

The RT Review

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RENDELL SIGNS PERMIT EXTENSION ACT

On July 6, 2010, Governor Rendell signed the Pennsylvania Permit Extension Act under Senate Bill 1042. This legislation provides some much needed relief for developers as they try to recover from the economic downturn.

The Permit Extension Act gives developers who have already obtained state and local permits for building, water, sewer and roads until July 2, 2013 to break ground. If the permit was valid on January 1, 2009, then it will be automatically renewed until July 2, 2013. This will save developers time and money from having to re-apply for a permit. There are some exceptions including any approval issued for discharge into EV or HQ waters is not eligible for the extension. It is also unclear at this time if the extension will apply for permits that have a connection to a federal law.

Under the bill you have the right to obtain written verification from PADEP regarding whether or not your permit is eligible for the extension. Additionally, PADEP has until August 5, 2010 to publish the details in the PA Bulletin. After that, it should be clear what permits are applicable for the extension.

(Nave Newell, Inc. – 7/10/10)

EPA UPDATES EPCRA GUIDANCE

EPA has developed updated guidance on various reporting options that States and local agencies may choose in implementing Sections 311 and 312 of the EPCRA of 1986. In addition, the agency has also provided some new interpretations and revising some existing ones to help facilities comply with certain of the requirements under the Emergency Planning and Community Right to Know Act (EPCRA).

The new guidance became effective on July 13, 2010, and covers the following topics:

- Use of UST forms to fulfill Tier I reporting requirements
- Electronic submittal of Tier 2 reports
- Electronic access to MSDSs
- Emergency release notification
- Reporting exemptions for solids

(Env. Resource Center – 7/19/10)

STUDY ESTIMATES ECONOMIC GAINS FROM SHALE DRILLING

The economic impact of the Marcellus Shale may top \$20 billion and 200,000 new jobs by 2020, according to a recent study commissioned and funded by the Marcellus Shale Coalition, an industry group.

“Our estimates suggest that in 2020 the Marcellus industry in Pennsylvania could be creating more than \$18 billion in value added, generating more than \$1.8 billion in state and local tax revenues, and supporting more than 200,000 jobs,” the study’s authors, professors in the Department of Energy and Mineral Engineering and the College of Earth and Mineral Sciences at Penn State University, wrote in this year’s update to a similar report put out in 2009.

The study surveyed shale-related companies about their actual spending in 2008 and 2009, which increased from \$3.2 million to \$4.5 million during that period.

The largest single expense for both years was leasing and bonus payments, with drilling and completion costs moving up the ladder.

In 2008, 95 percent of the total investment was spent within Pennsylvania, according to the study.

Using an economic model that calculates the direct and indirect impact from industry investment, called the IMPLAN model, this is how the study explained the effect: “The Marcellus gas industry provides a direct economic stimulus of \$3.77 billion dollars to the local economy.

Measuring the impact on a value-added basis, the authors claim that

Marcellus development added \$3.87 billion to the economy in 2009.

“We’ve got hundreds of millions of dollars flowing into Pennsylvania to develop that gas,” said John Hanger, secretary of the Department of Environmental Protection, during a visit to the Philadelphia Business Journal.

The Department is hiring more inspectors to ensure that the 1,400 gas wells that are drilled are safe as more of the 3,400 permitted wells are drilled.

In four years, Hanger said, Pennsylvania will be producing 10 percent of the nation’s natural gas, which he believes will lead to lower electric and gas prices regionally and nationally.

As for jobs, the study says the Marcellus may add more than 100,000 of them to the state by the end of 2011, and double that number by 2020. That’s a downgrade from last year’s projections which had the industry with 107,000 jobs created in 2010.

(By Anya Litvak - Philadelphia Business Journal)

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RT STAFF AND PROJECT NEWS

As of August, RT was seeing increased demand for projects, in three key areas:

- Environmental Due Diligence
- Brownfields
- Permitting of Facilities for Modifications, particularly in Pennsylvania.

Walter Hungarter and Larry Bily are at work on several permit applications, one involving modification of a well known Philadelphia construction material facility, which is expanding recycling of materials.

Justin Lauterbach was completing several indoor air studies, for a regional lender, in Southwestern Pennsylvania.

Lisa Mascara attended the Baltimore College Health Safety and Environmental Management Association Conference.

Glenn Graham continues to head up the Gloucester City Southport Project, where there is careful focus on titanium residuals/low level radio active waste at a former industrial facility, under consideration for solar farm redevelopment.

Chris Ward is working on a number of petroleum release remediation projects in New Jersey, which have recently opted into License Site Remediation

Professional status.

Tom Donovan was working on a series of Phase I assignments, as well as a new Act II Remediation project, in Bucks County. Manufacturing residuals were unexpectedly found to be buried at a planned residential site, which will now be addressed under Pennsylvania Act II award winning Land Recycling Program.

Burling VanNote was assisting Gary Brown in tracking key elements of License Site Remediation Professional Projects. The number of License Site Remediation Professional projects continues to expand at RT, such as both new projects, including an oil terminal in Morris County, New Jersey, and, a number of existing projects which are opting into the program.

At *RT Review* Press Time, RT was planning to add staff due to strong late summer client demand. The increase of business started in April, and has now expanded with increased demand for our services in Southeastern Pennsylvania.

As always, we appreciate the opportunity to be of service.

- Gary Brown

PROPOSED DESIGNATION OF MONONGAHELA RIVER AS "IMPAIRED" WOULD AFFECT INDUSTRIES IN SOUTHWESTERN PENNSYLVANIA

("Department") published its draft 2010 Integrated Water Quality Monitoring and On April 3, 2010, the Pennsylvania Department of Environmental Protection Assessment Report ("Draft Integrated Report") for public comment. In this Draft Integrated Report, the Department proposed to designate the majority of the Monongahela River in Pennsylvania as "impaired" for TDS, salinity, chlorides, and other inorganics (e.g., sulfates). Impairment status would significantly affect regulated entities that discharge concentrations of these pollutants into the Monongahela River.

Section 303(d) of the Federal Clean Water Act requires states to complete and submit a biennial Integrated Water Quality Monitoring and Assessment Report to the United States Environmental Protection Agency ("USEPA") that lists all impaired surface waters in the state not able to support the specific uses of that water body (e.g., potable water supply uses), even after implementation of pollution control technologies and practices. Category 5 of this Draft Integrated Report includes surface waters that the state

has proposed to designate as "impaired" for one or more pollutants. As impaired, these state surface waters will require the development of a Total Maximum Daily Load ("TMDL") to attain applicable water quality standards. A TMDL accounts for all point and non-point sources of the specified pollutant and it sets a cumulative pollutant load limit that applies to all dischargers, so as to prevent a violation of water quality standards. The USEPA and state agencies use TMDLs to compel best management practices and set discharge limits in National Pollutant Discharge Elimination System ("NPDES") permits.

The Pennsylvania section of the Monongahela River is approximately 90 miles long and consists of a series of locks and dams that divide the river into six unique "pools" of varying length. In the Draft Integrated Report, the Department has proposed to designate five of these pools as "impaired," not including the pool closest to Pittsburgh. If the Department finalizes the Draft Integrated Report, thereby finalizing

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FEDERAL REGULATORY UPDATES

EPA TO INITIATE RULEMAKING TO REDUCE HARMFUL EFFECTS OF SANITARY SEWER OVERFLOWS

EPA is initiating a rulemaking to better protect the environment and public health from the harmful effects of sanitary sewer overflows (SSOs) and basement backups. In many cities, SSOs and basement backups occur because of blockages, broken pipes, and excessive water flowing into the pipes. SSOs present environmental and health problems because they discharge untreated wastewater that contains bacteria, viruses, suspended solids, toxics, trash, and other pollutants into waterways. These overflows may also contribute to beach closures, shellfish bed closures, contamination of drinking water supplies, and other environmental and health concerns.

Infrastructure issues were discussed at the Coming Together for Clean Water Conference held by EPA Administrator Lisa P. Jackson on April 15, 2010. EPA plans to address these issues as part of its efforts to protect public health and revitalize local waterways.

EPA is considering two possible modifications to existing regulations: (1) establishing standard National Pollutant Discharge Elimination System (NPDES) permit conditions for publicly owned treatment works (POTWs) permits that specifically address sanitary sewer collection systems and SSOs; and (2) clarifying the regulatory framework for applying NPDES permit conditions to municipal satellite collection systems. Municipal satellite collection systems are sanitary sewers owned or operated by a municipality that conveys wastewater to a POTW operated by a different municipality. As a part of this effort, the agency is also considering whether to address long-standing questions about peak wet weather flows at municipal wastewater treatment plants to allow for a holistic, integrated approach to reducing SSOs while at the same time addressing peak flows at POTWs.

To help the agency make decisions on this proposed rulemaking, EPA was to hold public listening sessions during the summer.

(Env. Resource Center – 6/1/10)

EPA SETS STRONGER NATIONAL AIR QUALITY STANDARD FOR SULFUR DIOXIDE

EPA is issuing a final new health standard for sulfur dioxide (SO₂). According to the Agency, this one-hour health standard will protect millions of Americans from short-term exposure to SO₂, which is primarily emitted from power plants and other industrial facilities. Exposure to SO₂ can aggravate asthma and cause other respiratory difficulties.

People with asthma, children, and the elderly are especially vulnerable to the effects of SO₂.

EPA is setting the one-hour SO₂ health standard at 75 parts per billion (ppb), a level designed to protect against short-term exposures ranging from five minutes to 24 hours. EPA is revoking the current 24-hour and annual SO₂ health standards because the science indicates that short-term exposures are of greatest concern and the existing standards would not provide additional health benefits.

EPA is also changing the monitoring requirements for SO₂. The new requirements assure that monitors will be placed where SO₂ emissions impact populated areas. Any new monitors required by this rule must begin operating no later than January 1, 2013. EPA is expecting to use modeling as well as monitoring to determine compliance with the new standard.

The final rule also changes the Air Quality Index to reflect the revised SO₂ standard. This change will improve states' ability to alert the public when short-term SO₂ levels may affect their health.

EPA estimates that the health benefits associated with this rule range between \$13 billion and \$33 billion annually. These benefits include preventing 2,300 to 5,900 premature deaths and 54,000 asthma attacks a year. The estimated cost in 2020 to fully implement this standard is approximately \$1.5 billion.

The first National Ambient Air Quality Standards for SO₂ were set in 1971, establishing both a primary standard to protect health and a secondary standard to protect the public welfare. Annual average SO₂ concentrations have decreased by 71% since 1980.

The final rule addresses only the SO₂ primary standards, which are designed to protect public health. EPA will address the secondary standard—designed to protect the public welfare, including the environment—as part of a separate review to be completed in 2012.

EPA expects to identify or designate areas not meeting the new standard by June 2012.

(Env. Resource Center – 6/8/10)

EPA REAFFIRMS DECEMBER 2010 DEADLINE FOR BAY TMDL 45-DAY PUBLIC COMMENT PERIOD TO BEGIN SEPTEMBER 24

As part of the process for restoring the Chesapeake Bay Watershed, EPA has reaffirmed the federal-state commitment to establish the Bay Total Maximum Daily Load (TMDL) - or pollution diet - by the end of this year.

The Bay TMDL will set limits on nitrogen, phosphorus and sediment throughout the 64,000-square-mile watershed. Backed by a strong accountability framework, the Bay

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- Power Plant Emissions Cuts, page 4
- Greenhouse Gas Permitting, page 4
- Coal Waste Reuse, page 5

TMDL includes state action plans, a series of two-year commitments, close monitoring and, if necessary, federal accountability measures to spur progress.

On June 11, EPA Regional Administrator Shawn M. Garvin reaffirmed to the six watershed states, the District of Columbia and others, the schedule ahead.

EPA has adjusted the schedule based on conversations with the States and DC. EPA is also providing additional financial and technical assistance, and offering detailed guidance to help jurisdictions develop strong implementation plans and accelerate on-the-ground action.

While in the process of refining the computer simulation models, EPA has adjusted the process to allow the jurisdictions to meet the end-of-year deadline and have all control measures in place to restore the Bay and its tidal waters by 2025, with 60 percent of the work completed by 2017.

By July 1, EPA was to allocate the pollution limits for nitrogen and phosphorus among the six watershed states and the District of Columbia, allowing for potential load changes from model updates. By August 15, EPA will assign allocations for sediment.

The new schedule eliminates a previous requirement for jurisdictions to submit preliminary draft Watershed Implementation Plans by early June. The states and the District will now complete their draft Phase I Watershed Implementation Plans - outlining how they will meet the pollution limits - by September 1.

EPA will issue a draft TMDL for a 45-day public comment period on September 24. The final Phase 1 implementation plans are due November 29, and EPA will establish the Bay TMDL by December 31.

In 2011, EPA will revise its modeling, utilizing the results of updates on nutrient management effectiveness and suburban land characteristics. The states and the District will then submit draft Phase II Watershed Implementation Plans, allocating the pollutant loads to a much finer geographic scale, and reflecting any potential revised load distributions and other updates resulting from the revised model.

Before 2017, EPA will review its models and determine if further upgrades are needed. In 2017 the states and the District will submit Phase III implementation plans to ensure that all the control measures needed to meet

FEDERAL REGULATORY UPDATES (Continued)

Bay water quality standards will be in place by 2025.

EPA SETS THRESHOLDS FOR GREENHOUSE GAS PERMITTING REQUIREMENTS

EPA announced a final rule to address greenhouse gas (GHG) emissions from the largest stationary sources, while shielding millions of small sources of GHGs from Clean Air Act permitting requirements. The phased-in, approach will address facilities like power plants and oil refineries that are responsible for 70% of the greenhouse gases from stationary sources that threaten American's health and welfare.

"After extensive study, debate and hundreds of thousands of public comments, EPA has set common-sense thresholds for greenhouse gases that will spark clean technology innovation and protect small businesses and farms," said EPA Administrator Lisa P. Jackson. "There is no denying our responsibility to protect the planet for our children and grandchildren. It's long past time we unleashed our American ingenuity and started building the efficient, prosperous clean energy economy of the future."

EPA's phased-in approach will start in January 2011, when Clean Air Act permitting requirements for GHGs will kick in for large facilities that are already obtaining Clean Air Act permits for other pollutants. Those facilities will be required to include GHGs in their permit if they increase these emissions by at least 75,000 tons per year (tpy).

In July 2011, Clean Air Act permitting requirements will expand to cover all new facilities with GHG emissions of at least 100,000 tpy and modifications at existing facilities that would increase GHG emissions by at least 75,000 tpy. These permits must demonstrate the use of best available control technologies to minimize GHG emission increases when facilities are constructed or significantly modified.

Under the new emissions thresholds for GHGs that begin in July 2011, EPA estimates approximately 900 additional permitting actions covering new sources and modifications to existing sources would be subject to review each year. In addition, 550 sources will need to obtain operating permits for the first time because of their GHG emissions.

The final rule addresses a group of six greenhouse gases: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

For more information, see:
www.epa.gov/nsr/actions.html#2010.

(*Env. Resource Center – 5/17/10*)

EPA PROPOSES TO CUT POLLUTION FROM POWER PLANTS IN 31 STATES

EPA is proposing regulations to cut air pollution that impairs air quality and harms the health of people living downwind. The regulation will target power plant pollution that drifts across the borders of 31 eastern states and the District of Columbia. Air pollution is linked to thousands of asthma cases and heart attacks, and almost 2 million lost school or work days. Along with local and state air pollution controls, the new proposal, called the transport rule, is designed to help areas in the eastern United States meet existing national air quality health standards.

"This rule is designed to cut pollution that spreads hundreds of miles and has enormous negative impacts on millions of Americans," said EPA Administrator Lisa P. Jackson. "We're working to limit pollution at its source, rather than waiting for it to move across the country. The reductions we're proposing will save billions in health costs, help increase American educational and economic productivity, and—most importantly—save lives."

The transport rule would reduce power plant emissions of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) to meet state-by-state emission reductions. By 2014, the rule and other state and EPA actions would reduce SO₂ emissions by 71% over 2005 levels. NO_x emissions would drop by 52%.

This action would yield more than \$120 billion in annual health benefits in 2014, including avoiding an estimated 14,000 to 36,000 premature deaths, 23,000 nonfatal heart attacks, 21,000 cases of acute bronchitis, 240,000 cases of aggravated asthma, and 1.9 million days when people miss school or work due to ozone- and particle pollution-related symptoms. These benefits would far outweigh the annual cost of compliance with the proposed rule, which EPA estimates at \$2.8 billion in 2014.

EPA expects that the emission reductions will be accomplished by proven and readily available pollution control technologies already in place at many power plants across the country.

The transport rule would help improve visibility in state and national parks and would increase protection for ecosystems that are sensitive to pollution, including streams in the Appalachians, lakes in the Adirondacks, estuaries and coastal waters, and red maple forests.

The proposal would replace and improve upon the 2005 Clean Air Interstate Rule (CAIR), which the U.S. Court of Appeals for the D.C. Circuit ordered EPA to revise in 2008. The court allowed CAIR to remain in place temporarily while EPA works to finalize

the replacement rule.

EPA was planning public comment on the proposal during the summer.

(*Env. Resource Center – 7/12/10*)

PROPOSED CHANGES BY EPA TO AIR QUALITY STANDARDS TO IMPACT INDUSTRY

EPA staff has recommended setting a very restrictive air standard for coarse particle matter. In its second draft of a policy assessment released July 2, the report, Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards—Second External Review Draft, dated June 2010, recommends EPA retain the current form (PM₁₀) and 24-hour averaging time for the primary national ambient air quality standard (NAAQS) for coarse particles, but it suggests EPA consider revising the standard "to increase public health protection." The policy assessments are part of EPA's periodic review of the air quality standards for particulate matter. The relevant sections of this document can be found on pages 131-180 or in the two-page Executive Summary found at the beginning.

The second policy assessment recommends EPA give consideration to a 57% reduction in the current coarse particle standard to a new range between 65 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and 85 $\mu\text{g}/\text{m}^3$. In previous meetings with NSSGA staff, EPA had given the impression they were leaning towards a new PM NAAQS in the range of 100-125 $\mu\text{g}/\text{m}^3$, so this new recommended range is a shock to us all. As you know, both the current primary and secondary air quality standards for coarse particles are 150 $\mu\text{g}/\text{m}^3$, averaged daily. The primary standard protects public health, while the secondary standard protects the environment and addresses public welfare effects such as degraded visibility. The EPA report recommends retaining the existing form for the standards, which allows one exceedance per year, averaged over three years. The EPA staff report said the decision to revise the air standards will depend on the weight given to different studies evaluating particulate matter's health effects. "In considering the evidence, we note that a decision on the adequacy of the public health protection provided by the current PM₁₀ standard will be a public health policy judgment in which the administrator weighs that evidence and its inherent uncertainties," according to the staff report. "Therefore, depending on the emphasis placed on different aspects of the evidence and uncertainties, consideration of different conclusions on adequacy could be supported."

Short-term exposure to coarse particle pollution has been linked to respiratory effects

FEDERAL REGULATORY UPDATES (Continued)

such as asthma, lung inflammation, and increased risk of death, according to EPA. However, "important uncertainties remain" about the concentrations of particle pollution at which those effects occur, according to the second policy assessment.

The second draft of the staff assessment also refined its recommendations for setting the air standards for PM 2.5, those mainly generated from combustion sources and fine grinding. The second draft recommends setting an annual standard for the pollutant in a range between 11 $\mu\text{g}/\text{m}^3$ and 13 $\mu\text{g}/\text{m}^3$ while retaining the 24-hour standard of 35 $\mu\text{g}/\text{m}^3$. However, the report also suggests EPA consider a daily standard at 30 $\mu\text{g}/\text{m}^3$, particularly if the agency sets the annual standard at 11 $\mu\text{g}/\text{m}^3$. Both the current primary and secondary air standards for fine particles are 15 $\mu\text{g}/\text{m}^3$, averaged annually, and 35 $\mu\text{g}/\text{m}^3$ averaged over 24 hours. EPA's Clean Air Scientific Advisory Committee (CASAC), an independent panel of air pollution scientists, endorsed revised standards in those ranges in May.

(National Stone, Sand and Gravel Association – 7/10)

EPA PROPOSAL WALKS 'FINE LINE' OVER HOW TO ADDRESS COAL WASTE REUSE

EPA is walking a "fine line" on how to address the beneficial reuse of coal ash in its first-time proposed rule regulating the waste's disposal, sources say, rejecting industry claims that a strict hazardous designation for the waste would harm the reuse industry but also raising questions about the safety of some beneficial reuses.

One industry source says EPA appears to be trying to "have it both ways" on beneficial reuse of coal combustion residues (CCR) in its proposed Resource Conservation & Recovery Act (RCRA) rules on CCR disposal because it says the approach would boost use of coal ash in products such as wall board and cement while also raising concerns about unencapsulated uses.

Another industry source says it is troubling that EPA through the RCRA proposal is taking such a nuanced approach while forcefully rejecting industry's claims that a strict hazardous approach would create a stigma effect harming CCR recycling. "To say beneficial uses are okay, but then again maybe not, sort of does plant the seed of stigma" for the wastes that could harm the reuse industry, the source says.

At the same time, EPA suspended its long-time involvement in a voluntary partnership with industry to promote coal waste reuse during the rulemaking.

EPA is trying to "walk a fine line" on the

issue of beneficial reuse, one environmentalists says, but adds, "EPA should be doing its job, saying what proper beneficial reuse is," rather than exempting all of it from regulation.

EPA waste chief Mathy Stanislaus articulated the agency's position during a June conference call sponsored by the American Bar Association, saying the agency wants to "promote and expand beneficial reuse." But he also downplayed industry concerns, saying he "yet to see any data" that supports industry claims that labeling the waste as hazardous will stigmatize beneficial reuse.

In its proposed rule, EPA seeks comment on "potential refinements for certain beneficial uses" as part of its dual RCRA proposal that formally exempts beneficial use from regulation, while also seeking comment on regulating CCR under RCRA subtitle C as well as under nonhazardous subtitle D.

In the proposal, EPA asks for comment on limiting some CCR reuse that could pose health or environmental risks, such as unencapsulated uses of CCR applied to land.

EPA's concerns over the risks of some reuse prompted the agency to suspend its participation in the Coal Combustion Products Partnership (C2P2), a voluntary effort by several federal agencies and industry to promote beneficial reuse of coal and their associated environmental benefits, during the rule-making process.

An agency spokeswoman says, "At this time, EPA is not proposing to regulate the beneficial use of CCR. However, EPA has identified concerns with some uses of CCR in unencapsulated forms, such as the use of CCR in road embankments and agricultural applications, in the event proper practices are not employed. For those uses, the agency is soliciting comment on whether to regulate and, if so, the most appropriate regulatory approach to be taken. While EPA does not want to negatively impact the legitimate beneficial use of CCR unnecessarily, we are also aware of the need to fully consider the risks, management practices and other pertinent information."

EPA's proposal says that since 2000 there has been "a significant increase in the use of CCR," as ingredients in specific products, "such as resin-bound products or mineral filler in asphalt." It also says using CCR as filler for cement can hold many greenhouse gas benefits. But it does cite concern with unencapsulated uses, particularly agricultural applications, sand and gravel pit fill, and other uses that place CCR in the ground, potentially near sources of water. In the rule, EPA proposes criteria to distinguish between a beneficial use and waste management, which would include sand and gravel pit fill, and

seeks comment on that criteria as well as the "most appropriate" regulatory approach to take.

(SUPERFUND REPORT – 6/14/10)

EPA PROPOSES TO REVOKE NEW SOURCE REVIEW FINAL RULE

EPA is proposing to revoke a January 2009 rule that changed the way existing industrial facilities combine upcoming construction projects to determine if Clean Air Act (CAA) permits are needed.

EPA is concerned that the changes made last year to its aggregation policy would make the agency's New Source Review permitting program less effective, allowing facilities to increase emissions that may impact air quality without a thorough review.

The new proposal responds to a petition to reconsider the 2009 rule. The 2009 rule directed facilities and permitting authorities to combine emissions from construction projects only when the changes are substantially related, such as having more in common than the timing of construction.

EPA is proposing to go back to its original policy, which required combining projects based on a broader range of factors. This would ensure that potential emissions increases that could harm air quality do not avoid review and the installation of state-of-the-art pollution controls.

New Source Review is a pre-construction permitting program to ensure air quality is maintained when factories, industrial boilers, and power plants are built or modified. The program ensures that state-of-the-art emission control technology is installed at new plants or existing plants that are undergoing a major modification.

EPA also is proposing to extend the effective date of the 2009 aggregation rule for an additional six months, to give the agency time to complete the reconsideration. The agency will take comment on the proposal rule for 30 days after it is published in the Federal Register.

(Env. Resource Center – 4/7/10)

RT'S HOTTEST SERVICES:

- IAQ (Mold)
- Distressed Property Due Diligence
- Brownfields (On the rise again!)

NJ REGULATORY UPDATES

TIME-FRAME FOR IMPLEMENTATION OF USE OF TARGET COMPOUND LIST/TARGET ANALYTE LIST (TCL/TAL) ANALYTICAL PARAMETERS

The DEP has implemented the following policy in order to ensure that the correct analytical parameters are reported for all samples:

- Any samples collected pursuant to N.J.A.C. 7:26E after June 1, 2010 are to be analyzed for the USEPA target compound list/target analyte list (TCL/TAL) of parameters. TCL/TAL parameters are as defined in the Tech Regs, N.J.A.C. 7:26E-1.8:

- "Target compound list plus 30" or "TCL + 30" means the list of organic compounds designated for analysis (TCL) as contained in the version of the EPA "Contract Laboratory Program Statement of Work for Organics Analysis, Multi-Media, Multi-Concentration" in effect as of the date on which the laboratory is performing the analysis, and up to 30 non-targeted organic compounds (plus 30) as detected by gas chromatography/mass spectroscopy (GC/MS) analysis. For the purposes of this chapter, a Target Compound List + 30 scan means the analysis of a sample for Target Compound List compounds and up to 10 non-targeted volatile organic compounds and up to 20 non-targeted semivolatile organic compounds using GC/MS analytical methods. Non-targeted compound criteria shall be pursuant to the version of the EPA "Contract Laboratory Program Statement of

Work for Organics Analysis, Multi-Media, Multi-Concentration" in effect as of the date on which the laboratory is performing the analysis.

- "Target analyte list" or "TAL" means the list of inorganic compounds/elements designated for analysis as contained in the version of the EPA Contract Laboratory Program Statement of Work for Inorganics Analysis, Multi-Media, Multi-Concentration in effect as of the date on which the laboratory is performing the analysis. For the purpose of this chapter, a Target Analyte List scan means the analysis of a sample for Target Analyte List compounds/elements. The Department will consider site-specific scenarios on a case-by-case basis for continued use of the priority pollutant analyte list until May 2012. After May 2012, the Department will only accept documents based on use of the TCL/TAL parameter list.

THE TIME OF THE APPLICATION RULE - THE NEW STANDARD FOR LAND DEVELOPMENT APPLICATIONS

On May 5, 2010, Gov. Christie signed legislation that represents a shift in the long-standing right of a municipality to amend or alter its land development regulations after an applicant has filed a land development application. The legislation, S-82, modifies the development application process under the Municipal Land Use Law to afford significant benefits to developers.

S-82, commonly referred to as the "time of application" or "time of decision" legislation, provides that a land development

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- New Time of Application Law, page 6

application will be governed by the municipal development regulations in effect at the time the application is submitted, and any provisions of any ordinance adopted subsequent to the submission date are not applicable to the application filed prior. However, the new legislation does not extend to ordinances that are adopted relative to health and public safety; thus, an applicant will continue to be subject to the reach of such ordinances to the extent applicable. The legislation affects development applications submitted on or after May 5, 2011, which gives municipalities time to update their Master Plans and zoning ordinances in anticipation of the new procedures.

Although the legislation does not guarantee in any way that an application will be granted, it clarifies the development regulations by which the application will be examined. As Gov. Christie noted, "[t]his legislation makes common sense changes to improve the application process and move New Jersey in the right direction of providing a friendlier environment for job creation, while keeping safeguards for public health and safety in place."

A copy of the legislation can be viewed at: www.njleg.state.nj.us/2010/Bills/S0500/82_T1.PDF.

(Alexander M. Wixted and Henry L. Kent-Smith – Fox Rothschild – 5/10)

RT's Recent Email Blasts

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Date	Article-Download	Description
May 27, 2010	TDS rulemaking advances;	<i>PA Chamber of Business and Industry comments result in changes</i>
June 01, 2010	EPA proposes nationwide regulation of coal ASH disposal	<i>Following national attention from a failed coal ash disposal facility in Kingston, TN</i>
June 03, 2010	Revisions to Erosion and Sedimentation/Chapter 102	Regulations moving to finalization
July 26, 2010	Superfund Liability For Roadway Stormwater Discharges?	<i>Superfund Site in Tacoma, where there are hazardous substances contaminating sediment</i>

TECHNOLOGY UPDATES

REPORT SHOWS U.S. DRINKING WATER AND WATERSHEDS STILL WIDELY CONTAMINATED BY ATRAZINE

A widely used pesticide known to impact wildlife development and, potentially, human health continues to contaminate watersheds and drinking water throughout much of the United States, according to a new report released by the Natural Resources Defense Council (NRDC).

“Sadly, new data doesn’t point to new results—atrazine can be found everywhere we look,” said Jennifer Sass, PhD, NRDC Senior Scientist and an author of the report.

Banned by the European Union, atrazine is the most commonly detected pesticide in U.S. waters and is a known endocrine disruptor, which means that it affects human and animal hormones. Last year, NRDC’s Poisoning the Well report shined a bright light on widespread contamination of American drinking water by the pesticide atrazine.

An EPA investigation of the chemical kicked off soon after the report was released and magnified by prominent media coverage, with expert meetings held recently in Washington, D.C. The report authors released Atrazine: Poisoning the Well, which uses updated data and new scientific research to show that the vexing problem continues throughout the Midwest and southern United States.

The report reveals that all of the watersheds monitored by EPA and 80% of the drinking water sampled tested positive for atrazine. Contamination was most severe in Illinois, Iowa, Indiana, Missouri, Kansas, and Nebraska. An extensive U.S. Geological Survey study found that approximately 75% of stream water and about 40% of all groundwater samples from agricultural areas contained atrazine, and according to the New York Times, an estimated 33 million Americans have been exposed to atrazine through their drinking water systems.

(Env. Resource Center – 5/10/10)

REMEDICATION OF ORGANOCHLORINE PESTICIDES IN SOIL

The California Department of Toxic Substances Control has issued the third document in its proven technologies and remedies (PT&R) guidance series. The PT&R approach for organochlorine pesticides streamlines the cleanup process by limiting the number of evaluated technologies to excavation/disposal and containment/capping. The guidance provides resources to facilitate remedy design and implementation

(February 2010, 110 pages). View or download at

<http://www.dtsc.ca.gov/SiteCleanup/PTandR.cfm>.

REMEDICATION OF CHLORINATED VOCs IN VADOSE ZONE SOIL

The California Department of Toxic Substances Control has issued the fourth document in its proven technologies and remedies (PT&R) guidance series. The PT&R approach for chlorinated VOCs streamlines the cleanup process by limiting the number of evaluated technologies to excavation/disposal and soil vapor extraction.

The guidance provides resources to facilitate the design and implementation of both remedies. The document also outlines considerations for operation and maintenance of soil vapor extraction systems, including zone of capture assessment, operational assessment, and shutdown and cleanup confirmation (April 2010, 154 pages). View or download at: www.dtsc.ca.gov/SiteCleanup/PTandR.cfm

CALIFORNIA ACTS TO REDUCE EMISSIONS AT RAIL YARDS

The California Air Resources Board (ARB) has acted on a staff proposal to further slash toxic diesel emissions originating from four of the highest polluting rail yards in the state.

The four rail yards, all located in Southern California, are BNSF San Bernardino, BNSF Hobart and UP Commerce (City of Commerce), and the UP Intermodal Container Transfer Facility/Dolores (Long Beach). Over the past five years, ARB and federal regulations and agreements have resulted in cutting emissions at the four rail yards in half. The Board’s actions will build on those reductions.

The Board directed ARB staff to consider several additional items related to the proposed commitments by the railroads. These include: responding in writing to environmental issues raised by the public; considering the use of an independent third party auditor to assess implementation progress; focusing efforts on the development of new locomotives and zero and near-zero emissions technology; allowing affected communities to enforce ARB’s commitments if they are not carried out; ensuring data can be easily accessed and delivered in a user-friendly format; and considering the addition of a commitment by the railroads against any backsliding on progress to date.

The commitments the Board endorsed build on the existing regulations and

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- Detergent/Shampoo Substances, page 8

agreements cutting emissions in 2015 by another 10 to 20%, and 2020 emissions by another 30 to 50%. Because of a hard cap placed on emissions under the commitments, total emissions at the San Bernardino rail yard, for example, will be 3.4 tons a year instead of seven tons in 2020. Health risks will similarly be reduced an additional 50% under the commitments.

As a result of a previous agreement with the railroads in 1998, Southern California is now home to the cleanest fleet of locomotives in the nation. A later agreement with the railroads in 2005, along with other steps ARB took, succeeded in slashing emissions by half over the past five years.

Combined, the four rail yards handle about 75% of containers and rail-related truck traffic in California. In 2005, each of these four rail yards generated on average about 20 tons per year of diesel soot. By 2020, and irrespective of future rates of growth, the combination of existing measures and the new agreement reduces average diesel emissions per yard to about 3 tons per year.

(Env. Resource Center – 7/1/10)

NEW DOCUMENTS AND WEB RESOURCES

STATE OF THE ART REPORT ON MIXTURE TOXICITY (2009).

This report details the findings of a project on mixture toxicology and ecotoxicology commissioned by the European Commission, DG Environment. It describes the scientific state of the art in the field, and gives an account of the regulatory state of the art for dealing with combined exposures in the European Union, in major competing economies, including the USA and Japan and in international bodies. View or download from:

http://ec.europa.eu/environment/chemicals/pdf/report_Mixture%20toxicity.pdf.

COMMUNICATING UNDERSTANDING OF CONTAMINATED LAND RISKS (2010)

This guidance document is designed to assist those communicating with the public and other stakeholders about land contamination risks. It includes: recommendations on how to develop an effective communication strategy, and practical advice on how to

TECHNOLOGY UPDATES (Continued)

communicate effectively about land contamination. This guidance will assist the user in developing a robust communication strategy that addresses the multitude of complexities inherent in communicating about land contamination and the associated risks. View or download from:

www.sniffer.org.uk/Webcontrol/Secure/ClientSpecific/ResourceManagement/UploadedFiles/UKLQ13_Communicating%20Understanding%20of%20Contaminated%20Land%20Risks.pdf

DETERGENTS AND SHAMPOOS CAN FORM HARMFUL SUBSTANCE IN WASTEWATER

Scientists are reporting evidence that certain ingredients in shampoo, detergents, and other household cleaning agents may be a source of precursor materials for formation of a suspected cancer-causing contaminant in water supplies that receive water from sewage treatment plants. The study sheds new light on possible environmental sources of this poorly understood water contami-

nant, called NDMA, which is of ongoing concern to health officials. The study is in ACS' Environmental Science and Technology, a semi-monthly journal: "Quaternary Amines as Nitrosamine Precursors: A Role for Consumer Products?"

William Mitch and colleagues note that scientists have known that NDMA and other nitrosamines can form in small amounts during the disinfection of wastewater and water with chloramine. Although nitrosamines are found in a wide variety of sources—including processed meats and tobacco smoke—scientists know little about their precursors in water. Past studies with cosmetics have found that substances called quaternary amines, which are also ingredients in household cleaning agents, may play a role in the formation of nitrosamines.

The laboratory research showed that when mixed with chloramine, some household cleaning products—including shampoo, dishwashing detergent, and

laundry detergent—formed NDMA. The report notes that sewage treatment plants may remove some of quaternary amines that form NDMA. However, quaternary amines are used in such large quantities that some still may persist and have a potentially harmful effect in the effluents from sewage treatment plants.

(Env. Resource Center – 6/1/10)

NEW DOCUMENT MAY 2010 STATE COALITION FOR REMEDICATION OF DRYCLEANERS NEWSLETTER

The State Coalition for Remediation of Drycleaners (SCRD) produces a newsletter to announce recent events and undertakings. The May 2010 issue discusses state and national updates, state progress on remediation of drycleaning sites, remedial technologies employed at SCRDR drycleaning sites, and upcoming events (May 2010, 8 pages). View or download at <http://drycleancoalition.org/download/news0510.pdf>.

PA UPDATES

PENNSYLVANIA ENVIRONMENTAL COUNCIL RELEASES REPORT ON MARCELLUS SHALE DEVELOPMENT

The Marcellus Shale formation is the largest unconventional natural gas reserve in the world and is considered a "super giant" natural gas field.

Pennsylvania contains vast Marcellus deposits - estimated to be enough to meet the natural gas needs of the United States for the next 50-80 years. However, extraction of this gas poses a number of environmental challenges for private land owners, local communities, the gas industry and government regulators.

Through PEC's Marcellus Shale Policy Conference in May, which attracted more than 300 attendees, PEC identified key issues, challenges and opportunities in the effective and sustainable development of a Marcellus Shale gas industry in Pennsylvania.

Based on these findings, PEC has released a report detailing policy recommendations that can serve as the basis for new legislation so that this resource can be developed to provide energy while safeguarding the future prosperity of communities and the natural environment in Pennsylvania.

To view the entire report, visit www.pccpa.org/marcellus.

PENNSYLVANIA ENVIRONMENTAL QUALITY BOARD PROPOSED REGULATIONS FOR OIL AND GAS WELL CASING AND CEMENTING (AMENDMENTS TO CHAPTER 78)

New regulations are proposed by PADEP will update existing rules for drilling, casing, cementing, testing, monitoring, and plugging of oil and gas wells. The new regulations will also update rules for protecting public and private water supplies.

What are the Proposed New Rules?

- The proposed changes will add new rules related to:

- Casing and Cementing
- Reporting requirements for design, construction, operation, monitoring, plugging, water supply replacement, and gas migration
- New material specifications
- Blow-out prevention
- Performance testing

The new rules will reduce gas migration and provide more protection for both public and private water supplies.

- Properly cementing and casing a well is very important to prevent gas migration. The proposed casing and cementing requirements will provide more protection for home or property owners, and water supplies. These construction standards are similar to standards that have already been

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adopted in other states such as New York, West Virginia, Ohio, Texas, Oklahoma, Louisiana, Kansas and Montana, and reflect common industry practice.

- If a public or private water supply (for example, a private water well) is polluted or reduced, the operator must restore or replace it with a source that meets drinking water standards or is as good as the previous supply. If the cost to operate and maintain the new water supply is higher, the operator will pay for the increase permanently. If the previous quality of their water exceeded safe drinking water standards, affected parties may take legal action to have their water supply restored to its original quality. The Oil and Gas Act presumes that an operator has polluted the water supply if the contamination occurs within 6 months of drilling the well and the gas or oil well is within 1,000 feet of the water supply, unless the operator has taken a sample from the water supply that shows it was contaminated before drilling. If a homeowner refuses to let the operator take the sample, the operator is not presumed to have impacted the water

PA UPDATES (Continued)

supply. For this reason, it is important for water supply owners to allow well operators to take a sample from the water supply. The water supply owner should ask the operator for a copy of the lab test results.

- Operators must inspect all of their wells every three months and report the results to DEP every year. If the inspection shows the casing is not working properly, or there are signs of leaks or too much pressure within the wellbore, the operator must immediately notify DEP and fix the problem.

- The proposed regulations also set procedures the operator and the Department must follow if gas migration occurs.

- Before drilling a well, operators will need to have a casing and cementing plan that shows how the well will be drilled and completed. Some of the new requirements are:

- Centralizers, which keep the casing centered in the wellbore, must be used at set locations to make sure that cement is evenly distributed between the casing and the wellbore.

- Casing cement must meet the standards for oil and gas wells set by the American Society of Testing Materials.

- Used casing and casing strings attached to heavy duty blow-out preventers must be pressure tested.

- Documentation of cement quality and cementing practices used at each well must be kept for DEP's inspection.

- The proposed revisions:

- Clearly define when blow-out prevention equipment must be used.

- Require that controls of such equipment be located to allow their use in case of an emergency.

- Explain how defective equipment must be treated.

- Specify the training a person must have in order to use the equipment.

- The new regulations require operators to investigate gas migration complaints quickly and to notify DEP. If high levels of natural gas are found, the operator must call emergency responders immediately and take action to correct the situation.

- DEP may modify construction and plugging requirements when existing regulations do not provide sufficient protection of the environment.

- The operator will be required to submit information such as: what is the source of the water used for drilling, and a list of chemicals used to stimulate the well.

- Every six months, the drilling company will have to report how much natural gas has been produced.

DEP will make this information available to the public on the Department's Oil and Gas website. Please visit: <http://www.dep-web.state.pa.us> click on Oil and Gas.

PENNSYLVANIA'S NEW EROSION AND SEDIMENT CONTROL REGULATIONS MAY GO INTO EFFECT AS EARLY AS OCTOBER 2010

Both the Pennsylvania Senate and House Environmental Committees declined in early July to take formal action on the Pennsylvania Department of Environmental Protection's proposed Erosion and Sediment Control and Stormwater Management regulations. The committees' decisions not to take formal action mean that the regulations are "deemed approved," and the Environmental Quality Board (EQB) may proceed with its promulgation of the regulations.

The forthcoming regulations will become effective 90 days after they are published in the Pennsylvania Bulletin, which could happen as early as this week. As a result, the regulations could be effective as early as October 2010.

(By Andrew T. Bockis – Saul Ewing)

PREPAREDNESS, PREVENTION AND CONTINGENCY PLANS

In the last *RT Review* issue I discussed the Spill Prevention Control and Countermeasure Plan (SPCC Plan), a federally mandated requirement for facilities that store/handle oils in quantities over threshold amounts.

In this article, I will discuss the PADEP Preparedness, Prevention and Contingency Plan (PPC Plan). "If the potential exists for causing accidental pollution of air, land or water, or for causing endangerment of public health and safety through accidental release of toxic, hazardous or other polluting materials, permittee or co-permittee must develop a PPC Plan." PPC Plans are also required for Stormwater Discharge General Permits or Water Management Permits under the National Pollution Discharge Elimination System (NPDES) Program.

A key difference between the two plans is that a SPCC Plan aims to prevent accidental releases of oils and hazardous substances into the waters of the United States, while a PPC Plan aims to prevent/control accidental releases of polluting materials to surface waste or groundwater. This means the PPC Plan covers a wider range of materials and situations as to how a release may occur.

PPC Plans can be required if there are even a gallons of oil stored near a floor drain. Everyone storing waste oil must have a PPC Plan.

Major elements of the PPC Plan are:

- Description of Facility
- Description of How Plan is Implemented by Organization
- Spill/Leak Prevention and Response
- Countermeasures
- Emergency Spill Control Network

PPC Plan requirements are similar to those in a SPCC Plan, and the easiest way to address the requirements of both is in a combined PPC/SPCC Plan.

Further information on PPC Plans can be found in PADEP Publication 400-2200-001 "Guidelines for the Development and Implementation of Environmental Emergency Response Plans".

In the next *RT Review* issue I will discuss requirements of a Spill Prevention Response Plan (SPR Plan).

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PROPOSED DESIGNATION OF MONONGAHELA RIVER

(continued from page 2)

the impairment designation of the Monongahela River, a TMDL would be developed for TDS, salinity, chlorides, and other inorganics (collectively, "TDS") in these five pools.

Additionally, on May 1, 2010 the Department proposed a draft NPDES permitting guidance entitled "Coordinating National Pollutant Discharge Elimination Systems (NPDES) Permitting in the Monongahela River Watershed" that would apply to new dischargers, new sources, and expanding discharges that "contribute" a TDS or sulfate pollutant load to the watershed. In this guidance document, the Department has proposed to define "contribute" as "playing a significant part in bringing about a violation of a water quality standard." If broadly applied by the Department, the proposed impact of this guidance on NPDES permitting in the Monongahela River Watershed would be immediate and widespread to operators discharging wastewater with TDS or sulfate concentrations. The public comment period for the Draft Integrated Report closed on May 17, 2010. In the next couple months, the Department will submit a Final Integrated Report to the USEPA for its review and comment.

(By Joseph Reinhart, Administrative Watch – Babst, Calland, Clements and Zomnir)

PENNSYLVANIA BULLETIN NOTICES

Proposed Rulemaking: Dam Safety and Waterway Management; The proposed rulemaking package amends numerous sections within Chapter 105 to address Program concerns and address the audit findings by clarifying existing sections and amending outdated sections. The protection of the public will be improved by providing the Commonwealth the financial wherewithal to remove or otherwise modify unsafe or deficient high-hazard dams that are abandoned by the owner or when owners refuse to make necessary safety improvements.	4/24/2010
Availability of Technical Guidance - The notice of Availability of Technical Guidance for the "Policy for Coordinating National Pollution Discharge Elimination System (NPDES) Permitting in the Monongahela River Watershead"	4/30/2010
Proposed Rulemaking: Ambient Water Quality C Criterion; Chloride (Ch) – Revision to Standard	5/1/2010
Proposed Rulemaking: Incidental Coal Extraction, Bonding, Enforcement, Sediment Control and Remaining Financial Guarantees – Amendments Approved	5/1/2010
Control Measures Under Consideration by the Ozone Transport Commission; Public Comment Period – DEP is seeking comments on control measures under consideration by the Ozone Transport Commission (OTC).	5/1/2010
Proposed General Permit for Bluestone (5 Acres or Less) Mining; Proposed General Permit BMR-GP-105	5/1/2010
Coal Exploration by Slope Development. Effective immediately, the Department is rescinding this Technical Guidance Document	5/24/2010
Availability of Technical Guidance; Air Quality Permit Exemptions (updated list)	5/29/2010
Notice of an Extension to the of an extension to the General NPDES Permit for Stormwater Discharges Associated with Industrial Activities	6/7/2010
On June 15 the Environmental Quality Board approved final regulations on hazardous waste exclusions, control of VOCs from large appliance and metal furniture surface coating operations, water and wastewater operator certification and proposed rulemaking revising noncoal mining permit fees.	6/21/2010
Proposed Rulemaking: Oil and Gas Wells - The proposed rulemaking includes updated material specifications and performance testing and amended design, construction, operational, monitoring, plugging, water supply replacement and gas migration reporting requirements.	7/10/2010
Proposed Rulemaking: Underground Coal Mine Safety	7/10/2010
Environmental Quality Board – Approved final regulations on wood-fired boiler emissions, Chapter 96 nutrient credit trading requirements, Chapter 92 NPDES permit fees and a package of stream redesignations.	7/19/2010

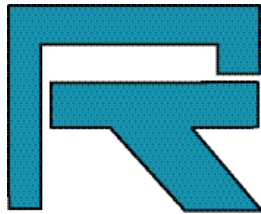
PA FILL POLICY UPDATE

DEP has updated Form FP-001 (Certification of Clean Fill). This is also now stand-alone document to better accommodate future revisions to the form. Before clean fill that has been affected by a spill or release may be placed on a property, Form FP-001 must be provided to the Department certifying the origin of the fill material and results of analytical testing to qualify the material as clean fill. Concurrent with separating Form FP-001 from the policy, the Department has revised the form to be more informative and consistent with the Management of Fill policy. Although the Department is not soliciting formal comment on Form FP-001, interested persons may offer recommendations for improvements to the form for Department consideration. This technical guidance was published in the PA Bulletin on 8/7/10.

FEDERAL REGISTER NOTICES

<http://www.epagov/homepage/fedrgstr>

Environmental Protection Agency; Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems; Proposed Rule (Federal Register – 4/12/2010)
Environmental Protection Agency; Mandatory Reporting of Greenhouse Gases: Additional Sources of Fluorinated GHGs; Proposed Rule (Federal Register – 4/12/2010)
Environmental Protection Agency; Mandatory Reporting of Greenhouse Gases: Injection and Geologic Sequestration of Carbon Dioxide; Proposed Rule (Federal Register – 4/12/2010)
Environmental Protection Agency; Prevention of Significant Deterioration (PDS) and Nonattainment New Source Review (NSR): Aggregation; Reconsideration (Federal Register – 4/15/2010)
Environmental Protection Agency Advance Notice of Proposed Rulemaking on Lead Emissions From Piston-Engine Aircraft Using Leaded Aviation Gasoline; Proposed Rule (Federal Register – 4/28/2010)
Department of the Interior; Surface Mining Reclamation and Enforcement; Stream Protection Rule; Environmental Impact Statement; Proposed Rule (Federal Register – 4/30/2010)
Environmental Protection Agency; Control of Emissions From New Marine Compression-Injection Engines at or Above 30 Liters per Cylinder; Final Rule (Federal Register – 4/30/2010)
Environmental Protection Agency; Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program; Proposed Rule (Federal Register – 5/6/2010)
Environmental Protection Agency; Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings; Proposed Rule (Federal Register – 5/6/2010)
Environmental Protection Agency; Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule (Federal Register – 5/7/2010)
Environmental Protection Agency; Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule; Final Rule (Federal Register – 6/3/2010)
Environmental Protection Agency; National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers; Proposed Rule (Federal Register – 6/4/2010)
Environmental Protection Agency; National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, commercial, and Institutional Boilers and Process Heaters; Proposed Rule (Federal Register – 6/4/2010)
Environmental Protection Agency; Identification of Non-Hazardous Secondary Materials That Are Solid Waste; Proposed Rule (Federal Register – 6/4/2010)
Environmental Protection Agency; Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities; Proposed Rule (Federal Register – 6/21/2010)
Environmental Protection Agency; Primary National Ambient Air Quality Standard for Sulfur Dioxide; Final Rule (Federal Register – 6/22/2010)
Environmental Protection Agency; National Pollutant Discharge Elimination System (NPDES): Use of Sufficiently Sensitive Test Methods for Permit Applications and Reporting; Proposed Rule (Federal Register – 6/23/2010)
Environmental Protection Agency; Mandatory Reporting of Greenhouse Gases From Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills; Final Rule (Federal Register – 7/12/2010)
Environmental Protection Agency; National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule; Proposed Rule (Federal Register – 7/10/2010)
Environmental Protection Agency; Amendments to National Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing; Final Rule (Federal Register – 7/20/2010)
Environmental Protection Agency; Elemental Mercury Used in Flow Meters, Natural Gas Manometers, and Pyrometers; Significant New Use Rule; Final Rule (Federal Register – 7/21/2010)
Environmental Protection Agency; Approval and Promulgation of Implementation Plans; New Jersey; Proposed Rule (Federal Register – 7/22/2010)



KEY HIGHLIGHTS

FEDERAL UPDATES

- SO2 - Tighter NAAQS, page 3
- Power Plant Emissions Cuts, page 4
- Greenhouse Gas Permitting, page 4
- Coal Waste Reuse, page 5

NJ UPDATES

- Use TCL/TAL List, page 6
- New Time of Application Law, page 6

PA UPDATES

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