Vol. 11, No. 4, December 2003

The RT Review

The Latest on Environmental Issues From Your Solution-Oriented Environmental Services Firm

• Environmental Engineers & Scientists • Geologists • Remedial Contractors

RTENV.COM

RT Celebrates 15th Anniversary

Top Projects in the Last 5 Years Announced

RT recently celebrated its 15th anniversary, and we thank our many clients for making this possible! Over the last five years, we have seen a significant increase in Brownfield assignments, and, in the last year, a big increase in Mold Assessment and remediation projects.

Here are our top projects in the last five years:

26TH AND PENROSE CLOSURE PROJECT

RT has completed landfill closure design and capping design and QA/QC work at this former Penn Central rail yard. 35,000 cy of auto fluff were abandoned at the site in the 1980's. Under a PADEP-approved Closure Plan prepared by RT, the material was consolidated into a several acre and an impermeable cap has been installed.

Metals impacted groundwater is being addressed under the Act 2 of 1995 Land Recycling Program. The site will be the new headquarters for a major Philadelphia Earthworks Contractor.

BARRY BRIDGE PARK

This project was featured as lead article in the last issue of the RT Review. A Superfund site and former industrial sites are being converted into a new public access park, which will be the largest of its type in Delaware County. Project sponsors include the Chester Economic Development Authority and Chester Parking Authority. Groundbreaking for the park occurred in late October.

CHERRY HILL INDUSTRIAL PARK

RT's New Jersey staff has completed comprehensive ISRA work at a large number of industrial buildings owned by an industrial REIT. Areas of concern include current and former tanks, trench drains, oil releases, near machinery and a former landfill area. Work has been completed so as to minimize impacts on operations of tenants who occupy a large number of flex space buildings at the site.

ARAMINGO AVENUE/ HOME DEPOT SITE

This site was occupied by a number of trucking terminals and a large number of USTS were removed. In addition, historic fill is present throughout the site.

Act 2 of 1995 Land Recycling work included the use of the Site Specific Standard. RT assisted during construction by providing dewatering water treatment prior to sewer discharge. This was the second RT project on this block; the first involving development of a Shop Rite and strip center at the location of a former truck terminal, auto salvage facility and former retail operations.

QUAKER PARK REDEVELOPMENT

This project involved closure of a series of storage tanks at a large former chemical production and office complex in Conshohocken, PA. Following industrial facility decommissioning, redevelopment included demolition and construction or reconstruction of office buildings, in existing and new structures. Impacted groundwater was addressed under the Act 2 Land Recycling Program.

FRANKFORD AND TORRESDALE REDEVELOPMENT PROJECT

Solvent impacted soil and groundwater was present at this site, due to former metal products manufacturing operations. Another part of the site had tire and battery operations and USTs were removed. Soil vapors and impacted groundwater were both addressed under the Act 2 of 1995 Land Recycling Program. ASTs were also removed and asbestos abated as part of redevelopment. A new CVS Pharmacy/retail store now occupies the premises.

DELAWARE APARTMENT BUILDING

A large mold abatement project was completed following extensive building water damage due to a blown-off roof. Initial mold abatement by others on the upper two floors was unsuccessful and RT thoroughly evaluated the situation. More extensive water damage was found than originally known. Water had traveled downward along utility risers through all floors of the seven story building.

Remediation was conducted over two shifts to meet a pending sale transaction deadline.

We at RT thank all of our clients for the continued opportunities that you give us to be of service!

TABLE OF CONTENTS

Directory

Corporate Headquarters
215 West Church Road
King of Prussia, PA 19406
Phone: (610) 265-1510
FAX: (610) 265-0687
E-mail: RTENV@AOL.COM
World Wide Web: HTTP://RTENV.COM
24 HOUR
URGENT LINE SERVICE
800-725-0593
Gary Brown, P.E., President
Phone: (610) 768-0232
E-mail: GBROWN@RTENV.COM
Walter Hungarter
Phone: (610) 265-5599
Engineering Group Manager
E-mail: WHUNGARTER@RTENV.COM
Chris Orzechowski, P.G.
Phone: (610) 265-5572
Hydrogeology Group Manager
E-mail: CORZECHOWSKI@RTENV.COM
Peter Malik
Phone: (610) 265-1510 Ext. 31
Remedial Group Manager
E-mail: PMALIK@RTENV.COM

New Jersey
Tom Brady
E-mail: TBRADY@RTENVNJ.COM
Vice President
Suite 306, Pureland Complex
510 Heron Drive, P.O. Box 521
Bridgeport, NJ 08014
Phone: (856) 467-2276
FAX: (856) 467-3476

Reading
Jade Simmers
E-mail: RTRDG@AOL.COM
2917 Windmill Pond, Suite 1
Sinking Spring, PA 19608
Phone: (610) 927-3300
FAX: (610) 927-1770

Regional Partners
California
Bob Smyth
Phone: (856) 234-1730
FAX: (856) 234-4387

Massachusetts
Andy Irwin
Phone: (508) 653-8007
FAX: (508) 653-8194

Michigan
Michael Carlson
Phone: (248) 585-3800
FAX: (248) 585-8404

North Carolina
Ed Kuhn
Phone: (336) 852-5003

Ohio
Ron Clark
Phone: (330) 375-1390 Ext. 207

Virginia
Edward Berg
Phone: (757) 599-6985
FAX: (757) 599-3501

NJ REGULATORY UPDATES

NJ ADDS REACTIVE CHEMICALS TO RISK MANAGEMENT PLANNING REQUIREMENTS

In the August New Jersey Register, New Jersey amended its Toxic Catastrophe Prevention Act ("TCPA") regulations to add reactive chemicals and chemical groups to the list of extraordinarily hazardous chemicals that trigger the risk management planning requirements under TCPA. These amendments made New Jersey the first state to add reactive chemicals to a program that it implements in lieu of the federal Accidental Release Prevention program under the Clean Air Act. The amendments also reinstated a requirement dropped in 1998 that mandates that all facilities regulated under the program evaluate, every five years, state of the art technologies to reduce the risk of an accident and implement this technology if cost affective. The state of the art standard also applies to new process when a company expands or changes operations. NJDEP estimates that 40 new companies will be subject to the TCPA rules by the addition of the newly regulated reactive chemicals

(Client Alert, Manko Gold, Katcher & Fox - 9/03)

NJDEP TO PROPOSE UPGRADED PROTECTIONS FOR THREATENED AND ENDANGERED SPECIES HABITATS

In a July press release, Commissioner Campbell announced that NJDEP would soon propose new regulations to protect the upland habitats of threatened and endangered ("T&E") species under the New Jersey Endangered and Nongame Species Conservation Act ("ENSCA"). Existing regulations already address the protection of wetland habitats and sensitive environmental areas in the Pinelands and coastal zone under statutes other then ENSCA; however, this would be the first state effort to address upland habitats and the first time ENSCA will be used to regulate land use. Viewed by some as an effort to further limit the environmental impact of new development, the regulations will be published as part of NJDEP's effort to modify its Blueprint for Intelligent Growth ("BIG") Map, and will require habitat conservation plans for new development that occurs in upland T&E species habitat as identified pursuant to NJDEP's controversial Landscape Project.

(Client Alert, Manko Gold Katcher & Fox - 9/03)

NEW JERSEY TO LIMIT THE GRANDFATHERING PROVISIONS IN ITS NEW STORM WATER RULES

The New Jersey Department of Environmental Protection (NJDEP) has delayed implementation of its comprehensive and aggressive update of New Jerseyís storm water protection and planning regulations. On Sept. 5, 2003, the NJDEP announced a significant change to its regulatory proposal (the proposal was first published in January 2003) that will limit the types of developments that are "grandfathered" and, thus, not subject to the new rules. That change will require another 60-day comment period. Thus, persons wanting to obtain project approvals under the current and less stringent regulations will have at least another two or three months to do so.

The proposed change to the storm water regulations would, if approved, significantly limit the types of projects that are grandfathered. Under the January 2003 proposal, "major development" was defined to be:

... any development shown in any site plan or subdivision plan that has not received preliminary or final approval by (the effective date to this chapter) that provides for ultimately disturbing one or more acres of land or increasing impervious surface by one-quarter acre or two...

Thus, "major developments" with approvals that predated the final implementation of the new regulation were exempt from the new storm water requirements.

After considering the public comments on its January 2003 proposal, NJDEP realized that the grandfathering provisions would exempt from the new rules many sites with potentially significant storm water issues, but which had received little or no review in terms of storm water management. Thus, in its September 2003 proposal, the NJDEP limited the sites that are grandfathered to developments of one-acre or more (the new definition of "major development") that either:

Have obtained preliminary or final site plan approval prior to implementation of the new rules and that also have obtained at least one NJDEP permit that involved some level of water quality review (e.g., wetlands, coastal area facility, waterfront and harbors, or flood hazard area control permits), or;

Have obtained preliminary of final site plan approval prior to implementation of the new rules and that do not require any NJDEP water quality-related permits.

NJDEP's recent proposed change to storm water rules in effect converts the grandfathering provision to only a temporary grandfathering provision. Under the proposed rule, the exemption expires with the expiration or termination of the local land use approvals or NJDEP permits (if any) obtained for the development, whichever comes first. Thus, once these approvals expire, the development

NJ REGULATORY UPDATES

NJ REGULATORY UPDATES *(continued)*

is subject to the new, more stringent storm water requirements.

In the NJDEP's review, this proposal balances the desire to allow projects that already are well into the pipeline to proceed while ensuring some state-level review of storm water impacts.

Comments to this latest proposal were due by November 14, 2003.

(Saul Ewing - Env. Update - 9/03)

INDUSTRY WEIGHS SETTLEMENTS IN FACE OF NEW JERSEY NRD CAMPAIGN

Dozens of major manufacturing and chemical companies are debating whether to settle or litigate thousands of potential natural resource damage (NRD) claims that the state of New Jersey intends to pursue over widespread contamination of the state's groundwater supplies, according to industry sources.

The state's Department of Environmental Protection (DEP) in September notified at least 60 companies that they face NRD liability for as many as 4,000 claims statewide, according to state document. "I invite you to meet with my staff in an effort to resolve your natural resource damage liability without the need for judicial action and thus avoid the time and expense of litigation," DEP Commissioner Bradley M. Campbell wrote to potentially liable parties in a September 16 letter.

Industry and other states have been closely following the stateís efforts since Campbell - a former high - ranking official in the White House Council on Environmental Quality during the Clinton Administration - announced earlier this year that the state would pursue NRD claims under state law to restore groundwater injured from decades of contamination. Federal and state laws allow trustees to recover damages restore resources damaged by hazardous substances.

While many states have laws allowing for NRD claims, New Jersey is the first state to pursue such suits on such a large scale. The effort is partially being driven by a law enacted by the state legislature in 2001 that created a four-year statute of limitations on the claims under state law, according to a DEP official. The state has also taken the unprecedented step of hiring outside counsel to assist in the campaign on a retainer basis.

Industry officials are now facing the dilemma of whether to settle or litigate the claims, which some sources say could total hundreds of millions of dollars. "That's what you roll the dice on," says the industry official whose company has agreed to discuss settlement with the state in hopes of saving money.

Further complicating matters is a September 24 directive issued by Campbell noting that companies who initiate settlement will have their damages calculated by a less stringent groundwater formula then parties who fight the claims. Several companies have already decided to fight the formula, according to one state industry source.

Also on September 24, Campbell ordered 66 liable parties to initiate NRD assessments for contamination in the Passaic River watershed. Those parties will have 45 days to agree to do so, or will have to reimburse the state for assessment costs plus treble damages, according to a news release.

A DEP official says it has "yet to be determined" whether or not the state will announce subsequent orders for other watersheds in the state, although New Jersey environmentalists say more announcements are likely.

While state environmentalist are expressing enthusiasm for the state's efforts, they note they retain the right to bring citizens suits under New Jersey law to compel the state to bring NRD claims or to challenge inadequate settlements. "If the state moves forward as expeditiously as they seem to be, there's no need" for citizen suits, one activist says. "We're going to see what the state does."

However, the state efforts may be complicated by EPA Region II's recent decision to require numerous responsible parties at the Diamond Alkali Superfund Site near the Passaic River to expand cleanup efforts to the Lower Passaic River, according to the source. The timing of EPA's decision is unfortunate because it will allow the parties to "stall" the NRD process, the sources say.

EPA officials did not return calls.

(Superfund Report - 9/29/03)

NJDEP PROPOSES REGULATIONS TO ENCOURAGE SELF-REPORTING OF VIOLATIONS

In a long awaited move, NJDEP has proposed new regulations creating incentives for business to discover, report and correct violations of environmental laws. Entitled "Penalty Reductions for Self-Disclosure of Violations", the new rules are generally (though not completely) consistent with EPA's policy "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations". They provide for a 100 percent reduction of gravity based penalties for minor violation (as defined under the Fast Track Compliance Law) and a 75 percent reduction for more acute violations that do not cause serious harm (small businesses will get a 100 percent reduction for these violations as well), provided that the violation, its discovery and reporting meets the other criteria of the regulations (e.g., voluntarily discovered, reported within 21 days of discovery, no serious harm caused, promptly corrected, etc.). Unlike EPA's policy, there is no requirement that discovery occur in correction with an audit or environmental management system. Like EPA, NJDEP reserved the right to recoup the economic benefit associated with the violation. Disclosures would have to be made using a self-disclosure form that will be available on NJDEP's web-site. Once a violation is disclosed it will be recorded in NJDEP's publicly accessible computer database, the New Jersey Environmental Management System ("NJEMS") with a notation that it was self-reported and the reporting entity must enter into a settlement agreement with NJDEP. Public comments were to be accepted on the proposal until October 17, 2003.

(Manko, Gold, Katcher, Fox, Env. Update - 9/03)

IN OUR NEXT ISSUE

MAJOR PENNSYLVANIA RESIDENTIAL REDVELOPMENT PROJECT TO BE ANNOUNCED

At *RT Review* Press Time, a Remedial Plan was in preparation for a remaining area of concern to be addressed at a northern Philadelphia suburbs site scheduled for apartment style redevelopment. As the region and state have turned increasing attention to anti-sprawl initiatives, the project is being discussed as the best example of "infill" development to advance to the implementation stage.

The site has had both EPA and DEP involvement, and is a prime example of success under the award winning Act 2 Land Recycling Program. A Project Profile including how the project was integrated with local and regional transit will be included in the next *RT Review.*

PA UPDATES

DEP ANNOUNCES GENERAL PERMIT FOR BRIDGE & HIGHWAY REHAB PROJECTS

DEP Secretary McGinty and PENNDOT Secretary Biehler announced a General Permit for maintenance activities for the maintenance, testing, repair, rehabilitation or replacement of existing structures in and along waterways. Activities which qualify for this General Permit include bridge and culvert maintenance or replacement projects including bridge structure replacements; and pipeline and utility maintenance and replacement projects.

This General Permit will eliminate the need for filing an application for an individual permit by an owner who intends to test, repair, rehabilitate or replace an existing water obstruction or encroachment. The owner will be required to register the project by submitting written notice to the Department indicating the intent to do maintenance in accordance with the conditions and terms of the General Permit. Applicants will be able to begin work after receiving written notice back from the Department.

Traditionally review times for individual permits reach 120 days. A General Permit can be acknowledged in approximately 30 days.

The new permit process will accelerate needed bridge replacement projects.

(APC - 9/30/03)

PENNSYLVANIA DEP URGES CONGRESS TO FIGHT MTBE MEASURE THAT WOULD UNDERMINE CLEANUP EFFORTS

On behalf of Pennsylvania Governor Edward G. Rendell, Department of Environmental Protection (DEP) Secretary Kathleen A. McGinty urged Congress to oppose the inclusion of a "safe harbor" provision in U.S. energy legislation that essentially would grant manufacturers of methyl tertiary butyl ether (MTBE) immunity from claims that the fuel additive is "defective in design or manufacture" and seriously undermine efforts to clean up groundwater and surface water contaminated by MTBE.

If Congress decides to determine by legislative fiat what is or is not defective, it sets a precedent that in effect renders irrelevant any legitimate, substantial scientific and medical evidence regarding the health hazards of a dangerous product," McGinty said.

In a letter to Congress, McGinty urged opposition of the MTBE immunity provision in the energy bill. The House and Senate have formed a conference committee to resolve differences between the measures each chamber has passed and to put forth compromise legislation for approval.

McGinty noted that granting such immunity from liability could impede efforts to secure the cleanup of MTBE contamination. State and federal funding for such cleanups is already limited at best; Statutory remedies against the manufacturers also are limited. Common law claims against manufacturers, seeking either injunctive or monetary remedies, provide important tools to clean up MTBE contamination.

(Pennsylvania Department of Environmental Protection Water & Waste Digest - 9/11/03)

PENNSYLVANIA TREATS MINE WATER AS FUTURE POWER PLANT COOLANT

A polluted mine pool at the abandoned Shannopin coal mine in Greene County, Pennsylvania will be pumped and treated before it breaks out and pollutes a tributary of the Monongahela River, Governor Edward Rendell announced in October.

A $7.1 million treatment plant will be built to pump and treat 3,900 gallons per minute of polluted mine water from the Shannopin mine abandoned in 1993. The plant will then discharge the treated water into Dunkard Creek through a pipeline about two miles long.

Shannopin Coal Company mined the Pittsburgh coal seem in the Shannopin Mine from 1926 until the early 1990's. Shannopin then went into bankruptcy and abandoned the mine.

Pennsylvania forfeited and collected $282,000 in bonds in 1995. Using the bond money and more than $266,000 in founds from the Growing Greener program, the Commonwealth completed three projects to demolish some hazardous surface structures and bridges and seal mine portal openings.

But the mine pool in the Shannopin Mine is still rising at over one foot each month. If not for this treatment plant project, it is estimated an uncontrolled breakout of polluted mine pool water would occur at the mine's old portal near Bobtown in 2004. The highly acidic discharge would severely impact Dunkard Creek and impact the Monongahela River.

Governor Rendell said the project will turn an environmental challenge into an economic opportunity. "This project will protect Pennsylvania waterways, save taxpayer money and stimulate growth by promoting industrial uses for abandoned mine water."

The Shannopin mine project is part of a larger project to use treated water from abandoned Pennsylvania mine pools to provide cooling water to a proposed coal fired power plant in West Virginia.

The power plant is still in the planning stages and is seeking an air quality permit from the West Virginia environmental agency. If constructed, the plant would require 7,000 gallons per minute of water for its cooling towers.

The state Department of Environmental Protection (DEP) will also conduct an interim response cleanup of the Shannopin Mine Prep Plant. The cleanup will address potentially hazardous waste left behind when the site was abandoned in 1993.

"The Prep Plant is located along the Monongahela River," DEP Secretary Kathleen McGinty said, "We are very concerned about discharges of the leaking container and petroleum products into the river and the unlimited access to the hazards on the site. We will take action to remove those hazards and protect the Monongahela River."

(Env. News Service - 10/1/03)

CLEAN FILL GUIDANCE DOCUMENT AND GENERAL PERMIT ISSUED FOR COMMENT

On November 8, 2003, in the *PENNSYLVNIA BULLETIN* the Pennsylvania Department of Environmental Protection issued a new Clean Fill Guidance Document and General Permit for the Beneficial Use of Regulated Fill for public comment. A sixty day public comment period is underway. DEP's Secretary Kathleen McGinty decided to scrap the formal Safe Fill Regulation as being too complicated.

Initial review of the Clean Fill Guidance Document indicates that there is some confusion as to the extent of due diligence and/or testing needed, and the General Permit appears to be over complicated. However, discussions with Ms. McGinty, as well as Senior DEP Staff indicate that the majority of concerns will be promptly addressed, and only require minor wording changes. Most of the changes which have been discussed so far will make the type of language in the General Permit and the final Clean Fill Guidance Document more usable by environmental managers and consultants, and developers and contractors who will have to implement the final Clean Fill Program.

In addition, RT Environmental Services, Inc. was retained by the Pennsylvania Asphalt Pavement Association to promptly prepare a "Best Management Practices Plan" for implementing the DEP Clean Fill Program and General Permit in the field. Under the proposed DEP Program, individual industry groups will be allowed to come in, and present a "Best Management Plan", which will provide more detail on how the Program can be implemented in the field.

With the changes that DEP expects to make, the impact of the regulations is approximately $70 to $80 million per year, and, the Program is expected to be in effect for the 2004 construction season. RT, along with leading construction industry associations, will be holding seminars throughout Pennsylvania; see the display ad in this newsletter for more information.

CHANGE IN LAND USE POLICY

The DEP has noticed in Pennsylvania, as of October 18th, that it revising its policy for the consideration of local comprehensive plans and zoning ordinances during DEP review of permit applications for facilities and infrastructure. Revisions will be effective upon publication in the *PENNSYLVANIA BULLETIN*. The revision proposed by the DEP would allow cessation of review of a Permit Application, if it is believed to conflict with local land use. (This effects a

PA UPDATES *(Continued from page 4)*

relatively large number permits, with the permit types being listed in the proposed Guidance.)

Under the revision to the policy, DEP Permit Review Staff will attempt to contact the municipality by telephone to discuss the project and its relation to planning and zoning, as well as the municipality's role in the process. If there is found to be a land use conflict, the Regional DEP Director will be notified, and the Regional Director will help ensure that the Department has "alerted" the local officials. The DEP may decide to suspend further review of the application, until the conflict is resolved. Their decision on resolving this conflict will ultimately be made by the Regional Director, taking information into account supplied by DEP Permit Staff, the DEP Policy Office, and the Bureau of Regulatory Counsel.

As RT has advised previously, the status of zoning and planning codes as it relates to many industrial, extraction, and construction facilities is unclear, because permits for existing operation were frequently either not required, or, where required, did not document what is or what was then allowed and not allowed at the site. The reason for this, is that many instances, the operating features at the site do not involve extensive structures, which are otherwise regulated by building code. Undoubtedly, this will make it harder for industries to expand in Pennsylvania, because, where a conflict is identified, it will no longer be possible to have applications reviewed, concurrently, while resolving any local and used for zoning issues which arise. Thus, new plants, or planned expansions, which require local planning, or zoning changes, will take longer than in localities and states where these type of provisions are not utilized.

A copy of the draft Technical Guidance is on the Pennsylvania Department of Environmental Protection's Webpage; comments were due by November 18th.

PENNSYLVANIA, EPA NEGOTIATING FIRST-TIME 'ONE CLEANUP PROGRAM' PACT

The state of Pennsylvania is negotiating a landmark memorandum of agreement (MOA) with EPA under which the agency would settle environment liabilities under three major federal environmental cleanup laws for remediation conducted under the state's voluntary cleanup program. The planned pact would represent the first MOA signed under acting EPA Administrator Marianne Lamont Horinko's One Cleanup Program and is also the first-ever MOA addressing Toxic Substances Control Act (TSCA) liability, according to EPA and Pennsylvania sources.

According to a source with the state's Department of Environmental Protection (DEP), the proposed MOA "may represent a template" for agreements the agency can sign with other states in order to implement Horinko's One Cleanup Program, and a source with EPA's Region III says the discussions address "significant new ideas" states and EPA have not implemented in MOAs before.

One Cleanup Program aims to harmonize waste site cleanups under several different statutes.

An EPA headquarters source says it is too early to determine whether the agreement could serve as a national model and "it wasn't the original intent of the One Cleanup Program to sign these types of agreements." But the source says that if states are interested in crafting similar pacts and EPA determines they would speed cleanups that remain protective of the environment, the agency would be interested in discussing similar agreements with other states.

The pending agreement is also significant, according to the Region III source, because it is the first state-EPA MOA that would address TSCA, which is implemented entirely at the federal level. The pact aims to recognize state soil cleanup levels for polychlorinated biphenyl (PCBs), a TSCA-regulated containment.

Pennsylvania's interest is signing and MOA for its voluntary cleanup program, known as the land recycling program, first surfaced this past summer in DEP Director Kathleen McGinty's testimony to the state's legislature. In June, McGinty told state lawmakers an MOA was needed because industry was concerned that liability under RCRA and Superfund could remain at the federal level even though the state offered broad liability protections for parties cleaning up sites through the state program. McGinty said DEP "will pursue an agreement with EPA to address these concerns and clarify that sites that can be remediated under [the land recycling program] will simultaneously satisfy all RCRA and [Superfund] requirements as well."

Now, however, the state is pursuing a broader MOA that would address liability under Superfund, RCRA and TSCA. The DEP source says EPA in the past was reluctant to recognize Pennsylvaniaís risk-based approaches for soil cleanup for such contaminants as PCB's, but the MOA seeks to recognize those cleanup levels, which were established under its land recycling program.

(Superfund Report - October 27, 2003)

GARY BROWN NAMED TO PENNSYLVANIA ENVIRONMENTAL COUNCIL BOARD OF DIRECTORS

Gary Brown, RT's President was named to the Pennsylvania Environmental Council (PEC) Board of Directors at PEC's September 10 annual meeting. PEC's Directors meet several times each year to help guide the Council's many important activities. RT also helps sponsor PEC's Annual Dinner, which is one of the Region's leading environmental events each year.

PEC's mission includes initiating and nurturing partnerships to build cearensis for solutions to environment and quality of life concerns. We at RT are proud to have an expanded role to assist PEC in its mission.

NEW JERSEY DEP CLEANUP STARS PROGRAM STARTS UP; FOUR RT PROFESSIONALS APPLIED FOR PREREGISTRATION

NJDEP, in the fall, announced the startup of the new Cleanup Star Program. Under the Program, certain sites will be able to be investigated and remediated without waiting for DEP comments on work plans, which has delayed work at many sites.

Those at RT who applied for preregistration are:

- **Gary Brown**
- **Thomas Brady**
- **Craig Hopkins**
- **Chris Eyre**

The Program will ease DEP's workload. Only CLEANUP STAR professionals with New Jersey specific training and experience will be able to run projects, in a privatized, voluntary manner.

We will keep you posted as the Program moves forward.

FEDERAL REGULATORY UPDATES

EPA PLANS GUIDANCE TO ADDRESS SUPERFUND USED-OIL CONCERNS

EPA is developing guidance to address concerns that the used oil exemptions in federal Superfund law unfairly penalize some gas station owners who sent oil to be recycled to oil processing facilities before waste handling regulations took effect, accordingly to an agency official.

At issue is a provision in the Superfund statute that exempts service station owners liable as potentially responsible parties (PRPs) under Superfund after oil recyclers mismanaged the waste. Several large oil recycling facilities are on Superfund's National Priority List.

Now, EPA is developing guidance - consisting of an information request letter - that the agency will provide to gas station owners when they are identified as PRPs, according to an agency official. The letter will be an "expedited" way to determine if a party qualifies for the exemption, and could lead to a quick settlement with liable parties, the source says.

The document will provide EPA with the information it needs to make the determination without being to "burdensome" on gas station owners, the source adds.

(Superfund Report - 9/15/03)

EPA WAVERS ON TMDL WATERSHED RULE BUT VOWS NEW STATE COOPERATION

As a recent meeting of state water administrators, top EPA water officials refused to guarantee they would propose a rule overhauling the agency's impaired water program, despite renewed pressure from states, and suggested other federal agencies are pressing for provisions in the watershed rule that EPA and states would dislike.

At issue are the agency's efforts to rewrite regulations governing state requirements to reduce pollution in waters that fail to met water quality standards, known as the total maximum daily load (TMDL) program, which requires states to develop aggregate pollution caps for impaired waters. EPA is developing a proposed rule as a replacement to a controversial Clinton-era TMDL reform proposal, but has not yet formally released it because it has been bogged down in an informal interagency review process, which conflicts over how to address nonpoint source pollution and dams, among other issues.

During a meeting of the Association of State & Interstate Water Pollution Control Administrators (ASIWPCA) in Whitefish, MT, state officials repeatedly said current mandates that state governments submit lists of impaired waters requiring TMDLs to EPA every two years are a significant burden and are taxing state resources.

One provision slated for inclusion of the long-discussed watershed rule would relax the requirement by allowing the submissions every four years. State officials say the change would help them focus on implementing TMDLs and conducting sound water condition assessments rather then quickly jumping from one listing cycle to the next.

"We are not getting to see the benefits, and one benefit was going from a two-year to a four-year list cycle," said outgoing ASIWPCA President Karen Smith, Arizonaís water quality chief, at the meeting. Smith said state officials were upset that EPA had not been able to steer the rule through informal interagency review and formally issue a proposed regulation.

(Defense Env. Alert - 9/9/03)

EPA SCIENCE ADVISOR PUSHES REGIONS TO WEAKEN TCE CLEANUP LEVELS

EPA Science Advisor Paul Gilman is pressing eight regional Superfund directors to join EPA's other two regions in adopting more lax cleanup standards for trichloroethylene (TCE), in part because of new requirements that may force cleanup of indoor air in homes and buildings near hundreds of waste sites nationwide.

But waste officials who support the stricter cleanup levels say if Gilman, who also heads EPA's Office of Research and Development, withdraws support for the current standards, it will create credibility problems for the regions. Backing off the current targets will lead to "large perception and communication problems" for regional officials working with communities who have been led to believe TCE contamination poses problems in their homes and workplaces causing the use of ventilation devices, according to an EPA source. During a September 23 conference call, Gilman told the regional directors he "was not comfortable" with stricter interim potency estimates for TCE approved by the agency's Science Advisory Board (SAB) in 2002, sources say. "He has said the SAB was 'too polite' in its review, according to a source familiar with the issues.

And Gilman told Inside Washington Publishers that he "does not support the TCE 2001 draft health risk assessment," but declined to elaborate further.

Managers with the Office of Solid Waste & Emergency Responses are calling on the regions to use the stricter interim TCE potency estimates in setting cleanup goals, but Regions IV and VIII have opted to use alternative estimates that translate into lower cleanup levels, regional sources say, TCE is an industrial solvent that has been used for decades in cleaning machinery and aircraft parts and is one of the most common Superfund contaminants.

EPA Superfund officials have asked the regions to conduct surveys of sites with TCE because new guidance requires remediation managers to track the flow of contaminants from waste sites into buildings. This so-called "vapor intrusion" could affect up to half of sites with TCE contamination, regional sources say. Region IX officials report that 63 of 81 TCE-laded Superfund sites in the region have potential vapor intrusion problems and 47 of Region II's 88 TCE sites are being screened for vapor intrusion.

EPA's vapor intrusion guide has drawn fire from industry officials who insist lower Occupational Safety & Health Administration standards and oversight should apply at worksites. They also claim EPAís vapor intrusion guide exaggerates risks.

(Superfund Report - 10/13/03)

FEDERAL UPDATES

EPA ANNOUNCES EQUIPMENT REPLACEMENT PROVISIONS OF THE NSR PROGRAM

On August 27, 2003, the United States Environmental Protection Agency (EPA) announced that it would establish an equipment replacement provision as part of the routine maintenance, repair, and replacement (RMRR) exclusion of the New Source Review (NSR) permitting program. According to EPA, this final rule "makes the program more effective and responsive to today's environmental, economic and energy challenges." The changes are intended to provide greater regulatory certainty without sacrificing the current level of environmental protection and benefit derived from the NSR program.

EPA believes these changes will facilitate the "safe, efficient, and reliable" operation of affected facilities. The final rule, which is available on the Internet at:

www.epa.gov/nsr/ERP_merged_8-27bh.pdf,

will be effective 60 days after publication in the Federal Register.

(P.E. Newsletter - 9/10/03)

EPA PROPOSES WATER REGULATION CHANGE FOR APARTMENTS

To help apartment dwellers save water, the US Environmental Protection Agency (EPA) is proposing to change the regulatory policy on apartment buildings in order to encourage property owners to bill residents only for their

FEDERAL REGULATORY UPDATES *(CONTINUED)*

actual water usage. EPA's Assistant Administrator for Water G. Tracy Mehan III said in a news release that, "We have seen that consumers use less water if they are billed not on just a flat rate but on what they actually use. Americans can save substantial amounts of water through water efficiency programs—helping to make them aware of how much water they are using and the cost is one of the steps to produce environmental benefits. "Submeters" may be needed for the 15 percent of Americans who live in apartments, the EPA said. One way to encourage more residential submetering is to remove the potential regulatory burden currently faced by apartment building owners who install submeters and bill tenants separately for water. EPA is proposing to revise its current policy regarding submetering of residential properties. Under the Safe Drinking Water Act, the national primary drinking water regulations apply to public water systems (PWS) that have its own water source, treat or sell water. EPA has previously issued guidance stating that any building or property owner who meets the definition of a PWS and receives water from a regulated public water system, but bills tenants separately for this water, is selling the water and is independently subject to safe drinking water requirements. As a way to promote full cost and conservation pricing to achieve water conservation, the agency now proposes to change the policy as it applies to a limited aspect of submetering and direct billing of residential tenants, the release said.

(Water Tech Online - 9/9/03)

EPA PROPOSES REVISIONS TO DEFINITION OF VOC

On September 3, 2003, EPA proposed to revise EPA's definition of volatile organic compounds (VOC) for purpose of preparing State Implementation Plans (SIPs). 68 Fed. Reg. 52373.

The proposed revision would add four compounds to the list of compounds excluded from the definition of VOC on the basis that these compounds would make a negligible contribution to tropospheric ozone formation.

The four compounds are 1,1,1,2,2,3,3, heptafluoro-3-methoxy-propane,1,1,1,2,3,3,3-heptaflouropropane, methylformate, and 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecaflouro-2-(trifluoromethyl) hexane.

EPA notes in the Federal Register that the four compounds would continue to be VOC's for purposes of all recordkeeping, emissions reporting, and inventory requirements that apply to VOC. EPA also noted in the Federal Register that it is revising its policy on VOC's in general and that it intends to publish a notice inviting public comments on the VOC exemption policy some time in the future. Comments on the proposed rule were due on October 3, 2003.

(PE Newsletter - 9/24/03)

EPA PROPOSES REGULATORY CHANGES TO RISK MANAGEMENT PROGRAM, INCLUDING RMP

On September 10, 2003, EPA proposed amendments to the Risk Management Plan (RMP) submission schedule and data requirements that were proposed earlier this year. The proposed amendments modify the resubmission schedule for sources that have significant accidents and for those that change emergency contact information.

EPA also proposed to add three data elements to the RMP, to make several revisions to the submission format, and to remove the regulatory requirements to include a discussion of the off-site consequence analysis in the RMP executive summary. EPA expects to issue final amendments in early 2004. Additional information is available at www.epa.gov/ceppo.

(PE Newsletter - 9/24/03)

EPA PROPOSED REVISED EFFLUENT LIMITATIONS FOR CENTRALIZED WASTE TREATMENT POINT SOURCE CATEGORY

On September 10, 2003, EPA proposed to revise discharge limits for several metal pollutants regulated under the centralized waste treatment (CWT) point source category.

The rule responds to a petition filed by a number of CWT facilities requesting that EPA reconsider the limitations and standards for certain pollutants. In particular, the proposal would delete discharge limits and pretreatment standards for selenium from the Metals Treatment and Recovery subcategory and the Multiple Wastestreams subcategory. In addition, barium, molybdenum, antimony, and titanium discharge limits and pretreatment standards would be deleted from the Oils Treatment and Recovery subcategory.

The proposal would also modify the limits and standards in the Multiple Wastestreams subcategory to reflect the changes made in the other two subcategories. Comments on the proposed rule were due on October 10, 2003. EPA hopes to issue a final rule before the December 22, 2003, compliance deadline.

(PE Newsletter - 9/24/03)

EPA PROPOSES DRINKING WATER RULES TO REDUCE ILLNESS, CANCER RISKS

The Environmental Protection Agency has published the long-awaited proposals for the Long Term 2 Enhanced Surface Water Treatment Rule (LT2) and the Stage 2 Disinfection Byproduct Rule. The rules are designed to reduce the risk of illness from microbes and decrease cancer risks from chemicals that form during drinking water treatment.

"These drinking water rules are important steps in protecting Americans' health," said EPA Acting Administrator Linda Fisher. "These rules take the right approach toward minimizing and balancing the risks from microbial contamination and disinfection byproducts. They represent the culmination of more then a decade of analysis, research, and partnership focused on making the nation's drinking water safer."

The proposed LT2 rule requires additional treatment requirements for drinking water systems that are at higher risk for microbial contaminants. Specifically, the rule requires additional treatment by filtered systemswith higher levels of Cryptosporidium in their water sources as well as by systems that do not filter surface water.

EPA estimates that full implementation of the LT2 rule will reduce cases of cryptosporidiosis by as many as 1,020,000 per year, with an associated reduction of up to 140 premature deaths. The economic benefits ranges up to $1.4 billion annually. The additional treatment required under the LT2 rule may also reduce exposure to other pathogens.

Annual costs of the LT2 rule are estimated to range from approximately $73.5 to $111 million. The average annual household cost is estimated to be $1.07 to $1.68 per year, with more than 98 percent of households experiencing annual cost of less then $12 per year. EPA's web has additional information on the proposed LT2 rule at:
http://www.epa.gov/safewater/lt2/index.html.

(Water World - 9/03)

WHAT'S IN THE AIR? NEW AIR REQUIREMENTS FOR REMEDIATION WORK

On October 8, 2003, the Environmental Protection Agency published a final rule establishing National Emission Standards for Hazardous Air Pollutants ("NESHAP") for site remediations (68 Fed. Reg. 58172, 10/8/03). The Site Remediation NESHAP applies to facilities that are major sources of hazardous air pollutants ("HAPs"). Site remediations subject to the final rule are required to control emissions of organic HAPs by meeting emissions limitations and work practice standards reflecting the application of maximum achievable control technology ("MACT").

Site remediations regulated under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") or the Resource Conservation and Recovery Act ("RCRA") are exempt from this final rule. However, remediation activities conducted

FEDERAL REGULATORY UPDATES *(CONTINUED)*

under state cleanup programs are not exempt. Therefore, it appears that voluntary cleanups such as those under Pennsylvania's Act 2 or other Brownfields or state programs that otherwise meet the applicability criteria of the Site Remediation NESHAP must comply with its requirements.

The Site Remediation NESHAP requires emission controls and/or work practice standards for three groups of emission points: process vents, remediation material management units (tanks, containers, surface impoundments, oil/water separators, drain systems) and equipment leaks.

■ Process vents are required to vent emissions to an air pollution control device.

■ Remediation material management units are required to control emissions by using a floating cover or a fixed roof cover and/or venting to an air pollution control device.

■ Equipment leaks - A leak detection and repair program is required for equipment (e.g., pumps, compressors, valves, connectors) involved in remediation.

Existing sources associated with a site remediation subject to the Site Remediation NESHAP must comply with the final rule requirements by October 9, 2006. Each affected source associated with a site remediation is a new source if the facility commenced construction or reconstruction of the affected source on or after July 30, 2002. New sources with a start up date on or before October 8, 2003, other than those with radioactive mixed waste, must be in compliance on October 8, 2003; those with a start up date after October 8, 2003 must comply upon initial startup of the source. Compliance dates differ for site remediations that involve the handling of radioactive mixed wastes.

(Administrative Watch - Babst Calland Clements Zomnir - 10/03)

EPA ISSUES SEVERAL EMISSIONS RULES

EPA has issued a new air toxics rule targeting organic liquid distribution. The organic liquid distribution rule applies to facilities such as terminals, chemical manufacturing facilities, petroleum refineries and crude oil pipeline pumping facilities that distribute organic liquids other than gasoline. This rule will reduce toxic air emissions by 3,500 tons per year and reduce volatile organic compound emissions by approximately 9,900 tons per year, agency officials stated. It will affect approximately 380 existing facilities as well as new facilities.

The agency also finalized an air toxics standard for lime manufacturing plants, which will reduce toxic air emissions from new and existing facilities. When fully implemented, this rule will reduce emissions of air toxic metals by 3.6 tons per year and hydrochloric acid emissions by about 240 tons per year, according to agency officials. In addition, this rule will reduce particulate matter emissions by 3,880 tons per year and SO2 emissions by 6,150 tons per year.

In addition, EPA issued a rule to reduce toxic emissions from paint, ink and adhesive manufacturing facilities. The air toxics rule for miscellaneous coating manufacturing facilities will reduce toxic air emissions by 4,900 tons per year from facilities such as those that produce paints, inks and adhesives. The rule also will reduce volatile organic compound emissions which contribute to the formation of ground-level ozone or smog.

Another rule the agency issued is a mercury cell chlor-alkali plant rule, which will reduce mercury air emissions by at least 1,500 pounds per year from the facilities that produce chlorine and caustic compounds that are used to neutralize acids. There are only nine of these facilities remaining in operation. This rule also requires rigorous work practice standards such as periodically washing work floors and covering waste containers. These additional requirements will reduce mercury emissions from so-called "fugitive source" throughout the plants.

EPA also released a new standard to reduce emissions from taconite ore precessing facilities. The taconite iron ore processing rule applies to facilities that separate and concentrate iron from taconite, a low-grade iron ore. There are currently eight such facilities operating in the United States --- six in Minnesota and two in Michigan. This rule will reduce toxic air emissions by approximately 225 tons per year from these facilities.

On August 20, EPA issued a final rule to control hazardous air emissions from primary magnesium refineries. This rule only affected one facility --- the U.S. Michigan Corp. in Rowley, Utah, which produces magnesium metal from the waters of the Great Salt Lake. This rule does not impose additional requirements on that facility; it requires them to maintain air pollution control equipment and meet the emissions limits already established in the plant's operating permit issued by the Utah Department of Environmental Quality.

For more information on any of the rules or standards, go to:
http://www.epa.gov/ttn/oarpg/camain.html

(Env. Protection E-News - 9/11/03)

COURT REJECTS EPA'S LONG STANDING INTERPRETATIONS OF NEW SOURCE REVIEW APPLICABILITY

A recent decision by a United States District Court rejected several long-standing interpretations of the Environmental Protection Agency's ("EPA") Prevention of Significant Deterioration ("PSD") program. See United States of America v. Duke Energy (M.D. North Carolina) (August 26, 2003). The court made several critical rulings regarding the applicability of the PSD requirements and expressly disagreed with a recent ruling from the Southern District of Ohio in a similar PSD enforcement case.

See United States of America v. Ohio Edison (S.D. Ohio) (August 7, 2003).

In particular, the court made the following determinations:

D. The EPA has the burden of proven that physical changes are not "routine maintenance, repair or replacement" ("RMRR");

E. Wether a project qualifies as RMRR is determined relative to the entire source category (i.e., wether the project is "routine in the industry") (expressly disagreeing with Ohio Edison's determination that RMRR is determined relative to the individual emissions unit);

F. Under the 1980 PSD rules, a project cannot constitute a "major modification" unless the project increases the emissions unit's hourly rate of emissions; and PSD violations are continuing violations such that the general 5 year statute of limitations does not bear EPA's claim for civil penalties for projects that occurred more then 5 years prior to the filing of the complaints.

The determination that PSD applicability is premised on an increase in the maximum hourly emission rate is a significant departure from long standing EPA interpretation. Facilities that are subject to PSD enforcement actions will likely find this case of particular importance. In addition, facilities that are not yet subject to the recently revised PSD rules (see 67 Fed. Reg. 80186 (December 31, 2002)) may find this case beneficial in assessing the permitting requirements for projects at that facility.

(Babst Calland Clements and Zomnir Admin. Watch - 9/03)

EPA RELEASES ANNUAL AIR TRENDS REPORT

EPA released its annual air trends report and also released new acid rain data, both of which show air quality improvement. This environmental progress comes even as the country has experienced a 164 percent increase in gross domestic product, a 42 percent increase in energy consumption and a 155 percent increase in vehicle miles traveled.

The report, "Latest Findings on National Air Quality: 2002 Status and Trends," shows that since 1970 emissions of the six principle air pollutants have been cut 48 percent. Acid rain data released at the same time demonstrates the cap and trade program's success in reducing harmful sulfur dioxide (SO2) and nitrogen oxides (NOx) emissions from power plants.

FEDERAL REGULATORY UPDATES *(CONTINUED)*

According to the data, SO2 emissions from power plants were 10.2 million tons in 2002, nine percent lower than in 2000 and 41 percent lower in 1980. NOx emissions from power plants also continued a downward trend, measuring 4.5 million tons in 2002, a 13 percent reduction from 2000 and a 33 percent decline from 1990 emission levels.

(Env. Tip of the Week - 9/22/03)

EPA DECIDES NOT TO REGULATE DIOXIN IN SEWAGE SLUDGE USED IN LAND APPLICATIONS

EPA has made a final decision not to regulate dioxin in land-applied sewage sludge. After five years of study, including outside peer review, the Agency has determined that dioxin from this source does not pose a significant risk to human health or the environment. The most highly exposed people, theoretically, are those people who apply sewage sludge as a fertilizer to their crops and animal feed and then consume their own crops and meat products over their entire lifetimes. EPA's analysis shows that even for this theoretical population, only 0.003 new cases of cancer could be expected each year or only 0.22 new cases of cancer over a span of 70 years. The risk to people in the general population of new cancer cases resulting from sewage sludge containing dioxin is even smaller due to low exposures to dioxin to land-applied sewage sludge then the highly exposed farm family which EPA modeled.

For more information about this decision, visit:
http://www.epa.gov/waterscience/bioso|ids/.

(Env. Tip of the Week - 10/17/03)

EPA ATTRACTS PUBLIC ATTENTION TO ENERGY STAR LIGHTING

"If each household in the U.S. switched the lighting in just one room to Energy Star, we'd save enough energy to light more than 34 million homes and prevent one trillion pounds of greenhouse gas emissions," Marianne Horinko said. The U.S. Environmental Protection Agency (EPA) acting administrator was launching the government's 2003 Change a Light, Change the World campaign, which encourages Americans to switch to bulbs and fixtures that have earned the Energy Star label, to save energy, money, and protect the environment.

By replacing the five most frequently used light fixtures or bulbs at home with models that have earned the Energy Star, "a household can save more than $60 a year in energy cost while enjoying the latest in style, design, convince and efficiency," Horinko said.

Energy Star qualified lighting last six to 10 times longer than traditional lighting, and operates on two-thirds less energy.

(Env. News Service - 10/1/03)

NEW EPA ACTION AIMS TO IMPROVE COMPLIANCE WITH UST RULE

On September 30, EPA issued revised performance measures for significant operational compliance with the Underground Storage Tank (UST) requirements to prevent and detect leaks. Operational compliance means that a facility not only has the required release detection and prevention equipment, but that the equipment is in use, functioning and properly maintained. This new measure will make it easy to determine compliance by storage tank owners and to evaluate the impact on human health and the environment.

In the past, EPA and states had focused on ensuring that UST systems, like those at gas stations, were upgraded with equipment to prevent and detect leaks. EPA created the office of Underground Storage Tanks in 1985 to carry out a Congressional mandate to develop and implement a regulatory program for underground storage tank systems. In 1988, EPA issued UST regulations covering technical and financial responsibly requirements and state program approval objectives.

To obtain an electronic version of the revised performance measures, visit:
http://www.epa.gov/oust/cmplastc/soc.htm

(Env. Tip of The Week - 10/13/03)

EPA ALLOWS THE POST-CLEANUP SALE OF PCB-IMPACTED SITES

The EPA said in August it planned to end the ban on the sale of real estate contaminated with PCB's, or polychlorinated biphenyls, which the EPA classifies as a probable carcinogen. The rule went into effect in 1978.

The decision is designed to spur the sale of contaminated industrial sites that have lain dormant for years.

The push to develop so-called brownfields, including PCB sites, has gained momentum recently as mayors and other local officials have sought to locate new business in aging city and town centers.

The EPA said the move is a reinterpretation of existing law to allow PCB sites to change hands before cleanup while still enforcing PCB regulations.

Previously, the owner of a PCB site had to clean it before any sales. Under terms of the reinterpretation, PCB's still are banned, and the land must be cleaned before it can be developed for industrial or other usage.

"This policy will stimulate the cleanup and redevelopment of the sites," EPA spokeswomen Lisa Harrison said. "It will enhance redevelopment of contaminated sites, which is the goal of the president's brownfields program."

The decision is supported by the U.S. Conference of Mayors, which is pushing for more development of brownfields.

(Star - Ledger - 9/3/03)

CARBON DIOXIDE NOT A POLLUTANT - EPA

Carbon dioxide, the chief cause of global warming, cannot be regulated as a pollutant, the Environmental Protection Agency ruled in late August.

The decision, which reverse a 1998 Clinton administration position, means the Bush administration position wont be able to use the Clean Air Act to reduce carbon-dioxide emissions from cars.

Had the Bush administration decided that carbon dioxide is a pollutant and harmful, it could have been required expensive new pollution controls on new cars and perhaps on powerplants, which together are the main sources of so-called greenhouse gasses.

EPA General Council Robert Fabricant took the opposite position in his 12-page decision. "Because the (Clean Air Act) does not authorize regulation to address climate change," Fabricant wrote "It follows that (carbon dioxide) and other (greenhouse gasses), as such, are not air pollutants."

(Knight Ridder Newspapers - 8/29/03)

EPA PROPOSES CHANGES TO FORM R

Under the Emergency Planning and Community Right to Know Act, facilities must report annually information on releases or transfers of approximately 650 toxic substances. This Toxic Release Inventory reporting is completed on a reporting form known as "Form R." EPA is currently proposing changes to Form R that are expected to reduce the time it takes to complete the form and to significantly reduce reporting expenses for industries required to report. Some of the proposed changes include reducing the number of codes used to report releases, and the creation of four subcategories for releases including total on-site uncontained releases, total on-site contained disposal, total off-site uncontained releases, and total off-site contained disposal. EPA suggest that the proposed changes will provide a more complete characterization of TRI chemicals in waste streams. The proposed revised Form R is currently available on EPA's website at www.epa.gov/edockets.

(Client Alert, Manko Gold Katcher & Fox - 10/03)

SMALLER STORAGE VESSELS, PROCESS TANKS EXEMPTED FROM AIR STANDARDS

Smaller storage vessels and process tanks have been exempt from the U.S. Environmental Protection Agency's (EPA) performance standards for volatile organic liquid storage vessels, under a final rule issued October 15 (68 FR 59328)

The exemption represents a reversal of EPA's

FEDERAL REGULATORY UPDATES *(CONTINUED)*

March 27, 2000 memorandum that classified process tanks as storage vessels subject to the Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 (40 CFR part 60, subpart Kb)

Affected entities include petroleum bulk stations and terminals; chemical manufacturing facilities; and petroleum and coal products manufacturing facilities. The final rule amends several provisions to the standards. Its eliminates recordkeeping requirements for storage vessels that currently are subject to the standard's recordkeeping requirements only. It also exempts process tanks, as well as storage vessels subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for vegetable oil production.

(Env. Compliance Alert - 10/17/03)

DOT FINAL RULE CLARIFIES THE APPLICABILITY OF REGULATIONS GOVERNING HAZARDOUS MATERIALS TRANSPORTATION

A final rule clarifying when U.S. Department of Transportation regulations apply to the handling of hazardous materials was published in the Federal Register on October 30. The rule, "Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage" (HM-223) will improve safety by clarifying when the activities related to the transportation of hazardous materials are governed by DOT's Hazardous Material Regulations (HMR) versus other regulating agencies like OSHA and EPA. It also lists the pre-transportation functions to which the HMR apply.

DOT is clarifying the applicability of the Hazardous Materials Regulations (HMR) to specific functions and activities, including hazardous materials loading and unloading operations and storage of hazardous materials and storage of hazardous materials during transportation. They are also listed in the HMR pre-transportation functions to which the HMR apply. Pre-transportation functions are functions performed to prepare hazardous materials for transportation in commerce by persons who offer a hazardous material for transportation or cause a hazardous material to be transported. Transportation functions are functions performed as part of the actual movement of hazardous materials in commerce, including loading, unloading, and storage of hazardous materials that is incidental to that movement. For purposes of applicability of the HMR, "transportation in commerce" begins when a carrier takes possession of a hazardous material and continues until the carrier delivers the package containing the hazardous material to its destination as indicated on shipping papers or other shipping documentation.

The final rule will not be effective until October 1, 2004.

(Env. Tip of the Week - 11/8/03)

U.S. CPSC DECIDES NOT TO BAN ARSENIC PLAYGROUND WOOD

Federal regulators decided against banning arsenic treated lumber for playground equipment, saying most manufacturers no longer use the wood-protecting chemical that is believed to increase the risk of cancer.

The Consumer Product Safety Commission voted unanimously to adopt a staff recommendation that a ban is unnecessary, given the shift away from treated wood in playground structures, decks and picnic tables.

The industry agreed in 2002, following discussions with the Environmental Protection Agency, to stop building products using the arsenic-treated wood by the end of the year.

The EPA has removed the pesticide, chromated copper arsenate, from its list of approved chemicals. The pesticide was used on wood to protect lumber from decay and insect damage.

The concern is that the children could get arsenic residue on their hands and then later put their hands in their mouths.

One environmental group that had previously sought the ban praised the eventual outcome.

"All of the commissioners have stressed the need to educate the public about the cancer risk and how to mitigate personal risk," said Jane Houlihan, vice president of research at the Environmental Working Group.

(Wall St. Journal - 11/5/03)

EPA NEW SOURCE REVIEW UPDATE

On October 30, the EPA announced that after reconsidering sox specific issues related to the new source review (NSR) improvements rule finalized on December 31, 2003, the agency will not change any of the six issues, but it will clarify two aspects of the final rule:

1. Addition of a definition of a "replacement unit;" and

2. Specification that the plant wide applicability limit (PAL) baseline calculation procedures for newly constructed units do not apply to modified units.

Other than these clarifications, the EPA did not change either the method of measuring emission increases when existing emission units are replaced or the method for assessing air emissions from process units built after the 24-month baseline period used to establish PAL emission limits.

Also, after reviewing numerous comments on the report, "Supplemental Analysis of the Environmental Impact of the 2003 Final NSR Improvements Rule," the EPA determined that the reportís conclusion - that the NSR improvement rule likely will result in greater environmental benefits than the prior program - is valid.

After considering comments on the remaining aspects of the final NSR improvement rule, the EPA determined that regulatory changes or clarifications are not needed. These three remaining issues include:

■ The EPA's conclusion of the "seasonal possibility" standard as it pertains to the need to maintain records and file certain reports when projecting actual emissions following a physical or operational change;

■ The decision to allow a PAL to supercede existing emission limits established for NSR applicability purposes. Compliance with the PAL is then used to determine if NSR requirements apply in the future; and

■ The decision to not require evolution of "Clean Unit" status after an area is redesignated from "attainment" to "nonattainment" for one of the six principle air pollutants regulated by the EPA (ozone, particulate matter, nitrogen oxide, sulfur dioxide, carbon monoxide and lead).

One petition for reconsidering was received significantly later than the others and the EPA is still evaluating the petition. The EPA is denying all other request for reconsideration of the final NSR improvement rule.

(National Association of Manufacturers - 11/4/03)

EPA ISSUES REVISED EDITION OF THE PESTICIDE LABEL REVIEW MANUAL

On October 6, 2003, EPA issued the revised third edition of the *Label Review Manual*. The third edition of the Label Review Manual updates the previous edition released in 1996. EPA intends the *Label Review Manual* to serve as a training tool and resource for employees of the Office of Pesticide Programs (OPP) who are responsible for reviewing pesticide product labels. According to EPA, the *Label Review Manual* also may be used for state label reviewers, registrants, and others interested in "producing readable, unambiguous pesticide product labels." The *Label Review Manual* is available on the Internet at "
www.epa.gov/oppfead1/labeling/lrm/.

(Pollution Engineering News 0 10/28/03)

EPA PROPOSES TO PROMOTE RECYCLING OF HAZARDOUS WASTE

A proposed change to federal hazardous waste management regulations that could significantly increase the recovery of metals, solvents and other usable materials was announce by EPA. This action, which reaffirms EPA's long-standing policy of promoting materials

FEDERAL REGULATORY UPDATES *(CONTINUED)*

reuse and recovery over land disposal, could make it easier to possibly recycle more than one million tons of hazardous waste annually, and encourage recovery of valuable materials worth an estimated one billion dollars yearly.

"By reclaiming reusable metals, solvents and other valuable materials from waste, we can reduce natural resource and water use and conserve energy," said EPA Acting Administrator Marianne Lamont Horinko. "Today's proposal in an outgrowth of EPA's Resource Conservation Challenge, which aims to increase recycling and reduce harmful chemicals in the environment."

Hazardous waste includes residue industrial processes, such as used solvents, metal-containing sludge and dust collected in air pollution equipment.

EPA believes that the industry categories mainly affected by the proposal will be inorganic chemicals, plastic materials and resins, pharmaceutical preparations, cyclic crudes (acids, dyes, and pigments), intermediates (specialty chemicals), industrial organic chemicals, nonferrous metals (such as lead), plating and polishing, and printed circuit boards.The proposed changes represent potential savings of $178 million a year in waste management and recycling cost at more than 1,700 plants nationwide.

EPA proposes to exclude from hazardous waste regulation those materials that are recycled in a continuous process within the same industry. (A continuous process is one with no momentary stoppage, and in which, unlike regular recycling, the company reclaiming or recovering the metals has to be the same one that generated it.) If these materials are released to the environment, however, the existing hazardous waste regulations will apply and EPA will use all appropriate enforcement authorities to control them.

The Agency and its state partners believe that now is an opportune time to clarify the definition of "legitimate recycling" under the hazardous waste recycling regulations. The proposed amendment specifies four general criteria for distinguishing legitimate hazardous waste recycling from improper recycling:

The material must be managed as a valuable commodity.

Complete details are available at:
www.epa.gov/epaoswer/hazwaste/dsw/abr.htm

(Env. Tip of the Week - 10/27/03)

CLEAN WATERSHEDS NEEDS SURVEY REVEALS $181 BILLION IN NEEDS

The US water market needs to spend $181.2 billion on water quality programs and projects eligible for funding under the Clean Water State Revolving Fund (CWSRF), according to a report released by the Environmental Protection Agency.

The agency recently submitted its Clean Watershed Needs Survey 2000 to Congress. The "needs" covered in the CWNS 2000 report reflect an increase of $26.6 billion (17.2 percent) from the previous Clean Water Needs Survey, completed in 1996.

Total needs are presented in wastewater treatment, collection, and conveyance; CSO correction; storm water management programs; and NPS pollution control.

The EPA report was compiled to meet the requirements set forth in section 516 of the Clean Water Act (CWA). Because of water quality problems associated with nonpoint source (NPS) pollution, EPA elected to include NPS pollution control project as well.

The Clean Watershed Needs Survey (CWNS) 2000 is a collaborative effort between 48 States, the District of Columbia and EPA. States entered data into the CWNS database over a 21-month period to be evaluated and analyzed by EPA.

Key findings are:

■ The needs for wastewater treatment are $57.2 billion, or 31.69 percent of the total needs.

■ The estimated cost to control CSO's is $50.6 billion.

■ Nineteen states and the District of Columbia reported $5.5 billion (3 percent of total needs) in documented storm water management program needs.

The needs eligible for inclusion under Nonpoint Source Pollution Control include those associated with implementing NPS management programs under section 319 of the CWA, as well as developing and implementing Comprehensive Conservation and Management Plans (CCMPs) for estuaries under section 320 of the CWA. Thirty-two states and the District of Columbia documented needs totaling $13.8 billion (7.6 percent of total needs) for NPS pollution control.

Small communities, defined as communities with a population of fewer than 10,000 people and an average daily wastewater flow of less than 1 million gallons, have documented needs of approximately $16 billion. EPA and the States have made a concerted effort in the CWNS 2000 to gather information on a watershed basis, which is consistent with EPA's watershed management approach. In Chapter 5 of EPA's report, a national watershed analyses and a case study from the Long Island Sound are presented to illustrate the potential of the CWNS to organize needs information be watershed.

(WaterWorld - November 2003)

CLEAN FILL SEMINARS ANNOUNCED

With the finalization of the DEP Clean Fill Program, arrangements are being made for statewide seminars for contractors, developers, and public works officials. A list of seminar dates is as follows:

Harrisburg -	**2/5/04**
Pittsburgh -	**1/26/04**
State College -	**1/27/04**
Valley Forge -	**2/6/04**
Wilkes Barre -	**1/30/04**

Visit our Webpage at www.rtenv.com for registration information or call 610-265-1510 extension 24 to register by phone.

FACT SHEET SUMMARY - PA DEP PROPOSED CLEAN FILL PROGRAM

In 1996, the DEP issued a “Clean Fill Guidance Document” which determined when soils, are considered so contaminated as to become wastes. The levels of contaminants were set too low in this document, in many instances, below background. It has been impossible to tell what is and is not ìContaminatedî. The ”Clean Fill Guidance” limits have been selectively enforced, sometimes with disastrous financial results for site owners and for earthwork contractors.

A newly proposed Clean Fill Guidance, published on 11/2/03 now requires demolition materials to be separated from other wastes. The proposed takes a revised approach for determining what is CLEAN FILL based on numerical limits derived from the Act 2 Land Recycling Statewide Health Standards (SWHS).

New requirements will be:

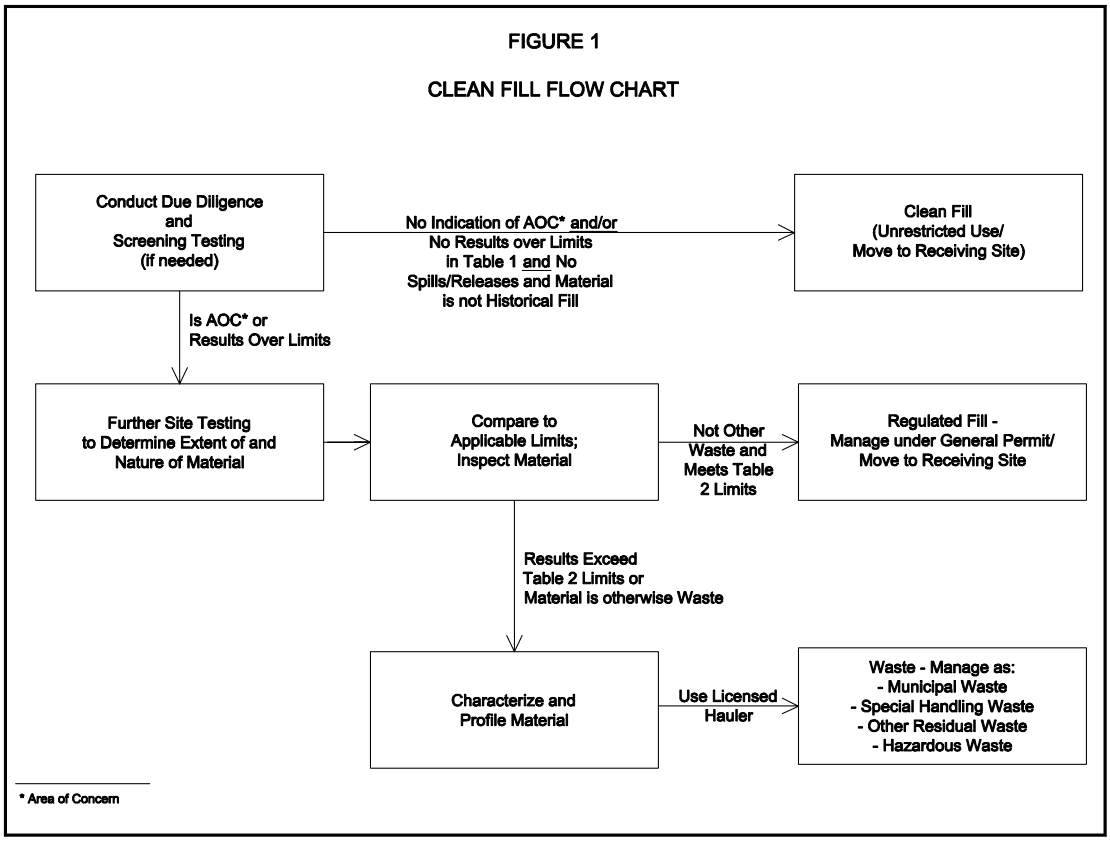
- Due Diligence will be required at most sites to check historical and other information to see if the soils at a site might be contaminated. Contamination can come from:
  - tank and other spills
  - historic use of herbicides\pesticides
  - historic coal burning in the area
  - historic use of leaded gasoline
- At some sites, HISTORIC FILL is present (coal ash or industrial waste was used to create land from former wetland and stream areas). There is a new definition for historic fill, which had to be placed before 1988.
- Most sites will require due diligence and at least “screening testing” before it is determined whether or not the soil is or is not “contaminated”.
- There are several new material classifications:
  - Material which is “CLEAN FILL” (unrestricted), is not impacted by a spill or release and meets Clean Fill Limits (residential SWHS).
  - Material which is REGULATED FILL, includes material impacted by a spill or release and HISTORIC FILL; this cannot exceed non-residential SWHS limits.
- The attached Flow Chart shows the process.
- A General Permit is also proposed to be available to move REGULATED FILL. It will be necessary to apply to the DEP to use the General Permit and complete testing. A Registration Application and fee will need to be submitted to DEP and a Deed Notice will need to be placed on the receiving site. There will be restrictions on which sites the materials can and cannot be placed.
- Those found by DEP or receiving site owners to be illegally moving or using waste can be subject to major liabilities, including, potentially, criminal penalties. RT is continuing to advise all of those involved in earthwork contracting and construction to use interim residential SWHS for all projects, until the Program is finalized. The full CLEAN FILL Program is expected to be in effect during the 2004 construction season.

See the Clean Fill Flow Chart below! DEP is accepting public comments on this proposal through January 9, 2004.

For more information, call Gary Brown at 800-725-0593.

FIGURE 1

CLEAN FILL FLOW CHART



TECHNOLOGY UPDATES

MERCURY IN FISH MAY BE LESS TOXIC THAN THOUGHT, NEW STUDY FINDS

The mercury that builds up in some fish may not be as harmful as long believed, say scientists who have taken an unprecedented look at the pollutant.

The researchers say it is premature to throw out health advisories warning pregnant women and consumers to limit the consumption of fish tainted with mercury. But the advisories may have to be reviewed in light of the experiments that found mercury in fish flash was 20 times less toxic then expected.

"The mercury in fish may not be as toxic as many people think," says biophysicist Graham George, of the University of Saskatchewan.

But mercury's toxicity very much depends of the structure of the molecule it is tied up in, says George, whose team has taken the most detailed look yet at the varity found in fish.

The scientist trained X-rays on samples of swordfish and two other species found in that mercury is bound up in a fish in a different and bigger structure then methylmercury chloride. Methylmercury chloride has been widely used to model the toxic properties of mercury in fish and to develop international fish consumption guidelines, says George.

George said much more research is needed to determine how big a villain mercury is.

A coming experiment will look at how the mercury molecule in fish reacts with gastrointestinal tract acids.

The scientists also wants to clarify how the mercury molecules interact with other compounds such as selenium, also found in fish. Selenium can magnify or block the toxicity of mercury, George says. "The more you figure out, the more you realize this is not a simple thing."

(By Margaret Munro, CanWest News Service - 8/03)

WORKING GETS SAFER

Working got safer last year, according to the government's annual tally of workplace deaths, released recently.

Nationally, 5,524 workers died on the job in 2002 - a significant decrease from the 5,915 who died in 2001, a number that did not include those killed in the September 11th terrorist attack.

"It's the largest year-to-year decline we've ever seen," said Scott Richardson, program manager of the Burro of Labor Statistics' Census of Fatal Occupational Injuries. The began publishing the data in 1992.

The decline extended a downward trend since 1997, when 6,238 workers died. Workplace homicides also declined, down to 609 last year from a 1994 peak of 1,080.

The numbers declined even among Hispanics, who are more likely to work in more riskier farm, factory and construction jobs.

Federal officials also track rates so they can compare various populations and sectors of the work force. The industries with highest death rates included logging, fishing, farming, and mining.

(By - Justin Pritchard, Gloucester County Times, 9/19/03)

NEW YORK HARBOR CLEAN FERRY INITIATIVE CHUGS FORWARD

A $5 million federal grant will help fuel the formation and funding of the Clean Ferry Emissions Reduction Initiative for New York Harbor. The $6.8 initiative, supported by city, state, federal, education and environmental organizations, will identify and put into place clean fuels and best available retrofit technologies to cut pollution from diesel powered ferries in New York Harbor.

Ferries are an integral part of the city's transportation network, but existing models produce dirty emissions with serious impacts on health and the environment. This project is expected to clean emissions from more then 40 diesel powered ferries - some 85 percent of the total ferries in New York Harbor. Currently, none of the ferries in the Harbor are equipped with pollution controls.

By using retrofits and cleaner fuels like ultra low sulfur diesel, this project could reduce emissions by 75 to 90 percent.

(Env. News Service - 9/16/03)

STUDY: RESIDENTIAL WATER PIPES CAN SPREAD LEGIONNAIRE'S

Outbreaks of Legionnaire's disease are often blamed on germs spewing from air conditioning systems in big buildings, but new research shows home hot water pipes can also be a common source, The Associated Press (AP) reported in an article published by Newsday.

The latest work, combined with earlier studies, suggests the Legionella bacteria often grow in the slimy gunk lining residential hot water pipes, and home water may be responsible for about 20 percent of cases, the AP said.

Janet Stout, a microbiologist who heads a special pathogens lab at the Veterans Administration Medical Center in Pittsburgh, presented her latest findings Sept. 14 at a conference in Chicago of the American Society for Microbiology.

Stout estimated that between 2 percent and 5 percent of the 600,000 pneumonia cases requiring hospitalization in the US each year are causes by Legionella pneumophilia bacteria.

"The overall perception we have that drinking water in the home is free of bacteria is a misconception," Stout said in the article.

(WaterTech Online - 9/15/03)

ASCE INFRASTRUCTURE REPORT CARD: AMERICA GETS D+

The condition of our nation's roads, bridges, drinking water systems and other public works have shown little improvement since they were graded an overall D+ in 2001, with some areas sliding toward failing grades, concluded the 2003 Progress Report for America's Infrastructure, released today by the American Society of Civil Engineers (ASCE).

The report examining trends and assessing the progress and decline of America's infrastructure - roads, bridges, mass transit, aviation, schools, drinking water, wastewater, dams, solid waste, hazardous waste, navigable waterways and energy - was prepared by a panel of 20 eminent civil engineers with expertise in a range of practice specialties.

Among the trends working against efforts to raise conditions to acceptable levels for the world's leading industrialized nation are state and local budget crises and federal programs that either fall short of meeting the demands for infrastructure maintenance or will soon expire. As well, problems that contributed to the overburdened infrastructure remain, including population growth, voter opposition to infrastructure projects, and the continuing deterioration of an aging system. Furthermore, the threat of possible terrorist attacks on critical infrastructure has diverted maintenance and growth funding in order to implement infrastructure security measures. With a federal deficit of $450 billion, resources for infrastructure are growing scarce.

Yet the need for infrastructure investment has never been higher. None of the 12 categories evaluated in 2001 demonstrated any significant growth or improvement. Conditions for roads, transit, energy, drinking water, waste water, dams and navigable waterways continue to decline. There was no progress in the condition of bridges, aviation, schools, solid waste and hazardous waste.

The country's growing, sprawling population continues to overburden transportation, water and energy systems that reached capacity long ago. Two years after the nation's energy infrastructure received a D+, the widespread failure of the electrical grid in the Northeast and Midwest this August left tens of millions in the dark, and brought other infrastructure systems to a grinding halt. New York City's mass transit was stopped in its tracks leaving millions of commuters stranded. Cleveland's water treatment facilities failed, leaving citizens wondering how they were to boil water without electricity.

Another factor in the dismal forecast is that citizens are failing to enact measures that invest in the future of their communities, even as federal, state and local funding for infrastructure improvement is in danger of drying up. In Las Vegas, where the number of congested freeways grew from five percent to 55 percent over the past 20 years, voters recently approved a tax plan

TECHNOLOGY UPDATES

TECHNOLOGY UPDATES *(CONTINUED)*

to fund local transportation projects, while in Northern Virginia - where traffic congestion is among the worst in the country - voters failed to pass a sales tax proposal last fall that would have raised billions for its overburdened road and transit system.

In 2001, the estimated cost for infrastructure renewal was $1.3 trillion over a five-year period. Today, that cost has risen to $1.6 trillion over a five-year period. While solutions to repair our crumbling infrastructure can be addressed through a renewed partnership between citizens, the private sector and local, state and federal governments, re-authorization of TEA-21 and passage of the Clean Water Act, the Safe Drinking Water Act, and the Dam Rehabilitation Safety and Security Act, can provide critical funding to repair our transportation, water and dam infrastructure.

The forecast for the trends detailed in the 2003 Progress Report was based on condition and performance of each infrastructure category as reported by federal sources; capacity of infrastructure versus need; and current and pending investment of state, local and federal funding for infrastructure versus need.

(Water World - 9/15/03)

CONSERVATIVE NEW TLV FOR DIESEL FUELS FROM ACGIH

Long before you reach a concentration of diesel vapor sufficient to register on a combustible gas indicator, you will have easily exceeded the new ACGIH TLV for diesel fuel safety. Disregarding information from a century of epidemiological study, the group opted for a more conservative approach and derived TLV information from the results of animal studies. They set a TLV-TWA of 100mg/m3 of total hydrocarbons as aerosol/vapor, a measurement far below the US Navy's recent exposure guidance, "Permissable Exposure Levels for Selected Military Fuel Vapors," which advised a 350mg/m3, Time Weighed Average (TWA).

Three techniques are commonly used to measure diesel fuel vapor in an environment - colorimetric detector tubes, combustible gas monitors and photo-ionization detectors. Of these, photo-ionization detectors prove most effective.

Colorimetric detector tubes are inadequate to provide more then momentary snapshots of vapor concentrations. Additionally, since diesel vapor is heavier then air, concentration areas will vary. Consequently, detector tubes are susceptible to missing ''hot spots'.

Combustible gas monitors, which use hot bead sensors to detect the presence of vapors, cannot be used to measure changes in concentration smaller than 1.0% of the LEL concentration for the substance being measured. Consequently, it is inadequate to measure diesel fuel vapor, which ranges from 0.6% to 1.3% volume in air. Photo-ionization detectors use high-energy ultraviolet light from a lamp housed within the detector to remove an electron from the neutrally charged target molecules, collecting the ions on charged plates. This produces a flow of electrical current proportional to the concentration of the contaminant. With this process, larger molecules are more easily detected. Consequently, these devices may easily provide readings below the new TLV for diesel.

Perhaps the most logical measurement device is the multi sensor detector, which combines the PID with catalytic hot bead sensors to provide detection not only for diesel fuel vapors, but also other potentially hazardous vapors. This guards employers against losing sight of one contaminant while guarding against another. Whatever the detection method employed, employers must guard workers against encroaching hazardous agents, which inevitably means making changes in the detection methodology that has been more recently employed.

(AMIAQ Council)

CMCH REVISES PROCEDURES FOR CLEANING MOLD

Canada Mortgage and Housing Corporation (CMCH) is the Government of Canada's national housing agency, playing a major rule in Canada's housing industry. The CMCH has issued a fact sheet advising that their previous sheets advising the use of chlorine bleach for cleaning mold should be disregarded, stating that "bleach is no longer recommended for general cleaning, except for cleaning mold on wood surfaces."

Using bleach is discouraged because of the harmful fumes, difficulty to disposal of large quantities safely and the potential formation of trihalomethane compounds with organic matter. Such compounds have been linked with some forms of cancer.

Recommendations for washable surfaces now include HEPA vacuuming surfaces and scrubbing or brushing the moldy area with a mild unscented detergent solution followed by rinsing by sponging with a clean, wet rag; repeat and dry quickly. Once dry, HEPA vacuum the surfaces that were cleaned as well as surrounding areas.

For drywall, use a small amount of detergent or baking soda and water, being careful not to over-wet the surface. If this does not work, the drywall should be replaced. Rotting wood should be replaced, but surface mold on wood can be cleaned with bleach, using good ventilation. Be sure to rinse and dry quickly.

Concrete surfaces should be cleaned with an unscented detergent and water. For heavier concentrations of mold, use trisodium phosphate (TSP) and water (one cup of TSP in two gallons of warm water), but caution is advised due to its corrosive nature and skin and eyes must be protected.

More information is available in the brochure "Fighting Mold - The Homeowners Guide," downloadable on the CMCH website at: www.cmhcschl.gc.ca/en/burema/gesein/abhose/abhose_ce08.cfm.. The website also offers other helpful information, including a chart of unhealthy household agents and indoor air quality guides. CMCH advises adequate protection, which includes gloves, goggles and masks. Depending on the size of the area being cleaned and the time required t/o do the job, isolation of the area and negative pressure containment are options to be considered.

(AIAQC - 6/7/03)

URBAN AREAS NEED MORE TREES

Urban areas have a severe tree deficit that is costing taxpayers billions of dollars each year in air and water benefits, according to a study released Wednesday at the National Urban Forest Conference by American Forests.

The conservation group says that this deficit has increased by 21 percent during the last 10 years.

"This is a huge nationwide tree deficit that is getting worse," said Gary Moll, American Forests' vice president of the Urban Forest Center. "Trees work to clean air and water naturally, and they do it for free."

American Forests' study analyzed 448 urban areas defined by the U.S. Census - tree cover in these areas stands at an average 23 percent.

According to the report, this equates to more than 1.7 billion trees needed to increase tree canopy to the recommended 10 percent in the 448 U.S. urban areas.

(Env. News Service - 9/18/03)

STUDY WARNS OF FLAME RETARDANT IN BREAST MILK

Tests for chemical fire retardants in the breast milk of American mothers found high levels of the toxins in every women tested, according to the Environmental Working Group (EWG). The organization says the U.S. Environmental Protection Agency (EPA) should move to ban these chemicals, but cautions that the study does not indicate that women should stop breastfeeding their infants.

"Breastfeeding remains the single most important choice mother can make for the health of their babies," said EWG Analyst Sonya Lunder, coauthor of the study "Mothersí Milk." "But finding these chemicals in breast milk shows the shocking extent to which the industrial toxins are invading our bodies. Brominated fire retardants do not belong in breast milk, they do not belong in babies, and they should be phased out as soon as possible."

Similar to polychlorinated biphenyls - PBCs - brominated fire retardants persist in the environmental for decades and build up in people's bodies over a lifetime. The chemicals, known as polybrominated diphenyl ethers (PBDEs) are used to coat plastics, electronics, textiles, carpets and furniture.

The European Union (EU) has banned some fire retardants starting next year, but they remain unregulated in by the U.S. government. In August, California passed a law banning some PBDEs, but it does not take effect until 2008.

By 2008 says EWG, another 365 pounds of the chemicals will be in American homes, business, schools and people.

The EU ban was in part reaction to a Swedish study that found levels of the chemicals in breast milk in Sweden had increased forty times from 1972 to 1997.

How PBDEs get into the environmental is still uncertain, but they are being found worldwide in

TECHNOLOGY UPDATES *(CONTINUED)*

house dust, indoor and outdoor air as well as in the water and sediments of rivers, estuaries and oceans. The chemicals have been found in tissues of whales, seals, birds and bird eggs, moose, reindeer, mussels, eels, and dozens of species of freshwater and marine fish.

(Env. News Service - 9/24/03)

NEW TECHNIQUE COULD HELP REMOVE CHLORINATE SOLVENTS IN GROUNDWATER

A team of environmental engineering researchers has developed a two-part approach for cleaning up chlorinated solvents spilled into underground water supplies from former dry cleaning and industrial operations.

The patent-pending technique uses a macroemulsion composed of alcohol and food-grade surfactant to simultaneously reduce the density of the pollutant -- to keep it from sinking farther into the groundwater -- and help separate it from soil particles so it can be flushed out.

Known as "density modified displacement," the approach could cut the cost of remediation by reducing both the time required for cleanup and the amount of contaminated effluent that must be treated, according to the researchers.

Researchers from the Georgia Institute of Technology, the University of Michigan and the University of Oklahoma participated in the research. The technique was recorded in the August 15 online version of the journal Environmental Science and Technology and was published in the journal's September 15 print issue.

The technique offers a new approach to removing dense nonaqueous phase liquids, including tetrachloromethane (also known as perchloroethylene, or PCE), trichloroethene (TCE) and chlorobenzene (CB)

Established, pump-and-treat remediation techniques often rely on pumping large amounts of contaminated water out of the ground, flushing the pollutants with it. However, the researchers note, these techniques require large volumes of water and may need to be operated for many years. The cost of treating the contaminated water and the time required make this approach very expensive. Plus, it serves only to contain the contaminated groundwater.

The new approach could allow remediation engineers to directly address pollution mass removal, with recovery rates exceeding 90 percent, the researchers claim.

One issue that all such solvent remediation efforts must address is containing the problem, the researchers note. Because these chlorinated compounds are heavier then water, removal efforts can inadvertently drive them deeper into the ground if underground water supplies lack natural boundaries such as impermeable clay or bedrock.

To keep the dense nonaqueous phase liquids from flowing deeper into the earth, engineers have injected alcohols such as n-butanol into the pollution mass to lower its density. They have also injected surfactant chemicals -- food -- or pharmaceutical-quality agents similar to those used in whipped toppings and shampoos -- which reduce the interfacial tension to separate the solvent from the soil particles. The new technique combines both approaches.

The surfactant chemicals used include Polysorbate-20, Tween or Span. Because they are produced in large volumes for other purposes, these materials can cost as little as $1.50 per pound.

(Water and Wastewater Products - 9/25/03)

BOREAL FOREST FIRES SEND MERCURY TO NORTHEAST U.S.

Wildfires in the Canadian boreal forest may be contributing significant amounts of mercury to the atmosphere above the northeastern United States, according to a new study.

In July 2002, a series of widespread fires swept the Canadian boreal forest north of Montreal, Quebec. The plume of smoke blanketed the entire region, enveloping the city of Montreal and effecting visibility as far south as Virginia.

Researchers from Yale and Harvard say the fires sent mercury as far as rural Massachusetts. The group monitored atmospheric mercury levels during the fires at rural Massachusetts site and "detected a large increase in mercury at this site coincident with the smoke plume," says Jeff Sigler, a Ph.D. candidate at Yale University and lead author of the study.

The researchers estimated that Canadian forest fires may emit about 3.5 tons of mercury each year, and boreal forest fires worldwide about 22.5 tons.

The study indicates that mercury emissions from the forest may equal 30 percent Canada's manmade mercury emissions.

Roughly half the mercury in the world is a natural element in the environment - the other half is from human sources, mostly for burning coal for electricity.

The findings are in the September 29 issue of "Environmental Science & Technology" a peer reviewed journal of the American Chemical Society.

(Env. News Service - 10/8/03)

SUPER CLEAN CARS IN LOS ANGELES' SMOG FREE FUTURE

The Los Angeles metropolitan area, which has some of the dirtiest air in the nation, could achieve federal air quality goals for smog quickly if super clean vehicles, available in showrooms today, replace cars more than 15 years old, according to new research conducted at the University of California, Riverside.

The "Study of Extremely Low Emissions Vehicles" was conducted over the past three years by the UC Riverside Bourns College of Engineerís Center for Environmental Research and Technology (CE-CERT).

The study examined emissions from vehicles that meet the California Air Research Board's standards for ultra-low emission vehicles (ULEV), super-ultra-low emission vehicles (SULEV), and partial zero-emission vehicles (PZEV).

The study found that the greater use of the best existing, proven, gasoline engine and auto emission control technology could enable the Los Angeles air basin to reach 2010 ground level ozone, or smog, attainment goals.

"Our results show that replacing a gasoline powered vehicle in Los Angeles that is 15 years old or older reduces the smog forming emissions by more than 97 percent".

"The impressive thing about these findings is that the technology and fuels that were developed for these clean cars to meet the California air standards will, within a few years, find themselves in the rest of the nation's fleet and then the rest of the world's fleet. The recipe for attacking smog is clean vehicles aided by clean fuels. If the clean fuel is available we'll soon find that these cars will be able to help solve air quality problems in the cities in China, India, Egypt and other air-quality challenged countries."

The study evaluated tailpipe emissions from ULEV, SULEV, and PZEV vehicles under real world conditions meet California's strict emissions standards. Researchers drove the test vehicles in typical Southern California traffic in all types of weather conditions.

"We found that the cars' emission were below the CARB emission standards. The in-use deterioration of the emissions control system was extremely low, meaning we can anticipate these cars to go well into the 100,000 mile range with consistent air quality benefits."

(Env. News Service - 10/15/03)

FACTS ABOUT WOOD DAMAGE CAUSED BY ROT

Wood rot is evident in many home construction materials, the repairs for which constitute 10 percent of wood production sales. While many blame termites for such damage, no evidence supports this. Termites leave visible signs of their presence, deteriorating wood as they tunnel within and eat it. Sawdust particles are tell-tale signs of their encampment. Wood rot, on the contrary, is caused by the undue exposure of untreated wood to moisture. Consequently, prevention constitutes both avoiding such exposure and employing a prevention and treatment program where not already exists. Wood with 20 percent moisture content and green lumber remain at risk.

Two types of rot trouble homeowners. The first is white and yellow with a stringy and spongy look. The other is brown and crumbly in appearance, and a tendency to break into cubes has earned it the nickname "brown cubical rot." These visible manifest in wood rot are called "fruiting bodies." About three inches in diameter, these crusts of brackets evidence the particular decay fungi present within the wood.

To prevent wood rot, use treated wood or the heartwood of decay-resistant species. Pacific yew, juniper, redwood, bald cypress, western red cedar or hardwoods like osage orange, black locust, red mulberry, catalpa or black walnut are all choices. Build on a well drained site and allow for cross-ventilation under buildings. Often, poorly developed crawl spaces develop wood rot as moisture from the soil penetrates the floor joists. Additionally, a vapor barrier on the

TECHNOLOGY UPDATES *(CONTINUED)*

soil assures that any moisture escaping the soil will be reabsorbed by the soil rather than the wood. Asphalt roofing paper or polyethylene sheets provide adequate protection.

To repair damage wood, first find and remove the source of moisture. Wood will dry and decay will stop. Remodel and improve ventilation and drainage issues before replacing wood. Then cut one foot beyond the rotten wood, never placing lumber on decay. Treat replacement lumber with chemical products. In lieu of replacing wood, remedially treat wood by permeating affected areas with chemical solutions. Diligent treatment of affected wood will protect the structural integrity of the home and prevent further damage. For more information, see http://www.ohioline.osu.edu/hyg-fact/3000/3300.html

(AMIAQ Council - Aug/Sept 2003)

INDUSTRY EXPLORES NEW ASPHALT WARM-MIX TECHNOLOGIES DEVELOPED IN EUROPE

Producing and placing hot mix asphalt (HMA) pavement material at temperatures up to 100*F lower than are currently considered feasible is being tested in Europe. The most obvious benefit would be the reduction in fuel consumption, which would conserve precious natural resources.

In addition, production of asphalt fume would decline. With lower temperatures, both emissions and odors sometimes associated with asphalt are reduced or practically eliminated. The National Asphalt Pavement Association (NAPA) plans to initiate a research program at NCAT in cooperation with the Federal Highway Administration and European technology sponsors to see if the European developments can be applied in the U.S. Three technologies are used for "warming-mix" asphalt products, as follows:

A synthetic form of zeolite called aspha-min is added during mixing at the HMA plant. The zeolite slowly releases a small quantity of moisture to create a foaming effect in the binder. This reduces the viscosity and permits a reduction in temperature;

WAM-Foam is a two-component system which uses both a soft asphalt and a hard asphalt, introduced sequentially during the mixing process. First, the aggregate is coated with the softer binder; then, the introduction of a foamed hard binder enables lower mixing temperatures; and

A third method is the use of organic additives with the asphalt cement to reduce the viscosity of the binder at mixing compacting temperatures.

At least eight test sections have been constructed, and no difference in performance has been seen. Another 50,000-ton test section is to be built on a German motorway next spring.

(Roads & Bridges - September 2003)

LEAD, ARSENIC TO BE REMOVED FROM SOIL AT 850 DENVER HOMES

The U.S. Environmental Protection Agency has announced its final cleanup decision of residential soils in the Vasquez Boulevard/Interstate 70 (VB/I-70) Superfund site in northwest Denver. The cleanup is expected to cost $31 million and take up to five years to complete.

This decision affects nearly four square miles and homes in the neighbors of Cole, Clayton, Swansea, Elyria, Southwest Globeville, and a newly added portion of Curtis Park.

The final cleanup decision authorizes the agency to remove and replace the soils at approximately 850 homes to protect residents from the potentially harmful health effects caused by elevated levels of lead and arsenic in yard soils at some residential properties in these neighborhoods.

The EPA will remove and replace yards with lead levels that measure above 400 parts per million (ppm) or arsenic levels above 70 ppm.

Since the EPA began investigating heavy metals in VB/I-70 site soils in 1998, the agency has considered these neighborhoods as environmental justice areas because the majority of the residents are low income and minority. The area is affected by many sources of environmental pollution, including industry, other Superfund sites and transportation corridors.

The investigation produced numerous studies on the nature and extent of the soil contamination as well as the risk posed to human health and the environment.

(Env. News Service - 9/29/03)

REEF SCIENTIST WARNS OF UNPRECEDENTED DESTRUCTION

"In the next 50 years, coral reef ecosystems will experience environmental changes greater than any they have faced in the past half million years," says evolutionary ecologist Rick Grosberg at the University of California at Davis. His conclusions and those of 16 other reef scientist published in the August 20, 2003 issue of the journal "Science" show the downward spiral started when people first began killing off large reef fish, turtles, seals and other top predators - thousands of years ago in some parts of the world and just 100 years ago in others.

"The link between increased greenhouse gasses, climate change and regional scale bleaching of corals, considered dubious by many reef researchers only 10 to 20 years ago, is now incontrovertible," the report says.

The experts, led by James Cook University's Professor Terry Hughs, conclude that the coral reef management strategies of today must change if they are to make a real difference. "Existing approaches to protecting reef must undergo a radical change in emphasis and a substantial expansion in scope if they are to make a real difference," Hughes said.

Hughes and his coauthors recommend that 30 to 50 percent of all coral reefs should be designated as no fishing zones to preserve the long term variety and abundance of reef plants and animals.

And the authors advise that coral reef management must be coordinated across international and local agencies.

The scientist examined historical and archaeological records surrounding major reef systems in 14 regions in the Atlantic and Pacific oceans and the Red Sea, including the reefs of the Caribbean and the Great Barrier Reef.

The researchers discovered that all the reefs experienced declines as a result of human activity, although the declines occurred over different periods of time and were not more advanced in some places than others.

By 1900, decades before the first scuba divers descended to investigate the reefs, decline had already started in more than 80 percent of the reefs worldwide, the scientist found.

Today, in the regions where the process is most advanced, such as Jamaica, the corals are either dead or dying, the fish are tiny, few other organisms such as shell fish exist, and the formerly vibrant reef structure is dull and coated with algae.

The Great Barrier Reef sometimes is said to be largely pristine, but it is actually as much as a third of the way toward ecological extinction, Bjorndal said.

(Env. News Service - 8/20/03)

LARGE-SCALE BIOSLURPING OPERATIONS USED FOR FUEL RECOVERY

Since 1996, the U.S. Air Force has been using bioslurping to recover JP-5 fuel from unsaturated soil at a facility on the island of Diego Garcia, in the Indian Ocean. Based on bioslurpingís initial success and subsequent technology developments, the Air Force Center for Environmental Excellence (AFCEE) expanded and enhanced the system over the past few years to encompass three treatment areas. To date, more than 100,000 gallons of fuel have been recovered by the bioslurping system. Bioslurping augmented by natural bioventing has facilitated the aerobic microbial degradation of an estimated 250,000 pounds of fuel in the subsurface.

The subsurface along the coast of Diego Garcia is characterized as a mixture of sand and crushed coral rock. A fresh-water lens about four feet below groundwater surface floats on top of denser salt water. As a result of tidal action, the water table varies approximately two feet, exposing the contaminant zone to aeration. These conditions provide an optimal setting for bioslurping technology, which relies on the replenishment of oxygen for aerobic biodegradation. The oily smear zone created above the water table as it rises and falls reduces the amount of floating fuel and increases the exposure of subsurface fuel to aerobic biodegradation.

As a form of vacuum-enhanced skimming to collect fuel floating on a water table, a typical bioslurping system consists of a vacuum pump connected by pipes to standard fuel recovery wells. A dip tube is placed inside a sealed well, with the straw outlet placed in the water/floating fuel. The top of the dip tube connects to pipes that carry the fuel and soil gas drawn in by the vacuum pump. Soil gas enters the well through a screened interval above the water table. From the vacuum pump, the fuel/water mixture is piped to a separator were the fuel is removed and collected for recycling. Vapors are discharged

TECHNOLOGY UPDATES *(CONTINUED)*

directly to the atmosphere or treated, if need, and discharged. The bioslurping system pulls oxygen rich air from the atmosphere into the unsaturated soils, thus bioventing the unsaturated soil and fostering aerobic microbial degradation of the contaminants.

In 2000, the bioslurping system was further expanded to remediate all areas of the site known to contain fuel product in the subsurface. The expanded system involves a total of 50 bioslurping wells, some of which are used only as biovents in the areas that do not contain floating fuel products. Within two to three years of operation, the thickness of the product decreased significantly in most wells. Between September 1998 and December 2000, for example, the average product thickness in 10 wells in the aircraft ramp area decreased 100%, from the initial thickness of 1.26 feet. Similarly, the volume of subsurface fuel at a refueling pit within the ramp area decreased more than 80% between July 2000 and September 2001.

AFCEE estimates that bioslurping will remove the remaining recoverable fuel, which exists at only one of the three treatment areas, by the end of 2003. AFCEE also estimates that the technology will cost approximately 5% of the amount required to excavate and replace the entire site with clean fill-the alternative cleanup remedy.

(EPA Tech Trends - 9/03)

HEMISPHERE'S LARGEST ICE SHELF BREAKS UP

The largest ice shelf in the Northern Hemisphere has broken in two, draining a freshwater lake beneath the ice and providing further evidence of climate change in the Earth's Arctic reaches, scientists report.

The researchers say a fissure appeared in the Ward Hunt Ice Shelf in 2000 and it was cleaved completely by the following year: Last year, the original fissure had opened to 85 yards in some spots, many other fissures had opened, and a 2.4-mile-square area of free floating ice blocks had appeared.

"We believe that these events fir into a bigger picture of climate [warming] in the Arctic," said Martin O. Jeffries, a geophysicist at the University of Alaska, Fairbanks. "There is growing evidence of Arctic-wide warming in the last 10 to 15 years."

The Ward Hunt Shelf was the largest remaining piece of an ice shelf that a century ago rimmed the entire northern coast of Canada's Ellesmere Island, the northernmost land mass in North America, the researchers said in forthcoming articles in Geophysical Research Letters.

By 1982, about 90 percent of the shelf was gone, but melting and breakup appeared to stabilize for the next 20 years.

Weather stations in the Canadian Arctic have recorded average temperatures increasing about four-tenths of a degree Fahrenheit every decade since 1967, a dramatic change that has raised the average July temperature on the Ward Hunt shelf slightly above freezing.

That causes puddles to form on the ice sheet, which are darker then the ice itself and absorb heat more readily, noted Kevin E. Trenberth, a senior scientist at the National Center for Atmospheric Research in Denver.

"Once the puddles are started, the melting can accelerate very rapidly," Trenberth said.

Trenberth and others cautioned that the current rise probably had more to do with long-term world climate patterns than with the release of carbon dioxide and other greenhouse gases because of modern-day human activities.

(By Guy Gugliotta, Washington Post/Philadelphia Inquirer - 9/28/03)

NEW GLOBAL-WARMING STUDY SETS OFF SCIENTIFIC DISPUTE

A testy scientific dispute has broken out over a new study indicating significant signs of global warming in the Earth's lower atmosphere.

The degree of warming in the troposphere-the region were clouds form-is a key battleground in the highly politicized debate over a global climate change.

While past studies had found little or no warming in the troposphere, a new analysis of satellite observations published in the journal Science calculates that temperature in lower atmosphere have increased about 0.5 degree Fahrenheit per decade since 1978.

The findings, by Konstantin Vinnikov of the University of Maryland and Norman Grody of the National Oceanic and Atmospheric Administration are consistent with some warming predictions but contradict two prior analyses of the satellite readings.

Scientist involved in the earlier work said they believe the Science report has glaring errors, and questioned its publication. "It just adds noise to the whole debate," said Frank Wentz to Remote Sensing Systems Inc., a Santa Rose, Calif., company that analyzes satellite data for the government. Remote Sensing previously found about half as much warming.

The competing findings are based on identical measurements taken by orbiting weather satellites, which can measure heat emitted by the atmosphere. However, the instruments readings are difficult to interpret, because of changing orbits and gradual degradation of the new instruments over time.

The conflicting results are caused by differences in how such effects are accounted for, said John Christy, director of Earth Systems science at the University of Alabama, Huntsville. Dr. Christy went so far as to say he believed the journal had a strong bias in favor of global warming.

Solving the troposphere riddle has emerged as a priority for the Bush administration, which sited the issued in a recent strategic plan for U.S. climate science.

(By Antonio Regalado - Wall St. Journal - 9/12/03)

NEW HAMPSHIRE SUES 22 COMPANIES OVER MTBE POLLUTION

New Hampshire has filed a lawsuit in state court against 22 oil companies for water pollution caused by the gasoline additive MTBE.

The state alleges that the oil companies added increasing amounts of the additive to New Hampshire's gasoline even though they have known for some time that it would contaminate water supplies.

New Hampshire claims the manufacturers and refiners produced a defective product, created a public nuisance and violated state environmental and consumer protection laws.

Some 60 percent of the state's population relies on groundwater wells for drinking water. The state's lawsuit cites several statistics on contamination of those supplies. For example, as of 2002, MTBE was detected in more than 15 percent of the public water supplies tested statewide.

Sacramento County, California and 10 water utilities also filed suit against major companies over potential MTBE contamination.

New Hampshire has chosen to remove itself from the oxygenated fuels program in the absence of Congressional action on MTBE, but is still awaiting federal approval.

(Env. News Service - 10/7/03)

LOW LEVEL OZONE INCREASES RESPIRATORY RISK FOR ASTHMATIC KIDS

Asthmatic children who use maintenance medication are particularly vulnerable to the effects of ground level ozone, according to new study.

Although the ozone levels in the study were well below the federal standard, statistical analysis revealed that "for every 50 parts per billion increase in ozone, the likelihood of asthma symptoms the following day increased by more than 35 percent among asthmatic children on maintenance medication," said Dr. Brian Leaderer, Yale University epidemiologist and principal investigator for the study.

Asthma, an inflammatory disorder of the airways that is characterized by periodic attacks of wheezing, shortness of breath and coughing, can be triggered by inhaled allergens such as pet dander, dust mites, molds or pollens. But researchers have also shown that air pollutants such as ground level ozone - an active form of oxygen that is the prime ingredient of urban smog - and fine particulate matter can significantly aggravate asthma symptoms.

The study, funded by the National Institute of Environmental Health Sciences and conducted at the Yale University School of Medicine, was published in the "Journal of the American Medical Association."

(Env. News Service - 10/9/03)

PENNSYLVANIA BULLETIN NOTICES - TECHNICAL GUIDANCE

http://www.pabulletin.com

Draft Technical Guidance - New
Title: Technical Decision Making and the Use of Conventional Technology, Alternate Technology, Experimental Technology, and Best Technical Guidance in Onlot Sewage System Repair Situations Description: Comment Period Ended: October 28, 2003.

Draft Technical Guidance - Substantive Revision
Title: Technical Reference Guide (WQM) 7.0 for Windows Wasteload Allocation Program for Dissolved Oxygen and Ammonia Nitrogen Version 1.0 Description: Comment Period Ended: October 12, 2003.

Draft Technical Guidance - Substantive Revision
Title: Technical Reference Document PENTOXSD for Windows Pa. Single Discharge Wasteload Allocation Program for Toxics Description: Comment Period Ended: October 12, 2003.

Draft Technical Guidance - New
Title: Operator Certification Program Guidelines: Comment Period Ended: September 1, 2003.

Draft Technical Guidance - New
Title: Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars: Anticipated Effective Date: October 11, 2003.

Draft Technical Guidance - Substantive Revision
Title: Pennsylvaniaís Interim Program for Operator Certification. Anticipated Effective Date: November 1, 2003

Final Technical Guidance
Guidance on MS4 Ordinance Provisions: Effective Date: August 2, 2003.

EPA Approves Pennsylvaniaís Underground Storage Tank Program
EPA on August 26, 2003 signed Pennsylvaniaís Underground Storage Tank/Leaking Underground Storage Tank (UST/LUST) State Program Approval (SPA) application, clearing the way for final approval upon publication in the Federal Register.

Safe Drinking Water; Microbial and Disinfection Byproducts
The Environmental Quality Board (Board) is amending Chapter 109 (relating to safe drinking water). The proposed rule making will either update or clarify several requirements concerning disinfectants, disinfection byproducts (DBPs) and surface water treatment. The proposed rule making added three requirements concerning DBP monitoring, increased monitoring criteria and surface water turbidity reporting. Lastly, the proposed rulemaking will correct minor typographical errors throughout Chapter 109.

The proposal was adopted by the Board at its meeting on May 21, 2003. A. Effective Date

The proposed rulemaking went into effect upon publication in the Pennsylvania Bulletin.

Draft Technical Guidance - Substantive Revision
Title: Residual Waste and Special Handling Waste Streams.
Description: This policy describes procedures for the disposal of residual waste and special handling wastes at regulated waste processing or waste disposal facilities. This policy applies to all persons and municipalities owning or operating Department regulated waste management facilities that need to file appropriate forms in order to receive Department approval to accept residual waste or special handling waste for processing or disposal. Comment Period Ended: September 22, 2003.

Draft Technical Guidance
Title: Validating Abandoned Underground Mine Maps and Establishing Barrier Pillars,
Description: The purpose of this guidance is to improve mine safety and underground mine permitting by establishing methods and procedures to be used: (1) when assembling, presenting and evaluating information establishing boundary lines of adjacent underground mines located near active underground mines; (2) to ensure complete and well documented mine maps; (3) to promote modern and consistent mine surveying techniques; (4) to ensure that adequate safety barrier pillars are properly delineated and maintained; and (5) to minimize potential for accidental breakthroughs into adjacent underground mine workings by facilitating coordination between mine safety and environmental permitting staff. Anticipated Effective Date: November 29, 2003.

Final Technical Guidance
Applicability Determination for Continuous Source Monitoring Manual Revisions Description: Effective Date: September 1, 2003.

Final Technical Guidance
Title: Continuous Source Monitoring Manual Effective Date: September 1, 2003

Final Technical Guidance
Title: Alternatives System Guidance. Description: The Alternate System Guidance applies to the siting, design and construction of alternate onlot sewage treatment systems proposed under the requirements of 25 Pa. Code ß73.72 (relating to alternate sewage systems). Effective Date: September 20, 2003

Proposed Chapter 105 General Permit BWM-GP-11 and 401 Water Quality Certification of the Maintenance, Testing, Repair, Rehabilitation or Replacement of Existing Water Obstruction and Encroachments

The Department of Environmental Protection proposes to authorize by General Permit BWM-GP-11 the maintenance, testing, repair, rehabilitation or replacement of any existing water obstruction or encroachments. Minor deviations in the structureís configuration or filled area, including those due to changes in materials, construction techniques, current construction codes or safety standards which are necessary to repair, to modify or to replace, are permitted, provided the environmental impacts resulting from the repair, rehabilitation, modification or replacement are minimal and there is no impacts on public health and safety. This general permit also authorizes work being funded by the Natural Resources Conservation

PENNSYLVANIA BULLETIN NOTICES - TECHNICAL GUIDANCE - cont.

Service which qualifies an ìexigency situationî (requiring immediate attention) under its Emergency Watershed Protection Program. This permit may not be used for maintenance, repair, rehabilitation, removal or replacement of dams. Comments must be submitted by December 3, 2003.

Extension of General NPDES Permit for Stormwater Discharges Associated with Industrial Activities (PAG-3)

The Department of Environmental Protection issued an 8 month time extension of the terms of its current General NPDES Permit for stormwater discharges associated with industrial activities (PAG-3). The term of the current general permit are extended until June 4, 2004.

Draft Technical Guidance - Substantive Revision
Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DEP Review of Permits for Facilities and Infrastructures. Description: Anticipated Effective Date: December 20, 2003

Interim Technical Guidance
Interim Environmental Justice Policy. Effective Immediately

Final Technical Guidance
Evolution of Underground Storage Tank Liners. Effective Date: October 18, 2003

Architectural and Industrial Maintenance Coatings
The rulemaking added definitions in ß 130.302 (relating to definitions) for terms that are used in the substantive sections of Chapter 130 (relating to standards fro products). Section 130.301 (relating to applicability) will apply to person who supply, sell, offer for sale, manufacture, blend, repackage, apply or solicit for application architectural and industrial maintenance (AIM) coatings for use in this Commonwealth.
Subchapter C went into effect upon publication in the Pennsylvania Bulletin.

Draft Technical Guidance
DEP ID: 383-2125-001. Title: Proposals to Add or Remove Fluoridation Treatment by a Community Water System. Description: The purpose of this guidance is to clarify existing regulatory requirements regarding the addition or removal of water fluoridation treatment. This guidance applies to community water systems.

FEDERAL REGISTER NOTICES

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

ENVIRONMENTAL PROTECTION AGENCY
National Primary Drinking Water Regulations: Long Term 2 Enhanced Surface Water Treatment Rule; Proposed Rule
(Federal Register - 8/11/03)

DEPARTMENT OF LABOR
Mine Safety and Health Administration
Diesel Particulate Matter Exposure of Underground Metal and Nonmetal Miners; Proposed Rule (Federal Register - 8/14/03)

DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement; Final Rule

We are removing a required amendment to the Pennsylvania regulatory program (the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). The amendment required a review and approval of the configuration and species composition for reclaimed forest land on either a site-by-site basis or a program wide basis by the Pennsylvania Bureau of Forestry. We find that the identified Pennsylvania regulations are no less effective than the corresponding Federal Regulations. (Federal Register 8/27/03)

ENVIRONMENTAL PROTECTION AGENCY
National Emission Standards for Hazardous Air Pollutants: Site Remediation; Final Rule

This action promulgates national emission standards for hazardous air pollutants (NESHAP) from site remediations. EFFECTIVE DATE: October 8, 2003. (Federal Register - 10/8/03)

ENVIRONMENTAL PROTECTION AGENCY
Revisions to the Definition of Solid Waste; Proposed Rule

The Environmental Protection Agency is proposing revisions to the definition of solid waste that identify certain recyclable hazardous secondary materials as not discarded, and thus not subject to regulation as wastes under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The rule would also established specific regulatory criteria for determining whether or not hazardous secondary materials are recycled legitimately. Comments must be postmarked by January 26, 2004. (Federal Register - 10/28/03)

ENVIRONMENTAL PROTECTION AGENCY
Pennsylvania: Final Approval of State Underground Storage Tank Program
Final approval of Pennsylvania's UST program was effective on September 11, 2003 (Federal Register - 9/11/03)

ENVIRONMENTAL PROTECTION AGENCY
Control of Air Pollution From Aircraft and Aircraft Engines; Emission Standards and Test Procedures Proposed rule.
(Federal Register - 9/30/03)

KEY HIGHLIGHTS

FEDERAL UPDATES
- TCE Cleanup Levels - Pg. 6
- Water Meters and Apartments - Pg. 6
- CO Not Pollutant - Pg. 9
- Post-Sale PCB Cleanups - Pg. 9

GLOBAL WARMING WATCH
- Large Ice Shelf Breakup - Pg. 17
- New Global Warming Study - Pg. 17

PA UPDATES
- Rehab Projects GP - Pg. 4
- Land Use Policy Change - Pg. 4
- DEP/EPA MOA - Pg. 5

NJ REGULATORY UPDATES
- RMP Reactive Chemical Revisions - Pg. 2
- Stormwater Rule Grandfathering - Pg. 2
- NRD Settlements - Pg. 3
- NJ Self-Reporting - Pg. 3

TECHNOLOGY UPDATES
- Residential Pipes & Legionnaire's - Pg. 13
- CMCH Revised Mold Procedures - Pg. 14
- New TLV for Diesel Fumes - Pg. 14
- Wood Damage & Rot - Pg. 15
- Asphalt Warm Mix Technologies - Pg. 16
- NH MTBE Lawsuit - Pg. 17

RT E-MAIL DIRECTORY

LARRY BILY	LBILY@RTENV.COM	PETER MALIK	PMALIK@RTENV.COM
TOM BRADY	TBRADY@RTENVNJ.COM	CHRIS ORZECHOWSKI	CORZECHOWSKI@RTENV.COM
GARY BROWN	GBROWN@RTENV.COM	KATHY O'CONNOR	KOCONNOR@RTENV.COM
CHRIS EYRE	CEYRE@RTENVNJ.COM	JADE SIMMERS	RTRDG@AOL.COM
CRAIG HOPKINS	CHOPKINS@RTENVNJ.COM		
PAUL FREDERICK	PFREDERICK@RTENV.COM		
WALTER HUNGARTER	WHUNGARTER@RTENV.COM		

VISIT OUR WEBSITE
WWW. RTENV.COM

IN THIS ISSUE

RT Environmental Services, Inc.
215 West Church Road
King of Prussia, Pennsylvania 19406

PRSRT STD
U.S.Postage
PAID
Permit #159
Lehigh Valley, PA