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

RCRA Here and Now

May 20, 2010

8:30 a.m. - 4:30 p.m.

Abbington Banquets

3 South 002 IL Route 53 (Route 53 and Butterfield)

Glen Ellyn, IL 60173

Lake Michigan States Section of the Air & Waste Management Association will be hosting a full day waste conference to provide environmental professionals a better understanding of the various components related to the regulations pertaining to the treatment, storage, and disposal of hazardous materials. This seminar will help hazardous waste generators, environmental managers, TSD facility operators, environmental consultants, compliance specialists, environmental attorneys, and regulators understand and comply with the hazardous waste regulations.

This year, prominent leaders from government, industry, legal and consulting have been invited to speak providing attendees information and insights on the topics of:

Compliance

- State Updates
- Federal Updates
- Generator Requirements
- Transportation Requirements

Remediation

- Contained in Rule
- Universal Waste
- Closure and Remediation

What's Next

- SEPs and Settlements under RCRA
- Legal Perspective on Hot Topics in RCRA Enforcement
- Corporate Sustainability
- Case Studies
- Pharmaceutical, E-Waste and the new Solid Waste Rules

A networking reception will be held immediately following the conference.

There will be space for a limited number of exhibitors. Cost will be \$550 for a 6' tabletop display. Exhibit cost includes one full registration plus additional amenities.

We are working on details to offer a RCRA Primer Class the evening before. Watch future conference announcements for full details.

Conference Registration

NAME: _____

COMPANY: _____

ADDRESS: _____

CITY: _____ ST _____ ZIP _____

PHONE: _____ FAX: _____

E-MAIL: _____

REGISTRATION:

- RCRA Primer Course *Only* Members and Non-Members \$110
(not attending May 20th RCRA Conference)
- RCRA Primer Course *and* May 20 Conference Registration
 - Members \$300
 - Non-Members* \$350
 - Government Employee \$225
 - Students \$110
- RCRA Conference Only (May 20)
 - Members \$225
 - Non-Members* \$275
 - Government Employee \$125
 - Students \$75
- RCRA Conference Exhibitor Only (May 20) \$550
- Donation to Stephen Rothblatt Scholarship Fund \$_____

**Non-members receive a one-year local associate membership with Lake Michigan States Section.*

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: _____

Cancellations will be accepted until May 7th for a full refund.

After May 7th and before May 13th, refunds will be given minus a \$50 processing fee.

After May 13th, we will no longer be able to issue a refund, but conference handouts will be mailed if requested.

If you have any special dietary requirements, please contact Robin Pelsis at 847-202-0418.

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

Robin Pelsis, LM-A&WMA
11 Pleasant Hill Blvd.
Palatine, IL 60067

Phone: (847) 202-0418
Fax: (847) 202-0427
Email: robin@LMAWMA.org

SEC Issues Interpretive Guidance on SEC Disclosure Requirements Relating to Climate Change

By: *Christina Landgraf*
Barnes & Thornburg LLP

On January 27, 2010, the United States Securities and Exchange Commission (“SEC”) clarified that environmental compliance requirements, environmental risks, and potential future regulations, as well as how these developments could affect and business developments and profitability, must be included in annual filings to the SEC.

The SEC subsequently published an interpretive release (Release Nos. 33-9106; 34-61469; FR-82, entitled “Commission Guidance Regarding Disclosure Related to Climate Change”), effective February 8, 2010, to provide guidance to publicly traded companies on the SEC’s existing disclosure requirements as they apply to business or legal developments relating to climate change. The release clarifies the type of information that publicly-traded companies must file with the SEC and disclose to investors in terms of climate-related “material” effects on business operations. The release may result in publicly-traded companies disclosing greenhouse gas emission inventories and climate risk analyses in a more consistent manner.

Federal securities laws and SEC regulations require public companies to make certain disclosures for their investors’ benefit. The SEC provides the business and investment communities with guidance on how to interpret the disclosure rules. The SEC’s interpretive releases do not create new legal requirements or modify existing ones, but are intended to provide clarity and enhance con-

sistency for public companies and their investors.

The release clarified certain existing disclosure rules that may require a publicly-traded company to disclose the impact that business or legal developments related to climate change may have on its business. The relevant rules cover a company’s risk factors, legal proceedings, business description, and management discussion and analysis.

The SEC noted that the following areas are examples of issues where climate change may trigger disclosure requirements:

Impact of Legislation and Regulation: When assessing potential disclosure obligations, a company should consider whether the impact of certain existing laws and regulations regarding climate change is material. In certain circumstances, a company also should evaluate the potential impact of pending climate change legislation and regulations.

Effect of International Accords: A company should consider (and disclose if material) the risks and effects on its business of international accords and treaties relating to climate change.

Indirect Consequences of Regulation or Business Trends: Legal, technological, political and scientific developments regarding climate change may create risks or new opportunities for companies. For instance, a company may face decreased demand for goods that produce significant green-

house gas emissions or increased demand for goods that result in lower emissions than competing products. Accordingly, companies should consider, for disclosure purposes, the actual or potential indirect consequences they may face due to climate change-related regulatory or business trends.

Physical Impacts of Climate Change: Companies also should evaluate, for disclosure purposes, the actual and potential material impacts of environmental matters on their business.

The current SEC rules and regulations require companies to disclose items that are “material” to investors. The SEC has not changed the traditional standard for materiality, which is a “substantial likelihood that disclosure would be viewed by the reasonable investor as having significantly altered the total mix of information made available.”

Some commentators have expressed concern that companies now may be required to speculate on what legislation will pass and what its consequences may be. There is also concern that disclosure on the four topics listed above would include a great deal of speculation and may lead to more – not less – investor confusion. Those opposing the adoption of the interpretive release noted the great flux in the science, law and policy that addresses climate change.

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SEC Issues Interpretive Guidance on SEC Disclosure Requirements Relating to Climate Change (con't.)

More disclosure about climate change issues seems to be a growing trend. For example, the United States Environmental Protection Agency's ("U.S. EPA's") new mandatory greenhouse gas ("GHG") reporting rule requires some facilities that are large emitters of GHGs to report those emissions to U.S. EPA. Such facilities were required to begin data collection on January 1, 2010. In addition, the National Association of Insurance Commissioners ("NAIC"), the national organization of insurance regulators, unanimously approved a mandatory requirement for insurers with premiums of \$500 million or more to disclose climate risks to regulators, shareholders and the public beginning in May 2010.

There has been a growing number of climate change disclosure cases, as well as subpoenas issued by New York's Attorney General in September 2007 to five of the nation's largest power companies regarding their climate change disclosure in SEC filings. Those subpoenas requested internal documents for an investigation on whether the companies adequately disclosed the financial risks of carbon dioxide emissions from new coal-fired power plants. The office of the New York Attorney General indicated that the companies may be affected financially if lawmakers place controls on coal-fired plants that emit carbon dioxide. At least three of those cases have been settled, including one major settlement in November 2009, in which the companies agreed to boost their disclosure.

Companies subject to the SEC reporting rules should carefully draft their disclosures to provide investors with useful information about the potential risks and implications of climate change.

For further information, please contact Christina Landgraf of Barnes & Thornburg LLP at 312-214-5607 or clandgraf@btlaw.com.

A&WMA Hires New Executive Director

The Air & Waste Management Association (A&WMA) announces that Mike Kelly has joined the Association as Executive Director.



Mike is charged with leading Association operations and implementing business and operational strategies, growing membership, and enhancing relationships with senior government officials and industry executives.

"We are very pleased to have Mike join the A&WMA staff. Mike's association work and career experience will be a valuable asset to A&WMA and will help our Association to expand and to reach its strategic goals," said Bob Hall, A&WMA's interim Executive Director.

Mike's career spans the private, corporate, and nonprofit sectors. He has held diverse roles in a variety of industries including manufacturing, medical device, real estate, mortgage banking, housing and remodeling, professional services, micro-electronic packaging, aerospace, and automotive electronics.

Prior to joining A&WMA, Mike worked as a contractor with the Home Builder's Association of Greater Chicago and as the Chief Executive Officer of the National Kitchen and Bath Association, the leading trade association for the kitchen and bath industry.

Mike sits as a trustee on the National Board of Destination Imagination, an international youth education and leadership nonprofit.

Mike holds a MBA in Marketing with a secondary in International Finance from Fairleigh Dickinson University. He earned a Bachelor of Science with dual majors in Business Management and Computer Decision Sciences.

THE VALUE OF AN OFFICE-WIDE MENTORING PROGRAM (CONTINUED)

By: Perry Fisher

This is the last in a series of three articles begun in the August 2009 newsletter and continued in the November 2009 newsletter. In response to the question, if a mentor-protégé relationship is not working, what should be done?, my advice would be to address the situation immediately, since the program greatly depends on the quality of this relationship. In this regard, at the outset of the program, both the mentor and protégé should be informed by the Mentoring Program Coordinator that, should this development occur, the Coordinator should be informed by either party in order to understand why the program is not working for them. If the Coordinator believes that he can resolve the problems between the two, then an effort can be made to continue with the same relationship on a temporary basis while implementing the Coordinator's suggestions; however, if it is clear that a change should be made, the Coordinator should request from the protégé his choice of a new mentor, and the Coordinator take steps to initiate the new protégé-mentor relationship.

In identifying the best person to serve in the role of Mentoring Program Coordinator, that is a decision for the senior management of the firm. If management cannot identify a senior manager who it believes could successfully fill this role based upon their other responsibilities and commitment to the value of the program, consideration should be given to either retaining a part-time employee for this purpose or outsourcing this to a contractor. Outsourcing has the advantage of not imposing on a senior manager the additional demands to set up and run the program, but it does involve an expense to the firm and the limitation that the contractor

is not immediately available in the office should issues arise. In my experience with both Dames & Moore, where I was a full-time employee at the outset of the program when I set it up, and a part-time employee later, and ERM, where I was a part-time employee who generally scheduled visits to the office once every two weeks, usually with respect to the mentoring program, both scenarios were successful.

Concerning the frequency of surveys to evaluate the success of the program — surveys to be completed by both the proteges and mentors — once a year should be adequate. During the first year of its operation, however, an alternative could be conducting the survey after six months, then annually during succeeding years.

In assessing the value of the program, it is clear that the protégé stands to gain much from the program for obvious reasons. However, there are substantial benefits which the mentor also receives. While a modest amount of time needs to be committed by the mentor to the program, specifically in meeting with the protégé during those times when the protégé is in particular need of mentoring, the value to the mentor in developing his communication and leadership skills necessarily will enhance the value of the mentor to the firm and his own career. It also provides considerable satisfaction in the giving of help and support to a colleague in need of it. It feels good and enhances his own self esteem in giving to another. In doing so, the firm as a whole becomes stronger through proteges who are more successful and mentors who increase their communication and leadership skills.

Guidelines for success of a mentoring program can be divided into

those for proteges and those for mentors. Protégé guidelines for success include (1) understand that you are responsible for your own growth and development; (2) respect your relationship with your mentor and with the program; (3) maintain an open and honest relationship with your mentor; (4) prepare thoroughly for meetings with your mentor; (5) seek help when you need it, whether the problem is large or small; (6) when presenting a problem to your mentor, accompany it with proposed solutions; (7) actively solicit the mentor's opinions and suggestions; (8) accept and act on constructive criticism; (9) strive to give as well as gain in the mentoring relationship; (10) do not fear failure; failures are opportunities for growth; (11) follow the mutually agreed upon methods and times for communicating with your mentor; and (12) share results of performance reviews and plans.

Mentor guidelines for success include (1) recognize and wholly accept the responsibilities you are taking to the individual, to the program, to the office, and to the firm; (2) listen to the protégé, and be sure you understand what the issue or problem is before you suggest a solution; (3) ask the protégé what they think the solution is; (4) do not manage the protégé, but instead serve in the roles of tutor, coach, counselor, and advisor; (5) ensure the time you spend with the protégé is valuable; (6) provide suggestions and encouragement, and recommend resources for learning; (7) strive to gain as well as provide benefit in the mentoring relationship; (8) participate when asked by the protégé; and (9) establish mutually acceptable methods and times for communications.

Contributor Perry W. Fisher
Mentoring Program Consultant
Perrywf@aol.com

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

By: George P. Nassos

Why Are We Selling the Future?

During the past few years, we have been reading more and more about organizations and people over-extending themselves with respect to their financial situation. People without the necessary means were committing to purchase homes they could not really afford. We have had the collapse of Merrill Lynch, AIG and numerous banks. The automobile industry is in bad shape with GM shutting down its Oldsmobile, Pontiac, and Hummer (about time) lines while trying to sell Saturn and Saab. Individual credit card delinquencies are finally starting to level off. The City of Chicago is in such poor financial shape it has been selling assets to obtain cash for its current operations. The State of Illinois is in such bad financial shape that the governor wants to increase the income tax by 50%. The Obama administration recently announced a budget deficit of \$1.56 trillion – that is trillion, not billion – for 2010 and a 2011 budget of \$3.83 trillion. And even countries, like Greece, are going broke. Greece continues to spend 13% more than it brings in. A few years ago, it sold future airport fees and lottery proceeds for current cash to meet its needs. Basically, we are spending our future assets.

This unfortunate pattern is exactly what we are doing with the earth and the deficit is growing rapidly. The earth can be considered a living organism that provides all of our needs in terms of food, clothing, shelter, energy and waste disposal. These

resources are either renewable, such as topsoil, fresh water, fish, and forests; or nonrenewable such as oil, ore deposits, and coal. It was as recently as 1960 that we were consuming the earth's resources at a rate of 50% of what it could provide. In 1980, we were consuming the resources at the same rate as they were being generated. Unfortunately, today we are consuming 40% more than what we have. Like Greece, we are borrowing from the future, but unlike Greece, there is no one that can bail us out.

One of the causes of this over-consumption is that low costs and improved extractive technologies have made recycling and conservation unattractive, and thus accelerating the depletion of our resources. This has been reinforced by an increase in population and a commensurate increase in consumption resulting from these lower costs. So it appears that progress in technology may very well hasten the collapse of our environment. As ecologists say, "Nature has no reset button."

It is critical that we take action now as later will be too late. We don't want to experience a collapse like the island of Nauru, considered one of the richest nations in the world in 1976. It was continuously inhabited for 100 generations living within its ecological limits. In less than one generation, Nauru was stripped of its rich phosphate deposits and its current inhabitants are living in poverty on a barren landscape.

We must revert to a sustainable world, "meeting today's needs without sacrificing the needs of future generations." The world's current population is about 6.8 billion and it is expected to peak at 9 billion within 50 years. Achieving sustainability will not be easy when we are already consuming 40% more than we have and the population expected to increase further by one-third. We don't need large homes – most families can live comfortably in a 2000 sq. ft. house. We don't need automobiles with large engines consuming gasoline that we don't have. Europeans consume half as much as we do and their quality of life is considered better than ours in many respects – longevity, child mortality, vacations, retirement, et al. We need to add renewable energy, like wind, solar and geothermal, to our electric grid in order to meet the growing demand as our old nuclear plants are being shut down. In 2008, Germany added about five times as much solar energy as the U.S. yet its solar resource, the energy from the sun, is less than any part of the U.S. other than perhaps Alaska.

We must all do our part to protect God's gift – a sustainable earth. We cannot wait until there is a threat like the collapse of Nauru – it may be too late. For the sake of our grandchildren, let's change our spending habits.

The National Environmental Field Activities Program (NEFAP)

By: *Justin Brown*

Environmental Monitoring and Technologies, Inc.

The quality of environmental data is only as good as the quality of the sample. Standing at the base level of complex environmental analysis and the foundation of decision-making process, the sample or data collected in the field is critical to the accuracy and success of any monitoring program. To ensure the collection of such data meets an industry standard of quality, The National Environmental Field Activities Program (NEFAP) has been established and is underway!

The NELAC-Institute (TNI) Field Sampling and Measurement Organization (FSMO) standard has been written, published, and adopted. The standard is now ready for implementation by both Accrediting Bodies (AM's) and FSMO's.

The purpose of TNI FSMO standard is to establish a uniform standard for Accrediting Bodies and FSMO's to improve the quality and consistency of environmental data collected in the field. The Standard establishes quality systems and procedures for FSMO's aligned with the practical constraints of sample collection and field measurement as well as regulatory and industry specific requirements.

TNI established a Field Activities Committee (FAC), who along with associate members is currently working on the development of a pilot program to develop the process for the implementation of TNI standards. Governing this implementation will be a recognition program and associated procedures that are currently in development. The FAC and its associate members are developing

The short-term goals of the program:

Goal(s)

1. Build a recognition process for ABs to ensure uniform implementation of the TNI FSMO standards for any scope of accreditation requested by an FSMO.
2. Work with the TNI Board to revise the TNI bylaws, if necessary, to ensure reasonable fit with this program.
3. Review TNI Policies and SOP's to ensure consistent implementation of national programs such as this.
4. Implement the FSMO Accreditation Program
5. Establish the voluntary adoption and formal acceptance of NEFAP in contracts, regulatory program and other forms of requirements.
6. Develop government (federal, state and local) acceptance of the TNI accreditation program.
7. Evaluate the Stationary Source Audit Sample (SSAS) effort to consider incorporation into this program.

the procedures for qualifying accreditation bodies that accredit FSMOs. One accrediting body (AB) has already accepted the standard for implementation, and several other ABs have expressed interest to TNI about adopting the standard.

Several organizations have indicated that they are considering mandatory accreditation for their contracted FSMOs. This accreditation would be used to qualify FSMOs that perform sampling and testing in various media using a variety of sample collection and field-testing methods.

The TNI Board has voted to accept the Field Activities Committee report and strategic plan for the implementation for the National Environmental Field Activities Program (NEFAP). The NEFAP Board has been established and has been working diligently to establish the foundation for a successful accreditation program.

If you are an accreditation

body, and would like to become part of this program, please contact Jerry Parr, Executive Director TNI, (Jerry.parr@nelac-institute.org) or Marlene Moore, TNI Field Activities Committee Chair, (mmoore@advancedsys.com) to discuss this new opportunity. Government and third party ABs are needed TODAY!

If you perform sample collection or field measurements (not within a mobile lab), and are interested in participating in this program, please contact Jerry Parr, Executive Director TNI, (Jerry.parr@nelac-institute.org) or Marlene Moore, TNI Field Activities Committee Chair, (mmoore@advancedsys.com) in order to learn how to be the FIRST in your business to be an accredited FSMO. This accreditation will demonstrate to your clients your commitment to quality!

To learn more about this program and get your copy of the standards, please go to www.nelac-insitiute.org.

Hidden Agendas: When Non-Environmental Agendas Hide Behind Environmental Concerns*

*By: Carol J. Forrest
Rose Hill Communications, Inc.*

Public concerns about issues such as facility emissions, chemical use, the siting of waste treatment facilities, and the like are typically based on either a lack of information or misinformation or on differences of opinion regarding, for example, the validity of risk assessment. Although addressing such concerns can be challenging, skilled community relations/public involvement practitioners possess tools and techniques that can often allay these types of concerns and resolve disagreements.

But what happens when a stakeholder uses an environmental issue to covertly pursue an agenda that has little or nothing to do with the environment? As a long-time practitioner in the community relations/public involvement field, I have worked on a number of cases in which the non-environmental “hidden agendas” of business, labor, and political interests have intruded into otherwise straightforward public environmental concerns. In my experience, the bogus environmental concerns raised in well-executed hidden agenda campaigns are often taken at face value by the public, the media, and even the environmental consultants, managers, and the organizations for which they work.

Why do hidden agendas matter? Because the act of raising false concerns or making misleading statements not only takes a toll on worthy projects, it adds to public confusion and distrust regarding complex and important environ-

mental issues. Establishing good dialogues with concerned stakeholders is difficult enough without the manipulation of those who are simply using environmental concerns to achieve competitive or other non-environmental goals.

“Mixed-Motive” Alliances and Front Groups

The two methods most often used to pursue hidden agendas are:

- alliances with environmental advocacy or community groups which are designed to downplay a business’ or other interest’s competitive goals.
- the creation of “front groups” to advance a business’ or other interest’s messages while hiding its identity and motives.

Front groups are, by their very nature, injurious to the public dialogue since they are created specifically to mislead the public by obscuring their backers’ identities. However, alliances between businesses, labor unions, government agencies, etc. and environmental or community advocacy groups can range from positive, with beneficial outcomes for all parties *and* the environment, to negative, where the claims of hidden agenda perpetrators hamper public understanding and sometimes lead to environmental damage, as well.

Positive alliances are transparent

and tend to be easy to identify (e.g., joint business-environmental advocacy group pollution prevention initiatives). Other alliances that aren’t completely altruistic, but that aren’t negative, include relatively transparent alliances between business interests and advocacy groups to achieve, for example, regulatory goals that improve business interests’ competitive positions, but that harm neither the public dialogue nor the environment. The following paragraph gives an example of these relatively “neutral” alliances:

In the late 1980s and 1990s, some of the major players in the solid waste management industry formed alliances with environmental advocacy groups to push for tighter regulations. These efforts tended to improve environmental protection by driving facilities that could not afford to implement the new environmental safeguards out of business. The environmentalists in the alliances were pleased that facilities that were less protective of the environment than they would like were closed. The business interests within the alliances also benefited from reduced competition when the smaller operations exited the market. In addition, the business interest alliance partners benefited in a second way: the increased cost of environmental compliance under the tighter regulations limited the entry of new competitors into their marketplace.

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Hidden Agendas (con't.)

Generally speaking, the potential for alliances to create a negative impact on the public's understanding of environmental issues—or on the environment itself—is typically tied to the intentions of the business interest (or labor union or other entity) involved and, if these intentions are less than noble, to the interest's willingness to mislead the public.

The following sections describe four well-documented hidden agenda cases. My hope is that a review of these cases will give readers insights into the varied forms that hidden agendas can take.

Case One—Using a Charitable Organization to Pursue a Competitive Goal

One of the most notorious hidden agenda cases involved an alliance during the 1990s between a now-defunct commercial hazardous waste incineration group, the Association for Responsible Thermal Treatment (ARTT), and the health charity, the American Lung Association. In the 1990s, the hazardous waste incineration industry was being squeezed by manufacturers' pollution prevention initiatives (less waste generated) and by the increased burning of hazardous waste derived fuels (HWDF) in cement kilns permitted under the Boilers and Industrial Furnaces (BIF) Rule (40 CFR Part 266, Subpart H). Since cement manufacturers charged only about a third of the amount that commercial hazardous waste incinerators charged¹ to burn high-Btu wastes, the kilns enjoyed a significant competitive advantage. In 1993, 70 percent of the hazardous waste that was burned

off-site was being burned in cement kilns.²

ARTT initially attempted to curtail the burning of HWDF in cement kilns by approaching regulators and claiming both that the kilns were not adequately permitted and that the burning of HWDF posed a threat to human health and the environment. The Cement Kiln Recycling Coalition (CKRC) responded by requesting that the U.S. EPA impose tighter regulations on the types of wastes that could be burned in cement kilns³ and by pointing out that the BIF Rule was, in fact, more stringent than the standards governing hazardous waste incinerators (codified at 40 CFR, Subpart O, Sections 264.340 through 264.351).

ARTT then sought to whip up public concerns by paying the American Lung Association (ALA) and several of its state affiliates \$150,000 to speak out against the burning of HWDF in cement kilns⁴ while also proclaiming that emissions from hazardous waste incinerators were safe.

In one of several incidents, a state ALA representative contacted the superintendent of schools in Alpena, Michigan, whose students frequently toured the local cement plants, and requested that school officials provide any information they possessed regarding "site related health and/or safety hazards," such as "hazards for cement production, hazardous waste management activities and demolition [including] explosions, physical hazards, fires, emissions of asbestos, lead and silica compounds, airborne toxicant exposure . . . , heavy dust and fine particle exposure from multiple sources including kiln upset conditions and

fugitive kiln dust emissions, noise and other potential hazards." The ALA-Michigan representative also requested "the name, address, and telephone number of the liability insurance carrier . . . for the Alpena Public Schools," along with the names and addresses of all school board members.⁵

The ALA representative further advised the superintendent that the Alpena Board of Education would be receiving a letter that "will address the appropriateness of school children visiting an industrial site where cement production, hazardous waste management, asbestos related demolition activities and disposal of lead contaminated cement kiln dust take place."⁶

Although the promised letter never arrived, the school district temporarily suspended student tours of the cement plant. The ALA-Michigan representative then visited the school board and made several misleading allegations, which included a claim that no government agency monitored HWDF-burning cement kilns' emissions. These allegations were successfully countered by representatives of the cement plant, the Mining Health and Safety Administration, and the Michigan Department of Natural Resources. The school board ultimately voted to resume tours of the cement plant.⁷

This case was especially alarming to community relations/public involvement practitioners because the public typically assumes that charitable organizations do not advocate for pay, hence the power of the ALA's pronouncements (e.g., "It

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Hidden Agendas (con't.)

must be true if the American Lung Association says it!”). The Cement Kiln Recycling Coalition responded to ALA’s activities in Michigan and other states by filing “a complaint with the Internal Revenue Service, charging that the ALA was being paid to lobby on behalf of a commercial interest, a violation of its nonprofit tax status.”⁸

Case Two—Labor/ Environmental Advocacy Group Alliances—Trouble In California

Over the years, organized labor has contributed to the promulgation of strong environmental, health, and safety regulations. But unions also have a history of exploiting environmental issues and aligning themselves with environmental advocacy groups to increase their bargaining power.

A June 2009 article in *The New York Times* documents efforts by a California labor coalition to coerce developers of commercial solar power plants to use union labor—or face repeated requests for data on the environmental effects of their plants. The labor coalition, California Unions for Reliable Energy (CURE), has long enjoyed the support of environmental groups because of its past efforts to advocate for emissions reductions at coal-fired power plants.

According to *The New York Times* story, CURE claims that it is simply pushing for high environmental standards and sustainable practices at solar plants, stating “if energy projects are held to high environmental standards . . . more of them will ultimately get built, and that

will mean more union jobs.”⁹ However, CURE’s behavior in these cases suggests that its interest is focused more on getting contracts than on protecting the environment.

Developers of solar power plants point to the case of one facility that had already agreed to use union labor. At that facility, the union not only requested no environmental studies, “it urged regulators to approve the project as quickly as possible.”¹⁰ In another case where a company with plans to build a solar power plant had rejected demands to use union workers, the company was bombarded with demands for studies on how the plant would affect various animal species in the area.¹¹

But CURE’s challenge of renewable energy projects poses a dilemma for its long-time environmental group allies. Writing for the *Mother Nature Network*, Melissa Hinch-Ownby reported, “There are environmental advocates on both sides of the issue—those that support the move by the unions and those that fear it will hinder a more rapid expansion of clean energy.”¹²

Whether the alliance between CURE and environmental advocacy groups endures in the face of the labor coalition’s efforts to strong-arm renewable energy facility developers to use union labor remains to be seen, as does whether CURE can maintain its clout if it loses its environmental advocacy group allies.

Case Three—ARTT and Its Front Group, PEEP

One of the best-documented environmental front group cases once again involves the Association for Responsible Thermal Treatment

(ARTT), which was discussed earlier in this article. As in the case of its alliance with the American Lung Association, ARTT was seeking to drive cement kilns out of the hazardous waste business. ARTT’s front group ploy came to light in the mid 1990s, when the Keystone Cement Company’s cement plant in Bath, Pennsylvania, was seeking a RCRA permit under the BIF Rule to burn HWDF. The company was hit with a citizens suit from a supposedly grassroots group called the Pennsylvania Environmental Enforcement Project (PEEP).¹³ PEEP incorporated only weeks before filing the lawsuit and disbanded after the lawsuit was settled.¹⁴

After the ALA case, the cement industry was primed to watch for covert attacks, and Keystone soon identified PEEP as a front group. Keystone’s attorney characterized the citizens suit as part of “a strategy put forth by commercial hazardous waste incinerators, or at least a subgroup, to use citizens groups to bring lawsuits for the purpose of trying to achieve something they’ve failed to in administrative or legislative forums—to shut cement kilns out of the hazardous waste market.”¹⁵

Documents presented during litigation suggested that Rollins Environmental Services, a member of ARTT, had funded PEEP’s work. This was later confirmed by an admission from a spokesman for Rollins. It turned out that Rollins had paid PEEP \$250,000 over an eight-month period to pursue its suit against Keystone.¹⁶

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Hidden Agendas (con't.)

Case Four—Co-opting Real Organizations as Unwitting Front Groups

A case that garnered national attention last summer illustrates a provocative twist on the front-group concept. In this case, a lobbying firm wrote unauthorized letters that purported to come from people associated with real organizations, in essence “hijacking” legitimate groups for the lobbying firm’s own use. The letters were sent to U.S. legislators in an effort to influence their votes on climate change legislation.

According to the *Charlottesville Daily Progress*,¹⁷ which broke the story in late July 2009, a congressman received letters purporting to come from two Charlottesville-area nonprofit organizations, Creciendo Juntos (a group that addresses issues of concern to the local Hispanic community) and the Albermarle-Charlottesville chapter of the NAACP. The letters erroneously stated that the organizations opposed the American Clean Energy and Security Act of 2009, legislation that the groups, in fact, supported.

The bogus letters were tracked back to a Washington, D.C., lobbying firm, Bonner & Associates. As the story developed, other fake letters to other legislators surfaced. Then on August 4, 2009, *The New York Times* reported that the American Coalition for Clean Coal Electricity had hired a public affairs consulting firm, the Hawthorn Group, to lobby against the climate change legislation, and that Hawthorn had hired Bonner & Associates.¹⁸

According to the *Times*, the American Coalition for Clean Coal

Electricity stated that it “deplored” the tactics of Bonner and was “evaluating all possible measures—including potential legal action—as part of our commitment to ensure that high ethical standards are followed when conducting outreach to community groups, elected officials and other members of the public.”¹⁹

Regardless of whether Bonner & Associates acted on its own, this type of fraudulent communication skews the public dialogue and harms the public’s trust. In this case, the fake letters no doubt also harmed the reputation of the American Coalition for Clean Coal Electricity.

Conclusion

When professionals who work in the environmental field encounter public concerns or protests, they should ask themselves: what might other parties stand to gain by fanning the flames of dissent? Environmental professionals should maintain sufficient curiosity so they are more likely to detect persons or groups whose questions or pronouncements don’t appear to track logically with the environmental issue at hand.

**This piece is adapted from a longer article published in the Spring 2010 issue of Environmental Quality Management. Persons interested in reading the long version can view it at the Environmental Quality Management <http://www3.interscience.wiley.com/journal/60500185/home> or they can contact the author for a copy at caroljforrest@aol.com*

(Endnotes)

- ¹ Bennett, J.T. (1995, January). Selling its reputation: The American Lung Association. *Alternatives in Philanthropy* 1. Available online at <http://tobaccodocuments.org/ti/T116791823-1828.html>
- ² Dombrowski, C. (1994, June 1). HAZWASTES: Tighter regs to be issued for off-site hazwaste services demand regs. *WasteAge*. Available online at http://wasteage.com/mag/waste_hazwastes_tighter_regs/
- ³ *Ibid.*
- ⁴ Merline, J. (1997, May 4). Selling seals of approval: How companies get charities to endorse their products. *Slate*. Available online at: <http://www.slate.com/toolbar.aspx?action=print&id=2441>
- ⁵ Bennett, note 1 above.
- ⁶ *Ibid.*
- ⁷ *Ibid.*
- ⁸ Merline, note 4 above.
- ⁹ Woody, T. (2009, June 18). A move to put the union label on solar power plants. *The New York Times*. Available online at <http://www.nytimes.com/2009/06/19/business/energy-environment/19unions.html>
- ¹⁰ *Ibid.*
- ¹¹ *Ibid.*
- ¹² Hincha-Ownby, M. (2009, June 25). Is greenmailing the new blackmailing? Are aggressive unions a hindrance or a benefit to emerging and expanding clean energy companies? *Mother Nature Network*. Available online at <http://www.mnn.com/business/green-jobs/blogs/is-greenmailing-the-new-blackmailing>
- ¹³ It should be noted that there is, or has been, a genuine environmental advocacy group that used this same name. The PEEP that I write about here, which was exposed as a front group, was not related to them.
- ¹⁴ Barnett, A.H., & Terrell, T.D. (2001). Economic observations on citizen-suit provisions of environmental legislation. *Duke Environmental Law & Policy Forum*, 12(1), 1-38 at 27-28.
- ¹⁵ Tripoli, L. (1996, November). Think globally, sue locally: Uncovering the citizen front. *In* *side Litigation*, 10, 1-5, at 3.
- ¹⁶ Barnett and Terrell, note 14 above, at 27-28.
- ¹⁷ McNeill, B. (2009, July 31). Forged letters to congressman anger local groups. *Charlottesville Daily Progress*. Available online at <http://www2.dailyprogress.com>
- ¹⁸ Strom, S. (2009, August 4). Coal group is linked to fake letters on climate bill. *The New York Times*. Available online at <http://www.nytimes.com/2009/08/05/us/politics/05charity.html>
- ¹⁹ *Ibid.*

Come Watch the Chicago White Sox take on the Seattle Mariners On Monday, July 26, 2010

Game Starts at 7:10 pm



AIR & WASTE MANAGEMENT
ASSOCIATION
Lake Michigan States Section



AIR & WASTE MANAGEMENT
ASSOCIATION
Lake Michigan States Section

**\$9.00 for AWMA national members
\$12.00 for non-members.**

50 seats available, first come-first served.

All attendees will be responsible for their own food, beverages, and travel.

RSVP by to Dean by May 15th

Phone: 8 7-65 - 683 or Email: dapostolopoulos@cleanair.com

Make checks payable to: Constantine Apostolopoulos

Please mail your payments to the following address,

by June 1st, 2010:

**Dean Apostolopoulos
Clean Air Engineering
500 W. Wood Street
Palatine, Illinois 60067**



Save the Date!

AICHE 2010

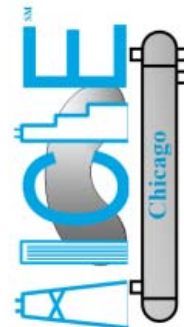


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NAE Grand Challenges for the 21st Century: Chicago Summit 2010

April 21-22, 2010



We invite representatives from the engineering, government, non-profit and business fields, as well as local high school and college students, to join thought leaders and expert panelists in addressing four of the National Academy of Engineering (NAE) Grand Challenges at the Chicago Summit on April 21-22, 2010.

The NAE Grand Challenges are a grouping of critical problems that must be addressed and solved in order to maintain the United States' national security, quality of life and sustainable future. They are a call to action and will engage the public to understand the importance of technology, policy, and science to preserve and enhance our standard of living. The Chicago Summit is one of five Grand Challenge summits taking place across the U.S. in 2010.

ADDITIONAL KEYNOTE ADDRESSES PROVIDED BY:

Ray LaHood	U.S. SECRETARY OF TRANSPORTATION
John W. Rowe	CHAIRMAN AND CHIEF EXECUTIVE OFFICER, EXELON CORPORATION
Charles Vest	PRESIDENT, NATIONAL ACADEMY OF ENGINEERING

FOR MORE INFORMATION AND TO REGISTER, VISIT:

www.iit.edu/grand_challenges

Clean Water

KEYNOTE SPEAKER

*Lord Ernest Ronald Oxburgh,
member, House of Lords,
and member, Parliamentary Office
of Science and Technology*



Carbon, Energy and Climate

KEYNOTE SPEAKER

*Dr. John P. Holdren,
assistant to the President for Science
and Technology, and director,
Office of Science and Technology Policy*



Urban Sustainability

KEYNOTE SPEAKER

*Roger E. Frechette III, president,
PositivEnergy Practice*



Global Health

KEYNOTE SPEAKER

*Dr. Tachi Yamada, president,
Global Health Program,
Bill & Melinda Gates Foundation*



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A&WMA'S 103rd ANNUAL CONFERENCE & EXHIBITION

JUNE 22-25, 2010 • CALGARY TELUS CONVENTION CENTRE • CALGARY, ALBERTA, CANADA

Register Now for A&WMA's 103rd Annual Conference & Exhibition!

Register now and join more than 2,400 environmental professionals from around the world in Calgary for the Air & Waste Management Association's (A&WMA) highly anticipated [Annual Conference & Exhibition \(ACE\)](#)!

ACE 2010 will feature a technical program that covers a wide variety of environmental topics and boasts over 500 oral presentations and 100 poster presentations, hundreds of exhibitors displaying the latest in environmental technology and innovation in the exhibit hall, fun social and networking events, and professional development courses taught by industry-leading instructors.

Registration is now available! Visit [the ACE registration page](#) to register online or download the appropriate registration forms. Be sure to check out this year's housing options and [book your hotel](#) for the conference week.

To find out more about this year's conference including technical program details, professional development courses, and social events and tours, visit the conference Web site at www.awma.org/ACE2010.

We hope to see you in Calgary in June!

Environmental and Sustainability Management Strategies: Supply Chain Management and Life Cycle Management, a Comparison

April 13, 2010, 1:30
The Hyatt Lodge at McDonald's Campus
2815 Jorie Boulevard
Oak Brook, IL 60523

Meeting Agenda

- 1:30 - 2:00, Registration
- 2:00 - 2:15, NAEM Updates and Annual Meeting
- 2:15 - 2:30, McDonald's Sustainable Design Overview
- 2:30 - 4:15, Speaker Presentations (see list below)
- 4:15 - 5:00, Panel Discussion
- 5:00 - 6:00, Networking Reception

Speakers

- Laura Flanagan, Five Winds International - Moderator
- Jacob Madsen, ERM - Overview of Life Cycle Assessment and Life Cycle Management
- Jessica Sanderson, USG - Life Cycle Management Case Study
- Haworth International (Invited) - Life Cycle Management Case Study
- Mondher Ben-Hamida, E2 Open (Invited) - Greening the Supply Chain
- Bob Langert, McDonalds (Invited) - Supply Chain Sustainability Case Study

To register, go to - <http://naemlm april2010.eventbrite.com/>

If you have any questions, contact Emily at emilybarton@motorola.com

STEPHEN H. ROTHBLATT SCHOLARSHIP

The Lake Michigan States Section of AWMA has established a new graduate student scholarship in memory of Mr. Stephen H. Rothblatt. Mr. Rothblatt was a long time supporter and contributor to the LM-AWMA, including serving as Chairman of the Board from 1987-1988. In his professional capacity Mr. Rothblatt was the Director, Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, headquartered in Chicago, Illinois.

We are soliciting donations from our members and friends for the new scholarship fund. The scholarship recipients will be outstanding graduate students studying in the environmental field. *The first Rothblatt Scholarship will be awarded at the Section Annual Luncheon on May 7, 2010.*

As a Section, we feel that scholarship programs are a vital function and provide needed support to the future environmental professionals within the territory of the Lake Michigan State Section. Ideally, we will be able to provide several generous scholarships to reflect the strength of our membership. The fund amount each year will be dependent upon annual donations and/or the interest generated from the investment fund.

Since the scholarship program will be funded strictly through the generosity of our members and supporting businesses, the Section's Board of Directors is hopeful that you will give serious consideration to making a tax-deductible donation in support of this program.

Please consider making a donation today! Make your check payable to LM-AWMA Scholarship Fund and mail it to LM-A&WMA, 11 W. Pleasant Hill Blvd., Palatine, IL 60067.

Any donation amount will be graciously accepted. Thank you very much for your consideration and continued support.



Current Contributors:

*Al Gans
Donna M. Kenski
Dennis A. Lawler
Mary T. McAuliffe
Scott J. Mermel
Mark J. Rood
Robin M. Rotman
Mr. & Mrs. Carlos A. Rotman
John Summerhays
Mary Pat Tyson
Richard and Pat Hellman*

Congratulations...

Our congratulations go out to Thomas Palansky, former LM-A&WMA Chair on being named President of Bonestroo.

Bonestroo recently named Tom Palansky president. The announcement was made by CEO Jerry Bourdon:

"Tom is a team builder. He has a wellrounded background in delivering multidisciplinary services. He is committed to continuing to build the firm's reputation for excellence and client service."

-Jerry Bourdon, Bonestroo CEO



Tom Palansky is a registered professional engineer with nearly 30 years of engineering, environmental consulting, operations, and client development experience. He has enjoyed strong working relationships in both the public and private sectors, and has been with Bonestroo for six years.

Palansky's appointment to president is part of Bonestroo's succession planning process that has been underway for a year. In his role as president, Palansky will lead the delivery of quality service and technical expertise to meet client needs in the firm's government, private, energy and industrial markets.

"The challenges our clients face are changing every day," Palansky said. "It is our job to anticipate their needs and be poised to provide innovative, sustainable solutions."

For more information on Bonestroo, visit our new website at www.bonestroo.com.



VP ES&H

LOCATION: Zion, IL
SUPERVISOR: Patrick Daily
CLOSES: April 18, 2010
HR LEAD: Liga Minejevs
POSTING 10: IRC353
Number of Positions: 1

DESCRIPTION:

- Ensure the development, maintenance, and implementation of site ES&H Programs, policies, and procedures.
- Develop and maintain compliant Safety, Radiation Protection, License Termination, Environmental, Chemistry, and Emergency Preparedness programs in accordance with all applicable federal, state, local regulators, and company requirements.
- Direct the Radiation Engineering, License Termination, and Final Status Survey management and personnel in the development and execution of activities to support Radiological Operations, O&O, and License Termination.
- Direct the Manager, Industrial Safety & Hygiene and staff in the development and execution of procedures, policies, and activities to support site safety compliance ensuring SAFETY is the number one priority for the project.
- Participate in the preparation of departmental estimates, field estimates, cost engineering studies, project schedules, department budgets and constructability reviews.

QUALIFICATIONS:

- Proven record of working at a senior level of management, exercising independent judgment, and taking initiative in a number of complex and sensitive areas.
- Proven record to lead and organize professionals, technicians, and support staff
- Strong knowledge and comprehension of federal, state, and local regulations and codes. Strong knowledge of occupational hazards and standard safety precautions necessary to maintain safe work practices and environment
- Strong knowledge of personal computer and software relating to the various fields of responsibility, including Microsoft Office Suite.
- Excellent verbal, written communication, and time management skills

MINIMUM QUALIFICATIONS AND YEARS OF EXPERIENCE:

- Bachelor's degree in engineering, health physics, or related science. Masters degree preferred.
- 10-15 years experience with increasing responsibility in the nuclear, chemical, utilities industries or decommissioning and dry cask storage preferred.
- CSP, CIH, or NRRPT certification preferred

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EnergySolutions Opportunities
Attn: Human Resources
423 West 300 South Suite 200
Salt Lake City, UT 84101

Campus Development: Safety and Environmental Compliance Coordinator

Trinity Christian College is seeking a Part-Time Safety and Environmental Compliance Coordinator. Responsibilities include, but are not limited to: oversight and maintenance of the safety and environmental compliance program; review of each departmental program; provide assistance in the development and continued operation of these programs; coordinate the use of centralized resources to be used by the individual programs; manage an audit program which assists in program review.

A Bachelor's degree is required and an advanced degree is desirable. 2-5 years experience in the field desired.

Excellent computer and communication skills are essential. Organization skills and a friendly, helpful attitude are also required. Additional qualifications include a sincere allegiance to the mission of the college and a personal faith and commitment to Jesus Christ.

Submit application materials to:
Human Resources Department
Trinity Christian College
6601 West College Drive
Palos Heights, IL 60463

<http://www.trnty.edu/jobopenings/cd-secc.html>

Platt Environmental Services,

Inc. is currently looking for both experienced and entry level emissions testing personnel to join a rapidly growing firm staffed with experienced personnel and new state of the art equipment.

Please contact Jim Platt or Eric Ehlers at 630-521-9400 or fax your resume to 630-521-9494 or e-mail us at hr@plattenv.com.

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Yanju Chen, University of Illinois at Urbana-Champaign

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Mark Mielke, Barr Engineering

Ronald Misiunas, Microbac Laboratories, Inc.

Joe Simon, Abbott Laboratories

Scott Watson, Warner Norcross & Judd LLP

Guo Yu, University of Illinois at Urbana-Champaign

SAVE THE DATES

Environmental Due Diligence: 2010 and Beyond

May 5, 2009 (date to be confirmed)

135 S. LaSalle - 43rd Floor Conference Room

This seminar is being planned as a breakfast program. Full details on this seminar will be available shortly, watch your emails and check our website.

LM-A&WMA Annual Section Luncheon Meeting

May 7, 2010

11:30 a.m.

**Parthanon Restaurant
Halsted Street in Greek Town**

This has always been a well attended event offering members and non-members the chance to relax and network in an informal setting. *The first Stephen Rothblatt Scholarship will be awarded during the luncheon.* Watch your emails for further details. Please contact Robin Pelsis at Robin@LMAWMA.org for additional information.

Young Professionals Networking and Social Event

Join us for an beginning of the summer Happy Hour. Expand your network while having some fun!

May 13, 2010

5:30-9:00 pm

Where: The Crossroads Bar & Grill
www.thecrossroadschicago.com
1120 W. Madison, Chicago, IL
phone: 312-243-1113

There will be a cash bar. Appetizers will be provided by LM-A&WMA. Please RSVP to deanapo@yahoo.com. See you there!!

RCRA Here and Now

May 20, 2010

8:30 a.m. - 4:30 p.m.

**Abbington Banquets
Glen Ellyn, IL**



Full conference information can be found on pages 1 and 2 of this newsletter.

Chicago White Sox vs. Seattle Mariners Networking and Social Event

Always a great event and well attended. Expand your network while having some fun!

July 26, 2010

7:10 p.m.

Cost for tickets will be: \$9 for A&WMA members
\$12 for non-members

There are only 50 seats available, first come-first served. All attendees are responsible for their own food, beverages and travel. RSVP by May 15th to Dean at (847) 654-4683 or dapostolopoulos@cleanair.com (See full announcement on page 12)

Vapor Intrusion 2010

September 29-30, 2010

The Westin Michigan Avenue Hotel

This conference is being presented by A&WMA Headquarters. Conference information and registration can be found at: http://www.awma.org/events/view_event.html?typeid=1&id=125