

# A.C.S.L. Conservation Report

By Jack Walters, Conservation Chair, A.C.S.L.

July 2005

Volume 7, Issue 7

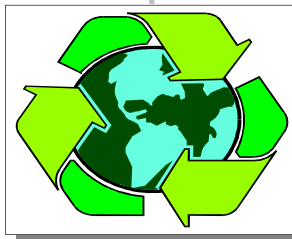
## DEP URGES U.S. SENATORS TO FIGHT MTBE MEASURE THAT WOULD UNDERMINE CLEANUP EFFORTS

Latest Version of Federal Energy Bill Includes Language That Could Shield MTBE Manufacturers From Legal Claims

On behalf of Governor Edward G. Rendell, Environmental Protection Kathleen A. McGinty today again urged Pennsylvania's U.S. senators to oppose the inclusion of a "safe harbor" provision in federal energy legislation that would essentially grant manufacturers of methyl tertiary butyl ether (MTBE) immunity from claims that the fuel additive is "defective in design or manufacture" and seriously undermine efforts to clean up groundwater and surface water contaminated by MTBE.

"Creating a liability shield to protect the MTBE manufacturing industry undermines state and private efforts to remove widespread soil and water contamination," McGinty said. "Supporting this kind of deal for responsible party's amounts to imposing tens of millions of dollars in new taxes that Pennsylvanians will have to pay for cleanup."

The Secretary's letter urges U.S. Senators Arlen Specter and Rick Santorum to oppose a provision that blocks product liability and other lawsuits against MTBE manufacturers and oil companies. That provision was included in a version of the Energy Policy Act of 2005 that the U.S. House of Representative passed April 21. The measure now is with the U.S.



The Secretary's letter urges U.S. Senators Arlen Specter and Rick Santorum to oppose a provision that blocks product liability and other lawsuits against MTBE manufacturers and oil companies.



God Bless America



## RENDELL ADMINISTRATION ANNOUNCES \$1 MILLION GRANT TO PFBC ENVIRONMENTAL ENERGY TECHNOLOGY INC. IN ALLEGHENY COUNTY

PFBC's Clean-Coal Technology Project is Among 17 Grants, Loan Totaling \$10 Million

LIBRARY, ALLEGHENY COUNTY: On behalf of Governor Edward G. Rendell, Environmental Protection Secretary Kathleen A. McGinty today announced \$1 million will be made available to PFBC Environmental Energy Technology Inc. (PFBC-EET) for pilot-scale testing of its Fuel Impact Model, a clean-coal technology used to generate power from waste coal and other fuels.

The funding represents one of 17 awards totaling \$10 million by the newly revitalized Pennsylvania Energy Development Authority (PEDA) as the state furthers its lead in the development and deployment of clean energy projects that can realize significant environmental benefits, economic growth and enhanced homeland security. Governor Rendell put PEDA back in service as part of a series of initiatives to spur the growth of energy businesses in Pennsylvania.

"Our Commonwealth is offering significant financial incentives to make energy manufacturing a cornerstone of the state's economic future," Secretary McGinty said. "PFBC's project typifies the ingenuity and innovation being put into practice to refocus our priorities on indigenous energy resources and ensure investments in clean, efficient energy made right here in Pennsylvania."

PFBC-EET will contract with CONSOL Energy's Research and Development Division to design and construct a process test facility, which will be capable of burning a wide variety of Pennsylvania waste coals. The objective is to secure the necessary combustion and emis-

**DEP URGES U.S. SENATORS TO FIGHT  
MTBE MEASURE  
(continued)**

Senate for consideration.

The Rendell administration previously sent letters to the senators in September 2003 and November 2003 urging their opposition to the liability shield when Congress was debating an earlier version of the federal energy bill.

Granting such immunity from liability could impede efforts to secure the cleanup of MTBE contamination. State and federal funding for such cleanups is already limited at best; statutory remedies against the manufacturers are also limited. Common law claims against manufacturers, seeking either injunctive or monetary remedies, provide important tools to clean up MTBE contamination. Scientific evidence has established that MTBE poses risks to human health. MTBE is absorbed rapidly and extensively from the respiratory and gastrointestinal tracts of humans. The U.S. Environmental Protection Agency has classified MTBE as a possible human carcinogen on the basis of studies that show MTBE to be a carcinogen in animals. Health complaints related to MTBE have included headaches, dizziness, irritated eyes, burning of the nose and throat, coughing, disorientation, and nausea.

MTBE is also readily soluble in water and migrates quickly through groundwater. This renders the cleanup of contamination from leaking underground storage tanks much more difficult and expensive. MTBE has caused extensive contamination of both groundwater and surface water across the country, including Pennsylvania, where the southeastern portion of the state has been particularly affected.

A nationwide study by the U.S. Geological Survey found MTBE in 86 percent of wells sampled in industrial areas, 31 percent sampled in commercial areas, 23 percent in residential areas and 23 percent in areas of mixed urban land use, parks, and recreational areas.

For more information, visit DEP's Web site at [www.dep.state.pa.us](http://www.dep.state.pa.us), Keyword: "MTBE."

**July is Lake Awareness Month  
in PA!**

Lake Awareness or Lake Appreciation Month is being celebrated in many states across the U.S.A. during July and Pennsylvania's lakes, reservoirs and ponds have been publicly recognized as valuable resources in an official Proclamation by Governor Rendell.

Pennsylvania has over 2,000 lakes, ponds, and reservoirs that provide scenic beauty, recreation, wildlife habitat, as well as flood control, and water supply.

The PA Lake Management Society (PALMS - <http://www.palakes.org>) and the Department of Environmental Protection Citizens' Volunteer Monitoring Program ( DEP's CVMP at <http://www.dep.state.pa.us/dep/deputate/watermgmt/wc/subjects/cvmp/default.htm> ) provide training and mentoring of lake monitors, bringing education, resources, and assistance to lake properties and their owners. A number of lake management professionals also provide exceptional scientific and practical services to lake users and owners.

Source: Barbara F. Lathrop, PA DEP, 717 787 5259

## DEP REMINDS RESIDENTS TO 'STAY OUT/STAY ALIVE' AFTER FIVE DEATHS AT ABANDONED MINES, QUARRIES

Number of Trespassers Typically Increases Over Holiday Weekends  
Department Offering Informational Seminars to Local Groups to Highlight Dangers

With five fatalities at abandoned mines and quarries already this year in Pennsylvania, Environmental Protection Secretary Kathleen A. McGinty is urging residents to keep safe by staying away from these dangerous sites, especially over the Fourth of July holiday weekend.

The department is also launching a new initiative to expand outreach efforts to help local groups inform people about the legal risks and potentially fatal consequences of trespassing on lands with unstable cliffs, water-filled pits and unmarked mine openings.

"Five people have died in the past three months while trespassing in Pennsylvania's abandoned mines and quarries, nearly matching last year's grim total of six fatalities," McGinty said. "This is an alarming trend, considering we still have several months of hot weather ahead of us --- a time when activity typically increases at these sites. Abandoned mines and quarries may look like fun places to swim, climb and explore, but they are deadly."

DEP has partnered with the U.S. Mine Safety and Health Administration, other mining states and the mining industry to promote the Stay Out/Stay Alive program to inform the public about the dangers of abandoned and active mines.

In addition, the department is expanding its outreach with local governments, civic associations, fire departments, student groups and schools to inform residents about the dangers of these sites, which also pose legal ramifications. Access to abandoned mines and quarries is restricted. Violators face penalties for trespassing on restricted property.

DEP has been meeting with property owners, emergency responders and local and state police

## A.C.S.L. Conservation

### ABANDONED MINES, QUARRIES (continued)

to restrict access to abandoned sites and increase patrols in these dangerous areas.

Residents play an important role in ensuring safety. To report the location of an abandoned mine or quarry, or to schedule a Stay Out/Stay Alive presentation for a local school or community organization, contact DEP's Bureau of Mine Safety at 724-439-7469.

Pennsylvania is home to nearly one-quarter million acres of dangerous mines and quarries that were abandoned long before modern mining regulations required that these sites be reclaimed to eliminate safety hazards. Each year, several Pennsylvanians are among dozens of people killed or injured on these sites nationwide. Twenty-six people have died in abandoned mines and quarries in Pennsylvania since 2000.

Swimmers looking for a way to beat the summer heat drown in abandoned water-filled pits where water temperatures drop dramatically just below the surface. People enter abandoned mines or surface structures and get lost or trapped in dangerous mine voids. All-terrain vehicle (ATV) riders break through brush on the crest of an old mine site and roll down a hillside.

Stay Out/Stay Alive materials are being included with ATV registrations and in publications for anglers, hunters and outdoors enthusiasts.

"Not only are you taking chances with your own life when you enter these abandoned sites, but you are endangering the brave volunteers who must risk their own lives in dangerous search and rescue missions," McGinty said. "Mines and quarries are not playgrounds. Be safe this holiday weekend and throughout the summer: Stay out and stay alive."

For more information on Stay Out/Stay Alive, and to download posters, educational materials and "no trespassing" signs, visit DEP's Web site at [www.dep.state.pa.us](http://www.dep.state.pa.us), Keyword: "Mine Safety."

**DEP REMINDS RESIDENTS TO ‘STAY OUT/  
STAY ALIVE’ AFTER FIVE DEATHS AT  
ABANDONED MINES, QUARRIES**

Number of Trespassers Typically Increases Over  
Holiday Weekends  
Department Offering Informational Seminars to  
Local Groups to Highlight Dangers

With five fatalities at abandoned mines and quarries already this year in Pennsylvania, Environmental Protection Secretary Kathleen A. McGinty is urging residents to keep safe by staying away from these dangerous sites, especially over the Fourth of July holiday weekend.

The department is also launching a new initiative to expand outreach efforts to help local groups inform people about the legal risks and potentially fatal consequences of trespassing on lands with unstable cliffs, water-filled pits and unmarked mine openings.

“Five people have died in the past three months while trespassing in Pennsylvania’s abandoned mines and quarries, nearly matching last year’s grim total of six fatalities,” McGinty said. “This is an alarming trend, considering we still have several months of hot weather ahead of us --- a time when activity typically increases at these sites. Abandoned mines and quarries may look like fun places to swim, climb and explore, but they are deadly.” DEP has partnered with the U.S. Mine Safety and Health Administration, other mining states and the mining industry to promote the Stay Out/Stay Alive program to inform the public about the dangers of abandoned and active mines.

In addition, the department is expanding its outreach with local governments, civic associations, fire departments, student groups and schools to inform residents about the dangers of these sites, which also pose legal ramifications. Access to abandoned mines and quarries is restricted. Violators face penalties for trespassing on restricted property.

DEP has been meeting with property owners, emergency responders and local and state police to

**ABANDONED MINES, QUARRIES  
(continued)**

restrict access to abandoned sites and increase patrols in these dangerous areas.

Residents play an important role in ensuring safety. To report the location of an abandoned mine or quarry, or to schedule a Stay Out/Stay Alive presentation for a local school or community organization, contact DEP’s Bureau of Mine Safety at 724-439-7469.

Pennsylvania is home to nearly one-quarter million acres of dangerous mines and quarries that were abandoned long before modern mining regulations required that these sites be reclaimed to eliminate safety hazards. Each year, several Pennsylvanians are among dozens of people killed or injured on these sites nationwide.

Twenty-six people have died in abandoned mines and quarries in Pennsylvania since 2000. Swimmers looking for a way to beat the summer heat drown in abandoned water-filled pits where water temperatures drop dramatically just below the surface. People enter abandoned mines or surface structures and get lost or trapped in dangerous mine voids. All-terrain vehicle (ATV) riders break through brush on the crest of an old mine site and roll down a hillside.

Stay Out/Stay Alive materials are being included with ATV registrations and in publications for anglers, hunters and outdoors enthusiasts.

“Not only are you taking chances with your own life when you enter these abandoned sites, but you are endangering the brave volunteers who must risk their own lives in dangerous search and rescue missions,” McGinty said. “Mines and quarries are not playgrounds. Be safe this holiday weekend and throughout the summer: Stay out and stay alive.”

For more information on Stay Out/Stay Alive, and to download posters, educational materials and “no trespassing” signs, visit DEP’s Web site at [www.dep.state.pa.us](http://www.dep.state.pa.us), Keyword: “Mine Safety.”