

# The RT Review

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

• Environmental Engineers & Scientists • Geologists • Remedial Contractors



### THE STIMULUS PLAN – ENVIRONMENTAL FUNDING

The Stimulus Plan is providing money for environmental programs that have been delayed or underfunded.

Key areas being funded include:

- **HAZARDOUS SUBSTANCE SUPERFUND:** \$600 million has been allocated for the Superfund Remedial program.
- **LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM:** \$200 million has been allocated for the Leaking Underground Storage Tank Trust Fund Account.
- **FORMERLY UTILIZED DEFENSE SITES REMEDIAL ACTION PROGRAM:** \$100 million has been allocated.
- **BROWNFIELDS PROJECTS:** \$100 million has been allocated for Brownfields projects to implement section 104(k) of CERCLA.
- **WATERSHED AND FLOOD PREVENTION OPERATIONS:** \$290 million. \$145 million is earmarked to purchase and restore floodplain easements.
- **WATERSHED REHABILITATION PROGRAM:** \$50 million allocated to projects.
- **RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT:** \$1.38 billion for direct loans and grants for the rural water, wastewater, and waste disposal programs.
- **INVESTIGATIONS:** \$25 million for projects or activities for Energy and Water Development.
- **OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES:** \$100 million for the "Lead Hazard Reduction Program"
- **DEFENSE ENVIRONMENTAL CLEANUP:** \$5.127 billion for the Department of Defense Environmental Cleanup program.
- **CLEAN WATER AND DRINKING WATER STATE REVOLVING FUNDS:** \$4.0 billion for the Clean Water State Revolving Funds and \$2.0 billion for the Drinking Water State Revolving Funds.
- **DIESEL EMISSIONS REDUCTION ACT (DERA) GRANTS:** \$300 million for DERA grants.
- **UNITED STATES ARMY CORP OF ENGINEERS:** 4.0 billion for the Army Corps of Engineers.
- **NOAA OPERATIONS, RESEARCH AND FACILITIES:** \$230 million for habitat restoration, research and maintenance projects.

Recently, it was announced that the Roebing Steel Superfund Site in Burlington County, NJ will receive \$25 million in funding in the first category. RT is currently working with redevelopers on this site.

Projects, to use the Stimulus funds, need to be "Shovel Ready" with permits in-hand.

*(Excerpts from Saul Ewing Article – 2/25/09)*

### GREENHOUSE GASES – EPA COULD REGULATE!

The Environmental Protection Agency has decided that carbon dioxide and other greenhouse gases are a significant threat to human health and thus will be listed as pollutants under the Clean Air Act. "This finding confirms that greenhouse gas pollution is a serious problem now and for future generations," EPA Administrator Lisa Jackson said in a statement.

The move could allow the EPA to regulate greenhouse gases, but it's more likely that the Obama administration will use the action to prod Congress to pass regulations around a system to cap and then trade emissions so that they are gradually lowered.

EPA has emphasized that the congressional route was preferred to EPA regulation. "Both President (Barack) Obama and Administrator Jackson have repeatedly indicated their preference for comprehensive legislation to address this issue and create the framework for a clean energy economy," the EPA said in a statement.

The EPA concluded that six greenhouse gases should be considered pollutants under the 1970 Clean Air Act, which is already used to curb emissions that cause acid rain, smog and soot.

Congress is considering imposing an economy-wide cap on greenhouse gas emissions along with giving industry the ability to trade emission allowances to mitigate costs. Legislation could be considered by the House before the August congressional recess.

The chairman of the Senate Environment Committee, Sen. Barbara Boxer, D-Calif., urged the EPA to use the Clean Air Act to start "cutting greenhouse gas emissions right now."

"However," she added, "the best and most flexible way to deal with this serious problem is to enact a market based cap and trade system, which will help us make the transition to clean energy and will bring us innovation and strong economic growth."

Boxer added that she wouldn't hesitate to

use the EPA as leverage. "If Congress does not act to pass legislation, then I will call on EPA to take all steps authorized by law to protect our families," she added.

In their recommendations, EPA scientists said that potential health impacts from warming include:

- longer and more severe heat waves;
- increased smog in some areas;
- dangerous flooding caused by stronger storms;
- and diseases, including malaria and dengue fever, related to flooding and warmer weather.

Jackson said curbing greenhouse gases fits in with Obama's call for "a low carbon economy" as well as lawmakers' actions toward clean energy and climate legislation. "This pollution problem has a solution," she said, "one that will create millions of green jobs and end our country's dependence on foreign oil." Power plants and motor vehicle emissions are expected to be the focus of regulatory efforts.

*(Associated Press, MSNBC.com – 4/17/09)*



### TABLE OF CONTENTS

Staff and Project News	2
Federal Regulatory Updates	5-6
NJ Updates	7
PA Updates	8
Technology Updates	9-11

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**STAFF AND PROJECT NEWS**

Although remediation and cleanup work is down as compared to last year, RT's staff remains busy on environmental consulting and investigative assignments, while environmental due diligence work related to property transactions has been rising through late winter. We have also participated in the last two months in three stimulus financing packages for New Jersey Brownfields sites which are "shovel ready".

Justin Lauterbach and Samantha Linton are busy on a series of retail pharmacy store environmental due diligence and investigation projects in New Jersey and Pennsylvania. Chris Ward is overseeing a large scale bioremediation project at a former service station location, in Cumberland County, New Jersey.

Josh Hagadorn and Gary Brown are working on design of a hazardous waste facility expansion project, in Central Pennsylvania. Josh, Gary and Larry Bily are working on a project involving a Western Pennsylvania expert witness case involving emissions from a power plant.

Walter Hungarter is evaluating technical aspects of an expansion and upgrading of a construction material processing facility in Berks County, Pennsylvania. Dominic Marino and Gary Brown were busy on several mold/indoor air projects, both in Southeastern Pennsylvania. Craig Herr and Adam Messner were busy on preparing large reports on several Philadelphia riverfront sites, to be submitted to the Pennsylvania Department of Environmental Protection, under the Act 2 Land Recycling Program. Tom Donovan, Joe Lang, Larry Bily, and Gary Brown are also working on an expert project involving a coal ash landfill slide failure in Tennessee.

The spring seminar and conference program has also been very busy, with RT focusing on such topics as Stormwater

Management; Justin Lauterbach made a presentation on the basics of Pennsylvania's stormwater NPDES Program at the Pennsylvania Chamber of Business and Industry. Larry Bily and Gary Brown addressed Tri-State Realtors Young Real-Estate Professionals Group on Decommissioning of Buildings, and How to be Prepared to Meet the Challenges of the Economy, and to be ready when the economy picks up again. Joining Larry and Gary were Steve Hann, Esquire of Hamburg, Ruben Mullin, Maxwell, & Lupin, Jon Edelstein, the City of Philadelphia, and Garrett Miller of Hill International.

RT also was platinum sponsor of the Pennsylvania Bar Institute's Environmental Law Forum, and, Gary Brown will be making seminar presentations on stormwater management under federal and state programs at two locations in late spring, and on the use of Porous Asphalt Pavement to the Department of Conservation and Natural Resources in early May.

Each and every member of RT staff is placing strong focus on completing our projects cost effectively, and adding value in achieving sustainability and/or cost savings, to help our clients prosper in their business. We are doing our best to help keep our clients informed as to how to preserve property value, as vacancy rises in retail and office space. As refinancing of properties is now on the uptick, we are also offering packages of expanded Phase I Environmental Site Assessment services, which focus on value added tasks involving energy management and cost effective mothballing, to ensure long-term property value added protection.

As always, we appreciate the opportunity to be of service and look forward to better times ahead.

-Gary Brown

**RT COMES TO SOUTHWEST PA REGION!**

**Gary Brown, President of RT Environmental Services,** has announced the opening of RT's Western PA Regional Office. The office will be headed by **Mr. Justin Lauterbach a Pittsburgh area native.** Joining RT as the key sales/marketing person for the office is **Ms. Lisa Mascara,** who has environmental waste industry experience, including management of material from major industries including steel companies.

Our office is located in the growing area of Washington, PA, a Pittsburgh suburb.

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Although many companies are not expanding due the current economic conditions, RT's 2009 Business Plan called for this new office, to serve our many clients in the greater Pittsburgh region. Unlike other parts of the United States, Pittsburgh's economy is doing better than average, and RT believes that our careful attention to service and overall project performance will support our geographic expansion.

Mr. Lauterbach, who has been with RT for over six years, will serve as Regional Manager.

Mr. Lauterbach has in-depth experience in:

- Environmental Site Assessments (ESA)
- Phase II Site Investigations
- Management of Stormwater Plans
- Multi-discipline Permitting
- Brownfields Site Remediation/Act 2 Sites
- Building Services Management - Including Asbestos, Lead Paint, Mold, and Building Mothballing.

In addition to the above, RT is focusing on **infrastructure services,** to help assure that stimulus funding helps facilitate "shovel ready" work, in southwest Pennsylvania. Mr. Lauterbach has already been working with the **Pennsylvania Utility Contractors Association (PUCA),** and has attended a Governor's Office meeting and meeting with senior **PADEP Officials,** to implement a plan to help assure that permits are in-place so that projects move quickly, and, construction firms can have a more prosperous 2009, than would otherwise be possible. Mr. Lauterbach is also a Member of the **Institute for Professional Environmental Practice,** a Pittsburgh organization, which certifies environmental practice professionals, throughout the United States.

RT looks forward to being of service to our current and future southwest Pennsylvania clients.



## GREEN JOBS – STIMULUS WILL HELP CREATE THEM

The \$787 billion stimulus bill signed by President Obama on Feb. 17 provides \$22.5 billion for green investments, including \$5 billion to help people weatherize their homes and \$500 million for federal green-job-training program.

The Energy Coordinating Agency, a Philadelphia nonprofit group, will get about \$900,000, from the James L. Knight Foundation to turn the second floor of a former textile factory in Kensington into a school to teach skills for green jobs.

The agency now provides training and is one of two groups handling government-funded weatherization projects in Philadelphia.

“We can show how we can take this place that was a city of smokestacks and show it as a city fueled by jobs in the green economy,” said Matt Bergheiser, a program officer for the Knight Foundation.

Fueling the green economy, at least so far, is state and federal money, along with demand from utilities. “Obviously, the stimulus bill is to stimulate the economy, and a big piece of that is the job creation,” said Tom Tuffey, director of the PennFuture Center for Energy, Enterprise, and the Environment in Philadelphia, a group that helps raise capital for businesses investing in energy.

“But jobs don’t get created out of nothing. Companies create jobs,” he said. But first, “you have to create a market for goods and services.”

Tuffey said that in Pennsylvania, the state is creating that market through legislation requiring utilities to use alternative sources for energy and to reduce demand.

(By Jane M. Von Bergen, Philadelphia Inquirer – 2/26/09)

### WHAT ARE GREEN JOBS?

In June 2008, a report entitled Job Opportunities for the Green Economy was released. This report includes employment and wage data in 12 states for jobs related to the following green sectors – building retrofitting, mass transit, fuel-efficient automobiles, wind power, solar power, and cellulosic biomass fuels. The specific jobs examine in each sector are:

**Building Retrofitting** – Electricians, Heating/Air Conditioning Installers, Carpenters, Construction Equipment Operators, Roofers, Insulation Workers, Carpenter Helpers, Industrial Truck Drivers, Construction Managers, Building Inspectors.

**Mass Transit** – Civil Engineers, Rail Track Layers, Electricians, Welders, Metal Fabricators, Engine Assemblers, Production Helpers, Bus Drivers, First-Line Transportation Supervisors, Dispatchers,

**Energy-Efficient Automobiles** – Computer Software Engineers, Electrical Engineers, Engineering Technicians, Welders, Transportation Equipment Painters, Metal Fabricators, Computer-Controlled Machine Operators, Engine Assemblers, Production Helpers, Operations Managers.

**Wind Power** – Environmental Engineers, Iron and Steel Workers, Millwrights, Sheet Metal Workers, Machinists, Electrical Equipment Assemblers, Construction Equipment Operators, Industrial Truck Drivers, Industrial Production Managers, First-Line Production Supervisors.

**Solar Power** – Electrical Engineers, Electricians, Industrial Machinery Mechanics, Welders, Metal Fabricators, Electrical Equipment Assemblers, Construction Equipment Operators, Installation Helpers, Laborers, Construction Managers.

**Cellulosic Biofuels** – Chemical Engineers, Chemists, Chemical Equipment Operators, Chemical Technicians, Mixing and Blending Machine Operators, Agricultural Workers, Industrial Truck Drivers, Farm Product Purchasers, Agricultural and Forestry Supervisors, Agricultural Inspectors.

The report was authored by Robert Pollin and Jeanette Wicks-Lim of the Department of Economics and Political Economy Research Institute (PERI) of the University of Massachusetts-Amherst and commissioned by Natural Resources Defense Council (NRDC). It was released in cooperation with the Green Jobs for America Campaign, a partnership of the Sierra Club, Blue Green Alliance, United.

## ENVIRONMENTAL INSURANCE – THE CURRENT MARKET; WHEN CAN IT HELP?

By Matt Winters, CRM, Sr. Vice-President – HUB International Northeast  
Gary R. Brown, P.E. – RT Environmental Services, Inc.

What is the current state of the environmental insurance marketplace? Recently you have had to be quite “quick on your feet” in order to keep up with some of the changes and negative publicity a few environmental insurance companies have received and continue to receive.

A number of carriers have positioned themselves to take full advantage of the opportunities presented by the recent developments at AIG among others. The financial strength of an insurance company is playing an even more pivotal role as insureds renew existing policies and/or consider purchasing new policies, in particular, multi-year programs. These developments will eventually prove beneficial to the insureds as new companies enter the environmental arena, new products are developed and consequently, competition increases.

Environmental insurance trends have left some insureds contemplating the sale or purchase of environmentally impaired sites confused. The difficulties on the North Jersey EnCap project have left more questions than answers. It has been reported that AIG is denying coverage for this very expensive landfill closure/cleanup project. An originally contemplated redevelopment project has failed.

The application of environmental impairment liability (EIL) insurance will continue to play a key role in addressing the uncertainty faced by a number of entities including:

- √ Real estate owners, developers and managers;
- √ REITs;
- √ Industrial, commercial and retail operations;
- √ Chemical facilities (manufacturers; blenders and distributors);
- √ Public entities (redevelopment authorities; municipal wastewater treatment

facilities)

- √ Financial institutions
- √ Environmental facilities
- √ Environmental engineering and consulting firms

These policies continue to afford coverage for bodily injury and property damage, remediation expense and legal defense costs under one policy for sudden and gradual pollution conditions at or from covered locations. These policies are tailored for the insured and can address pre-existing known / unknown pollution conditions as well as new conditions.

EIL insurance can be available for use in several situations and multiple quotes for coverage can be obtained from several major carriers. For example, insurance plays a significant role in eliminating or reducing the uncertainty that exists for all parties involved in a Brownfield site, thus further facilitating the transaction and ongoing cleanup activities and redevelopment.

For example, the following risks can be addressed by way of insurance:

- √ The discovery of additional contamination during redevelopment or the aggravation of existing contamination by a consultant or contractor;
- √ The discovery of residual contamination due to improper or inadequate cleanup efforts;
- √ The discovery of previously unknown, on-site contamination, or the discovery of contamination on adjacent properties;
- √ The initiation of third-party bodily injury and/or property claims;
- √ The spread of existing contamination during remediation; and
- √ The control of cleanup costs.

*Continued on page 4)*



**ENVIRONMENTAL INSURANCE – THE CURRENT MARKET; WHEN CAN IT HELP? (Continued from page 3)**

It had been the case for a number of years that remediation stop-loss coverage was available for cleanups at service station sites and dry cleaner sites with multi-hundred thousand dollar cleanup costs. However, such is no longer the case. Loss experience has caused insurance carriers to only offer coverage where cleanup costs are more than a million dollars or so.

EIL insurance, however, continues to bring valuable to real estate transactions. First, where a property seller will no longer be in existence, some purchasers like the security of environmental insurance to cover “unknowns”. Second, there are all to frequently long gaps between the time of purchase of an impacted property and receipt of No Further Action (NFA) Letter (or equivalent). In some instances, Remediation/Cleanup Plans may take many years to implement. Multi-year insurance policies in this situation can provide a sense of security to cover the time gap between the purchase date and NFA letter issuance in the event more remediation/cleanup work has to be undertaken than was contemplated before the transaction.

How do EIL policies respond when a claim is filed (a popular question)? Consider this example: A limited partnership claimed bodily injury and diminution in property value as a result of contamination from a nearby landfill, migrating off-site and contaminating their soil and groundwater. The partnership initially claimed damages in excess of \$40,000,000. The environmental insurance company retained defense counsel to defend the

insured’s interests. In addition, the insurance company’s claim’s unit worked with defense counsel to retain experts in the areas of hydrogeology and causation. The claim’s unit managed the litigation and worked with defense counsel to strategize regarding discovery. The claim eventually was resolved for less than \$2,000,000. The environmental impairment liability policy responded to the costs of the defense counsel, experts and the settlement in excess of the self-insured retention.

Should you find yourself contemplating the procurement of an environmental policy, keep the following factors in mind as you consider an environmental insurance company:

- ✓ Financial Security = Strength
- ✓ Value-added engineering and claims management services / network
- ✓ Experienced, creative and flexible underwriting staff and engineers who can offer customized solutions

It is also extremely important to surround yourself with a team of experienced environmental experts who can help you wade through the intricacies of these types of risk management programs. Experience and responsiveness is paramount whether it’s your environmental insurance broker, consultant, legal counsel, etc. It requires a team-approach especially during these difficult economic times.



**CONSTRUCTION JUNCTION—Leading the way in Pittsburgh!**

Pittsburgh is home to 17 certified "green" buildings -- third most in the nation behind Seattle and Portland, Ore. Green buildings are certified by standards of the U.S. Green Building Council, which rates buildings by energy efficiency, design for maximum use of natural

light and air, and the materials used. One company, Construction Junction, (“CJ”) in North Point Breeze has been pivotal in Pittsburgh climb up the “green ladder”.

Construction Junction has been part Pittsburgh for 10 years and reported in 2008, over one million in sales and a staff of 18 people. “This is about more than reusing things people throw away” said Mike Gable, facility director, “this is an economic strategy. The more material we intercept, the more material we put in the marketplace, the more people we employ.”

Starting with a grant from the Heinz Endowment, CJ had a simple mission of keeping building materials out of the landfills. Construction and demolition materials make up nearly 18% of waste that goes into landfills which translates roughly to over 25 million tons annually. CJ can boast reducing that number by more than 720 tons a year.

By encouraging donation of unwanted building material and the reuse of those materials, CJ helps to delay or eliminate those items going into landfills. In addition, the practice also has the second added benefit of reducing the energy, pollution and use of natural resources associated with manufacturing new products. Better yet, many Pittsburgh’s “architectural treasure” building components are saved!

CJ has a deconstruction crew that hits the Pittsburgh streets five days per week that deconstruct homes and commercial facilities. CJ accepts donations, and even offers the service of a 20’ box truck that will provide pick up. If you are dropping off donations or making purchases, the team at CJ will help you load or unload the material. Scrap lumber, bricks, windows, doors, etc., can be donated and the owner receives a tax write off. With an alternative of disposing in a landfill at \$30.00 /ton, it is a “win-win” situation with the owner, CJ, and the environment.

And they didn’t stop there . . . CJ has integrated programs with tenants who also have a green mission. Some of those programs are as follows:

“Free Ride” utilizes volunteer mechanics to teach people how to repair or build their own bikes. Doing so provides people with an alternative to driving cars, further creating a “Greener Pittsburgh”. Instead of customers paying for lessons, they are asked to volunteer within the program. The bikes are also donated to less developed countries.

The Pillow Project is an urban dance company located on the second floor of the building.

The City of Pittsburgh offers a drop-off-recycling center located at the entrance of CJ.

ELoop is program and electronic recycler, assures that materials are not exported or placed in a landfill by operating a complete recycling system that turns end of life electronics back into commodity grade materials like metal, glass and plastic.

Reclamere offers computer recycling for commercial businesses and provides data destruction.

Anyone shopping for difficult to find items, bargains, or someone with a personal mission to the environment will find CJ an exciting place. It has everything related to building one might need. Beautiful solid wood doors, light fixtures, architectural antiquities, cabinetry of every kind, old pillars, shutters, windows of all shapes and sizes, sinks, doorknobs, metal ceiling panels, and an endless supply of hardware, are just some of the materials available. You can even find a couple of church pulpits.

*RT is excited to be in the Pittsburgh market and we are recommending that our clients consider Construction Junction on their future projects. We also want to extend congratulations to Mike Gable, on his recent award with the Green Building Alliance. At the 2009 Shades of Green Leadership Awards, Construction Junction was selected as the recipient of the award in the non-profit category. The award recognizes people in Western Pennsylvania who have contributed to the region’s environmental transformation.*

*RT congratulates Howard Wein, Esq., who was a founder of Construction Junction. We look forward to sponsoring the popular fall fundraiser this year to be held on Saturday September 12, 2009. Go to [www.constructionjunction.com](http://www.constructionjunction.com) for more information.*

-By Lisa Mascara – RT Environmental Services, Inc. 4/2009



A view from inside the massive warehouse.

## FEDERAL REGULATORY UPDATES

### EFFECTIVE DATE OF NEW SPCC REGULATIONS DELAYED

EPA is again delaying the effective date of the final rule that amends the Spill Prevention, Control, and Countermeasure (SPCC) regulations promulgated in the Federal Register on December 5, 2008, in accordance with the memorandum from the Office of Management and Budget entitled, "Implementation of Memorandum Concerning Regulatory Review," (M-09-08, January 21, 2009). The amendments will now become effective on January 14, 2010.

Additionally, EPA is requesting public comment on whether a further delay of the effective date may be warranted.

The December 5, 2008, amendments to the SPCC rule clarified regulatory requirements, tailored requirements to particular industry sectors, and streamlined certain requirements for facility owners or operators subject to the rule. With these changes, EPA expects to encourage greater compliance with the SPCC regulations, thus resulting in increased protection of human health and environment.

***RT strongly recommends that all affected companies have their SPCC Plans updated before July, showing compliance milestones for all items in the new regulations not currently in-place. Previous SPCC provisions not modified in the 2008 rulemaking are final by July 2009.***

*(Environmental Tip of the Week – 4/7/09)*

### EPA TO LIMIT EMISSIONS FROM OCEANGOING VESSELS

Diesel engines on oceangoing vessels such as container ships, tankers, bulk carriers, and cruise ships are significant contributors to air pollution in many of our nation's cities and ports. Their emissions are expected to increase even more in the future, as U.S. trade with other countries increases.

The United States has taken a critical step toward protecting Americans from harmful ship emissions by becoming the first country to ask the International Maritime Organization (IMO) to create an emissions control area (ECA) around the nation's coastline.

According to the EPA's data, the creation of an ECA would save up to 8,300 American and Canadian lives every year by 2020 by imposing stricter standards on oil tankers and other large ships that spew harmful emissions into the air near coastal communities where tens of millions of Americans live, work, play, and learn. The United States is proposing a 230-mile buffer zone around the nation's coastline in order to provide air quality benefits as far inland as Kansas.

Under this program, large ships such as oil tankers and cargo ships that operate in ECAs will face stricter emissions standards designed to reduce the threat they pose to human health and the environment. These standards will cut sulfur in fuel by 98%, particulate matter

emissions by 85%, and nitrogen oxide emissions by 80% from the current global requirements. To achieve these reductions, ships must use fuel with no more than 1,000 parts per million sulfur beginning in 2015, and new ships must use advanced emission control technologies beginning in 2016.

Air pollution from ships is expected to grow rapidly as controls on other mobile sources take effect and port traffic increases. Oceangoing vessels, which are primarily foreign-owned and operated, dock at more than 100 U.S. ports, more than 40 of which are in metropolitan areas that fail to meet federal air quality standards.

EPA led the U.S. effort to develop the proposal in coordination with federal partners such as the Coast Guard, the State Department, and the National Oceanic and Atmospheric Administration (NOAA). Canada joined the U.S. as a co-proposer on the ECA proposal, advancing a strategy for a coordinated geographic emissions control program.

The proposal, submitted to the IMO on Friday, March 27, is one part of a comprehensive EPA program to address harmful emissions from ocean going vessels under the National Clean Diesel Campaign and the Clean Ports Program. Other elements include adoption of a Clean Air Act rulemaking process, which EPA plans to finalize this year.

The IMO, a United Nations agency, will begin reviewing the proposal in July. Approval of the proposal could occur as soon as next year. See the electronic Code of Federal Regulations for the full text of current regulations that apply to marine compression-ignition engines.

*(Environmental Tip of the Week – 4/7/09)*

### IMPLEMENTATION OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARDS FOR NITROGEN DIOXIDE

EPA is preparing to publish a notice of proposed rulemaking intended to provide information concerning what actions should be taken to address the implementation of the primary National Ambient Air Quality Standards (NAAQS) for Nitrogen Dioxide (NO<sub>2</sub>). The rulemaking will address implementation guidance concerning the various elements that must be addressed in State Implementation Plans (SIPs) that States must submit in order to meet the Clean Air Act (CAA) requirements related to the NO<sub>2</sub> NAAQS. These elements include an attainment demonstration, Reasonable Further Progress (RFP), Reasonably Available Control Measures (RACM), and Reasonably Available Control Technology (RACT), Contingency Measures, New Source Review (NSR), Prevention of Significant Deterioration (PSD), as well as information on attainment dates, SIP submittal dates, and other CAA requirements.

*(Environmental Tip of the Week – 4/7/09)*

### FEDERAL REGULATORY UPDATES

- Oceangoing Vessel Emissions, pg. 5
- NAAQS For NO<sub>2</sub>, pg.
- Greenhouse Gas Reporting, pg. 5
- Stationary Engines Emissions, pg. 5
- SBA Due Diligence Update, pg. 12

### EPA PROPOSES REDUCING AIR TOXICS FROM STATIONARY DIESEL AND GAS-FIRED ENGINES

For the first time, EPA is proposing to set emission limits for formaldehyde, benzene, acrolein, and other air toxics from certain stationary diesel and gas-fired engines. In 2008, over one million of these engines generated electricity, powered equipment, and operated during emergencies at industrial, agricultural, and other facilities. The proposed limits would apply to engines located at smaller sources of air toxics with the official notice of this proposal expected to be published in the Federal Register soon. A period for public comment period will open for 60 days upon publication in the Federal Register.

For major sources of air toxics, this rule would only apply to engines that are:

- Smaller than or equal to 500 horsepower that were constructed or reconstructed before June 12, 2006, or
- Larger than or equal to 500 horsepower that were constructed or reconstructed before December 19, 2002.

To meet the proposed emissions requirements, owners and operators of these engines would need to install "after treatment" controls, such as filters or catalysts, to engine exhaust systems.

*(Environmental Tip of the Week – 3/2/09)*

### EPA PROPOSES NATIONAL REPORTING ON GREENHOUSE GAS EMISSIONS

EPA has proposed the first comprehensive national system for reporting emissions of carbon dioxide and other greenhouse gases produced by major sources in the United States. The notice of the proposed rule will be published in the Federal Register soon.

"Our efforts to confront climate change must be guided by the best possible information," said EPA Administrator Lisa P. Jackson. "Through this new reporting, we will have comprehensive and accurate data about the production of greenhouse gases. This is a critical step toward helping us better protect our health and environment—all without placing an onerous burden on our nation's small businesses."

Greenhouse gases, like carbon dioxide, are produced by the burning of fossil fuels and through industrial and biological processes. Approximately 13,000 facilities, accounting for about 85% to 90% of greenhouse gases emitted in the United States, would be covered under the proposal. The direct emission

## FEDERAL REGULATORY UPDATES (Continued)

sources covered under the reporting requirement would include energy intensive sectors such as cement production, iron and steel production, and electricity generation, among others.

The new reporting requirements would apply to suppliers of fossil fuel and industrial chemicals, manufacturers of motor vehicles and engines, as well as large direct emitters of greenhouse gases with emissions equal to or greater than a threshold of 25,000 metric tons per year. This threshold is roughly equivalent to the annual greenhouse gas emissions from just over 4,500 passenger vehicles. The vast majority of small businesses would not be required to report their emissions because their emissions fall well below the threshold. In developing the reporting requirements, EPA considered the substantial amount of work already completed and underway in many states, regions, and voluntary programs. The first annual report would be submitted to EPA in 2011 for the calendar year 2010, except for vehicle and engine manufacturers, which would begin reporting for model year 2011.

EPA estimates that the expected cost to comply with the reporting requirements to the private sector would be \$160 million for the first year. In subsequent years, the annualized costs for the private sector would be \$127 million.

*(Environmental Tip of the Week – 3/16/2009)*

### DEVELOPING NEW COAL COMBUSTION RESIDUALS REGULATIONS

On March 9, 2009, EPA issued Information Request Letters to electric utilities that have surface impoundments or similar units that contain coal combustion residuals. The letters

request information to assist EPA in evaluating the structural integrity of these management units. EPA, working closely with other federal agencies and the states, will review the information provided by the facilities to identify impoundments or similar units that need priority attention. As part of this assessment effort, EPA will also be visiting many of these facilities to see first hand that the management units are structurally sound. EPA will require appropriate remedial action at any facility that is found to pose a risk for potential failure.

The December 2008 release of coal ash from TVA's Kingston, Tennessee facility flooded more than 300 acres of land, damaging homes and property. Coal ash from the release flowed into the Emory and Clinch Rivers, filling large areas of the rivers and resulting in fish kills. EPA is also developing regulations to address the management of coal combustion residuals. EPA anticipates having a proposed rule ready for public comment by the end of 2009.

*(Environmental Tip of the Week – 3/16/2009)*

### EPA ISSUES FINAL RULE TO INCLUDE FUGITIVE EMISSIONS IN THE PREVENTION OF SIGNIFICANT DETERIORATION AND NONATTAINMENT NEW SOURCE REVIEW FOR SOURCES IN ALL INDUSTRY GROUPS

EPA has finalized revisions to the December 31, 2002, New Source Review (NSR) Improvement rules to change the requirements of the major NSR programs regarding the treatment of fugitive emissions. This final rule was published in the December 19 Federal Register and has an effective date of Jan. 20, 2009.

The final rule requires fugitive emissions be included in determining whether a physical or operational change results in a major modification only for sources in the source categories that have been designated through rulemaking pursuant to Section 302(j) of the Clean Air Act. Also, this action expands on guiding principles for determining fugitive emissions for purposes of NSR and Title V permitting related to the prevention of significant deterioration (PSD) principle.

Entities potentially affected by this action include sources in all industry groups. The majority of sources potentially affected are expected to be in the following groups:

Electric Services, Petroleum Refining, Industrial Inorganic Chemicals, Industrial Organic Chemicals, Miscellaneous Chemical Products, Natural Gas Liquids, Natural Gas Transport, Pulp and Paper Mills, Paper Mills, Automobile Manufacturing, Pharmaceuticals, Mining, and Agriculture, Fishing and Hunting.

See the December 19, 2008 Federal Register for more information.

*(Environmental Tip of the Week, 1/5/09)*

### POROUS PAVEMENT—

Gary Brown presenting at  
Pittsburgh American Public  
Works Association  
Seminar  
JUNE 4

[www.westernpenn.apwa.net](http://www.westernpenn.apwa.net)

## CLEAN WATER ACT RULING: COST MAY BE FACTORED IN TO ENVIRONMENTAL DECISIONS

The U.S. Supreme Court issued a ruling in April that industry praised but that environmental advocates said may lead to the continued "slaughter" of fish in the Delaware River, who die when sucked into cooling water intakes. The court ruled that the government may factor in cost – not solely benefit – when deciding whether power plants should install new technologies to protect fish.

A spokesman for PSEG, the New Jersey company that owns the Salem nuclear power plant, the major water user in the estuary, lauded the court's action, saying it supported "rational environmental decision-making that has been used in the states, such as New Jersey, for years." The case originally involved the Indian Point nuclear plant in New York.

Environmentalists had urged justices to uphold an appeals ruling that found the Clean Water Act does not allow cost to be used when deciding what technology would best minimize environmental impacts. It could have

required an estimated 554 power plants nationwide to install technology that relies on recycled water – such as cooling towers – to cool machinery. That would reduce water intake, which would result in fewer fish being killed as they get sucked into the system. All new power plants must use closed-cycle cooling, but many older ones do not. The Environmental Protection Agency estimates water intakes at power plants kill 3.4 billion fish a year.

Historically, Widener Professor Jim May said, the court has ruled that agencies do not have the authority to conduct cost-benefit analyses unless Congress expressly provides that authority.

The court upheld a Bush administration interpretation and "found that congressional silence amounts to congressional authorization to conduct a cost-benefit analysis," he said.

May said the decision kicked the ball back to the Obama administration, which among

other things could pass more specific rules. Elaine Makatura, a New Jersey Department of Environmental Protection spokeswoman, said lawyers were reviewing the ruling. Pennsylvania DEP spokeswoman Teresa Candori said officials were "very surprised by the decision" and were analyzing the potential effects.

*(By Sandy Bauers, Philadelphia Inquirer – 4/2/09)*

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## NJ REGULATORY UPDATES

### AMERICAN RECOVERY AND REINVESTMENT ACT WILL IMPROVE NEW JERSEY'S INFRASTRUCTURE

After months of planning, it's time to get to work.

The American Recovery and Reinvestment Act, which was signed into law by President Obama will send more than \$1 billion to New Jersey to pay for much-needed improvements to our aging transportation infrastructure.

New Jersey's share includes \$652 million for highways and bridges and approximately \$425 million for transit. The highway and bridge portion includes \$19.5 million for pedestrian and bicycling improvements, streetscapes and other transportation enhancement projects. That total also includes approximately \$162 million for county and local transportation priorities.

The investment is intended to create jobs and stimulate our ailing economy, and its timing is crucial. If these funds simply sit in a bank account somewhere, they will not mitigate the impact of the recession. We need to get the funds flowing into the economy quickly.

We are prepared to do expedite the investment of stimulus funds. The measure signed by the President requires us to obligate 50 percent of our funds within 120 days and to obligate the balance within a year. We can move even faster: New Jersey will obligate all of our funds within the next 120 days. In addition, we anticipate that upon obligation of the funds, we can complete most of the projects within one year.

The New Jersey Department of Transportation's (NJDOT) share the highway and bridge money is approximately \$488.5 million, including the transportation enhancement funds. The balance, approximately \$162 million, will be split among New Jersey's three regional Metropolitan Planning Organizations and will be spent on county and municipal projects.

Over the past few months, NJDOT engineers identified more than \$1.2 billion in infrastructure and design projects that were ready to go but lacked funding. The stimulus funds can advance these projects and provide a good down payment toward improving our aging bridges and pavement while creating good-paying jobs.

The federal funds will add to our the record level of transportation spending now underway under the state economic stimulus plan that Governor Corzine announced last year.

As the economy has soured, many states have cut back on their transportation capital programs. New Jersey has not done so. Collectively, NJ TRANSIT, NJDOT, the New Jersey Turnpike Authority, and the South Jersey Transportation Authority plan to spend \$2.8 billion through December 2009. The federal stimulus funding for NJDOT and NJ TRANSIT will provide an additional \$1 billion for transportation infrastructure.

*(NJ Department of Transportation – 2/27)*

### RAIN GARDENS GAINING INCREASED ATTENTION IN NEW JERSEY

The Rutgers New Jersey Agriculture

Experiment Station has put out an excellent introduction to Rain Gardens. Rain gardens in landscaped areas provide excellent environmental benefits, by allowing water to penetrate in the ground instead of running off, and filtering out pollutants, nutrients and pesticides, which are broken down by microorganisms.

Rain gardens allow 30% more water to soak into the ground, than would otherwise be the case. Because rain gardens are landscaped they add beauty to a lawn, and create a habitat for birds, butterflies and beneficial insects. It is best to start construction of rain gardens in the spring. Rain gardens located near downspouts intercept roof runoff, and practical suggestions can be found in the Rutgers fact sheet, on how to construct a rain garden.

In New Jersey, 90% of rainfall events are less than 1/4", so rain gardens can treat and recharge up 40" of rainfall per year.

For more information, please visit the Rutgers Water Resources Program Rain Garden Web Page at

[www.water.rutgers.edu/Rain\\_Garden/RGWebsite/raingardens.html](http://www.water.rutgers.edu/Rain_Garden/RGWebsite/raingardens.html). This article is excerpted from "Rain Gardens, Rutgers Cooperative Extension Fact Sheet #513, February, 2006."

[http://water.rutgers.edu/Rain\\_Gardens/fs513.pdf](http://water.rutgers.edu/Rain_Gardens/fs513.pdf).

*(New Jersey Flows, Fall, 2008)*

### NJDEP IS UPDATING AND RENEWING ITS NJPDES HOT MIX ASPHALT STORMWATER PERMIT

DEP is renewing and updating its hot mix asphalt plant stormwater general permit. As part of an update/renewal of, the Department is proposing to modify certain conditions of the permit.

A highlight of the changes include:

- No longer authorizing the discharge of process wastewater including air compressor condensate;
- Monitoring for the parameter Oil and Grease will be replaced with the more appropriate parameter Total Petroleum Hydrocarbons;
- If the benchmark for Total Suspended Solids of 100 mg/L (monthly average) is exceeded twice in four consecutive quarters by more than 40% it will automatically become an effluent limitation for surface water discharges; modify monitoring for Total Dissolved Solids and Chemical Oxygen Demand to "report only" for surface water discharges; eliminate monitoring for Zinc and Copper for surface and groundwater discharges;
- Eliminate monitoring for Total Suspended Solids, Total Dissolved Solids and surfactants for groundwater discharges;
- Change monitoring report forms from WCRs to DMRs;
- Eliminating the reporting of storm event data for surface water discharges;
- Modify definition of storm event and eliminate definition of asphalt millings;
- Modify the design storm for discharges to groundwater from a 10 year – 24 hour storm to a 2 year – 24 hour storm; and
- Eliminating the requirement to submit a renewal report.

### NJ REGULATORY UPDATES

- Rain Gardens, pg. 7
- Hot Mix Plant Stormwater Permit, pg. 7
- IAQ Certifications, pg. 7
- Atlantic County - Ecological Find, pg. 12

In addition the Department proposes significant formatting changes to further develop, simplify and refine certain aspects of the general permit.

For more information, go to :  
<http://www.state.nj.us/dep/dwq/hot.htm>.

*(State of New Jersey, Department of Environmental Protection, Public Notice 3/25/09)*

### NJ'S DEPARTMENT OF HEALTH AND SENIOR SERVICES PROPOSES NEW RULES TO ESTABLISH STANDARDS FOR INDOOR ENVIRONMENT CERTIFICATION AND FOR LICENSURE OF INDOOR ENVIRONMENTAL CONSULTANTS

The Consumer and Environmental Health Services in the Division of Epidemiology, Environmental and Occupational Health of the Department of Health and Senior Services (Department) has proposed new rules at N.J.A.C. 8:50, Standards for Indoor Environment Certification and for Licensure of Indoor Environmental Consultants. The proposed new rules appeared in the November 3, 2008, issue of the New Jersey Register.

The proposed new rules at N.J.A.C. 8:50 would implement P.L. 2007, c.1, approved January 11, 2007, "An Act concerning contaminated property, supplementing Title 52 of the Revised Statutes, and amending and supplementing P.L. 1983, c.330" (Act). The Act requires the Department to adopt safety and health standards for the interior of buildings to be used as child care centers or educational facilities as defined by the Act. The proposed new rules would fulfill this requirement.

Subchapter 1 would establish General Provisions. Subchapter 2 would establish standards, procedures, and application fees for Department licensure of indoor environmental consultants, that is, business entities that would conduct indoor environmental health assessments of existing and proposed child care centers and/or educational facilities. Subchapter 3 would establish standards for evaluation and assessment of buildings and leased spaces for use as child care centers and/or educational facilities. Subchapter 4 would establish procedures for determination of maximum contaminant levels and issuance of certification of safe building interior. Subchapter 5 would establish standards for compliance and enforcement.

*(State of New Jersey Department of Health and Senior Services, News Release 11/3/08)*

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## PA UPDATES

### FEDS RELEASE \$1B IN INFRASTRUCTURE FUNDS FOR PENNSYLVANIA

President Obama and U. S. Transportation Secretary Ray LaHood announced the release of \$27 billion in federal stimulus funds for infrastructure investments by states, including just over \$1 billion for Pennsylvania.

Pennsylvania's take includes a distribution of \$30 million for mandatory transportation enhancements, \$181 million for urban areas (population over 200,000), \$102.5 million for suburban areas (population under 200,000), \$24.2 million for rural areas (population under 5,000) and \$687 million for use in any area.

States must allocate the funding to specific projects in 120 days or will lose the funding. The money is being provided for critical repairs to bridges and roads under the \$787 billion American Recovery and Reinvestment Act stimulus package Obama signed into law two weeks ago.

The mandatory transportation enhancement will include projects such as sidewalk repairs, bicycle paths and beautification projects that don't involve vehicle or mass transit-related items.

*(Pittsburgh Business Times – 3/3/09)*

### EPA REGION 3 GUIDE TO GREEN INFRASTRUCTURE FUNDING UNDER THE FEDERAL STIMULUS ACT

The U.S. Environmental Protection Agency (EPA) has provided guidance on what it considers "green infrastructure" projects set aside under the 20 percent of the water facility funding it will provide to states under the American Recovery and Reinvestment Act.

According to the Department of Environmental Protection (DEP), Pennsylvania will receive a total of \$219 million in water infrastructure funding, \$43.8 million would be set aside for green infrastructure investments.

The formal language included in the stimulus package under the Clean Water Revolving Fund section says: "not less than 20 percent of the funds appropriated herein for the Revolving Funds shall be for projects to address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities.

EPA Region III in Philadelphia has circulated guidance on what it considers green infrastructure, which includes a wide array of practices to manage wet weather to maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater.

These practices, EPA guidance says, includes restoration of natural landscape features, such as forests, floodplains and

wetlands, bioretention, green roofs, porous pavements and cisterns.

In addition, EPA says, green infrastructure technologies can simultaneously provide other benefits like helping to filter air pollutants, reducing energy demands, mitigating urban heat island and sequestering carbon.

There has been no decisions on whether the PA Infrastructure Investment Authority, which is charged with administering the water infrastructure money received by the state, will open a special green infrastructure project solicitation, even though the green infrastructure provisions are now more common knowledge.

PennVEST worked with municipalities and other applicants to submit other water infrastructure project applications ahead of its February 17 deadline for applications and waived the normal requirement that DEP permits be in-hand when the application is submitted to speed the process in anticipation of the federal stimulus funding.

PennVEST plans to award the bulk of the federal stimulus funding for projects at its April 20 meeting, assuming the applications it has in-hand now meet the federal criteria.

*(PA Environment Digest's – 2/27/09)*

### BUDGET HEARINGS: DEP HOPES TO ELIMINATE PERMIT BACKLOGS IN TWO YEARS

Acting DEP Secretary John Hanger told the House and Senate Appropriations Committees in late February he hopes to eliminate permit backlogs in the agency by the end of his tenure (over the next two years) as the agency copes with its budget constraints.

Acting Secretary Hanger's written testimony is available online.

Here's a quick bullet summary of issues covered in the Senate and House Appropriations Committee hearings—

**--Permit Backlogs:** In response to questions about significant permit backlogs in the agency, Acting Secretary Hanger said he has directed staff to take steps over the next two years to eliminate the backlog. They were also proposing changes to erosion and sedimentation and stormwater management permits that should speed processing, although the proposals so far are opposed by environmental groups as a rollback of federal Clean Water Act requirements.

**--Federal Stimulus:** DEP is set to receive about \$340 million in federal economic stimulus funding: \$130 million for energy conservation, efficiency and alternative energy projects, \$219 million for drinking water/wastewater system funding (administered by PennVEST), \$6 million for cleaning up abandoned underground storage tanks and

#### PA UPDATES

- Permit Backlogs, pg. 8
- Green Infrastructure Funding, pg. 8
- Clean Air Interstate Rule, pg. 9

\$1.8 million for conversion to cleaner diesel engines. DEP has already prepared a list of some 500 energy and water infrastructure for funding, in particular those applications it already has that were worthy but not funded before. (See separate articles on a Guide To PA Stimulus Funding and EPA's Guidance on Green Infrastructure Projects.)

**--Recycling:** DEP has advised legislators of the urgent need to reauthorize the \$2/ton recycling fee to support the program which is being hurt by a reduction of waste imports and a \$15 million diversion of recycling funds to balance this year's budget.

**--Green Building Code:** DEP is drafting a Green Building Code as promised by Gov. Rendell in his budget address based on LEED and other green building standards.

**--Alternative Energy/Climate Change:** DEP said there is a need to take the next steps in expanding the Alternative Energy Portfolio Standards and creating a carbon sequestration network to help deal with climate change issues as proposed in legislation by Rep. Vitali (D-Delaware) and Sen. Erickson (R-Delaware).

**--Climate Change Plan:** Sen. Mary Jo White (R-Venango), Chair of the Senate Environmental Resources and Energy Committee, expressed concerns about DEP meetings its April deadline for producing a cost-benefit study of potential strategies for reducing greenhouse gas emissions required by a new law passed last July. She also was concerned about the process for developing a climate plan being "fixed" without independent input by the Climate Change Advisory Committee established to help develop the plan.

Acting Secretary Hanger said he was committed to a rational process with honest input from the Committee, but noted the time frames for delivering the required studies under the law may slip a few weeks.

**--Electric Rate Caps:** With respect to the expiration of electric rate caps in 2010, DEP said the Governor supports phasing in rate increases when those increase go above 25 percent. Acting Secretary Hanger noted a recent report by the Public Utility Commission showed increases would be dramatically lower than originally thought due to declines in the cost of natural gas and coal.

*(PA Environment Digest – 2/27/09)*

**SPCC DEADLINES NEAR - Page11**



## PA UPDATES (Continued)

### PENNSYLVANIA TO IMPLEMENT CLEAN AIR INTERSTATE RULE

Pennsylvania moved ahead with its plans to implement the federal Clean Air Interstate Rule (CAIR) on January 1 after a federal court reversed an earlier decision that struck down the rule.

On December 30, the U.S. Court of Appeals for the District of Columbia ordered the U.S. Environmental Protection Agency to fix flaws in CAIR but did not set a deadline. In the meantime, the rule will be implemented.

“The court’s decision is a positive outcome for Pennsylvania’s air quality, as it will allow residents of the commonwealth to benefit from the CAIR emission reductions while EPA addresses the flaws the court identified with the rule,” Acting Environmental Protection Secretary John Hanger said. “The

decision will allow Pennsylvania to move forward with our state implementation plans to meet ozone and fine particulate standards and to improve visibility while reducing regional haze.”

CAIR is designed to reduce air pollution from power plants in the commonwealth and in states downwind of the plants where air quality is affected by the emissions. EPA estimates that in 2010 CAIR would reduce nitrogen-oxide emissions across the multistate CAIR region by 44.6%, or 1.2 million tons, and sulfur dioxide emissions by 71%, or 3.6 million tons.

One implication of the new court decision is that owners and operators of Pennsylvania power plants covered by the CAIR must be prepared to meet the requirements as of January 1. A federal implementation plan will

govern the power plants until the EPA approves the commonwealth’s CAIR state implementation plan.

On July 11, the same federal court had vacated the entire federal CAIR regulation, but widespread concerns about adverse implications for short-term air quality and other harms led the court to reconsider.

The court’s decision came in response to a petition filed with the court by the EPA in September requesting a rehearing. Pennsylvania joined other states in recommending that the CAIR not be vacated.

*(Environmental Tip of the Week, 1/5/09)*

### RT'S NEW SOIL VAPOR GROUP

Call Walter Hungarter at  
610-265-1510 x238 or email  
WHUNGARTER@RTENV.COM

## TECHNOLOGY UPDATES

### MOBILE STEAM PLANT CAN HANDLE AGRICULTURAL BIOMASS

Engenuity Energy LLC, headquartered in Mechanicsburg, Pennsylvania, is committed to developing and implementing solutions that reduce demand side energy consumption, promote energy independence and most importantly work to “green” the environment by dramatically reducing carbon emissions and nutrient waste within the Chesapeake Bay Watershed.

Working in conjunction with rem Engineering Inc. of Roswell Georgia, Engenuity Energy LLC will now make use of the patented eco-remedy gasification technology for the production of “green” steam and power.

This proven technology will not only convert bio-mass fuels to create clean power, it will also help “green” the bottom line for Industry and Agriculture alike. The low cost, “green” energy creates additional revenue through salable Renewable Energy Credits (REC). The valuable ash can be recycled and used as a soil additive or fertilizer. Learn more at [www.engenuityenergy.com](http://www.engenuityenergy.com). (engenuity energy LLC)

### NEW PRODUCT FOR OIL SPILLS

A new product is available for oil spills. The new product, S-200, works as a herding agent, a surface collection agent, (even an underwater collection agent in workable water columns such as basin, ballasts, and bilges), as well as a bioremediation accelerator, and it contains no bacteria. Please note that it provides its own fail-safe in that it won’t wash off HC’s so it will guarantee bioremediation if the agglomerations are left in, remain in, or escape into the

environment on land, coastlines, waterways, bodies of water, or open seas.

This is important news for the health of our environment and for saving money dealing with oil contaminants.

Here’s how S-200 saves times and saves money:

1. Eliminates sheen on water immediately.
2. Prevents sheen in runoff.
3. Delivers non-detect levels of hydrocarbon – soluble or insoluble, including Phenols and BTEX – in water columns and produced water.
4. Bioremediates oil spills on land or water.
5. Provides built in fail-safe for 1, 2, 3, and 4 above...by guaranteeing bioremediation if left in environment.

S-200 is primarily a bioremediation accelerator that also acts as a heading agent, both on and in water, chemically bonding to both soluble and insoluble hydrocarbons – including Phenols and BTEX.

Spray S-200 on oil spills on Land or Water, on Sheen, on Stains. S-200 bonds chemically to the HC’s so it cannot be washed off by wind, wave action, current or rain. It then creates a nutrient soup that accelerates the bloom of the site’s indigenous bacteria to rapidly remediate, turning the HC’s into water and carbon dioxide.

S-200 eliminates sheen on water IMMEDIATELY. Simply spray over the sheen and watch as the chemical bonding of S-200 to the hydrocarbons forms a white, waxy gel and with water action agglomerates into small masses which are easily removed from the surface or left to quickly biodegrade into water and carbon dioxide.

S-200 sprayed on sheen will also remediate oil on Booms, helping booms last up to 5 times

### TECHNOLOGY UPDATES

- Ag Biomass to Steam - New Process, pg. 9
- Oil Spills - New Product Speeds Cleanup, pg. 9
- New Techniques - Petroleum Release Aging, pg. 10

longer, and saving you expensive labor and replacement costs.

In water columns, such *Bilge Tanks*, it distributes through the water column, and floats the HC’s – soluble and insoluble, including phenols and BTEX – to the surface. This delivers non-detect levels of HC’s in the water, having floated the HC’s to the surface where the agglomerations are exposed to air for aerobic bioremediation or organic filtration.

*Prevent sheen – Oil on Pavement* that is treated with S-200 will *never* create sheen. On *Permeable Surfaces* such as rip-rap, soil and gravel, S-200 saves expensive labor, digging, replacement, disposal, and cradle-to-grave tracking costs involved with hazardous waste.

Listed on the EPA NCP Product Schedule in the USA, S-200 is a unique, patented, bioremediation accelerator – containing NO bacteria. Our original product was used to treat 75 miles of coastline affected by the Exxon Valdez Spill and it was the only product chosen out of more than 30 tested by Spain for the treatment of the Prestige Spill in Spain’s sensitive coastal region.

Reports are that the product can save 25%-50% on surface spill clean-ups.

For more information, contact:  
International Environmental Products, LLC  
1-610-933-4948 [brian@maloney.com](mailto:brian@maloney.com)

S-200 for Oil Spill & Produced Water Remediation at [www.iepusea.com](http://www.iepusea.com)

## TECHNOLOGY UPDATES (Continued)

### ABOUT S-200 OILGONE

This product is the environmentally green, best available technology for remediating oil spills on land and water.

Please consider incorporating S-200 into your procedures. It will save you a great deal of costs.

S-200 OilGone around the world

- Exxon used the original product to clean 75 miles of Alaskan after the Exxon Valdez Spill.

- Spain chose it from over 70 products as the only product to be used on Spain's Prestige Spill.

- EPA used it in clean up at the Commencement Bay Superfund Site in Tacoma, WA.

- Ireland's Fire Companies carry it for cleaning up spills on roads and waterways.

- Used on North Seas oil rigs to obtain non-detect levels of hydrocarbons in produced water.

#### Important Features

- Remediates gasoline, diesel fuel (#2 through #6), jet fuel, kerosene, lubricating oils, hydraulic fluids, crude oil, and more.

- Listed on EPA's NCP Product Schedule ([click here](#)).

- Listed on EU's OSPAR HOCNF.

- A complete solution.

- Not a surfactant or dispersant.

- Herding agent.

- Contains no bacteria.

- Environmentally safe.

- Non-hazardous product.

- Non-corrosive.

- Non-flammable.

- Requires no special handling or storage.

- Cost efficient.

- Easy to use.

- White, water-like liquid can be used with any standard sprayer.

- Oleophilic (attracts oil), hydrophobic micro-emulsion.

- Chemically and physically bonds to Hydrocarbons (HC's).

- Will not wash off hydrocarbons (HC's) due to wind, rain, current, or tide.

- Makes soluble HC's insoluble, thus filterable.

- Bonds to all HC's to create nutrient soup which causes bloom of specific, indigenous, HC-consuming bacteria.

#### Important Benefits

- Simplify remediation process.

- Cut costs of remediation by 25% - 50%.

- Cut labor costs.

- Speed up remediation.

- Remediate on-site in some cases to eliminate "dig-haul-replace-track" costs completely.

- Reduce disposal and tracking costs

associated with hazardous material.

- Reduce costs of sorbents, scrubber, filters, etc.

- Prevent sheen from occurring in some instances.

- Extend life of filters and booms.

- One time application in most cases -- just "Spray-and-walk-away."

- Clean contact items, such as tank walls, docks, hulls, pumps and booms.

#### Uses

1. Eliminate sheen on water immediately:

- o Spray S-200 on sheen with any common sprayer.

- o S-200 immediately bonds both chemically and physically to hydrocarbon sheen.

- o Water action causes bonded product to agglomerate into floating, small gel-like globules.

- o Sheen is now gone.

- o If left on surface, agglomerations will rapidly bioremediate into water and carbon dioxide.

2. Prevent sheen on runoff:

- o Spray S-200 on oil spilled on ground, asphalt, or concrete with any common sprayer.

- o S-200 immediately bonds both chemically and physically to hydrocarbons.

- o Sprayed surface will not produce sheen.

- o S-200 creates nutrient soup with the HC's causing a bloom of indigenous, hydrocarbon-consuming bacteria.

- o Emulsion bioremediates into water and carbon dioxide.

3. Obtain non-detect levels of hydrocarbons in any water column -- tanks, ponds, produced water, bilges, ballast, sumps, basins, water treatment facilities:

- o Add S-200 to water column in 1:1 ratio to pollutant.

- o S-200 chemically and physically bonds to both soluble and insoluble hydrocarbons (HC's) making all HC's insoluble.

- o Bonded molecules float to surface where they agglomerate into small gel-like globules.

- o Agglomerations can be easily skimmed off.

- o If left on surface, agglomerations will rapidly bioremediate into water and carbon dioxide.

- o Prevents sheen.

- o Removes all HC's

4. Remediate oil spills on land or water:

- o Spray S-200 over oil at 1:1 ratio to pollutant by weight.

- o S-200 bonds both chemically and physically to hydrocarbons.

- o Bonded S-200 will not wash off due to wind, rain, current, or tide.

- o S-200 creates nutrient soup with the HC's causing a bloom of indigenous, hydrocarbon-

consuming bacteria.

- o Emulsion bioremediates into water and carbon dioxide.

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International Environmental Products, LLC

www.iepusa.com

### FEWER KIDS HAVE HIGH LEAD LEVELS

In a stunning improvement in children's health, far fewer kids have high lead levels than 20 years ago, new government research reports – a testament to aggressive efforts to get lead out of paint, water and soil.

Lead can interfere with the developing nervous system and cause permanent problems with learning, memory and behavior. Children in poor neighborhoods have generally been more at risk because they tend to live in older housing and in industrial areas.

Federal researchers found that just 1.4 percent of young children had elevated lead levels in their blood in 2004, the latest data available. That compares with almost 9 percent in 1988.

"It has been a remarkable decline," said study co-author Mary Jean Brown of the Centers for Disease Control and Prevention. "It's a public health success story."

The 84 percent drop extends a trend that began in the 1970s when efforts began to remove lead from gasoline.

*(Gloucester County Times – 3/2/09)*

### FIRST-ORDER EXPONENTIAL REGRESSION OF ETHYLBENZENE/XYLENES RATIOS FOR ESTIMATING PETROLEUM RELEASE DATE – A NEW VALUABLE TOOL

A model is proposed to estimate a "petroleum hydrocarbon release or significant source reduction date range" (RDR) based on groundwater time series data exhibiting anaerobic, first-order exponential biodegradation decay. Groundwater monitoring data for sites with known release or source termination/reduction dates are compared with model predictions.

Gasoline, kerosene, diesel, and heating oil have composition ratios of ethylbenzene to xylenes of approximately  $0.20 \pm 0.05$ . Upon a release, typically aerobic bacteria rapidly use the available oxygen and drive the release environment anaerobic. Ethylbenzene and xylenes are C2 benzene compounds that have nearly identical boiling points, vapor pressures, water solubilities, and carbon-water sorption coefficients. Therefore, the major fate and transport mechanisms of evaporation,

## TECHNOLOGY UPDATES (Continued)

water washing, groundwater velocity retardation, and mechanical dispersion treat ethylbenzene and xylenes alike. Anaerobic biodegradation will remove xylenes faster than ethylbenzene and the ratio of ethylbenzene to xylenes (EXR) in groundwater will increase with time.

Petroleum hydrocarbon biodegradation can be reasonably simulated using first-order exponential approximations. The ratios of these hydrocarbons will also follow first-order exponential approximations. Given the 1) difference in ethylbenzene and xylenes biodegradation rates and 2) similar fate and transport properties will not significantly effect the EXR differently over time, simulating the EXR using a first-order exponential approximation will eliminate the need to know the initial ethylbenzene and xylenes release

concentrations and allow for modeling the observed groundwater data to predict a RDR using a minimum ( $0.20 - 0.05 = 0.15$ ) and maximum ( $0.20 + 0.05 = 0.25$ ) initial EXR representing a new release.

Ethylbenzene and xylenes groundwater monitoring data that exhibit anaerobic, first-order exponential biodegradation decay are used to estimate a RDR, or at least indicate the release could not have occurred after the estimated RDR, that were in reasonable agreement with known release and source reduction dates. The field examples suggest that regression analysis of post release data can be used or obtained to provide a reasonable estimate of the RDR, without the need for early time data. Historic EXR data are modeled and projected forward in time to support a new from old release determination. EXR data not

showing an increasing trend and remaining near the range anticipated for a new release are associated with an example of intermittent free product conditions suggesting a means to indicate the continuing presence of free phase hydrocarbons and significant source material. This new mode is an excellent tool. It can show where free product is present at a site, even though it may have not been found yet. It can also be used to predict whether bioremediation will or will not work at a particular petroleum release site.

### Authors:

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### Summer Stormwater Seminars in Pennsylvania and Maryland . . . Gary Brown speaking . . . [www.halfmoonseminars.com](http://www.halfmoonseminars.com)

#### SPILL PREVENTION CONTROL AND COUNTERMEASURE REGULATIONS FROM EPA EFFECTIVE SHORTLY

EPA Federal Spill Prevention Control and Countermeasures Regulation, except for certain limited areas which were still review in 2008 are now final (as of April 14th) and, are to be in place by July 14, 2009.

Repeated extensions in the rules have caused confusion, and a number of national environmental newsletter summaries have not made clear:

- The technical rules are final.
- Most changes are to be in place at facilities by July 14, 2009.

EPA has deferred certain items until at least January 14, 2009, but those items only relate to items which were under review in the December 2008 rule revisions. Unless facility owners and operators are sure that specific contingency plan, items not in place at the facility were a part of the 2008 revisions, it is strongly recommended that each facility spill prevention control and countermeasure plan be updated now, and be firmly in place before July 14, 2009.

The accumulation of regulatory revisions since 1998, includes the following key items, which many facilities do not have in affect:

- Secondary containment for aboveground storage tank, or waivers for impractic ability and written justification as well as alternative measures, where secondary containment is not feasible at an individual tank area.
- Warning signs for overhead piping.
- Upgraded loading and unloading procedures for liquids, to avoid inadvertent drive away incidences.
- Documentation on how spills during and unloading will be contained by rapid response, if, secondary containment is not provided at the loading or unloading location.

-Updated and upgraded training in response to the new regulations.

-Engineering documentation that overhead pipes are adequately supported.

-Locking ports and/or motor starters to avoid vandalism releases during off hours.

-Updated security provision.

In the last two (2) years, RT has updated more than 25 contingency plans, to meet the new regulatory requirements. We have PowerPoint presentations available on the new requirements, for certain industry sectors.

*Living consultants who practice in the area of contingency plan preparation, are all recommending to their clients, that an updated spill prevention control and countermeasure plan be in place within the next 60 days, to include for compliance states for any items under the new regulations which will not be in place by July 14, 2009.*

*RT is prepared to consult with clients and to make recommendations on what others are doing to meet the new regulatory requirements using practical approaches, now that the regulations are final. Regardless of whether or not individual facilities may have certain elements where compliance may be extended until January 14, 2010 or beyond, we are finding that many facilities will not have in place the required element through 2002 regulatory revisions which now are final, and are supposed to be in place by July 1.*

*RT is prepared to assist all those covered by the regulatory revisions, that have a plan in place before July 14th. To discuss your facility-specific situation, call Larry Bily at 800-725-0593 Ext. 236, or by email at [lbily@rtenv.com](mailto:lbily@rtenv.com).*

## SMALL BUSINESS ADMINISTRATION UPDATES ON DUE DILIGENCE ENVIRONMENTAL REQUIREMENTS

In these tight economic times, the Small Business Administration (SBA), which is a federal government agency, offers help and support to small businesses to keep them going. The Small Business Administration, on an ongoing basis, updates its environmental requirements associated with mortgage and loan applications, so as to be as meaningful and flexible as possible. The friendly nature of the SBA program is important, as many of those agencies and institutions who establish environmental protocols don't update their practices frequently, which unfortunately only delays transactions, and sometimes causes more environmental due diligence work to be completed than which would otherwise be necessary.

Highlights of recent SBA Environmental Due Diligence revisions, which became effective on March 1, 2009 include:

➤ SBA's requirements apply to all environmental investigations for properties, whether or not the report involved is to be submitted to the SBA. This is important because some property sellers will attempt to shortcut the SBA process by using older reports which don't meet SBA requirements.

➤ SBA has updated specific requirements for gas stations, and has focused requirements for "gas station loans". SBA

has now more clearly identified what is required for gas stations; this is a positive development.

➤ When environmental surveys are completed, consultants are frequently asked by institutions to summarize the "risk". SBA now has a more realistic approach than used in the past, and has identified a category called "elevated risk". This is a positive development, because many properties, which are worthy of a mortgage being granted, are inbetween the categories of having "no risk" and having "high risk". Identifying a property as having an "elevated risk", allows an Environmental Professional to better quantify the situation at a property, and also allows SBA to look more carefully at a property to see if the elevated risk is or is not of concern, without it being deemed a "high risk" property.

➤ As is becoming more and more customary in the environmental due diligence process, due diligence is principally focused on obtaining or reviewing "publicly" available information, avoiding protracted environmental due diligence processes trying to obtain information which is not readily available. SBA now focuses in on readily available information.

➤ SBA has also acknowledged that there are cases of "minimal" contamination which

constitute "de minimis" conditions. Where Environmental Professionals so indicate, although there may be environmental problem, it is not really of much concern.

➤ SBA has also moved forward and acknowledged that there may be "escrow" agreements, frequently used to set aside money to deal with environmental issues which cannot be addressed prior to closing.

SBA also requires borrowers to sign "Indemnification Agreements", which are mandatory. Past practices where there were complicated indemnity agreements between buyers and sellers to deal with environmental issues, are principally a thing of the past. Those purchasing properties with environmental issues need to complete "clean", uncomplicated transactions, to qualify for SBA loans.

We at RT think that the SBA is positively contributing to environmental management practice, in that the recent revisions make the due diligence process more straightforward. This is a very positive step for environmental due diligence and real estate professionals.

Should you have any questions regarding the SBA environmental due diligence process, please call Mr. Larry Bily at our King of Prussia Office at 610-265-1510 Ext. 236, or, you can reach him at lbily@rtenv.com.

## IMPORTANT ECOLOGICAL FIND IN ATLANTIC COUNTY

In an area near Mays Landing, at a sand quarry, a unique ecological area exists, based on initial inspections. The photos surrounding this article show some of the special features near a quarry overflow dewatering location. Further evaluations are being completed of the area.

The situation is considered a unique freshwater wetlands area, due to the continuous overflow of water, and braided streams. In most locations in South Jersey, springs and streams are relatively small and channels are not very wide. In other situations, waters go from fresh to brackish to tidal, in short distances. This location has a wide expanse of wet area in a stream buffer area and is unusual in that respect.

Look for more information on this unique ecological resource in coming edition of the RT Review.



**FEDERAL REGISTER NOTICES**  
<http://www.epagov/homepage/fedrgstr>

<b>Environmental Protection Agency</b> Identification of Non-Hazardous Material That Are Solid Waste: Advanced Notice of Proposed Rulemaking (ANPRM)	(Federal Register – 1/2/09)
<b>Environmental Protection Agency</b> Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule Requirements-- Amendments	(Federal Register – 1/15/09)
<b>Environmental Protection Agency</b> Proposed Rule to Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: Revision on Subpart 1 Area Reclassification and Anti-Backsliding Provisions Under Former 1-hour Ozone Standard; Proposed Deletion of Obsolete 1-Hour Ozone Standard Provision	(Federal Register – 1/16/09)
<b>Department of Transportation</b> Solid Waste Rail Transfer Facilities – Interim Rules with Request for Comments	(Federal Register – 1/27/09)
<b>Environmental Protection Agency</b> Standards of Performance for Fossil-Fuel-Fired Steam Generators; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; Final Rule	(Federal Register – 1/28/09)
<b>Environmental Protection Agency</b> Final Rule: Delay of Effective Date and Request for Comment	(Federal Register – 2/3/09)
<b>Environmental Protection Agency</b> Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Final Rule	(Federal Register – 2/24/09)
<b>Environmental Protection Agency</b> National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; Proposed Rule	(Federal Register – 3/5/09)
<b>Department of Transportation</b> Federal Transit Administration – American Recovery and Reinvestment Act of 2009 Public Transportation Apportionments, Allocations and Grant Program Information	(Federal Register – 3/5/09)
<b>Environmental Protection Agency</b> Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation – Proposed Rule	(Federal Register – 3/18/09)
<b>Environmental Protection Agency</b> Standards of Performance for Stationary Combustion Turbines: Direct Final Rule	(Federal Register – 3/20/09)
<b>Environmental Protection Agency</b> Methods for Measurement of Filterable PM10 and PM2.5 and Measurement of Condensable Particulate Matter Emissions from Stationary Sources; Proposed Rule	(Federal Register – 3/25/09)
<b>Department of Transportation</b> National Highway Traffic Safety Administration – Average Economy Standards Passenger Cars and Light Trucks Model Year 2011; Final Rule	(Federal Register – 3/30/09)
<b>Environmental Protection Agency</b> Oil Pollution Prevention; Non-Transportation Related Onshore Facilities; Spill Prevention, Control, and Countermeasure Rule—Final Amendments: Final Rule; Delay of Effective Date	(Federal Register – 4/1/09)

## DUSTBOSS® - STATE OF THE ART MISTING AT DUSTY SITES

The DustBoss® is a recent product that has been proven highly effective in suppressing dust on demolition projects, and at rock/aggregate crushing, cement manufacturing, and steel/slag processing sites. It is also effective at controlling dust on a wide range of bulk material handling applications. Supplied by Dust Control Technology (Peoria, IL) the technology is a fan-driven misting system. It is capable of successfully managing both surface dust and airborne particulates.

The largest unit is capable of blanketing more than 20,000 square feet of area from a single location. Oscillating units are available. Units are designed and built for durability and low maintenance.



### FOR MORE INFORMATION

Dust Control Technology  
Peoria, IL

Toll-Free: (800) 707-2204

Email: [info@dustboss.com](mailto:info@dustboss.com) Website: [www.dustboss.com](http://www.dustboss.com)  
or

SCE Environmental Group, Inc  
Dickson City, PA

Tel: (570) 383-4151

Email: [info@scenv.com](mailto:info@scenv.com) Website: [www.scenv.com](http://www.scenv.com)





## PENNSYLVANIA BULLETIN NOTICES

### RULEMAKING PROPOSALS RECENTLY FINALIZED

General NPDES Permit for Discharges from Small Flow Treatment Facilities (PAG-4)1	2/7/09
Proposed NPDES General Permit for Stormwater Associated with Mining Activities (BMR GP-104)	3/9/09
General Permit WMGM038; Processing and Beneficial Use of Gypsum Wallboard	3/21/09

### RULEMAKING IN PROCESS – 2009

Stage 2 Disinfectants and Disinfection Byproducts Rule (Safe Drinking Water)	1/20/09
WGM037 Draft General Permit for Processing and Conversion of Municipal Waste Into a Fuel Product	1/21/09
Long Term 2 Enhanced Surface Water Treatment Rule (Safe Drinking Water)	1/20/09
Mine Subsidence Fund	1/20/09
Proposed General Permit and/or General Permit for Heatset Web Offset Lithographic Printing Presses (BAQ-GPA/GP-25)	2/24/09
Proposed Ozone Nonattainment Designation Recommendations	3/6/09
Oil and Gas Wells (25 Pa Code, Chapter 78)	3/16/09
PAG-07: Draft General Permit for Beneficial Use of Exceptional Quality Biosolids	3/23/09
PAG-08: Draft General Permit for Beneficial Use of Biosolids by Land Application	3/23/09
PAG-09: Draft General Permit for Beneficial Use of Residential Septage by Land Application	3/23/09
Proposes SIP Revision for the Vehicle Emissions Inspection/Maintenance Program	3/30/09
Administration of the Storage Tank and Spill Prevention Program (25 Pa Code, Chapter 245)	4/13/09

### DRAFT TECHNICAL GUIDANCE DOCUMENTS

Air Quality Permit Exemptions (275-2101-003 PFD File)	12/22/08
Best Available Technology and Other Permitting Criteria for Municipal Solid Waste Landfills (275-2101-007 PDF File)	1/12/09
Reuse of Treated Wastewater Guidance Manual (362-0300-009 PDF File)	2/9/09
Policy for Issuing and Removing Water Supply Warnings (383-2129-005 PDF File)	3/23/09
Policy for Responding to Loss of Positive Pressure Situations in the Distribution System (383-2129-004 PDF File)	3/23/09
Manual for Land Treatment of Wastewater (362-2000-009 PDF File)	4/22/09
Certification Guidelines for the Chemical and Physical Properties of Coal Ash Beneficially Used at Mines (563-2112-224 PDF File)	5/18/09
Mine Site Approval for the Beneficial Use of Coal Ash (563-2112-225 PDF File)	5/18/09

## KIDDIE KOLLEGE – PROPERTY TRANSACTION RESCINDED!

In a contaminated property case in Gloucester County, New Jersey with national attention, Superior Court Judge James Rafferty found that an innocent purchaser who had purchased a mercury thermometer manufacturing facility which became a daycare center is not responsible for clean up. Furthermore, Judge Rafferty ruled that the deed will be turned back over to the former owner of the site, Accutherm.

While RT Environmental Services, Inc. (RT) understands how difficult environmental issues are to deal with at sites, we must unfortunately report that at this site, there was plenty of opportunity to avoid having a daycare center opened at a former mercury thermometer manufacturing facility, and there were a number of opportunities by EPA, DEP and Franklin Township (the local government), to take appropriate action which could have avoided this situation altogether.

Based on the court findings:

- EPA had studied the site after referral from NJDEP, but, EPA's report ended with the statement that "there is no threat to human health or the environment". The report is not believed to have been appropriately captioned nor did it limit its conclusions to the vacant use at the time the report was prepared, and, there was also nothing to indicate that changing the land or building use could result in a different conclusion, or, a need to further study the site if there was a use change. *Certainly, the report which contained technical terms which the average person would not understand, should have been properly captioned and put in context, which was a key part in the Judge's decision.*

- New Jersey has an Industrial Site Recovery Act, under which Accutherm, the prior owner, was responsible for cleanup. NJDEP, to its credit, "found" the site, during daycare use, but more recently, the state violated nationally held principles of

innocent purchaser protection, by attempting to go after the real-estate company which purchased the defunct thermometer factory. This decision by the state lacked common sense and undoubtedly, Judge Rafferty's decision will likely be used in many future cases throughout the United States, when basic fairness principles are violated by government. *All too frequently, state governments seem to want to hold innocent purchasers responsible for cleanup, when the contamination at a site was caused by a now out of state party. As a result of Judge Rafferty's decision, state governments should realize that they will now have to do the tough work and cross state lines, and hold polluters responsible for their contamination, and not attempt to take "the easy way out" by holding in-state property owners responsible for contamination they did not cause.*

A key finding of Judge Rafferty was that Franklin Township, the local municipality, did not properly notify the purchaser of this situation, principally because specific notification in writing was not provided.

More detailed information on Judge Rafferty's findings can be found in the Gloucester County Times (5/1/09), and in the Philadelphia Inquirer (4/30/2009). Lets all hope that the important "lessons learned" from this very difficult case strike home. Unfortunately, the legal situation is not over. Other cases on this site remain to be heard by the court. We at RT salute Judge Rafferty as we think he made the right decision based on constitutional fairness principles, by looking at the plain language of what environmental reports did or did not say, and not allowing the state to hold innocent purchasers responsible for contamination they did not cause.

- By Gary R. Brown, P.E.

## **RT's New Email Blast Service**

### **Recent Blasts**

**APRIL 29, 2009**

*Spill Prevention Control & Countermeasure Regulations  
from EPA Effective Very Soon*

**APRIL 20, 2009**

*RT Comes to Southwest PA Region*

**APRIL 2, 2009**

*Site Remediation Reform & Licensed Site  
Professional Bill Moves Forward*

**FEBRUARY 18, 2009**

*Property Asset Protection Including Mothballing  
A Key Focus Of Property Managers & Owners*

**FEBRUARY 9, 2009**

*Pennsylvania Diesel Idling Law Finalized - Now Effective*

**JANUARY 14, 2009**

*Federal Infrastructure Program Announced -  
RT Attends Governor's Office Meeting in PA*

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Property Asset Protection  
See our Homepage Feature  
for Key Focus Items  
and Seminar Presentations**

**NEW TECHNOLOGIES**  
- OIL CLEANUP - See Page 9  
- DUSTBOSS - See Page 13

**KEY HIGHLIGHTS**

**PA UPDATES**

- Permit Backlogs, pg. 8
- Green Infrastructure Funding, pg. 8
- Clean Air Interstate Rule, pg. 9

**TECHNOLOGY UPDATES**

- Ag Biomass to Steam - New Process, pg. 9
- Oil Spills - New Product Speeds Cleanup, pg. 9
- New Techniques - Petroleum Release Aging, pg. 10

**FEDERAL UPDATES**

- Ongoing Vessel Emissions, pg. 5
- NAAQS PA NO2, pg.
- Greenhouse Gas Reporting, pg. 5
- Stationary Engines Emissions, pg. 5
- SBA Due Diligence Update, pg. 12

**NJ UPDATES**

- Rain Gardens, pg. 7
- Hot Mix Plant Stormwater Permit, pg. 7
- IAQ Certifications, pg. 7
- Atlantic County - Ecological Find, pg. 12

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**GREENHOUSE GASES**

Page 1

**GREEN JOBS & STIMULUS**

Page 1, 3, 7, 8

**RT COMES TO SW PENNSYLVANIA**

Page 2

**ENVIRONMENTAL INSURANCE UPDATE**

Page 3

**PITTSBURGH'S CONSTRUCTION JUNCTION**

Page 4

**CLEAN WATER ACT COST RULING**

Page 6

**COAL RESIDUALS REGULATIONS**

Page 6

**SPCC: DEADLINES NEAR**

Page 11

**KIDDIE KOLLEGE - COURT DECISION -**

Page 14

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