

Post-Tribune

Activists: New rules will mean more pollution

<http://www.post-trib.com/news/1250664.antideg.article>

October 30, 2008

By Gitte Laasby Post-Tribune staff writer

BP Whiting still would be allowed to dump more pollution into Lake Michigan if industries get to decide the rules, environmentalists say.

Industries, environmentalists, municipalities and government officials are working on clarifying existing rules and will meet today in Indianapolis to propose how one section should look.

"Some of the proposals industry have come up with would have exempted BP" from examining alternatives first or justifying why increased pollution is necessary, said Albert Ettinger, a senior attorney with the Environmental Law and Policy Center, who will represent environmental groups at the meeting.

"Industry and, to a lesser extent, municipalities are pushing for an exemption that says, if we have enough dilution or we don't know about the effect of the pollutants, we won't necessarily do the anti-degradation (analysis) to determine whether to allow this pollution."

The anti-degradation law determines when and under what circumstances the state can permit increased discharges.

The rewriting started partly as a result of public outcry last year over the Indiana Department of Environmental Management allowing BP to increase its discharges of ammonia and silty materials with heavy metals into Lake Michigan. BP said it needed the increase to undergo an expansion and process more Canadian crude oil.

Ideally, environmentalists would like to see every increase in pollution evaluated. That means assessing whether the increase is necessary, whether it can be minimized or avoided, and if so, at what cost.

One thing the parties will discuss today is which pollutants are covered under the rules and how much of an increase would trigger the requirement to examine alternatives. Also on the table is when facilities would need to justify why the increase is necessary.

"Nobody's saying if you fail to fall within this exception, you're not going to get a permit. You just have to prove it's necessary to important social and economic development," Ettinger said. "I think the real key point here is consideration of alternatives."

Kari Evans of Barnes & Thornburg, who will speak on behalf of industry at today's meeting, could not be reached for comment.

Industry believes the existing permitting process already asks them to use best available technology to minimize discharges. Industry officials say they're already required to meet state water quality standards so people can still use the water for swimming, drinking water and fishing. A speedy permit process is important to remain competitive, they say.

IDEM will make the final determination on how the rules should be clarified and also will take public comments. More meetings will follow on other subsections of the rules.