



THE RT Review

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Gary R. Brown Environmental Scholarship

RT Environmental Services, Inc., in partnership with the PA Chamber Foundation, has established the Gary R. Brown Environmental Scholarship.

The scholarship will be awarded annually beginning in 2021 to one or more students pursuing a degree in the field of Environmental Sciences or Environmental Engineering.

RT Environmental Services, Inc. has committed to donating \$5,000 annually toward the scholarship.

All contributions are tax-deductible to the extent allowed by law. To make a contribution by credit card, please call 717.720.5427 or mail a check to:

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Attn: Finance Department
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Continuing the Legacy of RT Founder Gary R. Brown



It's not hard for everyone to agree that 2020 has not been much of a banner year. Navigating through the COVID-19 pandemic has been a challenge on its own, and there is a strong political divide and ideological angst that seems to be ever-present in today's society. Some say things are getting better, others say they are getting worse, but the only thing that most people know for sure is that things don't seem to be getting any easier. It's in times like these where many of us need to be reminded and inspired to continue to stay the course and keep focused. It's in times like these that many of us need to be reminded that there are still good people in the world who genuinely care about certain issues and the well-being of others.

If you had the privilege of working with Gary Brown during his 30+ year career in the environmental industry, you know that he was one of those people. Gary's good intentions successfully translated into the environmental work he completed for his clients and led to the establishment of RT Environmental. He mentored his staff and built a respectable consulting and engineering practice that has been operating since 1988. He possessed a level of drive and determination that embodied the idea of "staying the course". Perhaps not fully evident to many of us at the time, there were always a few simple principles that remained constant with Gary; he possessed genuine good intentions, always kept his client's main goals in mind, and treated pretty much everything else as background noise. Looking back, it's difficult not to see these principles shining through in all of Gary's past interactions, both personal and professional. RT and the environmental industry surely experienced a great loss following Gary's untimely passing this May after his short battle with cancer.

All of us here at RT are fortunate to have worked with Gary, and it will not be possible to ever repay the debt of gratitude which is owed to him. In the current times, many of us here at RT recognize that we are fortunate in that we are able to draw upon our past experiences with Gary, his expertise, and his lively spirit so that we

may continue moving RT forward in accordance with his wishes. There is much to be said for the technical expertise and professionalism which Gary exemplified, but more so lately the senior staff here at RT seem to be drawing most upon his ability to stay the course. We are extremely fortunate here at RT that we have that source of inspiration to draw upon during these times.

Over my 20 years working here at RT, I have heard many different clients and customers provide input as to why they have trusted RT with complicated environmental issues on their projects or even simple run of the mill assessments. Most have mentioned being impressed with RT's professionalism and ability to provide practical solutions for complicated environmental issues. Others have mentioned the attention given by our staff and the level to which we keep our clients informed throughout a project. But most of all, people seem to be complimentary of our ability to be "down to earth" and display the good intentions with which we work to achieve the goals of our clients. These qualities surely originated with Gary, but will be the centerpiece of values under which RT continues to conduct business.

RT had issued an announcement earlier this year regarding implementation of a management and owner succession plan which was implemented in Jan 2020. Gary and his prior partner worked with RT Senior Staff for many years to develop an appropriate ownership and management succession plan which had finally become a reality in the fall of 2019. Ownership was transferred from Gary and his prior partner to a group of internal employees, all of whom have worked at RT for 15 + years. The Succession Plan called for Gary to remain an integral part of the management team at RT, and he planned to continue his involvement in engineering work with long-term projects, while also maintaining business development responsibilities. It is unfortunate that things are unable to go as planned, but RT has begun shifting focus towards the future and recognizing that we are very fortunate in many other aspects. We are committed to continuing with RT in honor of Gary's legacy.

By Justin Lauterbach, QEP
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RT Team Takes Steps to Facilitate Transitions and Continue Providing Full Client Service

The year 2020 has been somewhat difficult for everyone and has not gone without additional challenges for the Management and Staff here at RT. Following the passing of Gary Brown, RT was faced with the immediate need to facilitate the transfer of many projects for which Mr. Brown was either the State Licensed Professional Engineer (PE) of record or the retained NJ Licensed Site Remediation Professional (LSRP). Walter Hungarter, P.E., who initially obtained his engineering license in DE, since obtained his Professional Engineering licenses in both Pennsylvania and Alabama, with his license for New Jersey pending. Walter has already provided expert testimony and technical engineering expertise for several ongoing cases where Gary was initially retained as the expert. Walter leads the engineering department at RT and is in the process of mentoring two engineers in training (EIT).

Earlier this year, the NJDEP administratively dismissed Gary Brown as LSRP from all cases for which he was retained. Chris Ward, LSRP and

Craig Herr, P.G., LSRP had been working closely with Mr. Brown on all of his projects and were able to be retained for the balance of New Jersey Site Remediation Projects where Gary had been released. Justin Lauterbach will also be sitting for the LSRP exam before the end of 2020, and RT expects to have three full-time LSRP's on staff in the near future.

In addition to the official transfers of projects, many other staff members are making preparations to expand their abilities and certifications across the industry. Craig Herr, Chris Blosenski, and Justin Lauterbach are in the process of obtaining proper licensing from PADEP to oversee the closure of regulated storage tanks. Chris Blosenski and Justin Lauterbach are also in the process of obtaining their certified microbial consultant (CMC) certifications in order to improve and expand RT's indoor air quality services.

By Justin Lauterbach, QEP
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RT Welcomes Two New Employees to the Team



Dan Notaro, MBA, CPA joined RT's Management Team on June 15th as Controller for the firm. Dan obtained his B.S. degree in Accounting from the University of Pittsburgh and a Masters of Business Administration from Robert Morris University. He is licensed as a Certified

Public Accountant and has 20+ years of accounting experience. Dan is working to streamline the accounting procedures here at RT and working to simplify the billing and invoicing of projects so that we can better serve our clients.



Collin Charnoff joined RT as a Staff Scientist on May 11th in our King of Prussia Office. Collin has prior experience with report writing and environmental fieldwork and is working with Craig Herr and Justin Lauterbach on several complex soil and groundwater remediation projects in both PA and NJ. Collin graduated from Penn State in May of 2019 with a B.S. degree in Earth Science and Policy and was President of the Penn State Water Polo Club.

Other Staff & Project News

Stephanie Dinello and Chris Blosenski are working together with Justin Lauterbach on a large residual waste and hazardous waste landfill historically operated as part of Steel Mill Operations in Beaver County. Chris is working to close out surface mining permits and facilitate the importation of clean fill into the site, while Stephanie is ensuring compliance with Landfill Closure Requirements and the NPDES permit which require routine groundwater and surface-water monitoring.

Kevin Thomas and Collin Charnoff have been completing soil and groundwater delineation fieldwork for a site in North Jersey that has been impacted by a large national fuel terminal that's considered an offsite source. Fieldwork activities have involved separating onsite and offsite areas of concern, determining extent of soil impacts, and evaluating the presence of free product in groundwater.

James Sieracki continues to work on several stormwater projects which will be integrated into future waste processing facilities. James is also activity working on a hazardous waste permit renewal. Jeremy Xu has taken a lead role in completing Phase I and II environmental site assessments over the past few months.

Craig Herr is working on several Act 2 projects at historic service station sites, and Walter Hungarter is working on a brownfield redevelopment site in Philadelphia with recently renewed interest in moving remedial efforts forward.

Jen Berg and Chris Ward are working on completing Remedial Action Reports for a former quarry that is being redeveloped into a solar farm. They are also in the planning stages for a large-scale remediation project involving several acres of land impacted by former radioactive materials.

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Focus on PFAS A.K.A. Per-and Polyfluoroalkyl Substances



Per- and Polyfluoroalkyl Substances (PFAS) have become, in the last several years, high profile contaminants of concern. They are man-made chemicals that have been in use since the 1940s to make cookware, carpets, clothing, fabrics for furniture, paper packaging for food, and other materials that are resistant to water, grease, or stains. They are also used in firefighting foams and in a number of industrial processes. There are over 3,500 chemical compounds known as PFAS. PFAS are widespread because they are persistent in the environment (present in a wide variety of consumer goods) and do not readily breakdown when exposed to air, water, or sunlight.

PFAS are found persistently in the environment and examples of where they can be found include:

- Food packaged in PFAS-containing materials, processed with equipment that used PFAS, or grown in PFAS-contaminated soil or water.
- Commercial household products, including stain- and water-repellent fabrics, nonstick products (e.g., Teflon), polishes, waxes, paints, cleaning products, and fire-fighting foams (a source of groundwater contamination at airports and military bases where firefighting training occurs).
- Workplace, including production facilities or industries (e.g., chrome plating, electronics manufacturing or oil recovery) that use PFAS.
- Drinking water, typically localized and associated with a specific facility (e.g., manufacturer, landfill, wastewater treatment plant, firefighter training facility).
- Living organisms, including fish, animals and humans, where PFAS have the ability to build up and persist over time.

People can also be exposed to PFAS chemicals if they are released during normal use, biodegradation, or disposal of consumer products that contain PFAS. People may be exposed to PFAS used in commercially treated products to make them stain- and water-repellent or nonstick. According to US EPA, the most studied PFAS chemicals are PFOA (perfluorooctanoic acid) and PFOS (perfluorooctanesulfonic acid). From these studies, it has been found that exposure to PFOA and PFOS can have adverse health effects in humans; as there has been evidence of reproductive and developmental, liver and kidney, immunological effects, and tumors in laboratory animals.

As the health effects from PFOA and PFOS become further understood, in 2016 U.S. EPA promulgated a combined health advisory level of 70 parts per trillion (PPT) in drinking water for PFAS chemicals (the larger group which includes PFOA and PFOS). A health advisory level provides information on contaminants that can cause human health effects and are known or anticipated to occur in drinking water. The U.S. EPA Health advisory levels are non-enforceable and non-regulatory and provide technical information to states agencies and other public health officials on health effects, analytical methodologies, and treatment technologies associated with drinking water contamination.

Many states have adopted the U.S. EPA health advisory level at this time; however, several states have gone beyond the U.S. EPA health advisory level and developed numerical PFAS limits. Several examples include:

Vermont — 20 PPT (PFAS)
Massachusetts — 70 PPT (PFAS)
Michigan — 70 PPT (Combined PFOA/PFOS)
Minnesota — 35 PPT (PFOA), 27 PPT (PFOS)
New Jersey — 13 PPT (weighting proposed standard for PFOA 14 PPT, PFOS at 13 PPT)
California — 14 PPT (PFOA), 13 PPT (PFOS)
Colorado — 70 PPT (Combined PFOA/PFOS)
New Hampshire — 70 PPT (Individual or Combined PFOA/PFOS)

As each State evaluates the health effects of PFAS, proposed regulations are being developed to establish State specific numeric limits. In many cases, these numeric limits are being set as the maximum contaminant level for drinking water and groundwater remediation sites.

Steps have been taken to reduce the amount of PFAS chemicals used in the United States. Between 2000 and 2002, PFOS was voluntarily phased out of production in the United States by its primary manufacturer. In 2006, eight major companies voluntarily agreed to phase out their global production of PFOA and PFOA-related chemicals, although there are a limited number of ongoing uses. PFAS can still be used in the manufacturing of products outside of the United States and can be imported and commercially used.

PFAS can be present at many sites above the health advisory level and/or State specific numeric limits which have already been completed through a remediation program and/or are currently undergoing remediation. Environmental regulators will likely be focusing on PFAS for many sites and investigation and remediation of PFAS will increase as the widespread impacts of PFAS are further understood. Many lenders and large national developers are requesting that an evaluation for the potential presence of PFAS be completed during the environmental due diligence process.

Should you have questions about PFAS and how it may impact your sites, please contact us for additional information.

By Walter H. Hungarter, III, P.E.
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NJDEP Site Remediation Program Reviews Last 10 Years of Remediating Sites Under the LSRP Program

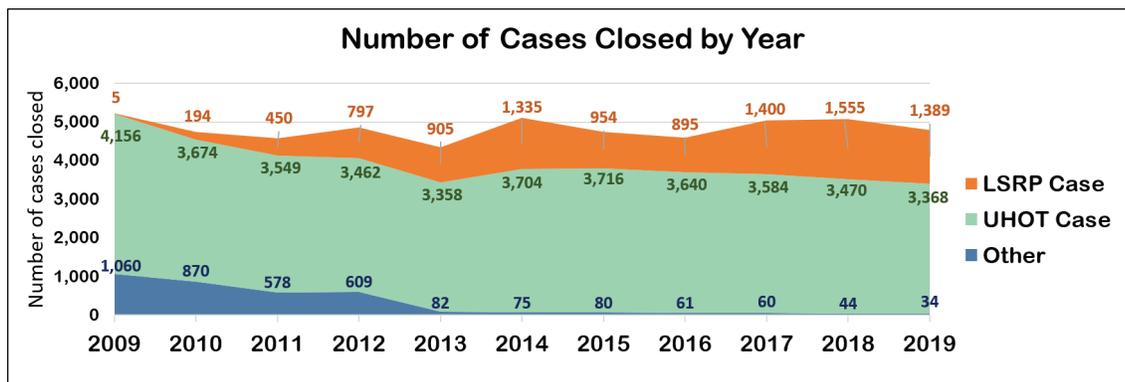
The NJDEP recently published an article on their Site Remediation webpage focusing on a review of the last 10 years of remediating sites under the Site Remediation Reform Act (SRRA) and the Licensed Site Remediation Professional (LSRP) program enacted in 2009. The article provides valuable statistical information pertaining to the remediation of contaminated sites since the inception of the program in 2009. Below is a short summary of that article as well as a graphic excerpt.

Since 2009, the Site Remediation Reform Act (SRRA) has brought sweeping changes to the way remediation of impacted sites is conducted throughout New Jersey. The most significant being the creation of the LSRP Program, which saw the responsibility of ensuring sites were being properly remediated shift from the hands of the New Jersey

Department of Environmental Protection (NJDEP) to the qualified environmental consultant. It is the goal of both the NJDEP and the LSRP to confirm that contaminated sites are remediated in a manner that is protective of public health, safety, and the environment.

In the ten years that have followed since the inception, more than 53,000 remediation cases have been closed. LSRPs now oversee 78% of active cases, while only 2% are handled under traditional NJDEP oversight. This has led to a significant increase in the efficiency of contaminated site clean ups, as the remediating party no longer requires NJDEP pre-approval to begin remediation. Instead, they can now hire an LSRP who has responsibility for oversight and conducts the remediation in accordance with NJDEP standards and regulations. Where NJDEP approvals could have taken years in

the past, the state is now seeing cases where the clean up is being completed and final remediation documents are issued within months. In the instance of Unregulated Heating Oil Tank (UHOT) cases, a cleanup can begin immediately upon identification of a discharge, and the NJDEP has routinely been able to provide a No Further Action (NFA) letter within one week of document submittal.



RT has maintained LSRPs on staff since the establishment of the program and converted many sites from prior programs into the LSRP process. LSRPs here at RT currently oversee remediation of more than 30 active LSRP sites, and RT's LSRP's have issued RAO's for more than 50 sites which have achieved closure status. Should you have any questions regarding contaminated sites in New Jersey or would like additional information regarding the LSRP Program and Site Remediation Process, contact Chris Ward, Craig Herr, or Justin Lauterbach at RT.

By Christopher Ward, LSRP
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PA Environmental Quality Board Proposes Revised Water Quality Standard for Manganese

In the July 25, 2020, edition of Pennsylvania Bulletin, the Pennsylvania Department of Environmental Protection published its "Water Quality Standard for Manganese and Implementation" as the proposed revisions to water quality criteria for manganese as advanced by the Environmental Quality Board (EQB) last December. Manganese is a naturally occurring element that is often discharged into Pennsylvania waterways from landfills, wastewater treatment facilities, power plants and abandoned mine drainage.

The rulemaking package proposes to remove the current 1 mg/l Water Quality Standard in 25 PA Code § 93.7 and to add manganese to the list of toxic substances in 25 PA Code §93.8c, Table 5 at 300 ug/l or 0.3 mg/l on the basis of the potential for the ingestion of manganese to cause certain neurological effects.

This move is the unlikely result of the passing of Act 40 of 2017 meant to loosen restrictions on how much manganese coal mines and other industries could discharge into Pennsylvania waterways. Coal companies had sought the change to reduce their wastewater treatment costs, but drinking water suppliers complained they would bare the brunt of increased manga-

nese levels and be forced to make expensive upgrades to their downstream treatment plants.

Act 40 of 2017 directed the Department to present to the Environmental Quality Board regulations listing manganese as an exception in 25 Pa Code 96.3(d), with the intent to move the water quality criteria found in Chapter 93 (currently 1 mg/l) to the water intake instead of the facility's discharge point. Language added to Act 40 directed regulators to change the rule so that the legal limit for manganese only had to be met where drinking water suppliers pull water from rivers. PADEP has resisted compliance with Act 40, instead proposing to classify manganese as a toxic substance.

Regulators recommended a new standard designed to protect public health and limit manganese concentrations in streams to 0.3 mg/L, less than one third the amount previously permissible. Public water systems in Pennsylvania are currently required by 25 PA Code Chapter 109.202(b) to not exceed 0.05 mg/L of manganese in finished drinking water. The proposed regulation does not change the allowable amount of manganese in drinking

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STATE REGULATORY NEWS & UPDATES (CONT.)

continued from page 4

water. Regulators have reviewed recent studies suggesting that manganese in levels below PA's current stream standard can be damaging to newborns and children possibly impairing cognitive function, motor skills, memory, and behavior.

Comments on the proposed regulation were due to the Environmental Quality Board (EQB) by September 25, 2020. PADEP specifically requested comments on two alternatives for the point of compliance: either at the intake of the first public water system downstream of the facility or in the surface water at a facility's discharge point.

The mining and coal industry seems to be skeptical of the scientific rationale being presented by regulators. If the rule is adopted, coal mines, power plants, etc. will face increased treatment requirements that would never have

been faced had Act 40 of 2017 never been passed. A new 0.3 mg/L manganese health standard will ultimately impose greater costs on those who discharge manganese, and those parties impacted are the same who expected to save millions of dollars on treatment costs when the law changed in 2017.

RT keeps up with all proposed changes to soil and water quality standards in Pennsylvania and assists a number of clients in ensuring compliance with industrial permits. We will stay abreast of any new developments regarding this proposed regulation. PADEP has yet to publish the public comments submitted relative to this proposed standard.

By Justin Lauterbach, QEP
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Sources: Pittsburgh Post-Gazette, PA Bulletin, PADEP Website

DEP Seeks Public Input on Landmark Multi-Million Dollar Investment in Liberty State Park; Proposed Design Restores 234 Acres of Natural Resources, Increases Public Accessibility

The NJDEP issued a press release on September 3rd which indicates that the State has committed to providing funding for the ecological restoration of Liberty State Park. Funds to be utilized include those which the state has recovered in lawsuits and natural resource damage claims. Major goals of the natural resource restoration effort will include cleaning up contamination from metals and petroleum hydrocarbons, as the site was previously utilized for backfilling of soil in the late 1800s and approximately 70 acres of tidal wetlands. Remediation of the site will include consolidation and capping of impacted soils with clean material. A portion of the press release as issued is reprinted below, and a link to the full article follows.

restoration plans for an area that encompasses approximately 40 percent of the park. The DEP will host a public meeting in late September and make presentation materials available online (<https://nj.gov/dep/nrr/>) to invite comments and suggestions from the public.

"Liberty State Park is a cherished cornerstone of our state that improves the quality of life for New Jerseyans and offer great services and experiences," said Governor Murphy. "Today's investment will allow us to not only rebuild, but enhance the site while preserving the environment, to provide opportunities for residents to discover and enjoy for generations to come."



The restoration project area has been closed off to the public by a chain-link fence due to contamination from low levels of metals and hydrocarbons. The site was used to deposit soil in the late 1800's and covered tidal wetlands, in more than 70 acres of the area.

As part of the redesign, the contaminated soil will be excavated and then capped with clean soil. The clean soil will then be planted with trees, grass and other vegetation. All other open public areas of Liberty State Park were remediated similarly in the past.

In the coming weeks, the DEP's Office of Natural Resource Restoration and State Park Service will schedule meetings to update local officials and the public about plans for restoring this area. The State Park Service will announce public meeting plans in the near future.

(20/P37) TRENTON — The Department of Environmental Protection has committed tens of millions of dollars to the ecological restoration of 234 acres of Liberty State Park's interior, creating knolls with sweeping views of the Jersey City and Manhattan skylines and increasing public accessibility, Governor Murphy and Department of Environmental Protection Commissioner Catherine R. McCabe announced today.

Utilizing funds DEP has recovered in lawsuits and settlements for natural resource damages, the proposed design would restore natural resources and create access to the interior of the park that has been off limits to the public for decades due to historic environmental contamination.



Source: www.nj.gov/dep/newsrel/2020/20_0037.htm

Beginning in September, the DEP will engage with elected officials, community leaders and the public on the major design elements of the

STATE REGULATORY NEWS & UPDATES (CONT.)



NJDEP Clarifies Issuance of Remedial Action Permits for Sites with Free or Residual Product

The New Jersey Department of Environmental Protection (Department) has been receiving Ground Water Remedial Action Permit (RAP) applications for sites where free and residual product have not been properly remediated in accordance with the Technical Requirements for Site Remediation [N.J.A.C. 7:26E-5.1(e)]. Active System Ground Water RAP Applications have included proposals for final long-term remedies for free product recovery in the form of socks/sorbent pads, High Intensity Targeted (HIT)/ Enhanced Fluid Recovery (EFR) events, and/or manual recovery (e.g., bailing) of free product in impacted wells. NJDEP has clarified that these methods of free product recovery are only acceptable as short-term interim remedial measures (IRMs) when source material (i.e., residual product in soil) is being investigated and remediated. NJDEP will no longer issue Active System Ground Water RAPs when the source material has not been properly addressed and the long-term remedy is to perform sporadic free product recovery events in impacted wells.

At sites where free product is present, the source area should be fully investigated and remediated. Sporadic recovery of free product from wells is not considered remediation of the source area. Active System Ground Water RAP Applications should contain a Remedial Action Report (RAR) that addresses the full characterization, delineation, and remediation of the source of the contamination, as well as a remedy that addresses the long-term treatment of free and residual product (if residual product has not been fully remediated).

In situations where intermittent free product is present in monitoring wells and previous investigations have not identified a source, additional investigations of soil and ground water should be conducted in the immediate vicinity of these areas in all directions, including upgradient.

Source: NJDEP Site Remediation & Waste Mgmt Program, September 2, 2020

FEDERAL REGULATORY NEWS & UPDATES

EPA Announces Record \$18 Million for Projects in Chesapeake Bay Watershed

The U.S. Environmental Protection Agency announced a record \$18 million in grants to support the restoration and conservation of the Chesapeake Bay watershed in six states and the District of Columbia. The 56 grants will generate nearly \$19 million in matching contributions for a total conservation impact of nearly \$37 million.

The grants were awarded through the Chesapeake Bay Stewardship Fund, a partnership between EPA's Innovative Nutrient and Sediment Reduction Grants Program (INSR Program) and Small Watershed Grants Program (SWG Program), and the National Fish and Wildlife Foundation.

The grants announced, a record amount for the Stewardship Fund, will improve waterways, restore habitats and strengthen iconic species in Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia. The funds will engage farmers and agricultural producers, homeowners, churches, businesses and municipalities in on-the-ground restoration that supports quality of life in their communities, improving local waterways and, ultimately, the health of the Bay.

"EPA's ongoing commitment and accountability to the restoration of the Bay is furthered by these grants that help address some of our most critical challenges, including reducing pollution from agricultural operations in Pennsylvania," said EPA Region 3 Administrator Cosmo Servidio.

For example, a \$1 million INSR grant, with a \$1.19 million match is being awarded to the Chesapeake Conservancy to implement a regional restoration plan in central Pennsylvania that will result in full-farm restoration on 25 farms, enhanced coordination of outreach and technical assistance, improved messaging to accelerate landowner recruitment and knowledge transfer, and restoration projects to rapidly de-list 46 miles of impaired streams.

A \$500,000 SWG grant, with an equal match, is being awarded to the Alliance for the Chesapeake Bay to work with the Octoraro Source Water Collaborative in Lancaster and Chester counties, Pennsylvania to reduce

pollution through measures that include agricultural best management practices on Plain Sect farms.

"Addressing pivotal issues like excess nutrients and habitat degradation are key to improving the health of Chesapeake Bay and also have benefits to states like New York, which shares the watershed that feeds the Bay," said EPA Region 2 Administrator Pete Lopez. "The projects in New York are critical to further advancing progress in restoring wetlands and reconnecting habitat for brook trout in the Susquehanna watershed."

A complete list of the Chesapeake Bay Stewardship Fund 2020 grants winners is available at: <https://www.nfwf.org/sites/default/files/2020-09/chesapeake-bay-2020-grant-slate.pdf>

EPA funded \$16 million of the more than \$18 million in grants being announced in early September. Additional support was provided by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS), the U.S. Forest Service, the U.S. Fish and Wildlife Service, Nestle and the Altria Group Restoring America's Resources partnership.

The INSR Program awarded nearly \$7 million to seven projects, with recipients providing more than \$7.3 million in match. The program provides grants to accelerate the implementation of water quality improvements specifically through the collaborative and coordinated efforts of sustainable, regional-scale partnerships with a shared focus on water quality restoration and protection in local waterways and the Chesapeake Bay.

The SWG Program awarded more than \$11 million to 49 projects, with recipients providing nearly \$11.6 million in match. The program provides grants to organizations and municipal governments that are working to improve the condition of their local watershed through on-the-ground restoration, habitat conservation and community involvement. Grant recipients expect to reduce pollution through infrastructures including greener landscapes and community outreach initiatives that promote native landscaping and improved practices for managing runoff.

Source: USEPA, September 2, 2020

EPA Science Advisors Call for Rewrite of ‘Deficient’ Asbestos Evaluation

Below is an excerpt of an article published on InsideTSCA.com on Aug 26, 2020

EPA’s science advisors have released a damning peer review report critiquing the agency’s narrow draft asbestos risk evaluation of certain uses, calling it inadequate, deficient and urging EPA to broaden the evaluation to more uses of multiple types of asbestos before finalizing it — rebuking EPA’s approach to the evaluation and likely delaying its completion.

“Overall, EPA’s environmental and human health risk evaluations for asbestos was not considered adequate and resulted in low confidence in the conclusions,” the Science Advisory Committee on Chemicals’ (SACC) Aug. 28 report states.

“This is due to missing data for environmental exposures, coupled with the fact that current estimates for human health risk are created for a narrow group of workers and consumer users based on limited exposure to chrysotile asbestos fibers leading to numerous uncertainties. The relatively meager concentration and exposure data available allows the risk evaluation to use the prudent approach of a reasonable worst-case analysis.”

The conclusion is not surprising, given SACC’s peer review meeting last June, where multiple advisors expressed discomfort with the threshold risk conclusions the agency drew in its draft risk evaluation of asbestos, arguing it has no or very limited data on which to base many of its conclusions.

Over the course of the June 8-11 per review meeting, advisors raised concerns with the EPA’s decisions to narrowly tailor the assessment by excluding legacy uses of asbestos, limiting the assessment to analyzing just two forms of cancer — lung cancer and mesothelioma — and only considering one asbestos fiber type, chrysotile.

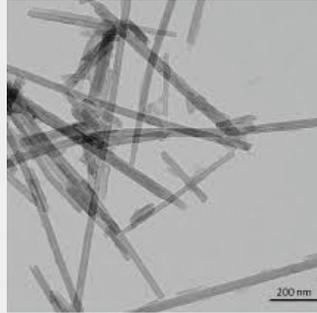
The committee’s report urges EPA to take some science policy actions in this regard— recommendations that SACC also proposed more broadly than just the ongoing asbestos evaluation.

“The Committee advised EPA to provide levels of confidence to its TSCA risk determinations. There were concerns from several Committee members that the (draft risk evaluation — DRE) offers risk determinations for many scenarios where risk estimates are based on little or no data and conclusions seem overly optimistic,” the SACC report states.

“The Committee recommended that the EPA decide a priority on the level and quality of information that is required to make a supportable risk characterization for different types of scenarios. In those scenarios where available data do not meet the level and quality standard, EPA should conclude that “available information is insufficient to characterize risks” rather than force a decision of “unreasonable risk” or “no unreasonable risk.”

EPA’s draft evaluation of asbestos was among the first 10 it undertook as directed by Congress following the 2016 reform of the Toxic Substances Control Act (TSCA). The revised statute provided an extended June 2020 deadline for EPA to complete these first 10 evaluations, and Administrator Andrew Wheeler said Aug. 26 that the agency plans to complete the remaining eight by year’s end. Meanwhile, the agency is beginning its second batch of evaluations of 20 existing chemicals, those that were on the market when the original TSCA took effect in 1976 and were largely grandfathered from its regulation.

Source: Inside TSCA Article, August 26, 2020



New Rule to Streamline and Modernize EPA Permit Process

EPA has finalized a rule that streamlines and modernizes the review of permits by the Agency’s Environmental Appeals Board (EAB) for the first time in nearly three decades. The final rule provides more flexibility to regulated parties, states and tribes, and the public.

“Over the years, the scope of responsibilities for EPA’s EAB has changed and the permitting appeal has become too lengthy,” said EPA Administrator Andrew Wheeler. “Making the reviews more streamlined and the judicial review more prompt will lead to better certainty and a fairer process for both those applying for EPA permits and for the public.”

The Agency’s rule streamlines the often-lengthy permitting review process before the EAB by expediting certain timelines of the prior process and imposing new, targeted deadlines.

Over the past 27 years, EAB’s role in permit appeals has changed as more states and tribes assumed permitting authority under EPA’s statutes. In an effort to streamline and modernize the permitting process, the final rule clarifies the EAB’s scope of review and makes permits effective more quickly by expediting administrative appeals through the following measures:

- Establishes a 60-day deadline for the EAB to issue final decisions once an appeal has been fully briefed and argued, with a one-time 60 day extension;
- Limits the availability of filing extensions to one request per party, with a maximum extension of 30 days; and
- Streamlines the amicus process.

On November 6, 2019, EPA proposed changes to the EAB to facilitate speedy resolution of permit disputes and additional reforms to streamline the current administrative appeal process. The finalized rule incorporates extensive input received during the public comment period.

The EAB was created in 1992 to hear administrative appeals. At that time, the number of EPA-issued permits was increasing. Over the past 27 years, EAB’s role in permit appeals has changed as more states and tribes assumed permitting authority under EPA’s statutes. This has dramatically reduced the number of EPA-issued permits and, in turn, the number of permits appealed to the EAB.

Source: Environmental Resource Center, July 27, 2020

EPA Meets with Federal Agency Partners in New Castle, PA to Discuss Redevelopment

The U.S. Environmental Protection Agency joined federal partners on September 3rd to meet with New Castle, Pennsylvania, city and Lawrence County Economic Development leadership and community leaders to discuss how EPA can assist the city in redevelopment of former Brownfields and sites in Opportunity Zones that had become tarnished from past industrial activity.

EPA Mid-Atlantic Regional Administrator Cosmo Servidio, accompanied by New Castle City Mayor Chris Frye and Lawrence County Economic Development Director, Linda Nitch, also toured various blighted properties to see circumstances on the ground first-hand and to provide New Castle with EPA assessment assistance and expertise on redevelopment planning and implementation with regard to environmental considerations.

“Revitalizing a brownfields site, especially one in an Opportunity Zone, starts with understanding how the community’s site reuse goals align with local economic, infrastructure, social and environmental conditions,” said Servidio. “EPA can provide consultation and tools to assist New Castle in determining the best options for turning sites into productive, prosperous, job-creating enterprises.”

Nitch led a tour of four facilities in the New Castle area, which included the former Shenango China plant, the Grove Commons Limited Partnership Site, the U.S.C. Calley Club and the Temple Building Parking Lot, all in New Castle. The Shenango China site is currently being assessed for redevelopment using EPA funding to determine the extent and type of contamination and the next steps for stabilizing the property.

“Lawrence County has successfully utilized nearly \$800,000 of EPA Brownfield Assessment Grants to return over 50 acres of land to productive commercial and industrial activities,” said Nitch. “We are grateful for the funding partnership we have had with the EPA and look forward to additional grant opportunities.”

Grants awarded by EPA’s Brownfields Program provide communities across the country with an opportunity to transform contaminated sites into community assets that attract jobs and achieve broader economic development outcomes, while taking advantage of existing infrastructure. For example, brownfields grants are shown to increase local tax revenue and increased residential property values.

“Industry that made New Castle left long ago, but their remnants remain. New Castle is in desperate need of redevelopment” said Mayor Frye. “What I learned today is that the EPA supports such redevelopment especially in Opportunity Zones and that Opportunity Zones are a catalyst for reviving hope that something will change.”

For more information on EPA’s Brownfields Program, visit: <https://www.epa.gov/brownfields>

For more information on Opportunity Zones, visit: <https://www.epa.gov/opportunity-zones>

Source: USEPA, September 2, 2020

SCOPE OF SERVICES

ENVIRONMENTAL SURVEYS

- ASTM Phase I Environmental Site Assessments/Transaction Screens
- Compliance Inspections/Field Investigations
- Regulatory File Reviews/Environmental Database Searches
- Soil and Groundwater Testing
- Clean Fill Evaluations
- Asbestos and Lead Paint Surveys
- Wetland Surveys/Delineations
- Feasibility Studies
- Endangered Species Surveys

BROWNFIELDS:

- Soil and Groundwater Remediation
- Risk Assessments
- PADEP Act 2 Land Recycling
- NJDEP Site Remediation & LSRP Services
- Superfund Project Management
- RCRA Investigations
- Subsurface Injections/Bioremediation
- Natural Attenuation

ENGINEERING:

- Environmental Permitting
- Spill Prevention Control and Counter Measure Plans
- Contingency Plans
- PA Chapter 105 Permitting
- Stormwater Design/BMPs
- Erosion and Sediment Control Plans

INDOOR AIR QUALITY:

- Baseline Assessments
- Mold Investigations/Remediation
- Vapor Intrusion Evaluations
- Asbestos Clearance Sampling

REMEDIATION:

- Underground and Aboveground Tank Removals
- Groundwater Recovery/Treatment
- Soil Excavation and Disposal
- Asbestos and Lead Paint Abatement
- Vapor Extraction
- Bioremediation
- Decommissioning Plans/Industrial Closures

LANDFILLS:

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

OTHER SERVICES:

- Training Programs
- Source Reduction
- Expert Witness Testimony
- Operations and Maintenance Plans

AIR EMISSIONS:

- Title V Permits
- Emissions Permitting and Inventories
- Emissions Testing
- Odor Control Studies
- Dispersion Modeling

WASTE PROCESSING FACILITIES:

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

CDC Report: Masks Prevent COVID-19 Spread by Exposed Workers

In an editorial published on July 14 in the Journal of the American Medical Association (JAMA), CDC reviewed the latest science and affirms that cloth face coverings are a critical tool in the fight against COVID-19 that could reduce the spread of the disease, particularly when used universally within communities. There is increasing evidence that cloth face coverings help prevent people who have COVID-19 from spreading the virus to others.

“We are not defenseless against COVID-19,” said CDC Director Dr. Robert R. Redfield. “Cloth face coverings are one of the most powerful weapons we have to slow and stop the spread of the virus – particularly when used universally within a community setting. All Americans have a responsibility to protect themselves, their families, and their communities.”

This review included two case studies, one from JAMA, showing that adherence to universal masking policies reduced SARS-CoV-2 transmission within a Boston hospital system, and one from CDC’s Morbidity and Mortality Weekly Report (MMWR), showing that wearing a mask prevented the spread of infection from two hair stylists to their customers in Missouri.

Additional data in the MMWR showed that immediately after the White House Coronavirus Task Force and CDC advised Americans to wear cloth face coverings when leaving home, the proportion of U.S. adults who chose to do so increased, with 3 in 4 reporting they had adopted the recommendation in a national internet survey.

The results of the Missouri case study provide further evidence on the benefits of wearing a cloth face covering. The investigation focused on two

hair stylists — infected with and having symptoms of COVID-19 — whose salon policy followed a local ordinance requiring cloth face coverings for all employees and patrons. The investigators found that none of the stylists’ 139 clients or secondary contacts became ill, and all 67 clients who volunteered to be tested showed no sign of infection.

The finding adds to a growing body of evidence that cloth face coverings provide source control – that is, they help prevent the person wearing the mask from spreading COVID-19 to others. The main protection individuals gain from masking occurs when others in their communities also wear face coverings.

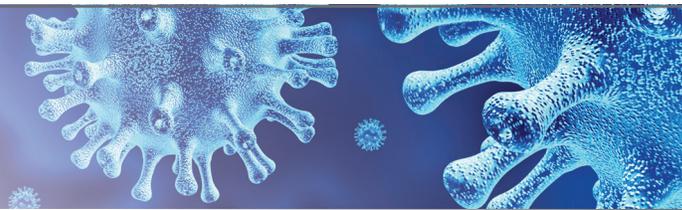
CDC analyzed data from an internet survey of a national sample of 503 adults during April 7–9 and found that about 62% said they would follow the newly announced recommendations to wear a face mask when outside the home. A repeat survey during May 11-13 showed that the percentage of adults endorsing face mask wearing increased to more than 76%.

The increase was driven largely by a significant jump in approval by white, non-Hispanic adults, from 54% to 75%. Approval among Black, non-Hispanic adults went up from 74% to 82%, and remained stable among Hispanic/Latino adults at 76% and 77%.

There was also a large increase in face-mask approval among respondents in the Midwest, from 44% to 74%. Approval was greatest in the Northeast, going from 77% to 87%.

Source: Environmental Resource Center, July 20, 2020

Coronavirus (COVID-19): Commercial Sanitizing & Disinfectant Services



A personalized approach to your disinfecting needs — providing you with a safe, clean environment that addresses your unique needs

RT has assembled a unique team of experts, professionals, and technicians in order to provide COVID-19 disinfecting and sanitizing services implemented in accordance with Center for Disease Control (CDC) guidelines and recommendations. They include Certified Microbial Consultants (CMCs), Certified Industrial Hygienists (CIHs), Mold Experts, and Indoor Air Quality Technicians. RT provides disinfecting and sanitizing services using hospital grade disinfectants coupled with confirmatory bacterial and microbial testing of indoor air and high-touch surfaces. Our technicians are equipped with onsite hygiene meters utilized to obtain real-time data regarding the presence of bacteria on various surfaces, and additional samples are obtained for confirmatory laboratory analysis. RT also provides a final technical report which documents the disinfecting and cleaning process and provides specific data and laboratory analytical results.

RT understands that every business and/or building has a specific indoor environment and unique circumstances that need to be considered when providing these services. We can help you provide your employees and customers with a clean and healthy environment and greater peace of mind. RT can develop a disinfecting and sanitizing strategy that suits your building and work environment’s individual needs.

Contact us and we’ll develop a sanitizing strategy appropriate for you and your business. To obtain additional information, pricing, and scheduling of these services is as follows:

WESTERN PA, WV, OHIO:

Justin Lauterbach
724.206.0348 x301
jlauterbach@rtenv.com

EASTERN PA:

Chris Blosenski
610.265.1510 x 300
cblosenski@rtenv.com

NEW JERSEY:

Chris Ward
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cward@rtenv.com



www.rtenv.com

What to Do with COVID-19 PPE

Wipes, gloves, masks, and other PPE that are potentially contaminated with COVID-19 are considered regulated medical waste (RMW). When these are generated at work, they must be accumulated in the same manner as other medical wastes. Unless your facility is a hospital, clinic, or research institution, you might not be set up for the storage of medical waste.

Regulated medical waste is regulated at the state level, therefore each state might have somewhat differing requirements. However, in most cases, you must:

- Store COVID PPE in red biohazard bags, labeled with the biohazard symbol. It's a good idea to keep the biohazard bags inside a rigid outer box that is kept closed. If you have sharps, they must be stored in rigid containers.
- Don't mix COVID PPE with other solid or liquid wastes. Also, keep PPE out of recycling bins.
- Don't overfill the container. If there are sharps, fill the container no more than 2/3 full.

- Designate a location for the safe storage of the RMW. Keeping it in a cool and well-ventilated area can prevent the contents from becoming putrid. Also, ensure that the area is secure so that only authorized employees and vendors can gain access.
- Check your state regulations for storage time limits, additional labeling requirements, authorized transporters, and treatment/disposal requirements
- Develop and implement an exposure control plan per 29 CFR 1910.130. Also, review OSHA standards relating to the use of gloves and eye, face and respiratory protection at 29 CFR 1910 Subpart I.

At home, OSHA standards don't apply and many state RMW rules might not apply as well. However, at home you should double bag masks and PPE before disposal, and keep these items away from children, animals, and recycling bins. Unfortunately, masks and other PPE have become a new type of litter. Do your part in disposing of these items safely.

Source: Environmental Resource Center, May 18, 2020

Largest Penalty Ever Assessed for Clean Air Act Violations

Rhode Island Attorney General Peter F. Neronha, Rhode Island Department of Environmental Management (RIDEM) Director Janet Coit, and EPA Region 1 announced that Rhode Island has reached a settlement in a significant enforcement action against SMM New England Corporation, d/b/a SIMS Metal Management (SMMNEC), a metal shredding facility in Johnston, Rhode Island, for violations of the Clean Air Act. Under the terms of a consent judgment filed in Providence County Superior Court, SMMNEC has agreed to install equipment to control the release of pollution that may be linked to cancer and severe respiratory illnesses and will pay the largest penalty ever assessed by the State of Rhode Island for violations of the Rhode Island Clean Air Act.

"Today, with the filing of a complaint against SMMNEC and the entry of a consent judgment, this will change," Attorney General Neronha added. "Under the terms of the consent judgment, SMMNEC's obligations are clear – it must change the way it does business and comply with the Clean Air Act. It must install state-of-the-art controls and pay meaningful penalties. This Office, together with our partners at RIDEM and the EPA, will hold SMMNEC accountable to these obligations."

As detailed in the complaint, it is alleged that SMMNEC failed to comply with the Rhode Island Clean Air Act by 1) starting construction of a metal shredding operation without applying for a major source air permit, and 2) failing to install the required pollution control equipment for emissions of harmful pollutants. Further, the State's complaint alleges that SMMNEC has been operating the shredder without the necessary permit and emission controls since 2013.

The SMMNEC metal shredder in Johnston shreds end-of-life automobiles, appliances and other light gauge recyclable metal-bearing materials. This electronically operated, 7,000 horsepower shredder generates enough heat to melt or burn the plastics, paints, surfactants, and oils in the scrap metal materials, which causes harmful emissions of volatile organic compounds (VOCs), particulate matter (PM), and toxic air contaminants (TACs). The shredder temporarily ceased operating due to the COVID-19 pandemic.

The consent judgment is the result of a significant and coordinated effort by the Attorney General, RIDEM, and EPA Region 1 to bring the shredder

into compliance with Rhode Island law. Under the consent judgment, SMMNEC will pay a total penalty of \$875,000 to the State and, if it does not meet the conditions set forth in the consent judgment, an additional \$1,125,000 in penalties. The penalty is divided into three parts: a cash payment, Supplemental Environmental Projects (SEPs) in affected communities, and a suspended portion.

To correct the identified deficiencies and meet its obligations under the Rhode Island Clean Air Act, SMMNEC is required to install state-of-the-art emission control technology to stop further air pollution, including an air pollutant enclosure system to limit the amount of emissions that can escape while the shredder is operating. The emission controls required in the consent judgment are consistent with what has been required in similar facilities across the country, including in California, Massachusetts, Minnesota, and Illinois.

SMMNEC has agreed that upon restarting the shredder, it will immediately implement interim controls to limit further exposure to pollutants in the surrounding area until the new emission control system becomes fully operational.

Under the consent judgment, SMMNEC has agreed to file a complete permit application with RIDEM within 90 days. In addition, the company is required to install particulate matter and VOC emission control technology within specified timeframes or be required to pay suspended penalties.

Also in August of 2019, the Attorney General issued SMMNEC a 60-Day Notice Letter notifying the company that legal action would be forthcoming if SMMNEC did not agree to voluntarily resolve the violations. Since that time, the Attorney General, RIDEM and the EPA have been working diligently to craft a favorable resolution for the State while avoiding years of protracted litigation.

The case is being handled by Special Assistant Attorney General, and Chief of the Environmental Unit, Tricia K. Jedele and Special Assistant Attorney General, Alison B. Hoffman; Mary E. Kay, Assistant Director and Chief Legal Counsel at RIDEM, and Thomas Olivier, Senior Enforcement Counsel for EPA Region 1.

Source: Environmental Resource Center, August 17 2020

CEO Charged with Environmental Fraud & Tax Crimes

Kevin Shibilski, 59, Merrill, Wisconsin, was charged with storing and disposing of hazardous waste without a permit, in his capacity as the Chief Executive Officer of 5R Processors, Ltd., a Wisconsin company involved in the recycling of electronic waste from corporate and institutional clients and from manufacturers that participate in a manufacture-take-back program. The indictment alleges that Shibilski illegally stored and disposed of broken and crushed glass from cathode ray tubes that was hazardous due to lead-toxicity at facilities in Wisconsin and Tennessee.

The indictment also charges Shibilski with eight counts of wire fraud by taking in over \$5.76 million from clients but failing to recycle over 8.3 million pounds of their crushed glass from cathode ray tubes that had lead in them and instead stockpiling it at 5R Processors' warehouses in Wisconsin and Tennessee. The final count of the indictment alleges that Shibilski conspired to defraud the United States by the nonpayment and evasion of more than \$850,000 in employment and income taxes for 5R Processors and its nominee entities.

In related cases, Thomas Drake, 80, Jasper, Georgia; James Moss, 61, Ladysmith, Wisconsin; and Bonnie Dennee, 66, Phillips, Wisconsin, who all

held positions with 5R Processors, have been charged with conspiring to store and transport hazardous waste without the required permits. Moss also has been charged with conspiring to evade the payment of employment taxes and income taxes to the Internal Revenue Service. Drake, Moss, and Dennee have entered into plea agreements with the United States.

Moss pleaded guilty on September 1, and his sentencing is scheduled for November 13. Plea hearings for Drake and Dennee have not taken place.

If convicted, Shibilski faces a maximum penalty of five years in federal prison on the charge of storing and disposing of hazardous waste without a permit, 20 years on each wire fraud charge, and five years on the tax charge.

The charges against Shibilski are the result of an investigation by the EPA's Criminal Investigation Division; IRS Criminal Investigation; and the Wisconsin Department of Natural Resources, Bureau of Law Enforcement. Assistant U.S. Attorney Daniel J. Graber and James Cha with EPA Regional Criminal Enforcement Counsel are handling the prosecution.

Source: Environmental Resource Center, September 14, 2020

More Clean Air Act Violations: EPA Settlement with Superior Concrete Materials

Superior Concrete Materials, Inc. has paid a \$250,000 penalty to settle multiple Clean Air Act violations that occurred at the former location of Superior's ready-mix concrete batch plant in Washington, D.C., the U.S. Environmental Protection Agency announced on September 2, 2020.

At the request of the District of Columbia Department of Energy and Environment, the EPA conducted an investigation that determined that Superior Concrete:

- Operated its ready-mix concrete batch plant from at least September 2014 to June 2018 without a required Clean Air Act operating permit, and
- Operated a stationary engine (providing electrical power at the plant) in violation of Clean Air Act management practices to minimize emissions of the hazardous air pollutant formaldehyde.

Superior, which currently operates a ready-mix concrete batch plant in Washington, D.C., at 1721 South Capitol Street SW, had previously operated its plant at 1601 Capitol Street, SW. These violations pertain to the former location.

Source: USEPA, September 2, 2020
<https://www.epa.gov/clean-air-act-overview>



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In This Issue

Staff and Project News	2	EPA Announces Record \$18 Million for Projects in Chesapeake Bay Watershed	6
Focus on PFAS A.K.A. Per-and Polyfluoroalkyl Substances	3	COVID-19 Information and Updates	9
PA Environmental Quality Board Proposes Revised Water Quality Standard for Manganese	4	Largest Penalty Ever Assessed for Clean Air Act Violations	10
NJDEP Site Remediation Program Reviews Last 10 Years of Remediating Sites Under the LSRP Program	4	CEO Charged with Environmental Fraud & Tax Claims	11