

October 2007



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Lake Michigan States Section Air & Waste Management Association Newsletter[®]



New Members

Noelle Brigham
MWH

Simon Burke
IMEC Technologies Inc.

Kevin Dougherty
Fuel Tech, Inc.

Don Draxler
Oshkosh Truck Corp.

Andrew Fereday
(AJG) Gallagher
Environmental Risk &
Insurance

Megan Garvey
Meckler Bulger & Tilson

Adam Halsband
EISENMANN

Frederick Johnson
WorleyParsons

Nasrin Khalili
Illinois Institute of
Technology

Timothy Mattson
STS Consultants, Ltd.



Exciting News!

The Lake Michigan States Section of the Air & Waste Management Association has been approved as an Accredited CLE provider. This approval includes conferences from July 1, 2006 through the present and beyond. We are very pleased to have received our Accreditation and feel it is one more benefit for our members. Please contact Robin Pelsis for information on how to obtain your CLEs.

Air Quality Management Conference

The 2007 Air Quality Management Conference is being held on Friday, November 2, 2007 at the Doubletree Hotel in Oak Brook. Have you made your reservation? The LMSS's Air Quality Management conference has become a tradition in the region - bringing together environmental professionals from industry, government, environmental services and the legal community to learn about the hottest issues and most important developments in this rapidly evolving field.

Companies that supply products and services for environmental management will have exhibits on display at the conference. There are also sponsorship opportunities available. For information on exhibiting or sponsorship, contact Robin Pelsis at (847) 202-0418 or robin@lmawma.org.

Attendees of the Air Conference will receive a PDH certificate for 7.25 hours as well as be eligible for 7.25 hours of CLE credit.

Clean Air Act Primer

A Clean Air Act Primer course will be held on Thursday, November 1, 2007 from 7:00-9:00 p.m. at the Doubletree Hotel in Oak Brook. Environmental professionals working in the air quality area should have an understanding of what the Clean Air Act is and what it entails. This primer is perfect for environmental managers with expanding air quality responsibility, supervisors directing air quality professionals, and experienced air quality managers looking for a broader perspective on their field. The course will provide an overview all of the Clean Air Act, with special attention on Title III - Air Toxics and Title V - Clean Air Act Permitting. Handouts distributed from the course will cover the Clean Air Act and its details, Air Toxics and other valuable information that can serve the professional as a reference for years to come.

Continued on page 20.

See pages 2-4 for the full conference agenda and registration form.

2007 Air Quality Management Conference

THURSDAY, November 1, 2007

7:00 p.m. **CLEAN AIR ACT PRIMER**

*Dale Kalina, Director
EHS Regulatory Affairs & Due Diligence
R. R. Donnelley & Sons Company*

*Paul Farber, Project Associate
Sargent & Lundy*

FRIDAY, November 2, 2007

8:00 a.m. **WELCOME – LM- A&WMA**

Christopher Blume, GaiaTech, Inc./Chairman LMSS - A&WMA

8:20 a.m. **ISSUES IN NATIONAL AIR QUALITY POLICY**

Moderator: *James T. Harrington, McGuireWoods LLP*

Speaker: *Mary Pat Tyson, Branch Chief, Air & Radiation Division
U.S. Environmental Protection Agency, Region 5*

9:10 a.m. **STATE AIR QUALITY POLICY - THE DIRECTORS FORUM**

Moderator: *John Yates, Civil & Environmental Consultants, Inc.*

Speakers: *Laurel Kroack, Bureau Chief, Bureau of Air
Illinois Environmental Protection Agency*

Larry H. Bruss, Section Chief, Regional Pollutant and Mobile Source

Section

Bureau of Air Management, Wisconsin Department of Natural Resources

*Scott Deloney, Branch Chief, Air Programs Branch
Indiana Department of Environmental Management*

10:20 a.m. **BREAK AND EXHIBIT VIEWING**

10:30 a.m. **QUESTIONS PANEL FOR USEPA AND STATE AIR DIRECTORS**

Moderator: *Christopher Blume, GaiaTech Inc.*

Panelists: *Mary Pat Tyson, Branch Chief, Air & Radiation Division
U.S. Environmental Protection Agency, Region 5*

*Laurel Kroack, Bureau Chief, Bureau of Air
Illinois Environmental Protection Agency*

*Larry H. Bruss, Section Chief, Regional Pollutant and Mobile Source Section
Bureau of Air Management, Wisconsin Department of Natural Resources*

*Scott Deloney, Branch Chief, Air Programs Branch
Indiana Department of Environmental Management*

2007 Air Quality Management Conference

12:00 noon **LUNCHEON**

Moderator: **Eric Boyd**, Seyfarth Shaw, LLP

Speaker: **Robert Kaplan**, Regional Counsel
U.S. Environmental Protection Agency Region 5

1:45 p.m. **AIR PERMITTING**

Moderator: **Perry Fisher**, Environmental Resources Management

Speakers: **The Illinois Perspective on New Source Review**
Chris Romaine, New Source Review
Illinois Environmental Protection Agency

Developments in Title V - (CAAPP) Permitting
Michael T. Reed, Permit Section, Bureau of Air
Illinois Environmental Protection Agency

3:00 p.m. **BREAK AND EXHIBIT VIEWING**

3:15 p.m. **ENFORCEMENT**

Moderator: **Bill Forcade**, Jenner & Block, LLP

Speakers: **Enforcement in Illinois**
Rebecca Burlingham, Senior Assistant Attorney General
Illinois Attorney General's Environmental Enforcement Division

Enforcement in Wisconsin
William Baumann, Chief Compliance and Enforcement Section
Bureau of Air Management, Wisconsin Department of Natural Resources

Enforcement in Indiana
Craig Henry, Office of Enforcement
Indiana Department of Environmental Management

Enforcement in Region V, USEPA
George Czerniak, Chief Air Enforcement
Air and Radiation Division, Region V, USEPA

4:30 p.m. **CLOSING RECEPTION**
SPONSORED BY THE EXHIBITORS

2007 Air Quality Management Conference Registration

NAME: _____

COMPANY: _____

ADDRESS: _____

CITY: _____ ST _____ ZIP _____

PHONE: _____ FAX: _____

E-MAIL: _____

REGISTRATION:

- Air Primer Course Only Members and Non-Members \$100
(not attending Nov. 2 Air Conference)
- Air Primer Course and November 2 Conference Registration
- | | |
|---------------------------|-------|
| Members | \$280 |
| Non-Members* | \$320 |
| Government Employee | \$210 |
| Students | \$100 |
- Air Conference Only (Nov. 2)
- | | |
|---------------------------|-------|
| Members | \$200 |
| Non-Members* | \$250 |
| Government Employee | \$120 |
| Students | \$75 |

A limited number of scholarships are available for anyone who requires CLE credit to maintain professional registration such as attorneys, professional engineers and professional geologists and who could not otherwise afford to attend this conference. Contact Robin Pelsis at (847) 202-0418 or robin@lmawma.org for more details.

There are also a limited number of government scholarship available to government employees interested in attending but cannot obtain funding to do so.

Payment via: check cash Visa Mastercard American Express

Amount Paid: \$ _____

Credit Card # _____ Exp. Date: _____

Signature: _____

To register - mail, fax, or e-mail your registration to:

Robin Pelsis, LM-A&WMA
11 Pleasant Hill Blvd.
Palatine, IL 60067
(847) 202-0418 FAX: (847) 202-0427
E-mail: robin@lmawma.org

2007 Seminar Schedule

Below is the current conference schedule for 2007. If you are interested in assisting with any of the events please contact the conference chair or Programs Chair, Ferdinand Alido at (312) 836-3922 or ferdinand.alido@nav-international.com.

In an effort to control costs, we are always interested in offers of meeting space at reduced or minimal costs. If you can provide meeting space for an event, please contact the conference chair.

Date	Title/Topic	Location	Event Chair/s
October 26, 2007	Sustainability Luncheon	Union League Club	Robin Pelsis (847) 202-0418
November 1, 2007	Air Primer	Doubletree Hotel	Paul Farber (312) 269-2261
November 2, 2007	Annual Air Conference	Doubletree Hotel	Eric Boyd (312) 269-8903
November 2007	Criminal Enforcement	TBD	Jim Harrington (312) 849-8252
December 3, 2007	Annual Holiday Recpt.	IIT Stuart	Robin Pelsis (847) 202-0418
Jan. or Feb. 2008	Env. Management	IIT Stuart	Jim Powell (630) 799-0290
May or June 2008	Waste Conference	TBD	D. Jacobsen (630) 472-5019

Additional seminar subjects will be discussed at the Board of Directors meeting on July 18, 2007. If you have a suggestion or would like to assist with a seminar please contact Ferdinand Alido, Program Chair at (312) 836-3922 or ferdinand.alido@nav-international.com, or join us at the Board of Directors meeting. **Board meetings are open to all members to attend. Your attendance and input are always welcome.**

Holiday Reception

The **Annual LM-A&WMA Holiday Reception** will once again be held at IIT Stuart School of Business, 565 W. Adams Street, Chicago, Illinois. This year's event is being held on Monday, **December 3, 2007** at 5:00 p.m. Plan on joining your fellow environmental professionals to kick off the holiday season, network and take a moment to meet the upcoming members of our profession - IIT students.

Watch your mail (electronic and/or snail mail) for further details.



The Long and Winding Road to a Boiler MACT Rule

When the U.S. Court of Appeals for the D.C. Circuit vacated EPA's Boiler MACT regulations in *NRDC v. EPA*, 489 F.3d 1250 (June 8, 2007), effective July 31, 2007, it threw another curve in a long and torturous regulatory process. As a result of the Court's decision, EPA has advised state regulators that, the "MACT Hammer" has fallen, triggering the Section 112(j) case-by-case MACT process for both new and existing Boiler MACT sources.

How did we get here?

On September 13, 2004, after much delay, EPA finalized the Boiler MACT, formally known as the National Emission Standard for Hazardous Air Pollutants Rule for Industrial, Commercial, and Institutional Boilers and Process Heaters or Subpart DDDDD of 40 CFR Part 63. The Final Rule addressed different types of boilers differently — based on the size of the unit and the type of fuel used. For certain types of boilers, including existing gas and oil fired units, EPA found that the "MACT floor" was "no control," and thus the Boiler MACT established no emission limits or technology requirements for those boilers. The Natural Resources Defense Council (NRDC) and other environmental citizen groups opposed the "no control" categories and other aspects of the rule and appealed to the D.C. Circuit Court of Appeals. To address some of NRDC's concerns, EPA amended the rule in late 2006, but the appeal continued on certain points. While the appeal proceeded, the rule remained in effect and the compliance deadline for existing sources remained September 13, 2007. As the deadline approached, many states and permittees watched the lawsuit closely. To be prepared, some states began inserting the Subpart DDDDD requirements in permits and incorporating the federal rules in state regulations.

Why did the Court vacate the EPA rule?

The Court's opinion failed to reach the controversial questions of whether EPA's risk-based "health thresholds" and "No Control" Boiler MACT options are lawful, and instead vacated based on the scope of the boilers considered and covered under the rule. What troubled the D.C. Circuit was the fact that in another rule appealed in the same case, the

Commercial and Industrial Solid Waste Incineration ("CISWI") Rule, EPA narrowed the definition of "incinerator" to exclude units that burn any solid waste for energy recovery. The effect of this definition is to make fewer units subject to the CISWI, which applies to both area and major sources of Hazardous Air Pollutants ("HAP"). This results in the regulation of those units under the Boiler MACT, which applies only to major HAP sources. The Court held this was inconsistent with Section 129 of the Clean Air Act, which only exempts co-generation facilities from the definition of "incinerator." Because thousands of units that were excluded from the CISWI rule were included in the database for the Boiler MACT rule, the Court vacated not only the CISWI rule, but the Boiler MACT rule as well.

The Court vacated the rule, rather than simply remand it back to EPA with instructions for further action because the Court apparently believed vacating the rule would allow the Court to retain greater control over the schedule for revising the rule. This appears to have been based on the assumption that one or more of the parties — EPA or NRDC — would move for a stay of the vacatur order allowing the court to impose conditions addressing the schedule for revisions and the standards that would apply in the interim. But, to many observers surprise, neither EPA nor NRDC moved for a stay. Thus, the Court's assumption backfired. On July 31, 2007, the Court issued a mandate formally vacating the rule. The effect of the vacatur was to essentially wipe the rule off the books.

The MACT "Hammer:" Did you hear it fall?

Shortly after the Court's mandate issued, EPA held a conference call with state air pollution control regulators across the country to discuss the implications of the Boiler MACT vacatur. In that call, EPA stated its view that the "MACT Hammer" in Section 112(j) of the Clean Air Act should be deemed to have "fallen" by virtue of the vacatur — thus triggering the requirement for the states to make case-by-case determinations of "maximum achievable

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Boiler MACT Rule (con't.)

control technology” in thousands of individual boiler permits. EPA advised that “one option” is for the states to notify affected permittees, pursuant to 40 CFR 63.52(a)(ii), that they are now required to submit applications for Title V permit revisions reflecting case-by-case Boiler MACT requirements.

Section 112(j) is a “stop gap” provision in the Clean Air Act, designed to ensure against EPA’s failure to promulgate MACT regulations. Under Section 112 (j), if EPA fails to promulgate a MACT standard by the specified date for the source category, those sources in the affected industrial category must apply to their state permitting authorities for “case-by-case” MACT determinations. This is known as the “Hammer.” Its effect is to “hammer” not only EPA, but also the state regulators that must make thousands of case-by-case determinations and the regulated entities that find themselves in a vague realm, with varying procedural and substantive requirements.

Is there a road map for compliance?

In the face of EPA’s conclusion that Section 112(j) has been triggered, the states and industry have urged EPA to provide guidance to state agencies and regulated entities on their implementation and compliance obligations. But, to date, no written guidance or even a timetable for compliance has been forthcoming. In fact, EPA isn’t sure right now what that guidance will contain or when it will be issued. EPA recently determined that its authority (and the authority of state permitting authorities) to issue an information collection request for Section 112(j) applications expired in 2005 under the Paperwork Reduction Act. EPA admits it didn’t renew that authority back in 2005 because it never imagined this situation occurring. While EPA waits for the Office of Management and Budget to act on its request for a temporary emergency renewal of its information collection request authority, it is reluctant to issue guidance to the states.

As a result of all this, the regulated community is left with many questions:

First, there is a fundamental question as to whether EPA is correct that a judicial vacatur of a rule triggers

the Section 112(j) case-by-case MACT requirement. Section 112(j) doesn’t address judicial vacatur. Rather, Section 112(j) by its own terms only applies when the EPA Administrator fails to promulgate a NESHAP standard for a listed category by the specified deadlines. In the case of the Boiler MACT, EPA did promulgate a rule.

Second, if the vacatur does trigger the Section 112(j) “hammer,” it’s not clear what duties arise (for EPA, the States and the permittees) and what time lines apply. As the duties and time lines specified in the Clean Air Act and EPA’s Section 112(j) procedural rules are geared to EPA’s failure to *promulgate* a rule, rather than a judicial vacation of a rule, there are no clearly applicable duties or time lines. Moreover, since the applicable deadlines for the Boiler MACT are long passed, some argue that a court or EPA must establish a new schedule before case-by-case Boiler MACT applications under Section 112(j) are required.

State Efforts to Take the Wheel

Absent guidance from EPA, different states have taken different approaches to these and other questions posed by the regulatory void. The following is a snapshot of how various Great Lakes states have responded to the vacatur of the Boiler MACT rule and the purported triggering of the Section 112(j) “hammer.”

Illinois

Illinois Environmental Protection Agency (“IEPA”) has taken the position that Section 112(j) Part 2 applications were due within 60 days following the issuance of the Appellate Court mandate vacating the rule. Unlike many other states, Illinois simply implements the federal NESHAP program, and does not adopt separate state regulations. On August 31, 2007, IEPA sent a letter to approximately 200 permittees stating that Part 2 applications “must be submitted to the IEPA no later than October 1, 2007.” While IEPA received many responses to its August 31, 2007 letter, some permittees did not respond. In some cases, the permittee refused to submit a Part 2

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Boiler MACT Rule (con't.)

and instead responded stating that IEPA had no authority to require Part 2 Applications at this time. By virtue of having initiated the Part 2 process, IEPA triggered a statutory 60-day clock for making application “completeness” decisions. IEPA is hoping that EPA will issue guidance on the timing and the required content of the Part 2 applications before its completeness determinations are required. Among the issues in question, is whether the Part 2 applications must contain proposed emission limits, control technology, monitoring and recordkeeping and reporting provisions. While the express language of 40 CFR 63.54(b)(3) states that the Part 2 application “may, but is not required to, contain” these case-by-case MACT proposals, some IEPA lawyers are arguing that the Title V regulations require that this information be included. It is interesting that EPA’s Section 112(j) webpage formerly included an example of a Part 2 Application, but that exemplary language was recently removed from the webpage. (Note: It can still be found at www.epa.gov/ttn/atw/112j/part_2_form2.pdf.)

IEPA argues that by submitting a Part 2 application, Illinois permittees gain the benefit of a “shield” against enforcement under 40 CFR 63.52(e)(5) for failure to have a permit addressing Section 112(j). But given the many questions that are unresolved at this point, IEPA may well be wishing it hadn’t jumped to the front on this issue.

Minnesota

Like Illinois, the Minnesota Pollution Control Agency (MPCA) concluded that the Section 112(j) “hammer” had fallen when the D.C. Circuit’s mandate issued. MPCA posted notice on its webpage stating that permittees were obligated to submit Section 112(j) applications by September 28, 2007. MPCA later modified its webpage posting, stating: “...*The specific timing for when the applications must be submitted is one of several outstanding questions. However, to identify the universe of facilities that will be impacted by the court’s action so that a strategy can be developed for how to proceed, the MPCA is requesting the following information, that would be included in a 112(j) application, be provided to MPCA, Air Quality*

Permit Document Coordinator by September 28, 2007.” In other words, despite acknowledging the existence of “several outstanding questions,” MCPA required permittees to submit an extensive list of detailed information on each emission unit — essentially a Part 1 and Part 2 application under 40 CFR 63.53 – within less than 60 days after the Court’s mandate issued.

In its notice, the MCPA also takes the position that an affected source permitted before the date of the Court’s mandate (July 31, 2007) is an “existing source” for purposes of the Boiler MACT. By defining an “existing source” on the basis of when the judicial mandate issued, Minnesota is again providing an interpretation on a timing question that may be odds with subsequent EPA guidance.

Indiana

Indiana had already incorporated the EPA Boiler Rule by reference in its state regulations by the time the D.C. Circuit vacated the rule. When the rule was vacated, the Indiana Department of Environmental Management (“IDEM”) initially took the position that its incorporation by reference of the federal rule into the Indiana rules at 326 IAC 20-95-1 remained valid. However, IDEM has since concluded that its rule is unenforceable.

IDEM now takes the position that its rule is “no longer effective” because it references federal rules that are no longer effective. IDEM recently sent letters to permittees suggesting that they can apply for minor permit modifications to remove the boiler MACT provisions from their permits. Unlike Illinois and Minnesota, IDEM is waiting for written EPA guidance before initiating a Section 112(j) permit process.

Wisconsin

Wisconsin is another Region 5 state that implements the federal NESHAP program through its own state regulations. Like Indiana, Wisconsin had already adopted EPA’s Subpart DDDDD as the Wisconsin Boiler MACT rule at the time the rule was vacated. Recognizing that its NESHAP program is designed

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Boiler MACT Rule (con't.)

to parallel the federal NESHAP program, Wisconsin issued an emergency order staying the implementation of its state rule, effective September 13, 2007. Wisconsin has not put out a “call” for Part 2 applications or otherwise taken steps to initiate a Section 112(j) “case-by-case” MACT decision making process.

Michigan

The Michigan Department of Environmental Quality (“MDEQ”) adopted Subpart DDDDD in its state regulations by reference and has inserted Boiler MACT requirements in permits. While the state regulation remains on the books, MDEQ now considers any permit condition reflecting the Boiler MACT to be null and void. In a “Boiler MACT Q & A” document posted on its webpage, MDEQ has invited permittees to seek permit modifications if they have questions about the applicability of certain provisions.

MDEQ has also advised that in the absence of the Boiler MACT, Section 112(g), another Clean Air Act provision requiring case-by-case MACT determinations, may apply at new major HAP sources or existing major HAP sources installing new boilers that in themselves qualify as major for HAP. However, MDEQ has not issued any advice as to what constitutes a “new” or “existing” affected source in this unique context.

As to the applicability of Section 112(j), MDEQ is taking a cautious approach and admits “At this time we are not sure it applies.” MDEQ’s latest update to its Boiler MACT Q & A document, dated October 10, 2007, states “We understand EPA is now certain that 112(j) applies but they have not determined what the trigger date should be. The guidance document they are preparing should cover these issues. The new estimated timeframe given for distribution of the guidance is another 2-3 weeks.”

MDEQ also takes the position that a permittee’s duty to submit a Part 1 MACT application is not triggered until such time as the MDEQ notifies the facility that the “Hammer” now applies to them. MDEQ states “Since we currently do not believe the rule applies,

we do not intend to make this official notification; however, one factor that might force a resolution to this issue could be permitting actions associated with the [Title V] program at existing facilities with boilers.”

Ohio

Ohio EPA has taken the cautious approach and decided to await EPA guidance before taking any regulatory action relating to sources covered under the Boiler MACT.

Are We There Yet?

The vacatur of the Boiler MACT and its repercussions is a prime example of how a single change in the complex network of Clean Air Act requirements can produce an array of questions with real world consequences for regulated industries. In the absence of a national “map,” states have reached different conclusions as to where the “on” and “off” ramps are in this new territory. Many have gone in one direction initially only to change direction as the consequences of their interpretations become clear. All parties have an interest in EPA acting quickly to re-promulgate the Boiler MACT, but in a “best case” that process is likely to take 2 – 3 years. In the interim, EPA and the states are likely to embark on the Section 112(j) case-by-case MACT determination process. What that process will be and what case-by-case MACT controls (or “no control”) for boilers will be is still unknown. In short, we’re not home yet. Stay tuned ... for more twists in the road.

Article submitted by: Patricia F. Sharkey

Patricia F. Sharkey is a Partner with McGuireWoods, LLP in Chicago, Illinois. Ms. Sharkey can be reached at (312) 750-8601 or psharkey@mcguirewoods.com.

Keller Oil / Farina v. Illinois EPA

Pending before Illinois Pollution Control is an appeal of an Illinois Environmental Protection Agency decision by the underground storage tank (UST) section regarding the appropriate method to install monitoring wells at a leaking underground storage tank site. The case is *Keller Oil / Farina v. Illinois Environmental Protection Agency*, PCB No. 07-147.

The consultant for the site owner installed the monitoring wells in accordance with the regulations and generally accepted engineering and professional geologist practices. Moisture was found at approximately 10 feet below ground surface, and a saturated sand seam was found between 12 and 13½ feet below ground surface. Monitoring wells with 10-foot well screens (which IEPA prefers) were set so that the middle of the well screen was approximately 10 feet below ground surface, where moisture was first encountered. Because the aquifer was confined, water rose in the monitoring wells to approximately 2½ feet below ground surface and above the top of the well screen.

The Illinois EPA project manager rejected these wells and claimed they were not installed properly. According to project manager at IEPA, the Agency may have a new policy on how monitoring wells should be set. Per the project manager, drilling for the monitoring wells should have stopped as soon as moist conditions were encountered at 10 feet below ground surface. The project manager determined that drilling 5 feet deeper than that exceeded the minimum requirements of the Act and would not be eligible for reimbursement. The project manager also insisted that the wells should have been screened so that the screened length would be at or above 2½ feet below ground surface in order to intersect the static water level and floating contaminants. (There was no free product to float at this site.) In spite of attempts to explain that if the wells were installed as the project manager demanded they would likely be dry because the well would be above the saturated zone, the project manager continued to insist that the Agency's method was correct - that water would still rise in the wells.

Hearing in this matter was held on April 22, 2007. During the hearing, the site owner presented testimony that the desired intervals for screening the wells were at the level of 12½ to 13 feet below ground surface and the moist area above that. The owner also presented testimony that, installing well screens as close to the surface as the project manager wants, would not be appropriate. In addition to the issue of water getting into the well, one reason is that the wells would be too shallow to be properly grouted to avoid frost heave. Another reason is that such shallow wells would be subject to surface contamination entering them, especially at this site where there are 2 feet of gravel beneath the asphalt. At the end of the owner's hearing testimony, the Agency decided not to present its witness.

There were some additional issues in the appeal, such as the correct locations of soil borings and whether piping run samples collected from the bottom of the excavation after piping is removed, (a depth of 2½ to 3 feet below ground surface) can adequately characterize whether contamination extended laterally at a deeper level, such as the tank pit, in the direction of the piping run samples. In the Agency's denial letter, Agency had determined that piping run samples could define the extent of contamination. Petitioner argued that samples from the bottoms of piping runs are too shallow to determine if there is contamination at deeper levels in the unsaturated zone and presented testimony to that effect at the hearing.

Petitioner's post-closing brief has been filed and the Agency's post-closing brief will be due on October 9, 2007. The Pollution Control Board decision is expected in mid-November.

Article submitted by: Carolyn S. Hesse

Carolyn S. Hesse is a lawyer with Barnes & Thornburg in Chicago, Illinois. Ms. Hesse can be reached at (312) 357-1313 or CAROLYN.HESSE@BTLaw.com

A Sustainable Environment: Our Obligation to Protect God's Gift

Do Carbon Offsets Really Help the Environment?

A few years ago, our school hosted an international conference on environmental sustainability. Since most of the attendees, as well as the host organization, really cared about the environment, we decided that this conference should be carbon dioxide emission free. After all, if the theme of the conference is protecting and restoring the environment, we should not be party to destroying it.

We assigned a student to calculate the carbon dioxide emissions created as a result of the conference. This included the carbon dioxide produced from air travel by the attendees, auto or train travel, emissions resulting from the lighting and heating of the conference rooms, the power used by the attendees in their hotel rooms, and even the carbon dioxide created by the trolleys transporting the conference guests to Navy Pier to board the *Odyssey* for a cruise on Lake Michigan. Oh yes, we even calculated the carbon dioxide generated by the boat, that is, our portion of those emissions. The conference produced a grand total of 30 tons.

In order to be carbon neutral, we purchased an equivalent quantity of carbon dioxide from a forest in Venezuela that plants trees which eventually sequester (absorb) carbon dioxide; i.e. removing it from the atmosphere. We included a \$3 surcharge on the registration fee for each attendee to cover the cost of \$270. We felt good about this and received a certificate certifying our purchase, but when thinking about it a little further, these trees would have sequestered the carbon dioxide anyway. So I don't think we really reduced the carbon emissions by that equivalent amount.

Carbon offsets are supposed to work by investing in projects that will reduce the carbon dioxide emitting into the atmosphere. For example, if a company installs a wind turbine that will produce one

megawatt of electricity, it will replace the equivalent quantity of electricity that would otherwise be generated by, say, a coal-fired power plant that emits carbon dioxide. The owner of the wind turbine can then sell carbon credits equal to the quantity of carbon dioxide that the coal plant would have emitted if it produced the one megawatt of electricity; i.e. the carbon dioxide that it is not producing. So a wind energy plant can sell both the electricity and the carbon credits. But not all carbon offset sellers are as straight forward.

One example of a questionable company is TerraPass, a company that originated as a school project at the Wharton School of Business. TerraPass buys carbon credits from the project developers, adds a markup and then sells them to people or companies feeling guilty about emitting carbon dioxide. An example of such a project is Waste Management developing a gas-collection system to prevent the methane from the landfill being emitting into the atmosphere. This methane is collected and burned to power a turbine-generator producing electricity. This was a voluntary effort by Waste Management back in 1999, but TerraPass didn't come along until two years ago and it is now providing Waste Management with a bonus. In general, some of these projects would have happened anyway so buying the carbon offsets really doesn't help the environment. But you may find TerraPass on travel sites offering you an opportunity to offset the carbon dioxide you will generate by flying to some destination. It is calculated by the total carbon dioxide produced by the aircraft and divided by the number of passengers on the plane.

In effect, some carbon offsets that are sold to the public are depending on the guilt of people generating carbon dioxide and willing to pay for a project that, in theory at least, will reduce emissions by an equivalent amount somewhere else in the world. One person accused of this is Al Gore who regularly

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Wisconsin Air Quality Regulatory Update

Redesignation of Ozone Nonattainment Areas to Attainment

On June 14, 2007, the Wisconsin Department of Natural Resources (WDNR) submitted a request to U.S. EPA to redesignate the counties of Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Washington, and Waukesha from nonattainment to attainment of the 8-hour ozone National Ambient Air Quality Standard (NAAQS). The ozone NAAQS is based on the three-year average of the annual fourth highest daily maximum 8-hour average concentration. The redesignation request was submitted because these counties showed monitored ozone concentrations during a three year period from 2004 to 2006 that were less than or equal to the 8-hour ozone standard of 0.08 parts per million (ppm). Two counties, Door and Sheboygan, have not met the 8-hour standard and will remain nonattainment.

Background

Ground-level ozone is formed by a photochemical reaction between heat, sunlight, nitrogen oxides (NO_x, a by-product of combustion of fossil fuels), and volatile organic compounds (VOCs). Ground-level ozone, even at very low levels, can cause acute respiratory problems, reduce lung capacity, aggravate asthma, and impair the body's immune system. High levels of ground-level ozone typically occur during hot and muggy conditions, with little wind and a stagnant air mass that settles over an area for several days.

Monitored ozone concentrations in eastern Wisconsin along the Lake Michigan shoreline have historically been relatively high. In 1992, the following counties were classified as severe nonattainment for the one-hour ozone standard: Milwaukee, Racine, Kenosha, Waukesha, Ozaukee, and Washington. Sheboygan, Manitowoc and Kewaunee Counties were designated as moderate nonattainment for the 1-hour ozone NAAQS. Door and Walworth Counties were marginal nonattainment areas. The State of Wisconsin was required to develop a State Implementation Plan (SIP) to reduce

emissions of volatile organic compounds (VOC) and demonstrate how the area would meet the 1-hour ozone standard by November 1996.

As a result of the SIP, ozone levels in these counties began to decrease. From 1993 to 1995, Kewaunee County showed monitored ozone concentration less than the 1-hour NAAQS and was redesignated as attainment. Manitowoc County ozone monitors showed attainment from 2001 to 2003 and was redesignated as attainment in April 2003. From 2003 to 2005 the Milwaukee-Racine Area also monitored attainment of the 1-hour ozone NAAQS.

In April 2004, a new 8-hour ozone standard was instituted. Based on this new standard, the counties in eastern Wisconsin that had met the 1-hour ozone standard were now again designated nonattainment areas for 8-hour ozone. Sheboygan County and the Milwaukee-Racine Area were designated as moderate nonattainment, while Manitowoc, Door, and Kewaunee Counties were designated as basic nonattainment areas.

Efforts were again undertaken by WDNR to reduce ozone concentrations in eastern Wisconsin by limiting NO_x and VOC emissions. These, along with favorable weather conditions limiting ozone formation from 2004 to 2006, resulted in monitored ozone concentrations in Kenosha, Kewaunee, Manitowoc, Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties that met the 8-hour ozone NAAQS. Thus, these eight counties have submitted a request to EPA for redesignation as attainment.

Benefits of Redesignation

Under the New Source Review (NSR) program, there are two sets of regulations: one for attainment areas, called Prevention of Significant Deterioration (PSD), and another for nonattainment areas, called nonattainment NSR. The applicable emission thresholds for PSD are much higher than for nonattainment NSR. Thus, a source located in an

Continued on page 13.

Wisconsin Air Quality Regulatory Update (con't.)

attainment county generally can emit much higher amounts before becoming subject to PSD than a similar source located in a nonattainment area.

It is substantially more difficult to obtain a nonattainment NSR permit than a PSD permit. Under nonattainment NSR, a source must meet the Lowest Achievable Emission Rate (LAER, which does not consider economic impacts on the facility), and obtain emission offsets in an amount equal to or greater than the proposed emission increase. Both requirements can be time-consuming and expensive. Therefore, in terms of air permitting, it is easier for new or growing businesses to permit sources in attainment areas.

Latest Update on EPA's Review

Since the redesignation request was submitted, there have been two potential monitored exceedances of the NAAQS – one in Kenosha County and another in Manitowoc County - that could put the redesignation in jeopardy. EPA has until August 2008 to act on the redesignation request. So far there has been no further indication from the EPA regarding the timing of a decision on the request.

Revisions to National Ambient Air Quality Standards (NAAQS) for Particulate Matter

Over the past 10 years, U.S. EPA has modified the NAAQS for particulate matter based on new health science information about the affects of particulate matter on human health and public welfare. EPA has determined that fine particulate matter (less than 10 and 2.5 micrometers in diameter, PM_{10} and $PM_{2.5}$, respectively) have a more direct affect on public health than total suspended particulates (TSP). Wisconsin's ambient air standards are promulgated in NR 404, Wis. Admin. Code and ambient air monitoring requirements are in NR 484. A process is now underway to update the Wisconsin ambient air standards to reflect the current EPA NAAQS for particulate matter.

Proposed revisions to NR 404 include:

1 – Repeal the ambient air standards for TSP and annual PM_{10} from NR 404 and federal monitoring requirements for TSP and annual PM_{10} from NR 484.

In a memorandum dated May 15, 2007 from the WDNR to the state Natural Resources Board, WDNR outlined its proposed rule revisions and impacts on existing policy and small businesses. The memo stated that EPA may in the future designate some Wisconsin counties as nonattainment for the 24-hour $PM_{2.5}$ standard based upon ambient monitoring data. If this occurs, WDNR will work with all affected parties and stakeholders to develop a State Implementation Plan (SIP) to describe how these areas will attain the standard.

Fugitive dust requirements in NR 415 would not be affected, since most of the provisions in this rule do not specifically require control of TSP but rather “fugitive dust”, “opacity” and “visible emissions”.

Emission inventory reporting and fees will not be affected by the change in the particulate matter NAAQS. NR 438 requires reporting of particulate matter emissions over 10,000 pounds per year of all particulate matter less than 100 micrometers in diameter. TSP is not specifically listed as a pollutant for which emissions are required to be reported to WDNR.

Dispersion modeling would also no longer be required to show compliance with the TSP and annual PM_{10} standard.

2 – Adopt EPA-promulgated NAAQS for $PM_{2.5}$ into NR 404 and incorporate the corresponding federal $PM_{2.5}$ monitoring requirements for that ambient standard into NR 484.

Continued on page 17.

UP IN THE AIR

The IEPA Considers Vapor Intrusion Pathway for TACO Closures

The Illinois EPA is developing a proposal to include vapor intrusion as a pathway to be evaluated and resolved under Illinois' Tiered Approach to Corrective Action Objectives ("TACO") cleanup regulations. This proposal would apply to contaminated property remediated under Illinois EPA supervision, including underground storage tank or hazardous waste sites or sites in the Site Remediation Program. The proposal would require consideration of another route of potential exposure in addition to those currently required under TACO.

Vapor intrusion issues arise as a result of volatile organic compound ("VOC") contamination in soil or groundwater beneath or adjacent to buildings. Numerous environmental agencies have become concerned that vapors from these compounds may migrate from the subsurface into the buildings and present a risk to workers or residents inhaling the vapors. To the extent these risks exist, they can be abated by passive barriers which preclude the migration into the structure or active mechanisms to vent the vapors from under buildings. While the US EPA has issued some guidance documents indicating their concern and identifying some mechanisms for evaluating the risk, neither the US EPA nor any state has issued any regulations regarding this issue. If Illinois adopts regulations on vapor intrusion next year, it would be the first state to do so.

Illinois EPA's proposal works to fit the vapor intrusion risk into the TACO framework. The Illinois EPA proposal includes health based Tier I screening values for VOCs in soil and groundwater which represent levels which would not present a risk of vapor intrusion, assuming certain depths and soil conditions. The proposal also includes formulas representing the transport models (primarily the Johnson and Ettinger model originally favored by US EPA) for more comprehensive evaluation. This would allow persons seeking to evaluate the pathway to use site specific conditions to develop a more

accurate risk of vapor transport. Finally the proposal would allow the use of barriers to exclude the pathway or Tier III risk assessments.

In discussions with the regulated community, numerous issues have been identified with the proposal. First, the Tier I screening values are very low, creating the potential that a high number of sites contaminated with VOCs (including many gas station sites) will have to address this pathway. The second and related issue is that exclusion of the pathway by the use of barriers or more site specific evaluations will be considered a Tier III activity, thus always requiring a high level of Illinois EPA review. The concern has been expressed that better screening tools are needed to focus public and private efforts at those sites where these risks are genuinely present.

Another and larger issue is that the US EPA may be moving away from its own screening models and moving toward a more data intensive approach which would require indoor air sampling in order to address this risk. Indoor air sampling tends to be both expensive and unreliable in evaluating vapor intrusion risks, so reliance on this approach would be even more inconsistent with the TACO. USEPA's uncertainty on this issue presents even larger hurdles for states seeking to develop their own programs with the expectation that USEPA would approve their approach at individual sites.

The Illinois EPA continues to meet with the Illinois Site Remediation Advisory Committee to discuss these issues before a proposed regulation is submitted to the Pollution Control Board. It is not clear when a final proposal will be ready but consensus will depend on the resolution of these types of issues.

Article submitted by: David L. Rieser

David L. Rieser is a Partner with McGuireWoods, LLP in Chicago, Illinois. Mr. Rieser can be reached at (312) 849-8249 or drieser@mcguirewoods.com.

Engine Rulemakings

On April 6, 2007, the Illinois Environmental Protection Agency (“Agency”) filed a regulatory proposal with the Illinois Pollution Control Board (“Board”) that would require reductions of nitrogen oxides (“NOx”) from certain large stationary internal combustion engines and combustion turbines. The Agency stated that the proposal would satisfy the state’s obligations under Phase II of the NOx SIP [State Implementation Plan] 69 Fed.Reg. 21604 (April 21, 2004), as well as NOx reasonably available control technology (“RACT”). Because of the NOx RACT elements of the proposal, it included more engines than technically required by Phase II of the NOx SIP Call. The proposal also applied to all engines in the state that meet the applicability thresholds. The proposal was filed pursuant to Section 28.5 of the Environmental Protection Act, 415 ILCS 5/28.5, as a “fast-track” rulemaking.

Various representatives of the regulated community objected to the Agency’s filing the proposal pursuant to Section 28.5, particularly the portion of the proposal not related to Phase II of the NOx SIP Call. On May 17, 2007, the Board bifurcated the rulemaking, allowing the portion of the rule responding to Phase II of the NOx SIP Call to continue as a fast-track rulemaking under docket R07-18 and the remainder of the rule to proceed under Sections 27 and 28 of the Environmental Protection Act, 415 ILCS 5/27 and 28, under docket R07-19.

The Phase II NOx SIP Call rulemaking added a number of definitions to 35 Ill.Adm.Code Part 211

(*e.g.*, diesel engine, lean-burn engine, rich-burn engine, etc.) It also includes control and maintenance requirements that limit NOx emissions to 150 ppmv (parts per million by volume) for spark-ignited rich-burn engines and 210 ppmv for spark-ignited lean-burn engines. In the alternative, affected companies can comply through implementation of system-wide averaging plans. The rule also includes certain testing, monitoring, recordkeeping, and reporting requirements. The compliance date is January 1, 2008. The final rule was adopted by the Board on September 20, 2007.

Subsequent to the bifurcation of the proposal, the Board established a hearing schedule for R07-19. However, prior to any of the deadlines established in that schedule, on August 23, 2007, the Agency requested that the deadlines be suspended pending the outcome of modeling being performed at the Lake Michigan Air Directors’ Consortium (“LADCO”), as the results of that modeling could affect the Agency’s position regarding its proposal. The Board granted the Agency’s request on that same day, and the hearing officer has not yet established a new schedule. On October 4, 2007, the Agency presented LADCO’s modeling results to Illinois stakeholders and indicated that it would likely withdraw the proposal currently docketed at R07-19. The Agency further indicated that it would likely propose a NOx RACT rule that would apply only in the ozone and PM2.5 nonattainment areas and that would apply to engines located in the nonattainment areas (as opposed to the pending proposal, which provides for statewide applicability).

Don’t Lose Touch!

Have you changed jobs? Has your employer changed your email address? Did you recently move? Don’t risk missing any vital information from A&WMA, make sure to update your contact information any time there is a change.

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Solar Technologies Provide Energy for Campus, Instruction for Classroom

Two separate solar energy technologies are now providing power to Wilbur Wright College. These systems will be used not only as an alternative to fossil fuels but also as a teaching instrument in Wright's Environmental Technology Program.

The installation of solar panels, "is an emphatic first step to demonstrate Wright's commitment to our students and the community with respect to reducing energy use, environmental impact, and costs, while providing an up-to-date and significant technical education experience," said Wright College President Charles Guengerich.

A 1.8 kilowatt photovoltaic module and a 400-gallon per day solar water heating unit have been installed on campus. This renewable energy project was funded by the Illinois Clean Energy Community Foundation, with assistance from the Illinois Department of Commerce and Economic Opportunity's (DCEO) Bureau of Energy, additional resources provided by the City Colleges of Chicago and Wilbur Wright College, and advisement by the City of Chicago.

These two systems will provide a small portion of energy independence for the college, but more importantly, will serve as demonstration models for the Building Energy Technologies curriculum, part of Wright's Environmental Technology Program. With DCEO support, Wright recently began offering a 21-credit hour occupational certificate program in Building Energy Technologies. This curriculum is focused on energy efficiency, renewable energy, and environmental innovation in the building construction and operation industries.

"Having operating renewable energy systems on-site is essential to our ability to provide real-world instruction to our students," said Environmental Technology Program Director Victoria Cooper. "Both of these solar energy technologies are becoming more

common with each passing year. Proficiency in their design, integration, and operation is a valuable job skill at both new and retrofit green construction projects."

The photovoltaic module consists of 10 cells mounted on the southern façade of the college parking garage. It is wired into the security lighting system, allowing for the most direct and efficient utilization of the electricity it produces. Within the first 24 hours on-line, the module had supplied almost eight kilowatt-hours of energy to the campus.

The solar water heating unit is located on the roof of the Science Building. Six solar radiation collectors are mounted on the mechanical penthouse, and are piped to an inside heat exchanger and water tank. The Science Building was selected for this array because it houses the campus laboratories and cafeteria, so a regular daily demand for hot water is expected. Once again, this allows the system to reach its highest operational capacity.

Solar Service Inc., of Niles, IL installed the panels with Wright's staff providing expertise on integrating the systems into the college infrastructure. David R. Inman, Project Manager for Building Energy Technologies at Wright said, "There was a lot of creativity involved in designing systems that would give us the most effective energy impact for the campus while also serving as a teaching tool for our students. But we are determined to both green the campus and green the curriculum."

For more information about the renewable energy systems at Wright or the Building Energy Technologies occupational certificate program, contact Mr. Inman at (773) 481-8477 or dinman@ccc.edu

A Sustainable Environment (con't.)

purchases carbon credits to offset the carbon dioxide created by his activities. His Tennessee mansion consumes about 20 times the electricity of an average American home. The Google founders do the same thing, buying carbon credits to offset the carbon dioxide emitted by their private Boeing 767 jet. The sellers of carbon credits depend on people wanting to “feel good” about the environment as they continue to pollute.

You will also find other celebrities promoting their concern for the environment. Earlier this year at the Academy Awards, Al Gore and Leonardo DiCaprio made a pitch to fight global warming and announced that this year’s ceremony had gone “green”. Each of the presenters and performers was given a glass statue representing the elimination of the carbon dioxide typically generated by a celebrity lifestyle over a year. The carbon credits were purchased from TerraPass. I wonder if they deducted the emissions created by producing the statues. It seems that the sale of carbon credits is giving the rich the right to pollute.

Article submitted by: George P. Nassos

Professor George P. Nassos is the Director of the Environmental Management Program at IIT Stuart School of Business. Professor Nassos can be reached at (312) 906-6543 or gnassos@iit.stuart.edu

Wisconsin Air Quality (con't.)

The following new 24-hour and annual standards would be implemented in NR 404 for PM_{2.5}: 15.0 micrograms per cubic meter (ug/m³) annual arithmetic mean concentration and 35 micrograms per cubic meter (ug/m³) for the 24-hour average

Latest Update

WDNR has drafted revisions to NR 404 and NR 484 and will hold a public hearing on the proposed changes on October 12, 2007 in Madison. More information can be found at: <https://apps4.dhfs.state.wi.us/admrules/public/Rmo?nRmoId=2304>

Written comments can also be submitted at: <http://adminrules.wisconsin.gov>.

Article submitted by: Raymond Ramos

Mr. Ramos is an Air Quality Professional with SEH in Sheboygan, Wisconsin. Mr. Ramos can be reached at (920) 452-6603 x3# or rramos@sehinc.com



SE OHIO—A growing company in the chemical industry seeks an experienced professional to assume the role of Senior Environmental Engineer for their facility in SE Ohio. Qualified candidates will have a BS in Chemical or Environmental Engineering or an applicable degree and a minimum of 10 years experience. Must have experience with all 3 environmental medias with a preference to candidates with strong air and water backgrounds. Salary is commensurate with experience but the pay range is well above industry standards for this type of opportunity. The company would prefer that qualified candidates have experience in a chemical or refinery setting. For immediate consideration please contact us.

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Project Engineer with Air Experience

GaiaTech, Inc. (www.gaiatech.com) is a rapidly expanding environmental and engineering consulting company. Our Chicago office is seeking a qualified **Project Engineer with Air Experience**.

The ideal candidate must demonstrate knowledge of air permitting, emission calculations/inventories, and an understanding of existing and proposed regulations and their implications. The desired qualifications and experience include:

- BS in Environmental Engineering, Chemical Engineering or a closely related field.
- Minimum of 3-5 years of relevant professional experience with a focus in air quality consulting.
- Significant experience with air permitting projects including the following:
 - * identifying/characterizing air emission sources,
 - * estimating emissions,
 - * determining applicable regulatory requirements, and
 - * preparing permit applications.
- Strong quantitative and analytical skills.
- Excellent verbal and written communication.
- Proficiency in other environmental consulting disciplines considered a plus.

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Environmental Compliance Corporate Leadership Opportunity

(Reference #19114)

This is an opportunity to join an industry leader as an Environmental Director! Provides compliance support and oversight to a diverse group of companies and facilities in fertilizer, petroleum coke and oil and gas exploration businesses. Will be responsible for developing, maintaining and reviewing company compliance standards, programs and management systems, assessing compliance status, provide recommendations for improvement and assisting compliance personnel. Will also identify and support compliance goals and measures for tracking and driving change. Will work closely with operations, legal and management teams to achieve alignment and effective compliance systems. This role is also tasked with identifying applicable emerging issues and communicating intent, impact and compliance deadlines providing management solutions to company compliance personnel. Will consult with and oversee multiple consultants supporting facility compliance programs and projects including remediation projects.

The following skills and experience are required;

- Must have a 4-year degree in Science, Engineering or similar area of study.
- Must have 10 plus years of compliance experience in both a leadership role and hands-on at the plant level.
- Heavy manufacturing or chemical plant experience preferred.
- Should have a board background in environmental compliance with strength in areas such as, RMP, RCRA/Remediation and air compliance monitoring.
- Must be willing to travel 20-30%.

If you would like to learn more about this or other EHS opportunities, send a current resume and salary history to me at: Bethany Brevard Harned, Principal EHS/HR Recruiting Specialist, Professional Outlook, Inc. bethany@professionaloutlook.com

*Please visit www.professionaloutlook.com for additional EHS, HR and engineering positions currently available. (Please note all fees paid by Client Company)



The Opportunity - RMT, Inc. is one of the leading environmental and engineering consulting firms in the country, ranked 73rd by Engineering News Record in 2006. We have been helping our clients solve their most difficult and diverse engineering and environmental challenges for almost 30 years. With over 550 employees in eighteen offices in the United States and two international locations, we currently have an opportunity for an Environmental Engineer/Geologist in our Chicago, IL office.

Project Engineer/Geologist (#11192)

The Position -Primary responsibilities will include: collecting air, water, soil and groundwater samples, managing contractors, overseeing the installation of groundwater wells and piezometers, developing groundwater wells, performing aquifer tests, and evaluating sample results to generate tables and figures to illustrate collected data.

In addition, this person will assist with hydrogeologic assessments and technical evaluations regarding sources, transport, and fate of groundwater and soil contamination, and conduct remediation alternatives evaluations.

Engineering support will include: calculations, conceptual development, design, bid preparation, cost estimation and AutoCAD drawings and equipment specifications. Construction quality assurance oversight of UST pulls, landfill, wastewater, stormwater, and remedial systems. The qualified candidate may also be responsible for managing and leading work activities to include: recording and managing data, budgets, staff, supervision, preparing work plans, proposals & reports, presenting data, and hydrogeologic illustrations, determining the potential impact of and coordinating recommendations with Federal, State, and Local regulations, and managing the liaison with stakeholders.

Requirements -

- BS in Geology, Hydrogeology (PG/CPG) or Civil/Environmental Engineering (EIT/PE)
- 5-10 years of related work experience
- Knowledge of Illinois SRP/TACO UST/RCRA/Superfund
- Proficiency with MS Word, Excel, and AutoCAD
- Candidate should be team-orientated and exhibit strong oral and written communications skills.
- Occasional travel to short and long term field assignments
- Valid Driver's License.
- 40-hour health & safety training certification and ability to obtain

Preferred Experience-

- Previous experience in environmental consulting/remediation
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Member News

David R. Inman, a former LM-A&WMA Board Member, has been at serving as a Project Manager in the **Wilbur Wright College** (*one of the City Colleges of Chicago*) Environmental Technology Program since the 2003 closure of the NORBIC Environmental + Energy Assistance Center. Among other duties, Mr. Inman has helped develop, accredit, and launch a six-course, 21-credit hour occupational certificate curriculum in Building Energy Technologies, focused on energy efficiency, renewables, and EH&S for the building construction, rehab, and operation sectors. The initial group of students will be graduating at the conclusion of this upcoming fall semester.

As a supplement to the curriculum, Mr. Inman has also managed the installation project of several renewable energy technologies on campus. A 1.8 kW photovoltaic and a 400-gallon per day solar water heating system began operating within the past month, and will serve as both energy resources for the school and demonstration models for technical instruction within the curriculum. A wind data study is also being conducted.



Burns & McDonnell is pleased to announced **Rick A. Hersemann**, **CHMM** has joined the firm as a senior environmental scientist.

Mr. Hersemann's areas of expertise include RCRA corrective action and closure, compliance assistance, permitting, remedial investigations and site assessments. He is experienced in closure of solid and hazardous waste landfills and large federal facilities. His work experience also includes Phase I & II investigation, CERCLA remedial investigations and feasibility studies, sediment remediation, quality assurance and voluntary site closure using the Indiana Risk Integrated System of Closure (RISC) and the Illinois Tiered Approach to Corrective Action (TACO) regulations.

Mr. Hersemann received his bachelor's degree in physical geography from Western Illinois University and is a certified hazardous materials manager.

Speakers Wanted on Environmental Law for A&WMA Technical Sessions at 2008 Annual Conference

The organizers for the Air and Waste Management Association's 2008 Annual Conference (in Portland, Oregon) have designated Craig Simonsen, Seyfarth Shaw LLP, as the Principal Area Lead (PAL) for technical and educational sessions on environmental law. Specifically the Conference is hoping for abstracts to be submitted on topics that overview the full range of areas associated with environmental law.

Anyone interested in submitting an abstract for a paper and speaking at the June 24 - 27, 2008 Conference, in Portland Oregon, is encouraged to contact Craig Simonsen at csimonsen@seyfarth.com or 312-460-5223.



New Members (con't.)

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