

Sent: Tuesday, May 27, 2003 11:20 AM
Subject: "FAILURE TO STOP THOUSANDS OF POLLUTERS"

Dear Aquathin Dealer OnLine, Splash NewsBulletin and Allergic Reaction NewsBulletin Members;

Neeeeeeeeeeeeeeeeed another reason to own an Aquathin ? Go right to the last paragraph of this quick read headline in the New York Times and then review it entirely. Several months ago, we reported to you that improving the water infrastructure (consisting of plants and piping) would take almost a trillion dollars by 2020. That did not include policing which is lacking.

Warmest regards to all...as well, your comments are always welcome and very much appreciated.

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The New York Times
nytimes.com

May 27, 2003

U.S. Report Faults Efforts to Track Water Pollution

By KATHARINE Q. SEELYE

WASHINGTON, May 26 — The computer system used by the Environmental Protection Agency to monitor and control water pollution is obsolete, full of faulty data and does not take into account thousands of significant pollution sources, according to a new government report.

Efforts to modernize the program have been mismanaged for several years, said the report, issued last week by the E.P.A.'s inspector general. While the cost to fix the problem has been soaring, the amount of money dedicated to the project has been shrinking. The new system was supposed to come online this month, but because of its many problems it will be at least three years before the agency and the states can properly manage the enormous system of permits that is the basic tool for enforcing the Clean Water Act.

The report is the latest in a series of investigations over the years into the law's enforcement, many of them severely critical of the E.P.A. This time, the inspector general's office found that because of continuing mismanagement, "the future viability" of the system of permits "may be endangered."

J. P. Suarez, the agency's associate administrator for enforcement, disagreed with the report's characterization of the system as endangered but acknowledged that it faced serious financing problems.

"The project design and cost are getting more expensive," Mr. Suarez said in a telephone interview. "In our most recent budget, we asked for \$5 million more to speed up the modernization effort, but costs continue to increase."

The permit system, known as the National Pollution Discharge Elimination System, was created decades ago as an effort to make the nation's waterways clean enough for fishing, swimming and other essential purposes. Despite some progress, the states have consistently fallen far short of that goal.

The computer system is supposed to allow the federal and state governments to check a facility's monthly discharge against its allowable amounts. Critics say the computer flaws could allow the mining and oil industries and developers to discharge vast quantities of pollutants into waterways undetected.

The permits are supposed to control discharge from more than 64,000 facilities, a number that has been increasing as new categories of runoff, like pollution from overflowing sewers and from large livestock operations, have been brought under the Clean Water Act.

But thousands of permits expire every year without being renewed, the backlog of permits to be issued has been reduced slowly, and tens of thousands of pollution sources have not been listed in the agency's database, rendering it largely useless.

"If these new areas are not included in the modernized system," the report warned, "information for hundreds of thousands of permittees will not be included."

The flaws in the system and the delays in fixing it are jeopardizing one of the E.P.A.'s main new water pollution control strategies, which calls for granting new permits only after considering how much pollution is already flowing into a watershed. Without comprehensive data, that approach is next to impossible.

"Delaying the project's rollout or reducing its functionality will hamper E.P.A.'s ability to achieve its goal of managing pollution sources on a watershed basis," the new report said. "The growth, variety and complexity of the regulated community has greatly outstripped the system's capabilities."

Critics of the agency said the faulty system undermined efforts to enforce the Clean Water Act.

"The deliberate neglect of this project is a perfect example of the Bush administration's effort to dismantle the Clean Water Act with as little public awareness as possible," said Daniel Rosenberg, a lawyer for the Natural Resources Defense Council.

"Rather than investing in modernizing the system for tracking compliance and enforcing the law," Mr.

Rosenberg said, "they are wasting money and resources on rewriting the rules to eliminate protections for thousands of streams and wetlands, weakening essential programs and promoting various initiatives that range from useless to harmful."

Eighteen states use the system as their primary tool for enforcing the federal law, a responsibility that is handled by state governments.

The system is so old, said Mr. Suarez of the E.P.A., that it requires the manual input of data from the reporting facilities. The goal is to have that data recorded automatically. Nonetheless, he said, "we have a very high level of confidence in the integrity of the data." The problem, he said, was that spending money on the manual system meant there was no money to update the system.

"We've got to fix the system," he said. "We can't continue operating the way it is."

The cost of modernizing the system is relatively small for a federal project — less than \$14 million as of two years ago, according to the report. But the report said that the E.P.A. Office of Enforcement and Compliance Assurance in its first analysis had "greatly understated the costs to finish the project." An analysis by the agency just one month later put the cost 171 percent higher. A third analysis completed two months after that was 200 percent higher than the original.

The report said that the Office of Enforcement and Compliance Assurance had only two-thirds of the money needed to complete the project, which is scheduled for September 2006 if the financing sought in next year's fiscal budget is approved.

In a written statement to the inspector general, officials from the Office of Enforcement and Compliance Assurance said they were rushing to complete their draft design for the new system and would address the report more fully next month.

There have been other delays in enforcing the permit mechanisms since President Bush took office.

As part of a broad review of regulations, the incoming administration suspended a proposal by the Clinton administration that would have increased controls on pollution from overflowing sewers. The review is still under way.

And the administration has proposed to defer for two years requirements for permits under the Clean Water Act for certain activities of oil and gas producers, similar to those imposed on other developers to prevent contaminated runoff. The agency says that tens of thousands of sites might have been affected.

Peter H. Gleick, director of the Pacific Institute, a nonprofit, independent research institute in Oakland, California, that specializes in water, said the current system "permits polluters to abuse our clean water laws, apparently without penalty."

"The problem is more than just a failure to collect and manage information on polluters, or to enforce compliance with pollution permits that have been issued," Dr. Gleick said. "It is a failure of the administration to stop the thousands of polluters without permits."