

### Climate Change Conference Leads to Copenhagen Accord

In December, world leaders met in Copenhagen for the 15<sup>th</sup> United Nations Climate Change Conference (COP15) to discuss an agreement to reduce worldwide emissions of greenhouse gases. Although a binding deal was not reached, an agreement titled the Copenhagen Accord was drawn up by a limited group of countries, including the United States, China, India, Brazil, and South Africa, and acknowledged by the conference. The Copenhagen Accord involves pledges by countries to limit greenhouse emissions; however, the pledges will not be legally binding. Although many are disappointed that no legally binding agreement was reached, others consider the accord a step in the right direction. The countries that signed the Copenhagen Accord will be invited to France in Spring 2010 to continue the discussions regarding emissions reduction targets.

### EPA Reports Decrease in Toxic Chemical Releases

EPA's analysis of the Toxics Release Inventory (TRI) for 2008 demonstrates a six percent *decrease* in the total amount of toxic chemicals released into the environment from 2007 levels. Releases to the air decreased fourteen percent, while releases to water increased three percent and releases to land increased less than one percent. The TRI contains data reported by various industries as required by the Emergency Planning and Community Right to Know Act of 1986 and the Pollution Prevention Act of 1990. More information on the TRI Analysis is available at [www.epa.gov/TRI](http://www.epa.gov/TRI).

### Increased Regulation of Construction Sites Effective February 2010

In November, EPA issued a final rule requiring owners and operators of certain construction sites to take steps to prevent water pollution. At sites where one or more acres are disturbed, best management practices must be implemented in order to prevent pollution of nearby water. The rule also requires monitoring and establishes numerical limitations for stormwater discharges at sites where ten or more acres are disturbed. The effluent limitations guidelines and new source performance standards are effective February 2010 and will be phased in over several years. The federal register notice and supporting documentation are available on the EPA website at [www.epa.gov/waterscience/guide/construction](http://www.epa.gov/waterscience/guide/construction).

### EPA Revamps Clean Water Act Enforcement Action Plan

On October 15, 2009, EPA's Office of Enforcement and Compliance Assurance issued a revised Clean Water Act Enforcement Action Plan that "describes the challenges we face as a nation in improving our enforcement efforts to improve water quality and describes the actions [EPA] will take to overcome them." The plan outlines potential improvements to the NPDES compliance and enforcement program including targeted enforcement and increased oversight. A copy of the plan is available at <http://www.epa.gov/oecaerth/civil/cwa/actionplan/actionplan101409.pdf>.

### Alabama Seeking New ADEM Director

The Alabama Environmental Management Commission (EMC) is in search of the new Director of the Alabama Department of Environmental Management to fill the vacancy left by Trey Glenn's resignation on December 11. The EMC hopes to fill the position by February 2010. Information regarding the application process is available on ADEM's website.

### EPA Region 4 Sets Record for Enforcement

In 2009, EPA Region 4 enforcement actions will result in the reduction and treatment of over 100 million pounds of pollutants at a cost of over \$2 billion, which will make this Region 4's most successful year to date. Region 4 includes most of the southeast including Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. A mapping tool recently launched by EPA allows users to view the locations of enforcement actions throughout the U.S. The map is available at [www.epa.gov/compliance/resources/reports/endofyear/eoy2009/index.html](http://www.epa.gov/compliance/resources/reports/endofyear/eoy2009/index.html).

### EPA Announces Results of National Lakes Assessment

In December, EPA released the results of a draft study of the water quality of lakes throughout the United States. The National Lakes Assessment revealed that 56% of U.S. lakes are in good condition, with the remainder in fair or poor condition. The study included random sampling of 1,028 lakes throughout the country in 2007. The full report including results for the Southern Appalachian and Coastal Plains regions that encompass Alabama is available at [www.epa.gov/lakessurvey](http://www.epa.gov/lakessurvey).

### New Standards Proposed for Sulfur Dioxide

In November, EPA proposed revisions to the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO<sub>2</sub>) to increase protection of public health. The proposed rule would set the primary NAAQS for SO<sub>2</sub> as a one-hour standard within the range of 50-100 parts per billion, and the new standard would replace the existing 24-hour and annual standards. Comments on the rule must be received by February 8, 2010, and a public hearing on the proposed rule is scheduled for January 2010 in Atlanta, Georgia.

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## ATTORNEY PROFILES

**Richard E. Davis** is a partner with Starnes & Atchison LLP. Richard's practice is primarily devoted to environmental litigation and regulatory compliance. He represents clients in federal and state courts in Alabama as well as in matters involving federal and state regulatory agencies. Richard's practice includes CERCLA, Clean Air, Clean Water, and RCRA litigation; natural resource and property damage claims; and land and water use issues. He also defends personal injury actions based on chemical exposure. Richard is a Fellow in the Litigation Counsel of America Trial Lawyer Honorary, was listed in the 2008 and 2009 editions of *Alabama Super Lawyers*® magazine for Environmental Litigation, and is active in public service endeavors as well.

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