

INSIDE THIS ISSUE:

EPA Seeks Additional Review for SPCC Rule	1
NJDEP Freshwater Wetlands Rules	1
EPA Awards Drinking Water Grant	2
PADEP Clean Streams and Federal Water Act	2
Thanda After-School Program	4

EPA Seeks Additional Review for SPCC Final Rule

The Environmental Protection Agency (EPA) is amending the Spill, Prevention, Control and Countermeasure (SPCC) rule as published in the December 5, 2008 Federal register. The amendments will provide increased clarity, to tailor requirements to particular industry sectors, and to streamline certain requirements for those facility owners or operators subject to the rule, which should result in greater protection to human health and the environment.

Consistent with the Office of Management and Budget's January 21, 2009 memorandum re-

garding regulatory review, EPA is extending by 60 days the effective date of the December 5, 2008 SPCC final rule.



The amendments will become effective on April 4, 2009.

The regulations contain requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. Through the December regulation, EPA sought to encourage greater compliance with the SPCC regulations by clarifying regulatory requirements, tailoring requirements to particular industry sectors, and streamlining certain requirements for facility owners or operators subject to the rule.

In addition to extending the effective date, EPA is also providing

(Continued on page 2)

NJDEP Freshwater Wetlands Protection Act Rules Re-adoption & Amendments

Effective October 6, 2008 and expiring September 4, 2013, The NJDEP is readopting the Freshwater Wetlands Protection Act (FWPA) Rules, N.J.A.C. 7:7A, with amendments. The FWPA rules establish the procedures by which the Department reviews permit applications under the FWPA (N.J.S.A. 13:9B-1 et seq.).

As authorized by the statute, the FWPA rules govern the removal, excavation, disturbance or dredging, drainage or disturbance of the water level or water table, dumping, discharging or filling with any materials, driving of pilings, and placing of obstructions in a freshwater wetland,

and the destruction of plant life which would alter the character of a freshwater wetland, including the cutting of trees.

The FWPA rules also regulate the discharge of dredge and fill material in State open waters. Finally, the FWPA rules prohibit within a wetland transition area (an upland area that may extend 50 or 150 feet from the wetland boundary depending upon the wetland classification): removal, excavation, or disturbance of soil, dumping or filling, erection of structures, placement of pavement and the destruction of plant life that would alter the existing pattern of vegetation.

Some of the important items to note included with the rule adoption are:

- The rule gives planning boards (both local and county) the authority to require Letters of Interpretation as an administrative completeness checklist item.
- The rule requires that General Permit applications include a plan depicting the extent of wetlands on the entirety of the property, regardless of the size of the

(Continued on page 3)



“The regulations contain requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines.”

EPA Seeks Additional Review for SPCC Final Rule

(Continued from page 1)
ing a 30-day public comment period for the December 5, 2008 SPCC final rule.

While the agency will accept public comment on all aspects of this rule, EPA is particularly interested in comment on the requirements for produced water containers at oil production facilities and the criteria for identification of qualified oil production facilities eligible to self-certify their SPCC plans.

In addition, EPA is requesting public comment on the 60-day

extension of the effective date of the December 5, 2008 final rule. Comments are due 30 days after the date of publication in the Federal Register.

The agency is also reviewing the dates by which owners or operators of facilities must prepare or amend their SPCC plans, and implement the plans. EPA intends to address these compliance dates in a separate notice.

Neither this extension, nor the December 5, 2008 proposed final rule, remove any regulatory requirement for

owners or operators of facilities in operation before August 16, 2002 to maintain an SPCC plan in accordance with the SPCC regulations. (From the EPA's Website—Washington, D.C. – Jan. 30, 2009)

For more information about the SPCC regulations, please visit the [EPA Emergency Management website](#). A copy of [the rule](#) is also available.

This final rule is effective February 3, 2009.

EPA Awards Grant to Drexel University for Water Research

The EPA has granted funding to a Drexel University professor in order to facilitate the completion of five years of research into a new device that can rapidly detect a harmful class of toxins that threatens drinking water. The EPA announced this \$599,999 grant to Drexel University at a campus event on September 29, 2008.



The Professor, Raj Mutharasan, is the principal researcher and developer of an ultra-sensitive device that is capable of detecting, within minutes, the presence of cyanotoxins in rivers, lakes and streams used for drinking water. Cyanotoxins is a class of bacteria linked to fish kills, kidney problems, and cancer.

(Continued on page 3)



PADEP: the Clean Streams Law and the Federal Clean Water Act

On December 6, 2008, a notice was published in the PA Bulletin to provide information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit.

The applications concern, but are not limited to, discharges

related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs).

This notice was provided in accordance with The Clean Streams Law and the Federal

Clean Water Act, and refers to Sections I through VII permits.

For NPDES renewal applications in Section I, the PADEP has made a tentative determination to reissue permits for 5 years, subject to effluent limitations and monitoring, and reporting requirements in their current permits, with

(Continued on page 3)

PADEP: the Clean Streams Law and the Federal Clean Water Act

(Continued from page 2)
 appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, Sections IV, and VI, the Department has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications.

Unless indicated otherwise, the EPA has waived the right to review

or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice.

Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Com-

ments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the re-

sponsible office considers the public response significant.

If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

The complete notice is available on the [PA Bulletin website](#).

EPA Awards Grant to Drexel University for Water Research

(Continued from page 2)
 "Drexel's research strengthens our ability to protect the public's health," said Donald S. Welsh, EPA's mid-Atlantic Regional Administrator.

"Because of Professor Mutharasan's work, the people who are on the front lines ensuring safe drinking water will one day be even better equipped."

Mutharasan likened the value of his work to the technological advance-

ment and health breakthroughs gained by the invention of blood glucose monitoring devices. Like those commercially-available devices, his project would make it possible to get an accurate measurement, easily and rapidly without laboratory analysis.

"The ability to measure cyanotoxins at levels almost a billion-fold lower and at low cost provides a great capability for our officials in charge of safe water supply," said Mutharasan, who expects to complete the project in about three years.

His goal is to get the device commercially manufactured to help prevent potentially wide-spread damage caused by cyanotoxins.

Mutharasan's technology would allow water test results in 10 to 15 minutes, whereas the existing method to test for cyanotoxins can take up to three days, leaving communities open to exposure to contaminated water.

NJDEP Freshwater Wetlands Protection Act Rules

(Continued from page 1)

- property or of the amount of proposed disturbance.
- The adoption codifies the Department's current practice of requiring new Transition Area applications if a project has not been constructed during the initial five year permit period, even in cases where Wetland Transition Area limits

have been deed restricted and recorded.

The NJDEP did not adopt, requirements for monetary compensation for activities authorized by most General Permits, nor did it adopt the proposed requirement that wetland disturbances authorized by General Permits be "minimized" (meaning that the applicant must explain to the Department's satisfaction why the

disturbances being proposed could not be avoided).

The NJDEP has re-proposed a requirement that mitigation be required for underground utility lines, isolated wetlands, minor road crossings, outfall structures, above-ground utility lines permits.

The complete document was published in the New Jersey

Register and can be found on the [NJDEP's website](#).



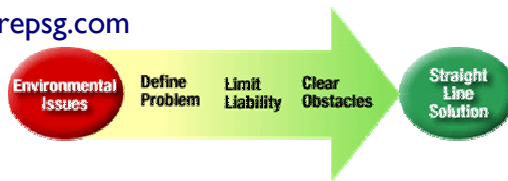


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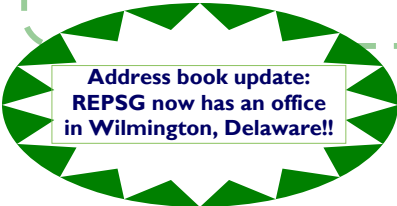
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Thanda After School - International Outreach

In September of 2008 Ron Feingold, an Environmental Risk Analyst who has been employed at REPSG since 2007, took his second trip to Africa and spent his vacation in South Africa volunteering with Thanda After-School.

During his time in South Africa with Thanda After-School he helped to run the basketball program teaching the students and instructor skills, drills and rules necessary to understanding the fundamentals of basketball. Ron helped the children with their studies, after school work and all tasks that needed a hand.

Thanda After-School evolved from years of research on orphans and vulnerable children in KwaZulu-Natal. Thanda After-School offers what a poor rural school cannot- motivation and em-

powerment for the students, additional tutoring, emphasis on creativity, sports, and other engaging activities.

Thanda After-School also works with grade 12 students to create employment opportunities and with commu-

nity members to find sustainable solutions to unemployment and poverty. Thanda After-School is a new method of orphan care, HIV prevention, and poverty alleviation that focuses on long-term changes rather than band-aid solutions.

Although a permanent project, Thanda After-School is also a pilot for this model to develop a structure and curriculum that can be replicated in other schools in South Africa. With a school in every village, Thanda believes that South Africa will be able use this model to provide care and alleviate poverty. During the first 2 years, Thanda will be developing a model curriculum book so that other schools can replicate this program themselves.



Ron Feingold & Thanda After-School Students

For more information please visit their [website](#).