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EPA'S PROPOSED WATERS OF THE UNITED STATES PROPOSED RULE LIKELY TO SUFFER SIGNIFICANT DELAY

EPA has received 8,700 comments on the proposed *Waters of The United States* rule and it is now suspected that there will be a lawsuit which can take quite some time to resolve. A public comment deadline was extended, but key parts of the Rule, including a Science Advisory Board Connectivity Report, were not available in final form. It is that Report which provides scientific justification for a critical part of the proposed Rule. There is also strong sentiment that potential adverse impacts on small businesses have not been adequately addressed as part of the proposed rulemaking process.

The number of substantive public comments is expected to rise over 10,000, and EPA will likely have to keep the comment deadline open until after the SAB Connectivity Report is finished.

We at RT think that the EPA and the Corps of Engineers who together, along with the states, regulate wetlands in the United States, have stepped out past fair and reasonable regulatory authority. The rulemaking may fall on its own weight even if promulgated, because the work that is needed to delineate wetlands and then regulate accordingly could fall on underfunded state environmental programs. In federal environmental regulatory programs started in the 1970s, there were mandates for states to administratively take over programs, and in most cases states did, because funds were available to set up the regulatory programs themselves. However, as governmental funding has also been stretched to address other societal needs, there have been fewer and fewer federal funds given to states to set up and run new or expanded environmental programs.

It is also a fundamental right in the United

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BROWNFIELD REDEVELOPMENT CONTINUES TO STRENGTHEN

In 2015, Developers are looking at sites which are referred to as “infill sites” located in urbanized areas where former manufacturing operations have left parcels underutilized and/or vacant for a long period of time. These “infill sites” are typically found to have some level of soil and/or groundwater impacts which contribute to their underuse and/or abandonment. There are advantages of an “infill site” redevelopment projects as

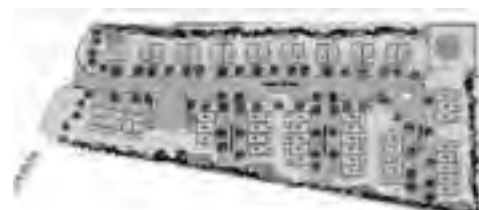


compared to a “greenfield development” project, one of which is the availability of infrastructure previously in place from former operations which can be utilized for the redevelopment.

This year one Developer has been very successful in the redevelopment of “infill sites” in Montgomery County, Pennsylvania. W.B. Homes, Inc., a family-owned business, located in North Wales, Pennsylvania was founded in 1986 and has done a significant number of development projects in the area over the years. W.B. has had particular success on several “infill site” projects in 2014. W.B. has embraced the Pennsylvania Department of Environmental Protection (PA DEP) Act 2 Land Recycling Program in the redevelopment of these “infill sites” which allows for redevelopment of the site in an environmentally protective manner. This year two of W.B.’s redevelopment projects have received the Department’s approval of the remedial investigation and cleanup plans.

The first project is located in Sellersville, PA, called Carillon Hill. Carillon Hill was formerly the Schulmerich Carillons, Inc. facility and housed an office building and production building used to manufacture

hand bells, chimes and electronic carillons. W.B. characterized site soils, implemented a remedial action onsite for soil and will attain



a residential site specific standard for soils using a risk assessment. The risk assessment was approved by the Department which documents that there are adverse risks to site occupants from residual contamination which remains on the site. W.B. has commenced site work for the redevelopment and looks forward to its completion in 2015.

The second project is in its preliminary planning stages and W.B. is working closely with the Township to facilitate a zoning change. As typical with these types of “infill sites”, a zoning change is usually necessary from an industrial zoning to a residential use zoning. This project is located in Lower Providence Township, Pennsylvania and was a portion of a manufacturing facility which was no longer utilizing the vacant land adjacent to the manufacturing plant. Portions of the property housed treatment lagoons and wastewater treatment facilities. W.B. characterized site soils, and will implement a remedial action onsite for soil and will attain a residential site specific standard for soils using pathway elimination (engineering cap). Groundwater was also impacted at this facility due to historic onsite operations and off-site regional sources. The groundwater pathway will be eliminated via institutional controls which do not allow the use of groundwater and the potential vapor intrusion pathway will be eliminated via the installation of vapor barriers and passive venting system for each new building. Using this redevelopment

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BROWNFIELD REDEVELOPMENT CONTINUES TO STRENGTHEN

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ment approach, the Department was able to approve the remediation investigation and



cleanup plan.

Using the tools available under the Department's Act 2 Land Recycling Program

has allowed for the successful redevelopment of numerous Brownfield sites throughout Pennsylvania. In the time of changing project economics, Developers are focusing on these types of "infill site" projects which have infrastructure available to use. The successful redevelopment of these sites in an environmentally sensitive manner also has the added benefit of returning an underutilized parcel to a tax revenue producing parcel.

For more information on the redevelopment of a Brownfield and/or an "infill site" contact Walter H. Hungarter, III, P.E. of RT Environmental Services, Inc.

EPA'S PROPOSED WATERS OF THE UNITED STATES

PROPOSED RULE LIKELY TO SUFFER SIGNIFICANT DELWY (continued from page 1)

States for people who own property to receive notice of government programs affecting them in order to avoid "takings". In the case of wetlands, the determinations are frequently on shaky ground; although governments can make accusations of wetlands disturbance. Regulatory agencies are often incorrect when they go to promulgate violations and fines, because they overestimate the extent of the problem that has occurred. In many cases, this can be due to satellite maps that do not contain adequate evidence of where the wetlands actually are. Wetlands are only definitively determined using a "three-point" test, which involves completing subsurface investigation work at each individual site, which can be expensive and time consuming.

In addition, the presence of wetlands at an individual site can change over time, depending on whether streams or rivers are appropriately maintained. Upstream property owners or properties at higher elevations can also cause wetness on downstream properties. In such instances, the government has frequently failed to be able to sustain "wetlands" encroachment or disturbance accusations, because they were not involved in any prior government approvals to develop a property. Agencies also may not have had the authority to control surrounding land owners' waterways or drainage ways and easements. Often times they did not properly implement laws and regulations regarding drainage easements already in effect for decades, administered by property owners or government authorities.

It is very likely that the rulemaking process at hand will be long and complicated and there are early indications that some states will simply refuse to cooperate in the program. The idea that a government agency can decide on the presence of wetlands at individual properties using "desktop" satellite images and software flies in the face of a very large number of enforcement failures which have already occurred.

Certainly, it is not appropriate for filling or disturbance of wetlands on a significant scale anywhere in the United States. However, there needs to be regulatory realism, which is not part of the current proposed rulemaking package.

When wetlands delineation work is completed, and there are potential violations, the public's interest is not served if the presence of a wetland is not verified and tested at each site. Site soils, vegetation type, and water level conditions over time must be known and documented. Work on the exact conditions at each site is critical if violations are to be sustained.

It has repeatedly been shown that the judiciary in the United States will not take environmental regulatory programs seriously if they undertake repeated enforcement cases and cannot sustain the accusations to a reasonable degree of scientific certainty. Our constitution requires an adequate level of proof be provided. Frequently, we find that wetlands enforcement complaints and subsequent violations, although well-intentioned, are not adequately documented such that enforcement can be sustained.

We hope that the Corps of Engineers and EPA will take this issue seriously before the federal government proceeds with an expanded wetlands regulatory program based on "Waters of the United States" without the resources or the technical capability to firmly determine what are, and are not, the Waters of the United States on each property. We need a credible process to determine that; we don't need a regulatory program which will prove only marginally effective, which is embarrassing to regulatory agencies and lacks an ability to properly protect the environment because "shortcut" mapping was used as a basis for violations.

Gary R. Brown, P.E.

President

Justin R. Lauterbach, Q.E.P.

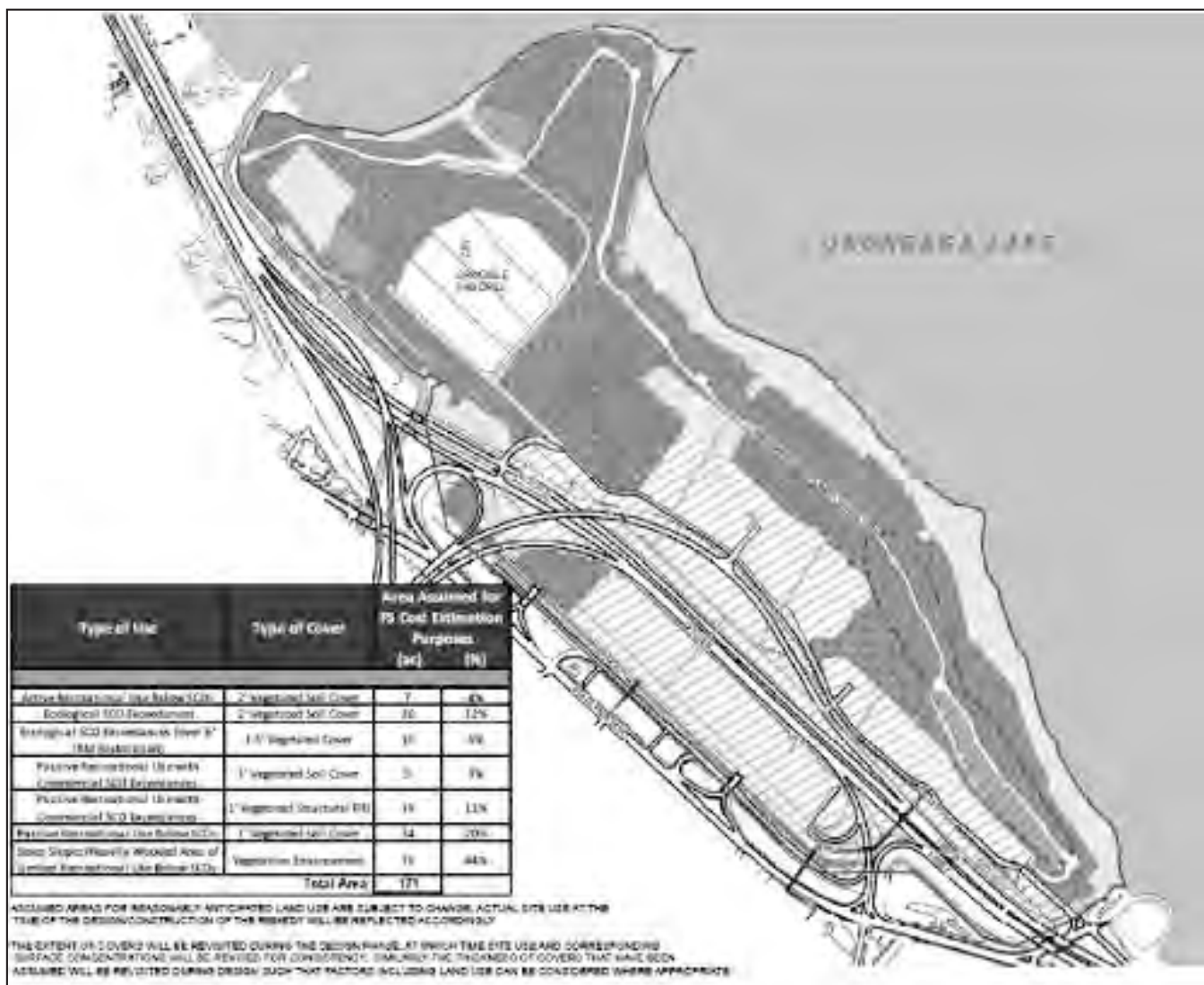
Vice President

RT Environmental Services, Inc.

ONONDAGA LAKE SUPERFUND SITE

In one of the most heavily industrialized areas of the United States in the Town of Geddes, Onondaga County, NY near Syracuse, the New York State Department of Environmental Conservation announced planned completion of interim remedial measures at the former Allied Chemical Soda Ash Superfund Site which for many generations was the largest soda ash plant in the world. Onondaga Lake, contaminated by mercury was considered by some to be one of the most contaminated lakes in North America due to the presence of Mercury contamination in sediments.

The remedy at the site, shown above included Green Remediation techniques and allows for the continued use of parking lots for access to the State Fairgrounds located on and adjacent to the Superfund Site. Honeywell, who is a successor company to Allied Chemical is responsible for the remedial measures. Monitoring is included to assess the performance and effectiveness of the remedy. The part of the site being currently addressed is called Operable Unit 1. Cleanup of Onondaga Lake will part of a future remedy.



AMERICAN ACADEMY OF FORENSIC SCIENCES

February 16-21 2015

Hyatt Regency Orlando

9801 International Drive

Orlando, FL 32819

<http://www.aafs.org/meetings/2015>

Gary Brown will be speaking on his TVA Expert Work

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RT STAFF AND PROJECT NEWS

As is RT tradition, we honor our professionals with year-end awards, based on personal and project performance.

We are pleased to share with you our 2014 end of year awards which help set the stage for performance excellence throughout our firm, as follows:

- Chris Blosenski of our Pittsburgh Region office won an award for excellence on a project being completed in Mt. Laurel, New Jersey. Although Chris has only been with the firm since earlier this year, due to a changing field condition which involved finding a farm dump unexpectedly at the site of a large health and fitness center construction project, Chris quickly mobilized to the site working under the direction of Gary Brown, L.S.R.P. A substantial volume of vegetative waste had to be cleared from a detention basin where it was deposited to keep a project on schedule. Unexpectedly, though both an underground storage tank and a drum were found and contaminant releases were found proximal to both. Chris worked with Gary to quickly "learn the ropes" of New Jersey Department of Environmental Protection Technical Requirements for Site Remediation, sampling equipment and bottles were dispatched, and sample results were expedited to determine the degree to which project progress would be affected. As a result of the quick work to concurrently excavate materials, notification from NJDEP was given and work returned to schedule within a matter of days, to the prime activity at hand, complete construction of the detention basin. In addition, it was found that the material in the drum was apparently waste oil, which had some concentrations of solvent constituents. Our clients commented to us on Chris' dedication to work, careful focus on how to keep other elements of construction going while the drum and tank were addressed which is unusual given Chris' few months of experience with the firm. Not only did positive comments come from the construction management firm, but also from the onsite contractor civil as high levels of communications were achieved daily to work through the issues.

- Larry Bily and Craig Herr, P.G. of our King of Prussia office earned awards for Act 2 Land Recycling projects including residential redevelopment. Walter Hungarter, Principal in Charge of both projects commented that when Act 2 report deliverables were submitted to the Pennsylvania Department of Environmental Protection, Southeast Regional Office, there were no significant comments on the report submittals. Over time, the Act 2 Land Recycling Program has become more complicated when there are groundwater issues and the DEP Central Office Act 2 Land Recycling program chiefs have taken interest in a number of projects, to help keep them moving.

- This year's top two awards went to Chris Ward and Jennifer Berg. Jennifer is the leading onsite RT representative at the Bellmawr Waterfront Redevelopment site where soil reuse activities involving several million tons of soil material was handled and placed to cap and closeout a landfill and major civil reconstruction was completed including a cutoff wall, underdrain and a stormwater diversion pipeline. Jennifer works closely with EmmaLee Vecere who is the lead project technical engineer, who prepares deliverables and makes sure that all project deliverable timelines are met working under both the Licensed Site Remediation Professional Program and NJDEP Landfill Closure Program.

RT's Clients have been very complimentary of Jennifer's experience and attention to detail and Gary Brown, principal in charge, has observed that Jennifer's experience and performance exceeds that of many career-experienced resident engineers on major capital projects. The project has experienced very few

interruptions or delays and Jennifer works with BWD's customers including Conti Construction and the New Jersey Department of Transportation as materials are received from a \$900 million direct connect transportation project which involves the upgrading of the largest traffic volume interchange in New Jersey, at I-295, I-76 and NJ 42. These are major roadways which run from Atlantic City to Philadelphia and from the Delaware Bridge northward toward Trenton and New York.

- Chris Ward earned his NJ LSRP License in 2013. RT has won a significant number of new projects in North Jersey in Bayonne, Kearny and Ridgefield Park, as interest in projects has picked up substantially as the economy has improved. Projects involve an industrial park, mixed use commercial centers and one project is very close to New York City on a major New Jersey highway. Tasks also include coordination with past tenants and with the parties responsible for the chromium contamination involving waste materials placed in a number of areas around Jersey City.

- Other projects of interest which are keeping our staff busy include a significant number of expert reports, with substantial research work by Chris Blosenski and Karlie Wright. We are also pleased to announce formation of an Environmental Research Center in our Pittsburgh office which is focusing on establishing the past history of environmental management practices, cleanup practices and regulatory practices including those involving stormwater management, as well as construction of deep wells for Marcellus Shale construction. Environmental litigation continues to focus on new areas, including impacts to water supplies from suspected well problems and from stormwater problems, which can result in federal litigation. RT's Environmental Research Practice Center in our Pittsburgh office has already received accolades as the research can result in very focused findings and conclusions. On two recent projects, we were told that "RT's reports are not like other reports and are very focused", and "RT provides a sound basis to back up its findings".

- RT has also finalized its Business Plan for 2015 and we anticipate adding staff in all of our offices, King of Prussia and Pittsburgh, Pennsylvania as well as in New Jersey. We project increases in the number of projects and volume of work that we undertake in Marcellus Shale pipeline conveyance design and permitting, Brownfields work and stormwater work. Our scope of services continues to be very strong and more and more clients each year are coming to us to either resolve permitting problems, to help get cleanups back on track or to get clear answers when potential clients can't get adequate performance from their existing consultants.

RT continues to be successful because about 65% of our work year after year involves repeat work for existing clients who are very comfortable with our performance and our high levels of communication as we value that as a critical item to help assure our success. We look forward to continued opportunities to assist our clients with environmental projects into 2015 and beyond.



Gary R. Brown, P.E., L.S.R.P.
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RT ENERGY SERVICES

FUELING A REVIVAL

In the last five years a forest of metal distillation towers has sprung up like a poplar grove from the Washington County countryside, surrounded by rows of cylindrical storage tanks. The complex owned by MarkWest Energy Partners of Denver, separates high-value fuels such as propane and butane from the “wet” natural gas produced near here, the sweetest spot in the prolific Marcellus Shale formation.

Those natural gas liquids will be pumped through a repurposed pipeline to Marcus Hook, where Sunoco Logistics Partners, L.L.P. is demolishing the retired Sunoco petroleum refinery and replacing it with new equipment to handle the Marcellus liquids. Most of the propane, butane and ethane will be shipped to European petrochemical plants that are retooling in expectation of decades of plentiful Appalachian supply.

By the end of this year, Marcellus production in Pennsylvania and surrounding states is expected to account for a quarter of the nation’s total gas supply.

“If Marcellus were a country, it would rank as a top-10 producer in the world,” Frank M. Semple, chairman of MarkWest Energy, told a shale industry conference in Pittsburgh last month.

MarkWest, which has five processing facilities in the Marcellus, is one of several “mid-stream” companies that gather natural gas from producers and purify it before sending the gas into major pipelines for delivery to customers.

“This region is so prolific in terms of production, the infrastructure is just catching up,” Randy

J. Cleveland, chief executive of XTO Energy Inc., said in a recent interview. XTO, an ExxonMobil subsidiary, recently opened a natural gas liquids plant north of Pittsburgh.

Natural gas contains mostly methane, but the wet Marcellus gas in Southwestern Pennsylvania has elevated levels of high-energy compounds such as propane, ethane and butane – called natural gas liquids (NGLs) because the materials condense easily at low temperatures.

NGLs are a challenge because they burn hotter than methane. Producers like Range realized early on they would produce so much wet gas they needed to strip out some NGLs to keep the gas within specifications to burn in power plant and home furnaces. Otherwise, they would be forced to curtail drilling.

Propane, butane and ethane are more valuable than natural gas, if buyers can be found. MarkWest and others were enlisted to build cryogenic plants in places like Houston that chill the natural gas to separate the NGLs. Each gas turns to liquid at a different temperature.

An eager market was found in the petrochemical industry, which can use the cheaper NGLs to replace more expensive raw materials derived from petroleum.

That’s where Sunoco Logistics stepped in. It saw an opportunity to convert an underused refined fuel pipeline crossing Pennsylvania and Ohio to transport the NGLs.

The Mariner East project, which connects the Houston, Pa., plant to Marcus Hook, is scheduled to begin shipping propane this winter, and ethane next year. Most of the fuel will be shipped to

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Europe.

Sunoco Logistics also is planning a second Mariner East pipeline to Marcus Hook. It would carry four times as much natural gas liquid as the first pipeline.

(By Andrew Maykuth, *Philadelphia Inquirer* – 10/12/2014)

REGULATORS ORDER BAKKEN CRUDE TO BE “STABILIZED”

On December 9th, the North Dakota Industrial Commission issued an order requiring production facilities to separate volatile organic gases known as “light ends”. These compounds must be separated from crude oil before it is shipped to ports and refineries. Twenty percent of crude oil produced in North Dakota is shipped by rail to refineries in Philadelphia and significant amounts are also shipped to facilities in New Jersey and Delaware.

The examination of the need to “stabilize” crude oil shipped by rail was caused in part by the accident in Canada in Lac-Mégantic, Quebec where 47 people were killed as a train was not properly braked and held on track and rolled into the Town where rail car after rail car derailed and caught fire.

(by Joe McGovern – *ORMH* – 12-12-14)

EPA REGULATES COAL ASH AS SOLID WASTE . . . DEADLINE MET . . . TVA CASE OUTCOME

In a long-awaited ruling, EPA decided that coal ash from power plants would be regulated as solid waste. Environmental groups had called for regulation of coal ash hazardous waste because it was believed that stringent regulation of coal ash is needed in part because of the Harriman, Tennessee coal ash release, considered one of the world’s worst environmental disasters.

Coal ash contains metals and polycyclic aromatic hydrocarbons at concentrations which exceed appropriate residential regulatory limits. In December, 2008, sections of a very large pile of coal ash which was promised by the Tennessee Valley Authority to be kept dry, became a 60 foot high mud flow and, an estimated 8.4 cubic yards of coal ash spilled into an adjacent area, the Watts Bar Reservoir, the Clinch and Emory Rivers and on to government and private property, releasing massive amounts of contaminants in the coal ash which ran through the river system as slurry.

Gary Brown, President of RT, testified in a court case in federal court in Knoxville, Tennessee that the land disposal activities from coal ash at the TVA Harriman site were not appropriately conducted and that although promises were made to the Tennessee Department of Environmental Conservation to manage water levels in the coal ash pile, that the promises were simply not kept and that water buildup in the coal ash pile was not controlled and substantial portions of the pile became wet leading to the very large scale release. The federal court found it “troubling”, that promises made by the Tennessee Valley Authority were simply not carried out.

In the findings by Judge Varnum in federal court, TVA was found negligent and there appeared to be no excuse for not properly managing the coal ash placed at the Harriman/Kingston TVA site as promises were made, but not kept for sound solid waste management.

In the near future, it is expected that coal ash impoundments and piles which were not previously subject to state and/or federal review will be further evaluated on a site-by-site basis.

Although we would like to think that large volumes of coal ash generated by a federal agency, would be securely managed, unfortunately that did not occur at the Kingston/Harriman Tennessee facility, causing one of the world’s largest environmental disasters impacting streams and rivers downstream of the facility. One report says that 500,000 cubic yards of material remain in the impacted rivers. Poor environmental management combined with inadequate environmental regulation and inspection combined to cause a release which the federal court judged to be negligence as promises were made to the state environmental agency, the Tennessee Department of Environmental Conservation, which if implemented would have assured that no major release of coal ash from the site occurred. States should be requiring an inventory of all coal ash facilities and engineering plans should be submitted and approved by agencies if found to be adequate given the site-specific conditions.

In short, proper management of coal ash waste involves techniques which have been well-known for many decades. Wastes have to be kept dry and properly covered. All coal ash disposal facilities, whether active or where materials have been placed and not secured, should be subject to prompt, appropriate regulatory review.

For more information:

EPA Rule – <http://www2.gov.coalash/coal-ash-rule>

• Gary Brown TVA Testimony Article – www.lenoxnews.com/business/tva-coal-fly-ash-decision-now-in-judges-hands

• www.tned.uscourts.gov/docs/tva-ash-spill-ruling.pdf

(Gary Brown Testimony, starts on Page 59, Paragraph 229 and on Page 106, Paragraph 178)

FEDERAL REGULATORY UPDATES

EPA REPORT SHOWS PROGRESS IN REDUCING URBAN AIR TOXICS ACROSS THE UNITED STATES

Recently, the EPA released the Second Integrated Urban Air Toxics Report to Congress—the final of two reports required under the Clean Air Act (CAA) to inform Congress of progress in reducing public health risks from urban air toxics.

“This report gives everyone fighting for clean air a lot to be proud of because for more than 40 years we have been protecting Americans—preventing illness and improving our quality of life by cutting air pollution—all while the economy has more than tripled,” said EPA Administrator Gina McCarthy. “But we know our work is not done yet. At the core of EPA’s mission is the pursuit of environmental justice - striving for clean air, water and healthy land for every American; and we are committed to reducing remaining pollution, especially in low-income neighborhoods.”

Using national emissions and air quality data, the Urban Air Toxics Report shows the substantial progress that has been made to reduce air toxics across the country since the CAA Amendments of 1990, including:

- 66% reduction in benzene
- Nearly 60% reduction in mercury from man-made sources like coal-fired power plants
- 84% decrease of lead in outdoor air
- Removal of estimated 1.5 million tons per year of air toxics like arsenic, benzene, lead, and nickel from stationary sources and another 1.5 million tons per year (about 50%) of air toxics from mobile sources.

This is significant because air toxics (referred to as hazardous air pollutants or HAPs) are known or suspected of causing cancer and can damage the immune, respiratory, neurological, reproductive, and developmental systems

Approximately 3 million tons per year of criteria pollutants, like particulate matter and sulfur dioxide, have been reduced as co-benefits of air toxics reductions

Reducing toxics is a top priority for EPA.

(Environmental Resource Center – 8/25/14)

EPA EXAMINING REGULATION OF CARBON POLLUTION FROM AIRCRAFT

After several threats from environmental groups, EPA recently announced that it has begun a domestic rulemaking process to determine whether fast-growing carbon emissions from aircraft endanger public health and welfare. EPA expects to propose a program by April 2015, along with a notice describing international efforts to set aircraft carbon emissions by 2016.

Aviation emission reductions are believed to be readily achievable, but, airlines have complained about fuel costs. A report, however,

found a 26% gap between the most and least fuel efficient airlines operating in the United States.

Aviation accounts for about 11% of carbon dioxide emissions, but carbon pollution is rising between 3% and 5% per year. Carbon emissions from global aviation are expected to quadruple by 2050, unless reduction initiatives are undertaken.

(Environmental Tip of the Week – 9/8/2014)

LITHIUM BATTERY SHIPMENT RULES

The Federal Department of Transportation has issued a new Final Rule designed to enhance the safe shipment of lithium cells and batteries. The Final Rule will:

- Enhance packaging and hazard communication requirements for lithium batteries transported by air.
- Replace equivalent lithium content with Watt-hours for lithium ion cells and batteries.
- Adopt separate shipping descriptions for lithium metal batteries and lithium ion batteries
- Revise provisions for the transport of small and medium lithium cells and batteries including cells and batteries packed with, or contained in, equipment.
- Revise the exceptions for small cells and batteries in air transportation.
- Revise the requirement for the transport of lithium batteries for disposal or recycling.
- Harmonize the provisions for the transport of low production and prototype lithium cells and batteries with the ICAO Technical Instructions and the international Maritime Dangerous Goods Code
- Adopt new provisions for the transport of damaged, defective, and recalled lithium batteries.

(Environmental Tip of the Week – 9-8-14)

EPA ANNOUNCES NEW ACTIONS TO CURB POTENT GREENHOUSE GASES

Building on the President’s Climate Action Plan, EPA Administrator Gina McCarthy joined private and public sector leaders at the White House recently to recognize progress and take new steps to curb emissions of hydrofluorocarbons (HFCs)—potent greenhouse gases (GHGs) used in refrigeration and air conditioning. Administrator McCarthy announced additional EPA actions to reduce HFC emissions and encouraged private sector investment in HFC-free technology, as follows:

- Listing additional fluorinated and non-fluorinated chemicals as acceptable alternatives in a variety of industry applications
- Identifying refrigerant management options to reduce HFC emissions from air conditioning and refrigeration equipment
- Organizing with stakeholder engagement a series of sector-specific workshops on seeking transitions away from high global warming

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potential HFCs.

The new efforts build upon progress and commitments already made under EPA’s GreenChill partnership, which works with the supermarket industry to transition to climate-friendly refrigerants, reduce the amount of refrigerant used, and eliminate harmful refrigerant leaks. If supermarkets nationwide reduced refrigerant leaks to the current GreenChill partner average of 12.4%, they could generate annual cost savings of over \$100 million across the industry while preventing the annual emission of about 27 million metric tons of carbon dioxide equivalent (MMTCO₂eq), which is equal to emissions from the generation of electricity use by more than 3.7 million homes annually.

(Environmental Tip of the Week – 9-22-14)

OSHA ANNOUNCES RULE FOR REPORTING DEATHS AND SEVERE INJURIES

US Department of Labor’s Occupational Safety and Health Administration recently announced a final rule, requiring employers to notify OSHA when an employee is killed on the job or suffers a work related hospitalization, amputation, or a loss of an eye. The new rule will go into effect on January 1, 2015, for work places under OSHA jurisdiction.

Under the revised rule, employers will be required to notify OSHA of work-related fatalities within 8 hours and work-related and inpatient hospitalizations, amputations, or loss of an eye, within 24 hours. To assist employers in fulfilling these requirements, OSHA is developing a web portal for employers to report incidents electronically, in addition to a phone reporting option. OSHA has also updated a list of industries that, due to relatively low occupational injury and illness rates, are exempt from the requirement to routinely keep injury and illness records. The previous list of exempt industries was based on the old Standard Industrial Classification System but the new rule uses the North American Industry Classification System. For more information visit www.osha.gov/recordkeeping2014.

(Construction Equipment Guide-9/24/2014)

CARCINOGEN LIST – FOUR NEW SUBSTANCES

The US Department of Health and Human Services has added four substances to the list of known carcinogens. The compounds are:

- ortho-toluidine
- pentachlorophenol

FEDERAL REGULATORY UPDATES (Continued)

- 1-bromopropane
- cumene

(By Megan Gannon, News Editor, 10-2-14)

EPA EXPANDS LIST OF TRI CHEMICALS

EPA is adding a nonylphenol category to the list of toxic chemicals subject to reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. EPA is adding this chemical category to the EPCRA section 313 list pursuant to its authority to add chemicals and chemical categories because the Agency has determined that this category meets the EPCRA section 313(d)(2)(C) toxicity criterion.

According to EPA, chemicals in this category are known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.

The category includes the following substances:

CAS Number	Chemical Name
104-40-5	4-Nonylphenol
11066-49-2	Isononylphenol
25154-52-3	Nonylphenol
26543-97-5	4-Isononylphenol
84852-15-3	4-Nonylphenol, branched
90481-04-2	Nonylphenol, branched

This final rule was effective on September 30, 2014, and will apply for the reporting year beginning January 1, 2015 (reports due July 1, 2016).

EPA also published a Significant New Use Rule for nonylphenols on October 1, 2014.

(*Environmental Resource Center – 10/8/14*)

EPA RELEASES GREENHOUSE GAS EMISSIONS DATA FROM LARGE FACILITIES

EPA released its fourth year of Greenhouse Gas Reporting Program data, detailing greenhouse gas (GHG) pollution trends and emissions broken down by industrial sector, geographic region, and individual facilities. In 2013, reported emissions from large industrial facilities were 20 million metric tons higher than the prior year, or 0.6%, driven largely by an increase in coal use for power generation.

The Greenhouse Gas Reporting Program is the only program that collects facility-level GHG data from major industrial sources across the US, including power plants, oil and gas production and refining, iron and steel mills, and landfills. The program also collects data on the increasing production and consumption of hydrofluorocarbons (HFCs) predominantly used in refrigeration and air conditioning.

Over 8,000 large-emitters reported direct

GHG emissions to the program in 2013, representing approximately 50% of total US emissions. The data from these facilities show that in 2013:

- Power plants remained the largest source of US GHG emissions, with over 1,550 facilities emitting over 2 billion metric tons of carbon dioxide, roughly 32% of total US GHG pollution. Power plant emissions have declined by 9.8% since 2010, but there was an uptick in emissions of 13 million metric tons in 2013 due to an increased use of coal.

- Petroleum and natural gas systems were the second largest stationary source, reporting 224 million metric tons of GHG emissions, a decrease of 1% from the previous year.

- Reported methane emissions from petroleum and natural gas systems sector have decreased by 12% since 2011, with the largest reductions coming from hydraulically fractured natural gas wells, which have decreased by 73% during that period. EPA expects to see further emission reductions as the agency's 2012 standards for the oil and gas industry become fully implemented.

- Refineries were the third largest stationary source, reporting 177 million metric tons of GHG emissions, up 1.6% from the previous year.

- Reported emissions from other large sources in the industrial and waste sectors increased by 7 million metric tons of GHG pollution, up 1% from 2012.

Under EPA's proposed Clean Power Plan, carbon emissions from the power sector would decrease by 30% below 2005 levels and electricity bills would shrink by 8% by 2030. EPA's pollution standards for cars and light trucks for model years 2012-2025 will save Americans more than \$1.7 trillion at the pump. In addition, the agency's partnerships with industry have prevented more than 365 million metric tons of GHG pollution, equal to the annual electricity use of more than 50 million homes.

(*Environmental Resource Center – 10/8/14*)

EPA UPDATES PHASE 1 ESA RULE

In the October 6, 2014 Federal Register, EPA amended the All Appropriate Inquiries (AAI) Rule at 40 CFR 312 to remove the reference to ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process." In November 2013, ASTM International designated this standard an "Environmental Site Assessments: Phase I Environmental Site Assessment Process."

This action does not prevent parties from continuing to use other standards, methods, or customary business practices for conducting all appropriate inquiries, so long as they comply with the standards and practices set forth in the AAI Rule. Instead, the rule removes the

reference to a standard that ASTM International no longer recognizes as current since it no longer represents the most recent consensus-based standard.

EPA took this action because the Agency wants to reduce any confusion associated with the regulatory reference to a historical standard that is no longer recognized by its originating organization as meeting its standards for good customary business practice. In addition, EPA stated that the final rule will promote the use of the 2013 standard currently recognized by ASTM International as the consensus-based, good customary business standard.

(*Environmental Resource Center – 10-13-14*)

FEDERAL WATER QUALITY CRITERIA FOR CYANOTOXINS

EPA plans to issue rulemaking under the Safe Drinking Water Act and Clean Water Act to set safe concentration levels to protect human health and aquatic life. Cleveland, Ohio issued a drinking water advisory for two days last August, when the municipal drinking water was impacted by a harmful algae bloom found in the western part of Lake Erie. EPA is pooling data with Health Canada. Existing studies are not considered adequate for carcinogenicity assessments so further evaluation is being undertaken.

LANDFILL GAS

In an Advance Notice of Proposed Rulemaking and a Proposed Rule, EPA indicated tighter regulation of sanitary landfills. The Proposed Rule involves Standards of Performance for Municipal Solid Waste Landfills and the rules apply to landfills that commence construction, reconstruction or modification after the date of the rule.

The Standards reflect changes to the population of landfills that are expected to reduce emissions in the future and there is rulemaking regarding landfill gas treatment systems.

The Advance Notice of Proposed Rulemaking involves emissions guidelines and compliance times for municipal solid waste landfills.

Comments have been received by EPA and substantial rulemaking affecting those who own and operate municipal waste landfills is expected in the future.

EPA ISSUES WATER AFFORDABILITY GUIDANCE

EPA issued the quote for national capability assessment framework on November 24th. The report sets new factors enforcement officials might consider in negotiating compliance schedules for permits and consent decrees, bankruptcies and natural disasters. To get the report go to:

FEDERAL REGULATORY UPDATES (Continued)

http://www2.epa.gov/sites/production/files/2014-10/documents/financial_capability_assessment_framework.pdf.

NPDES E-REPORTING GOES FORWARD

A Federal Register announcement in December would require dischargers to electronically submit most data required NPDES Program. Comments are requested on the proposal and EPA believes that “This notice is an opportunity for EPA to identify many of the issues raised by comments, clarify any misunderstandings about the proposed rule, and discuss possibilities for how EPA might modify the rule to address issues raised by stakeholders,” an EPA spokeswoman said in 2014, adding that the notice is not meant to address all of the 170 comments the agency received in 2013.” EPA argues that after a \$13.2 million two-year implementation by states, the rule could save \$28.7 million annually from reduced data entry from paper reports, though states question both estimates.

SUPERFUND FINDING – PLASTICS IN MARINE DEBRIS HAZARDOUS TO WILDLIFE

EPA on September 9th released a preliminary assessment that found potential exposure related to a pathway between micro-plastics as a hazard to endangered wildlife found in Hawaii. Micro-plastics refers to plastic particles 5 millimeters or less that have broken down from post-consumer plastics such as grocery bags and bottles. EPA chose to conduct a limited response in the preliminary assessment but EPA was found to have taken a “really important” first step by the Center for Biological Diversity.

EPA MINE VETO POWER

In a September 30th decision by the US District Court for the District of Columbia, it was ruled that EPA may veto mining disposal sites already permitted by the Corps of Engineers if there is “substantial new information” to support such an EPA decision.

A case involved the Mingo Logan Coal Company, who sued EPA. The judge rejected the company’s argument that preamble language in the EPA’s 1979 implementing regulations meant that EPA’s recent decision to overturn a previous Corps of Engineer Permit was arbitrary and capricious.

TSCA EXCLUSION FOR AMMUNITION

In an October 24th court hearing, oral arguments wrestled with the scope of the TSCA Exclusion for items that are taxed as ammunition. EPA has said that the TSCA Exclusion for items taxed as ammunition

precludes the agency for regulating lead issue and shot.

One judge told an attorney involved in a lawsuit that “the TSCA Exclusion is a categorical carve-out from EPA regulation.

It has been said however, that EPA could regulate the “component parts” of ammunition, but they have not yet done so.

US COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT GRANTS REQUEST TO REINSTATE CROSS-STATE AIR POLLUTION RULE

The US Court of Appeals for the District of Columbia Circuit in an October 23rd Order granted EPA’s request to lift a legal stay in implementing the Cross-State Air Pollution Rule Emissions Trading Program.

The ruling likely extends the EPA’s rule compliance deadlines by three years as there had been litigation over the Cross-State Air Pollution Rule for some time.

The Court, unless it issues another order, is granting the request to toll the deadlines.

EPA TO REGULATE STRONTIUM IN DRINKING WATER

EPA has made a preliminary determination to regulate strontium in drinking water. This is a formal decision that EPA should regulate a specific contaminant under the Safe Drinking Water Act, a decision made under the Safe Drinking Water Act. EPA will evaluate public feedback on the proposal to regulate, following a 60-day public comment period. Final regulatory determinations would be issued in 2015.

(Environmental Resource Center – 10-28-14)

SCIENCE ADVISORY BOARD URGES EPA TO BETTER QUANTIFY CONNECTIONS BETWEEN UPSTREAM AND DOWNSTREAM WATERS

As previously indicated in RT Email Blasts, the issue of promptly determining “Waters of the United States”, has not been based on a scientifically sound methodology to determine what areas of land are and are not wetlands. Now, EPA’s Science Advisory Board is urging the Agency to better quantify the connections between upstream and downstream waters which traditionally were regulated under the Clean Water Act.

Revisions suggested recommend better reflecting scientific evidence and making EPA’s justification document more useful to decision makers.

SAB recommended that EPA revise its interpretation of connectivity to “reflect a gradient approach which recognizes variation in the frequency, direction, magnitude, predictability and consequences of those connections.”

STORMWATER PERMITTING GUIDANCE – “FLOW ISSUE”

EPA issued revisions to a controversial 2010 Memorandum on Stormwater Permits which marked the end of using stormwater “flow” as a surrogate for pollutants in permit limits. Bloomberg BNA indicates that flow as a “surrogate” language is removed entirely, and regulators are instead expected to craft numeric values for quantifying the success of BMPs and technological upgrades. The Memo allows for metrics for success that include both implementation of a BMP, including such items as reductions in impervious areas and overall pollution reductions such as specific targets for nutrients and sediments in receiving waters.

RETAILERS HAZARDOUS WASTE CONCERNS

Retailers have been pressuring EPA to make Hazardous Waste Rules appropriately fit the retail environment, in particular following a settlement by Wal Mart related to the handling of returned, unsold and off specification products. There were civil penalties of \$7.6 million and a total of \$81.6 million in criminal penalties. Companies in the healthcare industry have indicated that EPA in recent comments could disrupt the reverse distribution system currently used to dispose of outdated or unsaleable pharmaceuticals.

A number of Rules and Guidance are being considered, and EPA is considering giving hazardous waste generators greater flexibility, giving special allowances to “episodic generators”.

CLEAN WATER ACT – PRE-ENFORCEMENT REVIEW

In South Carolina, a developer has sued to challenge an Army Corps of Engineers determination that part of a housing development owned by the Company is owned by a Jurisdictional Wetland. The suit is based on due process claims and alleges that Cease and Desist Order from the Corps of Engineers violated due process guarantees from the 15th and 14th Amendments.

In part, there are references to the previous “Sackett” decision, which determined that early determinations are “not final Agency action”. The developer is Bridalwood Development.

LEGACY COAL ASH SITE LAWSUITS

The Southern Environmental Law Center, Waterkeeper Alliance and other groups sued Duke Energy September 3rd over three ash storage facilities in North Carolina that the environmentalists say are leaking. The Southern Environmental Law Center, Potomac Riverkeeper and the Sierra Club also filed a Notice of Intent to Sue Dominion Power and

FEDERAL REGULATORY UPDATES (Continued)

Virginia Department of Environmental Quality over leakage from active disposal sites serving the Possum Point Power Plant near Washington, D.C.

The North Carolina Suit would impose more stringent requirements for cleanup including requirements for groundwater remediation at Duke facilities in Cape Fear, Yadkin River and the Upper Neuse River.

“NUISANCE” AIR CASES

In a Texas case, a judge ordered environmental groups to pay litigation costs of six million dollars, in a suit against Luminent, a power plant operator. In Iowa, attention is focused on a case called Freeman et al. vs. Grain Processing Corporation (GPC). The company believes there was a nuisance claim over emissions from corn wet milling facility in Iowa.

STORMWATER CITIZEN SUITS

Citizen groups in Oregon and Massachusetts filed suits to enforce the Clean Water Act. In particular, Stormwater Permit Requirements against a parking management company and timber product company were filed. Other citizen group lawsuits have been filed in California against waste handling, auto repair and other companies.

In June EPA released its “Post Construction Performance Standards and Water Quality-Based Requirements: A Compendium of Permit Approaches”.

WOTUS CONCERNS

The “Waters of the United States” Rulemaking is causing major concerns among the agricultural community. It is also causing concerns for developers, the construction industry, and even environmental organizations that are typically friendly with EPA. The rule was proposed by the Federal Government for the purpose of clarifying those waters covered under the Clean Water Act and to help states protect their waters. After reviewing the proposed rule, it has become clear to many organizations that the rule expands the jurisdiction of the Federal Government and will hinder economic growth.

The EPA claims that the proposed rule preserves existing Clean Water Act exemptions and exclusions for agricultural activities. The problem is that the exemptions for agriculture are extremely narrow. They only apply to Section 404 of the CWA, the “dredge and fill” permit program. The rule provides no protection from enforcement over other activities, such as application of fertilizers and herbicides and any other number of regular farming activities that may trigger CWA liability and permit requirements. A farmer also has to be farming continuously since 1977 in order to benefit from the exemptions.

The proposed rule also gives EPA and the Army Corps authority over the following:

- Seasonal and rain dependent streams,
- Adjacent streams and wetlands that feed those streams, and
- Isolated wetlands or other waters that have a “significant nexus” to the traditional navigable waters.

The rule also further tightens existing exemptions by requiring mandatory compliance with what used to be voluntary Natural Resources Conservation Service (NRCS) standards. Farmers previously could undertake these practices as part of their normal farming activities; now, those activities are no longer voluntary and must comply with NRCS standards or else the farmer risks enforcement activity.

These exemptions are not part of the rule but, are rather included in an interpretive rule that is more like agency guidance, leaving the EPA and NRCS with the ability to further modify or narrow them at any time. Regardless of the exemptions, the waters and land that would come under federal regulatory jurisdiction is obviously broader under the proposed rule. These narrow exemptions will not protect farmers or other landowners from new restrictions or prohibitions that will come from establishing water quality standards and specific, numeric discharge limits for ditches, intermittent streams, and other features that EPA now plans to include into federal jurisdiction.

Puddles, ponds, ditches, ephemerals (land that looks like a small stream during heavy rain but isn’t wet most of the time) and isolated wetlands cover the nation’s farmland. Some have interpreted the new proposed rule as expanding the EPA and Army Corps’ authority to include these types of features. There is also confusion as to the exact definition of those features which are proposed to be regulated. Despite whether these features are dry the majority of time throughout the year, farming, home building, commercial development, and any other type of land use will require a federal permit under the proposed rule.

EPA has claimed that the rule would have minimal impact on farmers and minimal economic impact that would not affect many acres. EPA estimated approximately 1,300 acres of land would be impacted. The National Farm Bureau states that this is “a laughable assertion when one considers the amount of acreage in just one state or even county that has hydric soils and, therefore under EPA’s proposal, adequate characteristics to be considered “waters of the U.S.”

The proposed rule will definitely make it more difficult for farmers to remain competitive and profitable in their already challenging industry. The rule will also present challenges

for developers, home-builders, and many other businesses. We at RT feel that the proposed rule is an attempt by the Federal Government to expand its jurisdiction, although they claim that it provides more benefits than it does costs.

RISK MANAGEMENT PROGRAM CHANGES SOUGHT

As a result of perceived poor industry process safety performance over the past decade, and due to recent notable accidents, the White House issued Executive Order 13650 – Improving Chemical Process Safety. The EO set up Working Groups to develop action plans to find ways to:

- Enhance information collection and sharing;
- Modernize regulations, guidance and policies; and
- Identify best practices in chemical facility safety and security.

A July 24th Request for Information (RFI) was issued by EPA seeking information which could result in changes to the Risk Management Program (RMP). The RFI is requesting input from stakeholders on improving the RMP standard in areas that include:

- Updating the list of regulated substances
- Adding RMP Program elements
- Requiring third-party audits
- Emergency drills
- Incident investigation and accident history requirements

The potential changes could significantly increase the regulatory compliance burden/risk for many chemical, petrochemical oil and gas, and related industrial facilities for:

- Plant siting and buffer zones
- New projects
- Existing plant upgrades
- Stakeholder interactions

For further information on this issue, please contact Lawrence W. Bily at extension 236, or lbily@rtenv.com.

NON-ROAD ENGINE RULING AGAINST VOLVO COMPANY

A federal court ruling on July 18th against a Volvo subsidiary was issued related to engine emissions controls. There was a three judge panel unanimous decision that an engine manufacturing member of the Volvo Group should be held responsible for violating a Consent Decree entered into by a predecessor entity. Engine makers had to comply with tougher emissions standards for Non-Road Engines but EPA found some engines certified by Volvo Penta for sale in the United States did not meet required emissions limits. An issue in the case was how a previous Consent Decree applied to the Company and whether related Volvo companies had to comply with the Consent Decree and the court found that they had to.

TECHNOLOGY UPDATES

GLYPHOSATE - A SILENT DANGER CAUSING LEAD POISONING IN PREGNANT WOMEN

A study on pregnant women in Bangladesh shows that pesticides can cause lead to be taken up into the blood of humans; causing lead poisoning in pregnant women that can also harm the brains of developing fetuses.

It's as if tiny lead bullets are being fired into people silently through the water supply, and it's the mass-application pesticides that are the real smoking gun doing all the deadly dirty work. That's what researchers are beginning to figure out.

Further a study from Sri Lanka, spearheaded by Dr. Channa Jayasumana, shows how glyphosate, a broad-spectrum herbicide that is used to kill weeds, acts as a carrier for heavy metals like lead and arsenic. The glyphosate forms chemical bonds that transport the toxic metals more readily into the bloodstream of agricultural workers. Once the heavy metals are welcomed into the blood, they can circulate throughout the body, damaging kidneys, the brain and other organs.

"Glyphosate acts as a carrier or a vector of these heavy metals to the kidney," noted Dr. Jayasumana, after studying how chronic kidney disease is killing tens of thousands of agricultural workers in Central America, Sri Lanka and India. Dr. Jayasumana now insists that glyphosate empowers heavy metals like arsenic and cadmium to rush into the kidneys. This is probably because glyphosate is known for acting like an antibiotic, destroying beneficial gut microbes that protect the gut wall. By destroying this natural immunity, glyphosate allows heavy metals and other toxins to flood the bloodstream, ultimately taxing the organs.

In Bangladesh, similar results are being found regarding lead. Unplanned use of pesticides and herbicides in crops is being linked to higher levels of lead in the blood of pregnant women in rural Bangladesh. Bangladesh's International Centre for Diarrhoeal Disease Research joined forces with Stanford University to identify the reason why so many women in the country have high levels of lead in their blood. They tied the influx of lead to increased and unplanned pesticide and herbicide use in the women's agriculture region. 430 pregnant women from the districts of Tangail, Gazipur, Mymensingh and Kishoreganj had their blood tested. Nearly half (46 percent) had elevated lead levels.

The women with low blood lead levels were eating and drinking from areas with minimal herbicide and pesticide use on crops. The women with high blood lead levels ate food sprayed with the chemicals more often. They also ate canned food and consumed more rice husked from machines.

This correlation suggests that pesticides and

herbicides act as catalysts, causing crops like rice to take up more lead. Since herbicides disturb natural pathways and processes in the crops, are they making the crops more vulnerable to take up toxins and heavy metals? It appears so.

(Natural News – 8/29/14)

NEW ASTM STANDARD ON ASBESTOS EXPOSURE

ASTM International

A new standard, ASTM D7886, Practice for Asbestos Exposure Assessments for Repetitive Maintenance and Installation Tasks, is intended to aid those testing asbestos exposures by quantifying such exposure levels. OSHA regulations require that worker exposure to asbestos be determined with a "high level of certainty." The data from these tests give the employer a degree of confidence that the respirator provided to workers offers adequate protection, or whether one is needed at all, to remain in compliance with OSHA regulations or other criteria.

(IAQ Digest 8-18-14)

ASTM STANDARD WILL AID IN MOLD SAMPLE ANALYSIS

Taking a tape-lift sample is one of the main practices used by indoor environmental quality investigators for detecting whether mold structures (for example, spores and hyphae) have either settled onto or colonized the surface. Despite the popularity of the method, there can be significant inconsistency in how tape lifts are collected. A new ASTM standard, ASTM D7910, Practice for the Collection of Fungal Material from Surfaces by Tape Lift, addresses such inconsistencies by describing the correct way to collect a tape-lift sample.

(IAQA Digest – 9-3-14)

IIRC PUBLISHES NEW GUIDANCE DOCUMENT ON CONTAMINATED SEDIMENTS REMEDIATION

Remediation of contaminated sediments commonly targets the complementary goals of protecting human health and the environment and restoring impaired environmental resources to beneficial use. Remediating contaminated sediment sites is challenging from a technical and risk-management perspective. A new IIRC Web-based guidance document presents a remedy selection framework for contaminated sediments to help project managers evaluate remediation technologies and develop remediation alternatives based on site-specific data. General categories of contaminated sediment remedial technologies covered in the guidance document include monitored natural recovery (MNR) and enhanced monitored natural recovery (EMNR), in situ treatment, capping (conventional and amended),

TECHNOLOGY UPDATES

- New Vapor Intrusion Guide, pg. 10
- Low Dose Arsenic Study, pg. 10
- USGS - Mercury Concerns, pg. 11

and removal (dredging and excavation). Additional factors that need to be considered as part of the evaluation process are summarized (e.g., feasibility, cost, stakeholder and local government concerns, and others). IIRC offers a free corresponding Internet-based training course on contaminated sediment remediation as well.

View the guidance document (August 2014, 514 pages) at http://www.itrcweb.org/contseds_remedys-selection/ and register for the training course at <http://www.itrcweb.org/Training?topicID=4#contsedsRSCS>.

RECOMMENDED APPROACH FOR EVALUATING COMPLETION OF GROUNDWATER RESTORATION REMEDIAL ACTIONS AT A MONITORING WELL (OSWER DIRECTIVE 9283.1-44) & GROUNDWATER STATISTICAL TOOL

The purpose of this document is to recommend well-specific factors for EPA Regions and other stakeholders to consider in evaluating the groundwater in each monitoring well for purposes of the recommendations discussed in the groundwater restoration completion guidance (OSWER 9355.0-129). The Groundwater Statistics Tool is designed to help evaluate contaminant of concern (COC) concentrations on a well-by-well basis to determine whether a groundwater restoration remedial action is complete (August 2014, 18 pages). View, download, and use at: <http://www.epa.gov/superfund/health/commedia/gwdocs/remedial.htm>

(TechDirect – 9-1-14)

LOW DOSE ARSENIC STUDY

A study published in early summer of 2014 in, Archives of Technology, seeks to recreate human exposures for arsenic in drinking water at low dosage levels that may apply throughout a person's lifetime. EPA's Integrated Risk Information System Assessment of Arsenic has been stalled for years over scientific disagreements over how arsenic exposure causes cancer biologically.

The study notes that 24 parts per million (ppm) arsenic in drinking water, mice produce lung tumors, but not at 5 ppm. According to the article, the results in the present study with the highest arsenic dose used (5 ppm) was not linked to lung tumors. However, in males, the lower two doses of arsenic (500 and 50 parts per billion), induced bronchiolo-alveolar

TECHNOLOGY UPDATES *(Continued)*

tumors as reflected by a 230% increase in lung adenoma or carcinoma incidence. At the lowest dose (50 ppb) increased lung tumors included significant increase in lung carcinoma and alveolar hyperplasia.

Low dose responses were “not expected, particularly – the unusual dose – response.” The lowest whole-life dose (50ppb) used is only five times the USEPA Maximum Contaminant Level (MCL) in drinking water for Arsenic is 0.01 ppm or 10 ppb. A response at this concentration is cause for “serious concern”.

The study warns that the results “should be interpreted with great care” as further work should be performed in assessing carcinogenic potential of inorganic arsenic in mice at human relevant doses.

NEW VAPOR INTRUSION GUIDE

The Interstate Technology and Regulatory Council which works with federal agencies and industry released “Petroleum Vapor Intrusion Fundamentals of Screening, Investigation and Management”, on October 15th. EPA is reported to finalize its Guide soon and there have been some expectations that the ITRC document is a companion guide to EPA’s Petroleum Vapor Intrusion Guide, expected to be issued soon. You can get a copy of the Guidance by going to <http://itrcweb.org/PetroleumVI-Guidance/>.

Vapor intrusion continues to be an important pathway at Brownfields project where residual contamination to impact properties for both existing buildings and new construction. The mitigation of the vapor intrusion pathway is manageable during the redevelopment the site with the installation of an impermeable vapor barrier and gravity vent system. For existing buildings where vapor mitigation is needed, RT has installed subslab depressurization systems, which include an in-line ventilation fan that creates a slight negative pressure beneath the slab and reduces the accumulation of vapors beneath the slab.

Should you have a project where vapor intrusion is a concern, be it a retrofit project or new construction, RT can help in the evaluation of vapor intrusion.

AIR POLLUTION SLOWS GROWTH OF CHILDREN’S LUNGS

Medical experts are urging the government to take more effective action to clear Hong Kong’s air after a new study found that air pollution restricts the growth of children’s lungs. The preliminary analysis of a six year British study indicates that children exposed to nitrogen dioxide and particulate matter have slower lung growth. Professor Frank Kelly, an environmental health expert at King’s College, London said a child could lose as much as 165

ml of lung volume under high-level exposure to nitrogen dioxide, a lifelong impact which could “contribute to the development of chronic lung diseases such as asthma.”

(South China Morning Post/IAQA Digest – 10/8/2014)

USGS REPORT – MERCURY CONCERNS

The US Geological Survey in an October 14, 2014 report indicated that the ecological and water quality benefits of wetland construction and restoration should be balanced against the fact that wetlands promote the conversion of inorganic mercury into methylmercury, a potent neurotoxin that accumulates in fish and other aquatic organisms.

Coal combustion is a predominant source of mercury in fish, and methylmercury production in wetlands and other aquatic organisms generally increases with increasing sulfate, which can be contributed by anthropogenic sources such as emissions from coal burning. Thus, decreasing sulfate emissions in response to implementation of the Clean Air Act are “expected to cause decreasing methylmercury concentrations in some areas of the United States,” according to the report. It is recommended that the United States participate in a global strategy to reduce mercury emissions. The report concludes that eastern states will benefit from reductions in domestic pollution but western states are more susceptible to pollution from other continents.

NEW DOCUMENT - NUCLEAR SITE REMEDIATION AND RESTORATION DURING DECOMMISSIONING OF NUCLEAR INSTALLATIONS.

Decommissioning of nuclear facilities and related remedial actions are currently being undertaken around the world to enable sites or parts of sites to be reused for other purposes. Remediation has generally been considered as the last step in a sequence of decommissioning steps, but the values of prevention, long-term planning and parallel remediation are increasingly being recognized as important steps in the process. This report, prepared by the Task Group on Nuclear Site Restoration of the NEA Co-operative Programme on Decommissioning, highlights lessons learned from remediation experiences of NEA member countries that may be particularly helpful to practitioners of nuclear site remediation, regulators and site operators. It provides observations and recommendations to consider in the development of strategies and plans for efficient nuclear site remediation that ensures protection of workers and the environment (August 2014, 246 pages). View or download: <http://www.oecdnea.org/rwm/pubs/2014/7192-cpd-report.pdf>.

OEPA - UPDATE

Two new Technical Guidance Compendium documents have recently been added to the VAP website:

TGC VA30000.14.003 - VAP

Environmental Covenants: Avoiding the Unauthorized Practice of Law

(<http://www.epa.ohio.gov/portals/30/vap/tgc/va30000-14-003.pdf>)

TGC VA30011.14.004 -Post-Remedy Verification Ground Water Monitoring for VAP Projects (<http://www.epa.ohio.gov/portals/30/vap/tgc/va30011-14-004.pdf>)

The index of all TGC documents may be found at:

http://epa.ohio.gov/Portals/30/vap/tgc/Index%20for%20Current%20TGCs_October%202014.pdf

HALF OF WILDLIFE LOST IN THE LAST 40 YEARS ACCORDING TO RECENT STUDY

The Earth lost half of its wildlife in the past four decades, according to the most comprehensive study of animal populations to date. A new study was conducted by scientists at the wildlife group WWF, the Zoological Society of London and other organizations.

Key findings are:

Based on an analysis of thousands of vertebrate species, the study concludes that overall animal populations fell 52% between 1970 and 2010.

- The decline was seen everywhere, on land, in rivers, and in the seas.

- The decline is mainly the result of increased habitat destruction, commercial fishing and hunting, and climate change is believed to be a factor causing this phenomenon.

Those conducting the study were surprised at the decline, because a previous WWF Report in 2012, showed a decline of 28% over a similar period.

The current study uses 15% more data, and contains more representative information on tropical species, and uses an improved methodology.

For some species, there are only rough approximations, due to the difficulty of sampling and providing appropriate counts, on the thousands of species that inhabit Earth. The Report calculates a global “ecological footprint”, which measures the area required to supply the ecological goods and services humans use. That portion of the Report currently concludes that humanity currently needs the regenerative capacity of 1.5 Earths, to supply the demand that humans create for goods and services on Earth.

(Wall Street Journal – 10/1/2014)

RT ENERGY NEWS

METHANE POLLUTION FROM OIL AND GAS INDUSTRY CAN BE CUT IN HALF

A new report shows how the EPA can cut climate warming methane pollution in half—while dramatically reducing harmful, wasteful air pollution from the oil and gas industry at the same time—by issuing federal standards for methane pollution based on available, low-cost technologies and practices.

The oil and gas sector are the largest US industrial emitters of methane, which is the primary constituent of natural gas and the second-biggest driver of climate change after carbon dioxide. Smog-forming, toxic chemicals that leak from oil and gas sites along with methane also harm air quality, endangering the health of people in neighboring communities.

“Waste Not: Common Sense Measures to Reduce Methane Emissions from the Oil and Natural Gas Industry,” shows how EPA can fulfill its responsibility under the Clean Air Act to cut methane pollution from the entire oil and gas industry by issuing performance standards for methane emissions. Standards based on the

technology and practices reviewed in this report could cut methane pollution from the sector by half—saving enough gas to heat at least 3 million homes.

A Report Summary encapsulating the report’s findings was recently released by co-authors Clean Air Task Force, Natural Resources Defense Council and Sierra Club. Earthjustice, Earthworks, and Environmental Defense Fund have also reviewed the report and support its recommendations for EPA standards for methane emissions. The full report with technical recommendations will be available soon.

Most of the industry’s methane pollution comes from leaks and intentional venting that can be identified and curbed with existing, low-cost technology and better maintenance practices. This report zeroes in on the biggest sources of methane emissions in the sector and identifies the readily available control measures: finding and fixing leaks; controlling emissions from compressors and other equipment; and stopping the venting of methane from wells.

The methane standards recommended in the report would cut up to 10 times more methane and up to four times more smog-forming pollutants than alternative approaches, because methane standards would apply to oil and gas infrastructure across the country, not just to equipment located in selected areas.

(Environmental Tip of the Week – 11/24/14)

NATURAL GAS PIPELINES – MORE PLANNED

More than 1,000 miles of natural gas pipelines are planned in Pennsylvania. There’s not enough pipeline infrastructure to move all of the natural gas coming from fracking in the Marcellus and Utica Shales. Big pipeline projects are in the works to move the gas and natural liquids. Regulatory approvals for interstate projects can be slow, and some of the pipelines face opposition along the routes. Pipelines include modernization projects and some projects will result in natural gas moving to the eastern Pennsylvania Port of Philadelphia where natural gas could be moved overseas.

(PIOGA – 11/24/2014)

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



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

NJ UPDATES

HISTORICALLY APPLIED PESTICIDES

The New Jersey Department of Environmental Protection has issued a recent Guidance update, for Response Action Outcome statements. The New Jersey Department of Environmental Protection, similar to other states, does not require cleanup of historically applied pesticides. Historically applied pesticides are however, typically addressed by property owner, nearly all of the time, when a use changes, to residential, day care, or, for public recreational use.

The Guidance points out:

- Farmers, orchardists, homeowners, turf growers, local governments and others have used a wide variety of pesticides over the last 100 years in an effort to control pests and increase crop yield.

- Many pesticides were used in limited circumstances, others became widely used, and some became the “pesticide of choice” for entire crops or industries.

- Some of these pesticides are persistent in the environment, and thus may be present in the soil long after they have been applied.

A new Notice has been developed to allow LSRPs to document that historically applied pesticides were not investigated as part of the remediation of a particular site. The Notice should not be used in situations where the manufacture, mixing, or other handling of these chemicals resulted in a discharge to the environment.

For more information, go to Historically Applied Pesticides Not Addressed (NEW) Downloadable versions of all RAO Notices are available at <http://www.nj.gov/dep/srp/regs/rcs/index.html>. SRP Site Remediation Reform Act (SRRA) Web site: www.nj.gov/dep/srp/

NJ DEP WILL NOT REVIEW REMEDIAL INVESTIGATION REPORTS AND REMEDIAL ACTION WORK PLANS, AND WILL INSTEAD FOCUS ON REVIEW OF REMEDIAL ACTION REPORTS AND RESPONSE ACTION OUTCOME STATEMENTS

The New Jersey Department of Environmental Protection, through its List Server Notification System, recently announced that it will no longer review Remedial Investigation Reports and Remedial Action Work Plans, and instead focus efforts on review of Remedial Action Reports and Response Action Outcome Statements.

The Department is, taking this step for a number of reasons, including that the Licensed Site Remediation Professional Program has been in effect for four years, and, Licensed Site Remediation Professionals should now have sufficient experience, that review of all submittals is not necessary.

Although document completeness reviews will continue, and, certain sites will still be

subject to more in depth reviews, and Case Management oversight will still be required at sites such as RCRA 2020 sites, this puts the focus on Licensed Site Remediation Professionals to determine when consultation with NJDEP is needed.

RT Senior Staff practice in a number of states, including other sites with privatized programs. We have found that New Jersey Department of Environmental Protection has one of the best consultation programs, among states where cleanups are privatized.

Consultation works because:

- The best professionals at DEP have been assigned to undertake consultation, and, they also have substantial experience, and understand New Jersey’s site conditions, geology, soils, and groundwater flow patterns and site AOC situations.

- Consultation is very focused, information is submitted in advance, and records are kept of the consultation, which owners and Licensed Site Remediation Professionals can rely on.

- Although other states charge for consultation, New Jersey does not, which makes the decision of whether or not to complete consultation easy.

As the NJDEP Licensed Site Remediation Professional Program continues, it appears that what needs most attention is where NJDEP continues to provide Case Management oversight, because many Licensed Site Remediation Professionals are finding that the timeframes for case oversight are inordinately long, and, in too many cases, DEP has lost information on the history of the site, which in some instances, can delay cleanup for many months, or even years.

We recommend that NJDEP focus on this important issue in the near future, as we are concerned that some sites will miss the RCRA 2020 milestone goal for cleaning up the most sites simply because lack of DEP resources combined with loss of knowledge of site history.

There are also other Response Action Outcome Notices which may be issued by Licensed Site Remediation Professionals, without prior DEP approval. These include:

- In-Service Railroad Lines, Spurs and Sidings Not Remediated

- Historic Fill Not Remediated for RAO-A

- Soil Contamination From an Off-Site Source Not Remediated – General

- Soil Contamination From an Off-Site Source Not Remediated – Diffuse Anthropogenic Pollution

- Naturally Occurring Levels of Constituents in Ground Water

- Applied Pesticides not Addressed

We recommend that the Case Management Oversight aspect of the program be given attention in the very near future.

-Gary Brown

NJ UPDATES

- Historically Applied Pesticides, pg. 13
- New Sewer Projects, pg. 13

BORDENTOWN LANDFILL THE SITE OF SOLAR FARM

Public Service Electric and Gas is building a 10.14 million megawatt solar farm, at the closed Parklands Landfill in Bordentown. The site is located near the confluence of the New Jersey Turnpike, I-295, and US Route 130. A New Jersey initiative plans to shift large grid supply projects, to landfills and Brownfields sites, and, not use new “Greenfields” land in New Jersey.

The project will use 40 acres of landfill to build a solar farm capable of powering 2,000 homes annually. PSE&G has been the most aggressive of the state’s utilities in trying to redevelop Brownfields and landfills, and the utility will invest \$247 million in the projects, most of which will be spent on solar farms being built on landfills and Brownfields systems.

(*Philadelphia Inquirer* – 9/26/14 – by Tim Johnson)

EPA AWARDS \$229M FOR NJ SEWER PROJECTS

The Environmental Protection Agency announced in October that NJ has been awarded \$229 million in Sandy aid for those improvements, while New York was awarded \$340 million. The federal agency first announced last year that it had earmarked the funding, which is part of the Sandy disaster relief package passed by Congress.

David Zimmer, the executive director of the New Jersey Environmental Infrastructure Trust, said there will be roughly \$355 million in total going toward Sandy-related projects with the addition of state matching funds and other resources.

The trust is a state financing authority that provides low interest-rate loans for water quality infrastructure projects.

Zimmer said constraints tied to different pots of funding make it difficult to identify the exact amount of money projects will receive from a particular source.

But, among the projects eligible to receive funding include raising the flood wall at New Jersey American Water’s Raritan Millstone water treatment plant and the construction of a sea wall at a facility run by the Atlantic County Utility Authority, as well as the replacement of pumps and generators.

Those types of projects, Zimmer said, will help prevent damage that occurs during storms like Sandy.

When Sandy roared through New Jersey nearly two years ago, it left the state’s drinking water and wastewater infrastructure crippled.

That led to the discharge of more than 3 billion gallons of raw, untreated sewage into waterways, the state said.

(By Erin O’Neill, *SJ Times* – 10/3/2014)

FEDERAL REGISTER NOTICES<http://www.federalregister.gov>

Rule: Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits	(Federal Register – 11/6/14)
Proposed Rule: Standards of Performance for Grain Elevators	(Federal Register – 11/7/14)
Proposed Rule: Phosphoric Acid Manufacturing and Phosphate Fertilizer Production RTR and Standards of Performance for Phosphate Processing.	(Federal Register – 11/7/14)
Rule: Partial Exemption of Certain Chemical Substances from Reporting Additional Chemical Data	(Federal Register – 11/10/14)
Proposed Rule: Notice of Public Meeting and Webinar: Preliminary Regulatory Determinations for the Third Contaminant Candidate List – Drinking Water Regulations	(Federal Register – 11/13/14)
Proposed Rule: Approval and Promulgation of Implementation Plans; Region 4 States; 2008 Lead, 2008 Ozone and 2010 Nitrogen Dioxide Prevention of Significant Deterioration Infrastructure Plans	(Federal Register – 11/13/14)
Proposed Rule: National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Steam Generating Units	(Federal Register – 11/19/14)
Rule: Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County's Adoption of control Techniques Guidelines for Four Industry Categories for Control of Volatile Organic Compound Emissions	(Federal Register – 11/26/14)
Proposed Rule: NPDES Electronic Reporting Rule – On July 30, 2013, the Environmental Protection Agency (EPA) proposed the NPDES Electronic Reporting Rule that would require electronic reporting instead of current paper-based NPDES reports. This action would modernize NPDES reporting, save time and resources for regulated entities and regulatory agencies, better protect the Nation's waters by improving compliance, and provide the public with access to information that affects their communities.	(Federal Register – 12/1/14)
Rule: Rulemaking to Amend Dates in Federal Implementation Plans Addressing Interstate Transport of Ozone and Fine Particulate Matter	(Federal Register – 12/3/14)
Rule: Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Harrisburg-Lebanon-Carlisle-York Nonattainment Areas to Attainment for the 1997 Annual and the 2006 24-Hour Fine Particulate Matter Standard	(Federal Register – 12/8/14)
Proposed Rule: National Emissions Standards for Hazardous Air Pollutants: Primary Aluminum Reduction Plants	(Federal Register – 12/8/14)
Proposed Rule: National Emissions Standards for Hazardous Air Pollutants: Secondary Aluminum Production	(Federal Register – 12/8/14)
Proposed Rule: NESHAP Risk and Technology Review for the Mineral Wool and Wool Fiberglass Industries; NESHAP for Wool Fiberglass Area Sources	(Federal Register – 12/10/14)
Rule: Greenhouse Gas Reporting Program: Addition of Global Warming Potentials to the General Provisions and Amendments and Confidentiality Determinations for Fluorinated Gas Production	(Federal Register – 12/11/14)
Proposed Rule: Completion of Requirement to Promulgate Emissions Standards	(Federal Register – 12/16/14)
Proposed Rule: National Ambient Air Quality Standards for Ozone – Based on its review of the air quality criteria for ozone (O ₃) and related photochemical oxidants and national ambient air quality standards (NAAQS) for O ₃ , the Environmental Protection Agency (EPA) proposes to make revisions to the primary and secondary NAAQS for O ₃ to provide requisite protection of public health and welfare, respectively. The EPA is proposing to revise the primary standard to a level within the range of 0.065 to 0.070 parts per million (ppm), and to revise the secondary standard to within the range of 0.065 to 0.070 ppm, which air quality analyses indicate would provide air quality, in terms of 3-year average W126 index values, at or below a range of 13-17 ppm-hours.	(Federal Register – 12/17/14)
Proposed Rule: Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to Allegheny County Rules; Preconstruction Permit Requirements-Nonattainment New Source Review	(Federal Register – 12/17/14)
Proposed Rule: NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing	(Federal Register – 12/18/14)
Proposed Rule: Greenhouse Gas Reporting Rule: 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems	(Federal Register – 12/22/14)
Proposed Rule: Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation Request and Associated Maintenance Plan for the Reading, Pennsylvania Nonattainment Area for the 1997 Annual Fine Particulate Matter Standard, and 2007 Base Year Inventory	(Federal Register – 12/22/14)

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PENNSYLVANIA BULLETIN NOTICES

9/1/2014 – DEP ID: 263-4200-001. Title: Closure Requirements for Aboveground Storage Tank Systems. Des DEP ID:263-4200-001. Title: Closure Requirements for Aboveground Storage Tank Systems. Description: The purpose of this guidance is to establish minimum standards that must be met to comply with the closure requirements for regulated large above-ground storage tanks. These procedures include closure notification, tank handling, waste management and disposal, site assessment, sampling requirements, analytical requirements, release reporting and recordkeeping.

This Technical Guidance Document is being revised to correct the Short List of Petroleum Products presented in Appendix F, found on pages 49 and 50. The correction adds Methyl tert-Butyl ether to the parameters to be tested in soil and water when kerosene or fuel oil No. 1 is the product store

September 27, 2014 - The Department of Environmental Protection published notice of final technical guidance on Sewage Enforcement Officer Certification and Training Program Guidance.

DEP also published notice of a federal Coastal Zone Management consistency determination for a dredging project in the Delaware River by Waste Management.

10/6/14 – The Department of Environmental Protection published notice of draft technical guidance for public comment changing the policy for identifying, tracking and resolving oil and gas violations and for coordinating immediate responses and final remediation of spills and releases of substances into soils.

DEP also published notice of certification requests for credits under the Nutrient Credit Trading Program and proposed changes to the State Air Quality Implementation Plan to redesignate the Johnstown area as meeting the PM 2.5 standard. A public hearing will be held November 5. April 21, 2014

10/6/14 - DEP ID:2260-0500-001. Title: Policy for Coordinating Immediate Responses and Final Remediation of Spills and Releases. Description: This policy summarizes how the Department oversees immediate responses and final remediation of spills and releases of regulated substances onto soils. The purpose of the policy is to facilitate the consistent investigation of and the response to spills and to coordinate immediate response needs with final remediation endpoints.

10/6/14 - DRAFT: DEP ID:7550-3000-001. Title: Standards and Guidelines for Identifying, Tracking, and Resolving Oil and Gas Violations. Description: This policy provides direction to Department staff in determining enforcement actions the Department will pursue to resolve violations and achieve compliance with applicable laws and regulations related to conventional and unconventional oil and gas development. The policy also provides advisory information to the regulated industry. Once finalized, this document will replace the previous policy "Compliance Monitoring of Oil and Gas Wells and Related Facilities and Activities" that was issued in 2005. Revisions are necessary to reflect changes to the organizational structure of the agency and to update the policies and procedures to reflect current oil and gas development activities in Pennsylvania.

10/20/14 - The Department of Environmental Protection published notice of final technical guidance- Land Recycling Technical Guidance Manual Section V-Related Documents of Interest.

Final: DEP ID:2253-0300-100. Title: Land Recycling Technical Guidance Manual Section V-Related Documents of Interest. Description: Section V-Related Documents of Interest is one section of the larger Land Recycling Program Technical Guidance Manual (Manual). The purpose of the Manual is to assist remediators with how to best approach site characterization, remediation and demonstration of attainment and satisfy the requirements of Act 2. Section V has been revised to correct improper web site links. Contact: Troy Conrad call 717-783-9480 or send email to: tconrad@pa.gov.

10/27/14 - The Environmental Quality Board Tuesday approved two regulations for public comment- Proposed Control of VOC Emissions From Metal Parts, Surface Coatings, Boats and Proposed Security Rule for Radioactive Material.

10/27/14 - The Board did not accept two rulemaking petitions for study dealing with a Ban On Water Fluoridation and Bottled Water Fluoride Labeling.

10/27/14 - The Environmental Quality Board published notice of proposed changes to Land Reclamation Financial Guarantees and Bioenergy Crop Bonding regulations for comment.

11/2/14 - The Department of Environmental Protection published notice of a revision to the reporting instructions for public water supply systems for public comment.

11/2/14 - DEP ID: 383-3301-106. Title: Turbidity and LT2 ESWTR Reporting Instructions for Public Water Systems Using Filtered Surface Water or GUDI Sources. Description: The Department provides accredited laboratory and public water supplier staff with the information necessary to properly report filtered surface water or Groundwater Under the Direct Influence of Surface Water (GUDI) turbidity monitoring data and to complete electronic Safe Drinking Water Act (SDWA) form under the safe drinking water program.

11/9/14 - The Governor's Executive Board published notice of a reorganization of the Department of Environmental Protection.

11/9/14 - DEP published notice of the rescission of six technical guidance documents related to infectious and chemotherapeutic waste, incineration of mixed waste with ICW and other guidance incorporated into DEP ICW regulations published in 2000.

11/9/14 - DEP also published notice of additional proposed revisions to the General Permit for Bluestone Mining (BMR-GP-105).

11/9/14 - DEP ID: 254-2167-708. Title: Procedures for Container/Vehicle Decontamination and Small Spill Clean-Up.

11/16/14 - The Department of Environmental Protection published notice extending NPDES General Permit for Discharges from Hydrostatic Testing Of Tanks and Pipelines (PAG-10).

11/16/14 - DEP also published notice of proposed changes to the General Plan Approval and General Operating Permit No. 5 for Natural Gas Compression and Processing Facilities for public comment.

11/16/14 - DEP published notice suspending the enforcement of and compliance with the greenhouse gas requirement under Air Quality General Permit No. 5 relating to natural gas compression and process facilities as a result of a federal court ruling.

11/16/14 - DEP published notice of a public hearing on the proposed redesignation of Pittsburgh-Beaver Valley Area as attaining the PM 2.5 standard. DEP Southwest Regional Office, 400 Waterfront Dr., Pittsburgh. 1:00. (formal notice)

11/16/14 - DEP published notice of a public hearing on the proposed redesignation of Pittsburgh-Beaver Valley Area as attaining the PM 2.5 standard. DEP Southwest Regional Office, 400 Waterfront Dr., Pittsburgh. 1:00. (formal notice)

12/1/14 - The Department of Environmental Protection published notice of its request for delegation of authority to implement the federal hospital, medical and infectious waste incinerators plan and notice of a January 6 public hearing.

12/8/14 - The Department of Environmental Protection published notice of the 2015 coal mining reclamation fee which is \$0.

12/14/14 - The Department of Environmental Protection published notice of an opportunity to comment on a draft technical guidance related to the beneficial use of coal ash at coal mines. Comments are due January 13. A copy of the draft policy is available online.

12/14/14 - DEP published notice of proposed changes to the state Air Quality Implementation Plan related to the Lyons Nonattainment Area in Berks County for lead. A public hearing will be held January 12 in Room 105 Rachel Carson Building, Harrisburg starting at 10:00.

12/14/14 - DEP published notice of changes in certifications to perform radon-related activities in Pennsylvania (PA Bulletin, page 7787).

12/20/14 - The Department of Environmental Protection published notice asking for comments on two draft technical guidance documents: An interim final policy implementing Act 162 of 2014 related to stream buffer requirements in special protection and other watersheds and a revised clean fill policy.

12/20/14 - DEP published notice December 20 announcing the availability of the stream buffer options under Act 162

12/20/14 - The Fish and Boat Commission published notice of additions to the endangered species list- the Bluebreast Darter, Gill Darter, Spotted Darter and the Tippecanoe Darter- for public comment.

12/20/14 - DRAFT: DEP ID: 310-2135-001. Title: Implementation Plan for Act 162 of 2014. Description: This interim final policy provides guidance on the Department's interpretation of Act 162 of 2014, related to regulatory requirements for riparian buffers or riparian forest buffers. This interim final policy provides the framework, rationale and requirements regarding riparian buffers and riparian forest buffers for applicants proposing projects that require NPDES permits for Discharges Associated with Construction Activities within 150 feet of a special protection (High Quality and Exceptional Value) river, stream, creek, lake, pond or reservoir.

12/20/14 - DRAFT: DEP ID: 258-2182-773. Title: Management of Fill. Description: This policy provides the Department's procedures for determining whether material is clean fill or regulated fill. Regulated fill may not be used unless a Solid Waste Management Act (35 P.S. §§6018.101–6018.1003) permit is secured by the individual or entity using the regulated fill.



KEY HIGHLIGHTS

FEDERAL UPDATES

- Lithium Battery Rules, pg. 6
- New Carcinogens, pg. 6
- Lithium Battery Rules, pg. 7

TECHNOLOGY UPDATES

- New Vapor Intrusion Guide, pg. 10
- Low Dose Arsenic Study, pg. 10
- USGS - Mercury Concerns, pg. 11
- EPA - Coal Ash Outcome, pgs. 2 & 5

NJ PROJECTS

- Historically Applied Pesticides, pg. 13
- New Sewer Projects, pg. 13

RT ENERGY NEWS

- Bakken Crude to be Stabilized, pg. 5
- Pipelines to Philadelphia, pg. 5
- Landfill Gas, pg. 7
- Greenhouse Gas Data, pg. 7

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