



New York Water Environment Association, Inc.

The Water Quality Management Professionals

126 North Salina Street • 100 Clinton Square, Suite 200 • Syracuse, New York 13202
(315) 422-7811 • Fax: 422-3851 • www.nywea.org

Recent Environmental Legislative, Regulatory and Judicial Developments¹

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I. NEW YORK

A. Legislation and Policy

1. Budget

Regulatory Fees -- (These provisions are found in S. 993/A.1923).

Air Permit Fees -- The maximum Title V permit fee would increase from \$45 per ton of emissions to a maximum of \$58 per ton; a minimum fee of \$1,250 would apply to all Title V facility.

Pesticide Fees -- This budget extends the expiration date for the registration of pesticides from July 1, 2005 to July 1, 2008.

Wetlands Fees and Regulations -- The budget proposes to extend the state's freshwater wetlands regulatory program to wetlands less than 12.4 acres in size that are deemed to be of local significance, or are "isolated" from waters of the U.S. It also increases maximum civil and criminal penalties for the violation of wetlands regulations; eliminates the Freshwater Wetlands Appeals Board; establishing freshwater permit fees of \$50 for minor projects and \$100 for major projects; establishes tidal wetlands permit fees of up to \$200 for minor projects and \$900 for major projects.

Environmental Spending -- (Note: These provisions are found in S.555/A.555)

State Operations -- The operational budget for the Department of Environmental Conservation is proposed at \$427 million, a 2 percent increase over the proposed FY 2005 budget; staff positions would remain about the same at 3,352. Air and water programs would receive a net increase of 24 positions; fish and wildlife management

¹ For more information, please contact Libby Ford, QEP at 585-263-1606 (lford@nixonpeabody.com).
<http://www.nixonpeabody.com/>

would receive a net increase of 7 positions; 24 positions would be eliminated from CWCA bond act administration.

Environmental Protection Fund (EPF) -- the budget proposes to increase the EPF to \$150 million, a \$25 million increase over recent levels. The EPF receives revenues from the state real property transfer tax, and is used for a wide range of projects including state land purchases, local solid waste management projects, historic preservation projects, and others. EPF funds would also be made available for "environmental justice initiatives" identified in the DEC's EJ policy. These include, but are not limited to, expanded public access to permit information, development of GIS tools to assess potential EJ impacts, expanded public notice and public participation activities in minority and low income communities, facilitation of "alternative dispute resolution" between permit applicants and the public, and others. You can review the DEC's EJ policy online at <http://www.dec.state.ny.us/website/ej/ejpolicy.html>.

Environmental Tax Credits -- (Note: These provisions are found in S.995/A.1295) including: Green Building Tax Credit, Clean Vehicles Tax Credit and Biofuel Credit.

Source: Ken Pokalsky, Business Council of NY, 2/1/05

2. Biofuels

Pataki to Sign Order Requiring Agencies to Boost Use of Biofuels

Gov. George E. Pataki stated, in his January 5 State of the State speech, that he will sign an executive order requiring state agencies to increase their use of biofuels as a source for heating state buildings and powering state vehicles. Pataki also said State economic development officials are currently working with the Syracuse Center of Excellence at Syracuse University to establish two new ethanol production facilities in central New York. He said one facility would occupy a former brewery in Fulton County, N.Y., and become the largest producer of ethanol in the eastern part of the country.

In his address Pataki also announced that he has signed a separate executive order requiring that state agencies use nontoxic cleaning products in their buildings. Similarly, he said he would propose legislation this year requiring all public schools to phase out the use of toxic cleaning products.

Source: BNA Environment January 7, 2005.

B. Judicial and Enforcement

1. Water

State Supreme Court Finds Single Discharge One Violation Even if Affecting Several Days

Civil penalties for a waste discharge should be based on one violation, even if water quality standards were exceeded for eight days, the North Carolina Supreme Court

ruled Dec. 17 (*Murphy Family Farms v. Department of Environment and Natural Resources*, N.C., No. 558A03, 12/17/04). In making its ruling, the state supreme court overturned a September 2003 ruling by the North Carolina Court of Appeals that found that every day in which a water quality violation occurs should be considered a separate violation for the purpose of setting penalties. The supreme court concluded that because the entire spill from the lagoon occurred on a single day, only one violation of the water quality standards was committed by Murphy Farms. A spokesman for the State indicated that they may pursue legislative action to remedy the situation.

Source: Environment Reporter, January 13, 2005

Sugar Refinery Guilty In Acid Spill, Gives \$100G To Riverkeeper

A Yonkers sugar refinery has pleaded guilty to criminal charges stemming from a 2003 acid spill into the Hudson River, pledging \$100,000 to an environmental group as part of its restitution. American Sugar Refining Inc. pleaded guilty to one count of fourth-degree endangering the public health, safety and environment and one count of criminally negligent discharge of an industrial waste to a publicly owned treatment works. The spill was contained and cleaned, and did not pose a widespread public health threat, officials said. The spill happened in March 2003, when plumbing work led to an accidental puncture of a pipe leading to a 3,750-gallon tank of hydrochloric acid, releasing 100 gallons of acid from the 10th floor of the company's refining operations. A safety system meant to contain the spill failed, allowing the acid to leak through two floors and collect outside the facility, eventually discharging into the Yonkers Joint Treatment Works.

As part of the plea, the company paid a \$20,000 fine and gave \$100,000 to Riverkeeper, the Hudson River watchdog group. Riverkeeper intends to pass the money along to a Yonkers organization that will use it to do environmental outreach work on the Saw Mill River. American Sugar Refining also made \$250,000 in upgrades to its Federal Street plant to prevent future accidents and donated 1 ton of sugar to the Westchester Food Patch. The District Attorney's Environmental Crimes Bureau worked with the County Department of Health and the state Department of Environmental Conservation in prosecuting the case.

Source: The Journal News (*January 25, 2005*)

C. Regulatory

1. Air

State Reaches Agreements With Utilities To Cut Emissions From Six Coal-Fired Plants

The State reached agreement with four utilities to significantly reduce emissions from six coal-fired power plants in the state and settle a federal lawsuit that alleged violations of the Clean Air Act's new source review provisions. The two agreements are expected to reduce nitrogen oxide emissions by 18,000 tons per year and sulfur dioxide

emissions by 123,000 tons per year. NRG Energy's Huntley and Dunkirk power plants near Buffalo which will reduce sulfur dioxide emissions by 87 percent and nitrogen oxide emissions by 81 percent. NRG will achieve the reductions through the installation of new pollution controls, by switching to cleaner-burning low-sulfur coal, and by retiring four of its oldest and most inefficient units. In addition, the previous owner of the plants, Niagara Mohawk Power Corp., will pay a \$3 million penalty, provide \$3 million for a number of environmental benefit projects, and convey 2,500 acres of environmentally sensitive land to the state. In a separate agreement, AES Corp. agreed to reduce nitrogen oxide emissions by 70 percent and sulfur dioxide emissions by 90 percent at four coal plants in the Finger Lakes and Southern Tier regions of the state. In order to achieve the reductions, AES will install clean coal technology at one plant and either shut down or install new pollution controls at three other facilities. AES also agreed to fund \$1 million in projects to promote energy efficiency, renewable energy, and clean air. Also under the agreement, the previous owner of the four plants, the New York State Electric and Gas Corp. (NYSEG), will pay a \$700,000 penalty.

Source: BNA Environment Reporter, Jan. 14, 2005 (*New York v. Niagara Mohawk Power Corp.*, W.D.N.Y., No. 02-CV-24, 1/11/05)

II. FEDERAL

A. Judicial And Enforcement

1. Chemicals

Aluminum Company Fined for Failure To Properly Report Chemical Releases

Indalex West Inc. will pay \$80,000 for allegedly not properly reporting toxic chemicals released by its Modesto facility. EPA alleged the facility failed to report air emissions of toluene and xylene for the agency's annual Toxics Release Inventory from 2000 to 2002. Indalex also failed to report levels of glycol ethers released in 2001 and 2002. EPA discovered reporting discrepancies while investigating facilities in the State's Central Valley.

Source: BNA Environment Reporter, January 28, 2005

2. Water

Four Louisiana Sewage Treatment Plants, Two Operators to Pay Penalties

Four sewage treatment plants and two operators have agreed to pay fines and restitution totaling more than \$400,000 after pleading guilty to discharging pollutants into a Louisiana river. The plants failed to test wastewater discharges and failed to file discharge monitoring reports on wastewater discharged between November 2000 and January 2002. The Sewer Company Inc. pleaded guilty to felony charges of discharging pollutants from sewage treatment plants in residential subdivisions in Livingston Parish into the Amite River. The company agreed to pay a \$250,000 fine and \$14,000 in

community restitution. The plant's operator pleaded guilty to negligent illegal discharge of pollutants, a misdemeanor, and agreed to pay \$25,000 in fines and \$2,500 in restitution.

The other three sewage plants each pleaded guilty to negligent discharge of pollutants into the Amite River. Each agreed to pay \$25,000 in fines and \$2,500 in community restitution. Additionally, an officer in all of the corporations pleaded guilty to the same charges and paid a \$25,000 fine and \$2,500 in restitution.

Source: BNA Environment Reporter, January 7, 2005. (*United States v. The Sewer Company Inc.*, M.D. La., No 04:CR178, 11/22/04)

Inspectors Immune From Liability for Search First Circuit Holds

The Environmental Protection Agency is entitled to qualified immunity for allegedly violating the Fourth Amendment rights of a wire mill company in Massachusetts when, without a warrant or consent, the agency took samples of wastewater from a pipe on company property as it flowed toward a public sewer system, according to a December U.S. Court of Appeals for the First Circuit decision. According to the decision, Riverdale Mills Corp., which has a mill on the Blackstone River in Northbridge, Mass., did not have a reasonable expectation of privacy in preventing access to the wastewater, and thus there was no illegal search. The company makes zinc-galvanized and plastic-coated steel wire mesh used for erosion control, security fences, lobster traps, and other purposes. The manufacturing process generates acidic and alkaline wastewater. The company has a permit to discharge the wastewater into the public sewer system, but only after it has undergone pretreatment to neutralize its acidic and alkaline qualities. The case began when an anonymous tip notified EPA that the company was not running its pretreatment system properly. In October 1997, EPA inspectors took samples without company permission, and the results from the tested samples led to an indictment of the company and its president on two counts of violating the Clean Water Act.

Source: BNA Environment Reporter, January 7, 2005. (*Riverdale Mills Corp. v. Pimpore*, 1st Cir., No. 04-1626, 12/22/04).

Milwaukee Sewer District Asks Supreme Court To Review Decision on 'Diligent Prosecution'

A petition filed Dec. 28, 2004 by the Milwaukee Metropolitan Sewerage District asks that the U.S. Supreme Court decide whether a lawsuit against a municipal sewerage district can proceed when the state has already taken action against the agency. The U.S. Court of Appeals for the Seventh Circuit had ruled that the plaintiff environmental organizations had a right to sue under the Clean Water Act, even though the sewerage district was working to reduce its sewer overflows under a consent agreement with the state.

Source: BNA Environment Reporter, January 7, 2005. *Milwaukee Metropolitan Sewerage District v. Friends of Milwaukee's Rivers*, U.S., No. 04-889, petition filed

12/28/04, see also *Friends of Milwaukee's Rivers v. Milwaukee Metropolitan Sewerage District*, 382 F.3d 743, 59 ERC 1263 (7th Cir. 2004).

District of Columbia Violates Federal Law By Incorrectly Testing Lead Levels

The District of Columbia's drinking water utility violated federal law by not using approved methods for testing lead in more than 400 houses and then notifying these residents that their water met federal standards. According to a compliance order, the testing errors occurred during 2003. The water was tested by allowing the tap to run for five minutes before taking the sample, a method known as "five-minute technology," which is not a protocol allowed under the Lead and Copper Rule of the Safe Drinking Water Act. The utility must notify all affected residents that their lines were incorrectly tested. Moreover, the D.C. Water and Sewer Authority--must offer new water tests and advise residents to use water filters or flush their lines before drinking it, the order said. The Order also called for WASA to physically replace an additional 500 lead service lines, in addition to what it was already planning to replace, by Sept. 30, 2007. The exceedances, and resulting confusion, have been blamed in part, on the fact that three agencies have control over the District's drinking water--WASA, the U.S. Army Corps of Engineers, and EPA.

Source: BNA Environment Reporter, January 28, 2005

Former Sewage Treatment Company President Indicted in Illegal Discharge Cases

The former president and owner of Environmental Utilities Services Inc., a professional engineer who holds a Class IV wastewater treatment operator certification, was arraigned on a 39-count indictment on Nov. 4 in U.S. District Court for the Northern District of Mississippi (Oxford). The indictment arose from the alleged improper operation of four sewage treatment plants in Lafayette County between 1999 and 2002.

The president was charged with discharging pollutants in excess of limitations in his discharge permits, failing to disinfect sewage and lying to investigators about wastewater analyses he was required to perform and submit to the State of Mississippi. The case was investigated by the Jackson Office of EPA's Criminal Investigation Division, the FBI, the Mississippi Bureau of Investigation and the Mississippi Department of Environmental Quality. It is being prosecuted by the Environmental Crimes Section of the U.S. Department of Justice in Washington, D.C., and the Office of the U.S. Attorney for the Northern District of Mississippi in Oxford.

Source: American Water Works Association Notice, 11/24/04

Knoxville Utility Will Spend \$530 Million to Address Sewer Overflows

The wastewater utility for Knoxville, Tenn. will pay more than \$530 million to correct problems with its sewer system that have caused millions of gallons of sewage to spill into nearby waterways, under a Settlement Agreement. The Knoxville Utility Board will

be required to continuously monitor and analyze the cause of overflows from its sanitary sewer system and fix any problems that are found, according to the proposed consent agreement filed in the U.S. District Court for the Eastern District of Tennessee. The Justice Department estimated that measures to correct the problems will cost \$530 million over the next 12 years. The requirements in the agreement must be satisfied by the end of 2016.

Source: BNA Environment Reporter, 12/3/04. (United States v. Knoxville Utilities Board, E.D. Tenn., No. 3:03-CV-497, 12/1/04).

City of Reading to Pay Penalty and Overhaul Wastewater Treatment Facility

The City of Reading will pay a \$239,000 civil penalty and overhaul its wastewater treatment plant to resolve allegations of chronic water pollution violations at the facility. In a three-count complaint filed simultaneously with the proposed consent decree, it was alleged that the Reading plant exceeded its discharge permit limits for mercury, cyanide, chlorine, total suspended solids, dissolved oxygen, fecal coliform, carbonaceous biologic oxygen demand, and ammonia-nitrogen on more than 750 days since 1999. In addition, the complaint alleged that, as a result of inadequate enforcement action by the City, up to 25 percent of the Reading plant's significant industrial users have been in violation of the limits in their pretreatment permits for substantial periods of time. Under terms of the proposed settlement, the City will conduct a comprehensive study of the treatment plant and within one year provide the federal Environmental Protection Agency and the Pennsylvania DEP with a plan to replace or rehabilitate the facility. If Reading decides to replace the plant, the new facility must be operating by January 2010. A rehabilitation of the existing plant must be completed by 2012. The settlement agreement also provides for the removal of excess lake bed sediments, restoration of about 2,000 feet of a Creek, and creation of about two acres of wetlands and a three-acre flowering meadow flood plain.

Source: -- BNA Environment Reporter Dec. 17, 2004 (United States v. Reading, E.D. Pa., No. 04-CV-5696, 12/9/04).

U.S. Court Says Law Not Clear if TMDLs Must Meet Federal Standards on Daily Basis

Congress was not clear in writing the Clean Water Act on whether it actually intended for pollution limits known as total maximum daily loads to meet water quality standards on a daily basis, a federal court ruled Nov. 29 in throwing out a lawsuit by an environmental group.

Friends of the Earth sued the Environmental Protection Agency in the U.S. District Court for the District of Columbia for approving two total maximum daily loads (TMDLs) developed by Washington, D.C. officials to address low dissolved oxygen levels and total suspended solids in the Anacostia River. The group said the TMDLs were inadequate and would not meet water quality standards because, among other things,

they were designed to meet seasonal and annual water quality standards instead of daily standards. In granting EPA's motion for summary judgment, Judge Ricardo M. Urbina said the language in Section 303(d) of the Clean Water Act regarding the TMDL program was ambiguous and that the TMDLs were "reasonably calculated to achieve daily water quality standards."

Source: BNA Environmental Reporter (Friends of the Earth v. EPA, D.D.C., No. 1:04-CV-91, 11/29/04).

B. Regulation And Guidance

1. Water

Water Quality Standards Revised Formula for Interstate Grants

The formula for allocating money to interstate water agencies to implement their Clean Water Act programs was revised in an Oct. 6 final rule to provide a funding floor that ensures the organizations receive at least as much money as the year before (69 Fed. Reg. 59,810). States and interstate agencies, such as the Delaware River Basin Commission, the Ohio River Valley Water Sanitation Commission, and the New England Interstate Water Pollution Control Commission, receive funding through EPA's budget under Section 106 of the Clean Water Act. These funds are used to manage water quality activities, such as permitting, the total maximum daily loads program, monitoring, and enforcement. By establishing a "funding floor," the rule intends to prevent sudden fluctuations in Section 106 grants that could "compromise the effectiveness of state programs," EPA said.

Source: BNA, Inc. *Environment Reporter*, October 15, 2004

Draft EPA Policy Seeks Consistency In Setting WET Related Toxicity Permit Limits

The *Draft National Whole Effluent Toxicity (WET) Implementation Guidance Under the NPDES Program* released by EPA on Dec. 28, 2004 is intended to foster national consistency in the WET program as it pertains to permitting, restate the need to comply with NPDES whole effluent toxicity regulations, and reemphasize existing guidance, policy, and regulations on the program. EPA will accept comments until Feb. 28, 2005. Whole effluent toxicity (WET) is a 40 CFR Part 136 designated testing method intended to measure the aggregate of the toxicity of wastewater discharges and its effect on aquatic organisms. WET tests are used to determine the aggregate effect of all chemicals in a particular discharge and are helpful in situations where numeric limits are not available for certain types of chemicals. The tests are used to determine compliance with National Permit Discharge Elimination System permits, and toxicity related permit provisions are required to be placed in some S/NPDES permits.

In related news, the U.S. Court of Appeals for the District of Columbia Circuit refused, on Dec. 10, 2004, a request by the Edison Electric Institute and other groups

representing industrial dischargers to review a final rule establishing the WET test methods issued (*Edison Electric Institute v. EPA*, D.D.C., 96-1062.)

Source: BNA Environment Reporter, January 7, 2005.

Chesapeake Bay -- Establishment of Panel to Set Up Financing Authority for Restoration

A committee of financial and legal experts will be convened to establish a financing authority to fund the restoration of the Chesapeake Bay, the governors of states within the bay's watershed and the Environmental Protection Agency announced Jan. 10. The directive, issued by the Chesapeake Bay Executive Council, called for the establishment of a financing authority responds to a blue ribbon panel report released in October 2004 calling for such a body. In addition, the Council announced a massive lobbying campaign to begin in February to persuade Congress to provide more money for the restoration, estimated to cost about \$15 billion over the next six years. The Council includes the Governors of Virginia, Pennsylvania and Maryland as well as the Mayor of the District of Columbia Anthony Williams and the EPA administrator. The Council asked the panel of experts to have a proposal for the financing authority in place by July 1, including how it would be structured and what legislation would be needed.

Source: BNA Environment Reporter, Jan. 14, 2005

EPA To Propose Rule For Pesticide Spraying on Water

The Environmental Protection Agency announced plans Jan. 27 to propose a rule codifying that a Clean Water Act permit is not needed to apply pesticides directly into or above waters for insect control as long as the label on the chemical is followed. The proposal will accompany a final policy titled *Interpretive Statement on Application of Pesticides to Waters of the United States in Compliance with FIFRA*.

The January 25, 2005 policy clarifies the agency's position with regard to permitting requirements for pesticide spraying. The final policy, which is being called an "interpretive statement" rather than a guidance, closely mirrors the interim "statement and guidance" issued by EPA in July 2003. That interim statement essentially said the application of pesticides either directly into U.S. waters or aeriially above to control mosquitoes and other pests does not require a National Pollution Discharge Elimination System permit under the Clean Water Act. Pesticides must be applied in accordance with all relevant provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, the interim guidance said. That would include complying with any use restrictions noted on a pesticide's label.

Source: BNA Environment Reporter, January 28, 2005. *Copies of the Interpretive Statement on Application of Pesticides to Waters of the United States in Compliance with FIFRA and proposed rule can be found at <http://www.epa.gov/npdes/agriculture#pesticides>*

EPA Releases Second National Coastal Condition Report

EPA released the second National Coastal Condition Report (NCCR II), which describes and ranks the status, extent, and geographical distribution of national coastal ecological resources. The report rates the overall condition of U.S. coastal waters as fair, with essentially no change in condition since the first report was released in 2001. The report is based on four years of monitoring data from 23 coastal states and covers 100% of estuarine waters in the lower 48 states, compared to about 70% in the previous report. EPA's Office of Water and Office of Research and Development worked cooperatively with the National Oceanic and Atmospheric Administration, the U.S. Geological Survey, the U.S. Fish and Wildlife Service and coastal states to produce the report.

Source: WEF This Week In Washington, January 21, 2005. Additional information on the NCCR II, including a copy of the report, is available at <http://www.epa.gov/owow/oceans/nccr/>. (SRT)

2. Air

Final Rule on Non-Attainment Fine Particle Designations

On Jan. 5, 2005 EPA published a final rule formally designating 224 counties in 20 states and the District of Columbia as nonattainment areas for the health-based air quality standard for fine particles--those 2.5 microns in diameter or less, or about 30 times smaller than a human hair. Challenges and appeals of the designations appear likely by States based on more recent data. In addition, environment and public health organizations are considering a legal challenge to the designations because they believe that EPA should have designated more counties.

Source: BNA Environment Reporter January 7, 2005. January 5, 2005 Fed. Reg. (70 Fed. Reg. 944).

EPA Issues Final Boiler MACT Rule for Hazardous Air Pollutants

Industrial, commercial and institutional solid-fueled boilers throughout the U.S. are subject to a new national emission standard for hazardous air pollutants. The rule, which affects facilities in nearly every sector, requires implementation of the maximum available control technology (MACT) for existing and future solid, liquid and gaseous fueled boilers and process heaters at major sources of hazardous air pollutants. The rule establishes new emission standards, process monitoring, recordkeeping, and agency reporting requirements for these facilities. The final MACT Rule will provide a three-year window for all affected facilities to come into compliance.

Source: ENSR Insight, Jan. 12, 2005 discussing September 13, 2004 Federal Register.

3. Waste

Beverage Container Waste Sets Record As Some Recycling Rates Fall

A record 131 billion beverage containers in 2004 were discarded as trash or litter, instead of being recycled, according to the Container Recycling Institute (CRI). Can and bottle waste is rising, while recycling rates are holding steady or declining, according to CRI. By contrast, 66 billion beverage containers were recycled in 2004, CRI estimates. CRI has estimated that if these 131 billion bottles and cans been recycled, the energy equivalent of 35 million barrels of crude oil could have been saved and it estimates that more than 4.5 million tons of greenhouse gases were emitted in the process of manufacturing the containers using virgin materials allegedly leading to a host of toxic pollutants being released to the air and water.

Source: BNA Environment Reporter, January 7, 2005.

4. Other

Johnson Named Acting EPA Administrator

Stephen L. Johnson, who has held several high-level positions during 24 years at the Environmental Protection Agency, was named acting administrator of the agency, effective Jan. 26. Johnson is expected to run EPA for at least several months while the White House considers a number of possible nominees to succeed Leavitt.

Congressional observers said some of the more prominent candidates include James Connaughton, chairman of the Council on Environmental Quality; Josephine Cooper, a lobbyist for Toyota; Thomas Skinner, EPA acting assistant administrator for enforcement. Before joining EPA, Johnson served as the director of operations at Hazelton Laboratories Corp. and Litton Bionetics Inc. Johnson, who was born in Washington, D.C., received a Bachelor of Arts in biology from Taylor University in Indiana and a Master of Science in pathology from George Washington University. 🗑️

Source: BNA Environment Reporter, January 28, 2005

Senate Environment, Public Works Panel Subcommittee Assignments

Fisheries, Wildlife, and Water--*Republicans:* Lincoln D. Chafee (R.I.), chairman; John W. Warner (Va.); Lisa Murkowski (Alaska); Jim DeMint (S.C.); David Vitter (La.); *Democrats:* **Hillary Rodham Clinton (N.Y.), ranking member;** Joseph I. Lieberman (Conn.); Frank Lautenberg (N.J.); Barack Obama (Ill.)

Transportation and Infrastructure--*Republicans:* Christopher S. Bond (Mo.), chairman; John W. Warner (Va.); George V. Voinovich (Ohio); Lincoln D. Chafee (R.I.); Lisa Murkowski (Alaska); John Thune (S.D.); *Democrats:* Max Baucus (Mont.), ranking member; Joseph I. Lieberman (Conn.); Barbara Boxer (Calif.); Thomas Carper (Del.); **Hillary Rodham Clinton (N.Y.)**

Source: EHS News from ENSR Insight - Vol 2, 2004