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The RT Review

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Environmental and Energy Services Since 1988

ASBESTOS: WHO, WHAT, WHERE & WHY

Where is Asbestos?

Asbestos refers to a set of six naturally occurring fibrous minerals located under the ground. Asbestos has six primary sub-classifications: chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite. Among these, chrysotile and amosite asbestos are the most commonly found in our building materials today.

Although asbestos fibers are microscopic in nature, they are extremely durable, they have excellent bonding attributes and are resistant to fire and most chemical reaction breakdowns. These properties of asbestos were the reasons that supported its use for many years in a number of different commercial and industrial capacities. The strength of asbestos, combined with its resistance to heat, allowed it to become the material of choice in a variety of products, including, but not limited to, roofing materials, floor tiles, ceiling materials, cement compounds, textile products, thermal insulation, and automotive parts. Asbestos is now strictly regulated as exposure to this toxic mineral can now be directly and scientifically linked to a number of lung and respiratory health conditions.

Why is Asbestos Hazardous?

Today, asbestos is classified as a known human carcinogen. The use of asbestos sharply declined in the late 1970s when it became evident that asbestos posed a threat to human health and safety. Asbestos fibers are microscopic, and therefore, are easily inhaled. Once inhaled, the fibers puncture the respiratory system, including the lining of the lungs and inner cavity tissue. As asbestos fibers are typically quite rigid, they become lodged in the soft internal tissue of the respiratory system and are not easily expelled or broken-down by the body.

Who is At Risk of Exposure to Asbestos?

There are hundreds of occupations affected by asbestos exposure. Asbestos was used in thousands of commercial building products and industrial capacities and those working with and around the material in these industries are potentially at risk of harmful exposure. Industries in which asbestos use was particularly prevalent include construction, commercial product manufacturing, power plants, and shipbuilding. Workers employed in these industries prior to 1980 likely encountered asbestos products.

Exposure to friable asbestos fibers is common when grinding, chipping, demolishing, or retrofitting buildings that contain asbestos materials. Each of these functions could potentially release asbestos into the environment where it would be easily inhaled.

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MAJOR NORTH JERSEY REDEVELOPMENT PROJECT ANNOUNCED

At RT Review Press Time, a major redevelopment in Phillipsburg, Warren County was being announced by Opus Investments. The redevelopment is at the location of the former Ingersoll Rand plant, where mining equipment and pumps were made starting in 1905. Opus' principles, Dan Gural and Erin Murphy, announced that this major future redevelopment center will create many thousands of new jobs. A layout of the site prior to and after redevelopment, are shown below.



Prior to Redevelopment

In addition to being located in Phillipsburg, a never developed portion of the site in Lopatcong Township will provide access to US Route 22.

Gary Brown, P.E., L.S.R.P., President of RT Environmental Services has been working on the site since 2004, on various environmental aspects of redevelopment.

The site is being remediated by Ingersoll Rand under the New Jersey Industrial Site Recovery Act. Ingersoll Rand has cooperated



After Redevelopment

and helped expedite redevelopment within the last year.

A key environmental issue at the site includes managing foundry sand over many tens of acres at the site, which has been previously addressed through capping and/or risk assessment techniques on some portions of the site, and is being addressed during redevelopment by leaving large floors to act as a cap. RT is conducting annual maintenance on these caps so that the caps are in good shape before winter, as shown in the photo below.



Former Building Acting as a Cap

RT also identified a soil and groundwater data gap, which has to be closed before the site is considered financeable. Craig Herr, P.G. conducted soil borings in the area of a former Powerhouse, which although it has not operated since 2001, remains in place and is yet to be demolished. The large manufacturing area, called the "Main Facility", is expected to be demolished by mid-year 2016, when new construction will take place. In its day, the plant was a major facility employing thousands, and an extensive underground tunnel utility system fed compressed air, electric, water, sewer, hot water and steam to the manufacturing buildings. The industrial property was built so early that there were few

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RT STAFF AND PROJECT NEWS

Amanda Shirey has been working on Contingency Plans, including one for a college with tanks at a central heating plant and in a substantial number of residential housing units. Additionally, Amanda helps RT's LSRPs, Gary Brown and Chris Ward, prepare Preliminary Assessment Reports following the New Jersey Department of Environmental Protection's Technical Requirements for Site Remediation.

James Sieracki and Gary Brown have been working on engineering of a wood pellet storage and loading facility in North Carolina. The project, when construction is completed, will load wood pellets on large cargo ships for delivery to ports around the world.

Gary Brown and Justin Lauterbach are working on a New York City Brownfields project in Brooklyn, where a contractor's yard will be remediated and converted into a residential property in a waterfront area of Brooklyn where neighborhoods "are on the rise".

Chris Ward, LSRP, is working on a number of remediation sites in Hudson County and also in Monmouth County. Sites include former manufacturing facilities where adhesives were manufactured, and where chemi-

cal processes resulted in Solvent discharges impacting soil and groundwater. One site involves chromate remediation.

At a site in Kearny, high rise residential redevelopment at a former industrial property will afford a commanding view of Manhattan, such that the residential units are expected to be desirable to persons who wish to live close to New York City using nearby mass transit, and be at their desk in less than a half an hour.

Tony Alessandrini and Chris Blosenski have been overseeing and managing large scale asbestos abatement work and Tony has been involved in a number of important mold abatement projects in New Jersey.

Glenn Graham has been helping wrap up remediation tasks at solar farm sites, one in Monmouth County and one in Burlington County.

At RT Review Press Time, 2016 was shaping up to be a busy year for RT, particularly with the large redevelopment project in Phillipsburg, New Jersey featured in our RT Review lead article.

As always, we appreciate the opportunities our clients give us to be of service!

- Gary R. Brown

EPA COAL ASH RULE

The EPA Coal Ash Rule remains controversial and Duke Energy is involved in litigation as implementation of the Rule goes forward.

The Rule is controversial, as the proper management of coal ash at individual sites many of which are power plant sites, has been in a gray area where the material has never been fully regulated under stringent state solid waste rules or hazardous waste. Although hazardous waste characterization would be considered excessive, many of the places where coal ash is present are not covered and are actually inappropriately designed as lagoons without proper closure and post closure care.

Gary Brown, RT's President testified in a federal court case in Tennessee where a large power plant operator, TVA, was found to have not properly operated a large wet mound surface impoundment which led to one of the world's largest environmental disasters.

The new Rule faces suits from industry groups and also from environmental groups who believe that the new EPA Coal Ash Rule is too weak.

While filings in the lawsuits will continue for months, some industry and Republican critics of the regulation are looking for Congress to act more swiftly to overhaul the Rule.

(Superfund Report – 11-23-2015)

ASBESTOS: WHO, WHAT, WHERE & WHY (continued from page 1)

What Health Conditions are Associated with Exposure to Asbestos

There are three major lung conditions traced directly to asbestos exposure. These are Lung Cancer, Mesothelioma, and Asbestosis. Lung cancer risk, typically associated with tobacco use, is known to be exacerbated by exposure to asbestos. Symptoms include coughing, chest pain, and difficulty breathing. Mesothelioma is a rare and aggressive cancer of the lung and inner body's cavity lining. Mesothelioma is typically recognized as the most clearly attributable disease resulting from asbestos exposure. Asbestosis

is a progressive malignant long-term respiratory condition. Asbestosis results from the formation of scar tissue plaques on the surface of the lungs. Asbestosis can represent a pre-cursor to the onset of mesothelioma. There is no safe type of asbestos and no safe level of exposure. Nearly all those with exposure history are potentially at risk of serious respiratory health complications.

For further information in regards to asbestos hazards in your workplace or home, you can contact Mr. Tony Alessandrini at talessandrini@rtenv.com.

2015 TIER II REPORTING

Facilities in Pennsylvania that during calendar year 2015 handled chemicals in quantities above their EPA Section 312 Threshold Planning Quantity (TPQ) or stored more than 10,000 pounds of a substance that required a Safety Data Sheet (SDS) must submit a Tier II form by March 1, 2016.

The Department of Labor and Industry, as an agent for the Pennsylvania State Emergency Response Council (SERC), provides the following information in anticipation of the 2015 Section 312 Tier II hazardous chemical inventory report cycle. The Department of Labor & Industry, Bureau of Occupational & Industrial Safety/Pennsafe Program maintains the online Pennsylvania Tier II System (PATTS) for Tier II reporting. The 2015 Annual Tier II submission covering January 1 through December 31, 2015, must be submitted by March 1, 2016.

Key dates to consider:

January 1-8, 2016. Initial reports for any new hazardous substances brought onsite at the end of December 2015 will be accepted

through 5:00 PM, January 8. After that time, you will not be able to file a 2015 initial. PATTS will be taken offline at 5:00 PM January 8 so that the database can be rolled over to enable the 2015 annual reporting cycle.

January 9, 2016. At 9:00 AM, approved facility users can sign into PATTS to file a 2015 annual.

March 1, 2016. 2015 annual reports and fees are due by this date. Online reports must be certified by 11:59 PM March 1 to be considered a timely report submission.

To log into PATTS, go to :
<https://www.lipatts.state.pa.us/submit>. Enter your existing user name and password. Review your user ID contact information for accuracy, particularly your email address. Click on the edit under 2015 to go to your facility home page for this report year, then click on the edit facility button to the right side of the page to review your facility information. Make all necessary edits to your facility information, and remember to click the SAVE button at the bottom of the page when editing information.

You must print and sign the PATTS Tier II certification/invoice, and return it to the Pennsafe Program with the fee payment to fulfill the signature requirements for Pennsylvania. For annual reports, PATTS calculates the amount due based on the total number of billable chemicals reported and any prior credit/debit amounts. The fee is \$10 per billable chemical, and the certification/invoice will list your current balance due. Checks must be made payable to the **Pennsylvania Hazardous Material Response Fund**. Failure to return the hard copy certification/invoice and fee remittance means that the facility is not in full compliance with Pennsylvania Tier II reporting requirements.

In addition to the state filing requirements, facilities must file a copy of their Tier II by March 1, 2016, with the Local Emergency Planning Committee (LEPC) and the local responding fire department(s).

For additional information, or for help with your Tier II reporting, please contact Larry Bily at 610-265-1510 extension 236, or lbily@rtenv.com.

FLORIDA MUNICIPAL AND STORMWATER GROUPS FILE SUIT AGAINST EPA

Florida Municipal and Stormwater groups filed a suit in the form of an EXPEDITED COMPLAINT, over the EPA and the Corps of Engineers' joint Clean Water Act (CWA) jurisdiction rule. The groups in Southeast Stormwater Association, et. al. vs. EPA, et. al. asked the court to vacate and block the rule for violation of the Clean Water Act, the Administrative Procedure Act, the Regulatory Flexibility Act and the Due Process and Commerce Clauses of the Constitution, and to issue an order to enjoin its implementation. The complaint specifically states that:

rule far exceeds the federal government's powers under the Commerce Clause, fails to afford protections guaranteed by the Due Process Clause, contravenes the Clean Water Act's text, misinterprets U.S. Supreme Court precedent, subverts applicable notice-and-comment requirements, masks its true fiscal impact through a flawed economic analysis, and is otherwise arbitrary and capricious.

The Florida interests believe that the rule far exceeds Congress' intent with the water law. They believe that the rule would adversely affect and impede the stormwater functions that the groups all undertake, as required under the Clean Water Act and state water quality regulations.

The groups previously filed a suit over the rule in the U.S. Court of Appeals for the Sixth Circuit in Southeast Stormwater Association, Inc., et al v. EPA, et al., one of a dozen pending cases.

The Sixth Circuit Appellate Court, in which appeals to the rule have been filed, could start hearing oral arguments in *Murray Energy vs EPA* by mid-December on the issue of whether initial challenges to the rule should be heard by the appeals or district courts. The 6th Circuit has blocked implementation of the rule nationwide pending its decision, superseding a North Dakota district court ruling blocking the rule in 13 states. EPA is now urging the District Court in North Dakota to reverse the earlier order denying the agency's request to halt litigation over the rule until the 6th Circuit issues a decision.

You can find a link to the EXPEDITED COMPLAINT here.
<http://insideclimate.com/aggregator/sources/1?page=2>

Due to the shallow groundwater and topography in Florida, managing stormwater in the state of Florida as the population grows is definitely a great challenge. We at RT doubt that EPA and the Corps of Engineers fully thought out that a state such as Florida has already exercised its rights broadly under prior federal laws to manage stormwater from a regulatory and environmental management standpoint. Perhaps they did not realize they were stepping on state's rights by seeking to further rule certain aspects of stormwater programs without state concurrence in advance.

- Justin Lauterbach, QEP

FEDERAL REGULATORY UPDATES

US DOT STREAMLINES SPECIAL PERMIT AND APPROVAL PROCESS

As part of its regulatory review initiative, the US Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) recently announced a final rule that streamlines the hazardous material special permits and approvals application process by incorporating new procedures for evaluating applications into the Hazardous Materials Regulations. In taking this action, PHMSA also fulfills requirements of the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141) by making the application review process more transparent to our stakeholders.

"Hazmat special permits keep commerce moving while ensuring compliance with critical transportation safety requirements," said US Transportation Secretary Anthony Foxx. "This rule makes the process for reviewing and approving these special permits easier and more efficient."

This rulemaking provides clarity on the application requirements for obtaining a hazardous material special permit, includes an online application process, and helps ensure completeness of the applications submitted. The HMR amendments include: standard operating procedures to support the administration of the special permit and approval programs; and criteria to support the evaluation of special permit and approval applications.

"These changes are consistent with PHMSA's agency-wide initiative to identify opportunities to modernize, clarify and reduce burdens associated with our regulations while continuing to raise the bar on safety," said PHMSA Administrator Marie Therese Dominguez.

Special permits set forth alternative requirements—or a variance—to the requirements in the HMR in a way that achieves a safety level at least equal to that required under the regulations. Special permits also provide a mechanism for testing new technologies, promoting increased transportation efficiency and productivity, and improving global competitiveness.

This rulemaking supports the Department's Retrospective Regulatory Review plan and the President's ongoing efforts to make government regulations easy to understand, thereby avoiding critical misunderstandings that may lead to hazardous materials incidents that could result in injuries, deaths, and harm to the environment.

(Environmental Resource Center – 9-14-15)

EPA CONSIDERS NEW ENFORCEMENT PRIORITIES

EPA in September was taking public comment and recommendations on national enforcement initiatives (NEI) for fiscal years 2017–2019. The agency selects these initiatives every three years in order to focus federal resources on the most important environmental

problems where noncompliance is a significant contributing factor and where federal enforcement attention can make a difference.

The current initiatives as well as potential new initiatives under consideration are available at:

<http://www2.epa.gov/enforcement/national-enforcement-initiatives>.

The current initiatives include:

- Reducing air pollution from the largest sources
- Cutting toxic air pollution
- Assuring energy extraction and production activities comply with environmental laws
- Reducing pollution from mineral processing operations
- Keeping raw sewage and contaminated stormwater out of our Nation's waters
- Preventing animal waste from contaminating surface and ground water

Proposed new initiatives for 2017-2019 include:

- Protecting communities from exposure to toxic air emissions
- Keeping industrial pollutants out of the nation's waters many waters
- Reducing the risks and impacts of industrial accidents and releases

We will keep you updated on these priorities in the RT Review.

(Environmental Resource Center – 9-21-15)

EPA PROPOSES TO CUT METHANE EMISSIONS FROM MUNICIPAL SOLID WASTE LANDFILLS

As part of the President's Climate Action Plan – Strategy to Reduce Methane Emissions, the EPA has issued two proposals to further reduce emissions of methane-rich gas from municipal solid waste (MSW) landfills. Under the proposals, new, modified and existing landfills would begin collecting and controlling landfill gas at emission levels nearly a third lower than current requirements.

Methane is a potent greenhouse gas with a global warming potential more than 25 times that of carbon dioxide. Climate change threatens the health and welfare of current and future generations. Children, older adults, people with heart or lung disease, and people living in poverty may be most at risk from the health impacts of climate change. In addition to methane, landfills also emit other pollutants, including the air toxics benzene, toluene, ethylbenzene, and vinyl chloride.

Municipal solid waste landfills receive non-hazardous wastes from homes, businesses and institutions. As landfill waste decomposes, it produces a number of air toxics, carbon dioxide, and methane. MSW landfills are the third-largest source of human-related methane emissions in the US, accounting for 18% of methane

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emissions in 2013—the equivalent of approximately 100 million metric tons of carbon dioxide pollution.

Combined, the proposed rules are expected to reduce methane emissions by an estimated 487,000 tons a year beginning in 2025—equivalent to reducing 12.2 million metric tons of carbon dioxide, or the carbon pollution emissions from more than 1.1 million homes. EPA estimates the climate benefits of the combined proposals at nearly \$750 million in 2025 or nearly \$14 for every dollar spent to comply. Combined costs of the proposed rules are estimated at \$55 million in 2025.

The proposals would strengthen a previously proposed rule for new landfills that was issued in 2014, and would update the agency's 1996 emission guidelines for existing landfills. The proposals are based on additional data and analysis, and public comments received on a proposal and Advance Notice of Proposed Rulemaking EPA issued in 2014.

For more information, go to:

<http://www.epa.gov/ttn/atw/landfill/landflpg.html>
(Environmental Resource Center – 8-17-15)

RADIOACTIVE MATERIAL IN OIL AND GAS WASTEWATER RECOMMENDED TO BE EVALUATED

An EPA panel called the State Review Oil and Gas Environmental Regulations has urged states to evaluate radioactive material in produced water and flow-back fluids, including those scheduled for reuse from oil and gas wells.

Guidelines from the Group include the following:

- State regulatory programs should include a methodology for the determination of whether or not NORM is present in recycled fluids; this is regulated in some states but EPA has raised concern because NORM is found in some shale formations. TENORM is produced when activities such as uranium mining, sewage sludge treatment concentrate or expose radioactive materials that naturally occur in ores, soils, water or other natural materials. Individual states, industry and the Interstate Conference of Radiation Control Program Directors are all working on recommendations for new rules to govern the handling, storage and disposing of TENORM.

- The guidelines recommend that states treat the fluids used for recycling as a "waste" under the Resource Conservation and Recovery

FEDERAL REGULATORY UPDATES (Continued)

Act, up to the point it is reused in the drilling or completion of a well. It is recommended that state programs recognize barriers that would limit an operator's ability to reuse or recycle fluids such as technological limitations, fluid constraints, lease or surface use constraints, sage of development, fluid quality and agency approval timeframes.

For a copy of the 2015 Guidelines from the Major Review Panel, click here:

<https://rtenv.sharefile.com/d-s19f0b9be8cc48f18>

EPA PROPOSES TO REVISE HAZARDOUS WASTE REGULATIONS

EPA is proposing to revise the hazardous waste generator regulations under RCRA to improve compliance by the regulated community and support the efficient implementation of the hazardous waste generator regulations by EPA and the states and, thereby enhance protection of human health and the environment. Specifically, EPA proposes to (1) revise certain components of the hazardous waste generator regulatory program, primarily at 40 CFR 261.5 and 40 CFR part 262; (2) address identified gaps in the regulations; (3) provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner; (4) reorganize the hazardous waste generator regulations to make them more user-friendly and thus improve their usability by the regulated community; and (5) make technical corrections and conforming changes to address inadvertent errors, remove obsolete programs, and improve the readability of the regulations. Changes and background information include:

- These proposed changes are a result of EPA's experience in implementing and evaluating the hazardous waste generator program over the last 30 years, as well as a response to concerns and issues identified by the states and regulated community.

- The hazardous waste generator regulatory program was originally promulgated in 1980. Over the course of the last 30 plus years, the Agency, through experience with implementing the program, and in various meetings, correspondence, and discussions with the states and the regulated community, has become aware of ambiguities, inconsistencies, gaps, and a lack of flexibility in the regulations, which, if revised, could result in a program that is more effective in protecting human health and the environment. Many of these problems were identified in a 2004 program evaluation of the hazardous waste generator program conducted by EPA.(1) In 2013, a separate EPA program evaluation addressing hazardous waste determinations also identified a number of problems related to generators being able to make a proper hazardous waste determination.(2) Several of the proposed provisions

are also responsive to the 2014 Notice of Data Availability that EPA issued on the retail sector asking for comment on hazardous waste management practices in that sector and on challenges they face in complying with RCRA (79 FR 8926, February 14, 2014).

- Many of the changes in this proposal are revisions to existing rules designed to improve generator compliance without any increase in burden. For example, the Agency has inconsistently addressed the situation where a generator generates both acute and non-acute hazardous waste in a calendar month. This inconsistency has resulted in uncertainty for the generator regarding what generator category, and thus which regulatory provisions, would apply during that calendar month. This proposal addresses the problem. The Agency is also proposing to replace the phrase "conditionally exempt small quantity generator" (CESQG) with the phrase "very small quantity generator" (VSQG) so as to be consistent with the other two generator categories—large quantity generators (LQGs) and small quantity generators (SQGs).

- Another area of the program that needs revision is the closure regulations for hazardous waste generators under § 262.34(a)(1). The regulations do not expressly specify whether closure provisions apply to generators accumulating hazardous waste in containment buildings only or also to hazardous waste accumulated in containers, tanks and on drip pads. This notice proposes to revise the closure provisions to address these and other concerns.

- The Agency is also proposing changes to improve flexibility for generators of hazardous wastes. One example is the proposal to enhance flexibility by allowing conditionally exempt small quantity generators (CESQGs) to send hazardous waste to an LQG that is under the control of the same person, provided certain conditions are met. Numerous situations exist in industry, government, and academia where an organization with satellite locations that qualify as CESQGs could take advantage of this provision in order to consolidate and manage the hazardous waste in an environmentally sound manner. In addition, this proposal addresses the concern that some generators, such as generators located in urban environments, may find it difficult to meet the independent requirement that containers holding ignitable or reactive waste must be placed 15 meters (50 feet) from the site's property line. To build in flexibility, while maintaining protection of human health and the environment, we are proposing to allow generators to apply for a waiver from this requirement from their local fire department or emergency response organization, and if approved, maintain documentation of that agreement.

- The Agency is also proposing to reorganize the hazardous waste generator regulations to make them more user-friendly for various stake-

holders. For example, the current CESQG regulations are found at § 261.5, while the regulations for SQGs and LQGs are found in 40 CFR part 262. For convenience and ease of use, the Agency is proposing to move all the generator regulations into 40 CFR part 262. As a result of this reorganization, EPA is proposing to make a number of conforming changes to other parts of the regulations that cite particular sections of the part 262 regulations.

- Lastly, the Agency is proposing to make several technical corrections that address inadvertent errors in the regulations, obsolete.

A full guidelines document is available which you can find on the web at: <https://rtenv.sharefile.com/d-s19f0b9be8cc48f18>

EPA PROPOSES DRAFT RCRA RULE CHANGES TO ADDRESS PHARMACEUTICALS AND OTHER WASTES

EPA proposed a Hazardous Waste Generator Improvement Rule on August 31st. The Docket Number for this Rulemaking is EPA – HQ-RCRA-2007-0932. Also proposed is a rule on Management Standards for Hazardous Waste Pharmaceuticals which was proposed on August 31st. The Docket Number for the second rule is RIN-2050-AG39; FRL-9924-08-OSWER.

- EPA is proposing to add a subpart P under 40 CFR part 266. Part 266 is entitled, "Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities." This new subpart P is a tailored, sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and pharmaceutical reverse distributors. If finalized, healthcare facilities that are currently small quantity generators (SQGs) or large quantity generators (LQGs) and all pharmaceutical reverse distributors, regardless of their RCRA generator category, will be required to manage their hazardous waste pharmaceuticals under subpart P of 40 CFR part 266, instead of 40 CFR part 262. That is, the proposed standards are not an optional alternative to managing hazardous waste pharmaceuticals under 40 CFR part 262; they are mandatory standards.

- Briefly, healthcare facilities will have different management standards for their non-creditable and creditable hazardous waste pharmaceuticals. Non-creditable hazardous waste pharmaceuticals (i.e., those that are not expected to be eligible to receive manufacturer's credit) will be managed on-site similar to how they would have been under a previous proposal for managing these wastes: the 2008 Universal Waste proposal for pharmaceutical waste (73 FR 73520; December 2, 2008). When shipped off-site, they must be transported as hazardous wastes, including the use of the hazardous waste

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manifest, and sent to a RCRA interim status or permitted facility. On the other hand, healthcare facilities will continue to be allowed to send potentially creditable hazardous waste pharmaceuticals to pharmaceutical reverse distributors for processing manufacturers' credit. In response to comments received on the Universal Waste proposal, EPA is proposing standards to ensure the safe and secure delivery of the creditable hazardous waste pharmaceuticals to pharmaceutical reverse distributors.

- EPA is also proposing standards for the accumulation of the creditable hazardous waste pharmaceuticals at pharmaceutical reverse distributors. Like healthcare facilities, pharmaceutical reverse distributors will not be regulated under 40 CFR part 262 as hazardous waste generators, nor will they be regulated under 40 CFR parts 264, 265 and 270 as treatment, storage, and disposal facilities (TSDFs). Rather, the proposal establishes a new category of hazardous waste entity, called pharmaceutical reverse distributors. The proposed standards for pharmaceutical reverse distributors are, in many respects, similar to the LQGs standards, with supplementary standards added to respond to commenters' concerns.

- For both healthcare facilities and reverse distributors, EPA is proposing to prohibit facilities from disposing of hazardous waste pharmaceuticals down the toilet or drain (i.e., flushed or sewer). Further, EPA proposes that hazardous waste pharmaceuticals managed under subpart P will not be counted toward calculating the site's generator category.

Additionally, EPA is proposing a conditional exemption for hazardous waste pharmaceuticals that are also DEA controlled substances. Finally, EPA is proposing management standards for hazardous waste pharmaceutical residues remaining in containers.

DUKE ENERGY PUSHES BACK ON COAL ASH CLEAN WATER ACT GROUNDWATER SUIT

Duke Energy filed a November 25th request in US District Court in the Middle District of North Carolina related to claims of groundwater contamination from ash impoundments operated by Duke. Federal judges have split on whether the Clean Water Act regulates discharges through groundwater to jurisdictional waters.

Apparently, groundwater itself is not protected by the Clean Water Act. Different from District Judge Loretta C. Biggs of the US District Court, another North Carolina Federal Judge has taken the opposite view. A 2014 ruling involving Cape Fear River Watch vs Duke, the Judge agreed with the logic that ground-water releases are never restricted by the Clean Water Act.

EPA DRAFT RECOMMENDED AQUATIC LIFE AMBIENT WATER QUALITY CRITERIA

EPA recently released its "Draft Recommended Aquatic Life Ambient Water Quality Criteria" on December 1st. It is out for public comment until February 1st. The document is focused on establishing the maximum acceptable pollutant concentrations in ambient waters, which can protect aquatic life as water quality criteria under EPA's recommended Section 304(a)(1) Criteria. States may adopt water quality criteria which are different from EPA's Section 304 recommendations to reflect local environmental conditions and human exposure patterns. A Water Quality Standards Handbook, UPEPA 1994(a) is available to assist the states and Indian Tribes in modifying recommended criteria recently presented by EPA.

The 2015 update involved EPA conducting a literature search and reviewing aquatic and chronic criteria which have been available since EPA's 2001 update. Additional toxicity data for the development of both freshwater and extra marine/marine acute and chronic criteria, including new toxicity data related to hardness have been taken into account.

Cadmium can accumulate in aquatic species, and the link here:

<http://www.epa.gov/wqc/aquatic-life-criteria-cadmium> will lead you to a copy of the draft aquatic life ambient water quality criteria document that EPA has out for comment.

U.S. 'OWNER' LIABILITY CERCLA DECISION APPEALED BY MINING COMPANY

Chevron Mining Inc. (CMI) is asking the U.S. Court of Appeals for the 10th Circuit to review a federal district court decision that denied the United States government is liable as an "owner" or "arranger" under Superfund law, despite having ownership interests in land on which mining waste was disposed.

CMI is appealing the November 23rd ruling by the U.S. District Court for the District of New Mexico in Chevron Mining Inc. v. United States. The ruling granted the United States' motions for summary judgment on both ownership and arranger liability, under the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA). The case is related to cleanup liability and whether the U.S. is a "covered" person who would be liable for cleanup at a contaminated site which is on the National Priorities List. The contamination in this case resulted from mining activities conducted at a molybdenum mine in Questa, NM. The area was mined by CMI and its predecessors for decades. CMI argued that the U.S. is an owner and arranger, under section 107(a) of the law, who owned the property when the

hazardous substances were disposed. The U.S. disputed the assertion, and indicated that it does not qualify as either an owner or arranger.

This decision relies heavily on judicial precedent established in the 2001 ruling in United States v. Friedland, to consider whether the federal government can be an owner, under Superfund law, of land where another party holds unpatented mining claims. In this case, the Court held that the U.S. was not an owner under CERCLA, given the limited nature of ownership rights which the federal government held. Specifically, the court focused on the fact that the U.S. government could not exclude individuals from the land, could only regulate mining, and received no royalties or financial benefit from the mining activities.

The New Mexico District Court dismissed CMI's argument that legal title was enough to establish ownership liability, citing that the right to use the property was only possessed by the mining companies, and not the U.S. government. The Court indicated that it focused on ownership of the "facility", as defined in Section 107(a) of CERCLA, rather than the land.

The court concluded "that Congress did not intend for the United States to be an owner of a facility created by a miner on unpatented land under CERCLA under the circumstances of this case." The district court also denied CMI's arguments on arranger liability, again pointing to historical legal precedent that indicates a party may be considered an arranger when it takes intentional steps to dispose of a hazardous substance. In this case, the District Court determined that the U.S. did not take intentional steps to arrange for the disposal of hazardous substances.

Source: InsideEPA.com

We at RT agree with the Court's decision and believe that the appeal will be difficult for the plaintiff, given other historical Superfund Cases of this nature. If the Court were to determine that the U.S. government could be held liable for cleanup as an owner or arranger under CERCLA, that decision would defeat much of the original intention and purpose of CERCLA. Superfund Law provides broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health, and it is RT's opinion that protecting public health is one of the government's most important duties. If the Federal Government is increasingly held liable for cleanup as an owner of sites in Superfund Cases, some in the Government may start evaluating sites in terms of government legal liabilities, rather than just based on the threat to human health and the environment. This could make some big cleanups more complicated

- Justin Lauterbach, QEP -
Vice President

NJ UPDATES

EPA IS UNFAIRLY PENALIZING STATES WHO CLEANED THEIR AIR EARLY, NJ SAYS

In early September, NJ DEP Commissioner, Bob Martin, wrote to EPA Administrator Gina McCarthy requesting a stay of implementation and a proceeding for reconsideration of the rules.

The regulation “punishes states, including New Jersey, that have already achieved significant reductions in carbon emissions by setting even stricter goals for them, even though many other states have made much less progress in reducing emissions and are given less stringent emission targets than New Jersey,” Martin wrote. The state Department of Environmental Protection made similar arguments against draft rules proposed last year. Carbon dioxide accounts for 82 percent of U.S. greenhouse gas emissions, which contribute to global warming, according to the EPA. Power plants that generate electricity from fossil fuels, such as coal, are the largest source of U.S. carbon emissions.

Governor Christie’s office said New Jersey was the first “clean energy” state to file its objection with the EPA. “This is a fundamentally flawed plan that threatens the progress we’ve already made in developing clean and renewable energy in New Jersey without the heavy-handed overreach of Washington,” Christie said in a statement Wednesday. The Obama administration’s plan, announced August 3, seeks to combat climate change by reducing carbon emissions from the nation’s power plants and creating incentives for investing in clean energy. By 2030, Obama’s plan would require New Jersey to reduce its carbon emissions by about 26 percent from 2012 levels, or from 1,091 pounds per megawatt-hour to 812.

Nationwide, by 2030 power plants would have to cut their carbon pollution 32 percent below 2005 levels. New Jersey says it reduced carbon dioxide emissions from its power sector by 33 percent from 2001 to 2012. Nuclear power, which does not emit carbon, accounts for about half the Garden State’s energy production. And New Jersey ranks third in the nation, behind California and Arizona, in total installed solar capacity, according to Nuclear power, which does not emit carbon, accounts for about half the Garden State’s energy production. And New Jersey ranks third in the nation, behind California and Arizona, in total installed solar capacity, according to the U.S. Energy Information Administration. The state generates less than 5 percent of its electricity from coal, down from 20 percent in the 1990’s, the federal agency says.

Christie last month said he was “totally opposed” to the new rules. “This is, again, the

overregulation of the Obama administration”, he said on Fox News. Christie added, “This is the greatest regulating administration in the history of the United States, and it is going to kill American businesses and jobs, as it has.” The Obama administration established carbon reduction targets for each state and is requiring the states to develop plans to meet those goals. States must meet interim goals between 2022 and 2029 and final ones by 2030.

They are required to submit initial plans by September 2016 and final ones by 2018. Senate Majority Leader Mitch McConnell (R,Ky.) has urged governors to not submit plans. Last month, West Virginia and 14 other states filed an emergency petition with the U.S. Court of Appeals in Washington seeking a stay of the rule. Other states, including New York, say that filing was premature and have vowed to defend the rules in court once they are published in the Federal Register.

(By Andrew Seidman, Philadelphia Inquirer – 9/3/15)

NJDEP ISSUES CLARIFICATION STATEMENT ON INVESTIGATING IMPACTS FROM CONTAMINATED SITES TO SURFACEWATER

On November 25th, the New Jersey Department of Environmental Protection issued a Clarification Statement on investigating impacts from contaminated sites to surfacewater. The Clarification Statement was issued pursuant to the Site Remediation and Waste Program, and associated practices, Guidance and Rules and Regulations. The Site Remediation and Waste Management Programs require that surfacewater and sediment, receptor evaluation and Remedial Investigation for ecological receptors be followed when considering characterization of an upland site’s potential for impact on adjacent surfacewater.

DEP considers it necessary to:

Characterize an upland site’s potential impact on an adjacent surface water to: 1) identify and control all ongoing site-related contaminant sources to the surface water and sediment and 2) design and implement a remedy to address the site-related contamination, including product and contaminated sediments, that has impacted the surface water, for the protection of human and ecological receptors.

This investigation involves the following steps:

1. Assure that all contaminant sources from the upland site are characterized and remediated/controlled such that they are no longer impacting the surface water;

2. Characterize and remediate any free and

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residual product emanating from the site that is impacting and/or detected in the surface water, pursuant to N.J.A.C. 7:26E-5.1(e);

3. Delineate all contamination related to the upland site that is detected within the surface water and sediment to the higher of the ecological screening criteria (including NJDEP Surface Water Quality Standards, N.J.A.C. 7:9B, where available), background contaminant levels, or levels of individual contaminants from specific regional sources; and

4. Conduct an ecological risk assessment and remediate all contamination related to the upland site that is detected above ecological screening criteria within the surface water and sediment that is not attributable to background and/or regional source contamination, as appropriate. Pursuant to N.J.A.C. 7:26E-4.8, sediment should be remediated to the ecological screening criteria or site-specific risk-based remediation goal. If documented background or regional source levels are greater, then remediation should be to these levels. For surface water, the New Jersey Surface Water Quality Standards, N.J.A.C. 7:9B, are the minimum remediation standards. For ground water discharging to surface water, the New Jersey Ground Water Quality Standards, N.J.A.C. 7:9C, require compliance with both the ground water and surface water quality standards.

The Department recognizes that some of the State’s surface waters, especially in urban and industrial settings, may have become contaminated by numerous point and non-point discharges, making it difficult to distinguish which contaminants are from a particular site, background contamination, or other regional sources of contamination. However, N.J.A.C. 7:26E must be followed and supporting guidance considered, and the investigator must design the investigation to distinguish among contamination related to the upland site, background, and regional sources. Background contamination is not attributable to discharges from the upland site itself, but reflects contaminant levels that may have originated from either natural or anthropogenic sources (offsite discharges from diffuse anthropogenic or other unavoidable discharges, such as permitted wastewater discharges, combined sewer overflows or storm water). Regional sources of contamination may or may not reflect true background conditions. For additional information on assessing background conditions, refer to the Ecological Evaluation Technical Guidance (EETG), February 2015, Sections

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4.0 and 5.3.4, at www.nj.gov/dep/srp/guidance/srra/ecological_evaluation.pdf.

For situations where distinguishing between a discharge from a particular upland site and that from either another upland site or regional source contamination becomes difficult (contaminant patterns between the sites approximate each other), the Licensed Site Remediation Professional (LSRP) may either request a formal Technical Consultation with the Department:

(www.state.nj.us/dep/srp/srra/technical_consultation/) or present appropriate documentation with the relevant submittals such as a Remedial Action Work Plan or Remedial Action Outcome (RAO), to be evaluated by the Department on a case-specific basis.

RT has substantial experience at completing surfacewater investigations, including even where surfacewater is the target compliance point. Should you have any questions for these

types of sites, contact Gary Brown, LSRP at 610-804-8657 or by email at: gbrown@rtenv.com.

PASSAIC STUDY AREA COOPERATING PARTIES GROUP COMPLAINT FILED

The Cooperating Parties Group (CPG) of Lower Passaic River Studied Area filed a Complaint against EPA seek for it to disclose Agency records that CPG believes it wrongfully withheld after Freedom of Information Act requests were filed. The Diamond Alkali Superfund Site is the subject of EPA's activity, and the Group contends that EPA proposed to set goals for some contaminants that are below background levels, ensuring that the goals may not be met and that the remedy may fail. The Superfund Site covers a 17 mile long portion of the Lower Passaic River and the proposed cleanup project cover the lower 8 miles of river.

Although attorneys involved for CPG appear to understand that CERCLA bars pre-

enforcement review of Superfund remedies, lawyers feel that the ROD is likely to be challenged and the want to preserve the administrative record. The issue appears to be that EPA may be relying on ecological risk assessment and other materials to set cleanup standards which are not in the public record.

EPA has indicated that it wants to issue a Record of Decision shortly. EPA's preferred remedy calls for moving 4.3 million cubic yards of sediment and a bank to bank cleanup, and installing a cap over an additional 5.4 million cubic yards of contaminated soil. The CPG indicates that it spent \$130 million on a Remedial Investigation over a number of years. The lawsuit indicates that the scale and cost of the EPA preferred alternative remedy described in the proposed Plan requires a far more rigorous approach, the development and screening of alternatives and the comparison of alternatives than EPA conducted.

RT will keep you up to date on this important project.

THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION SITE REMEDIATION WASTE MANAGEMENT PROGRAM IMPLEMENTS GROUNDWATER QUALITY STANDARDS

The New Jersey Department of Environmental Protection recently implemented interim Groundwater Quality Standards for a series of constituents. These are as follows:

- 1- Chloro-1,1-difluoroethane
- Cresols (mixed isomers)
- 1,1-Dichloro-1-fluoroethane
- 1,4-Dioxane
- 1-methylnaphthalene
- Perfluorononanoic acid (PFNA)
- Strontium
- 1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)
- Tri-cresyl phosphate (mixed isomers)
- 1,1,1-Trifluoroethane
- 1,2,4-Trimethylbenzene
- Tri-ortho-cresyl phosphate

These new interim ground water quality standards can be found on the Department's Water Monitoring and Standards web page: www.nj.gov/dep/wms/bears/gwqs_interim_criteria_table.htm.

Pursuant to the Remediation Standards, N.J.A.C. 7:26D-2.2(a)1, interim ground water quality standards are also ground water remediation standards.

For all of the listed constituents, except 1,4-dioxane, the use of the of the ground water remediation standards **becomes effective immediately upon posting to the Department website** at those sites where these constituents are known or potential contaminants of concern.

The new ground water remediation standard for 1,4-dioxane (0.4 ppb) is more than an order of magnitude lower than the old ground water remediation standard (10 ppb). Therefore, in accordance with the Brownfield and Contaminated Site Remediation Act (Brownfield Act) at N.J.S.A. 58:10B-12.j., for all active sites where 1,4-dioxane is a known or potential contaminant of concern, the use of the new ground water remediation standard **is effective immediately upon posting to the Department website.**

For sites where 1,4-dioxane is being remediated pursuant to a Ground Water Remedial Action Permit, **an order of magnitude evaluation is**

required as part of the remedial action protectiveness evaluation provision of the permit. The purpose of this evaluation is to determine whether the existing engineering or institutional controls on the site prevent exposure to the contamination and that the site remains protective of public health, safety and the environment.

For sites where 1,4-dioxane is being remediated by an active ground water treatment system or by natural monitored attenuation without a Ground Water Remedial Action Permit, as above, an order of magnitude evaluation is required as part of the biennial certification process.

For sites where 1,4-dioxane contamination in ground water was remediated to 10 ppb, **an order of magnitude evaluation will be required if and when the site is subsequently reevaluated** (i.e., there is a new ISRA trigger, pending sale of a non-ISRA site prompts a reevaluation of the property, etc.).

The requirements of the Technical Requirements for Site Remediation at N.J.A.C. 7:26E-2.1(c)1 are to be applied in the evaluation of these new ground water remediation standards at sites.

N.J.A.C. 7:26E-2.1(c):

(c) The following requirements apply for selection of analytical parameters for all environmental media:

1. Samples for all environmental media shall be analyzed for:
 - i. The contaminants that may be present as determined during the preliminary assessment and/or from any other information obtained during the remediation; or
 - ii. The Target Compound List plus TICs/Target Analyte List (TCL + TICs/TAL), hexavalent chromium,

For more information on potential impacts at remediation or other sites in New Jersey, call Chris Ward, LSRP at 856-467-2276, or Gary Brown at 610-804-8657. Either can be reached by email at:

- Cward@rtenv.com
- Gbrown@rtenv.com

Changes were effective on these standards in mid-November.

TECHNOLOGY UPDATES

GROWING UP ON A FARM PROVIDES PROTECTION AGAINST ASTHMA AND ALLERGIES

Researchers at VIB (Flanders Institute for Biotechnology, Belgium) and Ghent University have successfully established a causal relationship between exposure to so-called farm dust and protection against asthma and allergies. This breakthrough discovery is a major step forward towards the development of an asthma vaccine.

In addition to the causal relationship, the scientists discovered the mechanism behind this: farm dust makes the mucous membrane inside the respiratory tracts react less severely to allergens such as house dust mites. They are trying to identify the active substance in farm dust that is responsible for providing protection.

(IAQA Digest – 9-9-15)

NEW YORK STATE DEPARTMENT OF HEALTH PROPOSES A REVISION TO TCE CRITERIA

After considering the potential health effects of TCE, the background concentrations of TCE in air, and the ability and reliability of the analytical techniques used to measure TCE in air, NYSDOH recommends that the TCE concentration in air not exceed 2 mcg/m³. This determination also considers continuous exposure for months or as long as a lifetime and sensitive populations (for example, children, pregnant women). Three other ways of expressing this guideline are 0.002 milligrams per cubic meter of air (0.002 mg/m³), 0.4 parts per billion (ppb) or 0.0004 parts per million (ppm). This replaces the previous guideline of 5 mcg/m³ (NYSDOH, 2006).

NYSDOH reduced its air guideline from 5 MCG/M³ TO 2 MCG/M³ because of new information on the toxicity of TCE. In 2011, the USEPA (2011a, 2015b) recommended a reference concentration (RfC), of 2 mcg/m³ and an air unit risk of 4.8 x 10⁻⁶ per mcg/m³. An RfC is the level of a chemical in air that is unlikely to cause harmful noncancer health effects in people, even after a lifetime of continuous exposure. An air unit risk is a measure of the potency of a chemical to cause cancer. The air unit risk for TCE

means that 4.8 excess cancers are estimated to develop per 1,000,000 people continuously exposed to TCE in air for a lifetime at a concentration of 1 mcg/m³. Another way to express this value is to say that an air concentration of 0.21 mcg/m³ is associated with an estimated excess cancer risk of 1 x 10⁻⁶ (also expressed as one-in-one million), assuming continuous, lifetime exposure.

The NYSDOH replaced its old RfC and unit risk with USEPA's RfC and unit risk after determining that the USEPA values were (1) based on toxicity information not available when NYSDOH derived its RfC and unit risk and issued the guideline of 5 mcg/m³; (2) scientifically strong; and (3) adequately protective of the public health. The new RfC is lower than the old NYSDOH guideline, which raised concerns because it has been the past practice of NYSDOH to set a guideline for a chemical at an air concentration that is equal to or less than its RfC. Lowering the guideline also would lower the estimated excess cancer risk associated with lifetime, continuous exposure to the guideline. Consequently, the guideline was reduced to 2 mcg/m³.

NEW DOCUMENTS

Technology News and Trends (EPA 542-N-14-006). This issue highlights investigation and mitigation of vapor intrusion at or near contaminated sites, with a focus on summarizing how vapor intrusion was addressed at three sites where response actions are underway. Vapor intrusion is the general term given to migration of hazardous vapors from any subsurface vapor source, such as contaminated soil or groundwater, through the soil and into an overlying building or structure.

A wide variety of chemical contaminants can give off vapors, which can migrate towards and enter buildings or other enclosed spaces. These vapors can enter buildings through cracks in basements and foundations, as well as through conduits and other openings in the building envelope. Vapor intrusion is a potential human exposure pathway - a way that people may come into contact with hazardous vapors while performing their day-to-day indoor activities. Depending upon building- and

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site-specific circumstances, indoor concentrations of chemical vapors arising from the vapor intrusion pathway may threaten human health or safety. When human health or safety is threatened by vapor intrusion, response action is warranted (Summer 2015). View at <https://cluin.org/tnandt/0815>.

Superfund Research Program Research Brief 251: Development of a Sustainable Remediation System to Remove TCE from Groundwater.

An electrochemical system can effectively remove trichloroethylene (TCE) from groundwater at high flow rates, as demonstrated by researchers at the Northeastern University Superfund Research Program (SRP) Center. They optimized the electrode material and configuration to determine the best conditions to dechlorinate TCE at a flow rate of one liter per minute, which exists in karst aquifers. The research team, led by Akram Alshawabkeh, Ph.D., is developing novel solar-powered technologies for remediation of contaminated groundwater, particularly in karst systems. For more information, see:

<http://tools.niehs.nih.gov/srp/research-briefs/view.cfm?Brief>

To get monthly updates on research advances from the SRP you can subscribe to their Research Brief mailing list at <https://list.nih.gov/cgi-bin/wa.exe?SUBED1=SRP-BRIEF&A=1>.

AquaConsoil Copenhagen 2015 Proceedings Now Available.

About 100 papers of AquaConSoil 2015 authors both of oral as of poster presentations have been submitted and now all files have been summarized for download. View or download at:

http://www.aquaconsoil.org/assets/aquaconsoil_proceedings_2015.pdf

RT'S 24-HOUR
URGENT HOTLINE
(800) 725-0593

FEDERAL REGISTER NOTICES

<http://www.federalregister.gov>

Notice of Availability of the Environmental Protection Agency's Updated Ozone Transport Modeling Data for the 2008 Ozone National Ambient Air Quality Standard (NAAQS)	(Federal Register – 8/28/15)
Agency Information Collection Activities; Proposed Collection; Comment Request; Standardized Permit for RCRA Hazardous Waste Management Facilities	(Federal Register - 9/16/15)
Proposed Information Request; Comment Request; EPA Strategic Plan information on Source Water Protection	(Federal Register - 9/18/15)
Agency Information Collection Activities; Proposed Collection; Comment Request; EPA Worker Protection Standards for Hazardous Waste Operations and Emergency Response (Renewal)	(Federal Register – 10/5/15)
Agency Information Collection Activities; Proposed Collection; Comment Request; Information Collection Request for the Greenhouse Gas Reporting Program	(Federal Register – 11/5/15)
Revision to the Research, Development and Demonstration Permits Rule for Municipal Solid Waste Landfills	(Federal Register – 11/13/15)
Direct Final Rule: Air Plan Approval; Michigan; Sewage Sludge incinerators State Plan and Small Municipal Waste Combustors Negative Declaration for Designated Facilities and Pollutants	(Federal Register – 11/16/15)
National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters	(Federal Register – 11/20/15)
Final Rule: Prevention of Signification Deterioration; Plantwide Applicability Limits for Greenhouse Gases	(Federal Register – 11/23/15)
Notice: Draft Integrated Science Assessment for Sulfur Oxides – Health Criteria	(Federal Register – 11/24/15)
Prevention of Significant Deterioration of Air Quality (PSD) Final Determinations in New Jersey, Puerto Rico, and the Virgin Islands	(Federal Register - 11/25/15)
Notice: Extension of Public Comment Period for the national Wetland Condition Assessment 2011 Draft	(Federal Register – 12/1/15)
Proposed Rule: Supplemental Finding That It Is Appropriate and Necessary to Regulate Hazardous Air Pollutants Form Coal – and Oil-Fired Electric Utility Steam Generating Units	(Federal Register – 12/1/15)
Final Rule: NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing: Correction	(Federal Register - 12/4/15)
Agency Information Collection Activities; Proposed Collection; Comment Request; Generator Standards Applicable to Laboratories Owned by Eligible Academic Entities	(Federal Register – 12/9/15)
Agency Information Collection Activities; Proposed Collection; Comment Request; Identification of Non-Hazardous Secondary materials that are Solid Waste (Renewal)	(Federal Register - 12/9/15)
Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 – Biomass-Based Diesel Volume for 2017	(Federal Register – 12/14/15)

SCOPE OF SERVICES

ENVIRONMENTAL SURVEYS

Phase I & II Environmental Site Assessments

- Field Investigations
- Computer Regulatory Database Checking
- Field Analytical Testing (Volatiles, Metals, PCB's, Gasoline, and Oil Compounds)
- Remedial Action Plans
- Asbestos Testing & Abatement
- Lead-Based Paint Testing & Abatement
- Feasibility Studies
- Storm Water Management

BROWNFIELDS/LAND RECYCLING:

- Reuse Plans
- PCB Remediation
- Risk Assessment
- Capping/Paving
- Bioremediation
- Natural Attenuation

OIL & GAS SERVICE:

- Drill Pad Inspections
- Spill Prevention Control and Counter Measure Plans
- Release Response Act 2 Cleanups
- Permits
- Erosion and Sediment Control Plan

INDOOR AIR QUALITY:

- Baseline Assessments
- Mold Investigations
- IAQ Management Programs
- Mold Remediation

REMEDIATION:

- Groundwater Recovery/Treatment
- Waste/Soil Excavation
- Vapor Extraction
- Bioremediation
- Liquid and Vapor Phase Carbon Treatment
- Thermal Oxidation
- Thermal Desorption
- Tank Removals/Lagoon Closures

LANDFILLS:

- Design & Permitting
- Gas Recovery Systems
- Truck Wash Facilities
- Leachate Collection/Treatment
- Cap, Cover and Slurry Walls

OTHER SERVICES:

- Training Programs
- Contingency Plans
- Source Reduction

- Waste Minimization
- Soil Testing
- Geotechnical Engineering
- Superfund Project Management
- Expert Witness Testimony

AIR EMISSIONS:

- Emissions Permitting and Inventories
- Emissions Testing
- Odor Control Studies
- Dispersion Modelling

PROCESSING FACILITIES:

- Transfer Stations
- Recycling Facilities
- Industrial Metal Processing
- Residual Waste Planning Compliance

CONCEPT THROUGH START-UP:

- Design and Project Management
- Permitting
- Construction and Construction QA/QC
- Start-up Operations Services
- Operations and Maintenance



PENNSYLVANIA BULLETIN NOTICES

8/15/15 – Department of Environmental Protection published notice extending the comment period on proposed changes to the NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (PAG-13) until August 31.
8/15/15 – Department of Environmental Protection published notice of technical guidance dealing with community and transient non-community drinking water systems.
8/22/15 – Department of Environmental Protection published notice of proposed changes to 2011 base year emissions inventory and for hearing on State Implementation Plan revisions related to nonattainment areas for the 2008 8-hour ozone standard for Allentown-Bethlehem-East, Lancaster, Philadelphia-Wilmington-Atlantic City, Pittsburgh-Beaver Valley and Reading.
8/22/15 – Department of Environmental Protection published notice of minor revisions to the NPDES PAG-10 General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines.
8/29/15 – Final Guidance: DEP ID: 262-4000-001. Title – Guidelines for Storage Tank Cleanup Program – Identifying, Tracking and Resolving Violations for Storage Tanks (Corrective and other Responsible Parties). Description: This guidance includes procedures for release reporting, release confirmation and corrective action requirements for owners and operators of storage tanks and storage tank facilities as well as other responsible parties.
9/19/15 – Notice: Department of Conservation and Natural Resources – Interim Final Technical Guidance imposing fees for certain users of the PA Natural Diversity Inventory Environmental Review Tool with a 30 day comment period ending October 19.
10/3/15 – DEP – notice of final technical guidance on Underground Storage Tank Cathodic Protection Systems.
10/3/15 – DEP – notice of the opportunity to comment on the draft 2015 Water Quality Assessment and Listing Methodology used to meet Sections 303(d) and 305(b) federal Clean Water Act Requirements. Comments are due November 17.
11/14/15 – The Fish and Boat Commission – Notice of proposed additions, revisions and removals to the list of Wild Trout Streams and the list of Class A Wild Trout Waters.
11/21/15 – The Fish and Boat Commission – Notice of proposed changes to the Pennsylvania Endangered Species List.
11/28/15 – DEP – notice that it was rescinding technical guidance related to the Subsurface Disposal of Car Wash Waste.
11/28/15 – DEP – notice of extending the NPDES General Permit for Stormwater Discharges Associates With Industrial Activities (PAG-03) for one year.
12/5/15 – DEP – notice of draft technical guidance available for public comment on Permit Transfers for Coal and Noncoal Operators and final technical guidance on Developing NPDES Permits for Mining Operations.
12/12/15 – DEP – notice of extending the public comment period on Pipeline Infrastructure Task Force until December 29.

MAJOR NORTH JERSEY REDEVELOPMENT PROJECT ANNOUNCED

(Continued from page 1)

loading docks, as nearly all of the industrial facility, including the Main Facility and the Cameron Area, were serviced for delivering parts, materials and energy, and produced product by rail. Due to the cooler winters in the northwest part of New Jersey, most materials coming and products going out were delivered by rail directly inside buildings. The now famous Ingersoll Rand Burley Diesel Engine worked on this site for many years.

Participating at various times on the project from NJDEP have been Jill McKenzie, Maurice Migliarino, Ken Kloof, Tim Bartle, Bill Lindner and Chris Canacus. The project and site were considered so large, that five separate Remediation Areas were established. Remediation began in earnest starting in 2004, but with the economic crashes of 2008, the site again fell onto hard times. On the eve of redevelopment, occupancy is only 8%, but several successful tenants remain in daily operation, including a steel fabricating facility.

Other environmental issues being addressed include remediation of large historic oil dis-

charges and some areas of solvent-impacted groundwater, which are relatively modest, compared to other industrial facilities. The capping of the foundry sand will be a major project during redevelopment. Two onsite landfills were already closed, as well as the former foundry, with many areas of the site having No Further Action status and some areas of the site receiving Response Action Outcome status from Ingersoll Rand's LSRP, Scott Drew of GeoSyntec.

The keys to redeveloping the site do not only include environmental issues, but the ability to have new traffic access via a US highway, in nearby proximity to I-78, mean that trips by logistics firms can be made throughout the northern New Jersey/New York/Southwest Connecticut metro areas with frequencies reaching two trips per day. Due to growing traffic, two trips can't be met by logistics sites to the west in the Lehigh Valley. After the new facilities are built, an extensive number of products will now become readily available throughout the New York Metro area,

after having been ordered overnight via internet merchandise services.

RT Environmental Services is pleased to provide its input and expertise on this project and have developed reports on feasibility, which have received attention from leading financial and insurance firms, so that the project can go forward.

There are few sites available in New Jersey with excellent transportation connections and readily available infrastructure that are all still tied into the site when the facility made mining equipment and pumps at similar employee levels.

RT looks forward to further facilitating the redevelopment of this major site, which is very important to improving logistics throughout the region and providing important jobs to Phillipsburg, Warren County and surrounding area residents in northwestern New Jersey.

- Gary Brown, LSRP, PE



KEY HIGHLIGHTS

FEDERAL UPDATES

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RT ENERGY NEWS

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