouth section of the Elizabeth River** near Superfund-listed Atlantic Wood Industries toxic waste site. The sediments are being placed behind an 11-foot high, 250-foot long concrete wall, which is also intended to prevent any additional contaminants from flowing off the site. The containment wall is the preferred plan chosen in 2008 by the U.S. EPA to deal with the river contamination at the site, where wood formerly was treated with creosote and wastes were stored in pits or discharged into the Elizabeth, prior to laws preventing such discharges. Virginia resource officials objected in the past to the EPA plan, but the state has agreed to the project now, given limitations of funds available to remove the contaminated sediments altogether. The wall project is expected to cost about \$100 million, with the cost to be shared by the property owner, the EPA, the Commonwealth, and the U.S Navy, which dumped materials on the site during World War II. (*Virginian-Pilot*, 7/19/10)

•In July, the **Shenandoah Resource Conservation and Development Council**, located in Verona in Augusta County, announced a three-year partnership with the Natural Resources Conservation Service that will provide **\$720,000 annually for agricultural conservation practices**, such as cover crops, nutrient management, and watering systems for livestock. The funds come through the Cooperative Conservation Partnership Initiative, which also will be providing \$142,000 to the Chesapeake Bay Foundation and Trout Unlimited for various stream protection and restoration practices in the area. (*Augusta Free Press*, 7/12/10)

•A report released by the Chesapeake Bay Foundation (CBF) in early July found that the **annual average percentage of native oysters dying from the disease MSX in Virginia's York River decreased** from 50 percent in 2000 to five percent currently, while occurrence of MSX in the lower James River decreased from about 80 percent in 1995 to about 24 percent in 2009. In Maryland's Bay waters, oyster mortality from diseases decreased from 29 percent in the 1984-2004 period to 17 percent in the 2005-2009 period. Other key findings of the report, according to the executive summary, are the following: 1) illegal harvesting is a common problem in Bay oyster sanctuaries; 2) oyster sanctuaries can provide more economic return than oyster-harvest areas by enhancing reproduction of commercially valuable fish; 3) reconstructed reefs, from various materials, continue to be needed because removal of oyster shells and siltation have reduced the amount of naturally occurring hard substrate that oyster larvae need for attachment; 4) water pollution is a significant obstacle to oyster recovery; and 5) oyster aquaculture offers greater potential for economic growth than does wild-oyster harvesting. The 36-page report, *On the Brink: Chesapeake's Native Oysters—What it Will Take to Bring Them Back*, is available

online at <http://www.cbf.org/Page.aspx?pid=1940>. Associated Press, as published by the *Fredericksburg Free Lance-Star*, 7/5/10

•As of late August, **crabbers in Virginia and Maryland were reporting excellent harvests**, reflecting the significantly increased Blue Crab populations that were reported in population surveys this past winter. But a reduction in the number of crab-processing plants in the Hampton Roads areas over the past 20 years (as crab harvests declined) resulted in some Virginia crabbers struggling to find a market for their summer 2010 harvests. According to the Virginia Marine Resources Commission, crab harvests declined from 52 million pounds in 1990 to 17 million pounds in 2008, while the number of crab-processing facilities in Virginia decreased from 51 in 1990 to 26 in 2008. (*Daily Press*, 8/19/10)

## Awards and Achievements

•In July, 16-year-old Ian McElhaney of Lake Ridge in Prince William County received the **Eagle Scout rank in the Boy Scouts of America**, partially on the basis of his Eagle Scout project of **building 50 oyster-restoration cages** for the Chesapeake Bay Foundation. The cages will be used to house baby oysters until the animals grow to about 2 inches in length, at which time they can be transplanted to reefs in oyster sanctuary areas. (InsideNoVA.com, 7/12/10)

## Energy Use and Developments/Climate Change Developments

•On June 8, Virginia, nine other Atlantic coastal states, and the U.S. Department of the Interior (DOI) signed a memorandum of understanding to establish the **Atlantic Offshore Wind Energy Consortium**, intended to facilitate federal-state cooperation on commercial wind projects. The agreement sets objectives on permitting and regulation, data and science, and investment and infrastructure, and the consortium is to develop an action plan for achieving the objectives. In a related action, the Interior Department announced that it will locate a regional renewable-energy office in Virginia to facilitate the Atlantic states' efforts to develop wind, solar, and other renewable energy sources along the East Coast. (Virginia Governor's Office News Release, 6/8/10. For previous *Water Central* item on wind-energy developments along the Atlantic coast: Nov. 2009 News Supplement, p.5.)

•In late July, U.S. Senate Majority Leader Harry Reid of Nevada proposed S.3663, the **Clean Energy Jobs and Oil Company Accountability Act of 2010**, a limited energy bill that focused on liability for oil spills, natural gas vehicles, and household energy efficiency. As introduced, the bill did not include two large-scale initiatives that have been in other bills energy and climate-related bills in this session of Congress: a cap-and-trade program for carbon emissions, and a renewable electricity standard (requiring a certain amount of electricity generation to be from renewable energy sources). For information on the provisions or status of the bill, visit the Library of Congress' legislative Web site, <http://thomas.loc.gov>. (*Energy & Environment Daily*, 7/27/10).

•On August 30, retired Circuit Court Judge Paul M. Peatross, Jr., ruled that the University of Virginia can be subject to a **request by Attorney General Kenneth Cuccinelli for certain climate-change research documents by Dr. Michael Mann** (now at Penn State University), but that the attorney general's civil investigative demand (or CID) filed on April 23, 2010, could not proceed because it did not identify specific alleged violations of law for which the documents were being sought. The CID is connected with the attorney general's February 2010 petition challenging the **U.S. EPA's December 2009 "endangerment" finding on greenhouse gases**. The attorney general has alleged that Dr. Mann violated Virginia's Fraud Against Taxpayers Act (which took effect in 2003) by manipulating climate-change data in research funded by state grants. Judge Peatross ruled that the attorney general's office has a right to investigate grants from the state that occurred after 2003, but that a CID doing so must be more specific about alleged violations. Mr. Cuccinelli said that his office will file a new CID in accordance with the judge's ruling. The university has argued that the investigation threatens academic freedom and scientific research. (Associated Press, as published in *Eastern Shore News*, 8/30/10; and *Charlottesville Daily Progress*, 5/3/10. For a previous *Water Central* : May 2010 News Supplement, p.5.)

## Fishing and Fisheries

•In mid-June, State Senator Ralph Northam (D-6<sup>th</sup>) of Norfolk led the formation of a **26-member panel to study Virginia's Menhaden fishery**. The panel's co-chair is Senator Richard Stuart (R-28<sup>th</sup>) of Montross (Westmoreland County). Virginia's—and the Chesapeake Bay's—only industrial-scale Menhaden-harvesting operation is run out of Reedsville, in Northumberland County, by the Omega Protein Company. On June 30, Omega's director of public affairs wrote to Sen. Northam, objecting that public meetings planned by the panel

would “provide a platform for opponents of the menhaden industry, and not...a constructive dialogue.” Following that letter, Sen. Northam stated that no public comments, but only testimony by invited scientists or other speakers, would be allowed at three meetings scheduled for the panel in summer 2010. The panel’s efforts will be in the context of an Atlantic States Marine Fisheries Commission’s May 2010 vote to have a **scientific review committee examine the Commission’s current harvest limits for Menhaden** and determine whether the current population-level goals and harvests are resulting in a sustainable Menhaden population. The Commission’s decision followed their review of the latest report (or stock assessment) estimating Menhaden populations, which found that populations in 2008 were only slightly above the level presumed to indicate the ability of the population to replenish itself; harvests that reduce the population below this level are considered “overfishing.” On July 15 in Newport News, the panel held its first meeting, receiving information from federal and state fishery officials on Menhaden populations in the Atlantic, but relatively little information on Chesapeake Bay Menhaden populations. The panel is designed to include legislators, industry officials, watermen groups, conservation groups, recreational fishing interests, labor, and the NAACP. About half of the panel attended on July 15, with no representation from Omega, the NAACP, labor, or watermen. (*Daily Press*, 6/16/10; *Virginian-Pilot*, 7/4/10; *Fredericksburg Free Lance-Star*, 7/16/10; and *Annapolis Capital*, 5/7/10. For a previous *Water Central* on Menhaden: May 2010 News Supplement, p. 9.)

## Laws and Regulations

- On June 2, the U.S. EPA announced that it **ordered two Rockingham County livestock farms to cease discharging pollutants into North Fork Shenandoah River** tributaries until they have received proper discharge permits. The farms are Turley Creek’s chicken farms in Linville, and Windcrest Associates’ dairy and turkey farm in Timberville. EPA said that the order is part of an enforcement initiative in response to President Obama’s May 2009 Executive Order on the federal role in the Chesapeake Bay clean up and restoration; the EPA announced a similar order for a Lancaster County, Pennsylvania, poultry farm. (U.S. EPA News Release, 6/2/10; and *Lancaster (Pa.) Intelligencer Journal*, 6/3/10)
- July 1 was the take-effect date for a Virginia law passed in 2008 that adds household dishwashing detergent to the list of **cleaning products in Virginia that may have no more than 0.5 percent phosphorus by weight**. (The bill was HB 233 in the 2008 Virginia General Assembly; see <http://leg1.state.va.us/cgi-bin/legp504.exe?081+sum+HB233> for bill details.) Phosphorus above this level was previously banned by Virginia law in laundry detergents, dishwashing compounds, household cleaners, metal cleaners, and industrial cleaners. Along with excessive nitrogen, excessive phosphorus in waterways leads to overpopulation of algae which can block sunlight to desirable aquatic plants and can deplete oxygen in the water during nighttime and when the algae die and are decomposed by bacteria. The 2008 legislation gave manufacturers two years to develop low-phosphorus alternatives, which are now widely available. Similar laws in Maryland and Pennsylvania also took effect on July 1. (*Virginian-Pilot*, 7/1/10)
- On June 30, the U.S. Senate’s Environment and Public Works Committee approved **Chesapeake Clean Water and Ecosystem Act of 2009 (S.1816)**, sponsored by Sen. Benjamin Cardin of Maryland. The bill would reauthorize the Chesapeake Bay Program, which is governed by the federal Clean Water Act’s Section 117. In its original version introduced in October 2009, the bill would require a Total Maximum Daily Load (TMDL) for the Bay; codify President Obama’s May 12, 2009, Executive Order on the federal role in Bay restoration; establish a regional nutrient-credit trading system by 2012 (Virginia and Pennsylvania already have state nutrient-credit trading programs); and authorize \$1.5 billion in new funds for water pollution-prevention grants. According to *The New York Times* ([Md. Senator Strikes Deal With GOP to Move Chesapeake Cleanup Bill Through Committee](#)), the bill passed the committee after Sen. Cardin agreed to several changes required to garner support from Republican senators; the changes included removing authority for the EPA to write permits for non-point source pollution sources, especially agriculture, and limiting EPA’s authority to change state watershed implementation plans. The companion House bill is H.R.3852 sponsored by Rep. Elijah Cummings of Maryland. Meanwhile, on July 28, the House Agriculture Committee approved **H.R. 5509, the Chesapeake Bay Program Reauthorization and Improvement Act**, which had been introduced on June 11 by Pennsylvania Rep. Timothy Holden (Penn.-17<sup>th</sup>) with several co-sponsors, including Virginia Rep. Robert Goodlatte (Va.-6<sup>th</sup>). According to a press release from Rep. Goodlatte, the bill would support programs that help farmers, homebuilders, and localities meet water-quality goals—including a water-quality-credit trading program and a pilot program for environmental services markets—but it would *not* codify elements of President Obama’s May 2009 Executive Order that call for a stronger federal enforcement role in Bay restoration. (*Northern Virginia*



*Daily*, 7/31/10; *American Agriculturist*, 7/29/10; Sen. Benjamin Cardin's Office News Release, 6/30/10; *New York Times*, 6/30/10; and Rep. Robert Goodlatette's Office News Release, 6/11/10. For details on the bills and their legislative status, please visit <http://thomas.loc.gov> and search for the bill numbers.)

## Spills and Other Incidents

- Over the July 4<sup>th</sup> weekend, over **1,147 gallons of diesel fuel spilled from an Ammars, Inc. store in Bluefield, entering Beaver Creek and eventually reaching the Bluestone River**, which flows across the state line into West Virginia. State agencies in Virginia and West Virginia were involved in efforts to contain the spill and in subsequent clean-up efforts, which were conducted by consulting firm Marshall Miller. (*Bluefield [W. Va.] Daily Telegraph*, 7/7 and 7/14/10)
- In mid- August, the Virginia DEQ released for public comment a tentative settlement agreement ("consent order") and \$15,099 fine for the **March 26, 2010, derailment of a Chesapeake and Albemarle Railroad train on a trestle over the Intracoastal Waterway in Chesapeake**. The derailment led to a spill of about 1,000 gallons of diesel fuel into the waterway, and it left the train locomotive dangling from the trestle for most of one day until a crane barge and a second train removed it. The settlement agreement requires approval by the State Water Control Board, which was expected to consider the matter at its September meeting. The proposed settlement is at [www.deq.virginia.gov/export/sites/default/enforcement/publicnotices/NCVARRSignedCSO.pdf](http://www.deq.virginia.gov/export/sites/default/enforcement/publicnotices/NCVARRSignedCSO.pdf). (*Virginian-Pilot*, 3/26 and 8/18/10; *Daily Press*, 3/29/10)

## Stormwater Management

- The Reedy Creek Coalition and the Virginia office of the Alliance for the Chesapeake Bay are collaborating on a **project to help homeowners and businesses in Richmond adopt landscaping practices that will reduce residential stormwater runoff** and the sediment and other pollutants that such runoff delivers to Reedy Creek, a James River tributary. The three-year project involves volunteers doing assessments of residences to identify stormwater-reduction options. The project is funded by a \$390,000 grant from the National Fish and Wildlife Foundation and by local matches including \$120,000 from Phillip Morris parent company Altria. (*Richmond Times-Dispatch*, 7/6/10)
- A **reduction by an estimated 60 percent of stormwater runoff** is expected to be one of the benefits of a major **re-landscaping of the grounds at Virginia's State Capitol**. The stormwater-reduction features include replacing bricks in walkways on the Capitol grounds and nearby streets with porous paving material; planting rain gardens; and collecting rainwater for landscape watering. Paid for by grants from the National Fish and Wildlife Foundation and the U.S. EPA, the approximately \$800,000 project began in August and is to be completed by spring 2011. (WVIR Television, 6/10/10; and WHSV Television, 8/3/10)

## Waste Management

- In the June 21 *Federal Register*, the U.S. EPA published its **proposed regulations for disposal of coal-combustion residuals (also referred to as CCR or coal ash)**. According to the *Federal Register* notice, the EPA is "considering two options in this proposal and, thus, is proposing two alternative regulations. Under the first proposal, EPA would reverse its August 1993 and May 2000 Bevill Regulatory Determinations regarding coal combustion residuals (CCRs) and list these residuals as *special wastes* subject to regulation under subtitle C of RCRA, when they are destined for disposal in landfills or surface impoundments. Under the second proposal, EPA would leave the Bevill determination in place and regulate disposal of such materials under subtitle D of RCRA by issuing national minimum criteria. Under both alternatives EPA is proposing to establish dam safety requirements to address the structural integrity of surface impoundments to prevent catastrophic releases" [such as the impoundment that broke near Kingston, Tennessee, in December 2008, leading to a large spill]. Five public hearings were held between August 30 and September 13, including one on August 30 at the Hyatt Regency Crystal City in Arlington, Va. (U.S. EPA Web site, "Coal Combustion Residuals—Proposed Rule," <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/ccr-rule/index.htm>, 9/14/10; and U.S. EPA News Release, 5/4/10. For a previous *Water Central* item: May 2010 News Supplement, p.7.)
- On June 24, the Virginia DEQ released its **annual report on solid waste management in Virginia**, covering municipal solid waste, construction and demolition debris, vegetative and yard waste, and other types of waste collected in 2009 at 200 permitted facilities. According to the DEQ news release, the total amount of solid waste

received at Virginia facilities during 2009 was 19.6 million tons, a decrease of about 2.5 million tons (11.2 percent) from 2008; about 5.3 million tons were generated from outside of Virginia, a decrease of about 1.3 million tons. Municipal solid waste comprised 13.2 million tons (68 percent), with approximately 4.3 million tons of this generated out of state, mostly (97.5 percent) from Maryland, New York, Washington, D.C., New Jersey, and North Carolina. According to the *Virginian-Pilot*, 2009 was the third year in a row the out-of-state trash imports to Virginia decreased, from a peak of 7.7 million tons in 2007, but the Commonwealth remains the second highest state importing trash, behind Pennsylvania. About 12.5 million tons (77.8 percent) were disposed of in landfills and about 2.1 million tons (13 percent) were incinerated; the remainder was managed by mulching, recycling, or other means. The reports for 2009 and for previous years are available at <http://www.deq.virginia.gov/waste/aswrs.html>. (Virginia DEQ News Release, 6/24/10; and *Virginian-Pilot*, 6/25/10)

## Wastewater

- In late August, the **Onancock** town manager reported to the town council that the town's **expanded wastewater treatment plant** should be in operation by October 2010. The expansion will increase the plant's capacity from 250,000 gallons per day to 750,000 gallons per day. (*Eastern Shore News*, 9/1/10)

## Water Supply and Conservation

- In mid-June, citizens on Virginia's Eastern Shore were able to view **the first draft of a water-supply plan being produced for the Shore** to meet a state mandate for long-term plans to be submitted by all Virginia localities or regions no later than 2011. Ground water supplies all public water on the Shore, so the Shore plan is being developed by the Eastern Shore of Virginia Groundwater Committee. Some groundwater issues facing the area are the different capacities of the water-table aquifer compared to the deeper, confined Yorktown-Eastover aquifer; the impact of commercial development on groundwater recharge areas; the potential for groundwater pumping to cause intrusion of salt water into the Yorktown aquifer; and the large use of water by poultry-processing plants. (*Eastern Shore News*, 6/15/10)

## Wetlands

- In mid-July, the Virginia Beach City Council announced that the City, the Chesapeake Bay Foundation, and the Trust for Public Land have an **agreement from Wells Fargo to purchase and preserve Pleasure House Point, a 122-acre area of wetlands, forest, and beaches along the Lynnhaven River**. The site had in recent years been considered for a large residential development called Indigo Dunes, but Wells Fargo acquired the property after the development proposal failed for financial reasons. Wells Fargo has agreed to sell the property for \$13 million plus the expectation of tax credits available for selling property for conservation. The City, CBF, and the Trust have until October to secure the funds for the purchase. (*Virginian-Pilot*, 7/22/10)

# Out of Virginia

## Chesapeake Bay States

- In July, the Maryland Department of Natural Resources (DNR) held public hearings on the **oyster-recovery plan** that was first announced in December 2009, with details provided by Governor Martin O'Mally in May 2010. The plan is to be proposed as a set of regulations to a special Maryland General Assembly committee. The Maryland DNR has stated that the plan will be in effect in fall 2010 (Maryland oyster season starts in October). Some watermen have complained that planned oyster sanctuaries are too large or were designated for areas too productive for harvesters to forego (as of mid-August, watermen in Dorchester and Somerset counties were discussing with DNR officials proposals for areas on which all might agree). Other watermen have called for resumption of power dredging of oyster bed, maintaining that this practice cleans the areas of silt that inhibits development by young oysters. The state DNR plans to conduct a five-year study of the effects of power dredging in three Eastern Shore areas recently opened to the practice. (*Southern Maryland Recorder*, 7/16/10; and *Salisbury Daily Times*, 8/13/10. For previous *Water Central* item: May 2010 News Supplement, p.16.)

- In early August, **two floating wetlands were placed in Baltimore's Inner Harbor** as a test to see how well the approximately 200-square-foot collections of plants would absorb nutrients from the water and provide aquatic habitat. The Baltimore Aquarium and the non-profit organization Waterfront Partnership of Baltimore placed the

two wetland structures, which they purchased in pieces from a company in Utah and then assembled on site with help from local school children. University of Maryland scientists will monitor the structures. The city of Annapolis, Md., began a similar project this year in the city's Back Creek Nature Park (*Water Central*, Nov. 2009, p.37). (*Baltimore Sun*, 8/12/10; and WJZ (Md.) Television, 8/12/10)

•Here are some recent developments related to **recovering natural gas from the Marcellus shale formation** that underlies parts of New York, Pennsylvania, Maryland, West Virginia, and a small part of Virginia. For the most recent previous *Water Central* item on Marcellus shale natural gas, please see the May 2010 News Supplement, p.5.

••In testimony on June 16 before the Pennsylvania State Senate's Environmental Resources and Energy Committee, Secretary of the state's Department of Environmental Protection John Hanger said that between January and June, state officials found 530 violations of required environmental or safety controls at natural gas drilling sites in the Marcellus shale region of the state. This compares to 638 violations in that region in 2009. The hearing followed a serious blowout at a gas well in Clearfield County on June 3. Following that incident, the state ordered the company involved, EOG Resources of Houston, to stop hydraulic-fracturing drilling activities in Pennsylvania for 14 days. Meanwhile, seven workers were injured in early June when a West Virginia Marcellus well operated by Chief Oil and Gas caught fire. (*Bay Daily*, 7/8/10)

••On July 13, the Pennsylvania Environmental Council (PEC) released *Developing the Marcellus Shale*, a 47-page report of environmental policy and planning recommendations for use of the Marcellus formation for natural gas. The report is based on proceedings at a May 3-4, 2010, conference in Pittsburgh. According to a news release from PEC, the report calls upon "state government and the natural gas industry to adopt more stringent standards for drilling and extraction...." Access to the news release and the full report are available online at <http://www.pecpa.org/node/1027>. (*Pittsburgh Post Gazette*, 7/13/10)

••On August 18, Penn State University announced that it has formed the Marcellus Center for Outreach and Research. According to the university's news release on the center's formation, the center is intended to "coordinate ongoing outreach and research initiatives as well as develop additional resources for stakeholders on Marcellus geology, legal issues, environmentally appropriate technologies, and impacts on infrastructure such as roadways and bridges." The new center also will have a hydrogeologist to coordinate with federal and state research on water-supply and water-quality impacts of natural gas drilling. (Penn State Live, at <http://live.psu.edu/story/478678/18/10>, 8/18/10)

••On August 20, the first of three new regulations on natural gas drilling took effect in Pennsylvania. The regulation requires treated gas-drilling wastewater to be at or below 500 milligrams per liter of total dissolved solids (500 mg/l of TDS) prior to discharge to state waters; this level is the same TDS limit required for drinking water in Pennsylvania. Kathryn Klaber, the executive director of the Marcellus Shale Coalition, which represents the interests of gas-drilling companies, said that the new rule would set an "unreasonable benchmark" that would not provide environmental benefits. The other two new regulations, expected to take effect in November 2010 would require a 150-foot forest buffer between drilling operations and streams classified as having "exceptional quality," and new gas-well casing requirements intended to prevent introduction of well-drilling chemicals into groundwater. The state has also doubled its gas-drilling inspection staff since 2008, according to the state's Department of Environmental Protection Secretary John Hanger. (*Williamsport [Penn.] Sun-Gazette*, 8/25/10)

## Elsewhere

•On June 6, the conservation organization American Rivers, headquartered in Washington, D.C., announced its 2010 list of the **10 rivers it considers currently "most endangered" in the United States**. The organization has been publishing such a list for the past 25 years. According to the organization's Web site on the program, the report is not a list of the nation's most polluted rivers, but rather highlights rivers for which decisions in the coming year that could determine their future. This year's rivers, with the activities that American Rivers asserts are most threatening the rivers, are as follows: 1. Upper Delaware River in New York and Pennsylvania—threat: natural gas extraction; 2. Sacramento-San Joaquin River Delta in California—threat: outdated water and flood management; 3. Gauley River in West Virginia—threat: mountaintop-removal coal mining; 4. Little River in North Carolina—threat: new dam; 5. Cedar River in Iowa—threat: outdated flood management; 6. Upper Colorado River in Colorado—threat: water diversions; 7. Chetco River in Oregon—threat: mining; 8. Teton River in Idaho—threat: new dam; 9. Monongahela River in Pennsylvania and West Virginia—threat: natural gas extraction; and 10. Coosa River in Alabama—threat: hydropower dams. The 2010 report is available online at [www.americanrivers.org/our-work/protecting-rivers/endangered-rivers/](http://www.americanrivers.org/our-work/protecting-rivers/endangered-rivers/). (American Rivers News Release, 6/2/10)