

The RT Review

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



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RT ENVIRONMENTAL AND STORMWATERX... IMPROVING STORMWATER QUALITY COAST TO COAST

In January 2011, RT Environmental Services and StormwaterRx LLC announced a collaboration of efforts to bring the latest and most effective industrial stormwater treatment systems to the East Coast. Our efforts have been received extremely well in many sectors within the industrial field, and we are working with clients in various capacities to reduce their contaminants before stormwater is discharged. There are three stormwater treatment levels that are available. Basic treatment with **Clara**; Enhanced treatment with **Aquip** and advanced treatment with **Purus**.

The **Clara** was featured in the last RT Review; it is designed to remove solids and separate oil and water. It is the first step in effective stormwater treatment. In this RT Review, we will provide a closer look at the patent pending **Aquip** Module and present its benefits.

At first glance, the **Aquip** looks like a drop-box, though this system is anything but. Aquip systems vary in size and range from the smaller 3'x 9' system which will treat 5-15 gpm to the largest unit, 8'x 32' which will treat 100-320 gpm. **Aquip** has an enhanced media system that will remove fine particulates, oils, suspended solids, turbidity, heavy metals, dissolved metals and organics and nutrients. Targeted metals for removal include copper, zinc, iron, lead aluminum, nickel and cadmium.

Aquip utilizes a gravity flow-through system known in the stormwater domain as "passive treatment.". A pump can be incorporated into the system if needed by the customer. There are no chemicals and no moving parts which make operation and maintenance simple, reliable and cost-effective.

The **Aquip** includes a pre-treatment chamber followed by a series of inert and adsorptive filtration media to effectively trap pollutants in a structure that is flexible and reliable. Pollutant removal within the pre-treatment chamber occurs by gravity settling and absorption.

Within the filtration chamber, pollutant removal occurs through a combination of straining and filtration, complexing, adsorption, micro-sedimentation and biological degradation. The unit has had great success in multiple applications, including, metal and scrap yards, marine yards, and other industrial sites.

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PROPOSED REVAMP OF KEY EPA MINE CLEANUP FACES COMPETING CRITICISMS

EPA is facing competing criticisms over its proposal to amend the cleanup plan for a site environmentalists believe provides a key test of the Obama administration's ability to revamp Bush-era cleanup decisions, with lawmakers, industry groups and state and local officials arguing the proposal is too costly and expansive, and environmentalists and tribal leaders fearing it overlooks significant sources of contamination.

At issue is the Obama EPA's proposed amendment to a 2002 record of decision (ROD) for the Upper Basin of the Coeur d'Alene River, Bunker Hill and Metallurgical Complex Superfund Site, over which the agency has also received hundreds of comments from area residents. According to documents *Inside EPA* recently obtained under the Freedom of Information Act, many of the residents also argue the plan is overly costly and invasive, while some believe it to be reasonable.

The vast historical mining area - considered one of the largest contaminated sites in the country - has received national attention from environmental groups who say it is an example of why Congress needs to reinstate the expired Superfund taxes on industry as a means of ensuring EPA has adequate funds for cleanup. Activists fear EPA's plan for the site relies too heavily on the use of on-site waste repositories, and say the agency appears unwilling or unable to pursue more aggressive cleanup approaches that would permanently remove the waste (*Superfund Report, October 18*).

Proponents of having EPA scale back its current proposal also acknowledge that funding is an issue. For example, the Idaho Department of Environmental Quality (DEQ) says in November 26 comments that the "remedial dollars available for this Site are ultimately a finite resource" in part because a trust fund created during bankruptcy proceedings for the Asarco mining company "will not be adequate to fund all of the work that may be selected in the upcoming or future RODs." Sen. Mike Crapo (R-ID) says in November 17 comments that

"EPA's proposal is simply too big and too expensive, especially in these difficult economic times." According to Crapo, "EPA proposes a massive undertaking on a scale that is hardly imaginable, possibly without precedent, and with no realistic way to pay for it."

Significant portions of EPA's proposal are not necessary and could harm local industry and job creation, Crapo and other detractors - including business interests in Idaho, Alaska and other Northwestern states - argue. "Among other issues, EPA's proposal includes cleanup plans for active mining facilities, which are already covered by regulatory programs other than the Superfund program, and I have not heard or seen any justification for targeting these active operations."

The United Steelworkers in November 12 comments note that "EPA claims that any reclamation of these facilities would be conducted in cooperation with the min operator," but say they are nonetheless "very concerned that under such a scenario, reclamation activities would take precedence over operations, and worse, once reclamation is complete, operations would be barred from utilizing the reclaimed property."

The Idaho Mining Association argues that remediation at active facilities expands the Superfund law "beyond its legislative intent" and that EPA's proposal would, "for the first time, set stringent closure requirements for active tailings ponds that are in compliance with current law and regulatory requirements." This would send "an unprecedented and arbitrary double standard for regulation of Silver Valley mining vs. mining elsewhere, to the serious economic disadvantage of the Silver Valley."

(*Superfund Report-February 7, 2011*)

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RT STAFF AND PROJECT NEWS

Craig Herr and Gary Brown are working on a redevelopment assignment in the Kensington area of Philadelphia. Also, Matt Martelli and Gary Brown are working on another redevelopment site project on Bridge Street, showing that redevelopment is on the upswing in Philadelphia. Both projects involve excavation of impacted materials to facilitate the redevelopment effort. RT will make sure that excavated materials are properly managed, and institutional controls placed or honored, under Pennsylvania's Award Winning Act 2 Land Recycling Program.

Justin Lauterbach is busy on a number of Phase I and Phase II assignments at financial institution and retail grocery sites in southwest Pennsylvania. Along with Matt Martelli, Justin is also responsible for overseeing installation of a vapor barrier at a Cherry Hill, New Jersey retail pharmacy store, to address potential indoor air intrusion resulting from an offsite release of contaminants impacting groundwater.

On the remediation side, Craig Herr and Adam Messner moved to expedite the remediation of free product found at a site in Northeast Philadelphia, scheduled for sale and redevelopment. Product that measures several feet thick has been greatly reduced in a matter of weeks, using new product removal technology. Ahren Ricker reports excellent results from *In Situ* treatment of an historic gasoline service station release in Atlantic City. Using the latest injection techniques and following a groundwater permit approval by NJDEP, the release, which has been present for many years, has been cleaned up to very low levels in a matter of weeks. Data to date indicates that polishing treatments, which had been expected, may not be needed. Ahren is RT's leading professional for *In Situ* treatment and product recovery remediation projects.

Matt Martelli rejoined RT, as an Environmental Engineer in our King of Prussia office.

Glenn Graham continues work on a northern New Jersey remediation site, where several major historic releases of oil have impacted soil and surface water. The project is being overseen by Gary Brown,

Licensed Site Remediation Professional (LSRP). RT has more than a dozen Licensed Site Remediation Professional projects in progress. At another New Jersey site, Walter Hungarter and Gary Brown are working on a mercury cleanup project under the LSRP program.

We at RT are continuing to see a clear upward trend in business, in each of our groups. We are also working on a project for beneficial use of mine water for Marcellus Shale development activities, and for a Philadelphia facility to provide state of the art beneficial use and recycling services on a broader scale than has been the practiced at other recycling facilities.

RT staff is very proud that our services have grown to include gaining approvals for reuse and recycling of large volumes of materials including consumer products, construction materials, hazardous materials, liquids, and mineral resource liquids, which as recently as a generation ago, were routinely deposited in landfills, or were otherwise discharged to the environment, frequently with significant concentrations of contaminants of concern even after costly treatment.

Going forward, we see that the new frontier is stormwater. RT has been urging all of our clients to carefully examine stormwater compliance, as litigation has expanded from the west coast to the east coast, where contaminants have been discharged or proper samples have not been taken, under permitting programs. RT is already working on several cases involving stormwater litigation, and marketing state of the art StormwaterRx treatment technology as a cost effective, easily implemented solution to address stormwater discharge problems.

We look forward to the opportunity to continue to be of service to our clients as the economy improves and redevelopment initiatives expand, and to facilitate expanded important reuse and beneficial use of natural resource products and materials which would otherwise be managed as waste. This is an excellent trend for our environment and we at RT are proud to help make it happen!

-Gary R. Brown

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PROJECT PROFILE—NJ SHORE SERVICE STATION CLEANUP

In the coarse, sandy soil of Atlantic City, hydrocarbons are trapped in the soil and the groundwater, left by a past maintenance and service station. Microorganisms are fighting to clean the toxins. It is a fight they can't win on their own. In the past, the soil would be excavated and moved to another, safer location, at great cost. With the help of modern technology and new injection media, excavation of contaminated permeable soils could become a thing of the past. Now, RT has the tools to help the microorganisms win.

At the site in Atlantic City, the main contaminant of concern is benzene. The benzene in the soil and ground water is most likely a result of gasoline getting into the soil while the site was occupied by the service station. With new developments in bioremediation technologies and with help of an intermediary organization, DAJAK, RT was able to implement a treatment plan without having to dig the contaminant out at great cost to the property owners. Instead RT decided to look into in situ

remediation and use the site as a test of a new product meant to stimulate the growth of natural microorganisms, speeding up natural cleanup processes, and, the product works even when groundwater is anaerobic.

EOS, or Emulsified Oil Substrate, was the product used to help stimulate the microorganisms at the site. By providing a ready source of nutrients and food in an anaerobic environment we can effectively stimulate rapid growth of the microorganisms to begin quickly and effectively degrading the present hydrocarbons. As found at other sites - "The addition of emulsified vegetable oils provides food for the microorganisms and stimulates biodegradation activity. The EOS® Technology has successfully turned land once deemed unusable into productive and safe real estate." (EOS website)

After the initial injection in December of 2010 the claims made by the manufacturer of EOS were found to have validity. With only one round of injections, the first series of sampling results have shown

some serious reductions of benzene, the main contaminant of concern, and other constituents such as ethylbenzene, and other volatile organic compounds. Table 1, shows results from pre and post injection of the emulsified oil substrate in monitoring Well 7 at the site.

As the second round of post injection testing is quickly approaching RT is increasingly confident that EOS and other innovative in situ remediation practices will prove to be both an effective and economically feasible alternative for site remediation that, doesn't involve the tearing up of the landscape to achieve. As of now the results appear to be positive and with as few as only one or two more polishing injection events needed, we believe that EOS will prove to be successful in treating the soil and groundwater at the Atlantic City site and the microorganisms will succeed in overcoming the barriers to naturally remediating the remaining hydrocarbons of concern.

By: Ahren Ricker
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Table 1
Groundwater Sampling Results
Atlantic City, Atlantic County, New Jersey

Sample ID	Groundwater Quality Standard (GWQS)	MW-7	MW-7	% Reduction
		Pre Injection	Post Injection	
Sample Date		11/24/2010	1/20/2011	
Matrix		GW	GW	
ANALYTE				
VOCs				
Acetone	6,000	350	78	77
Benzene	1	43	1.9	95
2-Butanone (MEK)	300	240	57	76
Ethylbenzene	700	1300	17	98
Isopropylbenzene	NS	100	6.2	93
Methylcyclohexane	NS	NA	NA	NA
Toluene	1,000	84	<2.0	Complete
Xylene (Total)	1,000	13	<6.0	Complete
VOC TICs	500	4030	765	81

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EPA HEDGING ON MASSIVE CLEANUP OF HOMES ON RADIOACTIVE MINE SITES

EPA is hedging on the prospect of undertaking a potentially precedent-setting cleanup of an area in central Florida where the agency fears tens of thousands of people living on former phosphate mines may be exposed to dangerous levels of radiation, with an agency spokeswoman stressing that EPA has not made any commitments beyond a limited aerial survey it conducted last month.

At issue are approximately 10 square miles of former phosphate mining lands near Lakeland, FL, where EPA has taken no cleanup action despite having concerns since the late 1970s that the indoor air of homes built on the lands is contaminated with cancer-causing levels of radiation. A fight between EPA, state and industry officials over the appropriate cleanup standard for the sites, along with the potentially overwhelming cost of conducting such a massive cleanup, have been among the reasons for the delay.

EPA has long considered aerial surveys to be the next step in addressing its concerns about residential exposure because they would enable the agency to better characterize how much of the land in question is contaminated and to what extent. The agency has developed plans for such surveys on several occasions in recent years, but until January 2011, no surveys were conducted. (Superfund Report, Feb. 7).

According to the EPA spokeswoman, the agency collected aerial measurements over a portion of the Coronet Superfund Site, one of approximately 28 phosphate mining sites considered part of the agency's Florida Phosphate Initiative and one of the only ones where EPA has taken any formal cleanup action. Preliminary results from this limited aerial survey showed there was good correlation with results from ground-based surveys EPA had also conducted, confirming that additional aerial surveys could be an effective means of measuring radiation over a larger area.

However, "EPA has made no decision about additional survey work in areas outside the Coronet Superfund site, and will continue to consult with the State of Florida on follow-up actions," the agency spokeswoman says. The EPA spokeswoman acknowledged that the agency remains concerned that long-term exposure to radiation on former phosphate mines "could pose an incremental increase in cancer risks." (SUPERFUND REPORT – February 21, 2011)

GE SEEKS HIGH COURT REVIEW OF CLEANUP ORDERS DESPITE HUDSON AGREEMENT

The General Electric Company (GE) has quietly asked the Supreme Court to hear its long running constitutional challenge to EPA's ability to issue unilateral cleanup orders under the Superfund law, despite having already agreed to comply with the agency's cleanup plan for a major site that environmentalists feared the suit could impact.

GE petitioned the high court Dec. 29 to hear the case *General Electric Co. v. Lisa Jackson*, in which the company has so-far unsuccessfully argued that EPA's ability to issue unilateral

administrative orders (UAOs) under Superfund is a violation of its constitutional right to due process.

GE filed the petition one business day after its Dec. 23 announcement that it had agreed to complete a massive cleanup project in New York's Hudson River according to new standards EPA established Dec. 17.

Previously, GE had urged EPA to hold off on finalizing the standards for the remainder of the Hudson cleanup until next year – a move environmentalists feared would give the company the needed time to bring its challenge to the agency's right to issue UAOs to the Supreme Court.

But despite GE's urging to the contrary, EPA announced the final standards and cleanup plan Dec. 17, giving the company 30 days to comply. GE subsequently announced Dec. 23 that it would voluntarily comply with the standards, but is separately continuing its legal battle against the agency's right to issue UAOs.

In its Dec. 29 petition to the Supreme Court, GE claims that its suit "presents two issues of exceptional importance under the Due Process Clause of the Fifth Amendment." The first is whether EPA's issuance of UAOs, which GE argues causes complying parties "to incur substantial response costs" and non-complying parties "to suffer a dramatic decline in stock price and credit rating" constitutes a "deprivation of property under the Due Process Clause" given GE's claim that EPA has "sole discretion" to trigger judicial review of such orders.

The second issue, according to GE, is whether a provision of the Superfund law that subjects a party that unsuccessfully challenges a UAO in court to monetary damages worth three times the cost of the cleanup and daily fines of \$37,500 "is impermissibly coercive in violation of the Due Process Clause."

EPA in the past has maintained that issuing UAOs does not violate due process because recipients do have an opportunity for judicial review and that only a court, rather than the agency itself, can order a party to clean up a site or pay penalties for failing to do so.

(By: Douglas P. Guarino SUPERFUND REPORT – January 10, 2011)

MAYORS RENEW PUSH FOR FLEXIBLE EPA POLICY TO LIMIT CSO WATER TREATMENT COSTS

Key local officials are renewing their effort pushing EPA to provide broad flexibility when negotiating costly wastewater treatment upgrades in enforcement actions addressing sewer overflows, saying a recent agency commitment to allow case-by-case flexibilities does not adequately address their cost concerns nor ensure regional consistency.

"We want to continue to pursue EPA and [the Department of Justice (DOJ)] to draft a joint memorandum clarifying the regional officials honor the request for flexibility," Mayor Jennifer Hosterman of Pleasanton, CA, told a Jan. 19 meeting of the U.S. Conference of Mayors (USCM). Hosterman is co-chair of the Mayors Water Council, a group created by USCM.

EPA in recent years has stepped up its enforce-

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ment actions against cities whose systems get overloaded during high-precipitation events, forcing the water treatment facilities to discharge untreated sewage directly into waterways via combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). Combined systems use the same infrastructure for both stormwater and wastewater, while sanitary sewer systems keep the streams separate.

But local officials are concerned that given current economic conditions, they are unable to afford some of the costly upgrade requirements imposed by their settlements and are urging federal officials to allow cities to incorporate green infrastructure practices into their infrastructure plans, as well as take infrastructure cost, a city's ability to pay and climate change impacts into consideration when crafting settlements.

Led by USCM, the local officials last year lobbied EPA and DOJ to craft the new policies and to codify it in memorandum of understanding.

While administration officials agreed to continue discussions on the issue in 2011, EPA enforcement chief Cynthia Giles said in a letter to the group late last year that enforcement officials would only grant case-by-case flexibilities to address their concerns about costs and other issues, not the broader policy relief sought by the mayors.

But Hosterman said Giles' letter did not go far enough. The letter "was thoughtful," Hosterman said, "and responsive to our recommendations for the most part. But after reviewing the response, the mayoral consensus was that it fell short of providing relief from the uneven and costly consent decrees cities continue to experience across some of the EPA regions."

"We need a clarifying memo that is consistent not only between the federal EPA but all the Regions across the country related to these issues of flexibility, green infrastructure . . . related to all of our cities that are experiencing the [sewer overflow] issues," she said.

Hosterman also questioned EPA claims that it is broadly providing case-by-case flexibility. In her letter to the mayors, Giles cited recent settlements in Indianapolis, IN – where the agency reworked the city's compliance plan to save \$740 million, according to the city's mayor – and Kansas City – where the mayor says EPA agreed to extend the city's compliance schedule to 25 years, from 20 years, and added significant green infrastructure projects to the plan.

"The EPA letter points to these cities as evidence of their open attitude to exercise flexibility. Well, we're excited – we've got two," Hosterman said. "The EPA should be recognized favorably for these decisions that are flexible and very helpful, but the EPA however did not agree to issue a joint memorandum with DOJ to the regions to address the need for flexibility, and the

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participating mayors in this dialogue were not satisfied."

The mayors remain very concerned, several said at the meeting, that EPA said in the letter that compliance schedules generally need not be more than 20 years to be financially amenable for cities.

Beyond that, the mayors say EPA's insistence that the agency does not have an "automatic rule" to impose costs of two percent or more of median household income on citizens to pay for sewer overflow controls is dubious. "Some cities will tell you otherwise," Hosterman said. "Several mayors at the Dec. 9, 2010 meeting took issue with this statement."

With that that in mind, USCM wants a "technical" session with agency officials in February "to review the Conference's recommendations and focus on cases where two percent costs, short compliance schedules and impediments to incorporating green infrastructure" are at issue.

"We want to continue to pursue EPA and DOJ to draft a joint memorandum clarifying the regional officials honor the request for flexibility. We need a clarifying memo that is consistent not only between the federal EPA but all the Regions across the country," Hosterman said.

(Erica Martinson – SUPERFUND REPORT – January 20, 2011)

INDUSTRY CHALLENGES FEDERAL SOLID WASTE DEFINITION

A federal appeals court is for now allowing an industry suit arguing that EPA's current definition of solid waste (DSW) is overly strict to continue, despite having essentially approved a settlement between EPA and environmentalists under which the agency has agreed to initiate a new rulemaking process for the definition.

In a January 11 order, the U.S. Court of Appeals for the District of Columbia Circuit granted a request to hold the portion of the DSW litigation relative to environmentalists' complaints about the rule in abeyance pending the outcome of the new rulemaking -- a move activists say is key because it gives them the ability to bring EPA back to court if they are ultimately dissatisfied with the outcome. Environmentalists argue that the current DSW rule -- which the Bush EPA crafted in an effort to ease waste management requirements and promote recycling -- is too weak and could lead to dangerous "sham" recycling.

In a separate suit the American Petroleum Institute (API) argues the rule is too stringent because it subjects spent petroleum refinery catalysts to strict waste management requirements. API argues subjecting the catalysts to strict requirements is arbitrary and capricious and in violation of the Resource Conservation & Recovery Act (RCRA).

Under the court's Jan. 11 order, litigation between API and EPA over the current DSW rule will proceed even though the agency has already agreed to begin work on a new proposed rule under the settlement with the environmentalists. And according to one activist, the API litigation could potentially impact what EPA is able to do in the new DSW rulemaking and other waste rules if

the court were to ultimately accept some of the legal arguments underlying API's suit.

API argues that spent petroleum refinery catalysts are not "discarded" as defined in RCRA, and therefore cannot be considered waste subject to strict handling requirements under EPA waste rules. If the court were to accept this argument and place greater limits on the types of materials that are considered discarded, it could therefore limit the scope of materials that EPA could regulate as waste under DSW and other rules, the activist says.

But the Gulf Chemical and Metallurgical Corporation, a company whose business revolves largely around recycling the spent petroleum refinery catalysts under the current rules, opposes API's argument and has been urging the court to allow it to intervene in the litigation so that it can make the case that all of the pending DSW litigation should now be dismissed on the grounds that EPA's promise to initiate a new rulemaking has rendered arguments about the current rule moot. Any concerns that API or other groups may have should be raised during the public comment period for the new rulemaking, rather than in litigation on the current rule, the group argues.

In the January 11 order, the court says that it will allow Gulf to file a formal motion urging it to dismiss API's suit so long as a merits panel grants the company intervenor status in the litigation. In the meantime, the court has directed API to file a brief relative to its case by March 7. EPA will then have until May to respond, along with Gulf, assuming the company is granted intervenor status.

(SUPERFUND REPORT – January 24, 2011)

INDUSTRY GROUPS URGE CONGRESSMAN DARRELL ISSA TO RENOVATE EPA LEAD PAINT RENOVIATION RULE

In the latest effort to pressure EPA into relaxing requirements on businesses that renovate buildings contaminated by lead paint, a coalition of industry groups is urging a key lawmaker to conduct oversight on the agency's lead renovation, repair and painting rule (LRRP), which the groups argue is hindering job growth.

The industry groups sent a Jan. 10 letter to Rep. Darrell Issa (R-CA), chairman of the House Committee on Oversight & Government Reform, in response to Issa's own request "for the identification of current and proposed federal regulations negatively impacting job growth and preservation," according to the letter.

The groups, which include the National Association of Home Builders (NAHB), the Real Estate Roundtable and the Window & Door Manufacturers Association, "strongly encourage a Committee review and investigation" of the LRRP rule and proposed amendments to it that are currently pending.

The groups reiterate several of their longstanding concerns with the rule and proposed amendments, including the Obama EPA's decision to eliminate a provision that allowed renovators to "opt-out" of complying with the rule's safe work practice requirements if a homeowner verifies there are no children or pregnant women liv-

ing on the premises. The groups also reiterate concern about a so-called clearance rule that is expected to contain additional requirements designed to ensure that lead-based paint hazards generated by renovation work are adequately cleaned after renovation work is complete.

NAHB, which is also challenging the rule and proposed amendments in court, suffered a setback in December when the U.S. Court of Appeals for the District of Columbia Circuit rejected the group's petition to hold off on hearing its challenge on the opt-out issue until it has the opportunity to bring another suit on the clearance issue. Hearing the opt-out and clearance challenges separately would not show the "full impact" of the rules on small businesses and customers, NAHB argued.

(SUPERFUND REPORT – January 24, 2011)

EPA HALTS DISPOSAL OF MINING WASTE TO APPALACHIAN WATERS AT PROPOSED SPRUCE MINE

After extensive scientific study, a major public hearing in West Virginia and review of more than 50,000 public comments, the U.S. Environmental Protection Agency (EPA) in January announced that it will use its authority under the Clean Water Act to halt the proposed disposal of mining waste in streams at the Mingo-Logan Coal Company's Spruce No. 1 coal mine. EPA is acting under the law and using the best science to protect water quality, wildlife and Appalachian communities, who rely on clean waters for drinking, fishing and swimming. EPA has used this Clean Water Act authority in just 12 circumstances since 1972 and reserves this authority for only unacceptable cases. This permit was first proposed in the 1990s and has been held up in the courts ever since.

"The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend," said EPA Assistant Administrator for Water Peter S. Silva. "Coal and coal mining are part of our nation's energy future and EPA has worked with companies to design mining operations that adequately protect our nation's waters. We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water."

EPA's final determination on the Spruce Mine comes after discussions with the company spanning more than a year failed to produce an agreement that would lead to a significant decrease in impacts to the environment and Appalachian communities. The action prevents the mine from disposing of the waste into streams unless the company identifies an alternative mining design that would avoid irreversible damage to water quality and meets the requirements of the law. Despite EPA's willingness to consider alternatives, Mingo Logan did not offer any new proposed mining configurations in response to EPA's Recommended Determination.

EPA's decision to stop mining waste discharges to high quality streams at the Spruce No. 1 mine was based on several major environmental and water quality concerns. The proposed mine project would have:

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- Disposed of 110 million cubic yards of coal mine waste into streams.

- Buried more than six miles of high-quality streams in Logan County, West Virginia with millions of tons of mining waste from the dynamiting of more than 2,200 acres of mountains and forestlands.

- Buried more than 35,000 feet of high-quality streams under mining waste, which will eliminate all fish, small invertebrates, salamanders, and other wildlife that live in them.

Polluted downstream waters as a result of burying these streams, which will lead to unhealthy levels of salinity and toxic levels of selenium that turn fresh water into salty water.

For a copy of the Final Determination:

http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/404c_index.cfm

(EPA – January 13, 2011)

EPA DELAYS OZONE STANDARD

On December 8, the EPA filed court papers stating that it wants another six months to decide whether to strengthen clean air standards for ozone, the main component of smog. This delay would be in addition to prior four months of delay, making the total delay ten months. The agency originally told a federal court the decision would be finalized by August, and later said it was to finish by December 2010.

The current ozone standards, adopted by the Bush administration in 2008, were significantly weaker than recommended by lung doctors and EPA science advisors. Earth justice sued to challenge these standards on behalf of the American Lung Association, Environmental Defense Fund, Natural Resources Defense Council, National Parks Conservation Association, and Appalachian Mountain Club. The case was put on hold when the Obama EPA said it would reconsider the standards.

(*Environmental Tip of the Week – December 14, 2010*)

EPA TO CLARIFY EMISSION LIMITS AND COMPLIANCE DATES FOR PORTLAND CEMENT MANUFACTURING INDUSTRY NESHAP

EPA plans to clarify provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) and correct a minor error in the New Source Performance Standards (NSPS) for the Portland Cement Manufacturing Industry, RIN 2060-AO15. These rules were published in the Federal Register on September 9, 2010 and took effect on November 8, 2010.

The final rule NESHAP amendments were unclear concerning compliance dates for some sources, and did not make clear that emission limits currently in effect for existing sources remain in effect until the compliance date of the new emission standards. The Agency also omitted text in one column in Table 1 of §63.1343(b). In the NSPS, EPA inadvertently omitted a required rule reference in the incorporation by reference provision. This action, which is expected to be published within the next 12 months, clarifies the compliance dates, and emissions limits, and corrects the two minor errors.

(*Environmental Tip of the Week- December 17, 2010*)

STAKEHOLDERS SEE STRENGTHS IN NEW EPA INSTITUTIONAL CONTROLS GUIDANCE

Local government and community activist sources are generally pleased with EPA's guidance on planning, maintaining and enforcing institutional controls (IC), noting the document's encouragement of community input in IC planning and its discussion of the complexity in using such controls at contaminated sites that lack cleanup and are potentially open to unrestricted uses.

"Everything I was looking for was in there," one activist source says.

EPA November 30 released its draft "Guidance on Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites," the second in a series of guidance documents on the use of ICs, and is seeking comment until Jan. 14 on whether the document adequately addresses ways EPA and site managers can generate local involvement in the process.

Specifically, according to a November 30 *Federal Register* notice, the agency was seeking feedback on whether there are "ways EPA can better evaluate the capacity, willingness, and financial assurance of state, tribal and local governments to assist with ICs and engineering controls"; what barriers exist to local involvement and what fixes are available; ways for site managers to "better engage and involve affected community stakeholders and local land use decision-makers" to create controls that compliment cleanups; how to make information on land use restrictions more available to local decision makers; and ways EPA can better identify life-cycle costs.

EPA's earlier IC guidance, commonly referred to as "A Site Manager's Guide to ICs," covers how to select ICs, while the new guidance seeks to address issues that arise during the cleanup process and after the work has been completed, and makes recommendations on merging institutional controls with other containment and mitigation measures. The document further outlines the responsibilities of parties involved in planning, implementing, maintaining and enforcing the controls. *The guidance is available on InsideEPA.com.*

The guidance provides that "Full life-cycle planning (i.e., planning, implementing, maintaining, enforcing, modifying if necessary, and terminating) is recommended to ensure the long-term durability, reliability, and effectiveness of ICs" early in the clean up process to avoid problems historically faced when using controls.

(*SUPERFUND REPORT – December 13, 2010*)

EPA'S OFFICE OF INSPECTOR GENERAL SAYS...EPA MUST IMPLEMENT CONTROLS TO ENSURE PROPER INVESTIGATIONS ARE CONDUCTED AT BROWNFIELDS SITES

EPA does not review AAI reports submitted by grantees to assure that they comply with federal requirements. Rather, EPA has relied on the environmental professional conducting the AAI to self-certify that requirements are met. Of the 35 AAI reports we reviewed, from three EPA regions, none contained all the required

documentation elements.

This occurred because the Agency does not have management controls requiring EPA project officers to conduct oversight of AAI reports. Management controls regarding EPA oversight of Brownfields grants funded by the American Recovery and Reinvestment Act of 2009 (ARRA) are also missing. EPA has issued specific guidance and management controls for ARRA grant activities. However, the guidance and controls do not address oversight of AAI reports.

Because of EPA's lack of oversight and reliance on environmental professionals' self-certifications, AAI investigations not meeting federal requirements may go undetected by Agency staff. The Office of Inspector General found instances of noncompliance that were not detected by Agency staff.

Improper AAI investigations introduce risk that the environmental conditions of a property have not been properly or adequately assessed, which may lead to improper decisions about appropriate uses of brownfields properties. Ultimately, threats to human health and the environment could go unrecognized.

Noncompliant AAI investigations may result in future grant denials and possible government reimbursement. The AAI reports the OIG reviewed were generated from \$2.14 million in grant awards. If conditions merit, EPA is authorized to take back funds from noncompliant grantees. The OIG questions the value of the reports we reviewed.

(EPA – February 14, 2011)

EPA, DOT AND CALIFORNIA ALIGN TIMEFRAME FOR PROPOSING STANDARDS FOR NEXT GENERATION OF CLEAN CARS

The DOT, EPA, and the state of California have announced a single timeframe for proposing fuel economy and GHG standards for model year 2017-2025 cars and light-duty trucks.

Proposing the new standards on the same timeframe—by September 1, 2011—signals continued collaboration that could lead to an extension of the current National Clean Car Program, providing automakers certainty as they work to build the next generation of clean, fuel efficient cars.

(*Environmental Tip of the Week-February 21, 2011*)

PRIVATE LANDOWNERS GRANTED RIGHT TO CHALLENGE EPA'S CLEAN WATER ACT "IMPAIRED WATERS" LISTING DECISIONS

In a case of first impression, the Ninth Circuit recently held that a "perceived" decrease in value of private property following EPA's approval of a state's "impaired waters" listing under Section 303 of the Clean Water Act (CWA) is sufficient to establish the standing of a private plaintiff to challenge the agency's decision.

The case, *Barnum Timber Co. v. EPA*, gives private property owners adjacent to creeks, rivers and other waterbodies in the West a seat at the table in CWA listing decisions, a step that often occurs long before affirmative obligations are imposed on uses of the private properties through the total maximum daily load (TMDL) program.

FEDERAL REGULATORY UPDATES (Continued)

(By: Meline MacCurdy – Marten Law News –
March 3, 2011)

NATIONAL RESPONSE CENTER REVISES CONTACT INFORMATION IN FINAL RULE

EPA has published a final rule to update the contact information for notifications to the National Response Center (NRC) required under 40 CFR 302. This information was published as a technical amendment to delete one of the telephone numbers, the facsimile number, and the telex number previously published, and to provide a new facsimile number.

The final rule amended the notification requirements of 40 CFR 302.6(a) to read as follows:

(a) Any person in charge of a vessel or an offshore or an onshore facility shall, as soon as he or she has knowledge of any release (other than a federally permitted release or application of a pesticide) of a hazardous substance from such vessel or facility in a quantity equal to or exceeding the reportable quantity determined by this part in any 24-hour period, immediately notify the National Response Center (1-800-424-8802; in Washington, DC 202-267-2675; the facsimile number is 202-267-1322).

The revision in the NRC's contact information became effective February 22, 2011. Be certain to

update your emergency plans with the revised NRC contact information accordingly.

(*Environmental Tip of the Week – February 28, 2011*)

DOT ISSUES TOUGHER HAZMAT SHIPPING RULE

DOT's PHMSA has announced in a new final rule, that Department inspectors will have greater authority when it comes to ensuring the safety of hazardous materials in the stream of transportation. The new rule, which implements authority granted by Congress, allows inspectors to investigate shipments of hazardous materials during transport and take tougher enforcement action against companies shipping in an unsafe manner.

"Safety is the Department's number one priority, and this rulemaking will give our inspectors the tools they need to ensure hazardous materials are packaged correctly and reach their destination safely," said U.S. Transportation Secretary Ray LaHood.

The new authority allows Department inspectors to close down shipping companies with poor safety records. It also specifically authorizes inspectors to take immediate action when there is a significant safety problem with a package in transit. This includes ordering restrictions, bans, or immediate recalls of faulty packages. With

these new provisions, inspectors will be able to temporarily detain and inspect packages that may pose a serious threat to life, property, or the environment. Department inspectors will also be able to immediately open packages even if the request to open them is refused. However, if a particular package is detained, the rest of the shipment may continue in transit.

"This rulemaking is another step in ensuring the safe transportation of hazardous materials by providing our inspectors the authority to conduct thorough investigations, to remove non-compliant packages from transportation, and to recall packages that could pose a significant threat to the public and the environment," said PHMSA Administrator Cynthia Quarterman.

The rule applies to U.S. DOT inspectors in PHMSA, as well as the Federal Aviation Administration, Federal Motor Carrier Safety Administration, and Federal Railroad Administration. The final rule goes into effect May 1. The final rule, and the related internal operations manual, is available on PHMSA's website at www.phmsa.dot.gov.

(*Environmental Tip of the Week-March 7, 2011*)

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

NEXT GENERATION CONCRETE...PROVES ITS WORTH

Research sponsored by the Federal Highway Administration (FHWA) is opening up a new world of ultra-high-performance concrete (UHPC), offering the opportunity to build longer-lasting bridges and accelerate the renewal of the nation's highway infrastructure.

First developed in the 1990s, UHPC is an advanced cementitious composite material. Compared with conventional concrete materials, it tends to exhibit superior properties, such as exceptional durability, high compressive strength, usable tensile strength and long-term stability. UHPC does not contain coarse aggregate and so does not exhibit the early-age microcracking common in conventional concrete. It also has extremely low permeability. UHPC generally contains high cementitious material contents, low water-to-cementitious material ratios, compressive strengths above 21.7 ksi, and sustained tensile strength as a result of internal fiber reinforcement. These advanced properties enhance bridge durability, allow for longer spans or shallower girder depths and can be used to develop new structural forms that will facilitate accelerated bridge construction.

Recent FHWA research projects included one that evaluated the performance of field-cast UHPC connections linking precast concrete bridge-deck components. This study was part of Transportation Pooled Fund Project 5(217), which is being conducted in partnership with the New York State Department of Transportation and the Iowa Department of Transportation.

While the use of modular bridge-deck components can produce higher-quality, more durable bridge decks, the required connections have often been lacking, diminishing the overall system performance. UHPC offers the opportunity to significantly improve the performance of these field-cast connections, allowing for greater use of modular bridge-deck systems.

As the study demonstrated, UHPC:

- Can exhibit an exceptional bond when cast against previously cast concrete.

- A use of UHPC also can significantly shorten the development length of embedded discrete steel reinforcement. These properties allow the modular component connection to be redesigned, simplifying construction and enhancing long-term system performance.

- To date, field-cast UHPC connections between prefabricated bridge components have been implemented in nine bridges in Canada and two in the U.S.

- Field-cast UHPC connections have allowed for simple connections without requiring the use of post-tensioning or large volumes of field-cast concrete.

- Performance of the connections to date has exceeded what is normally expected of a field-cast connection.

More information on the field-cast UHPC connection project can be found in "Field-Cast UHPC Connections for Modular Bridge Deck Elements," which is available online at: www.tfhr.gov/structur/index.htm.

Another pair of recent FHWA research projects evaluated a UHPC pi-girder cross-section prototype developed for use in short- and medium-span highway bridge applications. The girder was developed and optimized to take advantage of the advanced mechanical and durability properties of UHPC. The projects demonstrated that the concept of decked UHPC modular girders for bridge construction is viable.

For more information, download "Structural Behavior of a Prototype UHPC Pi-Girder" (Pub. No. FHWA-HRT-09-068), which is available at: www.fhwa.dot.gov/publications/research/infrastructure/~structures/09068, and

"Structural Behavior of a 2nd Generation UHPC Pi-Girder" (Pub. No. FHWA-HRT-09-069), which can be found at www.fhwa.dot.gov/publications/research/~infrastructure/structures/09069.

(By Ben Graybeal – Roads&Bridges – January 2011)

TECHNOLOGY UPDATES

NEW YORK STATE FINALIZES MOLD REPORT

A New York State Toxic Mold Task Force Report to the Governor and Legislature has been finalized. The twelve-member task force produced a 150-page report, which is available as a PDF at:

www.health.ny.gov/environmental/indoors/air/mold/task_force/docs/final_toxic_mold_task_force_report.pdf

STUDY SAYS AIR FILTERS REDUCE CARDIOVASCULAR PROBLEMS

A new study has found that using air filters reduces the risk of cardiovascular disease caused by air pollution. The investigation, published January 24 in the Journal of the American Thoracic Society's American Journal of Respiratory and Critical Care Medicine, studied adults living in a small community in British Columbia, where wood burning stoves are the main sources of pollution.

It found that high efficiency particle air (HEPA) filters reduced the amount of airborne particulate matter, resulting in improved blood vessel health and reductions in blood markers that are associated with an increased risk of cardiovascular disease. The researchers recruited 45 adults from 25 homes.

Alan Veeck, executive director of the National Air Filtration Association (NAFA), said the study confirmed what previous research has shown. The researchers "know a lot about when the air gets dirty outside, and the admissions to emergency rooms based on asthma and cardiovascular problems increase."

In the study, each participant's home was monitored for two consecutive seven-day periods, during which time a HEPA filter (Honeywell model 50300) was operated in the main activity room and a quieter HEPA filter (Honeywell 18150) was operated in the participant's bedroom.

After analyzing their data, the researchers found portable HEPA filters reduced the average concentrations of fine particulates inside homes by 60 pc and wood smoke by 75 pc, and their use was associated with improved endothelial function (a 9.4 pc increase in reactive hyperemia index) and decreased inflammation (a 32.6 pc decrease in C-reactive protein).

"Our results support the hypothesis that systemic inflammation and impaired endothelial function, both predictors of cardiovascular morbidity, can be favorably influenced by a reduction of particle concentration and add to a growing body of evidence linking short-term exposure to particulate matter with a systemic inflammatory response," said the lead researcher on the study, Ryan Allen of Simon Fraser University, in British Columbia.

(By: Tom Scarlett – IECONNECTIONS – January 24, 2011)

NEW YORK TIPP PROGRAM GOES ONLINE

The New York State Department of Environmental Conservation (DEC) has initiated an online form for citizens to report environmental violations. Environmental Violation Online is designed for those who can provide thorough and relevant information about an alleged violation. The form prompts the complainant to describe

what occurred, when it happened, and where the violation was witnessed. Complainants may remain anonymous or confidential. Detailed initial complaints assist DEC Environmental Conservation Officers (ECOs) in a timely and complete investigation of complaints and potential arrests against those who are violating environmental laws.

"This is an expansion of DEC's successful 'Turn in Poachers and Polluters' (TIPP) Hotline," said Peter Fanelli, DEC Director of Law Enforcement, referring to the long-established telephone tip system. "Citizens have always played a vital role in helping DEC enforce state environmental laws and regulations. This new web tool gives them one more option for alerting us to potential problems." Persons can still make a complaint by phone using the DEC hotline at 1-800-TIPP-DEC (1-800-847-7332).

(Environmental Tip of the Week – December 14, 2010)

EPA ISSUES SIX GREENHOUSE GAS RULES

On December 23, 2010, the EPA issued a series of rules that put the necessary regulatory framework in place to ensure that industrial facilities can get Clean Air Act (CAA) permits covering their greenhouse gas (GHG) emissions when needed and ensure that facilities emitting GHGs at levels below those established in the Tailoring Rule do not need to obtain CAA permits.

The agency says these actions will ensure that the largest industrial facilities can get CAA permits that cover GHG emissions beginning in January 2011. These actions are part of EPA's common sense approach to GHG permitting outlined in the spring 2010 Tailoring Rule.

The first set of actions will give EPA authority to permit GHGs in seven states (Arizona, Arkansas, Florida, Idaho, Kansas, Oregon, and Wyoming) until the state or local agencies can revise their permitting regulations to cover these emissions. EPA is taking additional steps to disapprove part of Texas' CAA permitting program and the agency will also issue GHG permits to facilities in the state. These actions will ensure that large industrial facilities will be able to receive permits for GHG emissions regardless of where they are located.

In the second set of actions, EPA has issued final rules that will ensure that there are no federal laws in place that require any state to issue a permit for GHG emissions below levels outlined in the tailoring rule.

EPA has worked closely with the states to ensure that the transition to permitting for GHGs is smooth. States are best suited to issue permits to sources of GHG emissions and have experience working with industrial facilities. EPA will continue to work with states to help develop, submit, and obtain approval of the necessary revisions to enable the affected states to issue air permits to GHG-emitting sources.

Beginning in January 2011, industries that are large emitters of GHGs, and that are planning to build new facilities or make major modifications to existing ones, must obtain air permits and implement energy efficiency measures or, where available, cost-effective technology to reduce their GHGs emissions. This includes the nation's largest GHG emitters, such as power plants, refineries, and cement production facilities.

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- NYS Mold Report, pg. 8
- Innovations in Site Characterization, pg. 9
- MSW Decline in 2009, pg. 9

Emissions from small sources, such as farms and restaurants, are not covered by these GHG permitting requirements.

(Environmental Tip of the Week – December 28, 2010)

IN RARE ACTION, EPA REVIEWING LONG ISLAND GROUNDWATER CLEANUP APPROACH

EPA is taking the uncommon action of reviewing groundwater models for contamination coming from a former Navy site on Long Island where New York state has the lead for making cleanup decisions, after officials from the Massapequa Water District appealed to Sen. Charles Schumer (D-NY) to get EPA to step in and clean up the plume.

In particular, EPA is working with the U.S. Geological Service to "review the existing groundwater models and to verify whether the existing models accurately portray the flow of contaminated groundwater in the direction of drinking water well fields," a Region II spokesman says. An agency spokeswoman says EPA's action is "not common" at sites that are not on the Superfund National Priorities List.

Water district officials hope EPA will create an accurate model of the movement of the plume -- which measures roughly two miles long and five miles wide -- of chlorinated solvents that has made its way into the Magothy Aquifer, a major source of drinking water in southern New York, and address deficiencies in the two existing models that a local water district source calls "incomplete and inaccurate." The agency has also created a committee with representatives from water districts and responsible parties to discuss protecting the water supply.

At issue is contamination from the former Naval Weapons Industrial Reserve Plants, a joint operation of the Navy and defense contractor Northrop Grumman Corp., in Bethpage, NY. The 600-acre site hosted an aircraft manufacturing plant for decades.

Even before the facility closed in 1996, the Navy and Northrop Grumman entered into a record of decision with the New York State Department of Environmental Conservation (DEC) to contain contamination on-site, treat any waste that went off site and do a wellhead contingency plan for the aquifer. In the agreement, the Navy would do most of the work on the off-site contamination and Northrop Grumman would be largely responsible for the on-site cleanup, according to a state source.

Due to the division of responsibilities, both the Navy and Northrop Grumman developed separate groundwater models, and water district officials have long argued that both models are deficient. "We haven't been able to get them to put all the data in each of their models," the source says, adding that the result is the spread of contamination in the aquifer that is far worse than predicted.

The source blames the state for a lack of oversight on the cleanup, but the DEC source says

TECHNOLOGY UPDATES (Continued)

state officials were doing what they were supposed to under state delegated cleanup authority.

In response to the plume, some of the water districts that use the aquifer have had to put in wellhead treatments to remove the contaminants. While those systems can be expensive, thus far Northrop Grumman and the Navy have picked up the tab. "To date our consumers haven't born any of the cost for the wellhead treatment construction or operations and maintenance," the water district source says.

While the plume has been a problem for years, the issue is coming to a head now because of complaints from one of the aquifer's water districts, which is arguing that the contamination should be cleaned up before more wellhead treatments are needed.

This summer, officials from the Massapequa Water District appealed to Schumer to get EPA to step in and clean up the plume.

"It's a very complex site, that we will concede," says an official with the district. "Be that as it may, this should never enter our water supply." Massapequa's wells have so far avoided contamination, but officials worry that the plume is getting close.

(SUPERFUND REPORT – December 27, 2010)

MONITORING THE OHIO RIVER FOR GREENHOUSE GAS EMISSIONS

Microbial activity in streams and rivers produces nitrous oxide, a potent greenhouse gas, but the importance of these systems in the global nitrous oxide budget is not well known. Most research on nitrous oxide emissions from freshwaters has been conducted in small streams and rivers where microbial activity is largely restricted to the sediments.

In an investigation of nitrous oxide emissions from large rivers, EPA researchers from the National Risk Management Research Laboratory found that the water column in the Ohio River produces twice as much nitrous oxide as the river sediments. The new research suggests that current models underestimate the importance of large rivers in the global nitrous oxide budget.

RESEARCH ACTION

Seasonal patterns in microbial nitrous oxide production were investigated by measuring nitrous oxide emission rates from one site on the Markland Pool every two weeks for a year. Spatial patterns in microbial nitrous oxide production were assessed by sampling 29 sites distributed across the length of the Markland Pool during two successive summers. The study was conducted from August 2008 through September 2009; a brief summary of methods is shown below.

RESULTS

EPA researchers found that the Markland Pool of the Ohio River is a source of nitrous oxide throughout its entire length, and that bacteria in the water column produced twice as much nitrous oxide as bacteria in the sediments. Researchers also detected a spike in emissions downstream of a Cincinnati wastewater treatment plant that discharges treated effluent to river, a direct source of nitrous oxide. The effluent also contained high levels of ammonium, a biologically available form of nitrogen, which may have stimulated microbial nitrous oxide production in the river.

The researchers also found that nitrous oxide

emissions from the Markland Pool exhibited strong seasonal variation. The highest emission rates were observed during the warm summer months and the lowest during the cold winter months. These findings suggest that emission models that do not account for the effect of water temperature on microbial metabolism in large temperate rivers may yield biased results.

IMPACT

This research demonstrates that large rivers draining developed basins can be a source of nitrous oxide to the atmosphere and should be included in global nitrous oxide emission inventories. Models used to estimate nitrous oxide emissions from river networks will underestimate the importance of these systems if they don't account for the production of nitrous oxide in the water column of large rivers.

This is the first published report of significant rates of nitrous oxide production in the water column of a river. Additional research is required to determine how widespread water-column nitrous oxide production is and what factors control it. Future research applying molecular methods and isotope tracers across a gradient of river sizes or trophic (nutritive) states could be a particularly powerful approach for answering these questions.

See the full report in the journal *Environmental Science and Technology**

*Beaulieu, J. J., W. D. Shuster, and J. A. Rebholz. (2010) "Nitrous Oxide Emissions from a Large, Impounded River: The Ohio River". *Environmental Science & Technology* 44:7527-7533.

(NRMRL News – December 2010)

NEW DOCUMENT – INNOVATIONS IN SITE CHARACTERIZATION: STREAMLINING CLEANUP AT VAPOR INTRUSION AND PRODUCT REMOVAL SITES USING THE TRIAD APPROACH: HARTFORD PLUME SITE, HARTFORD, ILLINOIS (EPA-542-R-10-006)

Vapor intrusion from widespread hydrocarbon plumes at the Hartford Plume Site in the Village of Hartford, Illinois, resulted in numerous residential housing fires and forced residents to move from their homes. To address public concerns at the Site, EPA Region 5 worked with oil company stakeholders from the area and used the best management practices (BMPs) of EPA's Triad Approach to expedite the investigation, mitigation, and cleanup processes.

The Hartford Plume Site case study provides a detailed example of the strategies and technologies used at the site that are available to environmental practitioners to use at large and small hydrocarbon sites. Sufficient detail is provided for practitioners to learn the basic elements of designing and implementing site characterization, mitigation, and remedial efforts at complex hydrocarbon sites (September 2010, 359 pages). View or download at <http://clu-in.org/techpubs.htm>

EPA SAYS MUNICIPAL SOLID WASTE GENERATION DECLINED IN 2009

The latest figures from the US EPA indicate that US waste generation of municipal solid waste (MSW) in 2009 declined by 3.2 percent to 243 million tons from 251 million tons in 2008, representing the second straight year of decline.

EPA's figure is in line with statistics gathered independently by Waste Business Journal (WBJ) through direct survey of all waste processing and disposal operations across the US and Canada.

According to WBJ, residential volumes of MSW declined by 3 percent from 2008 to 2009 but commercial wastes, accounting for 22 percent of the total waste stream entering municipal facilities, declined by nearly 18 percent. Construction and demolition waste alone was down by close to 20 percent. WBJ statistics differ from those published by the EPA primarily because WBJ examines the entire waste stream, not just that which is attributable to individual citizens. More information is available in WBJ's Waste Market Overview and Outlook Report, updated for 2010.

(Waste Business Journal – February 2, 2011)

API GUIDANCE DOCUMENT DISCUSSES FRACTURING'S SURFACE IMPACTS

The American Petroleum Institute released a third guidance document for hydraulic fracturing, covering practices to minimize associated surface environmental impacts. Two earlier guidance documents present well construction and integrity guidelines, and describe best practices for water management.

The latest document, HF-3, deals with recommended practices at the surface of wells which use fracing to produce oil and gas from tight shales. "We're trying to prevent runoff of materials from the site," explained Stephanie Meadows, a senior policy advisor at API.

"The idea is to keep materials there in a properly constructed containment area," she told reporters during a Feb. 2 teleconference. "There also is a big push for producers to speak with local authorities and landowners about what's going on. HF-3 also deals with handling any materials which leave the site."

The new document does not replace RP-51R, "Environmental Protection for Onshore Oil and Gas Production and Leases," a recommended practice which API adopted in July 2009, Meadows said. That document discusses environmentally sound practices and reclamation guidelines for all domestic onshore production operations, including water handling and gas compression facilities. HF3 tries to address surface environmental impacts specifically associated with fracing and complement the two earlier fracing guidance documents.

"While he's there, he will be standing on top of the second-largest natural gas formation in the world, the Marcellus Shale, which potentially could supply significant amounts of gas, produce new revenue for states and communities, and provide a major number of new jobs," she said. "We call on the president to lend the full weight of his office to development of this resource in New York, Pennsylvania, and West Virginia."

More information about HF-3 and other API standards and recommended practices associated with fracing can be found at API's web site.

*(By: Nick Snow-Oil & Gas Journal
February 2, 2011)*

**NJ LSRP PROGRAM -
IT'S WORKING
more than 400 sites finished.**

NJ UPDATES

NEW JERSEY TO LIMIT ACCESS TO ENVIRONMENTAL DOCUMENTS

New Jersey has signaled that it will eliminate public access to a broad range of currently public documents, including records regarding enforcement negotiations with polluters and pollution permits, according to Public Employees for Environmental Responsibility (PEER). Broad information categories that would leave the public domain also include records about reservoirs, refineries, sewage treatment plants, or any other facility deemed "critical infrastructure."

The proposal posted in December by the New Jersey Department of Environmental Protection (DEP) would block release for several new categories of records requested from under the state Open Public Records Act (OPRA), including:

- Records "relating to mediation proceedings conducted by or on behalf of the Department." This could not only make confidential a broad range of enforcement-related negotiations with polluters but also shield the operations of DEP's new Office of Dispute Resolution from public scrutiny.

- Information with homeland security implications. The sweeping wording ("If access to the record would interfere with the State's security, then the record will not be produced") could bar access to all DEP records on water, sewer, chemical plants or any other infrastructure; and records relating to land, acquisitions, property transfers, or title searches where disclosure might jeopardize transactions. This exemption would likely prevent pre-review of the sweetheart easement DEP negotiated this summer for a \$2 billion natural gas pipeline crossing parklands.

*(Environmental Tip of the Week
December 7, 2010)*

BILL LIMITS BAY FERTILIZER USE

New Jersey lawmakers on Monday passed what they and environmentalists described as the nation's toughest restrictions on fertilizer as part of a plan to reverse the declining health of Barnegat Bay.

The law could affect everyone who has a lawn in New Jersey, because it changes the type of fertilizer allowed to be sold in the Garden State and imposes restrictions on how and where it can be applied. The governor was expected to sign it.

The key provision requires that at least 20 percent of nitrogen in fertilizer be the slow-release type to prevent it from easily washing into waterways.

Nitrogen is a major component of water pollution. It leads to algae blooms that deprive water of oxygen and kill fish and other marine life.

It also encourages the growth of stinging jellyfish, which have overrun the bay and rivers near it, including the Manasquan and Metedeconk, making them virtually unswimmable at times and clogging the engines of some boats.

The bay is suffering from lowered oxygen levels and declines in the population of some marine life and sea grasses.

*(By: Wayne Parry – Gloucester County Times –
December 14, 2010)*

NEW JERSEY GEOLOGICAL SURVEY PINPOINTS AGES OF NEW JERSEY'S OLDEST ROCKS

How old are the oldest rocks in New Jersey and where are they located? Perhaps these questions haven't exactly kept you up at night, but geolo-

gists have been wondering about them for a long time.

They know that the rocks in the mountains of North Jersey's Highlands, remnants of ancient Appalachian Mountains that at one time rivaled the Rockies in might, are the oldest in New Jersey. They also accept that these rocks are about a billion years old. But they never knew precisely how old - until now.

The New Jersey Geological Survey, within the Department of Environmental Protection, teamed up with the U.S. Geological Survey and the Australian National University in a project funded by private grants to provide the most precise dating ever of New Jersey's oldest rocks.

Rich Volkert, a geologist with the New Jersey Geological Survey, and a colleague from the U.S. Geological Survey in Denver, collected rocks from the Highlands, which were then analyzed using a highly sophisticated dating technique at the Australian National University.

The researchers were able to date the rocks to within nine million years of certainty, a degree of specificity never attained before. They found that the rocks are actually quite a bit older than the generalized billion-year-old estimate ascribed to them.

Most of the rocks fell in a range of 1.02 billion to 1.25 billion years old, but a narrow belt stretching from Wanaque to Ringwood was dated at 1.37 billion years old, making these the oldest rocks in New Jersey.

"Unraveling the geologic history of the New Jersey Highlands from the age of bedrock obviously is interesting to scientists," said State Geologist Karl Muessig. "But it also has practical applications for environmental risk assessment. For example, potassium-rich granites of a certain age in the Highlands contain higher concentrations of radioactive elements than most other granites and are likely to produce higher radon levels in soil and water. More precise mapping of these granites will help better identify areas that may pose greater public health risks from radon." Geologists have long understood that the mountains of the Highlands were formed during a mountain-building period known as the Grenville Orogeny, which occurred about a billion years ago - a time when land that is now part of South America was adjacent to what is today New Jersey.

"Rocks of the New Jersey Highlands form the roots of the ancestral Appalachian Mountains that were formed during a collision of continental land masses about one billion years ago," Volkert said. "The result of this mountain-building event uplifted the earth's crust in eastern North America, including the Highlands, to heights rivaling the present-day Rocky Mountains."

Hundreds of millions of years of weathering have left erosion-resistant granite and gneiss that form the rugged ridges and steep-sided hills that are characteristic of the Highlands region. But the wearing-away occurred unevenly, meaning the rocks that you see jutting from a hillside or at a valley floor - or even just a short distance from each other - are likely to be of differing ages.

Volkert was joined by John Aleinikoff of the U.S. Geological Survey in looking for a comprehensive cross-section of rocks that would give them their best chances of finding the fine degree of age differences they were seeking.

The rocks were shipped to the Australian National University in Canberra, where scientists used an intense beam of energy to measure the

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half-life of radioactive isotopes in zircon particles that contain lead and uranium. This method is known as the uranium-lead method of geochronology using the Sensitive High-Resolution Ion Microprobe (SHRIMP) technique.

"This is the state-of-the-art method for determining the precise age of ancient rocks such as those that have been metamorphosed under conditions of high temperature and pressure as is the case with the bedrock in the New Jersey Highlands," Volkert said.

The rocks that the researchers dated are as old as those found in the Adirondacks and parts of southeastern Canada. The belt of oldest rocks is some 350 million years older than previously known. That's quite a difference, even considering the long spans of time geologists work with.

*(New Jersey Department of Environmental
Protection – December 2, 2010)*

BALD EAGLE POPULATION THRIVES IN SOUTH JERSEY

Jane Galetto gently stepped onto her frozen dock by a bend in the Maurice River, binoculars around her neck, a telescope positioned ahead of her and a bald eagle dunking its talons in the distant water looking for fish.

Galetto's Brittany Lane home is a perfect vantage point for observing the rebound of New Jersey's eagles, which reached a record population of 333 birds and 82 eagle pairs actively laying eggs last year, according to an annual report recently released by the state.

That's a dramatic increase from 30 years ago, when only one nest remained in the state -- with New Jersey's population of eagles nearly wiped out by habitat loss, human disturbance and the widespread use of the pesticide DDT.

By incubating eggs and introducing birds from outside the area, including Canada, state conservationists and dozens of volunteers have brought New Jersey's eagles back from the brink.

The eagles are widespread along the Delaware Bay and are scattered in Cape May, Atlantic and southeastern Burlington counties, with at least one nest in every county but three in North Jersey.

The species was taken off the nation's list of endangered species in 2007, and even though they remain endangered in the state, people who have followed the eagles' return say their resurgence shows no signs of stopping soon.

"Wait until you see this year," said Peter Dunne, chief communications officer for the New Jersey Audubon Society's Center for Research and Education. "It's almost exponential at this point."

In January, 75 volunteers took part in the mid-winter eagle survey and found 235 eagles statewide, 194 of which were in South Jersey. Larissa Smith of NJDEP, a volunteer manager for the New Jersey Bald Eagle Project, blamed the diminished number on low visibility from a snow-storm the weekend the count took place.

Because of the still-high numbers in these counts, the state has proposed to change the conservation status of nonbreeding eagles, such as juveniles and eagles that winter in New Jersey, to threatened rather than endangered.

(By: Lee Procida-Courier Post-Feb. 6, 2011)

PA UPDATES

EPA RECOGNIZES SEPTA FOR ITS ENERGY EFFICIENT HEADQUARTERS

The U.S. Environmental Protection Agency presented the Southeastern Pennsylvania Transportation Authority (SEPTA) with an Energy Star Label for its energy-efficient headquarters at 1234 Market Street in Philadelphia. Only the top 25-percent of all energy-efficient buildings nationwide receive this distinctive label.

Full Story:

<http://enews.state.pa.us/q/9ktbMcGdJPLjXm4vOem8cKMFIZWnF-i9je6MIPxMY8xSPpZG01Wdd-Ghm>

THIRD REPORT ON SOUTHWESTERN PA UNDERGROUND MINE SUBSIDENCE SHOWS IMPACTS ON PROPERTY, WATER AND NEED FOR INSURANCE

A report from the Department of Environmental Protection and the University of Pittsburgh shows that while underground mine subsidence continues to cause damage to above-ground property and water supplies, industry improvements have helped to lessen that impact in many areas.

The report, mandated by Act 54 of 1994, addresses the effects of mining in southwestern Pennsylvania's Armstrong, Beaver, Cambria, Clearfield, Elk, Greene, Indiana, Jefferson, Somerset and Washington counties from August 2003 through August 2008.

Act 54 requires such a report be prepared every five years. The two previous Act 54 reports covered 1993 through 2003.

"Mining has been—and will continue to be for the foreseeable future—a part of our economy and way of life," said DEP Secretary John Hanger. "Unfortunately, mine subsidence is often associated with the industry's activities. While coal companies have made advances to reduce underground mining's impact on the surface, this report gives us a chance to better understand how those incidents occur, where they're occurring, and how we can prevent them or address them more timely."

Hanger said the report details the number of structures, water supplies and streams undermined during the five-year assessment period. It provides an overview of the type and severity of any damages to surface structures and surface features, as well as information on how long it took to resolve those issues. The report also describes and assesses the effectiveness of mitigation measures designed to minimize structural damages and damages to water resources.

According to the report, there were 50 underground coal mines active during the reporting period beneath 38,256 acres of land. In total, there were 1,247 different "effects," or incidents reported to DEP during this most recent five-year period by its staff, coal companies or land owners.

Eight longwall mines in Greene and Washington counties accounted for nearly 94 percent of the incidents involving structures and 89 percent of the impacts to land.

The total number of incidents reported

represents a 14 percent increase over the 1998-2003 period. DEP is combing through the reports to determine what, if anything, accounts for the increase and to identify trends that can be used in designing the next five-year assessment.

Other findings of the report include:

- Of the 3,735 structures inventoried in the target counties, 456 (12 percent) were impacted by mining, while 108 of the 3,587 properties (3 percent) inventoried were impacted;

- Nearly 2,800 wells, springs and ponds were undermined with 683, or 24.5 percent, reporting some impact. At the end of the assessment period, 449 of those cases had been resolved.

- The average number to resolve impacts to structures, land and water supplies was 207 days, 246 days and 321 days, respectively

Act 54 held deep mine operators legally responsible for surface damages caused by their mining operations for the first time in Pennsylvania's history. Underground coal mines that operated prior to 1994 did not have a legal obligation to protect or restore surface structures or water supplies.

Secretary Hanger noted that while the report illustrates the subsidence potential for active mines, abandoned mines also pose a danger, so it is important for those owning property above abandoned underground mines to insure themselves and their belongings against subsidence-related damage.

A full copy of the report is available at: www.dep.state.pa.us/dep/deputate/minres/bmr/act54_2008_report/cover.htm

DEP ISSUES REPORT ON SHORT-TERM AIR QUALITY IMPACTS FROM MARCELLUS SHALE OPERATIONS IN NORTHEAST PA

The Department of Environmental Protection in February released a report on a four-week air quality study conducted near Marcellus Shale natural gas operations in Susquehanna and Sullivan counties.

"This short-term study of the air emissions at surveyed sites shows no emission levels that would constitute a concern to the health of residents living near these operations," DEP Director of the Bureau of Air Quality Joyce Epps said. "This study provides us with good information as part of our ongoing effort to gauge the impact these operations have on our air quality, public health and the environment."

The report notes that the sampling effort was not meant to address potential cumulative impacts.

DEP's assessment focused on concentrations of volatile organic compounds, including benzene, toluene and xylene, which are typically found in petroleum products. The department also sampled for other pollutants such as carbon monoxide and nitrogen dioxide near natural gas extraction and processing sites.

The sampling was conducted the weeks of Aug. 9, Sept. 13, Oct. 14 and Oct. 25. An evening sampling event was held Oct. 6. DEP's mobile laboratories were used and the equipment was set up downwind of the target sources during early morning and late evening hours, which is

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when the department received the most complaints from residents.

The agency collected background samples at Sones Pond in the Loyalsock State Forest in Sullivan County.

The air monitoring surveys near natural gas operations in Susquehanna County were conducted at a completed and operating gas well (Cabot's Gesford 2V/7H) on Carter Road in Dimock Township; two compressor stations (Cabot's Lathrop and Teel stations near Springville); and at a well site being fracked (Stone Energy's Loomis well site) near Lawton.

Those surveys detected the main constituents of natural gas – including methane, ethane, propane and butane – as well as low levels of associated compounds such as MtBE, carbon monoxide and methyl mercaptan, the odor-producing compound.

In addition, DEP used a specialized infrared camera that can detect emissions of certain pollutants from a source that otherwise may be invisible to the naked eye. That equipment did detect fugitive and direct emissions from the well equipment at the Carter Road site.

Overall, DEP's air sampling did not find concentrations of any compound that would likely trigger air-related health issues associated with Marcellus Shale drilling activities in the northeast region.

To view the report, visit : www.depweb.state.pa.us and click on "Regional Resources," then on Northeast Region and choose the "Community Information" link on the right side of the page.

DCED RELEASES LAND USE, GROWTH REPORT FOR PENNSYLVANIA

The Department of Community and Economic Development issued the 2010 State Land Use and Growth Management Report to show how Pennsylvania has changed over the last five years and what it will look like ten years from now.

It details statewide and regional growth and development patterns for assessing land use trends and future growth. The report shows that between 1990 and 2007, population increased 4.6 percent and the number of housing units increased by 10.9 percent. Also, building permits in 2008 and 2009 reached 50-year lows.

www.newpa.com/get-local-gov-support/community-planning/land-use-reports

(F.X. Browne, Inc. – February 8, 2011)

Stormwater – A key compliance focus for 2010 . . .
You need to know where you stand!



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BROWNFIELDS REDEVELOPMENT SERVICES

Brownfields Redevelopment Services

RT Environmental Services has already undertaken a series of Brownfields projects which included interaction with Federal and/or State environmental agencies. Several are also in progress. Brownfields sites are those where historical fill may be present or contamination remains, typically in an urban area, but, where the site can be redeveloped to address appropriate risk-based environmental concerns. Typically, the goal is to not remediate the site to background (pristine) environmental condition. Information on several key RT Brownfields projects follows.



PROJECT PROFILES

Chester County PCB Site

EPA removal action activities were conducted on three occasions at this site, which had been used as a foundry and later for large electrical equipment repair (including transformer maintenance). PCB contamination was present in many areas of the facility. After the last stage of EPA removal activity, RT began planning for residential reuse of the site. Tasks completed by RT include:

- Oversight of electrical equipment decontamination/removal activities.
- Peer review of EPA removal activities.
- Soil sampling.
- Groundwater monitoring for PCBs and metals.
- Regulatory coordination and grant/loan justification assistance.
- Interim capping justification.
- Flood plain determination.
- Residential site plan preparation for redevelopment.

Pathways were addressed through focused risk assessment work, and special specifications were developed to make sure that no releases occur during building demolition. Also, a sump area was proposed to be remediated and tanks are to be removed prior to residential construction. The EPA has issued a Prospective Purchaser Agreement for the site, which is also in the Pennsylvania Land Recycling Program.

- Voluntary Cleanup Program Assistance
- PA Act 2, NJ ISRA, EPA Superfund
- Remedial Investigations
- Design and Construction
- Storage Tank Removals
- Environmental Site Assessments
- Mining/Water Quality Services

Additional Key Projects Include:

- Raymark Industries facility, Manheim
- TD Budd Facility, Philadelphia
- Station Square, Lansdale, PA
- City of Chester Waterfront, Delaware
- Bellmawr Waterfront, NJ

PROJECT PROFILES

New York Waterfront Site

RT was recently retained to assist with a Long Island waterfront site, slated for commercial redevelopment. The site currently is a failed residential development project, built over a municipal landfill. The landfill also contains two areas of low level radioactive ore waste. The site is under a Consent Decree with NYSDEC, and a Prospective Purchaser Agreement will be prepared by USEPA Region 2. The redevelopment plan is to address all pathways of significant environmental concern, so that the redevelopment aspects can be incorporated into the Feasibility Study being completed under the NYSDEC Consent Decree.

Philadelphia Pier Site

At Piers 66-69 on the Philadelphia Waterfront, RT completed a series of remedial tasks so as to facilitate sale of a property with more than a century of heavy industrial use. Activities included:

- Phase 2 Investigation Work
- Delineation of oil release migration from offsite.
- Removal of nine underground storage tanks (USTs).
- Bioremediation of groundwater from a mineral spirits tank release.
- Remediation by excavation and removal of lead impacted soils from painting operations.
- Groundwater monitoring to confirm cleanup adequacy.
- Historical fill (coal ash) extent determination and leaching analysis to confirm underlying soils were not significantly impacted.

The overall project spanned six months and was successfully completed. The property was sold at an auction to help settle bankruptcy of the selling owner.

Newark Trucking Terminal

RT was retained to complete Phase 1 and Phase 2 environmental survey work at a Newark, NJ site which had been used as a trucking facility since the 1950's. Underground storage tanks, which had been removed, were identified as an area of concern, but several additional issues arose as the site began to be further investigated. Historical fill was found to be present along with a contiguous wetlands area. Subsurface migration of resins from a former chemical plant upgradient of the site was also found to have occurred. Migration of volatile organics contamination was also found to have occurred in another area of the site, from an upgradient chemical manufacturing facility.

Monitoring revealed that releases from the former tanks were not of further concern, and the regulatory agency found that the volatile organics contamination was the responsibility of others. The resins-contaminated area was fully delineated, and a Declaration of Environmental Restriction was issued for the property. Paving of the surface addressed the direct contact pathway. The property was sold to a new owner, who planned to use the property for mobile equipment and parts sales service.

Additional Sites

In addition to the key projects above, RT has wide and in-depth experience at other "Brownfields" sites, including:

- Plating and aircraft parts facilities
- Current/former rail yards
- Auto dealerships
- Service stations
- Heavy equipment manufacturing/repair facilities
- Chemical production facilities
- Dry-cleaning facilities
- Other production facilities
- Telecommunications facilities

Call us for more information or to discuss your Brownfields project. Our experience allows us to help you complete your Brownfields project efficiently and professionally. We can help you redevelop and reuse the site at the earliest possible date.

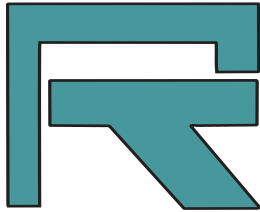
FEDERAL REGISTER NOTICES<http://www.epa.gov/home/fedrgstr>**Department of Energy;** National Environmental Policy Act Implementing Procedures; Proposed Rule*(Federal Register – 1/3/2011)***Environmental Protection Agency;** Potential Addition of Vapor Intrusion Component to the Hazard Ranking System*(Federal Register – 1/31/2011)***Environmental Protection Agency;** National Ambient Air Quality Standards for Carbon Monoxide; Proposed Rule*(Federal Register – 2/11/2011)***Army Corps of Engineers;** Proposal to Reissue and Modify Nationwide Permits; Notice*(Federal Register – 2/16/2011)***Environmental Protection Agency;** National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category; and Addition to Source Category List for Standards; Final Rule*(Federal Register – 2/17/2010)***Environmental Protection Agency;** National Emission Standards for Hazardous Air Pollutants: Primary Lead Smelting; Proposed Rule*(Federal Register – 2/17/2011)***Pipeline and Hazardous Materials Safety Administration;** Hazardous Materials: Cargo Tank Motor Vehicle Loading and Unloading Operations; PHMSA is proposing to amend the Hazardous Materials Regulations to require each person (i.e., Carrier or facility) who engages in cargo tank loading or unloading operations to perform a risk assessment of the loading and unloading operation and develop and implement safe operating procedures based upon the results of the risk assessment.*(Federal Register – 3/11/2011)***EMAIL BLAST ARCHIVES**

Post Date	Title - Download	Description
3.2.2011	StormwaterRx Announces Use Of Enhanced Media in Aquip Unit is Successful	Enhanced Filtration effluent results from a scrap yard stormwater treatment facility...
3.1.2011	EPA Issues Recycled Used Oil Rule	No Changes for the Asphalt Pavement Industry
2.22.2011	Stormwater Management: An Innovative Look at LID and BMPs	Seminar on April 7, 2011-Harrisburg, PA - Gary Brown will present on: Special Management areas: Brownfields, special protection waters, urban areas, highways, and roads...
1.17.2011	Results Are In - StormwaterRx Units Achieve Effective Metals Removal	With the increased focus on contaminants of concern in stormwater...
1.14.2011	\$1.5 Million Health Monitoring Fund Set Up	NJ's Kiddie Kollege case...
1.11.2011	Stormwater Gets Serious	In a Federal Court case carefully watched by those discharging Stormwater...
12.29.2010	Dimock Settlement	PA DEP recently announced a settlement with Cabot Oil and Gas

PENNSYLVANIA BULLETIN NOTICES

Notices – Renewed National Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Industrial Activities (PAG-03)	<i>December 4, 2010</i>
Notices – Short-Term Construction Mining General Permit; BMR–GP-103 ; Notice of Modifications	<i>December 4, 2010</i>
Notices – Extension of Pennsylvania National Pollutant Discharge Elimination System Stormwater Discharges from Municipal Separate Storm Sewer Systems General Permit (PAG-13)—A six-month extension will be effective on December 10, 2011 and will expire at midnight on June 11, 2012.	<i>December 11, 2010</i>
Notices – Availability of Technical Guidance—DEP ID: 385-2100-002. Title: Policy and Procedure for NPDES Permitting of Discharges of Total Dissolved Solids (TDS)—25 Pa. Code § Description: On December 4, 2010, a notice of availability was published in the Pennsylvania Bulletin for this draft technical guidance. The Department is rescinding that notice of availability.	<i>December 18, 2010</i>
Proposed Rulemaking – Coal Mining Fees	<i>December 25, 2010</i>
Rules and Regulations – Adhesives, Sealants, Primers and Solvents – Emission Standards	<i>December 25, 2010</i>
Notices – Draft NPDES Pesticides General Permit (PAG-15)	<i>December 25, 2010</i>
Notices – Availability of Technical Guidance – Interim Guidance for Performing Single Stationary Source Determinations for the Oil and Gas Industries	<i>December 25, 2010</i>
Notices – Availability of Technical Guidance – 4-Log Treatment of Viruses Demonstration Guidance. This document contains the draft guidance and procedures developed to guide and support staff implementation of the requirements for the ground water rule under the drinking water management programs.	<i>January 8, 2011</i>
Rules and Regulations – Administration of the Land Recycling Program – This final-form rulemaking is being made under the authority of sections 104(a) and 303(a) of the Land Recycling and Environmental Remediation Standards Act (Land Recycling Act) (35 P.S. §§ 6026.104(a) and 6026.303(a)), and section 1920-A of The Administrative Code of 1929 (510-20). Section 104(a) of the Land Recycling Act (71 P.S. § 104(a)) authorizes the Board to adopt SHS, appropriate mathematically valid statistical tests to define compliance with the Land Recycling Act and other regulations that may be needed to implement the provisions of the Land Recycling Act.	<i>January 8, 2011</i>
Rules and Regulations – Dam Safety and Waterway Management	<i>January 8, 2011</i>
Rules and Regulations – Standards for Air Sources	<i>January 8, 2011</i>
Notices—New Guidance – Policy and Procedure for NPDES Permitting of Discharges of Total Dissolved Solids (TDS)—Pennsylvania's Interim Program for Operator Certification	<i>January 31, 2011</i>
Rules and Regulations – Oil and Gas Wells – Regulations governing well construction and water supply replacement	<i>February 5, 2011</i>
Technical Guidance & Permits—The Department of Environmental Protection published notice this week rescinding the policy issued by Gov. Rendell to require further evaluation of the impacts of oil and gas permit applications on State Parks and State Forest land.	<i>February 21, 2011</i>
Technical Guidance & Permits – The Department of Environmental Protection published notice rescinding Interim Guidance for Performing Single Stationary Source Determinations for the Oil and Gas Industries and in a separate notice announced the intent to reopen comment periods in two other oil and gas industry related policies.	<i>February 28, 2011</i>
Notices – Bond Schedule for the Calculation of Bond Amounts on Noncoal Mining Operations	<i>March 5, 2011</i>
Notices – Notice of Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations	<i>March 5, 2011</i>
Rules and Regulations – Corrective Amendment to 25 Pa. Code § A 93.9i—Designated Water Uses and Water Quality Criteria – Corrections	<i>March 12, 2011</i>

Key 2010 Trend - Brownfields Projects are resurging along with PA's Role as a key Energy Producer.



KEY HIGHLIGHTS

FEDERAL UPDATES

- Homes on RAD Sites in FL, pg. 4
- Hudson Cleanup Review, pg. 4
- CSO Treatment Costs, pg. 4
- EPA Ozone Standard Delay, pg. 6
- Tougher DOT Hazmat Rule, pg. 7

NJ UPDATES

- Access to Documents Limited?, pg. 10
- Fertilizer Use Limits, pg. 10
- NJ'S Oldest Rocks, pg. 10

PA UPDATES

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TECHNOLOGY UPDATES

- NYS Mold Report, pg. 8
- Innovations in Site Characterization, pg. 9
- MSW Decline in 2009, pg. 9

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