

through voluntary, cooperative efforts with willing landowners" before enacting legislation "or adopting broad rules and regulations that affect all landowners," according to the sponsors.

Opposing Initiative 933 is a coalition of labor unions, conservation groups, Democratic Party organizations, food cooperatives, farm groups, businesses, church groups, the League of Women Voters, and the Greater Seattle Chamber of Commerce.

According to a "NO on 933" coalition fact sheet, the initiative would require state and local governments "to exempt certain property owners from any land use, zoning, or environmental law adopted or changed since the beginning of 1996, unless government pays the property owner for complying with the law."

The initiative would require communities to provide exemptions "for logging rules, shoreline protections, water-use laws, and key safeguards that keep toxic chemicals out of rivers, streams, and Puget Sound," the fact sheet said.

*The Initiative 933 website is <http://www.propertyfairness.com/>.*

*Statements opposing Initiative 933 are available at <http://noon933.org/index.php>.*

## Washington

### State Voters to Consider Initiative Setting Conservation Targets for Utilities

**S**EATTLE—An initiative requiring electric utilities to invest in energy conservation and renewable resources will appear on the Nov. 7 general election ballot, Washington Secretary of State Sam Reed (R) said Aug. 8.

Sponsors of Initiative 937 collected enough valid signatures for the measure to gain a spot on the ballot, Reed said in a statement.

According to the ballot summary for Initiative 937, the measure would require "investor-owned and consumer-owned utilities with 25,000 or more customers to meet designated targets for energy conservation, including cogeneration" and use of renewable energy resources, according to the ballot summary of the initiative.

The renewable energy resource targets could be achieved "by designated investment levels, including energy resource credits," according to the summary. Utilities that fail to meet the targets "would pay penalties to the state, to be used for purchase of renewable energy credits or certain energy conservation purposes," the summary said.

The measure—the Clean Energy Initiative—would require 17 utilities to increase the amount of newly acquired renewable resources, such as wind and solar, to the equivalent of 15 percent of each utility's power supply by 2020, Initiative 937 spokesman Bryan Flint told BNA Aug. 9.

Utilities also would be required to provide low-cost energy conservation programs for customers, according to a fact sheet on the initiative.

Some 20 other states have enacted requirements similar to those in the initiative, according to the initiative's sponsors, which include the Washington Public Utility Districts Association, conservation groups, en-

ergy conservation organizations, Democratic Party affiliates, unions, and citizen organizations.

The Association of Washington Business, the state's largest business group, opposes the initiative. The measure would increase utility taxes and electricity bills while restricting energy generation options, according to the association.

By NANCY NETHERTON

*The text of Initiative 937 is available at <http://www.secstate.wa.gov/elections/initiatives/people.aspx>.*

*More information on the Clean Energy Initiative is at <http://www.yeson937.org/>.*

## West Virginia

### Environmental Board Orders PPG Industries To Reduce Mercury Discharges From Plant

**C**INCINNATI—PPG Industries must follow stricter mercury discharge limits when releasing the chemical into the Ohio River from its plant near Natrium, W.Va., the West Virginia Environmental Quality Board has ruled.

In a final rule issued July 24, the board revoked an interim wastewater discharge permit for the plant issued last year by the West Virginia Department of Environmental Protection. The permit had allowed PPG to discharge about 76 times more mercury than the legal limit—914 parts per trillion (ppt) rather than the 12 ppt limit established by state and federal law.

Every water discharge permit issued by the state must comply with water quality criteria set by the Ohio River Valley Water Sanitation Commission, which the interim permit clearly does not, the board said. Moreover, the interim permit is not moving PPG toward compliance with state or federal water quality standards, it added.

The Ohio River Valley Water Sanitation Commission has determined that discharges which do not raise the concentration of mercury in the Ohio River above 12 ppt are not harmful to human health. A highly toxic chemical, mercury has been shown to damage the human nervous system.

In addition to being ordered to comply immediately with the 12 ppt mercury standard, PPG was ordered to adopt a more sensitive method for testing its discharges to ensure that the plant is in compliance.

The board's action came in response to a legal challenge of the discharge permit brought on behalf of the West Virginia Rivers Coalition by Trial Lawyers for Public Justice and the Appalachian Center for the Economy and the Environment.

**EPA-Approved Screen Recommended.** While the interim permit authorized use of an analytical screen known as "Method 245.1," this test is "simply useless for determining compliance with discharge limitations set below 200 parts per trillion, like the final discharge limit of 12 parts per trillion," the board said. PPG was advised to use an Environmental Protection Agency-approved screen, "Method 1631," which is capable of detecting mercury concentrations as low as 0.2 ppt.

Believed to be the top source of mercury pollution for West Virginia's waters, PPG's Natrium plant makes

chlorine by pumping salty water through vats of mercury, a technique the board estimates is at least 60 years old. Virtually all of the mercury used at the plant eventually finds its way into the Ohio River, the state says.

According to the EPA's Toxic Release Inventory, PPG's Natrium plant discharged 32 pounds of mercury into surface water in 2004.

Jim Hecker, environmental enforcement director for the Trial Lawyers for Public Justice, said in a prepared statement that the board exercised real oversight with its ruling, which "has finally put a stop to the sweet-heart deal between the state and one of our nation's top mercury polluters."

Local environmental advocates will need to monitor the plant to determine whether it is in compliance, since PPG admitted at the board hearing on this matter "that it could not immediately meet the required mercury limits if it were forced to do so," said Joe Lovett, executive director of the Appalachian Center for the Economy and Environment.

Pittsburgh-based PPG is a worldwide manufacturer of coatings, glass, and chemicals. The company said it would comply with the board's ruling.

BY BEBE RAUPE

*The West Virginia Environmental Quality Board's final rule is available at <http://www.tlpj.org>.*